

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
NOVEMBER 14, 2011

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 Charles Cain Jr., Dr. Harvey Kesselman and Roger Silva. Committeeman Palmentieri was excused due to illness. Also present were Michael S. Jacobs, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor, and Robert J. Smith III, Township Engineer.

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice of this meeting on the bulletin board in the municipal building and by e-mailing a copy of the notice along with the agenda of this meeting to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 PM on Monday, November 14, 2011 in the municipal building, Mays Landing, New Jersey.

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

WHEREAS, N.J.S.A. 40A:16-3 provides that the governing body may excuse a member from attendance or participation in any meetings of said body for a period of eight (8) consecutive weeks for reasons of illness; and

WHEREAS, Committee Member Thomas Palmentieri has been unable to attend meetings since October 3, 2011 and the eight (8) consecutive weeks provided for in N.J.S.A. 40A:16-3 officially ends November 28, 2011; and

WHEREAS, Committee Member Palmentieri requested to be officially excused from attendance or participation in any meetings due to illness effective the date of his first missed meeting,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Thomas Palmentieri be and is hereby excused from attendance or participation in any meetings effective October 8, 2011 for reasons of illness.

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

A moment of silence for private reflection was observed.

Mr. Silva read the following Proclamation which was signed by the members of Township Committee. Copies were accepted by Sheldon Silver, Allen Rhodes and George Ausby on behalf of V.F.W. Post 220, the Hamilton Township Veterans' Advisory Board and the Vietnam Veterans.

**"PEARL HARBOR REMEMBRANCE DAY"**  
**DECEMBER 7, 2011**

WHEREAS, on December 7, 1941, 2,403 American military personnel were killed and another 1,178 injured when the Japanese forces conducted a surprise attack on the United States military base in Pearl Harbor, Hawaii; and

WHEREAS, 18 ships and 350 aircraft were destroyed in that devastating attack, crippling the United States Pacific Fleet; and

WHEREAS, that attack plunged the United States into World War II and brought it into an alliance with England and France against the powers of Japan, Germany and Italy; and

WHEREAS, the attack on Pearl Harbor became a rallying cry for the American people and brought about an indomitable partnership between the United States and its allies that ultimately defeated the Axis Powers and secured a period of peace and freedom throughout the world; and

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WHEREAS, the sacrifices of those valiant men and women stationed at Pearl Harbor on that day, some of whom gave their very lives, should never be forgotten,

NOW, THEREFORE, the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, does hereby proclaim WEDNESDAY, DECEMBER 7, 2011 "**PEARL HARBOR REMEMBRANCE DAY**" in the Township of Hamilton and urges all residents to attend the Remembrance Service being held at the V.F.W. Post 220, on Wednesday, December 7, 2011 at 1 P.M.

Mr. Silva moved, seconded by Mr. Cain, 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 following matters which are exempt from public discussion pursuant to the New Jersey Open Public Meetings Law:

- 1) Land contract in Industrial Park.
- 2) Litigation settlement.

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

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

The governing body reconvened in public session at approximately 7:05 PM.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following items be added to the agenda for consideration and action to be taken thereon tonight:

8.A Insert Business Names:

- (1) Brookstone Stores Inc. #924 - retail store at Hamilton Mall.
- (2) The India Store - imported handcrafts retail store at Hamilton Mall.
- (3) Cheech Brothers - pizza/subs/takeout/catering on Old Harding Highway.
- (4) Unique Gifts - retail gift shop at Hamilton Mall.

BE IT FURTHER RESOLVED that approval of the October 3, 2011 executive session and the October 17, 2011 regular meeting minutes be and is deleted due to their being inadvertently omitted from the agenda packets at the time of distribution.

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

Executive Session confirmation(s):

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that settlement with the Liepes in accordance with the discussions in executive session with regard to Open Space be and is hereby approved.

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

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

Russell Bongiovanni, Sr., said most residential rental ordinances and state statutes on them lean heavily toward the landlord and suggested the Committee consider putting something in the proposed ordinance that would allow the landlord to request inspection based on the original guidelines at any time during or nearing the end of the lease. He explained that if he fixes up a unit perfect and a tenant trashes it he wants the right to have it re-inspected for a \$50 or \$75 dollar fee at any time on so many days notice particularly near the end of the lease or in case he is evicting them. He said no other town in the state has that and this could be the first one to have it and that he thought it should be considered in all fairness to the landlords. Mr. Bongiovanni commended the Committee for adopting the International Property Maintenance Code Ordinance and thanked them for all the work they did on it. He said the square footage that constitutes a bedroom is critical and that in Lakewood they had a sticker on the door right over or near the refrigerator that told how many people could live in the unit.

Mr. Bongiovanni asked what was being done under Item 5.E, Ownership of Drainage Basins. Mr. Cain explained the Committee is concerned about the Township getting drainage basins back from developments and said the Solicitor would speak on it. Mr. Bongiovanni commented on drainage basin problems at Victoria Point and said the developer is probably 20-30 units away from build out and he is concerned that there may not be enough money in their bonds. He expressed concern that it (remediation) could bankrupt the builder and said that if the developer doesn't take care of it it will bankrupt the Association.

Sheldon Silver, Commander of VFW Post 220, said there was supposed to be a decision made on where coin drops could and couldn't be held. Mayor Gatto explained it will be discussed before the ordinance is introduced.

Allen Rhodes, the VFW Quartermaster, commented on the VFW paying over \$3,000.00 a year for a \$1 million liability policy and said that is more than they make at a coin drop. He said they also pay the state a \$25.00 permit fee plus \$10 a day for coin drops. Mr. Rhodes said these are expenses for them to conduct a coin drop. Mr. Rhodes commented on also renting out their hall to cover expenses and said it is over \$2,000.00 a month to maintain the hall. Mayor Gatto asked if the Veterans' Organizations were in favor of maintaining their ability to conduct coin drops.

Revised Coin Drop Ordinance:

Mr. Silva suggested the permitted locations be made known before starting the discussions. Mayor Gatto explained the Committee is looking at this because they experienced some issues with regard to coin drops in terms of who is doing it; who is collecting it; adults versus children; the safety and well being of the various locations because of traffic concerns; and the amount of coin drops going on at one time. She said they are trying to make positive changes that will maintain the safety and wellness of those doing the coin drops as well as the Township from a liability standpoint. Mr. Silva commented on an article in the Press the day before yesterday regarding coin drops and said he thinks it is a general concern throughout the County. He said anyone who takes it lightly doesn't understand what could happen especially when there are so many inattentive drivers. Mr. Silva said it only takes a split second to cause a fatality and he thinks they are all concerned about that. Mr. Silva read the locations listed in Section 3.G and said he would like to amend it to add the following intersections: Cates Avenue and the Black Horse Pike, Weymouth Road and the Black Horse Pike and Estelle and Landis Avenue. Dr. Kesselman asked if the reason for adding those locations was equity. Mr. Silva said it was. He commented on the difficulty for traffic to traverse Wrangleboro Road and said there will be another shopping area there with a road going off Wrangleboro into that shopping center. He said that area has been taken off the map in terms of solicitations. Mr. Silva commented on rear-end accidents being experienced there.

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Mayor Gatto asked Chief Tappeiner if he was aware of any issues at any of the added locations. Chief Tappeiner said he wasn't. He explained the original recommendations were just based on making sure there was a traffic control device. Mr. Silva said the Weymouth Road location hasn't been as congested as some of the others and that Cates Avenue slows up to a degree all of the time. Chief Tappeiner explained one of the considerations was that at some of the areas back up at the light so there wouldn't be traffic coming through at a high rate of speed. He said he didn't think the intersections Mr. Silva mentioned would be an issue. Mayor Gatto commented on the Committee wanting the people on the local road with Cates Avenue, Weymouth Road and Estelle Avenue. Chief Tappeiner said a specific side of an intersection could be designated in the Ordinance if the Committee chose to do that.

Mr. Cain commented on his concerns about Cates being too narrow; there is a guardrail on one side; and cars making a right hand turn off the pike onto the intersection while traffic is stopped. Mr. Silva commented on there being an exit coming from the liquor store, the Wawa and Shore Toyota and said the traffic doesn't race through that intersection. Mr. Silva commented on the volunteer organizations whole being is public safety. Mayor Gatto said this Ordinance doesn't limit coin drops to them so all charitable organizations have to be considered. She commented on talking with the Chief about one way the Township might mitigate it is by training people from the organizations to have that traffic control background. The Mayor said they have to have a follow up meeting on it with the Traffic Control Officer.

Mr. Sandman explained that just because permissible locations are listed in the Ordinance, the Township Committee is not prohibited from not issuing any particular any particular group on any particular occasion at any location. Dr. Kesselman asked if the Committee would have to use some criteria to deny (it). Mr. Sandman explained it would be sufficient if the Committee had a bad experience at Cates and Black Horse Pike or if the Chief or Captain came to the Committee and said they have concerns about it the Committee could temporarily suspend it pending input from the Police Department. Mr. Silva said read "E" of the Ordinance and said he thought that covered it given the seriousness of what the problem could be. Mr. Sandman said he would be concerned if he were on the Canal's side of Cates Avenue and cars were turning that way off the Pike from either direction. He said the Committee could restrict it to one side of the road and that the Ordinance gives the Committee the power to restrict it wherever they think it is necessary. Mr. Sandman commented on the County analyzing coin drop ordinances and then drafting an ordinance. He explained the proposed Ordinance mirrored the County Ordinance and studies. Mr. Sandman said the Ordinance requires a \$1 million liability policy and that he would insist upon it as the Township Solicitor. Mr. Rhodes said it costs them \$3,000.00 a year. Mr. Sandman said that is a one year policy that covers all of their activities and it is substantially cheaper for a one-day event. He said it is absolutely necessary and he thinks JIF would ultimately require it. Mr. Sandman explained the intersections of Main Street and 40 are state highways, 40 and 50 are state highways, 40 and Cantillon is a state highway and a municipal street so the State and County are going to make them pay for a policy. Mr. Sandman asked if Weymouth Road, Estelle and Landis are all County Roads. Members pointed out Weymouth is a County road but Estelle and Landis are both local roads. Mr. Sandman said insurance is being required by another agency at 4 of the 6 locations. Dr. Kesselman said a non-profit organization isn't required to get more than one \$1 million policy and it would facilitate whether it is a state, county or Township road. Mr. Sandman said that was correct and it would just make each of those agencies named additional insureds on the policy. Dr. Kesselman questioned who checks it. Chief Tappeiner said the County would get it.

Mr. Silva commented on Section 7 reserving the Township's right to suspend solicitation operations at any time if any condition of the permission is violated or if in the judgment of the local police and Atlantic County Director of Public Safety traffic is being impeded or delayed or public safety is at risk.

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Mayor Gatto asked if the Ordinance applied in any way on privately owned property such as an entrance to a retail shopping area. Mr. Sandman explained it is a quasi-public road because the Township has Title 39 enforcement on the ring road (at Hamilton Mall) so while it is on private property, they have allowed and insisted the Police Department be able to issue Title 39 violations there. The Mayor asked if an entity wanting to have a coin drop at one of those entrances would have to go through the same approval process. Mr. Sandman said they wouldn't. Chief Tappeiner commented on them being conducted at some of the other malls and shopping centers. Dr. Kesselman said the mall would have to approve and deal with it. Mr. Sandman said the owner would. Chief Tappeiner said he would defer to the Solicitor on enforceability at Consumer Square. Mr. Sandman commented on not being aware of Title 39 enforcement there and said the center roads probably are. He said if they wanted a coin drop in front of Dick's, BJs or Acme they wouldn't have to come to the Township.

Mr. Cain moved, seconded by Dr. Kesselman, that Section 3.G be amended to add the following intersections as approved locations:

- The intersection at Cates Road and Route 322 (Black Horse Pike).
- The intersection at Weymouth Road (CR 559) and Route 322 (Black Horse Pike)
- The intersection of Estelle Avenue and Old Landis Avenue.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1706-2011 be and is hereby introduced as amended above and passed on first reading and that the Township Clerk is authorized to advertise same in the November 16, 2011 issue of the Atlantic County Record for a public hearing to be held at 6:30 p.m. on Monday, December 5, 2011 in the municipal building, Mays Landing, NJ.

