

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
DECEMBER 2, 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 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, December 2, 2013.

Prior to the observance of a moment of silence for private reflection Mayor Gatto commented on the death of Former Police Chief Ronald Martin and read a brief list of his accomplishments and contributions to the community.

Mayor Gatto and Committeewoman Link presented the Hamilton Township Remembers & Honors Its Veterans award posthumously to the family of John B. Jones, Sr. The flag, pins and framed resolution were accepted by his daughter. Michael Francis made a presentation to the family on behalf of Congressman LoBiondo.

There was no executive session and no executive session confirmation.

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 be added to the agenda for consideration and action to be taken thereon tonight:

- 6.A Insert names of businesses: NONE
- 6.J Resolution to provide legal counsel and indemnification for Chief Tappeiner, Capt. Petuskey, Lt. Cooker, Sgt. Gehring & Officer Esposito in lawsuits filed against them pursuant to Chapter 17 §17-4 of the Township Code.
- 8.C Appointment of Conflict Labor Attorney.

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

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

Russell Bongiovanni, Sr., commented on a copy of a 13 page report that he received from the Board of Freeholders regarding the Veterans' Set Aside being given to all the Committee Members, Administrator and Township Clerk. He said the County Board of Freeholders tabled it and all of the reasons they tabled it are in the report. Mr. Bongiovanni said the County wants to add substance to it so it really benefits the veterans. He recommended the Committee table the Ordinance until the County makes a final decision, take all that information without spending money on legal costs, etc., because the State didn't do anything to add substance to it.

Veterans' Set Aside Ordinance discussion:

Mr. Guishard explained the State passed a law early this year giving municipalities the authority to set aside a percentage of their contracts for veterans. He said that procurement and follow up will be the same as it is with any other contract; there is no need for the State to give specific guidelines because the municipality does it all the time; veterans will have to meet the state qualifications and continue to meet them for the duration of the contract. Mr. Guishard commented attending two County Freeholder meetings, hearing all kinds of objections, not hearing anything that could or should stop the program. He said the Township has the expertise and experience to go ahead with it. Mr. Guishard commented on veteran problems

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related to not being able to find a job and said this won't solve the problem but it is a small step that might help; it has a very minimal cost; the Township would try to set aside contracts that local people would most probably be qualified for; they would be advertised locally; there has to be at least two bidders on a contract and their price has to be reasonable. Mr. Guishard commented on the Committee having to understand that this is a goal and if they don't meet it, they did the best they could.

Mr. Silva commented on not seeing the ordinance put together until this past week and the Members having just gotten the other information (from Mr. Bongiovanni) tonight. He said nobody would contest the fact that all the Committee Members support the veterans. Mr. Silva commented on the report saying that no other local government in New Jersey has acted on this ordinance and that the County may be proceeding too fast. He commented on not knowing that there would be minimum cost; not being sure if it will require one person or more than one to monitor it; and how much work will be involved. Mr. Silva said he is concerned that the Committee may be proceeding too quickly on it and asked if it had gone to the Veterans' Advisory Board or any comments had come in that it has endorsed by local veterans. Mr. Bongiovanni said he attended and recorded the Freeholder meetings; that he told Mayor Gatto it is beyond the Township's experience and capabilities; and it will take administrative experts.

Mr. Guishard said it isn't going to take experts beyond those the Township already has; contracting with veterans won't be any different than with anybody else; the only difference might be efforts needed to assure that they maintain their veteran status; all the comments he has heard are without substance; there is nothing difficult about it; the State is doing it and it can certainly be done here.

Mayor Gatto explained she is concerned about the section on certification, decertification and recertification of the veteran based business and that it is supposed to be administered by the Township Finance and Purchasing Department. She explained she is concerned about a certification process that the Township has to get involved in and the risks from a legal standpoint of the Township taking on the ability to certify or not certify somebody. Mr. Guishard said they must meet the State qualifications and have certification from them. The Mayor said there are three or four pages of what the Township has to do to ensure all of that. Mr. Guishard said they address what you would expect with any contract about what has to be specified.

