

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
JULY 9, 2012

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, was held on the above date with Mayor Roger Silva presiding. Members present were Charles Cain Jr., Aline Dix, Amy Gatto and Dr. Harvey Kesselman. Also present were Michael S. Jacobs, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor and Robert J. Smith III, Township Engineer.

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice of the meeting on the bulletin board in the municipal building and by e-mailing a copy of the notice along with the agenda for this meeting to the Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 PM on Monday, July 9, 2012 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was held.

Dr. Kesselman moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following items be deleted from the agenda:

- Bus stop bench proposal by Eagle Scout Candidate Sam Karabashian.
- 9.A Approval of June 18, 2012 minutes.
- 13.(1) Executive session discussion re: potential litigation - Hamilton Commons.

BE IT FURTHER RESOLVED that the following items be added to the agenda for consideration and action to be taken thereon tonight:

- 8.B Insert bill list total: \$4,154,878.82.
- 8.N Authorize special meeting on Wednesday, July 25, 2012 to accept bid for chain link fencing and RFP for hockey court and authorize payment of bills related to June 30 storm damage & clean up.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Request for NO PASSING Zone on Cologne Avenue:

Mrs. Murray distributed copies of a petition to the Committee Members requesting a resolution of support for a NO PASSING ZONE on Cologne Avenue from the Expressway Bridge to the Galloway Township Line and a reduction of the speed limit **from** 50 MPH **to** 45 MPH. She explained the Township Committee supported this same request by resolution on May 7, 2001 and certified copies were sent to the County but it was never done. Mrs. Murray said there were 3 motor vehicle related deaths and untold number of collisions along that corridor since May 7, 2001; the latest collision, on or about June 28th was the direct result of high speed passing in that zone; she just received a copy of plans from the County Engineer dated June 21, 2012 that show the passing areas kept the same as they are now; where the no passing starts in Galloway Township is all swamp; the current no passing zone stops at the base of the Expressway bridge; the residents, businesses, fire company and individuals who use the recreation fields and playgrounds there (behind the fire house) feel they are not getting the same protection as the swamp; Leipzig Avenue is lined for no passing from the recreation fields to the Drosera Avenue intersection and into Galloway Township. Mayor Silva asked if the plans the Murrays have are for paving. Mr. Murray said they are. Mayor Silva asked Chief Tappeiner if he saw any reason why this request couldn't be accommodated. The Chief said he didn't but he would consult with Wade Smith, the Traffic Officer, on it. Mrs. Murray said she spoke to the police officers at the most recent accident and is sure they would

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back the residents. She said she is a registered nurse and gets called to come see what she can do every time there is an accident and it is discouraging not to be able to do anything about incidents that occur on her own street. The Mayor thanked Mr. & Mrs. Murray for bring this to the Committee's attention. Mr. Cain said they were doing something by bringing it to the Committee's attention. Ms. Gatto suggested the Committee wait for input from the Chief before voting to see if anything should be added. Mrs. Dix said these requests go through the Freeholders to the County Engineer for a report before it ever comes up on their agenda and not voting tonight will make a longer delay. She said she would rather the Committee move it tonight and have the Chief prepare whatever he wants to and get it directly into the County Engineering Department.

Mrs. Dix moved, seconded by Mr. Cain, that the following resolution be adopted.

WHEREAS, the residents, businesses, Cologne Volunteer Fire Company and those using the Cologne area recreation facilities on Cologne Avenue in the Township of Hamilton have petitioned the Township Committee of the Township of Hamilton for a resolution requesting that the Atlantic County Board of Freeholders establish NO PASSING regulations on Cologne Avenue from the base of the Atlantic City Expressway bridge where the current NO PASSING ZONE ends to the Hamilton/Galloway Township boundary line; and

WHEREAS, the petition included a request that the resolution include support for the residents' request for reduction of the speed limit in the same area from 50 miles per hour to 45 miles per hour; and

WHEREAS, on May 7, 2001 the Township Committee of the Township of Hamilton, having received a petition for these same actions, adopted a resolution endorsing and supporting the residents' requests and forwarded it to the Atlantic County Board of Freeholders for their consideration and action; and

WHEREAS, the requested NO PASSING ZONE and speed limit reduction were never approved by the Atlantic County Board of Freeholders; and

WHEREAS, plans for repaving Cologne Avenue dated June 21, 2012 show no change in the existing passing lanes pattern on the portion of Cologne Avenue referred to in the residents' petitions submitted in 2001 and again on July 9, 2012; and

WHEREAS, a significant number of motor vehicle accidents including three (3) motor vehicle related deaths have occurred along that portion of Cologne Avenue since May 7, 2001,

NOW, THEREFORE, BE IT RESOLVED that:

1. The Township Committee of the Township of Hamilton does hereby reiterate its endorsement and support for NO PASSING and reducing the speed on Cologne Avenue as set forth in a resolution adopted May 7, 2001 and forwarded to the Atlantic County Board of Freeholders.
2. The Township Committee of the Township of Hamilton does hereby endorse and support the Cologne area residents' petition for NO PASSING on Cologne Avenue from the point at which the current NO PASSING ZONE ends at the base of the Atlantic City Expressway bridge to the Hamilton/Galloway Township boundary line.
3. The Township Committee of the Township of Hamilton does hereby endorse and support the residents request for reduction of the current speed limit from 50 miles per hour to 45 miles per hour.

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4. The Atlantic County Board of Freeholders is hereby respectfully requested to pass legislation required to create the NO PASSING ZONE on Cologne Avenue as outlined herein and to reduce the speed limit from 50 miles per hour to 45 miles per hour.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN"

Mayor Silva announced that the executive session will be held at the end of the of the meeting.

There were no executive session confirmations to be made.

June 30th storm damage clean up:

Mr. Jacobs commented on the number of trees that came down on houses, power lines and cross roads; volunteer fire departments, rescue squad, emergency management and employees all working well together just as they did in hurricane Irene; the Township having notice of the hurricane so preparations could be made but no notice of this storm. Mr. Jacobs explained Township employees and firefighters targeted trees without wires in them to clear the roads as quickly as possible and the power companies had to clear trees with wires. He said the County doesn't know yet whether they will receive federal funds but they are making plans as though they are going to receive them; they plan to do large collections if they get the funds; he isn't sure what their plan will be if they don't get the funds; and he hopes to have an answer very soon. Mayor Silva explained the County is waiting for the Governor's Office to make the declaration; the Governor's Office is waiting to review all the numbers; and they believe there will be an answer by Wednesday or Thursday. The Mayor said the biggest hurdle will be what to do with the huge amount of vegetative waste that hasn't been brought to the curb and he is concerned about the weight of some of the limbs and the amount of time it is going to take. Mr. Jacobs reported he received an e-mail saying 51 tons were taken from the Township this week and he guessed it was cut into 4' lengths. Mrs. Dix said the County took everything she put at the curb; it wasn't cut to that length; they are doing everything they can to cooperate; they are opening River Bend Park on Somers Point Road and the north entrance dirt road at Estell Manor Park from 8 AM to 8 PM for 60 days for people to dump vegetative waste only but individuals and Township vehicles will have to haul it there. Ms. Gatto asked Ingrid Perez to give an official report and said she wants the information to be kept updated on the website. Mrs. Perez explained the official way to prepare the vegetative waste is to cut limbs into 4' sections no more than 8" in diameter; that is what is normally accepted by the ACUA; anything that can be bagged in brown Kraft paper bags or that can be put in cans should be; branches should be bundled but don't have to be tied as long as the bundles are an armload size; the ACUA is trying to stay within the guidelines they already put out to the public; they are doing the best that they can; they had 5 trucks in the community but didn't take every item at the curb in some cases in order to give everybody a little bit of service; the Township can let them know if there are any real trouble areas and they will pay more attention to them if possible. Mayor Silva commented on the size of some of the trees and said the average person doesn't have the necessary equipment or wherewithal to handle it. Mr. Jacobs said the County is picking up more than they normally would and picking up more often. He reported he spoke to Vince Jones (County Emergency Management Coordinator) this afternoon and he thinks they will have a whole new plan to take care of larger, longer things if they get the federal funding but he isn't sure what their plan will be if they don't get it. Mr. Jacobs said most of the trees that came down in town were more than 8" in diameter. Ms. Gatto asked if ACUA is going to continue picking up only on Saturdays. Mr. Jacobs said they are trying to stick to the contract the Township has with them until they get the answer from FEMA. Mayor Silva thanked Ingrid and said keeping the website up to date is critical. Mr. Jacobs commented on the need to get information out as quickly as possible if the County