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

**TOWNSHIP OF HAMILTON  
ORDINANCE NO. 1706-2011**

**AN ORDINANCE AMENDING PORTIONS OF CHAPTER 137 OF THE  
TOWNSHIP OF HAMILTON CODE ENTITLED "CHARITABLE  
ORGANIZATIONS" AND AUTHORIZING CHARITABLE ORGANIZATIONS  
TO SOLICIT CONTRIBUTIONS ON TOWNSHIP ROADWAYS AND  
INTERSECTIONS PURSUANT TO N.J.S.A. 39:4-60.**

**WHEREAS**, N.J.S.A. 39:4-60 permits charitable organizations to solicit for contributions on public roadways within the Township of Hamilton in situations where the organization received municipal approval as provided in the aforementioned statute; and

**WHEREAS**, certain charitable organizations are dependent upon charitable donations to support and fund their operations; and

**WHEREAS**, solicitations on public roadways in the form of coin drops play a role in funding solicitations of those charitable organizations; and

**WHEREAS**, the Township desires to implement a process by which charitable organizations can have access to designated roadways and intersections within the Township to engage in solicitation fund raising via the process known as coin drops; and

**WHEREAS**, the Township desires to amend the current provisions of Chapter 137 of the Township of Hamilton Code entitled "Charitable Organizations", for purposes of implementation of a process for the authorization of coin drops involving roadways and intersections within the Township.

**NOW, THEREFORE, BE IT ORDAINED**, by the Committee of the Township of Hamilton ("Committee") as follows:

SECTION 1. Charitable solicitations on designated roadways and intersections within the Township shall be limited to charitable organizations defined under the provisions of N.J.S.A. 45:17A-20.

SECTION 2 - APPLICATION PROCESS.

- (A) In order for a charitable organization, as defined above, to be considered for approval of permission to conduct solicitation activities the organization must first secure the concurrence of the Township. Municipal approval shall be pursuant to authorization by this municipal ordinance enacted pursuant to N.J.S.A. 39:4-60, and it shall be the responsibility of the charitable organization, at least 30 days prior to the scheduled solicitation event, to submit to the Township Clerk a completed signed and dated application form as developed by the Township for the solicitation event.
- (B) The completed signed and dated application form with satisfactory responses to all information and documentation requests shall be accompanied with the following additional documents:
  - (1) A current Certificate of Insurance from a reputable insurance company authorized to transact business in the State of New Jersey naming the Township and the Committee as additional insureds for liability purposes in an amount not less than One Million Dollars \$1,000,000.00;
  - (2) A signed and notarized Indemnification and Hold Harmless Agreement in the form to be developed by the Township, setting forth the organization's obligation to indemnify, defend and hold harmless the Township and the Committee, and their agents, servants and employees, as referenced in Section 4 below.
- (C) Failure of the organization to timely submit to the Committee at least 30 days prior to the scheduled solicitation event the completed signed and dated application, with satisfactory responses to all information and documentation requests in it, and the Certificate of Insurance and the Indemnification and Hold Harmless Agreement referenced above, shall subject the application to rejection.
- (D) The application may also be rejected if the scheduled event does not meet the safety criteria set forth in Chapter 43 of the Atlantic County Code, N.J.S.A. 39:4-60 and/or the regulations promulgated pursuant to the Administrative Procedure Act by the Department of Transportation in consultation with the Division of Highway Traffic Safety.
- (E) Additionally, the Committee may consider the reasons below for not bringing a resolution of approval to action, or for an adverse vote on such a resolution:
  - (1) Where circumstances suggests that traffic would be unreasonably impeded, interrupted or delayed;
  - (2) When the turning movements, traffic densities and/or speeds of the particular highway or intersection do not permit the safe interaction between the solicitor and vehicular traffic;
  - (3) Solicitation would interfere with construction activity; or

- (4) Denial of the solicitation permit is necessary to protect public safety.
- (F) Pursuant to N.J.S.A. 39:4-60, if a charitable organization seeks to solicit contributions, as permitted under this Ordinance, on a County or State roadway, the charitable organization must also obtain approval from the County Board of Chosen Freeholders in the case of a County roadway or the New Jersey Commissioner of Transportation in the case of a State roadway prior to the solicitation.

SECTION 3. Each organization which satisfactorily meets the qualifications of Sections 1 and 2 of this ordinance shall be limited to two (2) one-day solicitation events per year in the aggregate. Each organization approved by the Committee for a solicitation event shall additionally be required to comply with the following requirements:

- (A) Solicitation activities shall be undertaken by persons age 18 or older;
- (B) Solicitation shall take place only during daylight hours and participants must wear reflective safety vests in accordance with New Jersey Department of Transportation standards;
- (C) Solicitors shall not drink alcoholic beverages, use drugs or be under the influence of drugs or alcohol when engaged in solicitation activities;
- (D) Solicitation shall not stop or impede the flow or traffic. Traffic shall be stopped before solicitation may occur and solicitation shall cease while traffic is moving. Soliciting organizations shall not use a flagman;
- (E) The soliciting organizations shall place two warning signs, the first of which shall indicate "charitable solicitation 500 feet ahead" and a second sign following which shall identify the organization conducting the solicitation. Signage shall comply with all requirements contained in N.J.A.C. 16:40-6.1.
- (F) Violations of any of these requirements and/or the safety requirements of Chapter 43 of the Atlantic County Code, N.J.S.A. 39:4-60 and/or the regulations of the Department of Transportation previously referenced, may be grounds for immediate termination of the event by the Township.
- (G) Solicitation within the Township shall only be permitted in the following locations within the Township:

**The intersection at Main Street and Route 40.**

**The intersection at Route 40 and Route 50 (between Taylor and Pennington Avenues).**

**The intersection at Route 40 and Cantillon Boulevard.**

**The intersection at Cates Road and Route 322 (Black Horse Pike).**

**The intersection at Weymouth Road (CR 559) and Route 322 (Black Horse Pike).**

**The intersection of Estelle Avenue and Old Landis Avenue.**

SECTION 4. The Township and the Committee assume no responsibility for the sponsorship, direction or control of any fund-raising event permitted under this ordinance. The charitable organization conducting any event hereunder shall assume full and complete responsibility for the sponsorship and control of all aspects of the fund-raising event, including the safety and welfare of its member participants as well as members of the public. The Township and the Committee shall retain all tort claim immunities pursuant to both the New Jersey Claims Act, N.J.S.A. 59:1-1 et seq., and

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common law. Any charitable organization, as previously defined, availing itself of the activities afforded under this ordinance agrees to indemnify, defend and hold harmless the Township and the Committee, and their agents, servants, and employees from any claims for death, personal injury, property damage or claims of any type that may arise as a result of activities and events conducted by the organization pursuant to this ordinance.

SECTION 5. Nothing contained herein shall circumscribe the State Department of Transportation's regulations promulgated pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., to regulate or prohibit solicitation events on any State highway or any intersection encompassing a State highway.

SECTION 6. The Committee may authorize approval for a solicitation event to those organizations that meet the requirements described herein by resolution, subject to the provisions of this ordinance pursuant to N.J.S.A. 39:4-60 and the criteria and safety requirements described herein. The Committee shall not be required to list a resolution of approval for action, nor shall the Committee be precluded from denying approval by way of an adverse vote on such a resolution. In the event of a denial, a denial letter shall issue which sets forth the reasons for the denial. An applicant which has been denied a permit shall, if it desires, submit a written request for reconsideration within 30 days of denial of the permission, and the reconsideration request will be considered and/or acted upon by resolution using the same process and criteria set forth herein. After reconsideration a rejection shall be considered to be final.

SECTION 7. The Township reserves the right to suspend solicitation operations at any time if any condition of the permission is violated or if, in the judgment of the local police or in the judgment of the Atlantic County Director of Pubic Safety, traffic is being impeded or delayed or the public safety is at risk.

SECTION 8. Any provisions of Chapter 137 of the Township Code entitled "Charitable Organizations" which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 9. Any person engaged in solicitation activities found guilty of violating a provision of this ordinance shall be liable for a fine not to exceed \$100 for each day of such violation. Tickets may be written by local police under N.J.S.A. 39:4-60. Prosecution shall take place in the municipal court of the municipality where the solicitation fund-raising event occurred.

SECTION 10. The Ordinance shall take effect following passage and publication as provided by law.

ATTEST:

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

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

\_\_\_\_\_  
AMY L. GATTO, MAYOR

ROLL CALL: CAIN	"YES"	
KESSELMAN	"YES"	
PALMENTIERI		EXCUSED ABSENCE
SILVA	"YES"	
GATTO	"YES"	

ORDINANCE NO. 1706-2011 INTRODUCED AND PASSED FIRST READING NOVEMBER 14, 2011.

**TOWNSHIP OF HAMILTON**  
6101 Thirteenth Street  
Mays Landing, New Jersey 08330

**APPLICATION FOR TOWNSHIP CONSENT FOR ROADWAY SOLICITATION**

Pursuant to N.J.S.A. 39:4-60 and Township of Hamilton Ordinance 1706-2011 (Chapter 137 of the Township Code), the Township's consent is required before any charitable organization Roadway Solicitation may take place involving any public road within the Township. The completed Application must be filed with the Township Clerk at least 30 days before the scheduled solicitation event. "Charitable organizations" shall be limited to charitable organizations defined under the provisions of N.J.S.A. 45:17A-20.

The following items must be filed at least 30 days before the scheduled solicitation event:

- 1) This completed Application.
- 2) A current Certificate of Insurance from a reputable insurance company authorized to transact business in the State of New Jersey, evidencing liability insurance coverage issued to the Applicant organization and naming the Township of Hamilton and the Township of Hamilton Committee as additional insureds, in an amount not less than One Million Dollars (\$1,000,000.00).

Attached here:      yes \_\_\_\_ no \_\_\_\_

- 3) A signed and notarized Indemnification, Defense, and Hold Harmless Agreement in the form attached to this Application, executed by an appropriate officer or official of the organization and setting forth his/her name, title, address, contact phone numbers (home, work and cell) and email address.

Attached here:      yes \_\_\_\_ no \_\_\_\_

Note - failure of the organization to submit this completed Application for filing with all of the items listed above and containing sufficient information in response to the questions below, shall be cause for rejection of the Application.

Additional required information:

- 1. Complete name or organization (and indicate whether it is a corporation, LLC, association or other type of organization) and set forth the State in which it is so registered.

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- 2. Name and address and title of appropriate principal(s) or officer(s) that are acting on behalf of the organization in filing this Application, together with contact addresses, phone numbers (home, work and cell) and email addresses. Note the same information here for the supervising contact person(s) prior to, during, and after the scheduled solicitation event if he/she or they are different from the Application filing person(s).

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- 3. Place of scheduled solicitation event and date and time of required solicitation. Note - Participation in any fashion by persons under age 18 is not permitted.

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- 4. Purpose of the scheduled solicitation event.

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- 5. Note that a copy of Ordinance 1706-2011 (Chapter 137 of the Township Code) is attached to this Application and it contains this information and additional information regarding permitted and prohibited practices. It is required that the person(s) submitting this Application for filing signs below, certifying that he/she/they have read the Ordinance, understand its provisions, and certify that the organization and principals, officers and participants will comply with the provisions of the Ordinance.

- 6. A sketch is required to be attached to the Application clearly indicating the type and location of the solicitation, any safety hazards, and signage or other protections for safety.

Attach sketch to this Application.

(Sign Name Here) \_\_\_\_\_ Title \_\_\_\_\_
Date \_\_\_\_\_

(Print Name Here) \_\_\_\_\_ Title \_\_\_\_\_
Date \_\_\_\_\_

**INDEMNIFICATION AND HOLD HARMLESS AGREEMENT**

Sponsor agrees that it will indemnify, defend and hold harmless the Township of Hamilton, the Hamilton Township Committee, their agents, servants and employees, from any and all claims for damages due to death, personal injury or property damage arising out of or in any way connected to the subject event.

