

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
TUESDAY, SEPTEMBER 4, 2012

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, NJ 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, 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 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 Tuesday, September 4, 2012 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

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 Agenda Item 5.A Remington Vernick proposal for Inspection and Contract Administration Services for 2012 Road Program Phase II be and is hereby deleted.

BE IT FURTHER RESOLVED that the following be added to the agenda of this meeting for consideration and action to be taken thereon:

7.A Insert name of business:

1. Kathleen's Closet - thrift store at Festival Mall

7.J Resolution to temporarily declare Wabun Avenue one-way pursuant to N.J.S.A. 39:4-197.3. for a period not to exceed 3 months starting September 5, 2012 as requested by the County of Atlantic.

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

There were no early public comments on agenda items not listed for public hearing.

Purchase of accident insurance for volunteers medical coverage only:

Mr. Jacobs explained volunteer firefighters and rescue squad members are covered by JIF for Workers but there is no insurance coverage for the volunteers who clean up roads, serve on Boards, or help at the Parks. He explained there is a lawsuit if they get hurt through negligence but, if there wasn't, there is nothing that would help them with their medical expense or deductible. Mr. Jacobs explained the Safety Committee discussed it, asked the Risk Manager to give a price, and it is \$715.00 for the year. He said the Safety Committee wanted to bring it to the Township Committee's attention to see if there was any interest in (doing) it. Mayor Silva said he thought it is very worthwhile and that he is in favor of going ahead with it. Mr. Cain said he thinks it is a great move anytime the Committee can support its volunteers. Ms. Gatto agreed. Dr. Kesselman said he supported it.

September 4, 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 proposal from Glenn Insurance Company to provide Insurance Benefits as set forth below for the Township's Volunteer Workers and Boards' Members as set forth in their 2<sup>nd</sup> Revised Quote dated June 27, 2012 be and is hereby accepted:

\$250,000.00 Maximum Accident Medical Benefit  
\$10,000.00 Accidental Dismemberment Benefit  
\$5,000.00 Accidental Death Benefit

BE IT FURTHER RESOLVED that purchase of aforesaid insurance is hereby authorized at a cost of \$715.00 for one year.

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

Award of 2012 Road Program Phase II contract:

Mayor Silva read the list of streets included in the contract. Mr. Cain explained the bid coming in at 62% of the original bid (estimate), saved the taxpayers several hundred thousands of dollars, and hopefully that can be parlayed into paving additional roads.

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

WHEREAS, on August 23, 2012 the Township of Hamilton received sealed bid proposals for the 2012 Road Program-Phase II; and

WHEREAS, the following bids were received:

<u>Name</u>	<u>Bid Amount</u>
Arawak Paving Co., Inc. 7503 Weymouth Road Hammonton, NJ 08037	Base Bid: NONE Alternate Bid: \$578,400.00
Asphalt Paving Systems, Inc. P. O. Box 530 Hammonton, NJ 08037	Base Bid: \$617,900.00 Alternate Bid: NONE

and

WHEREAS, the Township Engineer and Qualified Purchasing Agent have reviewed aforesaid bids and determined that Arawak paving Co., Inc., Hammonton, NJ, is the lowest responsible bidder and recommended in writing that the contract for the 2012 Road Program-Phase II be awarded to them in accordance with the terms and conditions outlined in the bid specifications,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, that:

- (1) The foregoing facts are hereby ratified and affirmed.
- (2) Funding shall be from Capital Ordinance #1713-12.
- (3) The bid of Arawak Paving Co., Inc., Hammonton, NJ be accepted and the contract for the Alternate Bid only be awarded to them in the amount of \$578,400.00.
- (4) The Mayor and Township Clerk be and are hereby authorized to execute the aforesaid contract.

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

Mr. Jacobs said he would like to have a presentation at the next meeting for the Old Egg Harbor Road Project and suggested some of the extra funds could be used for it.

