

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
AUGUST 6, 2012

The regular meeting of the Township Committee of the Township of Hamilton 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 Act by posting a notice 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 in the municipal building, Mays Landing, New Jersey at 6:30 PM on Monday, August 6, 2012.

A moment of silence for private reflection was observed.

Mayor Silva read a Proclamation declaring August 10, 2012 FRANCES HAGEL DAY in recognition of 60+ years of service to the 4-H and to the community.

There was no executive session and no executive session confirmations to be made.

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 following items be added to the agenda for consideration and action to be taken thereon tonight.

- 7.A Insert name of Business: Hand and Stone Massage & Facial Spa - spa services at Hamilton Commons.
- 10.A(3) Authorize the Township Administrator to recall the last Truck Driver/Laborer with a CDL Class A license from the recall list to fill a vacant position.
- 10.A(4) Authorize the Township Administrator to advertise for a new part-time employee to fill a vacant position in the Construction/Housing Department.

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

There was no early public comment on items not listed for public hearing.

Remington Vernick proposal for services - Malaga Road Section 2:

Mr. Smith explained he and Mr. Jacobs discussed whether or not to just use the DOT \$150,000.00 FY2012 funding in 2012 or make it a project similar in size to the one out to bid now and supplementing the funding with Township Bond money. Mr. Jacobs said that is why the proposal amount is higher than what would be expected for a \$150,000.00 job. Ms. Gatto asked how it deviated from the multi-year road program. Mr. Jacobs explained that when the bid is awarded some of the funding will come from the State and some from local money. Dr. Kesselman asked if the Township was receiving less money from the State this year and why. Mr. Smith explained the program has become much more competitive; the Township got a substantial amount in 2011; and he doesn't have any specific reason why they only got \$150,000.00 this year. Mr. Smith commented on seeing what the Township got last year as an anomaly because the typical award is in the \$150,000.00 range. He said the grant application was for \$335,000.00 and there is no explanation in the award letter. Mrs. Dix asked why (proposals)

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aren't written as "not to exceed" contracts with the number of hours billable against the maximum because if they get done faster they have less billable hours and it saves taxpayers' money. Mr. Jacobs said it probably could be done that way but he believed their professional services contract calls for State projects to be a lump sum. Mrs. Dix asked if there was a target date for going out to bid on this. Mr. Smith said it would probably be spring of 2013. He said bids for Malaga Road Section 1 are being taken on Friday; they anticipate having a recommendation for an award at the next meeting and hope to get it under construction early in September. Mr. Smith said bids for the 2012 Road Program Phase 2 scheduled to be received on August 23rd and it will be under construction in the fall.

Mrs. Dix 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 Remington & Vernick Engineers proposal for services related to FY2012 Municipal Aid Project - Reconstruction of Malaga Road Section 2 dated July 23, 2012 for preparation of construction plans, construction inspection, contract administration services, preparation of construction plans and public bidding for a fee of \$44,000.00 be and is hereby accepted and the contract for said services awarded to them.

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

JIF 2012 Retrospective Program Contract revision:

Mr. Jacobs explained the payroll is down significantly because of the layoffs; the Township appealed and as a result of Ingrid's hard work the Township is getting a \$36,000.00 premium reduction.

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

WHEREAS the 2012 JIF Retrospective Contract has been revised due to a reduction in assessment due to a significant reduction in the Hamilton Township Payroll,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Mayor is hereby authorized to sign the Revised Contract for the 2012 JIF Retrospective Program on behalf of the Township.

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

Remington Vernick proposal for surveying and engineering services re: proposed parking lot (Block 785/Lots 2-4)

Mr. Jacobs commented on the Township buying two properties across the street from Town Hall for a parking lot. He explained people coming for court who park in the dirt area have to either pull into or back into a public street and the Township doesn't improve it because that would probably create a bigger liability. Mr. Jacobs said Pinelands will have to be involved; it may take two years if the Committee wants to get the project going; and the proposal from Remington Vernick for \$19,750.00 is basically to get the project to bid. Mr. Smith explained the proposal is for surveying, engineering and making application to Pinelands. Mayor Silva asked if the engineer would have a cost estimate for doing the lot at that time. Mr. Smith said they would be able to give a full cost estimate. Mayor Silva commented on the Committee working at this for at least two years now and said they would like to have adequate parking across the street and hopefully eliminate parking on 13th Street. Mr. Cain asked if Mr.

