

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, was held on the above date with Mayor Roger Silva presiding. Members present were Aline Dix, Amy Gatto Rodney Guishard and Mrs. Link. 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 on the bulletin board in the municipal building and by e-mailing a copy of the notice along with the agenda for this meeting to the Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30PM on Monday, June 2, 2014 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

Mayor Silva, Deputy Mayor Amy Gatto and Committeewoman Judy Link made the following presentation. Presentations were also made by Egg Harbor City Mayor Lisa Jiampetti and Galloway Township Councilman Robert Maldonado.

Township of Hamilton
ATLANTIC COUNTY, NJ



Proclamation ≈

WHEREAS, Julie Hazard is a longtime resident of the Township of Hamilton, and serves as District Financial Secretary for the Greater Egg Harbor Regional High School District; and

WHEREAS, since 2005, Ms. Hazard has worked tirelessly to showcase the many noteworthy accomplishments of the District's students, staff and faculty, and to promote awareness of District-sponsored events and activities that benefit the schools as well as the entire Township; and

WHEREAS, although individuals who selflessly serve others often neither seek nor receive the thanks of the public, it is only fitting that the Township recognize Ms. Hazard's hard work and dedication to our students and to our community;

NOW, THEREFORE, WE, the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, on this day June 2, 2014, do hereby honor

JULIE HAZARD

in recognition of her commitment to the Greater Egg Harbor Regional School District and to the Township of Hamilton. We thank Ms. Hazard for her innovative ideas, her boundless energy, and her positive attitude; through her extraordinary efforts she has touched the lives of countless students, staff, faculty, and families of our community.

Roger J. Silva
Mayor

Amy L. Gatto
Deputy Mayor

Aline L. Dix
Committeewoman

Rodney C. Guishard, Sr.
Committeeman

Judith Y. Link
Committeewoman

June 2, 2014

Ingrid Perez read the following Resolution honoring the Mays Landing Merchants' Association. John Kurtz, the Merchants' Association President, accepted it on behalf of the Association. was made by

WHEREAS, the Mays Landing Merchants Association is committed to the citizens of the Township of Hamilton and to the conservation of its public lands; and

WHEREAS, the Mays Landing Merchants Association has demonstrated that commitment by adopting The Cove Beach in 2009, and every summer since then, they have donated their time and energy towards beach clean-up efforts that help to maintain a safe, clean and pleasant environment at The Cove; and

WHEREAS, the Mays Landing Merchants Association received a Clean Water Award from the Clean Communities "Adopt-A-Beach" Program on May 22, 2014;

NOW, THEREFORE, WE, the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, on this day June 2, 2014, do hereby honor the

**MAYS LANDING
MERCHANTS ASSOCIATION**

in recognition of this award and of the hard work of the volunteers from the Mays Landing Merchants Association. The Township is grateful for the significant contribution their efforts have made towards keeping our public areas clean, attractive and healthy for our residents and visitors

There was no executive session and no executive session confirmations.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following items be and are hereby deleted from tonight's agenda:

- 5.B Proposed Shared Services Agreement between Hamilton Township & Folsom Borough for provision of Municipal Court Services.
- 5.G Remington & Vernick proposal to apply for FY-2014 FEMA Pre-Disaster Mitigation Grants.
Rescue Squad

and

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

- 9.G Approve Change Order #1 - Final for Resurfacing Underhill Park Tennis Courts as recommended by Robert J. Smith III, Township Engineer, on May 5, 2014 - net decrease of \$200.00.
- 9.H Approve Transient Vender License for Jack Lyon auction at Atlantic City Race Track June 28 & 29, 2014.
- 10.B Appoint D'Anna Sydow a Beach Badge Checker @ \$8.25 per hour effective June 21, 2014.

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

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

John J. Percy III asked how this came about and if there was any legal precedent for doing it. Phil Sartorio explained he was contacted late last year by Mr. Lewis from Conifer who indicated they were still looking to develop in the Hamilton Township area on the New York Avenue and Harding Highway property; they made a conceptual presentation at the February 18, 2014 meeting for 100 units on a portion of the tract; the balance of the tract would be developed by the property owner; he and Mr. Eisdorfer, the Housing Counsel, were directed to look at the documents regarding the framework for the PILOT, the developer's agreement and several resolutions and negotiate on behalf of the Township to come up with something that would benefit the Township and possibly let the project go forward. Mr. Sartorio explained that it is a requirement and the first step in the process for Conifer to qualify for taxpayer financing from the New Jersey Housing and Mortgage Financing agency; there is no guarantee they will get the money but they want the opportunity to get it; it makes their decision on whether or not to proceed with the project; and they would still have to go through the Pinelands, Planning Board, D.O.T and any other agencies involved approval processes. Mr. Percy said this would be the first one the governing body agreed to; he doesn't think it is a merited program from a financial standpoint; all developers that have come before the governing body, Planning Board or zoning Board have been financially sound; he doesn't think this one is financially sound from a municipal finance standpoint; he doesn't see it as a workable plan; and the residents will pay the bottom dollar in taxation. Mayor Silva thanked him for his comments. Mr. Guishard commented the intent being to get specifications that redevelopers could look and make an intelligent estimate of what it would cost; and on it possibly being commercially viable if the Township could get someone to develop it and sell it.

American Legion Building:

Mr. Jacobs explained he started working on the redevelopment plan after the last meeting and has to start defining what the Township wants done with the building and is requesting authorization to go out for RFPs for an architect to help him develop specifications and detail of what a developer will have to do if they want to embark on the project. Mayor Silva asked how much of the report done several years ago is usable. Mr. Jacobs explained it was more to identify what the problems were, not how to fix it, and he is looking for detailed repair specifications that the Township could use if they aren't successful with redevelopment. Mr. Guishard asked if there was any idea of costs. Mr. Jacobs said he didn't. Jim Kerrigan, a member of the Historical Commission, said he would like to see it saved. John Kurtz said he believes it has historic value and would like to see it preserved; hopefully possibly getting some grant money can be looked into; Mr. Kurtz said he had the opportunity to bring up some historic questions he had to the Lt. Governor on Saturday; she gave him a number to contact and maybe they can get something going in the way of grant money or other funding that might help. Ms. Gatto commented on everyone agreeing at the last meeting that they want to preserve the building; they are taking steps to do that; Mr. Jacobs is writing the redevelopment plan. Mr. Jacobs explained the Township is more likely to get a prospective developer if they are more specific. Mr. Guishard commented on a developer being able to give an estimate of what it would cost to redevelop it to Township specifications and sell it; it could be commercially viable. There were no objections to Mr. Jacobs proceeding.