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 Business Registration Licenses are hereby approved:

- 1. Kathleen's Closet - thrift store at Festival Mall

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 Wells Fargo letter-of-credit #IS0014497U, in the amount of Forty-five Thousand Dollars (\$45,000.00) be and is hereby accepted as a performance guarantee for Mercy Medical Associates of Mays Landing/Dr. Michael Lurakis office expansion project, said letter of credit being a replacement for Wachovia Bank letter-of-credit #SM224982W).

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

Solid Waste Collection Contract Change Order:

Ms. Gatto said she thinks Waste Management has been a good partner through the different emergencies the Township has had. Mayor Silva commented on there being a great deal of concern when the contract was first awarded but it is being handled very well, is uniform, and there have been minimal complaints.

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 Change Order #1 to the contract with Waste Management for additional solid waste pick up due to the June 30, 2012 storm as set for the below be and is hereby approved:

Original Contract:	\$1,682,460.00
Change Order #1:	+3,000.00
% of change:	0.18%
Contract price with all change orders:	\$1,685,460.00

BE IT FURTHER RESOLVED that the \$3,000.00 shall be appropriated from the 2012 Operating Budget for Solid Waste Collection.

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 Change Order #2 to the contract with All Vinyl Fencing LLC (Bid #2012-05A) for 80 LF of additional 4' high chain link fencing at the Hickory Street Soccer Fields as set forth below be and is hereby approved:

Original Contract:	\$63,050.00
Change Order #1:	+3,500.00
Change Order #2:	+5,725.00
% of change:	14.63%
Contract price with all change orders:	\$72,275.00

September 4, 2012

BE IT FURTHER RESOLVED that the \$5,725.00 shall be appropriated from Open Space Grant Funds.

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 A PERSON TO PERSON TRANSFER OF  
PLENARY RETAIL CONSUMPTION LICENSE #0112-32-029-013

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 0112-32-029-013, heretofore issued to Maglio Spirits Inc., a corporation of the State of New Jersey trading as Canal's Discount Liquor Mart, with an address of 4212 Black Horse Pike, Mays Landing, NJ, to Magaziner's Canal's Discount Liquors, LLC, a corporation of the State of the State of New Jersey trading as Canal's Discount Liquor Mart; 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 transfer of aforesaid Plenary Retail Consumption License Number 0112-32-029-013 to Magaziner's Canal's Discount Liquors, LLC, effective September 5, 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 Magaziner's Canal's Discount Liquors, L.L.C., for premises located at 4212 Black Horse Pike, Mays Landing, NJ 08330 effective September 5, 2012."

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

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

RESOLUTION AUTHORIZING PUBLIC LAND SALE

WHEREAS, the Township of Hamilton is the owner of lands hereinafter described; and

WHEREAS, a request has been made for said lands to be offered for public sale; and

WHEREAS, in the judgment of the Township of Hamilton, said lands are of no further use for public purposes, are not needed for public use, and should be disposed of by sale at public auction in accordance with the statute in such case made and provided; and

WHEREAS, all contiguous owners were notified by certified mail, return receipt requested of their right to prior refusal to purchase said lands by a sealed bid process pursuant to Ordinance #1726-2012 and no bids were received,

September 4, 2012

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that all right, title and interest of the Township of Hamilton, Atlantic County, NJ in and to the lands described as follows shall be sold to the highest bidder at a public sale to be held at 10 a.m. on WEDNESDAY, September 26, 2012 in the municipal building, 6101 Thirteenth Street, Mays Landing, NJ, subject to the terms and conditions set forth in the Notice of Public Land Sale and such other conditions as may be stated at the time of sale:

<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

September 4, 2012

SPECIAL CONDITION: NONE

BE IT FURTHER RESOLVED that the full terms and conditions shall be included in the legal advertisement of Notice of Public Sale as published in accordance with law and available in the Township Clerk's Office. Said terms and all conditions shall survive closing and transfer of title.

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 Team Atlantic County Sheriff's Dept./Police unity Tour Inc. is hereby granted permission to hold a coin drop at the intersection of Landis and Estelle Avenues, Mays Landing, NJ on October 6 and 7 2012.