Smith had any idea of how many parking spots could be there and if there was any way to assure the Township will get enough parking spots out of it. Mr. Smith explained they anticipate having a pre-application meeting with Pinelands to see if they will have to do a threatened and endangered species study, a cultural resource survey, and how they will allow drainage to be handled. Mr. Jacobs explained the proposal didn't have to be voted on tonight; it was on the agenda to see if the Committee was interested; and if there are questions that they want answers gotten to and brought back. Mr. Cain said he would like to see it move forward. Mrs. Dix commented on the two land purchases being made in 2008 and 2011 and suggested the files from the closings be pulled to see what was already done so it isn't duplicated. She said the outbound lot-line survey wouldn't have changed and the Township already paid for that. She referred to exclusions listed in the proposal and suggested the 15' alley in block 785 from 13th Street to the picnic area behind the VFW be vacated before starting anything so it is included in the overall square footage of the project. Mr. Smith said he didn't believe an endangered species study or cultural resource survey or any of the exclusions would have been performed at the time of the property transfer. He said his office did a Phase 1 Environmental for the most recent acquisition. Mr. Jacobs said it is too late to do that now because the Township already owns it. Mr. Cain said he didn't think the request was unreasonable and that he would like to be sure that the Township will end up with enough spots to cure the problem if none of the other factors discussed came into play. Mrs. Dix said that if the Committee finds out they can't do a parking lot she would rather not be into a one-way contract that has to be paid whether or not the Township goes forward. Mr. Smith said they wouldn't expect the Township to complete the contract if the project was cancelled. Mayor Silva said he thought the Committee should be able to move ahead, look at this and, if something happens and the contract has to be cancelled, he knows the Engineer is amenable to that. Ms. Gatto commented it not mattering whether the Environmental Study was done because it is excluded and wouldn't be a duplication of services. Mrs. Dix said the outbound survey would have been done for title insurance reasons and that it is included to do it again. Mr. Smith explained they only surveyed the one lot; that was taken into consideration when the proposal was prepared and will save some survey time but he isn't sure what survey was done for the previous purchase. In response to Mr. Cain's question, Mr. Smith said a concept plan could be put together to get a ball park number of spaces based on estimates of what the drainage area would encompass. Ms. Gatto said she was okay with moving forward and also willing to wait if Mrs. Dix and Mr. Cain have questions. She asked if there was a line in the contract that says the Township can cancel the project at any time. Mr. Jacobs explained there probably isn't but it could be put into the motion. He said the Township only pays for time expended if the project stops; the Township has cancelled paving projects and only paid for what was done. Ms. Gatto suggested that the members would be more comfortable with that language in there at any point where when they move forward even though it is past practice.

No action was taken on the proposal and it is to be relisted on the August 20, 2012 agenda.

Public Hearing/Adoption - Ordinance #1726-2012:

Jim Kerrigan asked where the land was. He was shown a tax map showing where it is and Mr. Cain explained it is way in the back across from the County gun range.

There being no further questions or comments on the Ordinance, Ms. Gatto moved, seconded by Mr. Cain, that the public hearing 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.

WHEREAS, Ordinance #1726-2012 was introduced and passed first reading on July 9, 2012 and was duly advertized in the July 11, 2012 issue of the Atlantic County Record for a public hearing to be held on August 6, 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 #1726-2012 be and is hereby adopted.

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

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 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 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 way 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.

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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.
ORDINANCE #1726-2012 ADOPTED AUGUST 6, 2012.