Conifer Realty, LLC request for Payment in Lieu of Taxes (PILOT) Program Agreement & Resolution of Need -Block 1131.01/Lot 5.01:

Mr. Sartorio explained he and Mr. Eisdorfer have been looking at the proposed agreements and resolutions that were submitted since Mr. Lewis made his presentation in February; that they put an impact memo

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together to give the Committee an overview of the impact the proposal has on the approved affordable housing plan, population, number of school children and the first 15 years of the proposed PILOT. Mr. Sartorio's entire presentation of the impact memo and Conifer proposal was recorded, video-taped and can be seen on the Township Website and a copy of the impact memo is available for review in the Township Clerk's Office. Mrs. Dix asked if they would be Section 8 rentals or fully paid for by the tenant. Mr. Sartorio said it is for working persons and would be paid for by the tenant. Mrs. Dix said they could be working poor who have Section 8. Mayor Silva asked if Mrs. Dix was familiar with Pinelands Gardens and said their rents are significantly higher. Mr. Sartorio said there is a waiting list for this type of development and they have to go through the qualification process. Mr. Guishard asked how long the Township had to fulfill its (affordable housing) obligation. Mr. Sartorio explained the First and Second Round numbers were hard numbers already given by COAH; the Third Round has been around for about a month and is under debate; and they will be added to the First and Second Round numbers. Mayor Silva said they still have to go through the Planning Board approval process. Mr. Sartorio explained the proposed resolution specifically states that once the agreement is entered they have 2 years to reserve the tax credits and they need to know that they have the opportunity for that before they make an application; it gives them some assurance that if they get Pinelands and Planning Board approvals and tax credits they can go ahead with the development. Mrs. Dix asked if it was correct that the approval that is out there has to do with the Builders' Remedy lawsuit approved in 2006 or 2007 that brought it in as potential affordable housing. Mr. Sartorio said there is no development approved there yet; it's zoned for 200 units and commercial. Ms. Gatto asked what the penalty is if the Committee never fulfills its obligation. Mr. Sartorio explained the Township is making the effort to be in compliance if it does everything possible and folks like Conifer come in, apply for tax credits but don't get the funds, but if the Township says they aren't going to do it they will probably end up in court again and it would be a significant cost to the Township. Mr. Guishard commented on Conifer requesting this to make it more attractive to their investors and asked if the Township was required to do it. Mr. Sartorio said it is a requirement as part of their housing tax credit approval process. Mrs. Link asked if they have to come back to the Township Committee once they get all of their approvals. Mr. Sartorio said he didn't think they would because one of the resolutions authorizes execution of the tax abatement agreement and the other says there is a need for the housing. Mayor Silva commented on the Committee Members listening to the residents and taxpayers; the number of homes up for foreclosure; and talking about tax abatements; realizing tax revenue is the only source of income the Township has and wondering why the Township Committee is even getting into this especially with all the issues the Township has on that roadway. The Mayor said he was besieged with calls about the condition of that road over the weekend and there would be an additional 100 to 130 cars coming out onto the roadway that can't handle the traffic now. Mayor Silva said he has a lot of concerns about it and it makes no difference whether he is for or against it, you have to be a realist and realize what the problems are; that to get involved in it and what they require others to pay creates some degree of difficulty; and the only reason to have the abatement or PILOT is so someone can get the incentive to build the project and make money and he has reservations about that. Mrs. Dix commented on the timing of the left turn arrow at the New York Avenue Route 40 intersection being only 20 seconds; people from developments on West Jersey, McKee and New York Avenues having to use McKee Avenue to the Black Horse Pike or New York Avenue to Route 40 and said that she called D.O.T. today and sent them an e-mail regarding (the Conifer) project; the issue of the left turn arrow; and pointed out to D.O.T. that the proposed Conifer project driveway is very close to the Harding Run II driveway coming out onto New York Avenue. She said D.O.T. has a special application for major highway access that (Conifer) needs to be applying for and talking to D.O.T. about well in advance to see if something can be done with that intersection. Mr. Sartorio explained those arguments are taken care of through the site plan approval process. Mayor Silva said there will be

more development there from a commercial point of view. Mrs. Dix said school buses are barely Able to make a right turn from 40 onto New York Avenue with traffic waiting to get onto Route 40 and said whether it is Conifer or the property owner, making their land accessible is their issue. Mrs. Link said it is a Planning Board issue. Mayor Silva said it is but it is better to have it understood going forward. Mrs. Dix said it takes a lot of time to plan this kind of state highway impact and for D.O.T. to make changes so by the time it goes to the Planning Board for site plan approval it is too late. Mr. Guishard said doing a PILOT such as this being one way to comply with the law; the alternative is to require all developers to provide 10% to 15% affordable housing; the Township can have all the affordable housing in one area or require of all new developers that 10% or 15% be affordable homes. He commented all of the lower income people being generally trapped in one area and said the purpose of the Law is to try to allow them to move out into other areas. Ms. Gatto asked what Mr. Eisdorfer's opinion was on the Resolution. Mr. Sandman said that opinion is attorney-client privileged; he wasn't asked to and hasn't reviewed it but Mr. Eisdorfer did and if the Members are asking if they have to do that; and it requires a legal opinion from Mr. Eisdorfer if the Committee is asking if they have to do it. He commented on sensing the Members reluctance, concerns, their sense of obligation as expressed by Mr. Guishard and the is no reason that this has to be voted on tonight if those are the kinds of questions the Members have in their minds. Ms. Gatto said she is definitely not comfortable voting without having an opinion from Mr. Eisdorfer; she is uncomfortable with the PILOT, its duration, and if what Mr. Percy said the Township hasn't done one in its 200 year history. Mr. Link commented on the township being way behind in providing affordable housing when the COAH determination came out in 2007. Mr. Guishard commented on there being some agreement that this is one of the options the Township has for meeting the requirements and the other is to options requiring all developments to provide 15% of their developments for affordable housing. I response to Mrs. Link's question about developments approved before, Mrs. Dix said they were granted waivers by the Planning Board. Mrs. Link asked if that is what the Township is making up now. Mayor Silva said it wasn't and the Members need answers so they are comfortable when they vote on the resolution. Mrs. Dix asked why none of the existing housing stock is being counted in the Township's affordable housing requirement. Mr. Sartorio explained it is because it isn't deed restricted to remain an affordable unit for 30 years.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Mr. Eisdorfer be asked for a legal opinion on both resolutions and the PILOT agreement proposed by Conifer Realty, LLC.