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

Solicitor authorized to proceed against Cape Bank letter-of-credit #1061 - Donald G. Targan/Pine Creek project performance guarantee:

Mr. Sandman explained he received a letter from Cape Bank that they are not renewing the letter-of-credit that will expire October 12, 2012. He explained it is a form of performance guarantee that requires the bank be given notice at least 30 days before its expiration and it was put on the agenda tonight because he will have to give them notice by September 12<sup>th</sup>. Mr. Sandman explained Mr. Targan, the principal in the development, suggested a replacement letter-of-credit in a lesser amount than the face amount of this one when he spoke with him today. He said reviewed the file with the Engineer and there was a suggested reduction in 2010. He said he reviewed the file with the Engineer and, in 2010, the Engineer suggested it could be reduced to the minimum 30% of the face amount. Mr. Sandman said that while the Committee is authorizing him to put the bank on notice to protect the Township's rights, Mr. Targan may come back with a replacement letter-of-credit before he has to do that. He said he has been trying to negotiate that with Mr. Targan because he has been a willing participant and it will save the Township a lot of money. Mr. Sandman read from the Engineer's letter dated April 20, 2010 that there is "no objection to reducing the performance guarantee by \$211,521.49 with a \$90,652.07 remaining".

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 the Solicitor is hereby authorized to proceed with action against Cape Bank letter-of-credit #1061, the \$374,000.00 performance guarantee for Donald G. Targan's Pine Creek Project.

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

September 4, 2012

Temporary one-way traffic on Wabun Boulevard:

Mr. Sandman took the following testimony from Chief Tappeiner.

Sandman: Chief Tappeiner are you familiar with the conditions around this roadway?

Tappeiner: I am.

Sandman: and are you familiar with the type of construction that will be going on?

Tappeiner: Yes.

Sandman: and do you believe that could potentially create a hazard to citizens of Hamilton Township?

Tappeiner: Yes I do.

Sandman: remain two ways?

Tappeiner: Yes.

Sandman: and do you believe that by making it a one way street it's making a much more safe condition?

Tappeiner: Yes it is.

Sandman: and do you recognize that the law only allows us to do that for a period of 30 days?

Tappeiner: Yes I do.

Sandman: so at the end of, excuse me 90 days,

Tappeiner: 90 days that's correct.

Sandman: and at the end of the 90 day period we would have to come back for another resolution?

Tappeiner: Yes.

Sandman: and is it your recommendation that the Township Committee do that?

Tappeiner: Yes I do.

Sandman: I find therefore that we have satisfied the Statute which is N.J.S.A. 39:4-197.3 and you can therefore exercise your emergency powers to make it a one-way street.

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

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NJ

RESOLUTION PURSUANT TO N.J.S.A. 39:4-197.3 DECLARING  
WABUN BOULEVARD A ONE-WAY STREET FROM ITS INTERSECTION  
WITH UNAMI BOULEVARD TO BABCOCK ROAD DUE TO SOLAR PANEL  
CONSTRUCTION AT THE COUNTY OF ATLANTIC JUSTICE FACILITY.

WHEREAS, the Atlantic County Sheriff's Department has requested the Wabun Boulevard be temporarily declared a one-way street from its intersection with Unami Boulevard to Babcock Road for safety reasons during the construction a solar panel project at the Atlantic County Justice Facility; and

WHEREAS, the Hamilton Township Committee find that an emergent, temporary, condition exists due to the foregoing and, pursuant to the authority provided under N.J.S.A. 39:4-197.3, hereby finds that these emergent and temporary conditions require the imposition of temporary traffic regulations at said location for the protection of the motoring public; and

WHEREAS, the Township Committee of the Township of Hamilton deems it in the best interest of the public health, safety and welfare of motorists and the general public that all left and all right turns from Babcock Road onto Wabun Boulevard be temporarily prohibited for a period not to exceed ninety (90) days from the date hereof,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that left turns and right turns from Babcock Road northbound and/or southbound onto Wabun Avenue are hereby prohibited for a period of ninety (90) days; and

BE IT FURTHER RESOLVED that appropriate signage notifying the public of the temporary traffic regulation shall be erected at the intersection of Wabun Boulevard and Babcock Road; and

BE IT FURTHER RESOLVED that this regulation shall take effect immediately upon final passage and the posting of the aforementioned signage.