Public Hearing/Adoption - Ordinance #1727-2012:

Ted Hesser commented on having several properties that DCA inspects every year and prior to a tenant moving in; the DCA does the same inspections the Township does and, to him, it is a duplication of services if the Township is coming in to do fire and code enforcement inspections. Mr. Jacobs asked if it was Section 8 housing. Mr. Hesser said it is. Mr. Jacobs explained that from now until 2017 units are only being inspected on change of occupancy and starting in 2017 units will be inspected every year regardless of if there is a change of occupancy or not. He explained that they will not have to get the annual inspections if they are Section 8 units; under this Ordinance amendment the only inspection will be on a change of tenant; and the Township will rely on DCA inspections. Mr. Hesser said it will still be a duplication of services if he puts a new tenant in the unit. Mr. Jacobs explained that is already in place because the Ordinance requiring the inspections was adopted in January and the only change is this Ordinance is to repeal the part where Mr. Hesser would have to get an annual inspection. Mr. Hesser questioned why the Township has to have separate people to do fire inspections and to do inspections for a CO. Mr. Jacobs said all the inspectors do CO inspections and every Housing Inspector hired is a licensed Fire Inspector and can do both. Mr. Hesser commented on there being one fee for a CO Inspector and another one for a Fire Inspector. Mr. Jacobs explained the Fire Inspection Fee was always in place and the Township is charging \$75.00 more for the rental inspection now; a total of \$125. Mr. Hesser commented on the rental inspection being done by a Code Enforcement Officer. Mr. Primavera asked Mr. Hesser if the DCA inspections were being done because they are Section 8 housing. Mr. Hesser said they are. Mr. Primavera said most of what he saw were 5-year cyclical ones and he was under the assumption anything over 2 units was done every 5 years. Mr. Hesser explained he isn't in that category; he does single family units. Mr. Jacobs explained they only have to provide proof and documentation of a valid, current inspection under the exemption in the new Ordinance. Mr. Hesser said trying to get the State to issue some kind of documentation will be the drawback because he only gets confirmation of the inspection if it fails. Mr. Jacobs said if there is any way the Township can help them get that (documentation) they will.

Tom Sparks, property manager of Indian Oaks Apartments, commented on the definition of "occupant" having been discussed and said the definition still reads "anyone who lives, sleeps or has actual possession". He explained the owner is required to allow people to have guests under New Jersey Law. Mrs. Dix asked if it would relieve his objection if the phrase "sleeps in" wasn't there. Mr. Sparks said he thinks it should read "actual possession" and that he believes one of the major reasons for all of this was because there were too many people living in a unit. Mayor Silva asked Mr. Sparks if he wasn't concerned about the number of people that occupy his units. Mr. Sparks said he can't tell someone they can't bring someone to their apartment. The Mayor said he didn't think the Township was telling him that. Ms. Gatto read the definition of "tenant" and said she thought that is the key. Mr. Sparks said the Violation Clause Section 222-10 refers to "occupant" not "tenant". Mr. Jacobs asked if Mr. Sparks' concern was about the Occupancy Limit enforcement. Mr. Sparks said he was because he has to file the list of how many people are in the unit and give the square footage and dimensions when he files for his license. Mr. Jacobs explained that as far as enforcing occupancy limits, "occupant" is defined in the International Property Maintenance Code that the Township adopted; the Township adopted the occupancy limits from the International Property Maintenance Code; this Ordinance adopts the Property Maintenance Ordinance for enforcement of the occupancy limitations so he doesn't think the definition of occupant in this Ordinance would be relevant. Mr. Sparks said the term tenant and occupant are being used interchangeably; they are two different things; and they aren't interchangeable. He said the tenant on the lease is specifically the person who signs the lease is who is of legal age to do it; then he has to list the occupants that are not the tenant but are staying in the unit permanently. Mr. Sparks said that depending on how one wants to do it, he could be the tenant and his wife could be an occupant but in this case anyone who sleeps there becomes an occupant. He said he thinks actual possession determines who is on the lease as opposed to a grandmother staying with you becoming an occupant because she sleeps there. Dr. Kesselman asked what it should say; how it differed from "tenant" and how Mr. Sparks defines "occupant". Mr. Sparks suggested "any individual in actual possession of his unit and the tenant is legally responsible for the unit as opposed to an occupant who isn't legally responsible; an occupant is anyone permanently residing in the unit and for the New Jersey that is anyone there over 14 days. Mayor Silva asked if it wouldn't upset Mr. Sparks if there were 10 people in a two bedroom apartment instead of four. Mr. Sparks explained his concern is someone calling about over-occupancy when you invite your brother and friends down for the weekend and then, as the landlord, he is responsible for something the Township is calling an occupant. Mayor Silva said people in places that he has overseen who were going to have visitors during certain times of the year told the manager they were going to have guests for a week or two and asked Mr. Sparks if that happened in his property. Mr. Sparks said it didn't and that he wouldn't expect people to tell him their personal business. The Mayor said that, as property manager, Mr. Sparks should know what is going on around his properties. He asked Mr. Sparks if he wasn't concerned about excessive loud noise and damaging property and if he investigated or got involved in that. The Mayor said the Township isn't saying people can't have their friends come stay and he didn't think that someone was going to be out there checking the number of people going into and out of every apartment once the inspection was done and everything was okay. Mr. Jacobs explained again that this Ordinance doesn't regulate occupancy limitation; if someone makes a complaint, the International Property Maintenance Code definition of "occupant" will be used; the definition in this Ordinance in no way relates to enforcement of the number of people in the unit; it relates to Mr. Sparks' license because it is the definition used about the license. He explained that how an occupant is defined in the International Property Maintenance Code is the term a judge would look to determine whether or not they exceed the occupancy limitation. Ms. Gatto explained her understanding is that anything having to do with occupancy numbers and limits has