**Sign here in the presence of a notary**

Name \_\_\_\_\_

**Print here**

Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Sworn and subscribed to before me

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

Driveway Ordinance:

Mayor Gatto said it came from the Emergency Services Advisory Board. Mr. Silva read the Purpose of the Ordinance to give everyone understanding of why it Ordinance is so important. He explained homes that sit way back from the highway with narrow driveways have been a concern of the Volunteer Fire Departments called to an incident or fire that they might be able to get up the driveway but not be able to get back because there is no turn around for them. Mr. Silva said he didn't think the Ordinance was to burden the homeowner but was for them to understand that in order to get the protection they would be looking for the Ordinance would be in place to satisfy that. The Mayor

said it was also for EMS. Mr. Cain asked if it was for new residences only and will not be a burden for any resident that already has a driveway. Mr. Silva said that was correct. The Mayor said it was only for new single residential driveways over 50 feet in length. Mr. Silva explained it doesn't have to be paved but the owner will have to lay down a course that will support the weight of the emergency vehicles.

Frank Primavera said that as of the last ESAB meeting Mr. Carrigan was going to let him know if there were any other issues with it. He said he hasn't heard from Mr. Carrigan so he assumes it is accepted the way it is proposed. He said he has a book on it that goes back to 2007 and that they have been trying to get it through for a long time.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1707-2011 be and is hereby introduced and passed on first reading and that the Township Clerk is authorized to advertise same in the November 16, 2011 issue of the Atlantic County Record for a public hearing to be held at 6:30 p.m. on Monday, December 3, 2011 in the municipal building, Mays Landing, NJ.

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

Mayor Gatto asked Mr. Primavera to tell the ESAB Board Members that the public hearing will be on December 5<sup>th</sup> and urge them to attend if they wish to comment on it.

TOWNSHIP OF HAMILTON  
ORDINANCE 1707- 2011

AN ORDINANCE ESTABLISHING STANDARDS FOR CONSTRUCTION OF NEW  
RESIDENTIAL DRIVEWAYS IN RURAL AREAS OF THE TOWNSHIP TO PROVIDE  
ACCESS FOR EMERGENCY SERVICE VEHICLES:  
TOWNSHIP OF HAMILTON, ATLANTIC COUNTY, NJ

WHEREAS, a significant amount of new residential construction is taking place in rural areas of the Township where New Jersey Pinelands Commission regulations, as well as local zoning, require the dwellings to have minimum front setbacks in excess of 100 ft from the roadway; and,

WHEREAS, it is in the best interest of all residents that the Township establish minimum standards for rural driveways so that adequate access is available for emergency service vehicles.

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

- 1) Amend Chapter 170, Fire Prevention, of the Code of the Township of Hamilton to incorporated the following as new Article VI, Rural Residential Driveways:

VI. Rural residential driveways.

A. Purpose. The purpose of this subsection is to set certain standards for the design and location of new single family residential driveways that are over 50 feet in length in order to promote the public safety, well being, convenience and welfare of the Township of Hamilton and to provide adequate access to properties for emergency service vehicles.

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B. Permit requirements.

1. Driveways must meet the requirements of this ordinance prior to the first footing inspection so that ambulance, fire, and police vehicles shall have access during construction.
2. The proposed driveway location and construction details shall be included on the plot plan submitted in conjunction with the zoning permit, as well as the access easement and maintenance agreement for shared driveways.
3. When construction of the driveway includes installation of a culvert or bridge, the applicant shall post a minimum \$1500.00 inspection escrow with the Township to fund required inspections of the structure by the Township Engineer.
4. The location and layout of the driveway, including width of cartway and cleared areas, shall be accurately shown on the as-built survey of the property submitted prior to issuance of a certificate of occupancy.

C. Minimum design standards. All driveways shall be constructed in accordance with the following minimum requirements and shall be maintained by the property owner at all times.

1. Shared driveways are encouraged for new developments subject to review and approval of the access easement and maintenance agreement by the reviewing agency.
2. Driveways shall be set back a minimum of five feet from the side property line, with a minimum separation of 10 feet between adjoining driveways.
3. Driveways shall intersect the public right-of-way at an angle to as near 90° as site conditions will permit and in no case less than 60°.
4. Driveways shall have a minimum cartway width of 12 feet for a single home and 16 feet for a shared driveway. In addition a 2 foot wide strip on each side of the driveway shall be kept cleared of vegetation, or other obstructions which may hinder and limit driver view of vehicular or pedestrian traffic on the driveway or the adjacent public right-of-way. This clear width shall extend from one-foot above the driveway surface to a height of 14 feet and shall be properly maintained to preserve the public safety. The driveway shall be surfaced with a minimum of six inches of compacted gravel or quarry blend. A ten foot wide paved apron consisting of 6 inch thick reinforced class B 4500psi concrete (as required for vehicular crossings of sidewalks under NJAC 5:21-4.18(a)) is recommended at the street intersection.
5. Any horizontal curves in the driveway shall have a minimum inside radius of 40 feet.

6. Any vertical curve on a driveway shall be flat enough to prevent the dragging of any vehicle undercarriage.
7. Where access is provided to a street or road where the speed limit is over 25 miles per hour, the driveway shall incorporate a turnaround area to avoid the need for vehicles to back out into the street.
8. Driveways over 500 feet in length shall provide a midpoint passing area where the compacted surface is expanded to a minimum width of 18 feet for a minimum distance of 40 feet.
9. All driveways shall be constructed at such an angle so as to assure maximum visibility in all directions at the point of entry to the street, taking into account physical obstructions which may be present and which cannot be removed or modified. Any obstructions to vision which can be removed or modified by the person seeking to construct the driveway should be so removed or modified.
10. Where bridging or culvert is utilized, township engineer will inspect and certify the weight limit.
11. The house number shall be displayed near the driveway intersection with the adjacent street as required in section 505 of the International Fire Code 2009.
12. Any damage to the public street as a result of construction of the proposed dwelling and driveway shall be the responsibility of the property owner to repair the street to the satisfaction of the Township. All repairs shall be completed prior to issuance of a certificate of occupancy.
13. The construction of the driveway shall follow the NJDEP Asphalt Millings Guidance Document Regarding the use of asphalt millings.

D. Inspections and certification.

1. Prior to the first footing inspection driveways shall be inspected by the Fire Official, or his designee, to verify that the requirements of this section have been met and that emergency vehicles can access the site during construction.
  2. Prior to issuance of a certificate of occupancy the Fire Official, or his designee, shall verify that the driveway has been maintained in suitable condition for emergency vehicle access.
  3. Prior to issuance of a certificate of occupancy, the site contractor shall provide the Fire Official with written certification that the driveway has been constructed to the standards of this 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.

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

ROLL CALL:	CAIN	"YES"	
	KESSELMAN	"YES"	
	PALMENTIERI		EXCUSED ABSENCE
	SILVA	"YES"	
	GATTO	"YES"	

**ORDINANCE NO. 1707-2011 INTRODUCED AND PASSED FIRST READING ON NOVEMBER 14, 2011.**

Residential Rental Unit Licensing Ordinance:

Mayor Gatto asked Mr. Cain to give the background on the ordinance. Mr. Cain said it was several years in the making. He thanked the Members of the Smart Growth Committee, the Quality of Life Committee and Dr. Kesselman for kicking it off. He said a lot of time and thought was put into it from the resident's and the landlord's standpoint. Mr. Cain said he thinks the draft Ordinance came a long way in protecting the rights of both. He commented on the Township having many rental units and said he believes once you take on renting as a business you have an obligation to provide a certain quality of life to the individuals moving into the units. Mr. Cain said the ordinance addresses that and will ensure that quality of life is protected. He said he is very proud to see it moving forward.

Mr. Sandman said there are a number of different types of these ordinances throughout the state. He explained this is not the type of ordinance that requires a license and upon application for a license an inspection is done to decide whether or not the license is issued. Mr. Sandman said that would be very costly to do if there were thousands of rental units that needed to be inspected every January right out of the box. He explained the Committee developed an ordinance that phases in the inspection part. Mr. Sandman explained the first part is that they must apply for a license for any property that is to be leased and ultimately rented or leased to any individual for a period exceeding 30 days. He said a lot of detail went into the definition sections and they are very specific about habitability, what a rental unit is, and occupancy. Mr. Sandman explained the Uniform Construction Code, the Uniform Fire Code, and the International Property Maintenance Code are all incorporated in the Ordinance and adopted by reference. He said they all deal with trying to bring the rental housing stock up to a safe proportion. Mr. Sandman explained every landlord is required to fill out a pre-prepared application form every January and in so doing they are requesting a Residential Rental Unit License. He said in order to do that they have to disclose the identity of the tenant; the owner of the property; what kind of heat it has and safety issues like that; and who the person the township gets in touch with if there is a problem and that person must be geographically located in Atlantic County. Mr. Sandman said once the application is submitted, reviewed and approved, the license is issued but that doesn't mean an inspection is going to happen; it just means the unit is now licensed. Mr. Sandman said the

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tenant has to fill out a document at the same time providing information about the number of people that live there; the habitable space; contact information and things of that sort. He explained the landlord is obligated to see that the tenant gets that application, fills it out and gets it to the Township. Mr. Sandman explained the people doing the inspections are leery of going into an occupied unit for a lot of reasons; that it is their desire and the ordinance's direction that inspections happen when there is a change in tenancy and the unit is not occupied; and that the landlord is obligated to give notice that the tenants move out, new ones are coming in, and the Township has X-number of days to do an inspection. He said the inspection is geared to promote safety; to have the Fire Inspector look at the property and say it is safe for humans; and to make sure the property complies with zoning and maintenance. Mr. Sandman said there is a whole section on the procedure for the inspection. He explained the ordinance has a built in administrative appeal process if a person applies for a license and it is rejected for any reason which would go to the Administrator or his designee. He said if the property is licensed and there is a change in tenancy and it fails inspection there is a built in due process for that to be timely and quickly reviewed by an appropriate authority. He commented on trying to check and balance government with wanting to make the housing stock safe. Mr. Sandman said there are fees built into the ordinance. Mayor Gatto said the Township wants to make the housing stock safe not only for the tenant but to protect the landlord, their property and the value of the property thereby protecting the integrity of the neighborhood. Mr. Sandman said if there is a change of tenancy in January 2011, an inspection is done and an agency of government knows the condition of the property, and in December the landlord goes in and says look at what the tenant did to it; the landlord has relief under state law but there is an agency balance to it that helps him as well and he thinks it provides proof in court of what the condition was both before and after.

Mr. Silva asked if it was not only on change of tenancy but also on renewal of a lease. Mr. Sandman explained it would not apply to a renewal of a tenancy because the Township is trying to avoid doing inspections with people in the property. He explained licensing happens every year but inspection doesn't occur unless there is a change in tenants where the old tenant moves out and there is a void when the property is vacant before a new one moves in. Mr. Sandman said it is hoped that through attrition that would happen in a 4-year period but if it doesn't, the ordinance provides a blanket inspection requirement by 2017 so every unit that is registered has to be inspected by that date.

Mr. Jacobs explained cost is the main reason occupied units won't be inspected in the beginning because inspecting occupied units could lead to litigation which would cost the township legal fees and there is also a law that the Township evicts a tenant they may be responsible for putting them up somewhere for a reasonable amount of time. He said a lot of thought went into how to accomplish this and avoid unanticipated expenses on the budget. Mr. Jacobs explained one way to do it was to phase it in the fifth year of the ordinance and the fees are anticipated to be set at an amount will generate funds that will provide budget protection for legal costs, some housing if necessary and gives the Township time to accumulate a little bit of money. He said they hope all funds collected will be maintained for this purpose and Code enforcement because there is nothing in the township budget right now to pay those expenses. He commented on imagining the logistics of inspecting every rental unit in the Township in January, all the litigation the township could be involved in and all the expenses of housing people for landlords that don't maintain their properties. Mr. Jacobs said a lot of thought went into it and this is the solution the committee came up with. He said landlords could rest assured that if the ordinance is passed they have 4 years to have their properties inspected and ready to go when their tenant changes.

Mr. Sandman said it is a kind of hybrid Ordinance intended for protection both the landlord and the tenant and is a cost conscious way to do it. He said the Ordinance cannot supersede the New Jersey Anti Eviction Act. Mr. Sandman explained the rights of tenants to be

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evicted and the rights of tenants not to pay rent because it's not habitable is based not only on State Law but also on the written lease. He explained the Township cannot interfere with that but it can create this mechanism which over time would accomplish both goals.