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

RESOLUTION ADOPTED SEPTEMBER 4, 2012.

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 minutes of the August 20, 2012 regular meeting be and are hereby approved and adopted as published.

RESOLUTION ADOPTED WITH MEMBERS CAIN, GATTO, KESSELMAN AND SILVA VOTING "AYE", NO "NAY", MRS. DIX ABSTAINED BECAUSE SHE DIDN'T HAVE TIME TO READ THEM BECAUSE SHE WAS REVIEWING THE PROPOSED NEW POLICY & PROCEDURES HANDBOOK.

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 all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$4,203,145.00.

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

Reports:

Mr. Jacobs reported the surface on the hockey courts at Liepe are done; some of the panels around the side that have holes will be replaced during the next few days; one of the Public Works Employees has been there to protect the courts every day since the project started from the time they get off work until dark and that will continue until some security cameras are up. Mr. Jacobs asked if the Committee wanted to have a ribbon cutting on a night when the teams that will be playing on Wednesday and Thursday evenings are there. Mayor Silva suggested having it on their first night if it could be worked out. He said this is the first major work done there since on the courts were opened in 2000. Mrs. Dix asked if the message is being conveyed that no roller hockey is permitted. Mr. Jacobs explained those who are doing the things that aren't permitted don't have a permit to be there and all he can do right now is keep someone there until dark. He said the lights are shut off and they can't get them on. Mr. Jacobs said the only thing that can be done is put up cameras and go after and charge the ones that are tearing the courts up. Mr. Cain asked when Mr. Jacobs thought the cameras could be in. Mr. Jacobs said there is a meeting on Thursday with the camera company that has the State (contract). He said having someone out there is costing the Township money but they aren't just sitting there, they are also painting, mowing grass and cleaning up while they are there.

September 4, 2012

Mr. Jacobs reported a draft of an ordinance that came out of the finance section of the Strategic Planning Committee was distributed to the Members. He said it is a comprehensive approach to managing the Township finances, tax rates and debt, and it reaches out to the Boards of Education. Mr. Cain asked that it be placed on the next agenda. Mayor Silva said he thought it was good for everyone to review it to be sure everyone is in sync with it. Dr. Kesselman said it is excellent; it is exactly what they worked on; Bruce Strigh was Chair of that committee; it accurately describes the summary of the actions they took; it is comprehensive; and he isn't sure anyone else in the State has it. Mr. Cain said it is groundbreaking and he is looking forward to being able to talk more about it at the next meeting. He said he thinks putting in place a standardized procedure to show residents where their tax money has been going and how it should continue to go is fantastic. Mr. Cain said a lot of hard work went into it and the Township Committee appreciates the efforts of Mr. Strigh and his Committee. He commented on it being obvious what can happen and be accomplished in a municipality when you do the right thing and said this Committee is proof of that. Mr. Cain commented on this governing body having to make tough decisions, seeing where they are 3 short years later, and said this is a tool to see that that continues to happen.

Mr. Jacobs commented on being authorized three or four months ago to work towards creating some kind of playing field at Liepe for the Township's second football league and reported that a lot of work has been done; they met with Pinelands to see what can and can't be done in the short-term; an area of about 500' was sprayed with Round Up and he assumes it is going to kill the poison (ivy). Mr. Jacobs explained the Township has a rotor-tiller for its tractor and, if everything goes smooth he was going to do a much bigger area but didn't want anyone to be surprised to see a big area of the park turned brown and desolate; it will be tilled and seeded; and he would like to know now if the Committee doesn't want him to do that. Mr. Cain he thinks Mr. Jacobs should do the largest area he can to accommodate the most.