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is going to pick everything up. Ms. Gatto said it is also critical to get the message out that the Township is working on it; that it isn't being ignored; and more answers will be available as soon as the funding is known so the Township will know what resources it can and can't use. Mrs. Dix asked if any thought was given to using Township loaders and dump trucks to pick up stuff on streets like Park Road where trees from the COVE came down. Mr. Jacobs explained that decision can't be made until the Township gets the answer on funding; the Township is using its resources to clear property it owns right now because there are still dangerous trees on some of them; some parks are still closed because the contractor couldn't stay to get it done; the staff has been asked focus on Township-owned properties until the answer comes from FEMA; the Township spent almost \$30,000 just on the COVE and War Memorial Park and will probably spend almost that much again on other parks. Mrs. Dix said she thought the Township had a liability factor if stuff was in the street. Mr. Blankenship said people have to understand the Public Works and Fire Departments are doing the best they can; that Public Works has a reduced staff and still has to go back to some of their normal operations; unless the Township gets unlimited funding, which he doubts, they are talking months in some cases; they concentrated on clearing the big stuff out of the roads and will have to come up with a plan for how to remove some of it once they know their funding sources. Mayor Silva expressed confidence that information regarding how it will be handled and what levels will handle it will be disseminated as fast as possible through all sources available once the Township gets any positive information. He asked that anybody with a critical situation contact the Township. Ms. Gatto commented there being no warning for this event but everybody knew exactly what to do, where to mobilize, who to call and being very well coordinated because of the planning Emergency Management did for hurricane Irene. She commended Emergency Management Coordinator Bob Mattle; the Emergency Management Staff and volunteers who came in and worked all weekend; Dispatch for doing an incredible job throughout the storm and handling 2000 calls in the first couple of minutes; the police, fire companies and rescue squad volunteers that left their families to come work with the Public Works and MUA crews to clear the roads; the Administrator, Steve Ruberti and the staff who came in for pulling it together; the Mayor for checking on residents and letting them know they weren't forgotten; John Kurtz for getting in touch with over 100 vendors at 4 AM to cancel Hometown Celebration and make sure they didn't come into an unsafe situation; the Mall, the Race Track, and Atlantic City Electric; the local businesses that donated food they had for Hometown Celebration to feed the volunteers; and the local gas station that only gassed up local residents. Ms. Gatto said it shows the town spirit of coming together in times of need and emergency. She announced the Hometown Celebration is rescheduled to July 28th. Mayor Silva said there were also citizens that called and offered whatever help they could. He commented on no one ever witnessing anything like this before and there being no way to prepare for it. Mr. Cain commended Ms. Gatto for the great deal of time she spent and Mayor Silva for his leadership, keeping in contact with the citizens, and keeping the Committee Members up to date. Dr. Kesselman commended Mayor Silva and said that kind of leadership is always under intense pressure and scrutiny. He reported Stockton opened up Seaview and also provided housing for a lot of the workers and said the response was region-wide. Mayor Silva explained Mr. Mattle will have a debriefing on this after it is all over and they will probably determine where shelters will be to be prepared for the next event.

Early public comment on agenda items not listed for public hearing:

John J. Percy III suggested other areas for the Committee to include in the NJDOT Transportation Enhancement Grant application.

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Receiving bids for Licensed Contractor for certain services pertaining to the Township Property Maintenance Code:

Mr. Jacobs explained the Property Maintenance Code provision for the Township to go in and do the work if the owner doesn't; this will be a Property Maintenance Code Enforcement Contractor; and the Township has to hire one because it doesn't have Public Works Staff to do it. Mr. Jacobs explained that if the property owner doesn't mow the grass or shovel the snow and ice off their sidewalk in 20 days after notice is given, the contractor could be called to go in and do it; the owner would be billed for it; an administrative fee added to the bill; and if the property owner doesn't pay the bill a resolution will come to the Committee to allow the Tax Collector to collect it as an unpaid tax. He explained he didn't want to hire a contractor if the Committee didn't support using that tool. He explained the Township really doesn't want to fine people and this is the only way the Committee will get relief in cases of absentee owners, bankruptcy or bank-owned properties. Mayor Silva asked if the contractor could do something in the Mill Complex/the Cotton Mill situation where there has been total neglect of the property. Mr. Jacobs explained this is basically for mowing and snow and ice removal but if a house needs to be boarded up the Township has other contractors and the same thing can be done with that property under this program. He explained that if the owner was sent notice to mow all the weeds and grass and they didn't do it, the Township could send a contractor to do it and bill them for it. Mr. Jacobs said there are probably a number of Code Enforcement issues related to that property but he wasn't sure how stringent the Committee wanted to be with it being it is a redevelopment project. The Mayor asked if a strong letter could be sent to them with options. He said it is an eyesore and he thinks the Township has persevered with it long enough. Mrs. Dix commented on the fire being 5 years ago and said it is ridiculous that this has been going on since 2005 when it was declared (a redevelopment area). Mrs. Dix asked if the contractor would be able to cut shrubs that are growing into trees. Mr. Jacobs explained it is for grass cutting; weed eating, trees, shrubs as needed, weed removal, snow and ice, and removal of debris. Mr. Jacobs explained it would be under Community Development; there are procedures for it; there is quite a bit of work involved; and it is expensive. He explained he wanted to be sure everyone understood what was being done and he assumed the Committee wanted them to use it when they adopted the Ordinance. He said these specs are different from the ones used for mowing the Township parks. Mrs. Dix asked if the Committee will be getting a report from Code Enforcement on the resolution or non-resolution of complaints filed. Mr. Jacobs explained the department is swamped right now with hundreds of applications for licenses but they hope to get better at reporting. He said there isn't a lot the Township can do with a bank-owned properties until they get this tool in place. Ms. Gatto said she wants to make sure the Township has control over who is telling the contractor where to go and what to do. Mr. Jacobs explained there is a specific work order that someone has to sign; it will tell the contractor exactly what is to be done on the property; and they will submit a bill on it along with the voucher because if a lien is going to be put on the property everything has to be justified.

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that receiving bids for a Licensed Contractor to provide certain services as they pertain to the Township Property Maintenance Code is hereby authorized.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

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Hometown Celebration:

John Kurtz reported the Celebration has been rescheduled to July 28th; everything planned before will be back 100%; more people have signed up for the car show; the County is working with him to extend the street closure to that date; he appreciated the resolution of support tonight. Ms. Gatto said the Township is discussing doing something Mr. Kurtz suggested to thank everybody involved in the restoration and clean up effort. Ms. Gatto called it the Hometown and Survival Celebration.

Ms. Gatto moved, seconded by Mrs. Dix, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all previously approved support for the Hometown Celebration be and is hereby rescheduled to July 28, 2012.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Public Hearing/Adoption - Ordinance #1725-2012:

Mr. Jacobs explained that under State Statute, if a tenant is evicted as the result of Zoning, Code Enforcement, or any illegal activity going on in the unit they are entitled to six month's rent as payment to relocate and the municipality is required to pay it if the landlord doesn't. He explained this Ordinance creates a revolving fund for that; the money going into it does not go into the general fund; all the relocation language in the Housing Inspection and Licensing Ordinance was eliminated and the State Statute that permits the revolving fund is being substituted; and it creates a penalty.

There being no questions or comments on the Ordinance, Mrs. Dix moved, seconded by Mr. Cain, that the public hearing be closed.

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

WHEREAS Ordinance #1725-2012 was introduced and passed first reading on June 18, 2012 and was duly advertised in the June 20, 2012 issue of the Atlantic County Record for a public hearing to be held on July 9, 2012; and

WHEREAS the public hearing has been held as advertised and closed,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1725-2012 be and is hereby adopted.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

**TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ
ORDINANCE #1725 -2012**

AN ORDINANCE PROVIDING FOR RELOCATION ASSISTANCE TO DISPAVED TENANTS AND ESTABLISHING A RELOCATION ASSISTANCE REVOLVING FUND

WHEREAS, the Township of Hamilton has instituted a system for the inspection of all residential rental properties in the Township of Hamilton; and

WHEREAS, it is anticipated that some inspections will result in the need to relocate tenants due to the premises being deemed illegal or otherwise unfit; and

WHEREAS, the Township of Hamilton desires to create a system for the orderly relocation of tenants who must vacate or are evicted from illegal or unfit residential properties; and

WHEREAS, the Township of Hamilton believes that the landlords maintaining illegal and unfit residential properties must in the first instance be financially responsible for such relocation costs;

NOW, THEREFORE, BE IT ORDAINED, by the Township of Hamilton, County of Atlantic, State of New Jersey, as follows:

1) Relocation Assistance for Displaced Persons Caused by Eviction Due to Zoning or Code Enforcement Activity

Any tenant who receives a notice of eviction pursuant to section 3 of P.L.1974, c. 49 (C.2A:18-61.2) that results from zoning or code enforcement activity for an illegal occupancy, as set forth in paragraph (3) of subsection g. of section 2 of P.L.1974, c. 49 (C.2A:18-61.1), shall be considered a displaced person and shall be entitled to relocation assistance in an amount equal to six times the monthly rental paid by the displaced person. The owner-landlord of the structure shall be liable for the payment of relocation assistance pursuant to this section at the time of the notice of eviction is served.

2) Establishment of Revolving Relocation Assistance Fund

There is hereby established, pursuant to N.J.S.A. 20:4-4.1a, a revolving relocation assistance fund, in the Township of Hamilton.