Mayor Gatto commented on landlords being given 90 days from adoption of the Ordinance to initially do the licensing process and asked how someone that is suspicious that a landlord does not have a license would report it. Mr. Sandman they can come directly to the Bureau, Code Enforcement, or anyone in town hall. He said he thinks you have to be a registered landlord in your municipality in order to bring an eviction action in New Jersey so the ability to remove a bad tenant is restricted. Mr. Bongiovanni said that is correct. Mr. Sandman said the landlord will come to the police or somebody if a tenant isn't paying rent and is destroying the property.

Dr. Kesselman commented on there being two sets of data that has to be collected, one from the landlord and one from the tenant, and asked for an explanation of the logistics of how it will work and for clarification on having to be in Atlantic County. Mayor Gatto asked where and how the data is going to be kept. Mr. Jacobs explained the goal is for them to do the applications on-line; the township would review it on the computer; and if they have all of the requirements and are approved, the data will go into a system. He explained they do not want this on paper from day one; they want it in a data base that can be merged as opposed to being re-keyed in. Dr. Kesselman said it will be on-line payment. Mr. Jacobs said one of the biggest problems run into in managing rental units is absentee landlords where the landlord lives in Florida and every time there is a problem you can't get them so the Ordinance says if you don't live in Hamilton Township or at least live in Atlantic County you have to hire somebody or designate somebody in Atlantic County that will be responsible and who the Township can fine. He commented on not being able to go to Florida and take them into custody if they aren't complying with the Ordinance but in Atlantic County they can write a ticket and fine them. He explained that the provision for being in Atlantic County is to close the gap absentee landlords create. Mr. Sandman said it also provides a mechanism for notice to the landlord's agent. Mr. Jacobs said it is mandatory that the owner or their agent reside in Atlantic County. Dr. Kesselman commented on wanting to make sure folks should be fully cognizant of those little pieces of detail when the Ordinance is rolled out. He said he wasn't disagreeing with it but was saying it is aggressive. Mr. Jacobs said having your property taxes paid in full is one of the criteria for getting a license.

Mr. Silva asked if any units are currently inspected on an annual basis. Mr. Jacobs said during the first five years inspection would only be when a tenant leaves and before a new tenant comes in. Mr. Cain said inspection is for fire only on change of occupancy. Mr. Primavera explained the State requires inspection for smoke detectors, CO detectors and fire extinguishers at the sale of any residential property and at change of rental. He said he thought about 700 inspections of that type were done in 2010. Mr. Silva said the community where he handled a lot of rentals years ago had someone from the Fire Department inspect every unit every year. Mr. Primavera said that would have been a local ordinance and at this point his department is just doing what the State requires them to do. Mr. Silva asked the township knew legitimately how many rental units they have. Mr. Jacobs said they know how many register but that number will grow as the ordinance is in effect because one landlord will turn another one in and tenants are going to complain. He estimated there are 2000 rental units and the annual license fee is \$100.00.

Mr. Cain said the Committee appreciated the effort and time Mr. Primavera, Mr. DaGrosa and Mr. Jacobs put into this. He commented on having many meetings to get their input and come to a workable solution.

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Mr. Sandman explained the International Property Maintenance Code is incorporated into this Ordinance for purposes of the Ordinance. He said the item on the agenda after this adopts the International Property Maintenance Code as part of the Township Code that will apply to everyone. Mr. Sandman said a landlord may have a concern that he leased the unit to a mother and two children and now there are seven people in there and that it is addressed in the Code because it defines what is habitable space and necessary space. He said that could be viewed as total "bid brother" but it is an International Code that is adopted and accepted in communities throughout the country and is based on studies of what is hygienic for people to live in.

Mayor Gatto commented on property maintenance and abandoned vehicle ordinances being on the books but there was no enforcement mechanism and said this ordinance gives the township that mechanism. Mr. Jacobs said this legislation is about quality of life, not strictly housing inspections. He said hopefully funds from this will go to hire a part-time Code Enforcement Office some time after the first of the year. Mr. Jacobs explained that if there is an abandoned property the Township wants to demolish there is no money in the budget right now for that. He said the township would put a lien on the property and hopefully get it back but that really never occurs in the same budget year so the idea is to accumulate money from the ordinance to do it. Mr. Jacobs said there is no intent to take any of that money for the general operating budget. He said the fees may have to be adjusted up or down but he doubts the township will be able to collect them because he believes there is so much code enforcement going undone by the number of calls the township gets.

Mayor Gatto encouraged anyone interested in speaking for or against the Ordinance to attend the public hearing on December 5<sup>th</sup>. Mr. Sandman encouraged people like Mr. Bongiovanni who are in the business or directly affected or read the ordinance to call him with their thoughts. He said it would assist him to be more prepared.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1708-2011 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the November 16, 2011 issue of the Atlantic County Record for a public hearing to be held at 6:30 p.m. on Monday, December 5, 2011 in the municipal building, Mays Landing, NJ.

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

ORDINANCE # 1708-2011  
AN ORDINANCE OF THE TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC, REQUIRING RESIDENTIAL  
RENTAL UNIT LICENSES, TENANT OCCUPANCY PERMITS  
AND PERIODIC HABITABILITY INSPECTIONS AND RE-INSPECTIONS

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

Chapter 222

ARTICLE I

Residential Rental Unit Licensing Requirements

**222-1. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

TENANT OCCUPANCY PERMIT - The numbered permit issued by the Bureau of Fire Prevention of the Township of Hamilton, for which application shall be made by the tenant prior to occupancy of a dwelling.

**222-2. Adoption of Codes by Reference.**

The provisions of the Uniform Construction Code, N.J.S.A. 52:27D-119 et seq. and N.J.A.C. 5:23-1 et seq.; Uniform Fire Code, N.J.A.C. 5:70-2 et seq.; and the International Property Maintenance Code, as may be approved and adopted subsequent thereto by the Department of Community Affairs of the State of New Jersey, are hereby accepted, adopted and established as standards to be used as a guide in determining whether dwellings and buildings in this Township are safe, sanitary and fit for human habitation and/or rental. A copy of said

codes and regulations, and any amendments subsequent thereto, have been placed on file in the office of the Township Clerk and are available for inspection by all persons desiring to use and examine same.

**222-3. Residential Rental Unit License Required.**

Effective upon adoption of this Ordinance no person shall occupy any Residential Rental Unit nor shall the owner permit the occupancy of any, residential rental unit within the Township of Hamilton if said unit has not been Licensed by the Bureau of Fire Prevention on forms which shall be provided for that purpose. Any owner permitting the occupancy of a Residential Rental Unit without said License 90 days after the Adoption of this ordinance shall be in violation of this ordinance, and each and every day thereafter shall be deem a separate offense.

**222-4. Residential Rental Unit License Required information.**

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

- A. The name and address of the record owner(s) of the premises and the record owner(s) of the rental business, if not the same person(s). In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, indicating where such individuals may be reached both during the day and evening hours.
- B. If the record owner is a corporation, the name and address of the registered agent and the name and address of the person to be contacted for any reason regarding the residential rental unit, if other than the registered agent.
- C. If the address of any record owner is not located in Atlantic County, NJ, the owner shall designate an agent or manager who resides in Atlantic County, NJ who is authorized by the owner to perform any duty imposed upon the owner by this article.
- D. The name, address and telephone number of an individual representative of the record owner or manager or agent located in Atlantic County who may be reached or contacted at any time in the event of an emergency affecting the premises or any residential rental unit therein, including such emergencies as the failure of any essential service or system, and who has the authority and the responsibility to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.
- E. The name and address of every holder of a recorded mortgage on the premises.
- F. The Lot, Block, and Address of the Residential Rental Unit.
- G. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.
- H. As to each residential rental unit, specification of the exact number of sleeping rooms contained in the residential rental unit and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by number and location within the residential rental unit and by the square footage thereof. In order to satisfy the requirements of this provision, an owner shall submit a floor

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plan which shall become a part of the Residential Rental Unit Licensing application and which shall be attached to the Residential Rental Unit Licensing form when filed with the Bureau of Fire Prevention.

I. Owner must sign an Affidavit attesting that the unit for which the Residential Rental Unit License being applied for, is in compliance with Municipal Land Use and Development Chapter 203, the Housing Code and/or the UCC Code, the Uniform Fire Code of the State of New Jersey and/or the International Property Maintenance Code.

J. Effective January 1, 2017 no Residential Rental Unit License shall be issued until after an Initial Habitability Inspection Certificate is issued by the Bureau of Fire Prevention. A Habitability Inspection Certificate is required at a minimum one every year thereafter.

K. Relocation Plan.

Owners of a Residential Rental Unit(s) must be prepared to relocate their tenants in the case of an emergency, or if the Residential Rental Unit becomes uninhabitable for any reason, including the terms of this ordinance. Therefore an application for a Residential Rental Unit License must include an Affidavit signed by the owner attesting that they acknowledge these responsibilities under the law, and that they are prepared, and have the resources to fund, and would in fact fund, all cost associated with the relocation of their tenants until such time as the unit becomes re-habitable under the law. The owner shall further acknowledge that should they fail to fund the proper relocate their tenants, and the Township is required by law to relocate their tenants that the Township shall place a lien on any and all properties owned by the owner of this residential rental unit, to secure re-payment for any Township expenses.

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

**222-5. Issuance of Residential Rental Unit License.**

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

**222-6. Term of Residential Rental Unit License.**

Each residential rental unit shall be licensed within 90 days of the adoption of this ordinance. The term of the license shall commence January 1 of each year, and such license shall be valid until December 31 of said year, at which time it shall expire and a Renewal License shall be required. No residential rental unit shall hereafter be rented unless the residential rental unit has been licensed in accordance this article. Notwithstanding the term listed in this subsection a Residential Rental Unit License shall expire immediately upon the expiration of any time limit placed on the unit for repairs by the Township that remain uncompleted.

**222-7. Residential Rental Unit Licensing responsibility.**

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

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

The Bureau of Fire Prevention shall index and file the Rental License and Registration forms and make it reasonably available for public inspection. In doing so, the Bureau of Fire Prevention shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so

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

**222-9. Amended Residential Rental Unit License Forms.**

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

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

Every owner shall provide each occupant or tenant occupying a residential rental unit with a copy of the Residential Rental Unit License required by this article as well as an application for a Tenant Occupancy Permit. This particular provision shall not apply to any hotel, motel or guest house registered with the State of New Jersey pursuant to the Hotel/Motel Multiple Dwelling Act as defined in N.J.S.A. 55: 13A-3. This provision may be complied with by posting a copy of the Residential Rental Unit License in a conspicuous place within the residential rental unit(s).

**222-11. Payment of taxes and charges required.**

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

**222-12. Revocation of Rental License; hearing.**

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

(1) Conviction of a violation of this Chapter in the Municipal Court of the Township of Hamilton or any other court of competent jurisdiction.

(2) The residential rental unit has a recent and reoccurring history of violations of Chapter 214. Noise and/or 217 Prohibited Nuisances. Recent and reoccurring history shall mean three or more violations of each or both within a six month period of each other.

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

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

(5) Failure to relocate tenants in a timely manner as outlined in the Relocation Plan.

B. Procedures; written complaints; notice; hearing.

(1) A complaint seeking revocation or suspension of the Residential Rental Unit License may be filed by anyone or more of the following: Chief of Police, Construction Code Official, Zoning Enforcement Officer or Fire Prevention Official. Such complaints should be in writing filed with the Township Administrator or his designee. The complaint

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should be specific and should be sufficient to apprise the owner or tenant of the charges so as to permit a proper defense. The individual filing the complaint may do so on the basis of information and belief and need not rely on personal information.

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

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

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

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

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

**222-13. Fee for Residential Rental Unit License.**

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

This fee shall be adjusted annually on January 1<sup>st</sup> of each year, in an amount equal to the Consumer Price Index for this area.

**222-14. Enforcement.**

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

**222-15. Jurisdiction.**

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

**222-16. Violations and penalties.**

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

ARTICLE II - Tenant Occupancy Permit.

**222-17. Definitions.**

The definition section of 222-1 is incorporated herein by reference. As used in this article, the following terms shall have the meanings indicated:

AGENT or MANAGER - An individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this article. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesman of the State of New Jersey if such a person designated by the owner as his agent is so licensed.

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

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

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

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

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

LODGING UNIT - A room or group of rooms containing no cooking facilities, used for living purposes by a separate family or group of persons living together or by a person living alone, within a  
PERSON - An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

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

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

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SLEEPING ACCOMMODATIONS - The number of individuals who may be properly accommodated in the beds and other sleeping facilities located within a residential rental unit. A standard single bed shall count as a proper accommodation for one individual and a standard double bed as a proper accommodation for two individuals.

