

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
OCTOBER 21, 2013

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

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a copy of the notice of this meeting on the bulletin board in the municipal building and e-mailing a copy of the notice along with the agenda of 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, October 21, 2013.

A moment of silence for private reflection was observed.

Mayor Gatto and Committeewoman Dix presented the Hamilton Township Honors and Remembers Its Veterans Award to John T. DellaVecchia. The Mayor read a list of Mr. DellaVecchia's military service and awards. Michael Francis, on behalf of Congressman LoBiondo, presented Mr. DellaVecchia a letter and certificate thanking him for his service. Mrs. Dix commented on their long-time friendship going back to when he worked with her mother at Wheatons.

D'Anastasio Corporation presentation re: Tavistock Basin issues:

Mayor Gatto read a letter from Anthony J. Sciacca, Controller for D'Anastasio Corporation, dated October 17<sup>th</sup> explaining they would not attend this meeting because they had not received comments back from the Home Owners' Association Board of Directors to a plan that was sent to them after the June 13 meeting and their request that the Board advise them on their position regarding wet versus dry basins. The Mayor said she took the letter to be a lack of commitment and if they were waiting for answers this would have been the place to get them. She asked Mr. Sandman to take testimony for the record from Mr. Silva, Mr. Smith, and a member of the Home Owners' Association that attended that meeting.

Mr. Sandman asked Mr. Silva the date of the meeting, what his understanding was of the purpose of it and who was present. Mr. Silva said it was June 13<sup>th</sup> according to the letter and without looking at his calendar; they did an extensive walk of the property; the issues centered around drainage basins, drainage of water between the homes and the common area; the top coat of paving on some of the other sections that haven't been completed; maintenance needed on properties that weren't sold; construction material and old pallets that were strewn all over; silt fencing that was supposed to be put up. He commented on problems their sprinkler system and said they recently they spent \$68,000.00 in two of the phases because of shoddy workmanship; they're still addressing that issue; and it's probably cost them six figures when they get done. Mr. Silva said Mr. Sciacca, Jim Childs, Bob Smith, I, and John Anastasio were there. He explained that when they finished the walk through and went back to the community room and talked and he gave the developer 90 days to respond with action. Mr. Sandman asked if a representative of the bonding company was present. Mr. Smith said a representative from the Phase 3 and 4 bonding company was there. Mr. Sandman commented on the purpose of the meeting being to invite the developer to give us a plan of action. Mr. Silva commented on the developer scribbling some stuff on paper and said they were addressing all of the issues collectively. Mr. Sandman asked Mr. Smith if he was present at the meeting and what his understanding of the purpose was. Mr. Smith said it was kind of a global meeting to look at all of the issues regarding the development; the primary purpose of the walk through was so everyone could get a

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better handle on the issues in and around the dwellings which was the easiest issues for the developer to rectify; and the developer made a verbal commitment that he would begin working on those issues probably even prior to our June meeting. Mr. Sandman asked if any statements or representations were made by the representative of the bonding company. Mr. Smith said he thought the bonding company representative was there on an observation basis and didn't make any statement or render too many opinions to his recollection. Mr. Sandman asked if Mr. Smith recalled testimony he previously provided to the Township Committee upon which the Township Committee based their decision to declare them in default and if the condition he testified to then versus what he observed at that meeting were the same, better or worse. Mr. Smith said he did recall it; that some minor lot clean up of some of the vacant lots was done but for the most part they are the same. He said a full punch list for Phases 1 and 2 and a landscaping punch list for Phases 3 and 4 were issued. Mr. Sandman asked Mr. Smith if the lots are fee simple and if one of the issues is the water between the individual homes is occurring on land owned by the homeowners. Mr. Smith said that is correct. Mr. Sandman asked if there was a grade-plan certification; if building permits and COs were in fact issued and final as-builts received on a majority of these properties.

Mr. Smith explained that when the as-built survey is submitted prior to the issuance of the certificate of occupancy the Zoning Officer requires a statement on each individual survey that indicates the grading is in conformance with the approved subdivision plans and those items would have been submitted for anything that has a CO. Mr. Sandman said the certification with respect to grade would have been given to the Township and asked if it was sealed by an Engineer. Mr. Smith said he thought it's sealed by a Licensed Land Surveyor. Mr. Sandman commented on the top coat of asphalt being on the punch list and asked what Phases that was in. Mr. Smith said it was already installed in Phases 1 and 2 and has yet to be installed in Phases 3 and 4. Mr. Sandman asked Mr. Smith is he was aware of the letter submitted to him by the bonding company agreeing to do some of the top coating and that the bonding company is taking the position that they are not going to rectify the basins. Mr. Smith said he believed he saw the letter and that the position they took was that they were constructed in accordance with the approved plans and they were proposing no action, however, they had never seen any as-builts to document that. Mr. Sandman explained testimony was previously taken from Mr. Smith and the Township Committee authorized him to place the two companies on notice; he did that; there was a phase of negotiations between the bonding company and his law firm; then there was a subsequent phase of negotiations between representatives of the Township and the developer; and it appears to him that both have failed. He explained he has enlisted his Associate Diana Zamani to work with the transition counsel; that his office, Diana specifically, has had contact with the developer's attorney; and they were hoping he would be here tonight. Mr. Sandman said the Township Committee should redirect his office to take action on the bond if they decided that the attempts to negotiate have failed. He said Travelers bonding company, which is responsible for most of the improvements, has made an offer of settlement; Diana has conveyed that to the transition attorney; and therefore the Committee should not be the entity that's agreeing to a settlement particularly where that settlement does not include rectification of the basins. Mr. Sandman explained there is a significant legal issue which he wasn't going to say publicly. He explained that in the Planning process the developer has to comply with certain specifications which the Planning Board approved; they are set forth in approval documents; the developer is required to post a performance bond to ensure it's done that way; and in this case the bonds are issued to different entities who are not the current developer. Mr. Smith said he believed the Phase 1 and 2 bonds were issued for Bowman Associates who was the site work contractor; he thinks the bond for Phases 3 and 4 are issued for the West Bay Partners, LLC. Mr. Sandman explained that by making the offer of settlement the bonding companies acknowledge their liability and they have agreed to do many things but those things do not use up the entirety of the penal sums on the bonds. He said he would be terribly