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nothing to do with the Residential Rental Housing Ordinance that the Committee is talking about amending tonight because that is all defined in another Ordinance called the International Property Maintenance Code; the definitions could be different depending on the Ordinance; Residential Rental Housing has nothing to do with number of occupants or tenants; and Mr. Sparks is getting his license. Mr. Jacobs said Mr. Sparks already has his licenses and asked if there had been any problems. Mr. Sparks said the definition of "occupant" is one of their concerns because they can see where "sleeps in a unit" can be misused. Mr. Sandman explained it is a distinction that has no effect on the enforceability of this Ordinance; removing the words "sleeps in" is a non-material amendment to this Ordinance; it will not alter the adoption hearing tonight; and he can see no effect those words have on enforceability of the Ordinance.

Rodney Guishard said a home owner who had a relative staying over for two weeks or so and got a notice from the Township that he was required to fill out the license; when he called the Township he was told to send the agreement in. He said he thinks there may be some misinterpretation on part of some staff members about the requirements are. Mrs. Dix asked if Mr. Guishard was saying that a homeowner who had a visitor was told they had to fill out a rental registration license. Mr. Guishard said he was; that he advised them to call to get it straightened out; and he doesn't know if they did that yet or not. Mr. Cain said the Ordinance doesn't affect an individual home owner and their guests unless they choose to create a business out of home ownership. He suggested Mr. Guishard follow up with Mr. Jacobs so the Committee can be apprised of who the owner spoke with and the actual circumstances. Mr. Sandman said that isn't intended or called for in the Ordinance and if Mr. Guishard would provide him with their name he would be more than happy to speak to them.

There being no further questions or comment on the Ordinance, Mr. Cain moved, seconded by Ms. Gatto, 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.

BE IT RESOLVED by the Township Committee that Article I §222-1. Definitions be and is hereby amended to delete the words "or sleeps in" from the definition of *Occupant*.

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

Mrs. Dix asked if there was agreement that everyone has to pay the annual registration/license fee. Mr. Jacobs explained there was an article in the paper on Saturday or Sunday that led you to believe that some of the larger complexes didn't have to comply with this Ordinance; it should have been that they don't have to comply with the annual inspection portion of the Ordinance and that the only thing the large complexes or section 8 housing don't have to comply with is the annual inspection starting in 2017.

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

WHEREAS, Ordinance #1727-2012 was introduced and passed first reading on July 9, 2012 and was duly advertised in the July 18, 2012 issue of the Atlantic County Record for a public hearing to be held on August 6, 2012; and

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

WHEREAS, the Solicitor has deemed the deletion of the words "or sleeps in" from the definition of "Tenant" in Article I §222-1. is not a substantive amendment and the Ordinance can be adopted as amended tonight,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1727-2012 be and is hereby adopted as amended.

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.

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.

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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 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 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.

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.

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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.

August 6, 2012

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/Lessee 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 obtained 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.

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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 license 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.

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.

August 6, 2012

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 August 6, 2012

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.

Prior to scheduling a re-inspection the owner shall pay a fee of \$50.00 for each required re-inspection except as follows:

The annual Residential Rental Unit License fee shall entitle the owner to one Re-Inspection without charge each year.