Mr. Sandman said he hadn't been served with a copy of the report. He explained that the Local Public Contract Law requires a contractor to be responsible and responsive; that outside agencies do the certification, not the Township; and when a certified veteran bid comes in, he didn't think it is any different than any other bid the Township does. Mayor Gatto commented on the copy she received tonight saying on page 3 that certification must be done by the Affirmative Action Officer. Mr. Jacobs explained that was changed to the Finance and Purchasing Department anywhere it says the Affirmative Action Officer in the ordinance. He commented on working from the County Ordinance and trying to address things to reduce the staff work. He said there is an inherent risk legally; that this limits it to just the State of New Jersey; that to address that the Township would put on its electronic sign and TV station that veterans in the State interested in doing any type of Township work should let the Township know and that way the Township can define the project based on local people but when it goes out to bid it has to be open to everybody.

Mrs. Dix said there is a legal process that must be gone through to reject a bid and, depending on the reason, it could require a hearing and that is something to be concerned about; that Item F on page 4 needed to be changed from "15 days of the date of the notice" to "15 days from receipt of the notice" because you don't know when it left the post office; and Item XI on page 5 about whether the resources of the contractor "are adequate" and "the degree to which financial, equipment-leasing and other relationships with non-VBE firms vary from industry practice" needed to be clarified and understood as to what the measurements will be; and the meaning of "all securities" in Item D on page 6 needed to be clarified. Mr. Guishard said it had to do with actual ownership of the company and the securities that show the ownership is by a veteran.

Mayor Gatto asked if the VAB Board liaisons were involved in this. Mrs. Dix said she wasn't. Mr. Silva suggested the Committee let others get through this first and asked why they have to blaze a trail now when they have so many questions that have to be answered. He said it has nothing to do with whether or not they support the veterans, it has to do with understanding. He asked why it would be brought to a vote if he didn't see it until Wednesday and isn't 100%, maybe not even 10%, sold on it. Mr. Guishard said it didn't have to be voted on tonight. He said the County meetings being packed with veterans who supported it; that this was mentioned a long time ago; and that he told Mr. Bongiovanni he would look forward to bringing it to the Committee to help verify veteran businesses and let them know of the program's existence. Mr. Guishard commented on using the County Ordinance as a model and simplifying it to make it more appropriate for the Township's use.

Mayor Gatto said she understood that the County Ordinance is under legal review now. She said the Ordinance only ensures that it is a veteran owned business but it does not ensure that veterans are employed by them. Mr. Guishard explained a business qualifies if it is 51% owned by a veteran and 25% of the employees must be veterans if 51% isn't owned by a veteran. Mayor Gatto commented on recommendations made by Mrs. Dix; hearing a lot of good feedback that probably needs to be applied; and wanting the VAB Board to look at the Ordinance and give an endorsement. Mr. Guishard said it would take a considerable amount of time before the Committee would do anything if the VAB Board members were asked to review the Ordinance at their next meeting and come back with a response the following month. He said this is an Administrative decision that the Township Committee has to make. Mayor Gatto said the Committee has a Veterans' Advisory Board to advise them on veteran activities for the Township; that is why she asked for their review before and why she would like it now. Mr. Guishard suggested the VAB have a special meeting to address the Ordinance so the Committee doesn't have to wait for months to get this passed. Mr. Silva said it is better to be safe than lead into uncharted waters; no one seems to be in a hurry to get this done; and that he understands the need but the Committee has to be very careful to protect the community, government, its residents and make decisions that don't lead to something they will be sorry about later on. Mr. Guishard said he isn't in a big rush but he would like to move it; he thinks there is very little risk; and it is a benefit to the veterans. He said there are 1000 ways to kill a program, few ways to get it moving, and the Committee has no prudent reason to make the adjustments talked about.

Mrs. Link commented on sending kids abroad to fight and they have no jobs when they come back. She said she thinks if they did a good job over there, they will do a good job here. The Mayor said there was no disagreement with that. Mrs. Link said there are checks and balances; they are subject to the same rules and regulations as anyone else; and if they don't get past the Veterans' Business Enterprise step they won't be eligible to put a bid in. She said 5% of the Township's total gross contracts is a very small price; the Township will get a service and feel as though they contributed to their veterans in a real substantial way. Mrs. Link said this is the largest municipality in South Jersey and asked why they shouldn't lead the way.