uncomfortable making a recommendation to the Township Committee in the absence of some agreement with the folks that live there and he was delighted to hear that they've retained counsel. He explained said it is going to cost Tavistock folks some money in attorney's fees and that he thinks it's ultimately going to boil down to what they can and can't live with. Mr. Sandman explained the Township may or may not have the right to take enforcement action with respect to the issue of grade because it is not part of the public improvements and their job is to make sure the public improvements comply with the approved plan. He explained the things the homeowners are going to have to deal with through their counsel are probably things that lie on their own risk and that with guidance by the Township Committee and in conjunction with their counsel he can take action against the bond and make the bonding company hire a contractor to finish the work. He commented on the Township Engineer having to be involved because you don't want to put a topcoat on roads where big trucks are going to be going to complete the project. Mr. Sandman explained he that he didn't recommend that the Committee accept Travelers offer because it isn't going to complete the punch list items that the engineer has prepared. Mr. Sandman's Associate Diana Zamani said the Phase 1A bond originally issued by the Gulf Insurance Company has \$379,449.05 and she believes the full bond remains in place; the Phase 1B bond issued by Gulf Insurance was for \$52,881.91; the Phase 1C bond issued by Gulf remains at \$156,242.04; the Phase 2 bond issued by Gulf is for \$271,810.20; the Phase 3 bond originally issued by Westchester Fire for \$656,043.84 was reduced to \$375,356.94; and the Phase 4 bond issued by Westchester Fire is \$669,338.82 has not yet been reduced so there's a significant amount of bonds remaining. Ms. Zamani said she believed Travelers is actually taking over the bonds the Gulf bonds for Phases 1 and 2 and that Westchester Fire remains the bonding for Phases 3 and 4. Mr. Silva asked if the bonds for Phase 1 are for a particular construction project that has to be finished or can be utilized in different Phases in that area and the drainage between the homes and in common areas. Mr. Smith said he thought the drainage between homes issue has to be explored further because there are some items in there that may allow some wiggle room but the big ticket items represents specific construction, curbing, sidewalks, piping, and paving. He explained the majority of the work in Phases 1 and 2 is essentially complete; there is some concrete work and some landscaping but remediation of the basins the biggest issue and that's where the largest amount of money is being spent. Mr. Sandman asked which Phases the drainage basins are located in. Mr. Smith said there is at least 1 basin in Phases 1, 2, 3 and 4; he isn't 100% sure about the sub-phases 1A, 1B and 1C but there are basins in each one of the Phases. Mr. Silva asked if the settlement offer was referred to the Association's attorney. Mr. Sandman said it came in late June and that his office sent it to their attorney but it was only from one bonding company. Mayor Gatto suggested that anybody who attended the June meeting come to the mike and have Mr. Sandman ask them whatever questions he needs to. Mr. Sandman asked Richard Dickson if he is a homeowner and what he understood to be the purpose of that meeting. Mr. Dickson said he is a homeowner and that his understanding was that the builder was there to gather information about the problems the residents were having and that he was going to get back to them with a plan. Mr. Sandman showed Mr. Dickson a document and asked him to tell the Committee what it was and when the Association received it. Mr. Dickson explained it is the formal document their builder sent to show them how he was going to fix everything and that they got it about a month ago. He said there was no engineering studies on the plot plan the developer gave them; areas are marked mushy instead; and if that is what they were supposed to get and acknowledge, it's trash. Mr. Sandman asked if Mr. Dickson was a member of the Homeowners' Association; if he is an officer; and if the Association was formally developed and formed. Mr. Dickson said he is Vice Chairman of the Homeowners Association and that it is formally formed. Mr. Sandman asked Mr. Dickson if the Association has retained transitional counsel and if it was his intention as a member of the Board to have that counsel involved be with his law firm. Mr. Dickson said yes to both questions. Mr. Sandman asked if the homes in the development were fee simple, separately owned lots. Mr. Dickson said that was correct. Mr.

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Sandman asked if Mr. Dickson agreed that some of the ponding between their homes is on private property. Mr. Dickson said he did. Mr. Sandman asked what Mr. Dickson observed regarding the condition of the basins. Mr. Dickson explained it's a cause and effect situation; they have a problem with extending the mains; they are supposed to be dispersion ponds not retention ponds; and they aren't dispersing the water like they should. Mr. Sandman asked how long Mr. Dickson has lived there and if he ever observed anyone on behalf of the developer conduct any maintenance on the ponds. Mr. Dickson said he lived there about 7 years and he hadn't seen any maintenance during that time to his knowledge. Mr. Sandman asked if the Association has shared the settlement offer with their attorney. Mr. Dickson said they haven't at this point because he is new. Mr. Sandman explained the Township can't do it without him. He asked if Mr. Dickson recognized that they were about to engage in a partnership; that it is going to cost the Association money in terms of legal and perhaps engineering fees; and if they are prepared to do that. Mr. Dickson said yes. Mr. Sandman asked Jim Childs, President of Tavistock Homeowners' Association, how long he lived there. Mr. Childs said he has lived there seven years. Mr. Sandman asked if he ever saw anybody attempting any sort of maintenance on the drainage basins during that time. Mr. Childs said he hasn't. Mr. Sandman asked if Mr. Childs believed the basins have failed based on his observation. Mr. Childs said "yes". Mr. Sandman asked if it is the Association's desire to recommend to the Township Committee that they partner up and if the Association is prepared to recommend to their folks that they're going to have to spend some money. Mr. Childs said "yes" to both questions. Mr. Sandman explained there are issues as to whether something is a public improvement versus a lot improvement that he and Diana need to deal with the Association's attorney on. He commented on having to deal with the Township Engineer and perhaps with the Association's Engineer. Mr. Sandman said the first thing the Association needed to do is talk to their attorney about the settlement offer that's on the table. He asked Mr. Childs if he believes the developer failed him; if he was acting not just as a homeowner but also as the representative of the Board; and if he could represent that the Board believes the developer failed them. Mr. Childs said yes to all of the questions. Mr. Childs said there are over 200 homes there; that the developer has taken over \$30 million dollars out of their community in home sales; and he feels they deserve a better shake. Mr. Sandman asked if the failures of the developer affected their quality of life. Mr. Childs said "absolutely". Mr. Silva asked how many on the developer's side are authorized to sit on the Board and if they ever attended a meeting. Mr. Childs said one is authorized to sit on the Board; they haven't attended a meeting for an awful long time, not since he has been president; and about one or two times before that. Mayor Gatto asked how long Mr. Childs has been president. Mr. Childs said he this is his second year. Mrs. Dix asked how many sitting Board Members in addition to Mr. Childs and Mr. Dickson were present. One person raised their hand and Mr. Childs explained there are only four members on the Board. Mr. Sandman asked if Mr. Childs would like to tell the Committee anything else. Mr. Childs said they have a meeting tomorrow night and is sure they will find out what is going on and that he can't comment publicly on legal action because he doesn't want to answer a legal question that he knows nothing about. Mr. Sandman suggested that he be sent a notice if there comes a time when they have a meeting where their legal counsel will be present. Mr. Childs explained they have a power point presentation and they are inviting those who can attend and (the Committee) to see what they are up against with not only drainage issues but other issues also. Mr. Sandman asked if it could be put on a disk. Mr. Childs said he didn't know but he would get the answer to that. Louis Decicco said he has been on the Board almost since he moved in, about six years. Mr. Sandman asked Mr. Decicco if he ever saw any maintenance work done on the drainage basins in those six years. Mr. Decicco said they drained the front basin one time. Mr. Sandman asked if there were times while Mr. Decicco was on the Board when a representative of the developer attended a meeting. Mr. Decicco said "yes" but he couldn't remember the last time he was at a meeting and if it wasn't two years, it is close to it. Mr. Sandman asked Mr. Decicco if there was anything else