TENANT - The person or persons to whom a residential rental unit is leased or rented by the owner.

**222-18. Tenant Occupancy Permit Required.**

Upon adoption of this ordinance a Tenant Occupancy Permit is required for every residential rental unit in the Township of Hamilton. A copy of an Approved Tenant Occupancy Permit must be provided to the Tenant to be retained on the premises of the residential rental unit for the full term of the lease, one copy for the owner's or agent's records and one copy will be on file in the Bureau of Fire Prevention.

**222-19. Owner and/or agent responsibility.**

A. Every owner or agent shall within 90 days of the adoption of this ordinance be required to obtain from the current tenant and file an Application for a Tenant Occupancy Permit for any residential rental unit in the Township of Hamilton. It shall be the responsibility of the owner and/or agent to submit the completed Application to the Bureau of Fire Prevention of the Township of Hamilton, prior to any tenant occupancy of said residential rental unit.

B. Every owner or agent shall hereafter be required to obtain from the tenant and file an Application for a Tenant Occupancy Permit upon the renewal of any existing lease agreement or entering into any new lease agreement for a residential rental unit in the Township of Hamilton. It shall be the responsibility of the owner or agent to submit the completed Application to the Bureau of Fire Prevention of the Township of Hamilton, prior to tenant occupancy of said residential rental unit.

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

**222-20. Tenant responsibility.**

A. Every tenant shall be required to execute and deliver to the owner or agent a completed Application for a Tenant Occupancy Permit in triplicate within 60 days of the adoption of this ordinance for each and every residential rental unit in the Township of Hamilton.

B. Every tenant shall be required to execute and deliver to the owner or agent a completed Application for a Tenant Occupancy Permit in triplicate prior to the renewal of any existing lease agreement or entering into any new lease agreement for a residential rental unit in the Township of Hamilton.

C. The Tenant is required to maintain a copy of the Tenant Occupancy Permit on the premises for the entire duration of the lease, and be able to immediately present it to any duly appointed Township enforcement official upon request.

**222-21. Tenant Occupancy Permit Application Information Required.**

Every owner, either personally or through his agent, shall file with the Bureau of Fire Prevention a Tenant Occupancy Permit Application for any Residential Rental Unit located within the Township of Hamilton. Said Application form shall include the following information:

A. The name and address of the record owner(s) of the premises and the record owner(s) of the rental business, if not the same

person(s). In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, indicating where such individuals may be reached both during the day and evening hours.

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

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

D. The names and ages of all tenant authorized to reside in the unit.

E. The Start and End dates of the Lease.

F. Type of fuel used for heating.

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

**222-22. Fee for Tenant Occupancy Permit.**

Prior to the issuance of a Tenant Occupancy Permit the owner shall pay \$25.00 for Permits issued during and for calendar year 2012.

This fee shall be adjusted annually on January 1<sup>st</sup> of each year, in an amount equal to the Consumer Price Index for this area.

**222-23. Enforcement.**

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

**222-24. Jurisdiction.**

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

**222-25. Violations and penalties.**

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

ARTICLE III

Habitability Inspection Requirements

**222-26. Habitability Inspections for residential rental units.**

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

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

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2. Effective January 1, 2017 the inspection required prior to a change in occupancy shall be expanded to include at least one inspection annually.

3. Every residential rental unit that has not been inspected between January 1, 2016 and December 31, 2016 as the result of a change in occupancy shall immediately schedule an inspection based on this new requirement. It is specifically the purpose of this subsection that any Residential Rental Unit License is subject to revocation if said residential rental unit is not inspected within the first 90 days of 2017, and said registration can be revoked without the necessity of a hearing for any residential rental unit which has registered but fails the initial inspection.

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

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

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

Prior to scheduling a Habitability Inspection of a Residential Rental Unit the owner shall pay \$125.00 for inspections which occur during the 2012 calendar. This fee includes \$50.00 for the fire inspection.

Prior to scheduling a Habitability Re-Inspection of a Residential Rental Unit the owner shall pay \$50.00 for each re-inspection that occurs during the 2012 calendar.

This fee shall be adjusted annually on January 1<sup>st</sup> of each year, in an amount equal to the Consumer Price Index for this area.

**222-28. Enforcement.**

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

**222-29. Jurisdiction.**

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

**222-30. Violations and penalties.**

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

ARTICLE IV

**222-31. Severability.**

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

**222-32. Effective Upon Adoption.**

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

ATTEST:	TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON COUNTY OF ATLANTIC, NJ
JOAN I. ANDERSON, R.M.C. TOWNSHIP CLERK	AMY L. GATTO MAYOR

ROLL CALL: CAIN	"YES"	
KESSELMAN	"YES"	
PALMENTIERI		EXCUSED ABSENCE
SILVA	"YES"	
GATTO	"YES"	

ORDINANCE #1708-2011 INTRODUCED AND PASSED FIRST READING NOVEMBER 14, 2011.

Adoption of International Property Maintenance Code:

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1709-2011 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the November 16, 2011 issue of the Atlantic County Record for a public hearing to be held on Monday, December 5, 2011 at 6:30 p.m. in the municipal building, Mays Landing, NJ.

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

**ORDINANCE #1709-2011**

AN ORDINANCE OF THE TOWNSHIP OF HAMILTON ADOPTING THE 2009 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; REPEALING ORDINANCE # 1554-2006 OF THE TOWNSHIP AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

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

CHAPTER 238  
PROPERTY MAINTENANCE

**238-1. Adoption of International Property Maintenance Code by reference.**

That a certain document, three (3) copies of which are on file in the office of the Township Clerk of the Township of Hamilton, being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of Hamilton, in the State of New Jersey for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Township Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**238-2. Changes to published text; code revisions specific to Township.**

The following sections are hereby revised:

Section 101.1. Insert: Township of Hamilton

Section 102.3. Amend to read: "Repairs, additions or alterations to a structure or change in occupancy shall be done in accordance with the current codes adopted by the Township of Hamilton and the State of New Jersey."

Section 103.1 Amend the title and all references in this section from "Department of Property Maintenance Inspections" to "Division of Code Enforcement" and amend the title all references to "code official" to "Code Enforcement Officer".

Section 103.5. Insert: The fee schedule adopted, and periodically amended, by Township Committee, which is available in the Division of Code Enforcement Office.

Section 106.4 Add the following at the end of the section: "In addition any person who shall violate any provision of this code, shall, upon conviction thereof, be subject to a fine of not less than \$100 nor more than \$1,000, at the discretion of the court".

Section 108.2, add to section: The closing of any vacant structure shall not occur until a complete premises search has been conducted by the Township of Hamilton Police Department, to confirm vacancy, and so that all public life, health, safety concerns can be addressed as appropriate.

Section 111.1, add to section: "The nonrefundable fee for filing an appeal shall be \$100 per violation appealed."

Section 111.2.5 amend to read: "Members shall serve without compensation."

Section 112.4 Insert: ...not less than two hundred dollars (\$200) or more than one thousand dollars (\$1,000) per day for each day that work continues after being served with a stop work order.

Section 302.4. Insert: ten (10) inches

Section 304.14. Insert: April 1 to November 1

Section 602.3. Insert: October 1 to May 1

Section 602.4. Insert: October 1 to May 1

**238-3. Notice of failure to comply.**

The Director of Community Development, Zoning Officer, Code Enforcement Officer, Construction Code Official, or other designated officer is authorized to notify, in writing, by mailing by certified mail, return receipt requested, and regular mail or hand delivering to the owner, or person or entity in control of the subject premises or the agent of the owner, person in control or entity advising him or the entity of the particular violation. In the event the property is in foreclosure, notice may also be sent to the mortgagee in the manner set forth herein. If the notice is returned showing the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. The person or entity shall have twenty (20) days from the date of receipt of the notice to cure the violation. Said notice shall be deemed to serve as a continuing notice for the remainder of the violation on the subject property in accordance with the provisions of this chapter.

**238-4. Failure or refusal to comply.**

In the event that the person or entity owning said land shall refuse or neglect to abate or remedy the condition complained of and which constituted a violation of this chapter, after said twenty (20) days' notice, the Code Enforcement Officer or his designee shall cause the condition complained of to be abated and remedied.

**238-5. Unpaid charges to constitute lien on property.**

If the owner, entity or person in possession of the dwelling or lands in question shall fail to abate the condition complained of within the time period specified after receipt of notice, the Code Enforcement Officer or his designee shall cause the condition complained of to be abated, either by action of the Department of Public Works or by engagement of an outside contractor, and shall present a report of the work accomplished to the Township Committee, along with a summary of the abatement undertaken to secure compliance. He or she shall certify the actual labor costs of same plus twenty-five percent (25%), but not less than administrative fee of One Hundred Dollars (\$100), to the Township Committee, which shall examine the report and certificate and, if it is correct, cause the cost as shown thereon to be charged against the dwelling or lands. A copy of the resolution approving the expenses shall be certified by the Township Clerk and filed with the Tax Collector, who shall be responsible for the collection

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thereof. The amount so charged shall forthwith become a lien upon the dwelling or lands and shall be added to and become and form part of the taxes next assessed and levied upon such dwelling and lands, shall bear interest at the same rate as the taxes, and shall be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this chapter.

**238-6. Repeal of existing Ordinance.**

That Ordinance # 1554-2006 of the Township of Hamilton entitled Property Maintenance and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**238-7. Severability**

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Township Committee hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**238-8. Effective date of Ordinance**

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect upon final passage, adoption and publication in the manner prescribed by law.

**238-9. Retroactive Application**

That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court or other tribunal, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Sub-Section 238-6 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance. Any pending suit or matter shall be controlled by the Ordinances in effect at the time of the alleged violation which shall not be affected by the adoption of this Ordinance.

ATTEST:	TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON, ATLANTIC COUNTY, NJ
JOAN I. ANDERSON, R.M.C. TOWNSHIP CLERK	AMY L. GATTO,                      MAYOR

ROLL CALL:	CAIN                      "YES"	EXCUSED ABSENCE
	KESSELMAN            "YES"	
	PALMENTIERI	
	SILVA                    "YES"	
	GATTO                    "YES"	

ORDINANCE #1709-2011 INTRODUCED & PASSED FIRST READING ON NOVEMBER 14, 2011.

Ownership of drainage basins:

Mr. Cain said he asked for this to be on the agenda because of he had questions that arose at the Planning Board Meeting the other night when they talked about ownership of drainage basins. He commented on the Solicitor having done substantial work in changing the covenants and deed restrictions to prevent the Township from taking drainage basins back and said it was brought to his attention that more work may be needed.

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Mr. Sandman said the 13 trouble spots identified last year were analyzed and may not necessarily be completely rectified but they have all been addressed because the Committee has been very aggressive in that respect. He said he would report in his comments tonight on one of them. Mr. Sandman said the Planning Board and Zoning Board were directed to use the documents used in Homewood Court in the future. He explained they are the most effective because they require the development to create a homeowners association and each lot in the subdivision is ultimately responsible for the required maintenance. Mr. Sandman said the Township now has uniformity and enforcement that they never had before. He said anything from the beginning of this year forward is subject to that and it takes care of the problem. Mr. Sandman said the problem that exists beyond that are those that are approved and built or are approved and built in part. He said the existing ordinance requires posting of a maintenance bond for 4 years and, in the ones he reviewed, the Planning Board requires the restrictive covenants to be a recorded instrument that runs with the land and requires the owner whoever that may be at any time to conduct maintenance on the drainage basin. He said it is unfortunate and he doesn't understand why but that was limited to a 10-year period so there was a 4-year maintenance bond and then 10 years protected by the covenants. Mr. Sandman said he redrafted the covenants and restrictions deed to make them in perpetuity so who whoever is required to do the maintenance is required to do so forever so long as the drainage ditch, swale or basin is on the property. He explained the document is recorded; it runs with the land so if the maintenance bond expires and the township doesn't have recourse to go after a bonding company to do the maintenance, they still have the 10-year period of recourse under the restrictive covenants; if the work isn't done and there is no bond, the engineer is sent out; he inspects it and gives the township an opinion that tells the Township Committee what it is or is not going to do; the owner is put on notice of that and if they don't do it, the Township can do it and lien the property; and if the Homewood Court documents are applied, the lien would be against every property in the development. He said that is a very, very strong enforcement tool. Mr. Sandman said there are circumstances like Wexford Lane where the basin is on an individual lot and he can't change that. He said there are circumstances where the basins are contained within common areas in big developments, and he can't change that so the 10 years will be there for that but the township will keep an eye on it and make sure at the end of the 9<sup>th</sup> year it is doing what it is supposed to do. Mr. Sandman said if a development has 4 basins and the 10-year period expires and the basins fail, the unit owners will have to do something because it affects their quality of life. He said the Township may not be able to do it and lien the property but the owners would have the ability to do something. Mr. Sandman said that the Township has taken care of whatever it can in the future to his way of thinking. Mr. Cain said that is exactly what he was looking for.