Mayor Gatto asked if there was any reason to believe the Township wasn't already at the 5% goal and if it currently award contracts to a certain percent of veteran owned businesses. Mr. Jacobs explained he didn't have any mechanism for knowing that but they may be doing it.

Mrs. Link asked about putting out feelers for possibly veteran owned businesses and what things they would be interested in before the Committee passed the ordinance. Mr. Jacobs explained how they could do it. Mayor Gatto said the Committee has a Veterans' Advisory Board to advise them on these kinds of things; they live, work and do things in the community.

Mayor Gatto moved, seconded by Mr. Silva, that the proposed ordinance be tabled until the issues raised are refined and done by the VAB Liaisons and the Administrator working with the VAB Board to make this a quality project before moving any further.

MOTION CARRIED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

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There were no Business Registration Licenses to be approved.

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 \$24,450.00 Berkley Insurance Company bond #0171616 and \$2,445.00 Atlantic City Electric check #A00170186 be and are hereby accepted as the performance guarantee for Atlantic City Electric Company site improvements for their pole barn and basin maintenance project on Block 1029 Lot 2.01 at Route 40 and 32nd Avenue.

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

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 Sun National Bank letter of credit #2009061, the \$7,707.28 stormwater management system maintenance guarantee for Phase I of Delilah Oaks Construction Company Stone Crest project, and Sun National Bank letter of credit #2009063, the \$1,867.95 stormwater management system maintenance guarantee for Phase II of Delilah Oaks Construction Company Stone Crest project, are hereby authorized to be released upon their expiration on December 23, 2013 as recommended by Robert J. Smith, III, Township Engineer on October 7, 2013.

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

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 release of Hanover Insurance Company bond #BMY9003926, the \$29,478.00 non-stormwater management system improvements maintenance guarantee for SpiCo Food Services, LLC Taco Bell project is hereby **denied** due to uncompleted punch list items as recommended by Robert J. Smith III, Township Engineer, on November 15, 2013.

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

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 Change Order No. 1 - Final for the 2012 Road Program Phase I contract with Arawak Paving Company, Inc., a net increase of \$65,493.14 is hereby approved as recommended by Robert J. Smith III, Township Engineer, on November 18, 2013.

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

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 item of revenue with off-setting appropriations be inserted into the 2013 Municipal Budget pursuant to N.J.S.A. 40A:4-87:

Revenue Title: Bullet Proof Vest Program	\$2,867.28
Appropriation title: Bullet Proof Vest Program	\$2,867.28

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

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

WHEREAS, the Township Engineer received the following proposals for Asphalt Compliance Testing in accordance with NJDOT Municipal Aid requirements for Reconstruction of Malaga Road-Section 3:

Craig Testing Laboratories 5439 Harding Highway Mays Landing, NJ 08330	\$1,475.00
Martin A. Ackley Associates, Inc. 416 White Horse Pike Atco, NJ 08004	\$1,660.00
Pennoni Associates Inc. 515 Grove Street, Suite 1B Haddon Heights, NJ 08035	\$2,200.00

and

WHEREAS, Craig Testing Laboratories has been determined to be the lowest responsible proposer,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the proposal of Craig Testing Laboratories, Inc., is hereby accepted and the contract for Asphalt Compliance Testing for Reconstruction of Malaga Road-Section 3 is awarded to them in the amount \$1,475.00 as recommended by Robert J. Smith III, Township Engineer, on November 21, 2013.

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

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

RESOLUTION

WHEREAS, transfers are permitted between budget appropriations during the last two months of the fiscal year:

BE IT RESOLVED by the Township Committee of the Township of Hamilton, that transfers between year 2013 Budget Appropriations be made as follows:

Account No.	Account Title		From	To
23-220-2	Employee Group Insurance	Other Expenses	9,100.00	
		Salaries &		
20-120-1	Municipal Clerk	Wages	5,000.00	
		Salaries &		
20-150-1	Assessment of Taxes	Wages	6,550.00	
		Salaries &		
23-220-1	Health Benefit Waver	Wages		9,100.00
	Management of Information	Salaries &		
20-140-1	Systems	Wages		900.00
		Salaries &		
20-115-1	Human Resources	Wages		600.00
		Salaries &		
21-180-1	Planning Board	Wages		10,000.00
		Salaries &		
21-185-1	Board of Adjustments	Wages		50.00
		Totals	20,650.00	20,650.00

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

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

RESOLUTION REQUESTING CANCELLATION OF VARIOUS BALANCE SHEET ITEMS IN THE TOWNSHIP'S FINANCIAL STATEMENTS.