Mr. Jacobs reported on the June 30<sup>th</sup> storm debris cleanup and said far more chips have been collected than he ever dreamed there would be. He reported some residents weren't completely satisfied but the Township wants to collect everything related to the Storm debris and sometime before the next meeting, when it gets to 90%-95%, he would like to do another advertisement for people to call the Township if they still have a pile; their name will be put on a list; and it will be collected. Mayor Silva commented on concern about hanging branches throughout the Township that could present a liability for the Township. Mr. Jacobs said now is the time to get them while the leaves are brown and they are easy to see. Mayor Silva said Mr. Jacobs had the right idea going back for some if anybody just didn't have the means to get it out. Ms. Gatto commented on residents asking her why a police officer is out there and why the Township is using contractors. Mr. Jacobs explained the key to the project is to maximize the bills to the extent possible for the FEMA reimbursement and to do that, you have to follow their rules and regulations. He explained that the Township planned to have one inspector who would go to five crews all day long but FEMA mandated there be an inspector with every single crew; that meant the Township would have to put together 5 inspectors; they would be driving Township vehicles; and background checks would have to be done. Mr. Jacobs explained the Township asked FEMA if police officers could be used and FEMA agreed. He commented on the benefits being that the officers speak with authority; are there in case there are traffic needs; they are signing off on the paper work; they are paid through under the outside employment contract; and FEMA will reimburse 75% of the cost. He explained that each contractor crew has 2 dump trucks, a skid loader, and chipper for 12" or larger; the Township only has 6 months to get this done; and the Township doesn't have enough employees or the equipment to do that kind of work. Mr. Jacobs said the Township's crews are also working but there are so many projects budgeted for with overtime, they aren't even keeping up. He said the Public Works Department is down three more employees for one reason or another not

counting the layoffs. He explained police officers are working off their regular shift but Township crews would have to be paid overtime after they go off their regular shift and if they were out there during their regular day FEMA won't reimburse it. Mr. Jacobs explained FEMA also mandated the Township build a scaffold-type structure with a roof over it for someone to sit on and inspect the trucks when they go into the blueberry farms to make sure only chips are in it. He commented on there being no way to get around it and it was expensive. He ask that anyone who gets calls about when their pile will be picked get their name and address for him, he will put them on a list and make sure it is picked up; and the Township employees will go get it even if they are on overtime with one chipper and the contractor is gone. Mayor Silva thanked the residents for their patience and said he thinks that when this is all done everybody will look back and say "wow that was a lot of work". The Mayor commented on trying to balance the town's finances with what they knew they would be reimbursed for. He said he thinks the Township was fortunate to get this much work done and what it can be reimbursed for.

Mr. Jacobs commented on Township Professionals not always agreeing and explained he thought there was an understanding of a price for Engineering on a project for paving but they had something different in mind; he doesn't agree with the amount of money they want to charge to do the inspections and design work on the current paving project; and he thinks it is too much. Dr. Kesselman asked Mr. Jacobs who "they" specifically meant. Mr. Jacobs said it is Remington Vernick and the price for design and inspections in the original proposal is about 22% of the actual price of the paving. He explained that even though the Township can't mandate a fixed percentage he thought they were targeting the 10% area and that is what was done on the last project. Mr. Jacobs explained that after speaking with Remington Vernick they were able to bring it down from 21.6% to 20.7% and he isn't comfortable with that in this economy and when everyone else is doing more with less. He commented on there being other Engineering Firms or maybe hiring a part-time person to do it in house and asked for authorization to seek alternatives and report back at the next meeting. In response to a question from Mrs. Dix, Mr. Jacobs explained it was for the project that the Committee awarded a contract for tonight. He said several months ago the Township awarded Remington Vernick a contract of \$80,500.00 to do the design work; their project estimate was \$922,000.00; that is about 8½% and with inspection money it will be 10%, 11% or 12½% which is okay; but the project came in at considerably less, \$578,000.00. Mr. Jacobs said that in addition to the \$80,500.00 they are asking \$39,900.00 for the inspection work and he doesn't think that is consistent with the understanding he had with people at Remington Vernick. He explained it was not Bob (Smith).

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

BE IT RESOLVED that Michael S. Jacobs, the Township Administrator, is hereby authorized to negotiate or seek other options with respect to the inspection services for the 2012 Road Program Phase II.