Discussion on the motion: Mr. Guishard asked if there was any question on the legality of this because he thought this kind of resolution has been done before. Several members said it wasn't. Mr. Sandman explained that the Township was a party in a lawsuit some time ago dealing with the ability of these kinds of projects to go forward; he wasn't involved as counsel in the lawsuit but he understands that it ended in a Consent Order and one consequence of the Order was that four parcels in the Township were designated for this kind of development. He said there are a number of legal issues in the implementation of; one of the question that comes to mind is what the impact of doing this is in terms of their ability to get zoning approval, variances and what they need and if it is some sort of tacit admission by the Committee Members that it is something the Township has to live with if the Planning Board doesn't want to. Mr. Sandman recommended that if the motion is passed the specific nature of the questions be issued to Mr. Sartorio, given to Mr. Eisdorfer in advance and based on the content of the questions he can determine whether or not it is appropriate for executive session and it gives Mr. Eisdorfer a specific item to address for each or any Committee Member. Mr.

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Guishard commented on it being New Jersey State document. Ms. Gatto questioned the legal ramifications on the Township based on the history it had with this property and COAH. Mayor Silva commented on Mrs. Link asking if they have to come back to the Committee Mr. Sandman said he didn't think they have to come back to the Committee. He said another question is what happens if the Committee doesn't do this year or next year. Mayor Silva said Mr. Guishard brought up that there are two ways to do this. Mrs. Dix said every approval should have had 10% low and 10% moderate housing for the past 25 years.

There being no further discussion Mayor Silva called for a roll call vote on the resolution to ask Mr. Eisdorfer for a legal opinion on both resolutions and the PILOT agreement pro-posed b6 Conifer Realty, LLC.

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

Members comments when casting their vote: Ms. Gatto stated "for the record" that the discussion had absolutely no consequence to Confer as a developer; that she researched them as after their presentation; and she thinks they are caught in the cross fire. Mr. Guishard explained he would vote yes because he sees his fellow Committee Members have a number of questions. Mrs. Link explained she would vote yes because she thinks the legal ramifications are very important as far as being in court again and the expenses that would be incurred. Mayor Silva explained he would vote "yes" because there are questions that need to be answered and he would be much more comfortable putting them to Mr. Eisdorfer.

Introduction of Ordinance amending Chapter 66 of the Township Code to create the position of Part-time Violations Clerk @ \$15.50 per hour:

Mr. Jacobs explained money was put into the budget to add this part-time person if the work load increased and it has. Ms. Gatto commented on the ProPheonix system increasing the number of tickets getting into the system and explained that the intent was to do this when the revenue would cover it. Mrs. Dix asked if it was a Teamsters Contract position. Mr. Jacobs explained it isn't because it is part-time.

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

Be it resolved BY THE Township Committee of the Township of Hamilton that Ordinance No. 1771-2014 be introduced and passed on first reading and the Township Clerk is authorized to advertise same in the June 4, 2014 issue of the Atlantic County Record for a public hearing to be held thereon at 6:30 PM on Monday, June 16, 2014, in the municipal building, Mays Landing, NJ.

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

**TOWNSHIP OF HAMILTON
ORDINANCE NO.: 1771-2014**

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

WHEREAS, the implementation of the Pro-Phoenix software has increased the number of tickets issues and the number of court cases conducted; and

WHEREAS, the revenues from the this new software; exceeding the budget have already been received; and

WHEREAS, the Township is also in the process of negotiating a shared services agreement to take over the Borough of Folsom’s Municipal Court; and

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

SECTION 1. Create Position

Amend Exhibit “A” Section #1, entitled PART-TIME REGULAR HOURLY RATE, by adding the following position:

Violations Clerk\$15.50

SECTION 2. Amend “CHART OF ORGANIZATION” by adding the following part-time position:

Part-time Municipal Violations Clerk in the Municipal Court

Severability and Effectiveness Clause.

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

SECTION 7. Effective Date.

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

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

ATTEST:

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

Roger J. Silva, Mayor

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

ORDINANCE #17 71 - 2014 INTRODUCED AND PASSED FIRST READING JUNE 2, 2014.

Introduction of Ordinance amending Chap. 186 of the Township Code
RE: Handicapped Parking:

Mr. Jacobs explained the Judge and Prosecutor reviewed the Ordinance and approved it.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1772-2014 be introduced and passed on first reading and the Township Clerk is authorized to advertise same in the June 4, 2014 issue of the Atlantic County Record for a public hearing to be held thereon at 6:30 PM on Monday, June 16., 2014 in the municipal building, Mays Landing, NJ.

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

**TOWNSHIP OF HAMILTON
ORDINANCE #1772-2014**

**AN ORDINANCE ESTABLISHING
UPDATES TO THE EXISTING HANDICAPPED PARKING
REGULATIONS IN THE TOWNSHIP OF HAMILTON**

WHEREAS, the Municipal Court has requested that the Township Committee update its Handicapped Parking Ordinance so it can be better enforced; and

WHEREAS, the Township Committee of the Township of Hamilton has determined that the it's Handicapped Parking Ordinance in in need of updating; and

NOW THEREFORE BE IT HEREBY RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that the following is hereby adopted:

SECTION #1 Delete the existing Chapter 186 in its entirety and replace it with a new Chapter 186 to read as follows:

Chapter 186

HANDICAPPED PARKING

Chapter 186. HANDICAPPED PARKING

§ 186-1. Purpose.

The purpose of this article is to establish certain areas that are private property, that are open to the public or in which the public is invited that shall prohibit parking in these areas designated as "handicapped parking spaces" for use by persons who have been issued special identification cards by the Division of Motor Vehicles. No other person shall be permitted to park in these spaces.

§ 186-2. Statutory authority.

This article is enacted in accordance with N.J.S.A. 40:48-2.46, which does confer upon the Township of Hamilton the right to establish handicapped parking spaces in order to preserve and safeguard the public health, safety, morals and welfare.

§ 186.3. Definitions.

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

HANDICAPPED PERSON - Shall be synonymous with that term as utilized in N.J.S.A. 39:4-204.

§186.4. Restricted spaces established.

The Township of Hamilton herewith authorizes the establishment of restricted parking spaces for use by handicapped persons in any space on public or private property appropriately marked for vehicles for the physically handicapped pursuant to P.L. 1977, c. 202 (N.J.S.A. 39:4-197.5), P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.), and for any other applicable law relating to parking for the physically handicapped.