Any new item (not in the original inspection report findings) found during a re-inspection will also receive one re-inspection without charge.

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.

August 6, 2012

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
ORDINANCE #1727-2012 ADOPTED AS AMENDED AUGUST 6, 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 Business Registration License for Hand & Stone massage & Facial Spa, a spa services business at Hamilton Commons be and is hereby approved.

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 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$45,245.00 be and is hereby accepted; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to sign the Sub-grant Award and Special Condition documents related thereto on behalf of the Township of Hamilton.

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 of Hamilton that the following item of revenue with off-setting appropriation be inserted into the 2012 Municipal Budget:

| | |
|--|-------------|
| Revenue Title: Safe and Secure Communities Program | \$60,000.00 |
| Appropriation Title: Safe and Secure Communities Program | \$60,000.00 |

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

August 6, 2012

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

WHEREAS, Sgt. William "Bill" French (Ret.) was unable to attend the official ceremonies and presentation of the Congressional Gold Medal to members of the Montford Point Marines held in Washington DC in June due to health reasons; and

WHEREAS, Sgt. French will be officially presented with his Congressional Gold Medal on August 10, 2012 in ceremonies to be held in War Memorial Park in recognition of his service in the United States Marine Corp from 1943 to 1946,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that aforesaid Congressional Gold Medal Award Ceremonies be and is hereby recognized as a Township-sponsored event.

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 purchase of 11 LU-0521ASC Aluminum Frame Bleachers for various locations from GT Grandstand, c/o Marturano Recreation under State Contract #81411 is hereby authorized; and

BE IT FURTHER RESOLVED that funding in the amount of \$36,793.00 shall be 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 purchase and installation of a sign for the Frank Grieco, Sr. Building (formerly the Frank Grieco Senior Citizen Center)

from Brian Shea Signs of Mays Landing is hereby authorized at a cost of \$2,540.00.

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 that the Township Committee of the Township of Hamilton supports the Mays Landing Merchants' Association application to the County of Atlantic for their Waterfront Wine and Food Festival to be held at Lake Lenape Park on October 20 and 21, 2012.

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

August 6, 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 following Raffle Licenses are hereby approved:

- RA#15-2012 for the Alesia Shute Foundation Inc. 50/50 to be held on March 2, 2013.
- RA#16-2012 for Rotary Club of Mays Landing non-draw raffles at the 4-H Fair on August 9, 10, & 11, 2012.
- RA#17-2012 for Local 152 Irv String Scholarship Fund off-premise draw raffle to be held on November 2, 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 that the Township Committee of the Township of Hamilton does hereby grant Mays Landing Golf & Country Club permission for a public display of fireworks by S. Vitale Pyrotechnic Industries at aforesaid Mays Landing Golf & Country Club on August 17, 2012.

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

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 a Transient Vendor License for Alex Lyon & Son Inc. auction to be held at the Atlantic City Race Track on August 11 and August 12, 2012 is hereby approved.

RESOLUTION ADOPTED WITH MEMBERS CAIN, DIX, KESSELMAN AND SILVA VOTING "AYE", NO "NAY", MS. GATTO ABSTAINED DUE TO HER FATHER'S EMPLOYMENT AT THE RACE TRACK.

Mr. Cain 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 minutes of the June 18, 2012 and July 9, 2012 regular meetings be and are hereby approved and adopted as published.

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

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 minutes of the July 25, 2012 special meeting be and are hereby approved and adopted as published.

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

August 6, 2012

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 minutes of the February 21, 2012, March 21, 2012, April 16, 2012, and July 9, 2012 executive sessions be and are hereby approved and adopted as published.

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 are hereby ordered paid the bill list total being \$7,556,961.37.

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

Personnel appointments:

Ms. Gatto explained she and Dr. Kesselman discussed this with Mr. Jacobs and agreed with the recommendations; all positions are budgeted; there have been several vacancies due to resignations, retirements, or other reasons; there are existing labor needs in Public Works and they are also looking for people with some additional skills. Dr. Kesselman said it doesn't increase the number of employees. Mr. Jacobs explained it is recalling some employees that were laid off a little over a year ago; one is for part-time; and the Administrative Assistant is a promotion to a full-time position.