WHEREAS, there exists various balance sheet items in the Township's financial statements;

WHEREAS, the Auditor recommends that these balances be cancelled;

WHEREAS, Mayor and Committee can authorize the Chief Financial Officer to cancel said balances;

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer be authorized to cancel the following balance sheet items:

Grant Fund:

Grants with Revenues and Offsetting Appropriation \$2,200.00

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

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

RESOLUTION REQUESTING CANCELLATION OF CHECKS ISSUED

WHEREAS, certain checks are outstanding and can be cancelled; and

WHEREAS, it is necessary to formally cancel said checks so that the unexpended amounts may be returned to each respective Fund

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WHEREAS, Mayor and Committee can authorize the Chief Financial Officer to cancel said checks;

NOW THEREFORE, BE IT RESOLVED that the Chief Financial Officer be authorized to cancel the following outstanding checks:

Fund	Bank	Acct#	Check No.	Amount
Current	Bank of America	X8956	29162	785.76
Housing	Bank of America	X4912	1087	199.00

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

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

**TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NEW JERSEY**

RESOLUTION D&I #1-2013

**AUTHORIZING THE TOWNSHIP OF HAMILTON
TO DEFEND AND INDEMNIFY EMPLOYEES**

WHEREAS, Nicholas J. Dare, Sr. and Rita A. Gribbin, as Administrator of the Estate of Nicholas J. Dare, Sr. (*hereinafter sometimes referred to as "Plaintiff"*) has brought a lawsuit against the Township of Hamilton, Police Chief Stacy Tappeiner, Mark Cooker, Sergeant Christopher Gehring, Captain Michael Petuskey, Patrol Officer James A. Esposito and John/Jane Does (1-10) in the Superior Court of New Jersey, Atlantic County, Law Division, under Docket No. ATL-L-002323-12 (*hereinafter referred to as "the Lawsuit"*); and

WHEREAS, the above-referenced Lawsuit has presented claims against each of the named Defendants alleging a violation of the United States Civil Rights Act and the Civil Rights Act of the State of New Jersey; and

WHEREAS, heretofore, the Township of Hamilton has adopted an Ordinance to provide a defense, indemnity, and hold harmless employees of the Township of Hamilton from proceedings arising out of, or incidental to, the performance of official duties by such employees; and

WHEREAS, the Solicitor for the Township of Hamilton and assigned counsel for the Township of Hamilton and other Defendants in the above-referenced litigation, have reviewed the Complaint referred to above, and the underlying facts and circumstances concerning the claims presented by Plaintiff in the afore-mentioned Lawsuit; and

WHEREAS, following a review of the underlying facts and circumstances, the Atlantic County Municipal Joint Insurance Fund (*hereinafter referred to as "the JIF"*) has assigned counsel for the Township of Hamilton, Police Chief Stacy Tappeiner, Mark Cooker, Sergeant Christopher Gehring, Captain Michael Petuskey and Patrol Officer James A. Esposito. The Solicitor for the Township of Hamilton and assigned counsel have determined that at all times concerning all events complained of in the aforesaid Lawsuit, Police Chief Stacy Tappeiner, Sergeant Christopher Gehring, Captain Michael Petuskey and Patrol Officer James A. Esposito acted within the scope of their respective duties and employment for the Township of Hamilton, and at no time carried out any duty or employment act with actual fraud, actual malice, willful misconduct, or intentional wrongdoing; and

WHEREAS, there is good and sufficient reason to provide for complete indemnification of Police Chief Stacy Tappeiner, Mark Cooker, Sergeant Christopher Gehring, Captain Michael Petuskey and Patrol Officer James A. Esposito in accordance with Hamilton Township Ordinance No. 1276-97 and the Laws of the State of New Jersey including, but not limited to, N.J.S.A. 59:10-4, et. seq., and the Appellate Division Decision in *Loigman v. Board of Chosen Freeholders of the County of Monmouth*, 329 N.J. Super. 561 (App. Div. 2000); and