§186.5. Prohibited parking.

Vehicular parking shall be prohibited to the extent that such spaces are appropriately designated and marked according to law, unless the vehicle is authorized by law to be parked therein and a handicapped person is either the driver or a passenger in that vehicle.

§ 186-6. Violations and Penalties.

For violation of any provision of this article the fine shall be \$250 for the first offense and shall be \$250 plus a maximum of 90 days of community service for all subsequent offenses pursuant to Chapter 161, Public Laws of 2003.

§ 186-7. Severability.

Should any portion of this Ordinance be declared unconstitutional or impermissible by a Court of competent jurisdiction, said declaration shall not affect the remaining portions of this Ordinance which shall continue in full force and effect.

14-14. Effective Date April 1, 2014.

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

ATTEST:

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

ROGER J. SILVA, MAYOR

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

ORDINANCE NO. 1772-2014 INTRODUCED & PASSED FIRST READING JUNE 2, 2014.

Mandatory Direct Deposit of Paychecks Ordinance:

Mr. Jacobs explained this was tabled at the last meeting; he was asked to talk to some of the employees; he surveyed some of the employees; it was discussed at a staff meeting; there are still employees who feel it is an inconvenience but he doesn't understand how because they whether they get a check or credit card they would still have to go to the bank to withdraw their money; he would like to move forward with it; and if the Committee isn't going to approve it, the employee manual can be printed without it. Mr. Jacobs said if you work for the State you get direct deposit; if you are on unemployment you get direct deposit or a debit card; and Social Security is mandatory direct deposit. Mrs. Dix said the law was enacted in early 2013; the municipality should have already had an ordinance in effect to allow direct deposit; she hasn't found any existing Ordinance in the Code Book that permits direct deposit that could be amended; the

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law gives municipalities the option to mandate direct deposit by Ordinance through July 1; they can exempt seasonal or temporary employees and allow employees to request exemptions from the mandate. She said she thought this should have come up months ago so the Committee would have time to examine it and get more information; that since there is no Ordinance in place there is nothing to amend; and the Committee can't get this done by July 1st. Mr. Jacobs said an Ordinance has to be done; and if the Committee supports it he has one drafted that can be put on the next agenda. Mayor Silva said the Ordinance can allow employees to request exemptions. Mr. Jacobs said the Committee shouldn't do the Ordinance if they are going to allow exemptions. Ms. Gatto said it will save \$2,500.00 a year. Mr. Jacobs said it is \$2,500.00 plus labor involved. Mr. Guishard said he fails to see any disadvantage; employees can have credit cards and not need a bank account; and it saves the Township \$2,500.00. Mrs. Link asked what about employees who do not want direct deposit, object to using ATM cards and might never use it. Mr. Jacobs said they will have to either have direct deposit to a checking or savings account or take a debit card; they can take the card to the bank and fill out a withdrawal slip and take the money out of their account, go to another bank if theirs is closed, or go to an ATM.

Ms. Gatto moved, seconded by Mr. Guishard, that preparation of an Ordinance mandating direct deposit of paychecks be prepared for introduction at the June 16, 2014 meeting.

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

Public Hearing/Adoption - Ordinance #1770-2014:

Mr. Jacobs gave the following responses to questions Mrs. Dix had sent to Mr. Sartorio and answered tonight in public: WHAT IS THE GENESIS OF THE NEW JOB TITLE: In the scenario of the Captain, the Captain is because of the promotion to Deputy Chief and for the Chief is because of additional duties being added to his job description. WHEN AND WHERE WAS THIS DISCUSSED? Mr. Jacobs isn't sure who discussed it amongst themselves but his discussions took place when he met with different members to go over the agenda and with the Personnel Liaisons. THE REASON FOR THE NEW TITLE IS PART OF THE ADDITIONAL DUTIES. THOSE SPECIFIC DUTIES NEED TO BE RECITED IN NEW JOB DESCRIPTIONS. Mr. Jacobs said he has done that.

Mrs. Dix asked what specific and exact duties justified the \$9,000.00 raises. Ms. Gatto explained that all emergency services administrative duties are being shifted to the Chief; that if there is an issue or complaint within a fire department now that they are unable to resolve under their in-house by-laws it comes to Mr. Jacobs and is taking up more of Mr. Jacobs' time than it did in the past; that responsibility is being shifted to the Chief strictly for administrative oversight. Mr. Jacobs said the Chief wouldn't handle it any differently than he does; it is to help them get their job done; and it doesn't impact their autonomy.

Mr. Jacobs in response to the next portion of Mrs. Dix's e-mail regarding the new pension reform law that bans large salary increases just before retirement, these two officers being retirement eligible, and the salary increases having a serious impact on the monthly pension calculations, Mr. Jacobs explained that is up to PFRS. Mayor Silva said didn't think it was being done to jump their pensions and he hoped Mrs. Dix wasn't alluding to that. Mr. Sandman said he thought Mr. Jacobs was saying that if that is an issue it will be taken up by the Division of Pensions when they retire; the Committee doesn't have to look at that now; and if there is a mistake the Division of Pensions will correct it. Mrs. Dix said that she thinks the Committee has to understand the impact of salary increases and adding longevity to the base pay on pension calculations; it all falls on the taxpayers New Jersey; that this Township doesn't have longevity except in the

police department; it is added to their base pay; and that she is asking if the Committee did its due diligence. Mayor Silva said he thinks they did; it won't have a significant impact on the budget because it will be covered through attrition; and the level of responsibility on a day to day basis, the job merits it. Mr. Guishard said they looked at the job responsibilities, what it entails, requirements for the position; market value for the position; whether or not the person is about to retire shouldn't be and wasn't part of the consideration. Mrs. Dix commented on the number of vacant houses in the community; tax increases by other agencies being handed to the Township and older people who have the smallest income; the Committee talking about giving \$9,000.00 raises and the justification being that they have some attrition money because somebody retired instead of cutting back on spending or letting that money go into surplus for next year's budget; the Teamster's Contract being in the third year with zero raises plus their health insurance premium co-pays going up; the PBA contract expired on December 31st and the Committee hasn't had an executive session on the negotiations status since August 5th; they keep giving management raises and the rank and file are getting nothing. Mayor Silva said Mrs. Dix would probably approve this if there were no raises at all and allow them to take on additional responsibility with no money increase. Ms. Gatto commented on Mrs. Dix mentioning that the Committee isn't looking ahead, isn't looking to save money, and is passing on "these tax increases". She asked Mr. Jacobs if the Township budget is lower this year than last and if it was lower than the year prior to that. Mr. Jacob said "yes" to both questions. Ms. Gatto said this year's increase was the first one in three years and the only reason for passing it on was because of tax appeals. She said the Committee is filling the gap; they have been working really hard on it; that she didn't recall seeing Mrs. Dix at some of the really tough meetings and making those decisions; and it is offensive for Mrs. Dix to say that Stacy and Mike aren't out on the streets doing the work.