he would like to tell the Township Committee to persuade them to authorize him to file a lawsuit. Mr. Decicco said that in the six years he has been there, the Board was told they were going to take care of things, address things, and they have seen nothing get done. Mr. Sandman asked who "they" are. Mr. Decicco said it was Anthony Sciacca, the representative of the builder. Mr. Sandman asked what representations were made by Mr. Sciacca. Mr. Decicco said he made a representation on several occasions that the builder was going to address the pond issues; they were going to look at it and determine what's going to be done; they were looking at ponds in other townships to see what did and didn't work; and when they did the walk they were going to address the wet areas and it was never addressed. Mr. Sandman asked if the builder represented to the Association Board that they were responsible for that. Mr. Decicco said they definitely said they were going to address the wet spots but they didn't. Mr. Sandman asked Mr. Decicco if the Board maintains meeting minutes and if he could collect the minutes of meetings where those representations were made. Mr. Decicco said he would see what they have on record. He said his yard wasn't wet but he lives in the neighborhood and the neighborhood needs to be repaired. Mr. Decicco said the Board has hired legal counsel and have a transition attorney; they know it is going to cost them some money but they have to get the issues resolved. Mr. Sandman explained the Township Committee knows the history and that the Township taxpayers are going to incur money costs for Mr. Smith's work, for his work, and that they are engaging their professional staff to take action at a cost to the Township on behalf of the (Tavistock residents). Mr. Sandman asked if any Tavistock resident present has been there longer than seven years. Joann Herman said she will have lived at 54 Gasko Road for nine years in February. Mr. Sandman asked if she lived there year round and had lived there continuously for that period of time. Mrs. Herman said yes to both questions. Mr. Sandman asked Mrs. Herman if she ever saw anybody doing any maintenance on the drainage basins. Mrs. Herman said "no" and that she lives two doors from them. She said that she thinks Mr. D'Anastasio has a very negative attitude toward the development and anybody who tried to approach him about any of the problems that existed; that they were enthusiastic initially when people moved in; that they were willing to be flexible and wanted to understand what was wrong and how they could work with the builders to fix things; that a lot of promises were made; that at one point he came to a homeowners' meeting, never took his coat off, and was very arrogant. Mrs. Herman said she approached him with a number of issues at that meeting and he was not happy that she even addressed him. She said he has never once made an effort to sit down with the people and say "what are the problems; let us try to work on this; let me explain to you what I need to do or what problems I might have in rectifying any of these". Mrs. Herman explained that several years after she moved in, when people were so irate, there was a meeting at someone's house on her street but someone put the word out and the Press showed up; they interviewed several of the residents and went with several homeowners, walked through the slosh in their backyards, and it hit the papers. Mrs. Herman said (Mr. D'Anastasio) was irate and sent Anthony Sciacca and his Vice President of Sales to the development; they went house to house and came in as if they were your best friends; they wanted to sit down and talk to the homeowners individually about what they thought the problem was on their particular property, what they saw happening, and how they could work with them. Mr. Sandman asked Mrs. Herman if they came to her house, sat down and said those things. Mrs. Herman said they did. Mr. Sandman asked if anything was done. Mrs. Herman said nothing was done. Mr. Sandman asked Mrs. Herman if she believed the incomplete work and perhaps faulty work, whatever the issues are, affects her quality of life. Mrs. Herman said "absolutely". Mr. Sandman asked Susan Roberts how long she lived there. Mrs. Roberts said it will be ten years in December. Mr. Sandman asked if she ever saw anyone do any maintenance on the basins during those ten years. Mrs. Roberts said "no". Mr. Sandman asked if the situation that exists there now has affected her

quality of life. Mrs. Roberts said "yes". Mrs. Anderson gave Mr. Sandman two letters that were turned in to her just before the meeting. Mr. Sandman said he marked a letter to the Mayor and Council dated October 21<sup>st</sup> signed by John and Eileen Ferrarie as "B" for identification purposes and that he marked a letter to the Township Committee dated October 21, 2013 with April and Nicole Redmond, Janet and Vincent Scalen, Arthur and Rosemarie Cancro typed at the bottom as "C" for identification purposes. He explained he wasn't going to offer them into evidence at this time because he hasn't read them but he was offering into evidence those marked as "A" on today's date and it should be part of the record. Mayor Gatto explained that after the testimony heard, the history the Committee is aware of, and the Committee believes all efforts to negotiate with the developer have failed, she would be looking for a motion to direct the Solicitor to act in accordance with the alternative course of action in conjunction with the Tavistock attorney, Homeowners Association and the Township Engineer to call the bond. Mr. Guishard asked if the bond is against requirements the Township or Planning Board established against the developer and isn't for the home itself; it is for infrastructure and items that are requirements of the Township Planning Board. Mr. Sandman said that was correct. Mr. Guishard said he had no objection to the approach being taken but it is the Committee's decision and the Solicitor's recommendation that the Committee work with the residents also. He asked how it would be handled and if the Committee decides the developer has met the requirements but the residents aren't happy. He said this situation isn't unique and the Committee probably has to take a broader look at problems like these and how they treat them. Mayor Gatto said she thought the Committee has and are (doing that); that they went through it with Horizons at Woods Landing and Foxmoor; and they learned the hard way that to do their fiduciary responsibility to the taxpayers in terms of not unnecessarily spending any dollars and cents, they have to do diligence, which is why these things tend to take time. The Mayor said the Committee has to do what they can to partner with the developer and bonding company and at some point in time use their power as the Township Committee to compel the issues to get resolved and while it may cost the Township taxpayers' money, the Committee's job is to act in the best interest of the taxpayers. She said she thinks the Committee does diligence by allowing time to try to negotiate and work cooperatively and when that's not met, they have decisions to make. Mr. Sandman said the Committee did do something recently by changing the requirements for the top coat of paving from the issuance of COs to the issuance building permits. Mr. Silva commented on the Committee being serious about dealing with a lot of these issues six years ago when they set drainage basins as a priority along with the budget and strategic planning and said they didn't become a large problem for a period of time but once there was a downturn in the economy everyone saw the impact on the subdivisions and many developers and bonding companies going under. He commented on the Township being fortunate that these bonding companies still have money and are still legitimate. He said those 200 families deserve more than they are getting and at the very least they want the lifestyle they bought into. Mr. Silva said the Township has an obligation because the subdivision was approved by the Planning Board D & R and it was hoped that everything they were supposed to do would take place. He said he thought the concern now, with fewer lots to be developed, is what happens if the Committee doesn't put pressure on (the developer) to do what they are responsible for doing. Mr. Silva said it's time the Township held people responsible. Mr. Guishard said he agreed with that 100% but hoped that the Committee takes action to establish policies and develop an approach that avoids this kind of thing from happening. Mrs. Link said she thought the Tavistock community has taken every measure they could possibly take to remedy the problems they have endured; she thinks they need the Township's help as a community; and she believes that if the Township is to thrive as a community as a whole, it needs to have developments that are well respected to attract other people to come to Hamilton Township. Mrs. Dix commented on the condition of the base course and asked Mr. Smith if it will have to be restored to whatever is appropriate before the final paving goes down. Mr. Smith explained they typically walk through the phase and mark out the curbing, sidewalk, driveway apron and base course paving areas that to be done before they do the surface course paving;