A. Sums Deposited into Revolving Relocation Assistance Fund

There shall be deposited into the revolving relocation assistance fund, the following sums, less any money required to be repaid to the State of New Jersey:

- i. any relocation costs, and interest thereon, paid by an owner of real property who has been held liable for a civil or criminal penalty in the case of any displacement of persons by housing or construction code enforcement pursuant to section 1 of P.L.1983, c. 536 (C. 20:4-4.1);
- ii. Any sums realized by the municipality upon enforcement of municipal liens or liquidation of any property acquired by virtue of enforcement pursuant to section 1 of P.L.1983, c. 536 (C. 20:4-4.1); and
- iii. any sums realized by the municipality relating to any relocation cost and interest thereon upon enforcement or liquidation of any property acquired by virtue of enforcement and collected pursuant to section 1 of P.L.1984, c. 30 (C. 20:4-4.2).

B. Purpose of Fund

Monies appropriated from the fund shall be used by the municipality to provide relocation assistance pursuant to P.L.1971, c. 362 (C. 20:4-1 et seq.) and this ordinance.

C. Payment of Relocation Assistance from the Revolving Relocation Assistance Fund

In the event a landlord has failed to provide the relocation assistance required by Section 1 of this ordinance at the time the notice of eviction is served or, pursuant to N.J.S.A. 20:4-4.1a, in case of any displacement of persons by housing or construction

code enforcement, including any rehabilitation necessitated by that enforcement, the Township of Hamilton may pay the displaced person relocation expenses from the revolving relocation assistance fund.

D. Landlord's Obligation to Repay the Revolving Relocation Assistance Fund

When the Township of Hamilton pays relocation expenses to a displaced person pursuant to Subsection C of this Section, it shall present a statement of relocation costs to the landlord along with a statement of when the costs shall be due and payable, and the landlord shall repay the relocation costs to the Township. In the event the landlord shall fail to repay the relocation expenses within 10 days of the date such expenses become due and payable, the same shall accrue interest at a rate of 18% per annum and become a lien against the subject real property as provided for in N.J.S.A. 20:40-4.1. Provided, however, that the case of relocation expenses paid by the Township of Hamilton pursuant to N.J.S.A. 20:4-4.1a, the owner shall only be required to repay the relocation expenses where the owner of the real property has, in any final court adjudication, been held liable for a civil or criminal penalty.

E. Civil Action to Recover Unpaid Relocation Expenses

In addition to the remedies available under N.J.S.A. 20:40-4.1 and Section 2.C of this ordinance, the Township may proceed under N.J.S.A. 20:40-4.2 in a civil action to recover unpaid relocation expenses, attorney's fees, interest and costs from the owner-landlord of the real property as set forth in the statute.

3) Penalties

A. Penalty to be Paid into Revolving Relocation Assistance Fund

In addition to the other relief set forth in this ordinance, pursuant to N.J.S.A. 2A:18-61g, whenever an owner-landlord is required to repay rental relocation assistance to the Township of Hamilton, the owner-landlord shall also pay an additional amount equal to six times the monthly rental paid by the displaced person, which shall be deposited into the Revolving Relocation Assistance Fund.

B. Additional Penalty for Second and Subsequent Violations

i. In addition to the penalty set forth in subsection A of this Section, after affording the owner-landlord an opportunity for a hearing on the matter, may impose upon the owner-landlord, for a second or subsequent violation for an illegal occupancy, a fine equal to the annual tuition cost of any resident of the illegally occupied unit attending a public school, which fine shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to "The Penalty Enforcement Law of 1999," P.L.1999, c. 274 (C.2A:58-10 et seq.). The municipal court of the Township of Hamilton and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section. The tuition cost shall be determined in the manner prescribed for

nonresident pupils pursuant to N.J.S.A. 18A:38-19 and the payment of the fine shall be remitted to the appropriate school district.

ii. For the purposes of this ordinance, the owner-landlord of a structure shall exclude mortgagees in possession of a structure through foreclosure.

iii. For the purposes of this ordinance, a "second or subsequent violation for an illegal occupancy" shall be limited to those violations that are new and are a result of distinct and separate zoning or code enforcement activities, and shall not include any continuing violations for which citations are issued by a zoning or code enforcement agent during the time period required for summary dispossession proceedings to conclude if the owner has initiated eviction proceedings in a court of proper jurisdiction.

BE IT FURTHER ORDAINED that all portions of the Hamilton Township Code which conflict with or are inconsistent with this ordinance are repealed to the extent of such conflict or inconsistency.

BE IT FURTHER ORDAINED that if any portion of this ordinance is adjudged invalid, such adjudication shall apply only to that portion and the remainder of this ordinance shall be deemed valid and effective.

This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

ATTEST:

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF HAMILTON,
ATLANTIC COUNTY, NJ.

JOAN ANDERSON, R.M.C.
TOWNSHIP CLERK

ROGER SILVA, MAYOR

ROLL CALL: CAIN "YES"
DIX "YES"
GATTO "YES"
KESSELMAN "YES"
SILVA "YES"

ORDINANCE NO. 1725-2012 INTRODUCED AND PASSED FIRST READING ON JUNE 18, 2012.
ORDINANCE NO. 1725-2012 ADOPTED ON JULY 9 , 2012.

Introduction of Ordinance #1726-2012:

Mr. Cain moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1726-2012 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the July 11, 2012 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, New Jersey on Monday, August 6, 2012 at 6:30 PM.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

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TOWNSHIP OF HAMILTON
ORDINANCE NO. 1726-2012

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 226, LOT 5 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HAMILTON, AND GRANTING TO THE OWNER OR OWNERS OF SAID REAL PROPERTY CONTIGUOUS TO SAME THE RIGHT TO PRIOR REFUSAL TO PURCHASE SUCH LAND IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, AND STATE OF NEW JERSEY.

BE IT ORDAINED by the Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that:

SECTION 1. The following described lots and block numbers on the Hamilton Township Tax Map are hereby determined to be less than the minimum size required for development in said Township under the existing Developmental Ordinance and are without any capital improvements thereon.

SECTION 2. Upon final adoption of this Ordinance, owners of real property contiguous to the subject lot may thereafter submit an offer to the Township Clerk, as designee of this Governing Body, in writing and on forms prepared by the Township for a period of twenty (20) days following advertisement of the finally adopted Ordinance pursuant to N.J.S.A. 40A:12-13. All offers shall be made in a sealed envelope. No offer less than the minimum value established herein below for said lot shall be considered by the Township Committee.

SECTION 3. In the event of bids being submitted by more than one (1) contiguous property owner with respect to said lots, the sale shall be made, if at all, to the highest bidder. The Township Committee reserves the right to reject any and all bids and to thereafter advertise the subject property for public sale pursuant to N.J.S.A. 40A:12-13(a).

SECTION 4. The following conditions of sale shall apply:

- (a) The successful bidder shall submit a certified check made payable to the "Township of Hamilton" in the amount of twenty (20%) percent of the purchase price, which check shall be submitted in the sealed envelope at the time of submission of the bid. Persons bidding on behalf of a contiguous property owner shall be required to submit in writing satisfactory evidence of their authority. The balance of the purchase price plus FOUR HUNDRED AND TWENTY-FIVE (\$425.00) DOLLARS to off set administrative costs including but not limited to advertising, legal and recording fees shall be paid in cash or certified cash or certified check within ten (10) days after acceptance of the bid by the Township Committee and authorizing the sale to the high bidder.
- (b) The Deed prepared by the Township Committee shall not be tendered until the full purchase price is paid.
- (c) Title shall be conveyed by and through a Quitclaim Deed and shall Convey only the right, title and interest of the Township of Hamilton to the land, as described herein. No warranties and covenants are or shall be made by the Township of Hamilton and in no event shall there be any liability on the part of the Township by reason thereof. The right, title and interest of the successful bidder, as purchaser, shall be subject to the following conditions, covenants, restrictions, easements and exceptions which shall run with the land and shall also become part of the Deed granted to the purchaser for the recording:
 - (1) Easement of utility companies and of governmental agencies or bodies.
 - (2) Any encroachments, prescriptions, easements or other state of facts pertaining to said lands which may be

ascertained upon a visual examination and inspection of the land and the lands surrounding said land and any restrictions and covenants of record.

- (3) All existing federal, state, county and municipal laws, statutes, ordinances, rules and regulations including, by of description and not by limitation, existing zoning, health and planning board rules and regulations.
- (4) No representation of any kind is made that the land in question, surface as well as subterranean portions, is suitable or adaptable for any particular use whatsoever.
- (5) No representation of any kind is made concerning gas or electric service to the land.

(d) In the event that the Township cannot convey good and marketable title, subject to the above, the purchaser will be entitled to the return of the deposit, without interest, and the Township will not be responsible or liable in any other manner and for any other amount.

(e) In the event that the purchaser defaults in making payment to the Township, as set forth above, or if the purchaser cannot make settlement in accordance with the terms thereof, the deposit made by the successful bidder on account of the purchase will be retained by the Township as and for its liquidated damages and the land may be resold. This remedy shall be in addition to the Township's right to compel specific performance of the purchaser's obligation hereunder. Time is of the essence.