Mayor Silva opened the hearing to the public for comments or questions on the Ordinance.

Jim Kerrigan said he was for the Deputy Police Chief and asked who would be elevated to Captain. Mr. Jacobs said the position of Captain is being eliminated because they don't want to increase staff. Mr. Kerrigan said to keep the Captain.

Peg Capone asked what each position would be paid. Mr. Jacobs said if the Ordinance is approved the Deputy Chief will be \$127,000. and the Chief will be \$131,000. Mrs. Capone asked the number of hours for each position. Ms. Gatto said it could be non-stop; Mrs. Link said it could be 24/7; Mr. Guishard said they are always on call; Mr. Jacobs said their schedule is whatever they are required to work. Ms. Gatto said 40 hours is typical. Mrs. Capone said she thinks even management positions should sign in and out when they are in the building or out on call and if it shows they are working 60 hours week the public might be inclined to give raises. Ms. Gatto explained the additional responsibilities for the Chief included all public safety, the 5 fire departments, ambulance squad, Office of Emergency Management, the Dive Team. Mr. Jacobs said it was a lot of work. Mrs. Capone asked how many hours Mr. Jacobs works a week. Mayor Silva said it varies. Mrs. Capone said she had questions about the promotions and salaries; she got some answers; some answers she didn't get.

John Schleifer asked the Committee to proceed with caution and prudence in this. He commented on the federal government reducing the number of positions in the D.O.D. and Department of Transportation; federal employees not getting pay increases for three years; and the military getting 1% to 1.5%. Mr. Schleifer said \$9,000.00 seems a little extreme in this Township but he trusts the judgment of 4 of the 5 Committee Members.

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There being no further questions or comments on the Ordinance, Ms. Gatto moved, seconded by Mrs. Link, that the public hearing be closed.

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

Ms. Gatto moved, seconded by Mayor Silva, that the following resolution be adopted.

WHEREAS, Ordinance #1770-2014 was introduced and passed first reading on May 19, 2014 and was duly advertised in the May 21, 2014 issue of the Atlantic County Record for a public hearing to be held on June 2, 2014; 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 #1770-2014 be and is hereby adopted.

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

**TOWNSHIP OF HAMILTON
ORDINANCE NO.: 1770-2014**

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

WHEREAS, the duties of Captain and OEM Coordinator have been expanded; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to create the position of Deputy Chief of Police/OEM COORDINATOR and that upon promotion delete the position of Captain of Police; and

WHEREAS, the Township Committee has determined that the general oversight of all emergency services would be best assigned to one department for better coordination; and

WHEREAS, the Township Committee has determined Chief of Police's job description should be amended to include general oversight of all emergency services; and

WHEREAS, these changes will increase the personnel cost of this department;

WHEREAS, the salary increases will become effective May 1, 2014.

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

SECTION 1. Create Position

Amend Exhibit "A" Section #1, entitled FULL-TIME DEPUTIES AND DIVISION CHIEFS, by adding the following position:

Deputy Chief of Police Maximum Salary\$135,000.00
Deputy Chief of Police Starting Salary.....\$127,000.00

SECTION 2. Amend "CHART OF ORGANIZATION" by adding the following full-time position:

"Deputy Chief of Police" in the Police Department.

SECTION 3. Amend Exhibit “A” Section #1 entitled FULL-TIME DEPUTIES AND DIVISION CHIEFS by deleting the following full-time position:

“Captain of Police” in the Police Department.

SECTION 4. Amend Exhibit “A” Section #1 entitled FULL-TIME DEPARTMENT HEADS by deleting the salary maximum of \$130,000 and replacing it with \$140,000:

SECTION 5. Change the Salary of the Chief of Police to \$131,000 in recognition of the additional responsibilities that are being added to his job description as outlined in this ordinance.

SECTION 6. Amend Stacy Tappeiner’s and Michael Petuskey’s employment agreements to be consistent with this ordinance, and authorize the Mayor to sign same.

Severability and Effectiveness Clause.

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

SECTION 7. Effective Date.

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

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

ATTEST:

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

Roger J. Silva, Mayor

ROLL CALL:	DIX	“NO”
	GATTO	“YES”
	GUISHARD	“YES”
	LINK	“YES”
	SILVA	“YES”

ORDINANCE #1770 - 2014 INTRODUCED AND PASSED FIRST READING MAY 19., 2014.
ORDINANCE #1770 - 2014 ADOPTED JUNE 14 , 2014.

Mayor Silva commented on the Police Department providing the same level of coverage with reduced staff when there was a massive reduction of employees in 2011; using technology to do their job; the Committee doing what they had to do to straighten out the structural deficit, understanding what has to be done financially and steps that have to be taken. He said that moves such as were made tonight will prove to be in the best interest the Township and the Department; responsible people don’t make irresponsible decisions on raises like this; and when someone votes against it that doesn’t make them a bad person, they see things differently than the others do. He commented on the Captain shaving been the Emergency Management Coordinator and the countless hours he put into it. Mayor Silva commented on making some difficult decisions with this; it may not be the most popular thing but he believes it is the right thing. Ms. Gatto said the Fiscal Responsibility and Affordability statement “the greatest good for the greatest number of people” constantly guides her decisions. Mrs. Link said she thinks the Township has the best in Atlantic County with Chief Tappeiner and Deputy Chief Petuskey;

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they deserve the increase; they worked with the Committee; they are on duty 24/7; this is the largest township with the most miles to cover; and they are on top of things. Mr. Guishard said this isn't the highest salary in the area and that they looked at that very carefully; part of the reason for the increase is because they haven't received an increase in quite a while and have taken cuts with a greater contribution to their health care; and suggesting they that it is less than 40 hours is incorrect.

Award of Extraordinary Unspecifiable Non-Fair & Open Contracts:

Ms. Gatto and Mr. Jacobs explained the first one is for equipment to improve the public access channel at the high school. Mr. Jacobs explained the second one is for security software.