Mayor Gatto said she thinks the Township Committee with the help of the Solicitor and Engineer has been very proactive not only in terms of identifying the issues and addressing the issues, but also putting mechanisms in place to avoid the issue in the future not only by legal documentation but by also making their direction known and holding the Boards accountable to carry out that direction in terms of planning and zoning. She said she thinks the Committee has done a great job of being strong and aggressive on that position. Mr. Cain said they are alleviating future Committees from going through this with new developments.

Requesting HTMUA for funding for 2012 budget:

Mr. Jacobs commented on already starting to assemble next year's budget and said this is a significant piece of revenue without which substantial cuts in the operating budget would be required. He said he is asking for the decision to be made sooner as opposed to later. Mr. Jacobs said he would like to make the request and see the response from the utility authority.

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Mayor Gatto said from the Township Committee standpoint when going through budget plans the past couple of years she thinks they added this in as a necessary evil until they get out of the rocky economic reality they are in. She said the Budget Committee support it. Dr. Kesselman said he supported it. Mr. Silva said he is fine with it. The Mayor asked if formal action was needed.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Administrator be and is hereby authorized to request the Hamilton Township Municipal Authority for a contribution in the maximum amount permitted by law to be used as revenue for the 2012 Municipal Budget.

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

Public Hearing/Adoption - Ordinance #1704-2011:

Mayor Gatto said this was part of the Township Committee's budget strategy. Mr. Jacobs said it was part of their 3-year plan as well as the Committee authorizing him to close out all negotiations and this is a piece of that.

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

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

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

WHEREAS, Ordinance #1704-2011 was introduced and passed first reading on October 17, 2011 and was duly advertised in the October 19, 2011 issue of the Atlantic County Record for a public hearing to be held November 14, 2011; 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 #1704-2011 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NEW JERSEY  
ORDINANCE NO. 1704-2011

AN ORDINANCE TO AMEND SECTIONS 3 AND 4 OF ORDINANCE #1630-2008 ADOPTED AUGUST 18, 2008 ENTITLED "AN ORDINANCE OF THE TOWNSHIP OF HAMILTON TO REPEAL ORDINANCE NO. 1615-2007 WHICH PROVIDED FOR SALARIES AND COMPENSATION TO BE PAID TO THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HAMILTON AND SUBSTITUTE THEREFORE SALARIES AND COMPENSATION HEREIN FOR THE YEAR 2008 AND BEYOND".

WHEREAS, the Township of Hamilton is currently facing a projected deficit in the amount of \$2,370,000.00 for the budget year commencing January 1, 2011; and

WHEREAS, all employees were requested to make permanent financial concessions to help alleviate the aforesaid budget deficit; and

WHEREAS, the Teamsters have agreed to zero wage increases for 2012 and 2013;

November 14, 2011

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hamilton that:

SECTION 1. Ordinance #1630-2008 is hereby amended to delete the dates and wage increases contained in the middle of **Section 3. Annual Increases** and replace them with the following:

Jan. 1, 2012 = 0%  
Jan. 1, 2013 = 0%

SECTION 2. Ordinance #1630-2008 is hereby amended to delete everything from **SECTION 4. Health Insurance** after the first paragraph and replace it with the following:

Beginning October 1, 2011 all non-union employees shall pay, via payroll deduction, a health insurance premium share in accordance with state statute.

SECTION 3. All ordinances or parts of ordinances or any resolutions of the Township of Hamilton inconsistent herewith are repealed to the extent of its inconsistency.

SECTION 4. If any part or parts of this Ordinance are for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately after final passage and publication as provided by law.

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NEW JERSEY

ATTEST:

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

\_\_\_\_\_  
AMY L. GATTO, MAYOR

ROLL CALL: CAIN "YES"  
          KESSELMAN "YES"  
          PALMENTIERI EXCUSED ABSENCE  
          SILVA "YES"  
          GATTO "YES"

ORDINANCE #1704-2011 INTRODUCED AND PASSED FIRST READING OCTOBER 17, 2011.

ORDINANCE #1704-2011 ADOPTED NOVEMBER 14, 2011.

Public Hearing/Adoption - Ordinance #1705-2011:

Mayor Gatto said this is all coordinated with the Housing Rental Ordinance and Code Enforcement Ordinances. Mr. Jacobs explained part-time employees will be brought in and funded by the Ordinance.

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

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

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

WHEREAS, Ordinance #1705-2011 was introduced and passed first reading on October 17, 2011 and was duly advertised in the October 19, 2011 issue of the Atlantic County Record for a public hearing to be held November 14, 2011 in the municipal building, Mays Landing, NJ; and

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

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1705-2011 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NEW JERSEY  
ORDINANCE #1705-2011

AN ORDINANCE AMENDING CHAPTER 60 OF THE TOWNSHIP CODE AND  
CREATING THE POSITION OF HOUSING INSPECTOR.

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

SECTION 1. The non-union position of Housing Inspector is hereby created and established.

SECTION 2. Qualifications, Duties and Responsibilities. The qualifications for the position of Housing Inspector shall be established by the Township Committee of the Township of Hamilton. The nature and extent of services performed by said Housing Inspector shall be defined in a job description approved by the Township Committee and on file with Human Resources and open to public inspection in the Human Resources Office forthwith upon introduction of this Ordinance.

SECTION 3. Compensation.

- A. The salary ranges for the position of Housing Inspector shall be established by the Township Committee and set forth in the Ordinance #1630-2008 Fixing and Establishing the Salaries and Wages of Municipal Officials and Employees of the Township of Hamilton, County of Atlantic, State of New Jersey.
- B. The position of Housing Inspector is a Part-time/Hourly position and as such, the wages shall be established and set forth in Section 5 of the Non-Union Salary Ordinance No. 1630-2008 adopted by the Township Committee of the Township of Hamilton on June 18, 2008.

SECTION 4. Repealer. All Ordinances or parts of ordinances or any resolutions of the Township of Hamilton inconsistent herewith are repealed in full.

SECTION 5. Severability. If any part or parts of this Ordinance are for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. Effective date. The Ordinance shall take effect immediately after final passage and publication as provided by law.

ATTEST:

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

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

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

ROLL CALL:	CAIN	"YES"	
	KESSELMAN	"YES"	
	PALMENTIERI		EXCUSED ABSENCE
	SILVA	"YES"	
	GATTO	"YES"	

Award of 6-month Janitorial Services contract:

Mayor Gatto said this was part of the budget strategy. Mr. Jacobs explained it is tied to one of the capital projects regarding tripping hazards in the hallways and some of the offices. He explained the salary of one employee will be charged to the contract for the same six months. Mr. Jacobs said three office floors have already been done with the plywood and the approach is to phase in repairs to the hallways with one of the Township's employees in lieu of contracting it out. He explained the amount of this contract is much less than what was actually being paid under the contract that was cancelled and won't have any effect on the budget. Mr. Jacobs said it is budget-neutral because more than that amount in salaries will be charged to the capital for that project.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Action Janitorial, Pleasantville, NJ be and is hereby awarded a six (6) month contract for Janitorial Services in the amount of Sixteen Thousand Eight Hundred Ninety (\$16,890.00) Dollars commencing December 1, 2022 with funding to be appropriated from the Current Fund.

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

Mr. Cain requested consent agenda items H and J be acted on separately.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Business Registration Licenses be and are hereby approved:

- (1) Brookstone Stores Inc. #924 - retail store at Hamilton Mall.
- (2) The India Store - imported handcrafts retail store at Hamilton Mall.
- (3) Cheech Brothers - pizza/subs/takeout/catering on Old Harding Highway.
- (4) Unique Gifts - retail gift shop at Hamilton Mall.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that solicitation for RFPs for Banking Services is hereby authorized, date and time to be determined by the Finance and Township Clerk's Offices.

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

Mr. Cain moved, seconded by Mr. Silva, 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 offsetting appropriations be and is hereby inserted in the 2011 Municipal Budget:

Revenue Title: NJ Highway Safety-Holiday Drive Sober or Get Pulled Over	\$5000.00
Appropriation Title: NJ Highway Safety-Holiday Drive Sober or Get Pulled Over	\$5000.00

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

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Mr. Cain moved, seconded by Mr. Silva, 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 offsetting appropriations be and is hereby inserted in the 2011 Municipal Budget:

Revenue Title: State Body Armor Replacement Fund Program	\$4675.17
Appropriation: State Body Armor Replacement Fund Program	\$4675.17

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

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

WHEREAS, no bids were received on November 2, 2011 for Property Maintenance Services (Bid #2012-14),

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given to rebid the project and receive sealed bids for Property Maintenance Services (Bid #2012-14A) on December 7, 2011.

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

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

WHEREAS, the Township Committee solicited RFP/RFQs for Professional Services for the year 2012 and a minimum of three (3) proposals were not received for the following Professional Services on October 20, 2011:

- 1) Township Attorney
- 2) Township Auditor
- 3) Township Public Defender
- 4) Township Prosecutor
- 5) Risk Manager Consultant
- 6) Certified New Jersey Appraiser

and

WHEREAS, the governing body deems it to be in the best interest of the municipality to reject all RFP/RFQ's received on October 20, 2011 for Professional Services listed above on the basis of a desire for proposals of a more competitive nature,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that RFQ/RFP proposals set forth above be and are hereby rejected.

BE IT FURTHER RESOLVED that re-solicitation for RFQ/RFP proposals for aforesaid Professional Services to be received at 11 a.m. on December 7, 2011 be and is hereby authorized.

BE IT FURTHER RESOLVED that Professionals that submitted proposals for these services should notify the Township in writing if they want their prior proposal to be resubmitted for consideration or may submit new proposals.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the sum One thousand Two Hundred Twenty-five (\$1,225.00) Dollars be and is hereby authorized to be paid to Remington, Vernick & Walberg Engineers, Inc. for professional inspection services rendered during the period September 1, 2011 through September 30, 2011 in Misty Pines Estates Phases 3 & 4; and

BE IT FURTHER RESOLVED that the aforesaid sum of \$1,225.00 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 PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN".

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Travelers Casualty & Surety Company of America bond #105687636 in the amount of Fifty-four Thousand Five Hundred Ten (\$54,510.00) Dollars be and is hereby accepted as a performance guarantee for Bottling Group, LLC, installation of fencing project on Block 994, Lots 15, 16 and 17.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the contract with Malachi's Heavy Truck Repair, Pleasantville, NJ for heavy duty diesel truck repair and maintenance for Township-owned fire apparatus be and is hereby authorized to be extended for one (1) year in accordance with Bid #2010-02 and commencing November 14, 2011 as requested by the Township of Hamilton Emergency Services Advisory Board.