SECTION 5. The Township owned lots and minimum bid established therefore are as follows:

<u>Block/Lot(s)</u>	<u>Lot Size</u>	<u>Location</u>	<u>Zoning</u>	<u>Minimum Bid</u>
226 / 5	9.07 acres	Creek Road	FA-70	\$7,200.00

SECTION 6. SPECIAL CONDITIONS: NONE

SECTION 7. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 9. This Ordinance shall take effect immediately upon its publication after final passage as required by law.

ATTEST:

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC, NJ

JOAN I. ANDERSON, R.M.C.
TOWNSHIP CLERK

ROGER SILVA, MAYOR

ROLL CALL: CAIN "YES"
DIX "YES"
GATTO "YES"
KESSELMAN "YES"
SILVA "YES"

ORDINANCE #1726-2012 INTRODUCED AND PASSED FIRST READING ON JULY 9, 2012.

July 9, 2012

Introduction of Ordinance #1727-2012:

Mr. Jacobs explained most of the changes in this amendment came as the result of several meetings with the landlords that have some of the larger complexes; it incorporates all the items shown in the presentation made at the last Committee to reduce paperwork, eliminate the Tenant Registration, and change a few things that were argued as maybe being unconstitutional; he thinks it still upholds the purpose and reasons why it was established; it doesn't undermine the enforceability; it answers most of the unintended consequences the Township learned of from the landlords; not everybody is happy with it; the intent was always that none of the money generated from the fees and inspections can be taken out and put into the general fund but the Ordinance didn't specifically say that; this Ordinance specifically prohibits that; it eliminates the \$25.00 Tenant Registration fee; it reduces the \$100.00 license fee to \$85.00 because there may be more rental units than originally anticipated; those fees will not have to be adjusted next year if all 1700 units get registered but it will have to be revisited if they aren't; it provides for a late fee as opposed to the original ordinance requirement for issuing a citation if they didn't get the license by the end of January. Mr. Jacobs explained he prepared a draft of changes to correct misspellings and tenses and to add that Section 8 Housing that is inspected by DCA won't have to get an annual inspection. He explained if an Inspector finds something new while doing a re-inspection, he can't let it go; the Ordinance provides for one free re-inspection and this will add that if the Inspector finds something new on a re-inspection, they will get one free re-inspection for that new item. Mrs. Dix commented on Section 8 applying to a human being, not a structure, and asked if the owner has to bring proof that DCA inspected it because if the Section 8 tenant moves out, it may no longer be a Section 8 rental unit. Mr. Jacobs explained a unit is inspected on change of tenant; starting in 2017 the Ordinance mandates annual inspections even if the tenant stays the same; larger places of 3 or more units that are inspected by DCA and smaller Section 8 ones inspected by DCA are exempted from the annual inspection if they provide proof of the DCA inspection. He said Mr. Bongiovanni said DCA inspections are very strict. Mr. Sandman explained the answer to the question on why they are paying for a full year in June and only getting half a year service is that the Ordinance required a license beginning January 1, 2012 but as the result of a lawsuit the Township Committee stayed the requirement for payment until June 30th so they are paying for it 6 months later. Mr. Sandman explained the two pending lawsuits were filed because the owners had to protect themselves in terms of timing; he thinks this will go a long way toward settling the lawsuits; he isn't concerned about the arguments being made on a constitutional level; this takes care of the argument that this is a fee generation Ordinance; he will handle arguments that there was no real basis in evidence as to how the amount of the fee required was calculated; and this Ordinance represents a very fine compromise and a very enforceable document for a very laudable purpose. Ms. Gatto said she would move introduction of the Ordinance including the changes stated by Mr. Jacobs. Mr. Cain explained this Ordinance didn't originate with the Township Committee, it came out of comments made at Strategic Planning Committee meetings held throughout the Township and brought up again when they were discussed by the Smart Growth Committee; the Smart Growth Committee spent over a year developing the Ordinance before it was brought to the Township Committee for consideration; and it was brought up as a quality of life issue for tenants and for residents living next to rental housing. Mayor Silva said it never came up as a topic for consideration during the budget preparation. Dr. Kesselman said it was probably the issue that arose the most at Strategic Planning Committee meetings. He said the Committee balanced the budget through the very hard decisions they made, by cutting back, and not by any additional fees; the Township doesn't need this fee to balance its budget; and this is to support a quality of life issue that should be strongly supported by all Township Residents. Ms. Gatto said it was brought up by residents years ago but it couldn't be given the attention it deserved because of budget issues; the Strategic Planning process was

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the impetus for giving it the right amount of thought, discussion, and operationalizing it; and the Committee didn't want to look at it during the budget because they didn't see it as a budget-gap-closing item. Mrs. Dix commented having been a licensed Real Estate Agent and 100% against anything that interfered with property rights of the American Citizen but things she has seen in the past 5 years totally changed her position. Mr. Jacobs will provide Mrs. Anderson with his final version of the Ordinance with the most recent changes discussed for publication.

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1727-2012 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the July 18, 2012 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, New Jersey on Monday, August 6, 2012 at 6:30 PM.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

ORDINANCE # 1727-2012

**AN AMENDING ORDINANCE OF THE TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC, CHANGING SOME OF THE REQUIREMENTS OF THE
EXISTING RESIDENTIAL RENTAL UNIT LICENSES, AND PERIODIC HABITABILITY
INSPECTIONS AND RE-INSPECTIONS ORDINANCE**

The Township Committee of the Township of Hamilton, County of Atlantic, in the State of New Jersey does ordain as follows:

Chapter 222

ARTICLE I

Residential Rental Unit Licensing Requirements

222-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AGENT - The individual or corporate officer designated by the owner as the person authorized by the owner to perform any duty imposed upon the owner by the terms of this article or other pertinent ordinances, statutes or regulation, either municipal or state.

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BUILDING - Any building or structure or part thereof used for human habitation, use or occupancy, and includes any accessory buildings and appurtenances belonging thereto or usually enjoyed therewith.

CHANGE IN OCCUPANCY - A change in occupancy, as used in this Article, shall be where the tenant vacates the property and a new tenant agrees to possess or reside in the dwelling.

CHANGE OF OCCUPANCY INSPECTION - An inspection which is conducted when a change of tenancy has occurred in a Residential Rental Unit. A change in occupancy inspection shall be conducted before such time as the dwelling unit becomes occupied by a new tenant.

CONSTRUCTIVE NOTICE - Certified mail, return receipt requested and simultaneously by regular mail, mailed through the United States Postal Service to the owner or agent.

DWELLING - Any apartment, cottage, bungalow, house, townhouse, row house, duplex or other dwelling unit consisting of a room or a suite of rooms with or without Housekeeping facilities for dwelling purposes, regardless of whether or not the unit occupies one or more floors and regardless of whether or not the unit occupies the entire building or only a part of the building. Dwelling specifically includes a, single-family home and multifamily units.

HABITABLE - A dwelling which is safe and fit for humans to live, sleep, eat and cook in and is not in violation of any code, ordinance or statute, incorporated in this Ordinance by reference including, without limitation, the International Property Maintenance Code and is not an unsafe structure, as defined in the International Property Maintenance Code, § 108.1.1 and is not a structure unfit for human occupancy, as defined in International Property Maintenance Code § 108.1.3.

HABITABLE ROOM - A room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage space.

INITIAL INSPECTION - The first inspection each year for a specific property to obtain a Residential Rental Unit License or a change of occupancy inspection.

LICENSED DWELLING UNIT - Any dwelling unit duly registered and licensed with the Bureau of Fire Prevention of Township of Hamilton and complying with all of the local municipal, state and federal laws.

LODGING UNIT - A room or group of rooms containing no cooking facilities, used for living purposes by a separate family or group of persons living together or by a person living alone, within a building.

OCCUPANCY - Any use, possession or control of real property by persons, entities or personal property.

OCCUPANT - Any individual who lives or sleeps in, or has actual possession of, a dwelling unit.

OWNER - The individual, person or, in the case of a corporation, the corporate officer designated by said corporation who leases a dwelling to a tenant as defined herein and/or who is the legal owner of record or authorized representative of said corporation and is empowered to receive construct notice as defined in this article.

PERSON - An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

REINSPECTION - The inspection which occurs after a failed initial inspection.

RESIDENTIAL RENTAL UNIT - Any dwelling, as defined above, which the owner rents or leases to any third party for the purposes of that third party or parties to reside in the premises for a period in excess of thirty days regardless of the term of any written or verbal lease. This shall include, but is not limited to, any dwelling occupied by any tenant who occupies the dwelling for more than 30 days. Any room or rooms, suite or a part thereof, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof or any other servants, agents or employees. This definition applies only to those dwelling units, including single-family residences, which are available for lease or rental purposes.

SECONDARY REINSPECTION - Any inspection which occurs after a failed re-inspection.

SLEEPING ACCOMMODATIONS - The number of individuals who may be properly accommodated in the beds and other sleeping facilities located within a residential rental unit.

TENANT - The person, persons or corporation to whom a dwelling is leased, rented or occupied by other than the owner.

222-2. Adoption of Codes by Reference.