DISCUSSION ON THE MOTION: Ms. Gatto asked if Remington could come back to the table with an alternative proposal as well. Mr. Jacobs said they could but he already tried that. Mayor Silva said it isn't an indictment of the company or its quality of work; it all boils down to dollars and cents. Mr. Cain commented on the Committee saying their main goal was to save bodies that produced work in the Township and in order to do that they were going to look at everything. He said it is comforting to know Mr. Jacobs is doing that and bringing those types of things to the Committee Members' attention.

There being no further discussion on the motion, Mayor Silva called for the vote on the resolution.

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

September 4, 2012

Mayor Silva said if the volunteer fire companies turn in all of their paperwork for the work they did during the June 30<sup>th</sup> storm the Township will submit it (to FEMA). He said that even though the equipment is the Township's the volunteers did the work, provided the manpower, and did an awesome job. The Mayor asked for the other Members agreement that whatever monies the Township gets back from FEMA for it will be turned over to the fire departments proportionately. Dr. Kesselman said he supported that. He commented on there being a tendency on the part of fiscal people when they see dollars to assert where it should go and said that unless he sees them out there doing the work it should go to the individuals and entities that did the work. Mr. Jacobs said the only condition is that they have to apply for the most recent storm through the Township. He said the Township is also talking about giving them Hurricane Irene money. Mr. Jacobs commented on the importance of having their help to get the taxpayers every dollar the federal government is willing to give the Township and said that without this incentive the Township won't get the paperwork and without the paperwork they won't get the money. Mayor Silva asked if the Township had anyone that could help them if there was any problem with doing the paperwork. Mr. Jacobs explained the fire companies only have to give the Township the information on the hours and equipment they used and the Township actually does the paperwork. Ms. Gatto said she thought it shows the Committee's faith and value it places on the volunteers; that it is something the Committee wants to do, not something it has to do. Mayor Silva said Laureldale's new tanker truck will be coming in later this week and commented on it coming as a part of a grant and was a cooperative partnership was the Township putting money into it. He thanked them for their efforts.

Mrs. Dix asked if the decision and repair regarding the electrical problem at Underhill Park was finalized. Mr. Jacobs said a volunteer licensed electrician who is with the MLAA is going to fix it for free. He commented on the lights being on when he went through there at 9 o'clock Saturday night and nobody was there. Mrs. Dix said they were also on Sunday night. Mr. Jacobs explained they should turn the lights off when they leave but if they don't a timer automatically shuts them off at 11 PM. Mrs. Dix suggested the time ought to be cut back because there is no reason for anybody to be there at 11 o'clock at night. Ms. Gatto said Peewee, JV and Varsity do play 11 o'clock at night now that it is the season.

Mr. Sandman reported the Court dismissed the Order to Show Cause part of the Timber Glen/JSM litigation after oral argument but reserved its decision on the Plaintiff's request for additional time to comply with the Ordinance. He said he was advised by their attorney today that they are going to submit their Residential Rental License applications and fees by the end of the week. He reported they are still challenging the validity of the Ordinance and said he will deal with that in executive session at the appropriate time. Mrs. Dix said there are 498 units in Timber Glen Phases 3 and 4 plus a single condo in Phase 1 or 2, a total of 499 units. Mr. Sandman explained there have been re-rentals which required inspections since the Committee amended the Ordinance but there could be 400 left.

Mr. Sandman reported a number of the large commercial tax appeals have been settled but he couldn't give the Committee the terms now because not all of the stipulations have been filed. He said they were successfully negotiated through the terrific work of the Township Assessor Bill Johnson and that he is to be commended. Mr. Sandman said he thinks the numbers represent a very fair settlement to the community and Mr. Johnson should be credited for that.

Mr. Sandman reported the Lake Lenape Dam Committee is meeting in Town Hall tomorrow and he hopes to have something to report about it at the next meeting.