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

RESOLUTION AUTHORIZING THE AWARD OF AN EXTRAORDINARY UNSPECIFIABLE NON-FAIR AND OPEN CONTRACT FOR UPGRADE TO THE TOWNSHIP DIGITAL VIDEO SERVER.

WHEREAS, the Township of Hamilton has a need to Contract for the upgrade to its Digital Video Server as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed 17,500.00; and

WHEREAS, the purchase order will exceed the \$17,500.00 threshold; and

WHEREAS, Telvue Corp. has completed and submitted a Business Entity Disclosure Certification which certifies that Telvue Corp. has not made any reportable contributions to a political or candidate committee in the Township of Hamilton in the previous one year, and that the contract will prohibit Telvue Corp. from making any reportable contributions through the term of the contract; and

WHEREAS, this is to certify to the Township Committee of the Township of Hamilton that funds for the following resolution are available from Capital Bond Ordinance #1766-2014 appropriations.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton hereby authorizes the purchase and installation of equipment to upgrade the Township of Hamilton Digital Video Server from Telvue Corp. at a cost of \$18,961.50; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the Atlantic County Record within ten (10) days of its adoption.

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

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

RESOLUTION AUTHORIZING THE AWARD OF AN EXTRAORDINARY UNSPECIFIABLE NON-FAIR AND OPEN CONTRACT FOR END-POINT SECURITY FOR THE TOWNSHIP INFORMATION SYSTEMS.

WHEREAS, the Township of Hamilton has a need to Contract for the End-point security of its Information Systems as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, the purchase order will exceed the \$17,500.00 threshold; and

WHEREAS, Comm Solutions has completed and submitted a Business Entity Disclosure Certification which certifies that Comm Solutions has not made any reportable contributions to a political or candidate committee in the Township of Hamilton in the previous one year, and that the contract will prohibit Comm Solutions from making any reportable contributions through the term of the contract; and

WHEREAS, this is to certify to the Township Committee of the Township of Hamilton that funds for the following resolution are available from Capital Bond Ordinance #1766-2014 appropriations.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton hereby authorizes the purchase and installation of equipment to security of the Township of Hamilton Information Systems from Comm Solutions at a cost of \$26,118.24; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the Atlantic County Record within ten (10) days of its adoption.

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

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

RESOLUTION AWARDING CONTRACT

WHEREAS on May 28, 2014 the Township of Hamilton received sealed bid proposals for Liepe Tract Recreation Complex Football Field Irrigation System (Bid #2014-03A); and

WHEREAS the following bids were received:

<u>Name</u>	<u>Bid Amount</u>
Lawn Sprinkler Services, LLC P. O. Box 3400 Margate, NJ 08402	\$71,400.00
Down To Earth Landscaping, Inc. 705 Wright DeBow Road Jackson, NJ 08527	\$79,625.00
Lexa Concrete, LLC 11 Commerce Way Dr. Hammonton, NJ 08037	\$92,309.50

and

WHEREAS, the Qualified Purchasing Agent and Township Engineer, have reviewed aforesaid bids and determined that Lawn Sprinkler Services, LLC whose address is P. O. Box 3400, Margate, NJ 08402, is the lowest responsible bidder and recommended in writing that the contract for Liepe Tract Recreation Complex Football Field Irrigation System (Bid #2014-03A) be awarded to them in accordance with the terms and conditions outlined in the bid specifications,

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

- (1) The foregoing facts are hereby ratified and affirmed.
- (2) Funding shall be from Capital Bond Ordinance #1766-2014.
- (3) The bid of Lawn Sprinkler Services, LLC is hereby accepted and the contract for Liepe Tract Recreation Complex Football Field Irrigation System (Bid #2014-03A) is awarded to them for the sum of Seventy-one Thousand Four Hundred Dollars (\$71,400.00).
- (4) The Mayor and Township Clerk be and are hereby authorized to execute the aforesaid contract with.

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

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There were no Business Registration Licenses to be approved.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following item of revenue with off-setting appropriations be inserted into the 2014 Municipal Budget pursuant to N.J.S.A. 40A:4-87:

Revenue Title: 2014 Click It or Ticket Seat Belt Mobilization	\$4,000.00
Appropriation title: 2014 Click It or Ticket Seat Belt Mobilization	\$4,000.00

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following item of revenue with off-setting appropriations be inserted into the 2014 Municipal Budget pursuant to N.J.S.A. 40A:4-87:

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

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following item of revenue with off-setting appropriations be inserted into the 2014 Municipal Budget pursuant to N.J.S.A. 40A:4-87:

Revenue Title: 2014 Distracted Driving Crackdown	\$5,000.00
Appropriation title: 2014 Distracted Driving Crackdown	\$5,000.00

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following item of revenue with off-setting appropriations be inserted into the 2014 Municipal Budget pursuant to N.J.S.A. 40A:4-87:

Revenue Title: Emergency Management Performance Grant	\$5,000.00
Appropriation title: Emergency Management Performance Grant	\$10,000.00
Local Match - Source: 2014 Emergency Management Budget	\$5,000.00

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Chief Financial Officer is hereby authorized to release the Two Thousand Nine Hundred Seventeen (\$2,917.00) held in escrow as a performance guarantee for Ryan Homes Eaglesmere Project model home parking area (Block 1132.24/Lots 1 & 2) as recommended by Robert J. Smith III, Township Engineer, on May 22, 2014.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the sum of \$70.00 is hereby authorized to be paid to Zlotnick & Feinberg, PA for professional legal services rendered during the period April 24, 2014 in Misty Pines Estates Phases 3 & 4.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given for the purchase of one (1) F550 Mason Dump Truck from DFFLM, LLC t/a Ditschman/Flemington Ford under State Contract #A79113 for the sum of \$59,679.00 with funding from Capital Ordinances #1649-2009, #1672-2010 and #1766-2014.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Robert J. Smith II, Township Engineer, is hereby authorized to apply for the NJDEP5G3 Construction Activity Stormwater General Permit for the Town Hall Auxiliary Parking Lot Project.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Change Order #1- Final to the contract with All Surface Asphalt Paving, Inc. for Resurfacing of the Underhill Park Tennis Court a net decrease of \$200.00, be; and is hereby approved as recommended by Robert J. Smith III, Township Engineer on May 5, 2014.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that a Transient Vendor License is hereby approved for Jack Lyon for an auction to be held at the Atlantic City Race Track on June 28 and 29, 2014.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Brendan Hanley be and is hereby appointed a full-time Law Enforcement Officer in the Township of Hamilton Police Department at the Pre-Academy salary effective July 28, 2014.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that D'Anna Sydow be and is hereby appointed a Beach Badge Checker at \$8.25 per hour effective June 21, 2014.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the May 5, 2014 meeting are hereby approved and adopted as published.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the May 19, 2014 meeting are hereby approved and adopted as published.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered to be paid, the bill list total being \$1,100,686.87.