The provisions of the Uniform Construction Code, N.J.S.A. 52:27D-119 et seq. and N.J.A.C. 5:23-1 et seq.; Uniform Fire Code, N.J.A.C. 5:70-2 et seq.; and the International Property Maintenance Code, as may be approved and adopted subsequent thereto by the Department of Community Affairs of the State of New Jersey, are hereby accepted, adopted and established as standards to be used as a guide in determining whether dwellings and buildings in this Township are safe, sanitary and fit for human habitation and/or rental. A copy of said codes and regulations, and any amendments subsequent thereto, have been placed on file in the office of the Township Clerk and are available for inspection by all persons desiring to use and examine same.

222-3. Residential Rental Unit License Required.

All Residential Dwelling Unit's which were rented on or after January 1, 2012 shall be required to apply for, and obtain a Residential Rental Unit License issued by the Bureau of Fire Prevention on forms which shall be provided for that purpose.

Any owner permitting the occupancy of a Residential Rental Unit without said License after June 30 2012 shall be in violation of this ordinance, and each and every day thereafter shall be deem a separate offense.

222-4. Residential Rental Unit License Required information.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all residential rental units shall be licensed as provided herein. Every owner, either personally or through his agent, shall file with the Bureau of Fire Prevention a Residential Rental Unit Licensing Application for any residential rental unit located within the Township of Hamilton. Said licensing form shall include the following information:

A. The name and address of the record owner(s) of the premises and the record owner(s) of the rental business, if not the same person(s). In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, indicating where such individuals may be reached both during the day and evening hours.

B. If the record owner is a corporation, the name and address of the registered agent and the name and address of the person to be contacted for any reason regarding the residential rental unit, if other than the registered agent.

C. If the address of any record owner is not located in Atlantic County, NJ, the owner shall designate an agent who resides in Atlantic County, NJ who is authorized by the owner to perform any duty imposed upon the owner by this article.

D. The name, address and telephone number of an individual representative of the record owner or agent located in Atlantic County who may be reached or contacted at any time in the event of an emergency affecting the premises or any residential rental unit therein, including such emergencies as the failure of any essential service or system, and who has the authority and the responsibility to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.

E. The Lot, Block, and Address of the Residential Rental Unit.

F. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.

G. As to each residential rental unit, specification of the exact number of sleeping rooms contained in the residential rental unit and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by number and location within the residential rental unit and by the square footage thereof. In order to satisfy the requirements of this provision, an owner shall submit a floor plan which shall become a part of the Residential Rental Unit Licensing application and which shall be attached to the Residential Rental Unit Licensing form when filed with the Bureau of Fire Prevention.

H. A certification section to read as follows:

By signing below, I Certify that to the best of my knowledge and belief that the statements contained in this application are true and correct; and I further certify that to the best of my knowledge and belief that the unit for which the Residential Rental Unit License being applied for, is in compliance with Municipal Land Use and Development Chapter 203, the Housing Code and/or the UCC Code, the Uniform Fire Code of the State of New Jersey and/or the International Property Maintenance Code.

I. Effective January 1, 2017 no Residential Rental Unit License shall be issued until after an Initial Habitability Inspection Certificate is issued by the Bureau of Fire Prevention. A Habitability Inspection Certificate is required at a minimum one every year thereafter. Residential Rental Units who are inspected by the Department of Community Affairs (DCA), including section 8 inspections, can satisfy this Sub-section by furnishing a copy of a current and valid (DCA) inspection.

J. Name of the Tenant/Lessees 18 years of age and older, and the total number of children 17 years of age and younger.

K. Such other information as may be prescribed from time to time by the Township.

222-5. Issuance of Residential Rental Unit License.

Upon the filing of a completed and approved Residential Rental Unit License Application form and payment of applicable fees an owner shall be entitled to the issuance of a Residential Rental Unit License by the Bureau of Fire Prevention.

222-6. Term of Residential Rental Unit License.

The term of all Residential Rental licenses issued shall commence January 1 of each year, and such license shall be valid until December 31 of said year, at which time it shall expire and a Renewal License shall be required. Prorating for Licenses obtain for a portion of a year shall not be permitted.

This ordinance provides an extended period of time from January 1, 2012 through June 30, 2012 to obtain the 2012 Licenses. Licenses obtained or renewed for 2013 and thereafter must be obtained on or before January 31st of each year the license is for.

No residential rental unit shall hereafter be rented unless the residential rental unit has been licensed in accordance this article. Notwithstanding the term listed in this subsection a Residential Rental Unit License shall expire immediately upon the expiration of any time limit placed on the unit for repairs by the Township that remain uncompleted.

222-7. Residential Rental Unit Licensing responsibility.

It shall be the responsibility of the owner to secure the required Rental License. Failure to license the property within the time frame provided shall be a violation of this article.

Every owner or agent shall hereafter be required, within 15 days from receipt of constructive notice from the Township of Hamilton, to commence and thereafter diligently prosecute eviction proceedings against a tenant who has been convicted of violating the Occupancy Limits outlined in Chapter 222, and/or three violations Chapter 217, Prohibited Nuisances, or Chapter 214, Noise.

222-8. Public access to Residential Rental Unit Licenses and Forms.

The Bureau of Fire Prevention shall index and file the Rental License and Registration forms and make it reasonably available for public inspection. In doing so, the Bureau of Fire Prevention shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the Residential Rental Unit License form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being Licensed and will also satisfy the Residential Rental Unit License requirements of this article. The Bureau of Fire Prevention shall maintain a master index of all such Residential Rental Unit Licenses and Registration forms, and any person may obtain from the Bureau of Fire Prevention a list of all properly Licensed residential rental units upon payment of the appropriate fees.

222-9. Amended Residential Rental Unit License Forms.

Every person required to file a Residential Rental Unit License Registration form pursuant to this article shall file an amended Residential Rental Unit License Registration form within 20 days after any change in the information required to be included thereon.

222-10. Form to be provided to occupants; exceptions.

Every owner shall provide each occupant or tenant occupying a residential rental unit with a copy of the Residential Rental Unit License required by this article. This particular provision shall not apply to any hotel, motel or guest house registered with the State of New Jersey pursuant to the Hotel/Motel Multiple Dwelling Act as defined in N.J.S.A. 55: 13A-3. The Tenant must maintain a copy of the Residential Rental Unit License on the premises at all times, and present it to any duly appointed Township enforcement official upon request.

222-11. Payment of taxes and charges required.

No residential rental unit shall be issued a Residential Rental Unit license unless all municipal taxes, water charges, sewer charges, other municipal assessments or any fees owed pursuant to this article are paid on a current basis.

222-12. Revocation of Rental License; hearing.

A. Grounds. In addition to any other penalties prescribed herein, an owner may be subject to a revocation or suspension of a Residential Rental Unit License issued hereunder upon the happening of one or more of the following:

- (1) Conviction of a violation of this Chapter in the Municipal Court of the Township of Hamilton or any other court of competent jurisdiction.
- (2) The residential rental unit has a recent and reoccurring history of violations of Chapter 214. Noise and/or 217 Prohibited Nuisances. Recent and reoccurring history shall mean three or more violations of each or both within a six month period of each other.

(3) A residential rental unit is permitted to be occupied by more than a maximum number of occupants as permitted under this Chapter.

(4) Maintaining the residential rental unit or units or the property in which the residential rental unit is a part in a dangerous condition likely to result in injury to person or property.

B. Procedures; written complaints; notice; hearing.

(1) A complaint seeking revocation or suspension of the Residential Rental Unit License may be filed by anyone or more of the following: Chief of Police, Construction Code Official, Zoning Enforcement Officer or Fire Prevention Official. Such complaints should be in writing filed with the Township Administrator or his designee. The complaint should be specific and should be sufficient to apprise the owner or tenant of the charges so as to permit a proper defense. The individual filing the complaint may do so on the basis of information and belief and need not rely on personal information.

(2) Upon the filing of such written complaint, the Township Administrator shall set a date for hearing, which shall not be sooner than 10 nor more than 30 days thereafter. The Township Administrator or his designee shall forward a copy of the complaint and a notice as to the date of the hearing to the owner, manager or agent, if any, at the address indicated on the license form. Notice served upon the manager or agent shall be deemed sufficient for the purposes of this article.

(3) The hearing required by this article shall be held before the Township Administrator unless, in his discretion, the Township Administrator determines that the matter should be heard by a hearing officer who shall be appointed by the Township Administrator. If the matter is referred to a hearing officer, such officer shall transmit his findings of fact and conclusions of law to the Township Administrator within 30 days of the conclusion of the hearing. The Township Administrator shall then review the matter and may accept, reject or modify the recommendations of the hearing officer based on the record before such hearing officer. In the event that the matter is not referred to a hearing officer and is heard by the Township Administrator, then the Township Administrator shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the Residential Rental Unit License or determining that the Residential Rental Unit License shall not be renewed or reissued for one or more subsequent license years.

(4) A tape recording of the hearing shall be kept for a period of 45 days after said hearing. A transcript of said hearing will be supplied upon request to the Township of Hamilton and upon payment of an appropriate fee as determined by length of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and evidential rules and burden of proof shall be that which generally control administrative hearings.