that way they do all the concrete work and get the trucks out before they install the final surface; and after that work is done he does a final punch list. The Mayor said she would take a motion to direct the Solicitor to act in accordance with the alternate course of action, call the bond in conjunction with the Tavistock attorney, Tavistock Homeowners' Association and the Township Engineer. Mr. Sandman explained the Committee would authorize him to take whatever action is necessary and that includes suing the developer because he will seek the Association's advice as to issues that are not public.

Mr. Silva moved, seconded by Mr. Guishard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Robert S. Sandman, the Township Solicitor, is hereby directed to take any and all action necessary in conjunction with the Tavistock attorney, Tavistock Homeowners' Association and the Township Engineer for completion of all improvements required to be made under the performance guarantees for the Tavistock Project.

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

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

Mr. Silva moved, seconded by Mrs. Link, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Item 9.A, approval of the October 7, 2013 regular meeting minutes be and is hereby deleted from the agenda.

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

DELETIONS:

9.A Approval of October 7, 2013 regular meeting minutes.

ADDITIONS:

- 5.D Remington Vernick proposal for services re: Accessible Walkway at Underhill Park Playground - not to exceed \$9,900.00
- 5.E NJDOT request for resolution of support for NO PASSING zone on Route 40 in vicinity of M.P. 50.5 (New York Ave.) and M.P. 51.1 (Wal-Mart Drive).
- 5.F November meeting dates.
- 5.G Introduction of Ordinance #1758-2013 Authorizing Acceptance of Lot 7 in Block 758 from American Legion Post 254.
- 8.A Insert names of businesses:
  - 1) Classic Pizza Pie - pizza, pasta etc. @ 6394 Harding Highway.
  - 2) A J Auto Repair & Small Engines - auto repair & detailing and sale of collectible car toys, bottled water & prepackaged candy 6709 Harding Highway.
  - 3) Déjà Vu - cosmetics at Hamilton Mall.
  - 4) Philly Pretzel Factory - pretzels, hotdogs & fountain soda at Wal-Mart.
- 8.D Resolution of no objection to NJDOT and/or Atlantic County approval and issuance of permit to Oakcrest High School Tennis Team for a coin drop to be held at intersection of Cologne Ave. & Route 322 on November 16 & 17, 2013.
- 10.A Appoint Susan Giberson as Public Works Operations Supervisor at \$57,000.00 annually effective October 22, 2013.
- 10.B Authorization to advertise in-house for Deputy Operations Supervisor

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.

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Proposed amendments to Chap. 99 of the Township Code, Alarm Systems:

Mayor Gatto explained data shows there is an issue with false alarms. Mrs. Dix said the data wasn't included in the agenda packet. Mr. Silva asked if someone has talked to the Judge so that he understands if something comes before him that there is a fine and the Committee is serious about it. Mr. Jacobs said it is for both fire and burglary false alarms. Mr. Sandman explained the Committee needs to have some data because there has to be a basis for creating the Law. Mayor Gatto said everything is categorized when a call comes in to Dispatch; that at the ESAB Board meeting Frank Primavera, Mike Brandenberger and several Fire Chiefs spoke on their call data; and the recommendation was made on the basis of that and real-life experience of those who respond to the calls. Mrs. Link asked if the increases in fines were reasonable. Mayor Gatto said she thought the rationale was to put teeth into the Ordinance because they have consistently repeat offenders who find it cheaper to pay the \$25.00 fine than it is to correct the issues with their system. Mr. Jacobs commented on police officers and fire companies not being able to respond to real calls when they are responding to false alarms and on the fines not coming close to what it actually costs to respond. Mrs. Dix asked if they were primarily from residential or commercial (properties). The Mayor said it is mixed but she believes commercial stands out. Mrs. Link commented a lot of false alarms being curtailed by alarm system companies calling residents and asking it is a real alarm. Mayor Gatto said that depended on the service and if they call Dispatch, they have to respond. Chief Tappeiner explained they have a code and if the company doesn't get it in a set time period, they call the Township. Mayor Gatto commented on thinking the residential properties tended to be rentals that were vacant and something inside haphazardly triggered it and that has to be fixed. Mr. Guishard asked if any data had been developed on the actual cost to respond to a false alarm. Mr. Jacobs indicated he didn't think so.

Mr. Silva moved, seconded by Mr. Guishard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1757-2013 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the October 30, 2013 issue of the Atlantic County Record for a public hearing to be held in the Hamilton Township P.A.L. Center, 1305 Route 50, Mays Landing, New Jersey at 6:30 PM on Tuesday, November 19, 2013.

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

Township of Hamilton  
Atlantic County, New Jersey

Ordinance No. 1757-2013

AN ORDINANCE AMENDING SECTIONS 22 AND 25 OF CHAPTER 99,  
TITLED ALARM SYSTEMS, OF THE TOWNSHIP CODE:  
TOWNSHIP OF HAMILTON, ATLANTIC COUNTY, NJ

Be it ordained by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey as follows:

Section 1. Amend the Code of the Township of Hamilton, Chapter 99, Alarm Systems, Article II, Police and Fire Alarms, Sections 99-22, Prohibited number of false alarms, to read as follows:

1. Amend Section 99-22, Prohibited number of false alarms to read:

22. Any person, corporation, partnership or other entity who owns or controls a fire, burglar or other similar alarm or device in the Township of Hamilton which causes three false alarms in a calendar year shall be deemed in violation of the provisions of this article for each false alarm thereafter.