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 Jessica Mendez be and is hereby appointed Administrative Assistant in the Construction/Fire Prevention/Housing and Property Maintenance Code Office at \$38,500.00 per year effective August 7, 2012.

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 Karen Johnson be and is hereby recalled to part-time

status as a Clerk in the Community Development/Construction Code Department at \$13.00 per hour, not to exceed 24 hours per week, with the effective date to be determined.

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 be and is hereby authorized to recall the last Truck Driver/Laborer employee with a CDL Class A license from the recall list to fill a vacant position.

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

August 6, 2012

Ms. Gatto moved, seconded by Mr. Cain, that the Township Administrator be and is hereby authorized to advertise for a new part-time employee to fill a vacant position in the Construction/Housing Department.

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

Reports:

Mr. Jacobs reported the contractor for the Gaskill Point sign has applied for the permit; submitted an initial drawing for approval; the electronic board has been ordered; and they are looking at an October installation date.

Mr. Jacobs reported the Township opened a temporary receiving yard on Iliff Road, the old landing strip behind Underhill Park, for debris related to the June 30th storm; it will be open for 30 days; the Township rented a chipper; Township employees are doing some chipping to reduce the size of the pile; bids are out for 5 chipper/chainsaw crews to collect and chip storm related debris that is out on Township streets; contractors will take everything up to about 12"; the Township will probably get anything over 12" with its own equipment later on; bids are also out for a tub grinder to be used at the temporary yard to clean up what is there; the temporary yard permit is for 60 days; 30 days is being allowed for collection but may be extended if it proves popular; and the Township has to get rid of the debris before the permit expires. Mr. Jacobs said he appreciated the residents' patience. He reported the County has agreed to do their roads and anyone on a county road can call Public Works and they will forward it to the County. He said the Mayor got the State to come in for Route 40 and 322 and is trying to get them back for Route 50. He commented on FEMA funding and said the Township should get about reimbursed 75¢ on all allowable dollars; work done on regular time isn't reimbursable; and even at 25% it will be a significant expense. In response to Mayor Silva's question, Mr. Jacobs said that after the contracts are awarded the information will be on the website, TV and he would also like to use the reverse 911 system to get the word out. Mrs. Dix suggested asking the school about using their reverse system also. Mayor Silva said that could be brought up at the meeting being held with the local school district next week or the week after. Mr. Jacobs encouraged everyone to get the debris out to the curb as quickly as possible because there is a time limit for spending the FEMA money. In response to Ms. Gatto's question on the 12" limit, Mr. Jacobs explained 12" is the diameter and that they don't care how long it is. He explained contracts will be signed after bids are awarded on the 20th and it will probably be the end of the month before they start. In response to Mrs. Dix's comment on the temperature being an issue for some people now, Mr. Jacobs said unusual circumstances will have to be accommodated. Ms. Gatto said it has to be made clear that the Township is not going to cut trees or do anything of that nature on anyone's private property. Mr. Jacobs said the Township can't take anything attached to or touching a vehicle or house.

Mr. Sandman reported the Township received a letter from the Executive Director of the Council on Affordable Housing asking the Township to turn over about \$442,811.00 of collected COAH funds. He explained the Township retained the services of Mr. Eisdorfer and all of the funds COAH would have attempted to take have been formally dedicated through two separate agreements: the ACIA will administer some of the funds and the MUA will administer the rest. Mr. Sandman said that by being proactive, the Township Committee salvaged that money for its COAH obligations.

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Mr. Sandman reported the surety company for Foxmoor at Hampton Court submitted a form of completion and settlement agreement for his review; he marked it up and returned it to them; and he will not recommend it be executed until they provide some assurance as to the value of the completion work. He explained some work has been done but he was told some, perhaps the landscaping, wasn't going to be done and the inference was that it is because there wasn't enough money in the bond. Mr. Sandman explained his position is for them to show him what they are spending and then folks in the development and the Township Committee would perhaps agree to an agreement to release them. He said they can't not do everything and not show the Township that there isn't enough money left to do it. Mayor Silva said the street is paved and the basin appears to be finished. He agreed that if there is landscaping to be done and there is money in bond, it should be utilized to have that accomplished. Mr. Sandman commented on this being an example of the protections provided through the Land and Developmental Ordinance and Municipal Land Use Law when the Committee becomes proactive and shows that it works by allowing the Township Committee to pressure the bonding company.