RESOLUTION ADOPTED WITH ALL MEMBER DIX VOTING "RECUSE", MEMBERS GATTO, GUSHARD, LINK AND SILVA VOTING "YES" AND NO "ABSTAIN".

REPORTS:

Mr. Jacobs said he had nothing to add to his written report. Mrs. Dix asked if Mr. Jacobs had a date for an opinion on borrowing money. Cynthia Lindsay, CFO, explained that the Bond Counsel suggested some options; she is waiting for the Auditor to get back to her to discuss the options further; the BAN is due in September and she wants to be sure the Township has money to pay it.

Mr. Sandman said he had nothing to report. Mayor Silva asked Mr. Sandman if he would be ready to report on the piece of property from Delilah Oakes at the next meeting. Mr. Sandman explained the attorney for Delilah Oaks Construction Company forwarded a proposed deed for a parcel of land that is approximately 24 acres; part of it is for Volunteer Way that was done through easements; there is about 5 acres north of Volunteer Way; Gravelly Run Creek runs through the land south of Volunteer Way and it is predominantly wetlands; he and Mr. Sartorio are trying to determine if there was a covenant or restriction on the parcel through a deed; the attorney for the developer doesn't think there is; there is no restriction in the deed of consolidation; it is restricted for open space areas in the Planning Board Decision and Resolution; and there is a notation on the recorded approved subdivision plan indicates it is open land that is not to be developed. Mrs. Dix the open space area in the Fairways subdivision was added to the Stone Crest development, a PURD, and asked Mr. Sandman if he was going to be able to give the Committee anything on the requirements of the PURD and that tract being part of the PURD

Mr. Sandman said he can but that is beyond what he was instructed to look into. He explained it is a question of the Committee would want to do it and if they want to set a precedent. Mr. Sandman said that whether or not land north of Volunteer Way could be used depends on whether or not a deed restriction eliminates it and that Zoning won't change a deed restriction. He explained that, according to Mr. Sartorio, the value of taking the land is that Volunteer Way is critical from the Planning and Zoning perspective to take traffic off the Black Horse Pike and get it to the jug-handle at the mall and it is another way for McKee Avenue traffic to get through; by taking the land the Township will own the 50' Volunteer Way right-of-way in fee simple and that has greater rights than by owning it by easement. Mr. Sandman explained that whatever the Committee does it will be subject to the easement that Wawa has through that piece to allow them access to Volunteer Way. He said PURDs are no longer permitted and he thinks taking the land in terms of the future is negligible; each one comes on a fact by fact basis; taking this parcel doesn't compel the Township to take the next one; and he is told that the Township has taken other parcels before this. Mrs. Dix said she doesn't think it is right to take away the open space from the Stone Crest and the Fairways subdivision residents; and she didn't think taking land from the Woods Landing development and this is a fair comparison. Mr. Sandman explained the Township isn't taking the land, it is being given by the developer who wishes to avoid whatever the taxes are on it; the residents of Stone Crest will continue to have whatever rights they now have with respect to the vacant land; and the advantage to the Township is that they are converting a 50' wide easement to a complete fee simple right-of-way. Mr. Sandman said Mrs. Dix was asking if giving that land affects their standing as a PURD because the developer needed it to get the density. Mrs. Dix said that PDCs may have been applicable to the density at Stone Crest. Mr. Sandman said there were no Pinelands Development Credits on that development according to Mr. Sartorio. The Mayor asked if any drainage basins were involved. Mrs. Dix said they are on two separate lots. Mr. Sandman said he can provide the Committee with an opinion on the effect it would have on the PURD but the fact is that the development is built out, sold and all in common ownership unlike other developments with common elements that are not separately taxed, this parcel is. He said a title report is needed to see if there are any recorded deed restrictions and the developer is willing to pay half the cost of it up to \$800.00. Ms. Gatto said she was in favor of doing the search. Mrs. Dix said that if it proves to be part of the Stone Crest approval the land should be deeded to the homeowners' association because there are two basins and a tot lot that have no assessments on them. Mr. Sandman said they could sell it to the Natural Land Trust or anybody else subject to the same restrictions.

Mr. Smith said he had nothing to add to his written report.

Mrs. Link reported on attending on a rally held for the Nigerian girls being held in captivity; the Organizer knows the girls and their parents and is going to Nigeria and will be working through the State Department there.

Mrs. Dix reported requests for Children At Play signs on Monmouth Drive were made on April 30th; D.O.T. doesn't consider them traffic signs so they don't need an Ordinance; and she would like Public Works to put up three of them. She reported there was also request for them on Rose Boulevard but that is straight and clear. Mr. Jacobs said he wouldn't put signs up without Committee approval.

Mrs. Dix reported an OPRA request was made for 5 years of e-mails from her and she questioned Mr. Sandman because she knows the Clerk's Office contacts him Solicitor as to what is releasable and not releasable. Mrs. Dix questioned when an OPRA is a proper request for her as an elected official; does the date you can OPRA her records begin the day she wins the election, the day the County Clerk certifies the election, or the day the day she is sworn in. She said she was in office 2½ years when the OPRA came in on April 28th if the