2. Amend Section 99-25, Violations and penalties, to read:

25. A. False Alarms. Any person, corporation, partnership or entity violating §99-2 of this article for a first offense (fourth false alarm in a calendar year) shall pay a fine of \$100; for a second offense (fifth false alarm in one calendar year) shall pay a fine of \$200; for a third and subsequent offense (sixth false alarm) shall pay a fine of not less than \$300 nor more than \$500. Penalties for a first and second violation may be paid through the Violations Bureau of the Municipal Court.

Section 2. Repealer. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or other ordinance enacted together with this Ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of same and, to this end, the provisions of each section, subsection, paragraph, subdivision or clause of this Ordinance, and of the ordinances reenacted together with this Ordinance, are hereby declared to be severable.

Section 4. Effective date. This Ordinance shall take effect upon final passage, adoption and publication in manner prescribed by law.

ATTEST:

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

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

\_\_\_\_\_  
AMY GATTO, MAYOR

ROLL CALL:	DIX	“AYE”
	GUISHARD	“AYE”
	LINK	“AYE”
	SILVA	“AYE”
	GATTO	“AYE”

ORDINANCE NO. 1757-2013 INTRODUCED AND PASSED FIRST READING ON OCTOBER 21, 2013.

Town Hall Structural Review report:

Mr. Jacobs explained Remington Vernick did an evaluation of the whole floor system in 2009; there wasn't anything emergent; they recommended certain strengthening under heavier file cabinets and that was done. He suggested that if heavy loads are going to be changed now, they should be asked to come and check it. Mrs. Dix asked if the Committee will have a plan and report from the structural engineer if it is decided to move something. The Mayor asked Mr. Jacobs if he would have a Structural Engineer come in and make a report for things that are planned for right now or for anytime. Mr. Jacobs said he can tell the Committee what, if anything has to be done. Mr. Guishard commented on assuming that an assessment would be made before calling the engineer because there is no point calling a structural engineer if a light filing cabinet is being moved and put near a wall.

Wheaton Mill complex update:

Mr. Sartorio said he sent Cotton Mill Associates, the owners of the property, an e-mail on October 11<sup>th</sup> putting them on notice that they had until today to provide a copy of their Structural Engineer's report for Building B and to start taking action to secure Building A; and that neither had been received by 4 o'clock today. He said the

October 21, 2013

Fire Official and Construction Officials also sent violation notices so penalties from both Fire Prevention and Construction will start on November 1<sup>st</sup>. He reported he hasn't heard anything as far as demolition but the demolition permit is still open so they can bring in equipment and finish taking the building down. Mr. Jacobs said those departments have accomplished a lot and a lot of work has been done over the last couple of months as far as demolition of that structure. Mr. Silva and Mr. Guishard commented on the condition of the buildings and graffiti on them. Mr. Sartorio said both Building A and the old boiler building need to be secured. Mayor Gatto asked Mr. Sartorio to make the owners aware they are welcome to come to any Township Committee meeting to make a presentation or personally give an update. Mrs. Link asked if they have a site plan or proposal of what they are going to do. Mr. Sartorio explained they had one prior to the fire and that he understands they rehired Mazur Associates to work on a new plan but he hasn't heard anything from them about when they will come in.

Engineer's proposal re: Accessible Walkway at Underhill Park Playground:

Mr. Smith explained it is for 5 handicap parking spaces and the walkway and all certifications of compliance with ADA. Mr. Jacobs said they are ready to start right away and just waiting for the Pinelands Board to meet to give their approvals. Mr. Smith explained the project could go out to bid before the Pinelands approvals are received but construction can't start until they are received and it will probably be ready to go to bid in two weeks.

Mr. Silva moved, seconded by Mrs. Link, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Remington, Vernick & Walberg Engineers proposal for preparation of bid documents, inspection and contract administration services for the proposed Accessible Walkway at Underhill Park Playground (Block 996, Lot 8) dated October 18, 2013 for a fixed fee not to exceed \$9,900.00 be accepted and the contract for same awarded to them.

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

NJDOT request for resolution of support for NO PASSING zone on Route 40:

Mr. Silva commented on this being one of many areas of safety concern that the Committee brought up to NJDOT. Mayor Gatto read the NJDOT letter explaining their Bureau of Traffic Engineering recommended the No Passing Zone based on their investigation and the resolution is the initial step required for NJDOT to legally establishing it.

Mr. Silva moved, seconded by Mrs. Link, that the following resolution be adopted.

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NEW JERSEY

RESOLUTION SUPPORTING ESTABLISHMENT OF NO PASSING ZONE ON ROUTE  
US 40 IN VICINITY OF M.P. 50.5 (NEW YORK AVENUE) AND M.P. 51.1  
(WAL-MART DRIVE)

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 40 in Hamilton Township (Atlantic County); and

WHEREAS, NJDOT recommends a revision to the centerline pavement markings on Route 40 to create a "No Passing Zone" along Route US 40 in the vicinity of M.P. 50.5 (New York Avenue) to M.P. 51.1 (Wal-Mart Drive) for safety reasons; and

WHEREAS, this project will create safer driving conditions in this area of Route US 40,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, in the State of New Jersey, that it supports the use of a "No Passing Zone" on Route US 40 in the Township of Hamilton as recommended by the NJDOT.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

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

November meeting dates:

Mayor Gatto commented on there previously being only one meeting in November and discussion at the reorganization meeting about having 2 meetings; they are scheduled for the November 12 and 25<sup>th</sup>; the first meeting in December is the very next week on December 2; and that she put this item on the agenda to see if the Members want to move them to one meeting on November 18. Mrs. Dix suggested that the Committee go back to the one meeting on the 12<sup>th</sup>, and cancel the one on the 25<sup>th</sup> because that is a three day week for the staff and the first meeting in December is on December 2<sup>nd</sup>. Mr. Sartorio explained the Zoning Board rescheduled their meeting to the 18<sup>th</sup>. Mr. Guishard said he would rather stick to one meeting. Mayor Gatto explained she will be out of town on the 12<sup>th</sup> and things are going to be discussed that she needs to be here for. The Mayor explained that before reorganization she thought the meeting would be on the 11<sup>th</sup> and she will be out of state to perform her friend's wedding on the 12th. She suggested November 19<sup>th</sup>. Mrs. Dix said it would be a special meeting; the entire agenda has to be advertised 48 hours ahead; and there can't be a late list. Mrs. Anderson said the agenda does not have to be advertised; it is posted and distributed; the notice that goes to the paper will strictly say that the meeting dates of the 12<sup>th</sup> and 25 have been cancelled and the November 12<sup>th</sup> meeting has been rescheduled to Tuesday, November 19<sup>th</sup>. Mrs. Dix said that her understanding of the law is that the agenda is limited to the 48 hour notice. Mrs. Anderson explained the Committee isn't calling a special meeting, they are revising the meeting schedule date.