(5) The Chief of Police, Construction Code Official, Zoning Enforcement Officer or Fire Prevention Official or their designee shall appear and prosecute all hearings conducted pursuant to this section. The Township Solicitor will be available to advise in this process as needed.

(6) In the event the issuing authority denies issuing a Residential Rental Unit License, the appeal of that denial shall follow the procedures set forth in 222-12.B (1) above.

222-13. Fees for Residential Rental Unit License.

Prior to the issuance of a Residential Rental Unit License the owner shall pay \$100.00 for the Licenses issued during and for Calendar 2012.

Prior to the issuance of a Residential Rental Unit License the owner shall pay \$85.00 for the Licenses issued for License Year 2013 and thereafter unless amended as outlined below in this sub-section.

A Late Fee of \$50.00 shall be charged in addition to the above fee for all Residential Rental Unit Licenses obtained after the required due date.

Fees for New Residential Rental Units shall not be pro-rated for a partial year, however on or after December 1st of each year; the licensed issued for a "New Unit" shall be for the following year. A "New Unit" is a unit that did not require a Residential Rental Unit License as outlined in this Ordinance prior to the date it is applied for.

These fees shall be reviewed annually to assure that the funds projected to be collected are approximately equal to the expenses related to implementing the requirements of this ordinance. This requirement does not prohibit the Township from creating a reasonable reserve, for related but unanticipated expenses.

No revenues collected from the fees established in this ordinance shall be used for purposes other than those related to enforcing the codes and other requirements outlined in this ordinance.

222-14. Enforcement.

Police Officers, Code Enforcement Officers, and Bureau of Fire Prevention Officers of the Township of Hamilton are authorized to issue a summons for a violation of this Article.

222-15. Jurisdiction.

The Municipal Court of the Township of Hamilton shall have jurisdiction to enforce this article.

222-16. Violations and penalties.

In addition to the penalties set forth in N.J.S.A. 46:8-35, any person who violates any provision of this article shall, upon conviction in the municipal court of the Township of Hamilton or such other court having jurisdiction, be liable for a fine not exceeding \$1,000 or imprisonment for a term not exceeding 90 days; or by a period of community service not exceeding 90 days, or by anyone or more of the above. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this article. The penalties provisions contained in this article will automatically be deemed altered and amended in conjunction with any amendments to N.J.S.A. 40:49-5.

ARTICLE II

Habitability Inspection Requirements

222-26. Habitability Inspections for residential rental units.

A. Effective upon adoption of this ordinance, each residential rental unit shall be inspected prior to each and every change of occupancy to determine said residential rental unit is habitable based on the requirements of this Article. The Habitability Inspection shall be made within 10 business days of submission of a properly completed Application for inspection.

1. Prior to January 1, 2017 the Township shall not inspect any residential rental unit which has become occupied in violation of this ordinance. The property owner shall be required to vacate the property and then schedule an inspection. Each day a residential rental unit is occupied in violation of this ordinance shall be considered a separate offense.

2. Effective January 1, 2017 the inspection required prior to a change in occupancy shall be expanded to include at least one inspection annually. Exceptions: Residential Rental Units that are inspected by the Department of Community Affairs (DCA), including section 8 inspections, can satisfy this Sub-section by furnishing a copy of a current and valid (DCA) inspection, and no habitability inspection fee shall be charged.

3. Every residential rental unit that has not been inspected between January 1, 2016 and December 31, 2016 as the result of a change in occupancy shall immediately schedule an inspection based on this new requirement. It is specifically the purpose of this subsection that any Residential Rental Unit License is subject to revocation if said residential rental unit is not inspected within the first 90 days of 2017, and said registration can be revoked without the necessity of a hearing for any residential rental unit which has registered but fails the initial inspection. Exceptions: Residential Rental Units who are inspected by the Department of Community Affairs (DCA), including section 8 inspections, can satisfy this Sub-section by furnishing a copy of a current and valid (DCA) inspection, and no habitability inspection fee shall be charged.

B. Such inspection shall be for the purposes of determining compliance with the Municipal Land Use and Development Chapter 203, the Housing Code and/or the UCC Code, the Uniform Fire Code of the State of New Jersey and/or the International Property Maintenance Code.

C. In the event that any inspection, re-inspection, or secondary re-inspection of a rental unit does not result in a satisfactory determination (i.e., the dwelling or residential rental unit is not habitable or otherwise violates codes, ordinances and/or statutes), such property shall not thereafter be licensed as a habitable residential rental unit, and the owner of the property or his agent shall not occupy, lease, or rent such property, nor shall any tenant occupy the property until the necessary corrections have been made so as to bring the property and residential rental unit into compliance with the applicable codes and the property thereafter subsequently becomes licensed as habitable. When unsatisfactory conditions are discovered, all such corrections shall be made as prescribed by the applicable codes referred to in this Article. In the event that said codes do not specify a date by which corrections shall be made, then in that event all corrections shall be made within 60 days from the date of notification or a failed inspection, re-inspection, or secondary re-inspection, and if not made within that time period, the owner shall be deemed in violation of this article, and every day that the violation continues shall constitute a separate offense. If, however, the property is occupied at the time any inspection, re-inspection or secondary re-inspection takes place, which inspection, re-inspection, or secondary re-inspection results in an unsatisfactory condition being uncovered, then in that event the tenant/occupant shall be permitted to remain in the property, with the owner being given the allowed by code or a sixty-day period, as mentioned above to correct the deficiency. If the deficiency is not corrected within the sixty-day period, then in that event the tenant/occupant shall be required to vacate. If at the time of the inspection, re-inspection or secondary re-inspection occurs and an unsatisfactory condition is found, which unsatisfactory condition is deemed to be an imminent hazard as determined by the inspector, then in that event the inspector shall have a right to cause immediate vacation of the property in order to protect the tenant/occupant from any imminent hazard within the unit inspected.

222-27. Fees for Habitability Inspections and Re-Inspections.

Prior to scheduling a Habitability Inspection of a Residential Rental Unit the owner shall pay \$125.00 for inspections which occur during the 2012 calendar year license term. This fee includes \$50.00 for the fire inspection, which is already being charged as required in a separate Ordinance.

The annual Residential Rental Unit License fee shall entitle the owner to one Re-Inspection without charge each year. If additional Re-Inspections are required prior to scheduling this additional Re-Inspection of a Residential Rental Unit the owner shall pay \$50.00 for each additional re-inspection.

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This fee shall be reviewed annually to assure that the funds projected to be collected are approximately equal to the expenses related to implementing the requirements of this ordinance. This requirement does not prohibit the Township from creating a reasonable reserve, for related but unanticipated expenses.

No revenues collected from the fees established in this ordinance shall be used for purposes other than those related to enforcing the codes and other requirements outlined in this ordinance.

222-28. Enforcement.

Police Officers, Code Enforcement Officers, and Bureau of Fire Prevention Officers of the Township of Hamilton are authorized to issue a summons for a violation of this Article.

222-29. Jurisdiction.

The Municipal Court of the Township of Hamilton shall have jurisdiction over this article.

222-30. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding 90 days, or both, at the discretion of the Municipal Judge, and each day the violation shall continue shall be deemed a separate offense.

ARTICLE III

222-31. Severability.

Should any provision of this Ordinance be determined by a Court of competent jurisdiction to be unlawful and/or unenforceable, all other provisions of this Ordinance shall remain in full force and effect.

222-32. Effective Upon Adoption.

This Ordinance shall become effective upon a majority vote of the Township Committee.

ATTEST:

TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF HAMILTON
COUNTY OF ATLANTIC

JOAN I. ANDERSON, R.M.C.
TOWNSHIP CLERK

ROGER SILVA, MAYOR

ROLL CALL:	CAIN	"YES"
	DIX	"YES"
	GATTO	"YES"
	KESSELMAN	"YES"
	SILVA	"YES"

ORDINANCE #1727-2012 INTRODUCED AND PASSED FIRST READING JULY 9, 2012.

There were no Business Registration Licenses to be approved.

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Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

RESOLUTION AUTHORIZING A PERSON TO PERSON AND PLACE TO PLACE
TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE #0112-33-033-015

WHEREAS, an application has been filed for a Person-to-Person and Place to Place transfer of Plenary Retail Consumption License Number 0112-33-033-015, heretofore issued to Harry Carlson and Lori Carlson, individuals trading as L & H Holdings, with an address of 104 Jacksonville Court, Egg Harbor Township, NJ 08234 for mailing purposes only, to BWW Jersey Wings, Inc., a corporation of the State of the State of Minnesota trading as Buffalo Wild Wings Grill & Bar; and

WHEREAS, the application form submitted is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated hereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the authorized municipal authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hamilton, County of Atlantic, does hereby approve the person to person and place to place transfer of aforesaid Plenary Retail Consumption License Number 0112-33-033-015 to BWW Jersey Wings, Inc., effective July 18, 2012 and the Township Clerk is hereby directed to endorse the license certificate to the new ownership as follows: "This license, subject to all of its terms and conditions, is hereby transferred to BWW Jersey Wings Inc., for premises located at 4311 Black Horse Pike, Mays Landing, NJ 08330 effective July 18, 2012."