Mr. Smith said he had nothing to add to his written report. Mayor Silva asked if pressure was still being put on Timber Glen. Mr. Smith said they have a plan in place and it is just question of their construction division schedule. Mrs. Dix asked the status of Hamilton Commons. Mr. Smith said he forwarded an e-mail from them to the Committee today; some of the proposals they received were a bit high; they are entertaining some additional proposals; and they anticipate completing at least a portion of the work this summer. Mrs. Dix commented on Mr. Cain's concern about it overflowing and flooding 322 and asked if anything can be done to make sure there is some correction before winter. She commented on a memo talking about the cost of pumping water and said pumping water onto somebody else's property is a real issue. Mr. Smith said he would defer to Mr. Sandman as to what remedies the Township has with the bonding companies. Mr. Sandman said he would defer that to an executive session.

Mrs. Dix reported plans for the Congressional Gold Medal presentation to William French are coming together and, if it rains, they plan to use the meeting room in Town Hall for the ceremonies.

Dr. Kesselman said the \$36,000 JIF savings was based on decisions the Committee made with respect to the nearly half-million dollars and those dollars add up to stable tax rate, etc. He commented on it being good work on the part of the Administrator, staff and Mr. Sandman for being proactive when many townships weren't.

Ms. Gatto congratulated the Mays Landing Merchants' Association an outstanding Hometown Celebration, the Township Staff and volunteers who participated in it. She reported a tree was planted in the Park and dedicated as a thank you to all the electrical workers, volunteers, Emergency Management Staff and workers, and everybody involved with the storm efforts.

Ms. Gatto commented on not knowing about tomorrow being National Night Out. Lt. Alcott explained it is only going to be Victoria Crossing. Ms. Gatto suggested finding out at the next property

managers meeting why the other areas weren't participating. Mrs. Dix suggested there may be condition of the property issues with branches and limbs. Ms. Gatto said the Township worked hard to get Main Street in shape for the Merchants' Association event and if this was held off because of trees the Township could have been partners with them. She commented on it being a nice community event for the neighborhoods and in terms of getting Township police officers, other emergency rescue personnel involved and out to provide education.

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Mr. Cain thanked Mr. Jacobs for the update on the Gaskill Point sign. He asked Mr. Smith if there was any word on Old Egg Harbor Road at Underhill Park. Mr. Smith said they got the traffic data from the police; a memo on it was forwarded to the Committee today; and he and Mr. Jacobs are going to go over the recommendations.

Mr. Cain commented it being brought to his attention on two occasions about there being no markings in the area coming off the 322 over pass where traffic merges into a single lane. He asked whether there should be markings; if there have been any incidents in that area; and if the Township might want to petition the State about signage. Mrs. Dix said it is near Old Egg Harbor Road. Ms. Gatto said there should be a merge sign there.

Mr. Cain said the turnout for Hometown Celebration was amazing with the humidity, threat of rain, and the event having been rescheduled. He said he thought it was a real show of support for Hamilton Township and the merchants.

Mayor Silva reported receiving a letter from the County Executive acknowledging he understands the issues brought up by Cologne Avenue residents and the County Engineers Department has been requested to review the roadway matters.