Mr. Guishard moved, seconded by Mr. Silva, that the following resolution be adopted.

BE IT RESOLVED by that the regular meetings of Township Committee of the Township of Hamilton scheduled for Tuesday, November 12, 2013 and November 25<sup>th</sup> are hereby cancelled and the November 12, 2013 meeting is rescheduled to be held on Tuesday, November 19, 2013 at 6:30 PM.

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

The Committee paused the meeting briefly paused to recognize Joel Landau and congratulate him his moving on from The Press of Atlantic City to his new job with the New York Daily News. Mr. Sandman commented on Joel's fairness and professionalism in his reporting.

Introduction of Ordinance #1758-2013:

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1758-2013 be and is hereby introduced and passed on first reading and that the Township Clerk is authorized to advertise same in the October 30, 2013 issue of the Atlantic County

October 21, 2013

Record for a public hearing to be held in the Hamilton Township P.A.L. Center, 1305 Route 50, Mays Landing, NJ at 6:30 PM on Tuesday, November 19, 2013.

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

**TOWNSHIP OF HAMILTON**  
**ORDINANCE NO. 1758—2013**

AUTHORIZING THE ACCEPTANCE BY THE TOWNSHIP OF HAMILTON OF THE UNCONDITIONAL GRANT OF LOT 7 IN BLOCK 758 AS SHOWN ON THE TAX MAP FOR THE TOWNSHIP OF HAMILTON FROM THE MAYS LANDING POST NO. 254 OF THE AMERICAN LEGION AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

**WHEREAS**, the Township of Hamilton by Deed dated June 26, 2009, and recorded in the Office of the Clerk of Atlantic County as Instrument Number 2009053782 on July 30, 2009, did transfer to The Mays Landing Post #254 of the American Legion the Real Property identified as Lot 7 in Block 758 as shown on the Tax Map for the Township of Hamilton and commonly known as 6007 2<sup>nd</sup> Street in the Township of Hamilton for the sum of \$1.00; and

**WHEREAS**, said transfer was authorized by Township of Hamilton Ordinance No. 1635-2008 and made pursuant to N.J.S.A. 40A:12-21; and

**WHEREAS**, said Ordinance and said Deed, pursuant to N.J.S.A. 40A:12-21, contained a reversionary clause providing for the immediate reversion of said Real Property to the Township of Hamilton without any entry or reentry made thereon on behalf of the Township of Hamilton in the event that The Mays Landing Post #254 of the American Legion ceased to utilize said Real Property for their not-for-profit community service purpose; and

**WHEREAS**, The Mays Landing Post #254 of the American Legion has expressed to the Township of Hamilton its desire to Unconditionally Grant said Real Property back to the Township of Hamilton by Deed; and

**WHEREAS**, N.J.S.A. 40A:12-5 permits municipalities to acquire real property by purchase, gift, devise, lease, exchange, condemnation, or installment purchases.

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

**SECTION 1. ACCEPTANCE OF UNCONDITIONAL GRANT.**

The Mayor and other Township Officials are hereby Authorized to acquire title of Lot 7 in Block 758 as shown on the Tax Map for the Township of Hamilton, and otherwise known as 6007 2nd Street in the Township of Hamilton, County of Atlantic and State of New Jersey, from The Mays Landing Post #254 of the American Legion by Unconditional Grant formalized by Quit Claim Deed.

**SECTION 2. TRANSFER SUBJECT TO EXISTING LEASE.**

The transfer of title set forth of Section 1 hereto shall be subject to an existing Lease dated February 11, 1971 as between the Township of Hamilton and Reliance Hose Company #1 (now known as the Mays Landing Fire Company) who shall continue to have the use and occupancy of a certain building known as the Second Alarmers Building and all additions thereto, which Lease was for an agreed upon term of ninety-nine (99) years from the date of its execution.

**SECTION 3. SEVERABILITY and EFFECTIVENESS CLAUSE.**

(a) If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or enforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance. Except that this Ordinance shall not survive any determination by a court of competent jurisdiction that would result in this Ordinance authorizing the acquisition of title set forth in Section 1 hereto on a conditional basis or for good and valuable consideration.

(b) Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall take effect upon its final passage and publication as provided by law.

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC, and  
STATE OF NEW JERSEY.

ATTEST:

\_\_\_\_\_  
Joan I. Anderson, R.M.C.  
Township Clerk

\_\_\_\_\_  
Amy L. Gatto, Mayor

ROLL CALL: DIX "AYE"  
              GUISHARD "AYE"  
              LINK "AYE"  
              SILVA "AYE"  
              GATTO "AYE"

ORDINANCE #1758-2013 INTRODUCED & PASSED FIRST READING ON OCTOBER 21, 2013.

AWARD OF CONTRACTS:

Mr. Sandman excused himself from the conversation on this matter and left the table.

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

WHEREAS, on October 8, 2013, the following bid was the only one received for the FY2013 NJDOT Municipal Aid Project Reconstruction of Malaga Road - Section 3 (Rebid):

Asphalt Paving Systems, Inc.      Base Bid #2 Items 1-22      \$246,915.71  
P. O. Box 530  
Hammonton, NJ 08330

and

WHEREAS, the bid has been reviewed by the Township Engineer and Deputy C.F.O./Q.P.A. and determined to be the lowest responsible bidder,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the contract for FY2013 NJDOT Municipal Aid Project Reconstruction of Malaga Road - Section 3 (Rebid) be and is hereby awarded to Asphalt Paving Systems, Inc., in the amount of \$246,915.71 for Base Bid #2 Items 1-22 as recommended in writing by the Township Engineer.

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

Public hearing/Adoption - Ordinance #1755-2013:

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

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

Mr. Silva moved, seconded by Mr. Guishard, that the following resolution be adopted.