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Raffle License #RA14-12 be and is hereby approved for Atlantic County Special Services School Education Foundation, Inc., 50/50 to be held on October 28, 2012.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the \$1,774,729.52 Citi Bank letter-of-credit #63665350 be and is hereby accepted as a performance guarantee for Hamilton Mall LLC/Kravco Company expansion project Phase I, site work and landscaping for the Buffalo Wild Wings and the Longhorn Steakhouse pad sites.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

July 9, 2012

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the \$918,782.40 Citi Bank letter-of-credit #63665351 be and is hereby accepted as a performance guarantee for Hamilton Mall LLC/Kravco Company expansion project Phase I, stormwater management system.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the \$8,171.10 Ocean City Home Bank letter-of-credit #04-2012 be and is hereby accepted as a 2-year maintenance guarantee for Simcare Surgery LTD expansion project.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the purchase of various playground equipment for the Underhill Park playground area from Marturano Recreation Company, Sea Girt, NJ under State Contract #A81411 is hereby authorized; and

BE IT FURTHER RESOLVED that funding in the amount of \$68,343.14 for purchase of aforesaid equipment shall be appropriated from the Atlantic County Open Space Grant.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the purchase of rubber playground mulch for the Underhill Park playground area from Rubbercycle Company, Lakewood, NJ, under State Contract #A81417 is hereby authorized; and

BE IT FURTHER RESOLVED that funding in the amount of \$86,623.00 for purchase of aforesaid rubber playground mulch shall be appropriated from the Atlantic County Open Space Grant.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

WHEREAS the Township Committee of the Township believes additional improvements at the intersection of Route 40 and CR 559 will dramatically improve the appearance of the southern entrance to the Hamilton Township Historic District; will allow greater pedestrian and bicyclist safety at the intersection; will enhance the entrance of the Township's Historic District and Main Street Business District; and will provide access to Gaskill Park and the Great Egg Harbor riverfront for pedestrians and bicyclists;

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WHEREAS, the Township Committee believes these improvements qualify for Transportation Enhancement Grant funding,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Township Administrator is hereby authorized to apply for NJDOT Transportation Enhancement Grant funding for improvements to the intersection of Route 40 and CR 559 also known as Sugar Hill/Gaskill Point intersection to do the following:

- . Complete the sidewalk from the MUA building to the "Point" at the traffic light, ending in a small paved area that faces the riverfront, including a bench and complimentary landscaping.
- . Pave over the two (2) triangular "islands" in the intersection (areas 1 & 2 on the map) to reduce maintenance, eliminate mowing/weeds and to coordinate with the sidewalk.
- . Extend the southern-side sidewalk from the Sugar Hill Bridge approximately 400 feet, ending in a paved and landscaped area facing the riverfront near the existing waterfront bench.
- . Extend the northern-side sidewalk across the Bridge to the "Point" of the intersection to allow safer pedestrian crossings.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

RESOLUTION AUTHORIZING ENTERING INTO A CONTRACT WITH ATLANTIC COUNTY HABITAT FOR HUMANITY AS AN ADMINISTRATIVE AGENT FOR THE ADMINISTRATION OF AFFORDABLE HOUSING UNITS.

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ

Whereas, THE Court has granted a Judgment of Compliance for the 1st and 2nd Round Affordable Housing Compliance Plan adopted by the Township of Hamilton; and

WHEREAS, Hamilton Township's Housing Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's First and Second Round Substantive Rules; and

WHEREAS, the Township Committee of the Township of Hamilton wish to enter into an agreement with Atlantic County Habitat for Humanity for the purpose of administering and enforcing the affordability controls and the Affirmative Marketing Plan of the Township for those units Atlantic County Habitat for Humanity develops in the Township in a manner consistent with the regulations for the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et. seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et. seq.,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized to sign this agreement; and

BE IT FURTHER RESOLVED that Hamilton Township hereby designates the Municipal Housing Liaison as the liaison to Atlantic County Habitat for Humanity; and

BE IT FURTHER RESOLVED that this agreement is hereby attached to the original of this resolution.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

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Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

WHEREAS, the receiving and opening sealed bid proposals for Bid #2012-05, Supply and Install Chain Link Fencing to Various Township Sites, and RFP #2012-06, Repair, Resurfacing and Striping for Two Street Hockey Courts was scheduled for Tuesday, July 3, 2012; and

WHEREAS, all Township Administrative Offices were closed on July 2 and July 3, 2012 due to power failure resulting from the devastating storm that struck the Township on June 30, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that all bids received for aforesaid Bid #2012-05 and/or RFP #2012-06 upon reopening of the Administrative Offices on July 5, 2012 shall not be opened and shall be returned to the bidder, unopened.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that advertising for sealed bid proposals for the FY2011 NJDOT Municipal Aid Project, Reconstruction of Malaga Road Section I, is hereby authorized with the bid due date to be determined by the Township Engineer and the Township Clerk and Finance Offices.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Township Administrator is hereby authorized to sign the Cape Atlantic Conservation District Soil Erosion & Sediment Control application for the 2012 Road Program Phase II.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Township Engineer is hereby authorized to apply for the NJDEP Construction Activity Stormwater General Permit for the 2012 Road Program Phase II.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that advertising for and receiving sealed bids for the 2012 Road Program Phase II is hereby authorized with the bid due date to be determined by the Township Engineer and the Township Clerk and Finance Offices.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

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Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE #0112-44-038-004 WITH LATE TAX CLEARANCE CERTIFICATE FOR THE 2011-2012 LICENSE YEAR

WHEREAS, Mays Landing Wine, Liquor & Deli, LLC filed the required application and fees for renewal of its Plenary Retail Distribution License for the 2011-2012 License Year on June 2, 2011, all in accordance with the provisions of the new Jersey Alcoholic Beverage Control Laws; and

WHEREAS, the required Tax Clearance Certificate for renewal of the aforesaid License was not received by the Township Clerk as of Monday, June 20, 2011; and

WHEREAS, on June 20, 2011, the Township Committee accepted the aforesaid renewal application and ordered it be filed with the Division of Alcoholic Beverage Control with no action taken to approve or deny renewal made pending receipt of the required Tax Clearance Certificate; and

WHEREAS, on June 26, 2012, the Township Clerk received the required Tax Clearance Certificate for the 2011-2012 license year renewal issued by the Division of Taxation on June 26, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, that the Plenary Retail Distribution Beverage License for the period July 1, 2011 through June 30, 2012, both dates inclusive, be and is hereby approved and issued as follows:

<u>LICENSEE/LICENSE NO.:</u>	<u>TRADING AS</u>	<u>PREMISES LOCATION</u>
MAYS LANDING WINE, LIQUOR & DELI, LLC 0112-44-038-004	MAYS LANDING WINE, LIQUOR & DELI	30 MILL STREET MAYS LANDING, NJ 08330

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE #0112-44-038-004 WITH LATE TAX CLEARANCE CERTIFICATE FOR THE 2012-2013 LICENSE YEAR

WHEREAS, Mays Landing Wine, Liquor & Deli, LLC filed the required application and fees for renewal of its Plenary Retail Distribution License for the 2012-2013 License Year on June 27, 2012, all in accordance with the provisions of the new Jersey Alcoholic Beverage Control Laws; and

WHEREAS, the required Tax Clearance Certificate for renewal of the aforesaid License was not received by the Township Clerk as of Monday, June 20, 2012; and

WHEREAS, on June 26, 2012, the Township Clerk received the required Tax Clearance Certificate for the 2012-2013 license year renewal issued by the Division of Taxation on June 26, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, that the Plenary Retail Distribution Beverage License for the period July 1, 2012 through June 30, 2013, both dates inclusive, be and is hereby approved and issued as follows:

<u>LICENSEE/LICENSE NO.:</u>	<u>TRADING AS</u>	<u>PREMISES LOCATION</u>
MAYS LANDING WINE, LIQUOR & DELI, LLC 0112-44-038-004	MAYS LANDING WINE, LIQUOR & DELI	30 MILL STREET MAYS LANDING, NJ 08330

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Authorization for Special Meeting:

Mr. Jacobs explained town hall was closed last Monday and Tuesday due to the storm and bids for resurfacing the hockey court and fencing were scheduled to be received last Tuesday; the Hockey League Leaders had unscheduled everything in August for the work to take place; the bids are now scheduled to be opened on the 24th and they hope to award them on the 25th so that the work can be done when the courts were open.