Mr. Smith reported a resolution authorizing submission of the next Municipal Aid application for the third phase of Malaga Road has to be submitted as part of the application. He asked the Committee to pass the resolution and explained that he doesn't have the application number yet but he can provide Mrs. Anderson with it at a future date; that way he can make sure the application is all in order and submitted prior to the deadline. Mayor Silva asked what the deadline date is. Mr. Smith said he thought it is October 16<sup>th</sup>. Mr. Jacobs suggested it go on the next agenda.

Ms. Gatto commented on her understanding that essentially all of the issues brought to the Committee regarding Brewster Drive have been resolved with the exception of a few punch list items. Mayor Silva asked if the basin was supposed to be wet. Mr. Smith explained it is supposed to infiltrate within 72 hours and said it is one of the items on the punch list. He said the contractor completed what he believes is his scope of work with the bonding company. Mr. Smith said he prepared and submitted a punch list to Mr. Sandman for him to coordinate with the bonding company. He explained the only complaint the residents have is some ponding on the gutter wall; he made the contractor aware of it; he will go out after a rain event, evaluate the extent of it and mark it out; then they will see what they can do. Mr. Smith explained there are infra-red techniques companies can use to heat up the asphalt and regrade it to get the water to flow. He said the basin is the bigger issue. Mayor Silva asked if the contractor replaced the soil they took out with sand. Mr. Smith explained the test pits they did before starting the work indicated it was suitable sand so they removed only the first 6 inches of material that was silted up with sediment and debris and brought in sand to facilitate infiltration but it isn't draining; the next step will be probes to test the different stratum to make sure what was done previously was in accordance with the original approval. He said they took a proactive approach and the work done was good quality. Ms. Gatto said she thinks it is a testament to holding responsible parties accountable to maintain the integrity of the neighborhoods. Mr. Smith said he thinks this is an atypical case where the bonding company stepped right up and did the right thing but as the Township proceeds and calls other bonds they won't be as efficient and as easy as this one was. He said Mr. Sandman is looking at the amount of money expended compared to the penal sum and there may be some additional funds for landscaping. Mr. Sandman explained he was authorized to take action against the bond and the notification provisions were complied with; he was contacted by Jeremy Sentman, the bonding company representative; he wrote to Mr. Sentman on August 22<sup>nd</sup> telling him they won't be done until everything in the decision and resolution is complete or he has spent the penal sum; and he invited Mr. Sentman to show him what they spent but hasn't gotten a response yet. Mr. Sandman said he applauded them for what they have done and agreed it will probably be more difficult in other cases because there are a lot of defenses in those cases. He said this represents the success of the procedures in the Township Zoning Ordinances and the Township has an excellent Planning Board and Ordinance that is constantly being updated. Mr. Sandman said the Ordinance is being updated tonight to require a developer that takes over a development to post a new performance bond so that the Township isn't looking for someone who doesn't exist and if action is taken against a bond, the individuals in the company are always the personal indemnitors on the bond.

Mayor Silva commented on seeing a hose from the Timber Glen basin running water into Hamilton Walk and said he expected to see the pump out there soon. Mr. Smith explained Timber Glen is designed to overflow under the culvert to Lombard Street and ultimately end up in Hamilton Walk in certain events; the problem is that it is overflowing in storm events that it wasn't designed to; and he thinks there will be infrequent overflows once they get a handle on the infiltration area. The Mayor said the Committee is going to keep on this until it is corrected. He said overflowing and putting water into people's units is unacceptable. Mrs. Dix commented on being speechless that a developer could design an overflow onto somebody else's property and asked how they got authorization to overflow onto expressway property. Mr. Smith said it was similar to the Wexford Lane situation where the

basins overflow to the same place they overflowed in predevelopment conditions and they are required to reduce the peak flows. In response to Mr. Cain's question, Mr. Smith said he believed it was the 10-year storm event. Mayor Silva said the basin by Cologne Gardens bothers him most because it is so shallow and the overflow is allowed to go out onto Cologne Avenue. Mr. Cain commented on not understanding how that got through the Planning Board. He commented on it discharging onto a major thoroughfare and he thinks it is something the Planning Board should look into to see if there is a way to address it in the future. Mayor Silva suggested it might be looked at with the shopping center that is coming in on the corner. Mr. Smith commented on doing the performance guarantee estimate for the shopping center in 2005 and explained the first step in construction of the center was to construct a jug-handle and basin at the intersection of Cologne Avenue and 322; where ever the discharge is or was, it has to comply with the Township storm water ordinance; that ordinance is different now than it was when Cologne Gardens was approved but every project that comes through the Planning Board has to comply with it. Mrs. Dix said she is sure it is to be a reverse jug-handle and will operate the same as the one at Wrangleboro Road.