WHEREAS Ordinance #1755-2013 was introduced and passed first reading on October 7, 2013 and was duly advertised in the October 8, 2013 issue of the Atlantic County Record for a public hearing to be held on October 21, 2013; and

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

October 21, 2013

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1755-2013 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.1755 - 2013

AN ORDINANCE AMENDING CHAPTER 203, KNOWN AS THE LAND USE AND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF HAMILTON

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

SECTION 1. Chapter 203, Land Use and Development, of the Code of the Township of Hamilton is hereby amended as follows:

A. Amend Article XII, Subdivision, Site Plan and Conditional Use Approval, §203-123., General improvement requirements and specifications, by amending subsection (C) to read as follows:

C. Installation of improvements. No final plat of a major subdivision or site plan, or phase thereof, shall be approved by the Planning Board until the satisfactory completion of all required improvements, as set forth in the Planning Board's resolution granting preliminary subdivision or site plan approval, shall have been certified to the Planning Board by the Municipal Engineer, unless the developer shall have filed with the township a performance guaranty sufficient in amount and of a suitable form to cover the cost of all such improvements or the uncompleted portion thereof, as approved by the Township Engineer, and guaranteeing the installation of any such uncompleted improvements on or before a date to be specified by the Planning Board. All roadways shall have a base course installed no later than when construction permits have been issued for 10% of the proposed dwelling units and a final course no later than when construction permits have been issued for 90% of the units in the development phase covered by the guaranty. No minor subdivision shall be approved by the Planning Board until the developer shall have filed with the township a performance guaranty sufficient in amount to cover the cost of all required on-tract and off-tract improvements and guaranteeing the installation of such uncompleted improvements on or before a date to be specified by the Planning Board.

SECTION 2. Repealer. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or other ordinance enacted together with this Ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of same and, to this end, the provisions of each section, subsection, paragraph, subdivision or clause of this Ordinance, and of the ordinances reenacted together with this Ordinance, are hereby declared to be severable.

SECTION 4. This Ordinance shall take effect upon final passage, adoption and publication in manner prescribed by law.

ATTEST:

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

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

\_\_\_\_\_  
AMY GATTO, MAYOR

ROLL CALL: DIX "YES"  
GUSHARD "YES"  
LINK "YES"  
SILVA "YES"  
GATTO "YES"

ORDINANCE NO. 1755-2013 INTRODUCED & PASSED FIRST READING ON OCTOBER 7, 2013.  
ORDINANCE NO. 1755-2013 ADOPTED ON OCTOBER 21, 2013.

October 21, 2013

Public hearing/Adoption - Ordinance #1756-2013:

Mr. Jacobs explained the Ordinance doesn't add any additional head count; it takes one position out and puts another one in.

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

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

Mr. Silva moved, seconded by Mr. Guishard, that the following resolution be adopted.

WHEREAS, Ordinance #1756-2013 was introduced and passed first reading on October 7, 2013 and was duly advertised in the October 8, 2013 issue of the Atlantic County Record for a public hearing to be held on October 21, 2013; 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 #1756-2013 be and is hereby adopted.

RESOLUTION ADOPTED WITH MEMBERS GUSHARD, LINK , SILVA AND GATTO VOTING "YES", MEMBER DIX VOTING "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

**TOWNSHIP OF HAMILTON  
ORDINANCE NO.: 1756-2013**

**AN ORDINANCE AMENDING EXHIBIT A, SECTION 1  
ARTICLE II OF CHAPTER 66 OF THE CODE OF THE  
TOWNSHIP OF HAMILTON, PROVIDING FOR THE  
MAXIMUM NUMBER OF EMPLOYEES**

WHEREAS, an employee in the Finance Department has recently resigned, thereby providing an opportunity to change the job title from the job description of (non-union position) "Accounts Payable/Purchasing" to a job description of (union position) "Finance Clerk". This change will allow the new employee to assist with both Finance and Tax Collections; and

WHEREAS, this change will not increase the personnel cost of this department; and

**NOW THEREFORE BE IT HEREBY ORDAINED** by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that Article II of Chapter 66 of the Township Code, titled Personnel, shall be amended as follows:

**SECTION 1. Delete Position**

Amend Exhibit "A" Section #1, entitled FULL-TIME NON UNION EMPLOYEES, by deleting the following position:

Accounts Payable/Purchasing .....\$55,000.00

**SECTION 2. Delete Position from "CHART OF ORGANIZATION"**

Amend "CHART OF ORGANIZATION" by deleting the following full-time position:

Accounts Payable/Purchasing (Finance Office).

**SECTION 3. Add New Position**

Amend "CHART OF ORGANIZATION" by adding the following full-time position:

Finance Clerk (Location Finance/Tax Collection Office) salary as per Teamster Collective Bargaining Agreement.

**SECTION 4. Change Organizational Structure**

Amend "CHART OF ORGANIZATION" by moving the Tax Assessor's Office out of the Finance Department and adding it into the Administration Department.

**SECTION 5. Severability and Effectiveness Clause.**

- (a) If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
- (b) Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION 6. Effective Date.**

This Ordinance shall take effect immediately upon final passage and publication as provided by in law.

**TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC and  
STATE OF NEW NERSEY**

**ATTEST:**

\_\_\_\_\_  
**Joan I. Anderson, R.M.C.**  
Township Clerk

\_\_\_\_\_  
**Amy L. Gatto, Mayor**

<b>ROLL CALL: DIX</b>	<b>"NO"</b>
<b>GUISHARD</b>	<b>"YES"</b>
<b>LINK</b>	<b>"YES"</b>
<b>SILVA</b>	<b>"YES"</b>
<b>GATTO</b>	<b>"YES"</b>

**ORDINANCE #1756 - 2013 INTRODUCED AND PASSED FIRST READING OCTOBER 7, 2013 .  
ORDINANCE #17 56 - 2013 ADOPTED OCTOBER 21, 2013.**

Consent Agenda Item 8.C approval of items for sale on GovDeals was considered and acted on separately at the request of the Mayor.

Mrs. Dix moved, seconded by Mrs. Link, 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) Classic Pizza Pie - pizza, pasta etc. @ 6394 Harding Highway.
- 2) A J Auto Repair & Small Engines - auto repair & detailing and sale of collectible car toys, bottled water & prepackaged candy at 6709 Harding Highway.
- 3) Déjà Vu - cosmetics at Hamilton Mall.
- 4) Philly Pretzel Factory - pretzels, hotdogs & fountain soda at Wal-Mart.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the sum of \$42.00 is hereby authorized to be paid to Zlotnick & Feinberg, PA for professional legal services rendered during the period June 19, 2013 in Misty Pines Estates Phases 3 & 4; and

BE IT FURTHER RESOLVED that the aforesaid sum of \$42.00 is authorized to be paid from the Special Accounts established pursuant to an Escrow Agreement between Dayco Holding Corp., the Township of Hamilton and Susquehanna Bank (formerly Minotola Bank) dated November 23, 2005.