WHEREAS, the Legislature for the State of New Jersey has conferred plenary authority on the local public entity, such as the Township of Hamilton, to determine whether indemnification of a punitive damage award is appropriate under given circumstances; and

WHEREAS, we find, in our opinion, that there is no basis for any punitive damage claim in the afore-mentioned Lawsuit, much less a punitive damage claim, against Police Chief Stacy Tappeiner, Mark Cooker, Sergeant Christopher Gehring, Captain Michael Petuskey and Patrol Officer James A. Esposito; and

WHEREAS, we further find that it is in the best interest of the Township of Hamilton to recognize and provide a defense and indemnification for public employees who are subjected to lawsuits for acts or omissions incidental to the performance of their official duties so that those who enter public employment should not have to fear that the performance of their duties will expose them unnecessarily to the risks of civil litigation with the potential of damages against them individually; and

WHEREAS, we further recognize and acknowledge that, in order to have high caliber officials and employees attracted to employment with the Township of Hamilton, it is essential that indemnification be provided to such employees under appropriate circumstances, and we find those appropriate circumstances to exist in this case for Police Chief Stacy Tappeiner, Mark Cooker, Sergeant Christopher Gehring, Captain Michael Petuskey and Patrol Officer James A. Esposito;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee for the Township of Hamilton, County of Atlantic, that we hereby fulfill our legislative duty in reaching this determination within our governmental discretion with respect to *Nicholas J. Dare, Sr. and Rita A. Gribbin, as Administrator of the Estate of Nicholas J. Dare, Sr. v. Township of Hamilton, Police Chief Stacy Tappeiner, Mark Cooker, Sergeant Christopher Gehring, Captain Michael Petuskey, Patrol Officer James A. Esposito and John/Jane Does (1-10)*, Civil Action under Docket No. ATL-L-002323-12, venued in the Superior Court of New Jersey, Law Division, Atlantic County and the named Defendants, Police Chief Stacy Tappeiner, Sergeant Christopher Gehring, Captain Michael Petuskey and Patrol Officer James A. Esposito:

1. Police Chief Stacy Tappeiner,
2. Mark Cooker,
3. Sergeant Christopher Gehring,
4. Captain Michael Petuskey and
5. Patrol Officer James A. Esposito,

named as Defendants in the matter of *Nicholas J. Dare, Sr. and Rita A. Gribbin, as Administrator of the Estate of Nicholas J. Dare, Sr. v. Township of Hamilton, Police Chief Stacy Tappeiner, Mark Cooker, Sergeant Christopher Gehring, Captain Michael Petuskey,*

Patrol Officer James A. Esposito and John/Jane Does (1-10), Civil Action, Docket No. ATL-L-002323-12, are entitled to a defense and complete indemnification for any and all claims made against them or any of them and for any and all damages sought to be imposed upon them, or any of them in the said matter including, but not limited to:

- (a) Compensatory Damages;
- (b) Punitive Damages;
- (c) Attorney's Fees;
- (d) Costs of Suit;
- (e) Interest; and
- (f) Exemplary Damages.

if any, should they ever be awarded based on the allegations currently set forth in the afore-mentioned Lawsuit as alleged by the Plaintiff, all in accord with N.J.S.A. 59:10-4, and the Appellate Division Decision in **Loigman v. Board of Chosen Freeholders of the County of Monmouth**, 329 N.J. Super. 561 (App. Div. 2000), and the public policy in the State of New Jersey to provide that those who enter into public employment should not have to unnecessarily fear that the performance of their duties will expose them unnecessarily to the risk(s) of civil litigation with the potential for damages which could bankrupt or otherwise cause significant financial harm to such public employees and public officials, individually.

NOW, THEREFORE, BE IT FURTHER RESOLVED and decided that this Resolution shall take effect immediately.

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

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 all properly executed and approve payrolls are hereby ordered to be paid, the bill list totaling \$609,865.71.

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

Frank Tomasello appointment to fill Joseph Nickels III unexpired MUA term:

Mr. Silva said Mr. Tomasello called and told him that he intends to step down from the Zoning Board.