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date of the 2011 election is used; she questioned why she should have to answer anything prior to November 2011; and said she is looking for guidance to go into the Clerk's Office to make their unfortunate task a little easier. Mr. Sandman said the appropriate way would be for the Clerk to contact him with the request and he would render a legal opinion that would be attorney/client privileged to the Clerk, assist the Clerk to the extent necessary, and outline what materials, when the start date should be, and things like that. Mrs. Dix said the Clerk's Office could have contacted Mr. Sandman and she could have been contacted based on his advice. She said she started working on it immediately when she got it; she spoke to her attorney; the items in question were forwarded to him and he handled it with Randy Lafferty. Mr. Sandman said what Mrs. Dix is asking for is more appropriately answered in an attorney/client privilege conversation. Mrs. Dix said the minutes just adopted had Mrs. Capone's statement from the May 5th meeting challenging her ban from and access to Town Hall; on May 13th she OPRAed Mrs. Capone's OPRA; she received the documentation from the Clerk's Office and then e-mailed series of questions to Mr. Sartorio. Mrs. Dix then read the following statements: The Minutes to the May 5, 2014 Township Committee meeting were approved tonight. On page 17 therein, the statements made by Peg Capone are spread upon our Minutes. The target of Capone's comments was Aline Dix and her access to Town Hall. Capone stated she saw Dix all the time in Town Hall. Capone then displayed 2 large desk calendar pages with dates Dix entered Town Hall highlighted in yellow marker. Capone then made statements regarding "unauthorized entrance" and stated "there were several at the clerk's office, the HR office and the Supply closet; that she (Capone) was trying to figure out when the ban occurred..." Now let's get to the truth. When the "black boxes" were installed, Mike Jacobs demonstrated how his access card in his wallet could activate the box. Any person with the access card in a wallet or pocketbook who passes close to a black box may activate the box. Persons chatting in the hallways and leaning against a wall is a common occurrence and can activate a box. That does not mean the door was opened. Dix filed questions regarding the system's operation. Specifically, many times the Mayor's office was accessed. As the Mayor has chosen to keep his office locked, Silva has a locking door knob which is opened with a key. The question became: what door is labeled "Mayor's office?" Answer: The Township Committee Office. Capone chose to ignore this item on the report. The Clerk's office black box shows 2 swipes within 6 SECONDS on February 27, 2014 at 6:56:57 and 6:57:03, Thursday night after Mrs. Anderson emailed Meeting Minutes to us. The third swipe was also February 27 at 3:55:32, during the work day. The supply closet was recorded at 5:01:39 p.m. on Wednesday February 26. The HR Office was recorded at 5:01:51 p.m. 12 SECONDS AFTER THE supply closet above! The questions cited above reveal the following: The HR office is mislabeled. It is Conference Room B in the same hallway with the Supply closet. THERE WAS NO ACCESS TO THE HR OFFICE. Question: does the swipe card open "unauthorized doors?" Answer: Not if the system is working. The above information was compiled by filing an OPRA on the OPRA used by Peg Capone. The OPRA request asked for 4 months of Dix' access card information but only February 26 to April 28, 2014 was provided. The OPRA report used by Peg Capone was filed by BRAD PITT! On April 28, Mrs. Anderson sent me an OPRA request from BRAD PITT requesting my emails over a 5 year period. The appropriate question is now: Peg Capone, are you Brad Pitt? This attempt at character assassination by Republican operatives has been shown for what it is. Mayors office: there is a keyed lock on the Mayor's door which he keeps locked. It is an interior door in the Township Committee office. What door is ID'd as Mayor's office? TWP. COMM. OFFICE DOOR What door is identified as HR - 2? CONFERENCE ROOM B. What door is identified as supply closet? FORMER PURCHASING OFFICE NEAR REAR DOOR

If a person is close to the black boxes on the walls & leans against the wall while chatting, would an unintended "swipe" be registered? POSSIBLE BASED ON LOCATION OF KEY CARD Does the activation of the "swipe card" open "unauthorized doors?" NOT IF THE SYSTEM IS WORKING Or just "appear as a violation?" YES Mr. Jacobs actually demonstrated to me with his wallet how this can happen. Regarding the "unauthorized access" to the clerk's office, is there evidence that I entered the office? Two of the "swipes" on Feb. 27, 2014 were 6 SECONDS apart at 6:57 p.m. The third item was at 3:55 p.m. on Thursday, Feb. 27, 2014 - during working hours. UNKNOWN On May 12, 2014, my swipe card did not open the lobby door by Clerk's office. The Zoning meeting was ending & I returned through the main meeting room to get to the TC office & rear door. I routinely swipe my card more than once in attempts to open the Township Committee office door.

Mr. Guishard reported the Memorial Day Services were well attended; the entire Veterans' Board, Township Committee attended; the Boy Scouts, VFW and American Legion were also there. He thanked everyone involved, particularly Al Davenport and Bob Campbell who were emcees at the first two cemeteries. Mr. Guishard commented on mentioning at a previous meeting that the Federal Transportation Law that collects gas tax to pay for surface transportation grants is expiring; there is an organization trying to put something together to ensure that South Jersey gets a reasonable portion of it and hopefully has some involvement in how the money is used; they went to Washington on Friday and met with the Deputy Director of the Transportation Infrastructure Committee to make that point. He encouraged anyone interested to attend the organizations meeting on the 13th; information is on the website; Dean Rusk will be the speaker; the Congressman and many other officials will be there. Mr. Guishard reported Sue Marx is interested is starting a Green Team of residents interested in the Sustainable New Jersey Program; they will meet once a month; and the next meeting will be in the County Library at 5:30 PM on June 6th.

Ms. Gatto said Nicole Scribner did an outstanding job at the Memorial Day Services. Ms. Gatto referred to the OPRA request by Brad Pitt and said people are entitled to anonymity and shouldn't be questioned on it. Ms. Gatto reminded everyone that tomorrow is Primary Election Day and encouraged them to get out and vote. Ms. Gatto announced that Wednesday will be Youth In Government Day when the 8th grader students come in to learn about how local government works. Ms. Gatto announced the Cologne Fire Company Chicken BBQ will be held on Saturday, June 7th; the ribbon cutting dedication for the new handicapped-access playground at Underhill Park will be held 11 AM on Saturday, June 14th; and the Rotary Club Halloween Parade 50th Anniversary Planning Committee met last week; they started a face book page for it; they will be looking for pictures from the past 50 years of the parade; and they will be looking for donations.

Public comment:

John Kurtz said you can also support the Halloween Parade on the Mays Landing Merchants' Association website. Mr. Kurtz said the Hometown Celebration will be held June 28th and 29th; he thanked Township Committee, the Administrator and Police Department for helping make sure it is a safe event; all the events from Saturday will be carried over to the Family Picnic Day on Sunday that will end with showing of the Disney movie Frozen at dusk.

John Percy complimented the Township Committee, Administrator and Public Works Department on the renovations made to Town Hall and the Dispatch Center.

John Schleifer thanked the Committee, Nicole Scribner and the VAB for the Memorial Day Services and for their public service. Mr. Guishard thanked Mrs. Schleifer for singing at the services, Ms. Gatto said former Mayors William Mangels and Frank Grieco were honored.

June 2, 2014

Ingrid Perez reminded everyone the Cove will open on June 21st and that Beach Badges are now on sale at the County Seat Florist and Town Hall now.

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

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

There being no further matters of business to be considered, Ms. Gatto moved, seconded by Mrs. Link, that this meeting be adjourned.

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

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