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

Items to be offered for sale on October GovDeals on-line auction:

Mayor Gatto asked that approval of the list be tabled because it includes the Mizpah fire truck and there has been no direction from the ESAB Board. Mr. Silva said that is why it had to be tabled months ago; that he thought they understood it was going on GovDeals; it is out of service; it won't be put in service anywhere in the Township; and has no practical use at this point. Mr. Jacobs said he just wanted their recommendation as a precaution. Mr. Sandman said the Committee can amend the list. Mr. Guishard asked when the next auction will be if this one is missed. Mrs. Dix said she understood that items can be submitted at any time. Mrs. Dix said she had asked that the aluminum row boat be brought back to the Cove because there is a use for it. Brett Noll said it has been sitting in the Public Works Yard for 4 years and the fire truck was on the last auction but not sold.

Mr. Silva moved, seconded by Mr. Guishard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following items are authorized to be offered for sale on GovDeals as recommended by the Director of Public Works including the fire truck from Mizpah:

- Miscellaneous light bars from garage
- Miscellaneous spare truck tires
- Pallet of miscellaneous parts from garage
- Aluminum bleachers
- Scotchlite heat lamp applicator
- 1982 Mack Fire Engine (engine 18-22 from Mizpah Fire Company)
- 9 Echo weed whackers
- 3 Stihl chain saw heads
- John Deere walk behind snow blower
- Lamda high pressure washer
- Rowboat from the cove
- Miscellaneous computer equipment from the basement
- Old phone system from town hall

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

Oakcrest Tennis Team application for Coin Drop at Cologne Ave. & 322:

Mayor Gatto said the Committee deemed that intersection to be dangerous and not to allow coin drops there. She asked if there was a change in that. Chief Tappeiner said there wasn't any to his knowledge. He said application came in Friday and he approved it. Mrs. Dix suggested having them move to the Leipzig Avenue intersection. Mayor Gatto suggested it be approved for "an approved intersection" subject to approval of the Police Department and in accordance with the Ordinance.

October 21, 2013

Mr. Guishard moved, seconded by Mrs. Link, that the following resolution be adopted.

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objection to NJDOT and/or Atlantic County approving and/or issuing a permit for the Oakcrest High School Tennis Team to hold coin drops at the intersection of Cologne Avenue and US Route 322 (Black Horse Pike) on November 16 and 17, 2013.

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

CLERK'S NOTE: The resolution of no objection reflects the location originally requested by the organization because on Tuesday morning I verified that the Cologne Avenue & 322 intersection was added to the list of approved locations by a resolution of the Township Committee adopted on March 5, 2012.

Mr. Silva moved, seconded by Mrs. Link, 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 order to be paid, the bill list total being \$1,562,005.71.

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

Mr. Guishard moved, seconded by Mrs. Link, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Susan Giberson be and is hereby appointed Public Works Operations Supervisor at \$57,000.00 annually effective October 22, 2013.

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

Mr. Silva moved, seconded by Mrs. Link, that authorization is hereby given for in-house advertising for the position of Public works Deputy Operations Supervisor.

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

Reports:

Mr. Jacobs reported there are five applicants for the Chief Financial Officer position and said a special meeting will be needed to conduct the interviews.

Mr. Silva moved, seconded by Mr. Guishard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that a Special Executive Session Meeting be held on Tuesday, October 29, 2013 at 5:30 PM in Conference Room A of the Municipal Building, Mays Landing, New Jersey for the purpose of conducting interviews with candidates for the Chief Financial Officer position.

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

Mr. Sandman explained the Township entered into a contract with the County some time ago to acquire lands located next to the Hess School under open spaces; a subdivision was required for 29 acres of the tract to be conveyed to the Township because the Board of Education may be required to build an early childhood education center; and the Planning Board granted the subdivision on Thursday.

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Mr. Smith said he had nothing to add to his written report. Mrs. Dix asked if the Township paved Cedarcroft Drive. Mr. Smith said it was part of the 2013 Road Program. Mrs. Dix commented on getting a complaint and asked if someone had a concrete driveway apron would it be replaced with concrete instead of blacktop when the road was paved. Mr. Smith said typically they are replaced in-kind and asked Mrs. Dix to e-mail the address to him.

Mrs. Link said she was pleased to see the Wine Festival was very well attended. She commented on Young's Skating center sharing their lot with the County and it being nice to see the County's cooperation.

Mrs. Dix said Marie Hebler, one of the oldest life-long Township Residents passed away today.

Mr. Guishard reported a presentation was made at the County League of Municipalities meeting on sharing, how difficult it is and how many obstacles come up. He reported a triathlon will be held in June 29, 2014 that will be competitive with the Iron Man Challenge; 50 locations in the world bid on it and Atlantic City was accepted. Mayor Gatto commented on the communities they will be going through being highlighted. She said she thought they will be using Cologne Avenue and Liepe Field was suggested as a stop. Mr. Guishard explained he suggested they have the bike part of it go through the Township.

Mr. Silva reported the County is spending a lot money on renovations throughout Lenape Park including the light house.

Mayor Gatto reported receiving a letter from Reverend Ash thanking the Committee for recognizing John Ash day on October 6<sup>th</sup> with a proclamation commending him on 50 years of service to the Presbyterian Church and the community.

The Mayor reported receiving word from the Merchants' Association that the Wine Festival was more heavily attended this year than last. She also reported she hasn't received any word back from the Association on a date for the business workshop.

Mayor Gatto reported that with implementation of the same sex marriage law she received a call from Rita Martino this morning that there was an application for a license; the Judge issued a waiver of the 72 hour waiting period; and that she married the Township's first same sex couple on the steps of Town Hall this afternoon. The Mayor commented on everybody not having the same opinion on it but she hopes that in Hamilton Township and New Jersey everyone will respect one another regardless of their opinion. She commented having to make a decision as the Mayor about whether or not to perform weddings and it has to be all or none.

There being no comment or questions from the public, Mr. Silva moved, seconded by Mrs. Link, that the public comment portion be closed.

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

Mr. Silva moved, seconded by Mr. Guishard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss the matters of Personnel which are exempt from public discussion pursuant to the New Jersey Open Public Meetings Law.

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

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

October 21, 2013

The public session adjourned to executive session at approximately 8:46 PM.

The governing body reconvened in public session at 10:08 PM. Mayor Gatto announced no action would be taken.

Mr. Silva moved, seconded by Mrs. Dix 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