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

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

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 2011 Budget Appropriations be made as follows:

Account No.	Account Title		From	To
23-225	Unemployment Compensation Insurance	Other Expenses	50,500.00	
20-100-1	Township Administrator	Salaries & Wages		500.00
20-120-1	Municipal Clerk	Salaries & Wages		22,000.00
20-145-1	Tax Collector	Salaries & Wages		18,000.00
20-115-2	Management of Information Systems	Other Expenses		8,500.00
25-252-1	Office of Emergency Management	Salaries & Wages		700.00
27-331-1	Registrar of Vital Statistics	Salaries & Wages		800.00
		Totals	50,500.00	50,500.00

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

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Reduction of Select Construction/Wexford Lane performance guarantee:

Mr. Cain asked Mr. Smith if the drainage basin was included in the reduction. Mr. Smith explained the developer did some remedial work and said he is monitoring the basin after events and it is functioning well. He said they may have to go in one more time to remove silt. Mr. Silva said they still haven't fenced the basin and he thinks there was some concern about type of fence they were going to use versus what was originally approved. Mr. Smith explained the approved plan called for post and rail fence with wire mesh inside and the residents were under the impression it was to be white vinyl. He commented on the developer trying to work out the plant layout for the landscaping required around the basin. Mr. Cain questioned why there would be an amended plan when the Board already approved a plan. Mr. Smith said he thinks the developer is trying to get an administrative review because it was too expensive. Mr. Cain asked if enough was left in the guarantee to make sure it is all done. Mr. Smith explained 30% of the original amount is being held and the amount for what is left to be done is significantly less than that.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given for reduction of Cape Bank (formerly Boardwalk Bank) letter of credit #2005-1, the performance guarantee for Select Construction/Wexford Lane project, **from** \$143,233.50 **to** \$113,881.43 as recommended by Robert J. Smith III, Township Engineer, dated November 7, 2011.

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

Authorization for Police Dept. auction of abandoned/unclaimed vehicles

Mr. Cain asked if the auctions were back on schedule. Chief Tappeiner said they are.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Hamilton Township Police Department is hereby authorized to sell the following abandoned or unclaimed vehicles at a public auction to be held in the municipal building, Mays Landing, NJ at 10 A.M. on November 29, 2011:

**Lot 1 of 1: Minimum bid: \$ \$55,000.00**

**American Auto 3113 Rt. 50 Mays Landing, NJ 08330 (609) 965-2900**

Year	Make	Model	Color	VIN	Title type
1994	Lincoln	Towncar	Gray	1LNLM83W4RY656308	Auction
1981	Yamaha	550	Blue	JYA4U8001BA004491	Auction
1997	Ford	Escort	Green	1FALP13P7VW217501	Auction

**Dirkes Auto, LLC 6935 Black Horse Pike Mays Landing, NJ 08330 (609) 625-1718**

1994	Eagle	Talon	Red	4E3AK44Y5SE046265	Auction
1999	Mitsubishi	Eclipse	White	4A3AK34YXXE090767	Auction
1997	Ford	Windstar	Silver	2FMDA5140VBC84647	Auction
2006	Nissan	Pathfinder	Blue	5N1AR18W76C669006	Auction
2004	Mercury	Sable	Silver	1MEHM55S44A618323	Auction

**E & T Auto Body 6553 Harding Highway Mays Landing, NJ 08330 609-625-0568**

2000	Nissan	Maxima	Beige	JN1CA31D6YT751761	Auction
2010	Kia	Rio	Gold	KNADH4A36A6634919	Auction
1992	Honda	Accord	Green	1HGCB757XNA026811	Auction

**Ed's Auto 965 Route 50 Mays Landing NJ 08330 609-625-1332**

1993	Pontiac	Grand Prix	Red	1G2WH54T6PF265070	Auction
1999	Nissan	Altima	White	1N4DL01D1XC143645	Auction
1992	Buick	Century	Gray	1G4AG54N0N6435796	Auction
1992	Chevrolet	2500	Black	1GCFC24H6NE121154	Auction

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1993	Honda	Civic	Black	1HGEG8549PL025338	Auction
2002	Chrysler	Town & Country	Blue	2C4GP44362R657481	Auction
2002	Hyundai	Sonata	Red	KMHWF25H72A548847	Auction

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

Mr. Blankenship explained the MUA has two water main projects and one sewer main project and said the New Jersey Environmental Infrastructure Trust provides loans for these types of things. He said this year 75% of the loan would be at 0% interest and the other 25% would be at market rate interest which would be a tad over 1% over 20 years. Mr. Blankenship explained they have a need for the projects and have to get authorization from the Township in order to make application to the Local Finance Board. Mr. Jacobs said he didn't think there is a better time in the economy than now to do projects like this and he expects they would get much more for their money. Mr. Blankenship said they are under deadlines for going out to bid, getting the bids, awarding the bid and awarding the contract. He said it will help them meet those deadlines if the Committee approves this tonight.

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

**RESOLUTION OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROVING THE ISSUANCE OF BONDS BY THE HAMILTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY FOR PURPOSES OF SECTION 407(f) OF THE SERVICE CONTRACT BETWEEN THE TOWNSHIP AND THE AUTHORITY.**

**WHEREAS**, the Township of Hamilton, in the County of Atlantic, New Jersey (the "Township"), and The Hamilton Township Municipal Utilities Authority (the "Authority") entered into a service contract dated June 16, 1990, as amended and supplemented as of November 19, 1990 (collectively, the "Service Contract"), for purposes of, among other things, securing certain bonds issued by the Authority and described in the Service Contract (the "Secured Bonds");

**WHEREAS**, the Authority is desirous of issuing bonds to the New Jersey Environmental Infrastructure Trust (the "NJEIT") and the State of New Jersey (the "State") in an amount not in excess of \$2,500,000 (the "New Bonds"), for purposes of financing two (2) projects relating to the improvement of its water supply and distribution system and one (1) project relating to the improvement of its sanitary sewerage collection system (the "Projects");

**WHEREAS**, the New Bond to be issued by the Authority to the NJEIT is expected to be for approximately 25% of the costs of the Projects and to bear interest at a market rate of interest and the New Bond to be issued by the Authority to the State is expected to be for approximately 75% of the costs of the Projects and to bear interest at a rate of 0%;

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**WHEREAS**, the New Bonds are not Secured Bonds under the Service Contract;

**WHEREAS**, the requirements of the NJEIT and the State in connection with the loaning of monies to the Authority for purposes of financing the Projects would be less restrictive if the New Bonds were to be Secured Bonds under the Service Contract;

**WHEREAS**, in accordance with Section 407(f) of the Service Contract, the Authority has notified the Township that it intends to submit an application to the New Jersey Local Finance Board on or about December 8, 2011, for its review of the financing of the Projects;

**WHEREAS**, Section 407(f) of the Service Contract in general provides that bonds can be Secured Bonds under the Service Contract if approved by resolution of the Township; and

**WHEREAS**, the Township is desirous that the New Bonds be Secured Bonds under the Service Contract;

**NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, AS FOLLOWS:**

Section 1. The Township hereby approves the New Bonds for purposes of Section 407(f) of the Service Contract and hereby agrees that the New Bonds shall be included in the definition of "Bonds" for purposes of the Service Contract.

Section 2. This resolution shall take effect immediately.

ROLL CALL: CAIN	"YES"	
KESSELMAN	"YES"	
PALMENTIERI		EXCUSED ABSENCE
SILVA	"YES"	
GATTO	"YES"	

RESOLUTION ADOPTED.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list totaling \$5,126,149.61 as of November 10, 2011.

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

Reports:

Mr. Jacobs reported the Township is in the process of hiring a number of part-time positions: the Housing Inspector, the Clerk for the Housing Inspection Program and Code Enforcement. He explained the Township may be getting ahead of itself on the Code Enforcement piece because none of the money has been collected but the way the Housing Inspector job description is written, the Housing Inspector that has to be gotten before the end of the year will have the same authority as Code Enforcement Officials. Mr. Jacobs commented on not knowing if there will be a lot of work on day 1 or day 2 since inspections will only be done on change of occupancy so that person could do Code Enforcement. He reported the recommendation is to cancel hiring the Code Enforcement position, go with the Housing Inspector and use them for Code Enforcement and the Code Enforcement position can be picked up after they see the finances and work load. He asked for authorization to notify applicants for the Code Enforcement position that the Code Enforcement is not being hired at this time but they could be considered for the Housing Inspector. Mayor Gatto asked if they had to reapply. Mr. Jacobs said the closing date already occurred and most of those who wanted to be considered for both have been notified but they have to have certification for Housing Inspector. There were no objections from the Committee Members to Mr. Jacobs notifying the applicants.

Mr. Jacobs reported working with the MLAA and the Soccer Association on agreements for the parks and said he thinks they are good agreements. He explained the Township will still mow the grass but the organizations are picking up maintenance of certain things. Mr. Jacobs reported the agreements are for a 1 year term and once they are reviewed by Mr. Sandman they will be recommended for one year. He commented on work already done at the fields by the organizations.

Mr. Jacobs commented on reporting at the last meeting that HPC recommended approval of the historical sign and explained it will be on the next Planning Board Agenda for approval so the Township can put its electronic sign for Gaskill Point. He said he asked to make a brief presentation to discuss new streets and whether they are privately or publically owned; very similar to the storm water basin thing. He said the Township has a number of streets that it maintains but in some subdivisions the streets are maintained by the Homeowners' Association and he thinks the Township is losing out on options in Planning if the Township doesn't offer that to developers because the Township is clearly falling behind street maintenance. Mr. Jacobs said the Township is allocating more money which is a way to catch up but another way to catch up is to not create new ones that the township has to plow and pave. Mr. Jacobs said the Planning Board attorney didn't see any legal obstacles to doing something. He said if there is any interest on their part they will look into it further. Mr. Cain said it is very important to point out that Mr. Jacobs found a permanent fix to a problem at Underhill Park that the Township has been repairing year after year after year and it looks fantastic. Public Works did all that work.

Mr. Sandman reported putting the bonding company for Foxmoor at Hampton Court on notice; having gone through the document review; he negotiating with their bonding engineer and receiving an e-mail from him today saying the engineer of record who prepared the plans is ready to assist in whatever capacity necessary to close out the project; a draft settlement agreement will be sent to Mr. Sandman for review within the next week; and once they have a punch list from the Township Engineer they will have their local contractors begin to look at the site; he isn't optimistic about completing the work this year given time of year and temperature specifications for paving and landscaping; and once they have the punch list they can revisit the schedule.

Mr. Sandman reported the Industrial Park, with approval of the Mayor, will be going to closing on December 20<sup>th</sup> sale of seven lots in the Industrial Park for \$515,000.00. He reported it includes an obligation by Harrison Beverage to construct the roadways along Nawakwa and Unami Boulevards adjacent to the sites including drainage pipes and all amenities that go with it. Mr. Sandman reported the

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estimated cost for that is \$950,000.00 and said that is over and above the \$515,000.00. He explained that if those monies are collected in this year the \$515,000.00 becomes anticipated revenue and can be used in next year's budget if the Committee chooses to do so. Mr. Sandman said he can't tell the Committee when Harrison Beverage will build but they went before the Planning Board and received approval for an absolutely project that is probably has a \$10 million price tag. He explained when they acquire the land on the 20<sup>th</sup> it will immediately be place on the tax rolls and provide additional revenue by taxation this year and every year thereafter. Mr. Sandman explained he is required by law to be the Solicitor for the Industrial Commission and said he needs the Committee to know Mr. RaVell and the Commission Members went above and beyond what normally happens in these circumstances. He said his marching orders from the Commission was to be business oriented and find a legitimate way to make it work; they made it work; and it is to the benefit of everyone in the township.

Mayor Gatto commented on everyone being extremely excited about this and thinks it is the culmination of several years of work to make the township more business friendly by enhancing its ordinances, processes, zoning and planning efforts, with the ultimate goal to make Hamilton Township a great place to live and do business. The Mayor said she is very proud of the Industrial Commission representing that view. She said she is very excited to have a business like Harrison come here understanding construction will not start right away but in the near future all she can think about is local work, local jobs, local contracting and other local businesses it will stir. Mayor Gatto commented on seeing this as really great steps towards financial recovery in the township.

Mr. Sandman said the construction of the roads at Harrison's expense makes three other buildable parcels available in the Park.

Mr. Cain thanked Mr. Sandman for the report and said the Industrial Commission got the credit they deserve. He commented on being excited by seeing the effort put forth by Mr. RaVell and the Industrial Commission to bring forth a quality tenant like Harrison Beverage that the Industrial Park was meant for. He said he was appreciative of that.

Dr. Kesselman said he concurred and said "kudos" to Mr. Sandman for deals he consistently worked in all the other entities discussed tonight that lead to it and that it is a direct result of his work. He commented on Mr. Sandman being humble about it and said the thinks it was a real team effort. He said Harrison is a first rate business and he thinks it can be a catalyst for future businesses.

Dr. Kesselman reported the next Strategic Planning Committee meeting was moved from November 28<sup>th</sup> to the 29<sup>th</sup> at 6:30.