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

BE IT RESOLVED by the Township Committee of the Township that Frank Tomasello be and is hereby moved from Alternate I on the Hamilton Township Municipal Utilities Authority (HTMUA) to fill the Regular Member unexpired term of Joseph Nickels, said term expiring February 1, 2018.

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

NOTE: Mayor Gatto explained she was voting yes because Mr. Tomasello is stepping down from the Zoning Board and that since coming on the Township Committee she has wanted to be sure the Boards and Commissions are kept varied, diverse and to not have any one person serve on too many boards. The Mayor said the Committee appreciated Mr. Tomasello's service on the Zoning Board.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Pamela Alleyne be and is hereby appointed the Planning Administrator effective December 6, 2013 at an annual salary of \$56,000.00.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that James Birchmeier be and is hereby appointed Conflict Labor Attorney at \$135.00 per hour.

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

Reports:

Mr. Jacobs reported the Municipal Court Judge's appointment is up at the end of the year and if the Committee wanted him to ask the Judge to send a letter if he is interested in being reappointed. There were no objections to doing that and not putting out an RFQ for it. Mrs. Dix asked if the Township needed to do an RFP for Tax Appeal Attorney because there was an issue last year with a conflict in Mr. Sandman's office. Mr. Jacobs explained the Township had to go to its conflict attorney for it because the attorney in Mr. Sandman's office that used to do the tax appeal work is now a Freeholder. He suggested Mr. Sandman give an opinion on whether the Committee can use the conflict attorney they already have next year. Mr. Sandman explained no one from his firm can appear before the Atlantic County Board of Taxation because his associate, Colin Bell, is now an elected Freeholder but the bulk of the appeals are in (State) Tax Court and he defends those. He said he thought there were 2 days of tax appeals held in the County last year; it is very limited.

Mr. Jacobs reported receiving a call about the temporary signs going up around the Township and that he had spoken to the Police Chief and Public Works Department about enforcement some time ago. Mr. Jacobs recommended a Saturday morning be set aside for them to pick up signs where there is a concentration of them and then sending the owners letters telling them they can come pick up their signs but there will be a citation issued if the Township picks them up again. Mr. Silva commented on it being the ones put up high on telephone poles, not just the lawn signs, and asked if the electric company ever addressed the issue and if there would be a problem with the Township removing them. Mrs. Dix said there would be a liability issue. Mr. Jacob said they all have policies on that and he will talk to them in a general way. Mrs. Dix said developers of Lennar and Woods Landing put them up on Friday and take them down on Sunday and she has an issue with taking down signs directing people to projects in town that are trying to sell houses which will put more ratables on the books. She said she thought the courtesy of two phone calls to say the Township doesn't want that done would be better than pulling the developers signs down. Mrs. Dix said signs for someone hydro-seeding, power-washing, etc., is a different issue and she thinks the Township has to have a little softer approach with taxpayer developers trying to sell houses. Mayor Gatto said she didn't think the Township can discriminate. The Mayor commented on the signs along Route 50 and Route 322 and said she is completely fine with their removal. Mr. Silva commented on them being distracting and the number at the Ocean Heights Avenue and Somers Point Road intersection. Mr. Jacobs explained he brought it to the Committee to make sure they were on board with it because there will be people who will say it hurt their business. Mr. Silva agreed discretion has to be used and that notification is fair warning. Mrs. Link asked if there were any exceptions to the Ordinance to allow real estate signs. Mr. Sartorio explained real estate signs are allowed on the property being sold. The Mayor said there are realtors who can get the word out about available housing.

Mr. Jacobs reported receiving a request from a resident whose brother owns a house that fronts on Main Street and runs back to Heritage (Lane); their driveway is partially on the neighbor's property; the neighbor wants to reclaim that property; and she is concerned about the cost of a road opening permit. He explained he told her he didn't have the authority to do anything for her but would bring it to the Committee and that most of costs are for the engineer. Mayor Gatto suggested the CBDG program might be able to provide financial assistance.

Mr. Jacobs reported on advice the Police Department gave him and his wife on how to be secure while shopping and said they appreciated it.