Mrs. Dix reported the Hamilton Knights team had their opening game at Underhill on Saturday. She reported the COVE is closed; she would call it a successfully safe summer; she is sure attendance is down but the hardship was the storm on June 30<sup>th</sup>.

Mr. Cain said it is great to see the Knights and MLAA getting along for the benefit of the children.

Mr. Cain asked the status of the basin at Hamilton Commons. Mr. Smith said that since the last time he spoke to the representative of Developer's Diversified, they were still soliciting proposals and remained steadfast that they were going to try to get some of the basin work done before the end of the summer. Mr. Cain commented on questioning this basin before he was on Committee; questioning it and with other Township Committee Members since day one (of being on the Committee); and understanding there is a unique situation there. He said it is near breach level; they will have to employ a pump if Township gets the rest of the rain (predicted); he doesn't think it appropriate to continue pumping it into the aquifer in the Gravelly Run watershed; and he thinks it is time, as a governing body and a Township, to make them take care of it before it starts overflowing into 322 again. Mr. Cain asked if something could be done from a code enforcement standpoint and, if not, what are the Committee's options. Mr. Sandman suggested starting by contacting D.O.T. because they are a partnering with them and it is flooding their road. Mr. Cain said he thinks the Township has been as patient as it can be and needs to take whatever steps they can to move forward; to get them to realize that everyone else has complied; they haven't and it is one excuse after another. Mr. Sandman said he will look into it and report back. Mayor Silva asked Mr. Jacobs to also reach out to D.O.T.

Mr. Cain questioned the status of progress on the fire damaged house on Route 50. Mrs. Dix said the Zoning Board approval for demolition gave them one year and she believes that is up in September.

Mr. Cain asked if the repairs to the score board at the hockey courts was scheduled and suggested a there be a ribbon cutting ceremony when it is done. Mayor Silva said he thought they were waiting for parts. Ms. Gatto commented on a lot of work being done on projects on the recreation list and asked the Administrator to print out a report for the Committee so it can be reported to the residents. Mr. Jacobs said he just finished putting it together and will e-mail it to each of the Members; the equipment for the handicapped playground at the contractor's warehouse and work has started; some of the fencing projects are done; there was a change order tonight for fencing at Hickory Street.

September 4, 2012

Mayor Silva reported he will be attending the grand opening of the Jersey Federal Credit Union facility in Hamilton Mall at 10:15 on Friday. He said it was noteworthy to have a financial institution locating in the Mall in this economy; the Township is glad to have them; and it will be good for the shoppers, residents and visitors.

Public Comment:

Cheryl Fetty invited everyone to attend the Art in The Park Show on September 22<sup>nd</sup>. She asked how long pick up of the yard waste from the storm will go on. Ms. Gatto said it will go until the whole Township has been picked up at least once.

David Wigglesworth thanked the Committee for their concern about drainage basins. He said they have been a nuisance to the residents and the Planning Board Members. Mr. Wigglesworth said he couldn't agree more about the situation on Route 40; it is going to get cold sooner or later and it will be a real hazard if it overflows. He said he couldn't imagine what excuse a large developer could continue giving the residents for not fixing it. Mr. Wigglesworth commented on the work being done by Hamilton Mall and said they are going beyond the call of duty in fixing their basins.

Mr. Wigglesworth commented on a lot of negative things in the paper about the speed of government and said in Hamilton Township it is at least the speed of the private sector. He commented on the Committee taking care of performance guarantees and getting on the letter of credit before it expires. Mr. Wigglesworth said he appreciates it as a citizen.

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".

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

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

ATTEST:

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