Dr. Kesselman commented on meeting with Mr. Silva and the Administrator and others the past couple of weeks about Township issues and said Mr. Silva may want to elaborate on those meetings.

Mr. Silva commented on the Administrator presenting a conceptual plan about a month ago as to how the traffic situation on Old Egg Harbor Road near Underhill Park could be handled. He said he thinks every Committee Member received a flurry of e-mails as a result of the article that appeared in the Atlantic City Press. Mr. Silva said that prompted him to contact the Horizons at Woods Landing Association to offer to attend one of their meetings along with Dr. Kesselman and have the dialog continue. He said he thinks the purpose of the conceptual presentation was to create a dialog because he doesn't think there is any hard and fast solution to that road at this time. Mr. Silva commented on jokingly suggesting putting a toll booth there and nobody would use it and it would eliminate some of the traffic problems. He said he and Dr. Kesselman attended a meeting there; that were 90-95 residents there; they had a very interesting interaction and discussion on what would be better type of proposals to better handle the traffic. Mr. Silva asked that it be on the December 19<sup>th</sup> agenda to bring it back up; to talk about many of the suggestions that were made; to open up the dialog with residents that care to give input; and to look at some of those solutions to see if they make

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sense. He commented on trying to calm the people, to tell them that no decision was reached, and that the Committee was still entertaining further discussion on it. Mr. Silva said the solution might be something very simple that hasn't been looked at. He said he one of the things he thought of was two electronic signs, one on each end of the roadway, telling motorists to slow down, games in progress, public safety is a concern.

Mr. Silva reported he, Dr. Kesselman, and the Police Department have been talking about upgrades to the method by which they would handle ticket writing through programs that support it. He said they are still looking at that because the ultimate solution will be to ensure that the electronic dissemination of the information to the Court Personnel so they don't have to do it manually. Mr. Silva expressed it could be put to rest within the next month or so.

Mr. Silva said he is very concerned about work done on route 40 to accommodate the left hand turn onto Babcock Road and to change the signaling arrangement to accommodate the left turn onto Cologne Avenue. He commented on flooding onto Route 40 from the basin at the point of the road several weeks ago after a rainfall and said it never did that before. Mr. Silva said he doesn't understand why the State chose to put a basin at the point of the road without any protection because if there is an icy condition in winter, people traveling west on 40 could slide into that basin Mr. Silva said Mr. Sartorio has been communicating with the state based on comments he has made and hopefully will get positive response but that if not he wants a strong letter sent to the Department of Transportation that the Committee objects to it being at that point. He said it is his understanding that the original plan never showed a basin there; it was a change made that was never discussed with anyone here; and he thinks the Committee deserves some input into it. Mayor Gatto thanked Mr. Silva on behalf of the Committee for attending the meetings and for his work on this. Mr. Cain said he thought Mr. Silva has been very clear throughout the e-mails in his response to them that as the sitting Township Committee they don't have all the answers. He said the Committee invites input from the public in order to help the Members come up with those answers. Mr. Cain said that hopefully by Mr. Silva and Dr. Kesselman attending those meetings, some other solution will come out of those 90 minds that is palatable for everyone. He said he had hoped Mr. Sartorio would be present to discuss with the Committee where they are with this conversation with D.O.T.

Mr. Cain commented on an application for completion for Hamilton Mall coming before the Planning Board on Thursday and said asked Mr. Jacobs to follow up on the status of their drainage basin. He commented on the last he heard was that it was held up with Pinelands for some reason. Mr. Cain explained that as much as he wants to see something done at the Mall and to move forward with the Mall, he wants to make sure the township's residents are protected because if it will be a major problem if it breaches.\

Mr. Cain thanked Rodney Guishard for his participation in the election and congratulated Aline Dix on her victory.

Mr. Cain asked Mr. Silva for an update on Lenape Dam. Mr. Silva explained permission was received to lower the lake in anticipation of resuming work on the dam. He reported attending a meeting with the County and contractor a week-and-a-half ago; they will resume work and hopefully be finished before Christmas. Mr. Silva said he thinks all the questions to date about the safety of the dam have been answered with the soil borings taken.

Mr. Cain commented on keeping Mr. Palmentieri in prayer and said he has been a valuable addition to the Committee. He commented on the loss the Committee will have when Dr. Kesselman doesn't seek re-election next year. Mr. Cain said Dr. Kesselman has been a driving force, a tremendous asset to the community and Township Committee, and he will be missed. He thanked Dr. Kesselman for his dedication. Dr. Kesselman explained it wasn't because of a lack of passion for working with the other members; that he announced it to assure there was sufficient time for an appropriate ticket to be put together on behalf of the party he represents; his new role (at Stockton) requires a lot

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of hours. He said this Committee has had an extraordinary couple of years and still have one left but those who do pursue (the position) should be committed to it. He said they have to do what they have to do to get there but once there, it is all about being part of a group to move the township forward; they have to put everything else aside; and if they successfully do that, communicate with one another, are honest and open with one another, and they are doing it for the right reasons they are doing what the people elected them to do. Mayor Gatto said it was upsetting when the Committee got notice that Mr. Palmentieri needing to be officially excused from his duties not just because of what he is going through but she thinks this Committee has been very productive; that the residents can be very proud of the work the work they did in terms of electing people and the work the members put into it. She commented on it not always easy to face each other on opposite sides of an issue and said she thinks that staying even minded and communicating has let them think out of the box, find solutions, and work together to have a positive impact on the community.

Mayor Gatto wished a belated happy Veterans' Day to all the veterans. She thanked all who had part in the Veterans' Day Ceremony and the Veterans for their service and for all they do for the community.

Mayor Gatto congratulated Mr. Guishard on a great effort. She congratulated Ms. Dix as Committeeman-elect and said she has big shoes to fill. The Mayor said the Committee looked forward to adding her to the Committee and working together to keep moving their priorities forward.

Mayor Gatto said the work the Committee has done on basins in some of the communities is paving a path to make it easier when people come to them. She commented on people from Tavistock having the same issues that were seen in other communities and meeting with the prior to this meeting. Mr. Cain said they have 13 retention ponds there. Mr. Sandman said not all of them are malfunctioning. The Mayor explained the Committee will be engaging the Solicitor, the Engineer and Mr. Sartorio, looking first at where the bonds for each phase stand and go from there. Mr. Sandman commented on the resolution to the last two bonds he was asked to take action on came at little or no expense to the township. The Mayor said the coming Foxmoor settlement agreement should give the residents confidence that the Committee can be able to take some steps to help them. Mr. Sandman suggested someone from the Township contact someone from the Township contact the Foxmoor residents.

Mayor Gatto wished everyone a happy and safe Thanksgiving.

Public Comment:

Russell Bongiovanni said his wife was volunteering to help coordinate the new ordinances and that she has an extensive background in property management. He suggested the Solicitor compare the State Landlord Registration form with the Township's form. He said the State requires their agent be within a certain number of miles of the property. Mr. Bongiovanni said based on his extensive property management experience he would insist every residential rental unit be inspected no less than once every 3 years. The Mayor suggested Mr. Bongiovanni contact those he knows in the housing rental network so if any of them want to come to the public hearing to lend their expertise, support or non-support of the ordinance. Mr. Bongiovanni suggested one of the township officials contact an official in one of the 17 municipalities in the county that have a residential rental ordinance and invite them to come to the hearing and tell how it works. He also suggested that the Inspector that is hired contact inspectors in those other municipalities and asked how they handle the inspections.

Cheryl Fetty questioned the locations listed in the coin drop ordinance. Mr. Sandman explained 40 and Main Street is downtown and 40 & Mill Street is by McDonald's.

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Mrs. Fetty reminded everyone of the Tree Lighting Ceremony in the Park on November 26th at 6 P.M.

Mrs. Fetty questioned how the number of occupants can be checked if the units are inspected while they are vacant. Mr. Jacobs explained occupancy wouldn't be enforced through inspections and said they wouldn't be there during inspection anyway if they are over-occupied. He said that would be enforced on complaint and the Township got a complaint about occupancy they would investigate and cite the property owner or tenant based on the ordinance. Mrs. Fetty questioned how the Township will know what are rental units like single family homes. Mr. Jacobs explained the township won't in the beginning but once they are on the list, they won't get off. He said that would happen by complaints, competitive landlords asking why another one isn't being made to register, unhappy tenants on their way out turning in the landlord. He said they believe the list will start at less than 1000 but it will grow over time. Mr. Jacobs said there will be advertising; letters would probably be sent to those the Township knows of and to the big complexes. Mayor Gatto commented on Mr. Sandman explaining that if someone testifies in a tax appeal that they are renting their property for a certain amount, the Township can check to see whether or not they are registered. Mr. Sandman explained it affects the ability of a landlord to evict if they aren't registered. Dr. Kesselman suggested another way to identify them would be where the tax bill is mailed to if the bill as address other than the house itself. Mr. Cain said there is compelling language in ordinance and it is a lot cheaper to register than get caught not doing it.

Mrs. Fetty asked who would enforce coin drops on private property. Mr. Sandman commented on Festival having no parking/no soliciting signs but they lease to Acme and if the Acme lets the Girl Scouts to sell cookies there they can do it by consent. He explained Hamilton Mall has a ring road and gave the Township Title 39 authority to issue motor vehicle summonses and where the Township has that authority there is some authority to control what occurs there but it is completely up to the property owner where that authority hasn't been given.

Bruce Strigh commended the Township Committee for taking on challenges the past couple of years. He commented on the traffic back-up situation at (McKee) and 322 and suggested the Committee might want to bring it up when they send the letter is sent to the State regarding the basin at Cologne Avenue and Route 40. The Mayor commented on trying to address some of the traffic issues. Mr. Cain said Volunteer way will be a valuable addition to addressing some of the problems there and explained if someone purchases the property on the easterly side of it there would be a requirement to continue Volunteer Way to the Delilah Road light. He said the Committee could keep this out in the forefront with the State and say it is a major issue with the residents and see what cooperation they can get from them. Mr. Strigh said he thinks re-timing the lights would help. The Mayor said she knows the Township has reached out to the State on this. Mr. Silva said addition of another lane to allow right turns would help. Mr. Cain said it would be an easy, quick fix.

Harry Rogers commented on occupancy of a rental unit he had being limited to the number of parking spaces for the property and asked if the new ordinance had anything like that. Mr. Sandman said it is in the International Property Maintenance Code that is adopted by reference. He explained the ordinance is defines habitable space; a bathroom or closet is not habitable space. He explained there are provisions in the International Code about the size of a bedroom necessary to facilitate one occupant or two; that it uses mathematics and square footage to establish what a house can properly hold; it isn't iron clad but it is a standard which is trying to be achieved to avoid putting 8 people in a 2 bedroom home. Mr. Sandman explained that in addition to the landlord applying for a license, the tenant has to Fill out an information permit sheet that requires them to list the number and age of occupants in the home. He commented said it is not intended to help the school enforce a problem but it could. Mr. Sandman said the Township can't obviate contractual obligations between a landlord and a tenant. He said he thinks it is a heroic first attempt at something that will be a process that will be a

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benefit to kids, parents that rent, landlords that rent, and business people that want to build places to rent. Mr. Rogers said everybody wins, especially the neighbors. Mr. Cain explained both the rental housing ordinance and code enforcement will be complaint driven in the beginning but once the Committee knows what the revenue stream will be it should become proactive. Mr. Jacobs that starting in 2017 every unit whether occupied or not will be inspected a minimum of once every year. He explained the Township needs the first few years to build up money to do it.

Rodney Guishard commended the Committee for the work they have done. He thanked the members for their kind comments on the election. Mr. Guishard said he had great appreciation for Mr. Palmentieri.

James Kerrigan commented on Volunteer Way extending westward. Mr. Cain said he recalled that being a consideration some time back but there were hurdles with State Lands Trust properties and there are privately owned properties and it would be cost prohibitive. Mayor Gatto said it had been explored but the Township can't do it at this point in time. Mr. Cain commented on the encouragement for using Volunteer Way to get from Cates Road to the new intersection that will be at Gravelly Run Square that will bring you out to the Hamilton Commons intersection and that it will alleviate traffic on the Black Horse Pike.

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

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

Dr. Kesselman moved, seconded by Mr. Silva, that this meeting be adjourned.

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

ATTEST:

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