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Mr. Jacobs reported receiving a letter from a property owner on Lenape Avenue who wants the peeling sidewalk replaced. Mr. Smith explained that is from the 2008 Road Program and that he would get in touch with the contractor and see if he can get it replaced. Mr. Silva said it is always going to peel like that.

Mr. Sandman had nothing official to report. He commented on wanting to contribute \$200.00 to help cover the project costs of Henry Lisitski's Eagle Scout Project and asked permission to present his check to Henry's grandmother who was in the audience.

Mr. Smith had nothing to add to his written report. Mrs. Dix asked how close they were to tearing down the houses in Harding Lakes. Mr. Smith explained the contracts were sitting somewhere in the contractor's office for several weeks; he anticipates having them back in the next couple of days; as soon as the bonds and insurance are reviewed they will be given to the Mayor to sign; and the preconstruction meeting will be scheduled as soon as he gets the contracts.

Mrs. Link reported Santa will be arriving at Young's Skating rink on December 14th.

Mrs. Dix reported Santa will be at the VFW from 10-1 on the December 14th and at the Masonic Lodge on the 7th.

Mrs. Dix reported she and Mr. Guishard attended a meeting where Gerry DelRosso spoke about the coming County Dispatch System and said every fire department wants the county-wide system. She reported the County Executive talked on the radio about continuing to look at the County-wide Tax Assessor issue and about the 911 dispatch system.

Mr. Guishard reported attending the New Jersey League of Municipalities Convention where people from all around the State presented topics for discussion and seminars. He said it was a tremendous opportunity to learn experiences of others and pick up great information.

Mr. Silva commented on seeing the small staff of Public Works Department doing so much work at Liepe Tract, Underhill Park, the point at Gaskill Park, and decorating (Memorial Park). He said it is nice to see the community come together (at the tree lighting); gallons of hot chocolate and over a 1000 cookies were given out. Mr. Silva reported the 200 anniversary celebration will come to an end on February 5, 2014; he and Mayor Gatto will be working with the Merchants' Association try to have the 50 minute film Oakcrest put together shown in the meeting room on February 4th and have some refreshments. Mayor Gatto said it will be at 7 PM.

Mayor Gatto said the holiday lighting in the Park was wonderful. She congratulated the Powder Puff from Oakcrest on beating Absegami 6-0. The Mayor reported the Dickens of a Holiday put on by the Historic Society will be held on December 7th; it will include breakfast with Mr. and Mrs. Santa Claus at the Masonic Lodge from 8-11; and read a list activities that will be held in War Memorial Park from 12 to 5.

Public Comment:

Russell Bongiovanni, Sr., said the majority of Atlantic County's bids are given to people out of the County because they can't get the interest from businesses in the County. He explained his concern about the 51% of the business owned by a veteran because that gives a job to one veteran and it was discussed to have additional veteran employees over and above the 51% of ownership.

Bruce Strigh thanked the Committee and Mr. Jacobs for addressing the sign issue. He said he thinks the developers are the worst offenders; they typically put up 6 or more; and there were no less than 5 on Babcock Road between Route 40 and Somers Point Road two weeks ago.

Mr. Strigh commented on having had the opportunity to sit on various Township Boards and currently being on the Zoning Board. He said that many times the developers' advocate will come before the Board; give the Board documentation supporting their application that night; none of the Members of the Board had any time whatsoever to review it; they are important documents; its evidence for their appeals; the Members don't have time to read the information, digest it and ask questions. Mr. Strigh said he didn't know how they can make an informed vote that will affect the outcome of the entire Township, particularly in use variances. He commented on Mr. Silva saying he just got some information (on the Veterans' Set Aside ordinance) until Wednesday and the Mayor getting some things tonight. Mr. Strigh said he knows there was a rush on some people's part to get it through but it is scary to see things pushed to introduce an ordinance tonight for a public hearing on December 16th. He said he was sure it is an important issue to some, not everybody; he was glad to see the Committee put it off; and if something is worth having, it is worth getting all the information. Mr. Guishard said one way to get is to bring it out and discuss it and he had no problem with that.

There being no further questions or comments from the public, Mr. Silva moved, seconded by Mr. Guishard, 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 discussed tonight, Mr. Silva moved, seconded by Mr. Guishard, that this meeting be adjourned.

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

ATTEST:

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