The Mayor commented work being done on the basin at Hamilton Mall and read the following portion of a letter from Pinelands to Kravco about the work being done: "We believe this project is an excellent example of the applicant, the Township and Commission working together to insure that a proposed project moves forward while also successfully addressing a long standing stormwater management issue on the parcel. We wish to acknowledge everyone's effort and cooperation in addressing this matter". Mayor Silva said he thinks the Township Committee made significant gains once they identified the 12 or 13 problem basins; they had the benefit of counsel and the engineer who pursued it along with the Administrator and Committee; and as they are corrected the Committee will continue to work on the issue. He said that regardless of who sits on the Township Committee, the Members have set the groundwork for everybody and he is pleased to be part of the group that started it. Mr. Cain said he thinks it shows the leadership seen in the appointments this Committee made to Planning and Zoning Boards; Mr. Wigglesworth's leadership on the Planning Board; his willingness to work with developers, existing businesses, businesses that want to locate or expand in town; and that the Township wants to work with them and through issues as opposed to putting up road blocks. He said he thinks Mr. Wigglesworth and the entire Planning Board have done a tremendous job. Mayor Silva said the Committee listened to counsel and has given the developers every opportunity to understand the issue and try to resolve it without really threatening them. He commented on not having to call bonds because they knew it was imminent if they didn't perform. Mr. Sandman said the Committee called bonds twice. He said the process starts with the Planning and Zoning Boards and when Hamilton Commons asked for the waiver of the type of performance bond many, many years ago it resulted in a problem. He said the Committee has changed the rules and never want to approve a drainage basin on a separate lot. Mr. Sandman explained Homewood Court is the Township's model; it always makes the Homeowners' Association be formed and to be responsible for the basins even if it happens to be a separate lot. He explained the Committee not only identified and took action with respect to the 13 basins, it created a process on a going forward basis where those sitting on the Planning Board know it is a problem; the problem was researched; he

and Mr. Rosenberger have come up with what they think is a template to cure the problem so that it doesn't happen again.

Mayor Silva announced Mizpah Inland Human Services New Unity Day will be on August 11th at the Alfred R. Lundy Community Center in Mizpah.

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The Mayor commented on the enthusiasm of those who attended the Hometown Celebration. Mayor Silva commented on the size and age of the trees in the Park that came down during the June 30th storm. He commented on planting the tree in the Park being symbolic and significant because it was a tribute to everyone who rose to the occasion. Mayor Silva thanked Mr. Kurtz and all who worked with him on the celebration and said no one could have done it better. John Kurtz said that with the mess Main Street was after the storm, they couldn't have had the celebration without the Committee, Public Works, and Township employees. He thanked everybody.

Public Comment:

Mr. Kurtz said he understood the property owners and landlords wanting to remove the "sleep in" clause from the Rental Ordinance because it might affect their licensing. He said he didn't want to lose sight of how it affects the community and individual property owners in town. Mr. Kurtz said his business and quality of life have been affected by over-occupancy and that has to be addressed. He said he heard a landlord say that as long as he gets his rent it doesn't matter to him how many people sleep in the building and that is the side that has to be addressed.

Maureen Cavileer said the blight at Brandywood Townhomes is horrible; conditions of the property are horrible; there is blatant drug deals going down daily in the daylight; and they need help there. Mayor Silva asked Lt. Alcott to take the message back to the department. Ms. Gatto asked that it be taken as a formal complaint for the Code Enforcement and Maintenance Officer.

Rodney Guishard said he appreciated the update on the storm damage and that what has been decided will be publicized. He asked that people who subscribe to e-mail be included in the distribution. Mr. Guishard commented on debris in partly in the road and partly on the property along Route 50 and asked that it be made clear where it is supposed to be and how far into the property the Township people are going to go if it is on the property. Mayor Silva commented on having set back from the highway making a difference and said in other places it is over the curb line rather than block the sidewalk. The Mayor said the Township is trying to work with people without putting any unnecessary burden on them. He commented on having to wait for the (disaster) declaration and the Township not having the necessary personnel to attack the problem. Mr. Jacobs commented on there being no good definition because the right-of-way is different and said he wouldn't encourage putting it out in the travel lane. Mr. Guishard said he thought the County was picking up some of it and he has had a can out for two weeks but it hasn't been picked up. Mrs. Dix said she sometimes calls the County when they forget that section of Route 50. Dr. Kesselman suggested Mr. Guishard call the County. Mayor Silva commented on the State working with the Department of Corrections and using personnel from the jails. He said he thinks they are making a lot of headway. He commented on the County agreeing to pick up any area they missed if Mr. Jacobs calls them.

David Wigglesworth commented on how well the temporary dump site is set up and thanked the Committee for it. Mayor Silva agreed with Mr. Wigglesworth that it is very well laid out. He commented on the possibility of keeping it open an extra 30 days for overflow and said they have a there to wet down the ground in the event of concern about a fire.

There being no further comments from the public, Ms. Gatto moved, seconded by Mr. Cain, that the public comment portion be closed.

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

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:

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