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED that a Special Meeting of the Township Committee be held on Wednesday, July 25, 2012 at 5:30 PM for the purpose of accepting bid proposals for Bid #2012-05A, Supply and Install Chain Link Fencing to Various Township Sites, and RFP #2012-06A Repair, Resurfacing and Striping for Two Street Hockey Courts, and to authorize payment of bills related to June 30 storm damage & clean up.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Dr. Kesselman, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills be paid, the bill list total being \$4,154,878.82.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

COPS Hiring Grant:

Mr. Gatto explained the Personnel Committee met with the Chief and Administrator and recommendation it be rejected because it would cost the Township about \$220,000.00 over the course of two years to bring in two officers and looking over the budget for the next couple of years, they don't feel this is the right time to obligate that amount of money. Dr. Kesselman commended the Chief and others for trying to secure the grant. He said there are far too many strings associated with this particular grant that go against what the Committee has worked for almost three years to reverse; the Committee agreed and committed to a certain number of officers that is sufficient; that number isn't being expanded at this time but it can be revisited in the future if there is a need to increase it. He commented on it being much easier to undo what was done than to do what the Committee did to balance the budget. Mrs. Dix explained she agreed because the funding is for 3 years and the Township is obligated to retain the officers for a 4th year; preference has to be given to veterans and there being none ready to go, the new hires would have to go to school to be trained; and they would have to be told they were hired for 4 years and then being let go. Mayor Silva

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said he didn't know of any grants that don't have strings attached; other grants have caused the Township difficulty; and the Committee agreed to pay-as-they go. Mr. Jacobs explained it would have been remiss not to apply for the grant because if the Township was going to lay people off because of the budget, it could have gotten the officers at no cost to the Township.

Dr. Kesselman moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the offer of a 3-year \$512,042.00 COPS Hiring Grant be and is hereby rejected.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Debra Kraus be and is hereby appointed the fill the Property Maintenance Code Appeals Board Alternate #2 vacancy for the term June 5, 2012 through December 31, 2015.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Maintenance Worker/Electrician position:

Mr. Jacobs explained there is a maintenance position open; it was discussed with the Public Works Staff and they would like to see if the salary is enough to attract someone with a license that could do electrical work that the Township needs on occasion; the primary job would still be building maintenance but they could do small or emergent projects that came up; and if they aren't successful in getting someone, they will come back with a different idea.

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given to advertise for a Maintenance Worker/Electrician to fill a Public Works vacant position.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

Reports:

Mr. Sandman reported the Governor signed an executive order saying the COAH transfer contracts have to be signed before the date the state will seize the funds next week; the Committee approved both the contract with the MUA and with the Atlantic County Improvement Authority; Randy Lafferty, Solicitor for the MUA, was also copied on Mr. Eisdorfer's e-mail with respect to the governor's order; he thinks it would be appropriate for Mr. Sartorio to follow up with the ACIA; and Mr. Jacobs should let him know if it can't be done for any reason.

Mr. Smith said he had nothing to add to his written report.

Dr. Kesselman said the kindnesses people showed to others during the storm is what makes the Township very special and unique.

Ms. Gatto said she failed to mention earlier the County support of the Township during the storm, especially the water and ice distribution.

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Ms. Gatto reported the Personnel Committee will have some recommendations in the next meeting or two for changes to the Personnel Ordinance linking to the Employees' Handbook; changes to the Salary Ordinance in terms of updating the current titles, monies listed in the Ordinance and a new maintenance process in terms of sign-offs, how it will be kept updated, and where it goes. Dr. Kesselman said many of the employee-related Ordinances are more procedures and policies that ought to be addressed; that one of the things they want to do is make certain the policies are sufficiently brief and broad; that the procedures in the booklet are clear and change when things change but that can't be done if it is in bound documents; it will be a long, comprehensive process but will have great utility for the Township over the next 20-30 years; and it is a subtle change that is extraordinarily significant. Ms. Gatto said another recommendation will be for some salary changes for certain titles and staff and potentially a distribution for the non-aligned staff to kind of match what has been happening with the Public Works and Police contracts.

Mrs. Dix asked who will be attending the Pinelands public hearing on August 8th on the changes to the Township Master Plan and if Mr. Polistina would be the one representing the Township. Mr. Cain said he believed Mr. Polistina would be the most appropriate individual to discuss all aspects of it and represent the Township because he spent many sub-committee meetings, meetings with the Pinelands, and Planning Board meetings crafting it. Mr. Cain suggested it be put on the next Planning Board meeting agenda because the Chairman may want to appoint a couple of members to attend with Mr. Polistina.

Mrs. Dix commented on the monuments, fountain and benches in War Memorial Park being intact after the storm but the horse troth at the front of the Park seems to be a little bent. She reported she was able to place calls to utilities on behalf of others because her land line did not go out but one senior citizen will be without a phone for 16 days because they can't touch it until next Monday. Mrs. Dix commented on unbelievable property and vegetative damage but she thinks the Township came through without too much human damage.

Mr. Cain reported half dozen transformers were damaged in his neighborhood and said Sean Day used his own equipment to get them out of the way so emergency vehicles could get in. He also expressed appreciation for the efforts of Mr. Day and many others that used their own equipment and time clearing roads.

Mr. Cain thanked Officer Wade Smith for getting the traffic counts for the Underhill Park area to the Engineer and said it shows (Old Egg Harbor Road) is heavily travelled and that something needs to be done there. He suggested Mr. Smith put it at the top of his list and get it back to the Committee so they can get it changed.

Mayor Silva said the six-month budget review that was going to be done tonight will be done at the first meeting in August; by then the Township should have a handle on what the clean up is going to look like.

Mayor Silva reported the Tabernacle Township Mayor and everyone from their Committee were volunteers at the County water and ice distribution center at the Mall because they wanted to help others since their community was spared.

Mayor Silva read the response he received from the Township's Assemblymen to the resolution calling the Energy Receipts Money to be returned to the municipalities stating the General Assembly passed A-2921 on June 15, 2012 with their full support; it still has to go before the Senate; and then it is up to the Governor whether or not he will veto it.

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Public Comment:

John J. Percy III referred to his earlier comments about increasing sidewalks in town and asked if the sidewalk grant approved tonight was the same as the program used for the sidewalk on the overpass to McDonalds. Mr. Cain explained this grant is from a different agency. Mr. Jacobs explained the criteria for at least a portion of this grant funding is tied to the Historic District; the Township is trying to focus on the Point as part of the entrance project; and Mr. Percy's suggestions can be looked at to see if any are applicable. Mrs. Dix explained the drawing includes both sides of 559 up to the traffic light on 40 so people can cross safely. Ms. Gatto said Mr. Percy is talking about the crumbled sidewalk in front of the houses before you get to the Tunney property across from the old Scoop's Place. Mr. Jacobs explained the grant proposal is for where there is no sidewalk. Mr. Smith said the grant programs typically do not pay for maintenance and he doesn't think they would cover replacement of deteriorated sidewalk. He explained the Township wasn't involved in the State funded and construction projects that installed sidewalk near Dennis Foreman Drive and from Spooky's to McDonalds. He said this is a DOT grant but it will be constructed by the Township.

Rodney Guishard asked if there are any federal programs to help with the storm damage. Ms. Gatto said the Emergency Management Coordinator, Mayor, Administrator, Emergency Management Staff, and Building Inspectors are doing damage assessments; the County is applying for Federal Relief Funding all together; and that is what Mr. Jacobs talked about earlier. Mr. Jacobs said Sue Giberson took the FEMA Representatives around.

Bruce Strigh commented on the electric company clearing streets and replacing wires and asked if they were coming back to get some of their debris that is integrated with everyone else's. Mayor Silva explained the company under contract with the electric company to trim trees and branches leaning on wires before the storm usually came by with the chipper and only left the heavy stuff on the ground that residents could keep for firewood. The Mayor said he believes the crews that came in and did the trimming during this event were from out of state and the urgency was to untangle the branches from the wires so they could be worked on. Ms. Gatto said she just e-mailed the question to the Township's contact at the electric company. Mr. Jacobs said the power company brought in contractors and cleared the streets and wires but the cable company didn't come in until most of that was done. Mrs. Dix said the other providers couldn't restore service until the electric was on. Mr. Jacobs commented on the power company hiring somebody to take a tree that fell out of the road and, in some cases, cleared the other providers' wires. He said it may be a moot point if the Township gets federal funding but, if they don't, it is a great question to pursue even with the other companies. Mrs. Dix commented on seeing NJDOT employees dragging tree branches off 322 and putting them onto people's property to get them off the road. Mayor Silva said when he spoke to the Governor's Office this afternoon he asked if they are going to clean up on State roads. Mrs. Dix said she would also like to pursue through the Governor's Office why it took over a week to clear Route 50. Ms. Gatto said that should be part of the debriefing conversation.

There being no further questions or comments from the public, Mr. Cain moved seconded by Dr. Kesselman, that the public comment portion be closed.

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

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Ms. Gatto moved, seconded by Dr. Kesselman, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss the collective bargaining with the Teamsters' Union matter which is exempt from public discussion pursuant to the New Jersey Open Public Meetings Law:

BE IT FURTHER RESOLVED that the governing body will reconvene in public session and confirm the results of the executive session if there is a majority consensus for action to be taken on the matter tonight.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Adjournment to Executive Session Resolution was adopted at 8:24:32 on the recorder.

Confirmation of Executive Session:

Mayor Silva reconvened the meeting in public session at 8:42:29 on the recorder.

Ms. Gatto moved, seconded by Dr. Kesselman, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Administrator is authorized to carry out the actions as discussed in executive session.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

There being no further matters to be acted on tonight, Ms. Gatto moved, seconded by Dr. Kesselman, that this meeting be adjourned.

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

ATTEST:
