

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
FEBRUARY 3, 2014

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 Judy Link. Also present were Michael S. Jacobs, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor, and Robert J. Smith, Township Engineer

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice of the meeting on the bulletin board in the municipal building, Mays Landing, NJ, and by e-mailing a copy of the notice along with the agenda of this meeting to the Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers, stating this meeting would take place at 6:30 PM on February 3, 2014 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

Mayor Silva and Deputy Mayor Gatto presented the Hamilton Township Honors & remembers award to Patrick G. Scannell. Mayor Silva read a brief account of Mr. Scannell's background and military service in the Marine Corps. Assemblyman Chris Brown thanked the governing body for recognizing the veterans and thanked Mr. Scannell for making a difference for our country. Michael Francis presented a Congressional Certificate of **Recognition to Mr. Scannell on behalf of Congressman LoBiondo.**

There was no executive session and no executive session confirmations.

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

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

- 5.C NJDOT request for resolution of support for establishing new bus stop on Route 40 at Harley Avenue.
- 9.A Approval of January 24, 2014 Special Meeting minutes.

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

- 7.A Insert name of business: CATO #1327 - women's clothing store at Consumer Square.
- 9.A(1) Approval of November 19, 2014 regular meeting minutes.

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

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

Russell Bongiovanni, Sr., commented on his military, community and public service and veteran organization membership. He said his personal concern as a veteran is that then the name veteran is placed on something or a political candidate is identified as a veteran it or they automatically benefits all veterans 100%; that to question something proposed for veterans or make a proposal more beneficial to veterans or ask a political candidate identified as a veteran what qualifications they have for a job means you are against veterans; that politicians, political parties and veterans with a political agenda do this best; that he is asking all veterans to please be aware

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and question all proposals supposedly that are to benefit veterans; that the Atlantic County Board of Freeholders has reviewed a Veterans Set-aside program and have tabled the proposed ordinance until the issues and concerns submitted to each member in a 13 page report have been resolved; that a proposed Township of Hamilton Veteran Set-aside Program was placed on the agenda for the meeting held on December 2, 2013 by Committee Member Rodney Guishard; that he presented the 13 page report from the County Freeholders to each Township Committee Member just before the December 2, 2013 meeting; that all five members of Township Committee voted to table the veteran Set-aside program; that he would like to know if anything has changed or been resolved that would cause it to be on tonight's agenda changed since each Committee Member voted to table it. He said his real concern is that Mr. Guishard, liaison to the Veterans' Advisory Board, chose not to notify all members of the Advisory Board that he placed it on the agenda after requests from him as Chairman of the Veterans' Advisory Board on April 15, 2013, May 9, 2013, December 2, 2013, January 28, 2014 and verbally on January 27, 2014. Mr. Bongiovanni said he would like to know from each Committee Member that supports placing the Set-aside Program back on the agenda, if they chose to answer, what information or issues have changed since December 2, 2013 to cause them to place this back on the agenda. He asked why the Township Committee would pass a Veteran Set-aside Program, go through the legal and administrative expenses of setting it up, go through the expense of servicing the ordinance, future legal expenses, etc., knowing there is a possibility of not one veteran living in the Township of Hamilton benefiting from it. Mr. Bongiovanni said that as of 12/3/13 Atlantic County had approximately 998 contracts of which only 25% were Atlantic County Veterans.

Robert J. Campbell, Sr., commented his military service, veteran organizations memberships, and community service. He commented on being at the Freeholder Meeting a few months ago when an overwhelming majority of veterans who were there said they would like to see the County try the Veteran Set-aside Ordinance. He said he would like to see the Township approve the Ordinance and anything that can be done to help a veteran to hire people, employ people, or a veteran businessman in any municipality and that, in endorsing the Ordinance, he is asking that the Township allow veterans to have a little leg up on contracts so it can hire people and bring veterans into the community to earn money. He urged the Committee to introduce the Ordinance and said comments negative and positive can be brought out at the public hearing.

Mays Landing Fire Department request for honorary street name:

Ms. Gatto commented on George Spera being a life member of the Fire Company, a Purple Heart recipient, and still very active in the fire company. Mrs. Link said Mr. Spera is one of her neighbors and she highly recommends this. Mr. Guishard commended Mr. Spera for his service. Mayor Silva commented on Mr. Spera being in the fire company for 65 years. Mrs. Dix said he was 90 on Saturday.

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 designation of Reliance Avenue as "Honorary George Spera Avenue is hereby approved as requested by the Reliance Hose Company #1/Mays Landing Fire Department in recognition of Mr. Spera's service and contributions to the Fire Company and community.

BE IT FURTHER RESOLVED that the Public Works Department shall make and install the Honorary George Spera Avenue sign above the official Reliance Avenue street sign.

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

Mr. Guishard commented on a proposed honorary street naming policy prepared by Lisa Marcolongo and suggested it be considered at the next meeting.

Quality of Life Committee request for appointment of contact person for issuance of Essential Employee ID cards:

Mr. Guishard said there are questions about what the policy is, who in the Township should get cards, and how that determination is made. Mayor Silva read the following from an e-mail he received from Michael Petuskey, the Emergency Management Coordinator: "County Essential Personnel Cards are given out to a person or persons that may be needed to assist emergency responders during times of crisis in our Township, the County or somewhere in the state In order for any first responder from our town to leave the Township to assist, a request has to be made and approval received by the appropriate police, fire, or rescue commander. The decision to procure these cards or not to procure them lies solely on the shoulders of the Mayor. The second issue is the local EM Cards we provide members of our team to include the public safety liaisons. If we are in a state of emergency we are imploring citizens to stay home or risk the chance of being cited or even worse, injured. I know everyone means well and wants to help but more times than not this hinders our ability to effectively run an Emergency Operations Center. I been personally involved with many severe acts of nature during my 25 year career and have seen firsthand how too many cooks in the kitchen get in the way." The Mayor said he is in favor of using the Emergency Management Coordinator as the Contact Person because he has qualified civilian and police people who have experience in dealing with it and he should decide who gets them. Ms. Gatto said there were plenty of snow storms in the past couple of weeks and natural disasters in the past couple of years and she isn't aware of any instances where the Township essential personnel couldn't get where they needed to be; this wasn't discussed with Emergency Management; the Emergency Management Coordinator doesn't feel the need for it; and she questioned what the impetus for it is. Mr. Guishard said that it has come out since the discussion started that the staff will pick up (Committee) Members if they are needed; they will keep the Members posted of emergency status; he didn't think they did that before; and he thinks the issue is the process by which the policy that says the Mayor makes those selections was derived at. Mayor Silva said Emergency Management came and got him a little after 3 AM on the day of the derecho and he called the members frequently to keep them updated on what was going on, what was needed, and what the process would be for collecting data needed to apply for FEMA money. Mrs. Link commented on being told by an employee during the first snow storm that there was a state of emergency; not having heard anything from the Township regarding a state of emergency; and later finding out that the Township didn't declare a state of emergency, it was the state. She said she wants to be more informed; she doesn't feel her employees should be telling her what is happening in the community; and Mr. Petuskey has assured her that he would pick her up if she was needed. Mrs. Link commented on the importance of the Committee Members being informed as elected officials and knowing how to direct people who call. Mrs. Dix commented on getting a phone call at 3 AM the day of the derecho saying the Township just declared a state of emergency but not knowing what was going on; going outside after a friend called at 6:30 AM and calling dispatch to inform them Park Road was impassable. She read notes she took at an orientation meeting conducted by the County on August 20th and the following prepared statement: "It is not for me to decide who holds these cards but it is for me to function as an informed team member and bring this topic up again. It's actually caused by Judy asking me on January 3rd in a snow storm what was going on because neither one of us had heard anything. On August 20th of 2013 I attended an orientation meeting at the Canale Center. The meeting was required by the State. About 12 to 15 other towns and agencies also attended. Hamilton's OEM Coordinator and Deputy were also present. Extensive information was shared regarding declarations, mutual aid agreements, approved written OEM plans, training for

volunteers, and more. The specific topic presented then and under discussion tonight is the State Form Credentials to be issued by OEM to elected and appointed officials. There is no cost for these cards. Having worked as an essential employee at South Jersey Gas, I understood the importance of having the Township's employees and volunteers properly identified with these cards. The sole purpose is to protect the taxpayers by complying with the designation. Unfortunately the card carrying persons I have chatted with show expired cards, 2012, January 2013. The HT Rescue Squad has been working for several months to accomplish this requirement. There has been nearly 6 months since that meeting. More than enough time has passed that all necessary actions should have occurred including informing the Township Committee. It is unclear to me if a resolution, this is based on the notes in my hand, my handwritten notes, it's unclear to me if a resolution is needed to designate the authorized personnel to be named to carry the cards. On Saturday I attended a drill on the Lake. Amy also came by. During conversation with EHT Fire Chief Bill Danz he stated he provides newly elected officials immediately with radios or pagers to keep them fully informed as to the calls and demands of the volunteers in Egg Harbor Township. It's interesting to learn how other towns operate." Mrs. Dix said she is trying to make sure that anybody who is essential personnel is carrying the card; if they live in Pleasantville or Buena and have to come here, the card gives them the right to be on the road in a disaster; it's not about whether she wants a card, it's disaster mitigation; the important thing is who should have them; and she believes the Township has to take an action that has not been taken. Mr. Guishard asked what the action was. Mrs. Dix said it is whether or not the Committee has to do it by resolution and the whole point of the Contact Person is so that one person here is the contact person that will deal with the County because the data entry has to be put into the state system before that card is issued. She said they would rather have everybody come here, get their picture taken at the same time and produce the cards; it seems like a highly efficient way to do it; and she believes it is something the Township needs to do.

Ms. Gatto moved, seconded by Mayor Silva, to appoint the Emergency Management Coordinator the Contact person and that if he feels there is a need for these types of badges he will bring it to the Emergency Management Team and it will be discussed.

Discussion on motion: Mr. Guishard suggested the Committee could give it to the Emergency Management Board and if they concur, create a policy. Mrs. Link asked why the Committee in every other township is given a card as recognition of their authority. Mayor Silva commented on being at the Canale Center every day in 1997 when there was 13½ inches of rain in a matter of hours and not seeing any elected official there except the County Executive and Senator Gormley. He said people know who Mrs. Link is and if they want her on the street he thinks the Emergency Management Team would make consideration for her to be there. Mrs. Dix commented on the possibility of being in north Jersey when a storm hits and the whole point of the card being that it authorizes you to travel on the roads during a state of emergency. Ms. Gatto said all Committee Members are given badges with their credentials when they are elected, have business cards and all kinds identifiable things if they need to get back here, and she doesn't why they continue to waste time talking about badges when there are more pressing matters at hand.

There being no further discussion, Mayor Silva called the vote on the resolution to appoint the Emergency Management Coordinator the "Contact Person" as requested and that he will take it to the Emergency Management Staff for discussion and decision.

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

PROPOSED VETERANS' SET ASIDE ORDINANCE:

Mr. Guishard said the Ordinance has been reviewed by the staff and state officials; changes were made to it; it was discussed at the Veterans' Advisory Board meeting and there was agreement that this could be the first reading with a hearing at the next meeting; it is worthy to be moved on and subject to a second hearing. Mrs. Dix suggested the time for appeals wording be changed from "15 days from date of the notice" to "15 days from receipt of the notice" because someone one who is away may not get it right away. Mr. Sandman said that is not a material change and it does provide some equity. Mr. Jacobs asked what would happen if they don't pick it up and it is returned after the post office tries three times to deliver it. Mr. Sandman explained the notice is going to a business that has staff there and if the notice is served by regular and certified mail and that is indicated on the application the presumption is that they got the regular mail. Mr. Guishard commented on that being considered as were other comments and he hopes it won't get hung up on small things. Mrs. Dix commented on a contract awarded 5 months ago being sent to the contractor by FedEx, misplaced in the contractor's office, still isn't consummated and said that is her reaction to business mail and business addresses. She asked who will determine if their resources are adequate. Mr. Guishard said the Chief Financial Officer in conjunction with the Administrator and Mr. Sandman said the Finance and Purchasing Department. Mrs. Dix asked what securities that constitute qualifying ownership and/or control of the corporation are. Mr. Sandman explained it is any document that indicates ownership, shares of stock in the corporation or title to equipment; but stock held by the veteran in trust for their minor child does not count. Mrs. Link commented on discussing it with the CFO and Administrator and said she thinks it is a good program to go forward with. She suggested it can be amended later if something has to be changed because they find something isn't working. Mr. Jacobs said certifying a veteran for the ordinance is easier than certifying someone that planned on hiring veterans. He said he had some concern about the 5% percent; the law says it has to be on total purchases and if you remove payroll, that is \$859,000-\$900,000; most of the purchases like utilities couldn't be veterans. He suggested the Committee consider the dollar amount; \$200,000. would be 1½% and said he thinks \$900,000. is very ambitious. Mr. Jacobs explained they are just goals but you open yourself to criticism when you don't meet your goals and the Committee can change the percentages but it has to be on total purchases. Mrs. Dix suggested changing it to 1% that would be in the area of \$160,000.00; it could be monitored and increased if it is found to be too low. Mayor Silva said 5% was an acceptable number and suggested leaving it at that. Mr. Guishard said it is procurements for which veterans would be eligible; the total is more than he expected; he would be willing to entertain something less if the Committee is looking at the total number of procurements. He commented on the veterans' unemployment situation and suicide rates; having hired veterans under a federal government program like this years ago. He said it is a small step towards solving the problem and he thinks most township citizens would be in favor of doing it. Mr. Guishard explained the procedures are the same as used for everything else. Ms. Gatto asked Mr. Bongiovanni if the ordinance went to the VAB for review and recommendation as Mr. Guishard mentioned because she didn't remember getting a response. Mr. Bongiovanni said they discussed it at their last meeting. He said he wanted to clarify that "qualified veteran bidder's enterprise" should mean a business which has its principal place of business in the state of New Jersey. Mr. Bongiovanni said he was concerned about the County Ordinance requiring 25% of the staff be veterans because hiring part-time employees could be a way of getting around the ordinance. Mr. Guishard said 25% of the labor hours must be by veterans. Mr. Jacobs explained it will be posted on the Township's electronic sign and television station that the Township is looking for local veteran owned businesses. Ms. Gatto asked if the Township knew whether it is already meeting any kind of goals. Mr. Jacobs said the Township doesn't track that. Ms. Gatto said the ordinance referred 21 times to tasks the Finance Department, Administrator or Township Auditor which is a professional service the

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Township pays for have to do as part of the administration of the ordinance. She commented on the Finance Department having CFO only being in place a couple of months, a finance clerk that was just hired, a deputy CFO who was just hired at a special meeting and asked if the Township has the ability to actually execute the ordinance with the staff it has. Mr. Jacobs commented on the staff being trained and not being able to honestly say the work force can actually support it but the effective date can be adjusted and the goal prorated for this year. He explained he put the part about the auditor in because of reports that have to be done. Ms. Gatto commented on Mr. Guishard saying during a discussion on what happens if the goal isn't met that they just won't meet it and asked if that had changed. Mr. Guishard said "no and that what is important is that an effort was made to achieve the goal. Ms. Gatto said it is setting a wrong kind of example for citizens if they establish a law that they aren't going to hold themselves accountable to. Mr. Guishard said they are being held accountable because they are going to make the good faith effort. Mr. Sandman explained only veterans can bid; there has to be at least 2 bids; the bid prices have to be fair and reasonable; if not, it is rebid to the public; all of the procurement contracts talked about are subject to the Local Public Contracts Law; the only difference is that veterans are being given the first shot at contracts for X-amount of dollars; 5% is just a goal; the Township can go under it or over it; and that is his understanding of how it was presented to the County. Mr. Guishard said that was his understanding also. Ms. Gatto commented on hearing 5% is a stretch; she would be more inclined to put the goal at a level the Committee believes is attainable in the first year; and she would be fine with 1%. Mr. Guishard said he thought 1% was too small. Mrs. Dix said the \$700,000. to \$800,000. utilities budget would be part of the 5% and veterans aren't going to bid on them. She suggested bringing it down to the contract type work that people can bid on and said 3% is almost a half-million dollars. Mr. Guishard said he thought that was achievable. Mayor Silva said many veterans and their advocates strongly support the program; he respects their views; and he tried to learn everything he could about it by going on line, speaking to veterans and non-veterans. He said the legislation has some shortcomings that make it difficult to achieve real gains in jobs and business opportunities for veterans. The Mayor said the state DCA (Department of Community Affairs) doesn't consider it enforceable and won't set guidelines or over-sight rules; no other municipality in the state has undertaken to do anything such as this; there is a cost to the Township in print ads, quarterly reports, media costs, state mandated annual reports program, and publishing public notice costs; and it is really disturbing that DCA doesn't want to touch it. He commented on the County wrestling with it and said it's not political because everyone feels the same about veterans; the program has merit; he would like to see it done on a bigger scale; the County could make it cooperative if they adopted it the so all municipalities could get in and the 5% would be larger. Mayor Silva said he would be in favor of that but still has difficulties with it at this juncture. Mr. Guishard quoted a DCA response to a letter sent to them by William Ball that said the Division of Local Government Services is more than willing to offer assistance to any local government on any issue; the Local Public Contracts Law specifically addresses exactly how this may be implemented in NJSA:40A-11 through 48; and Set Aside Contracts have been in the law for years. He said they didn't say it can't be done, they said they don't have need for further guidelines because we already have that expertise. The Mayor said the way he understood it is that you are dealing in uncharted waters and if you get in trouble they will try to bail you out. Mrs. Link said veterans need an avenue where they can have a reasonable chance to get the bid and the Township doesn't have to meet the goal, they can show they legitimately tried to meet it. She suggested the Committee has to say that they are putting forth something to thank the veterans for what they did overseas and to give them an opportunity. Mayor Silva read another paragraph from the DCA that said "I know of no other unit of local government in this state that has adopted the Veterans Set-side Program. You are in uncharted waters so caution is recommended". Mrs. Dix commented on lawn mowing probably being the most obvious one they

could probably qualify for with the least amount of equipment and said the problem is that it isn't going to bid for another year. Mr. Jacobs explained that was part of the property maintenance bid. Mr. Guishard said veterans aren't limited to mowing. Ms. Gatto explained she thought Mrs. Dix was asking what opportunities there would be for them to bid. She commented on it being feasible to think there are multiple landscapers who are veterans but questioned if it is feasible to think there are multiple asphalt paving companies that are veteran owned. Mr. Guishard moved, seconded by Mrs. Link, to approve first reading of the ordinance with the second reading to be held at the next meeting. The Mayor asked if that was enough time. Mrs. Anderson said it was. Ms. Gatto said the sole purpose of the VAB is to advise the Committee; she values their opinion; and she would like the Public Hearing to be held after the next VAB meeting so that they have a chance to offer comments. Mrs. Link said they discussed it and the Committee doesn't need their recommendations. Mr. Guishard said they have an opportunity to review it and come to the meeting. Mrs. Dix asked it would be a material change that would cause it to be held over again if the Committee decided on the 18th to reduce the 5% to 2½%. Mr. Sandman said he would like to look at some on it because it is a goal that the Committee can go over or under. Mrs. Dix moved, seconded by Mrs. Link to amend the motion to change the public hearing date to March 3rd. Mr. Guishard and Mrs. Link agreed to the amendment.

There being no more discussion, Mayor Silva called for a vote on the following resolution:

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1761-2014 be and is hereby introduced and passed on first reading and that the Township Clerk is authorized to publish same in the Atlantic County Record for a public hearing to be held in the Municipal Building, Mays Landing, NJ at 6:30 PM on Monday, March 3, 2014.

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

ORDINANCE #1761-2014

AN ORDINANCE ESTABLISHING A QUALIFIED VETERAN-OWNED BUSINESS SET-ASIDE PROGRAM IN THE TOWNSHIP OF HAMILTON

WHEREAS; the Township Committee of the Township of Hamilton has determined that the adoption of a "Qualified Veteran Business Enterprise Set-aside program" is good public policy.

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:

Chapter 14

QUALIFIED VETERAN BUSINESS ENTERPRISE SET-ASIDE PROGRAM

14-1. Purpose

The purpose of implementing the provisions of the Townships qualified Veteran Business Enterprise's "VBE" set-aside program is to provide preference to VBE's for the opportunity to bid and be awarded selected Township contracts in an amount up to 5% of the Township's purchases, services and construction contracts for qualified veteran's business enterprise.

14-2. Definitions

For the purposes of this chapter, the following definitions shall apply:

Construction Contract - Any agreement for the erection, repair or alteration of any building, structure, bridge, roadway or other improvement to real property.

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County -The County of Atlantic.

Qualified Veteran Business Enterprise or VBE - The meaning set forth at N.J.S.A. 40A:11-4li, namely a business which has its principal place of business in this State, is independently owned and operated, is at least 51% owned and controlled by a veteran or that wherein at least twenty five percent of the required workforce for the contract are veterans, and 25% of the labor hours charged to the contract are accrued by employees who are veterans including new hires if additional workers are required to perform the contract, and is qualified pursuant to section 25 of P.L.1971, c. 198 (CAOA: 11-25).

Township - The Township of Hamilton (Atlantic County)

Veteran - The meaning set froth at N.J.S.A. 40A II-41h, namely the same meaning as set forth in subsection b. of N.J.S.A. 40A:5-1, except that the veteran shall present to the Adjutant General of the Department of Military and Veterans' Affairs sufficient evidence of a record of service and receive a determination of status no later than the date established for the submission of bids.

Set-aside Contracts -

- A. A contract for goods, equipment, construction or services, which is designated as a contract for which bids are invited and accepted only from a qualified veteran business enterprise.
- B. A portion of a contract when that has been so designated; or
- C. Any other purchase or procurement so designated.

Total Procurements - Shall mean all purchases, contracts or acquisitions of the Township, whether by competitive bidding, single source contracting, or other method of procurement, as prescribed or permitted by law.

14-3. Goals; Revisions.

- A. For the fiscal year beginning January 1, 2014, and for every year thereafter, the goal for the "qualified veteran business enterprise set-aside program" shall be 5% of the Township's purchases, services and construction contracts.
- B. The Township Committee may revise the goals established herein by subsequent ordinance.
- C. The above-stated percentages relate to the total dollar value of all Township contracting departments to be set aside for qualified veteran business enterprises as goals for the Township to achieve by the end of each fiscal year.

14-4. Effect on Provisions.

If a Township contract, construction, service or procurement, which would otherwise be subject to the provisions of this chapter, is or becomes subject to federal or state laws which conflict with this program or actions thereof, federal or state law shall apply, and the contract shall be interpreted and enforced accordingly.

14.5 Implementation

In the implementation of the Township's qualified veteran-owned business set-aside program and pursuant to the provisions of N.J.S.A. 40A: 11-43:

- A. The Township shall advertise the "qualified veteran business enterprise set-aside program" on its Electronic Sign, and on the Township Television Station, in an attempt to identify qualified veteran business enterprises.
- B. The Administrator shall recommend to the Township Committee a contract, subcontract or other means of procurement as a set-aside contract if it is likely to receive bids from at least two VBEs at a fair and reasonable price.

- C. If it is determined by the Finance/Purchasing Department that two bids cannot be obtained or that acceptance of the low responsible bid will result in the payment of an unreasonable price, the Finance/Purchasing Department may recommend to the Township Committee that the bids be re-solicited on an unrestricted basis.
- D. Upon recommendation from the Administrator designation(s) of contracts and/or subcontracts as set-aside contracts shall be made by the Township Committee prior to advertisement, and notice of such designation shall be included in the advertisement.
- E. The Township Auditor shall include in the audit a report at the end of each fiscal year identifying each contract awarded as a result of its "qualified veteran business enterprise set-aside program".
- F. Set-aside designation, as described in subsection B, shall be made prior to any advertisement for bids (if required). Notice of such designation shall be included in the advertisement not less than ten (10) days prior to the date fixed for receiving bids.

14-6. Finance/Purchasing Department

With respect to all contracts and procurements it shall be the Finance/Purchasing Department's authority and responsibility to:

- A. Ensure, through the certification procedure herein provided, that qualified businesses taking advantage of this set-aside program are legitimate VBEs.
- B. Maintain a listing of known VBE businesses in the proximate area for referral by the Township.
- C. Have access to all Township records and files which relate to construction, service and procurement contracts in order to monitor and review compliance.

14-7. Certification.

- A. To ensure that only qualified businesses which meet the veteran ownership or employment requirements set forth in N.J.S.A. 40A:11-41(i) in both form and substance are counted towards the goals' requirements set forth in this chapter, any veteran-owned business, including a joint venture, desiring to participate in Township set-aside program must be certified by the Finance/Purchasing Department as a legitimate VBE.
- B. Any business wishing to be certified as a VBE business shall apply to the Finance/Purchasing Department for such certification and shall complete all forms and supply all documentation required by the Finance/Purchasing Department for such application.
- C. The Finance/Purchasing Department will evaluate the submitted information to determine whether the applicant meets the criteria for qualified veteran business enterprises. Prior to making a certification the Finance/Purchasing Department may, in their discretion, request an interview with the applicant. Failure of an applicant to comply with requests for information or documentation may result in a determination of certification status based on the information supplied or a suspension of the application for certification.
- D. Following certification, the Finance/Purchasing Department may require the business to furnish additional information from time to time in order to establish its continued eligibility for certification.
- E. Upon becoming certified, a business shall notify the Finance/Purchasing Department if there is a change in the business that affects its status as a VBE, including changes in ownership, percent of veteran's on contract staffing, control or management.
- F. If a business is denied certification, the Finance/Purchasing Department shall notify the business, in writing, of the reasons for its determination. The business may appeal the denial to the Township Administrator or his designee, who shall conduct a hearing at which the business shall have the opportunity to present witnesses and documents in support of its application for certification. No appeals will be considered if filed later than 15 days from the date of the notice. Businesses that are denied certification may not reapply for certification for a period of six months from the date of denial.

- G. The right of the Township to evaluate a bidder or contractor's ability to satisfy financial, technical or other criteria, separate and apart from the certification process provided for in this program, is not altered by this chapter.
- H. The certification granted pursuant to this section shall entitle a business to participate in any category of contract or procurement for which it qualifies. The certification shall not be considered contract- or project-specific. The Township may, but shall not be required to, delay the award of any contract pending the appeal of the Finance/Purchasing Department decision to deny certification.

14-8. Decertification.

- A. A VBE may be decertified for failure to meet the certification standards set forth in Section XII and for the following reasons:
 - (1) For providing false or misleading information to the Finance/Purchasing Department during the certification process.
 - (2) If the VBE is no longer an ongoing business entity.
 - (3) If the business entity has changed to the extent that it is no longer owned and controlled by veterans or does not employ a sufficient numbers of veterans pursuant to the requirements of this program.
 - (4) For failure to report to the Township, within 10 days, any determination of the federal government or any state government, municipality or school board, or any department, subdivision, agency or authority of the federal government or any state government, municipality or school board denying or revoking the certification of the business as a veteran's- business enterprise.
- B. Upon review of the documentation concerning decertification, the Finance/Purchasing Department shall promptly decide the issue and notify the business of the decision in writing. The business may appeal the decision to the Township Administrator or his designee in accordance with the provisions of Section XI(F). Reasons for decertifying a business shall be expressed by certified mail. The decertified business may not reapply for certification for a period of time to be determined by the Township Administrator and/or his designee, but in no event longer than a period of one year.

14-9. Recertification.

A certified VBE shall submit any information requested by the Finance/Purchasing Department annually to ascertain whether such business is still a qualified VBE pursuant to this program. If it is determined that the annual submission of information has changed to such an extent that the VBE status has changed, affecting the certified status, the Finance/Purchasing Department may recommend that the business be required to reapply for certification pursuant to this program.

14-10. Certification Standards.

To determine whether a business shall be recommended by the Finance/Purchasing Department to be certified as a legitimate VBE, the following in conjunction with information submitted by the applicant, shall be used:

- A. Eligible VBEs under this program shall be independent businesses. There shall be conclusive evidence that the ownership and control of such business is real, substantial and continuing and shall go beyond the pro forma ownership of the business as reflected in its ownership documents. The VBE owners shall enjoy the customary interests of ownership. They shall share in the risks and profits commensurate with their interest of ownership. Recognition of the business as a separate entity for tax or corporate purposes is not necessarily sufficient for recognition as a VBE. To determine the legitimacy of an independent VBE, the Finance/Purchasing Department shall consider all relevant factors concerning ownership and control of business assets, including but not limited to the date the business was established, whether its resources for the work of the contract are adequate and the degree to which financial, equipment-leasing and other relationships with non - VBE firms vary from industry practice.

B. The VBE's owners shall have the power to direct or cause management and policy directions of the firm/business as well as make major decisions on matters of management policy and operations. The firm shall not be subject to any restrictions limiting the Customary discretions of the veteran owners. This shall include provisions in bylaws, partnership agreements or charter requirements for cumulative voting rights or otherwise that prevent the veteran owners, without the cooperation or vote of any owner who is not a veteran, from making a business decision of the firm.

C. Where non-veteran owners of the firm are disproportionately responsible for the firm's operation, then, by the standards of this program, the firm is not controlled by veterans shall not be considered a VBE business within the program's meaning on the basis of veteran ownership.

D. In establishing a status of a legitimate VBE, all securities which constitute qualifying ownership and/or control of a corporation shall be held directly by veterans. Securities held in trust or by any guardian for a minor shall not be considered as held by a veteran in determining the ownership and/or control of a corporation.

E. Capital or expertise contributed by veteran owners to acquire their interest in the firm shall be real and substantial. A promise to contribute capital, a note payable to the firm or its owners who are not veterans or the mere participation as an employee, rather than as a manager, shall be examples of insufficient contributions.

F. In determining eligibility as a VBE, in addition to the above standards, the Finance/Purchasing Department shall give special consideration to the following circumstances:

(1) VBEs which are newly formed and whose ownership and/or control have changed since the date and/or time of the advertisement of the contract shall be closely monitored to determine the reasons and the relationship between the timing, formation and/or change in the firm.

(2) Careful scrutiny and review of previous and/or continuing employer/employees relationships between or among present owners shall be conducted to ensure that the employer/owner has the management responsibilities pursuant to this program.

(3) Any relationship between a VBE and a non-veteran-owned business having interest in the VBE shall be carefully monitored to determine if the interest of the VBE conflicts with the ownership and control requirements of this program.

G. Joint ventures may be eligible to compete as VBEs under this program, provided that the VBE partner of the joint venture meets the eligibility standards of a VBE set forth herein and the VBE partner shares in the ownership, control and management responsibilities, the risks and profits of the joint venture and the VBE partner is responsible for a clearly defined portion of the work to be performed.

14-11. Violations and Penalties.

When the Township determines, after hearing, that a business has been classified as a VBE on the basis of false information knowingly supplied by the business and has been awarded a contract to which it would not otherwise have been entitled under this Act, the Township may:

A. Assess against the business any difference between the contract and what the Township's cost would have been if the contract had not been awarded in accordance with the provisions of this chapter.

B. Assess against the business a penalty in an amount of not more than 10% of the amount of the contract involved.

C. Bar the business from transacting business with the Township for a period of 1 year.

Nothing contained herein shall preclude the violator from facing criminal sanctions for false swearing and other crimes that may be applicable under the New Jersey Criminal Code.

February 3, 2014

14-12. 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.

14-13. 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 SILVA, MAYOR |
|--|--------------------|

| | | | |
|------------|----------|-------|--|
| ROLL CALL: | DIX | "YES" | |
| | GATTO | "YES" | |
| | GUISHARD | "YES" | |
| | LINK | "YES" | |
| | SILVA | "NO" | |

ORDINANCE NO. 1761-2014 INTRODUCED & PASSED FIRST READING FEBRUARY 3, 2014.

Amending LOSAP policy on eligibility for distribution of funds :

Mr. Jacobs explained the Township wanted to allow members to stay out of the program for a year but continue to volunteer but Department of Community Affairs said they have to quit the fire company for one year. Ms. Gatto explained there are several life members like Mr. Spera who is 90 who wanted to collect their LOSAP funds but still be active in the fire company and DCA us saying they have to quit for one year to do that. Mrs. Dix commented on a fireman becoming a life member after serving for 15 years and questioned how one quits being a life member. She suggested there has to be an answer and the Township has to find it. Mayor Silva asked if there is any state oversight and if anyone checked. Mr. Jacobs said it is State Law and there are penalties.

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 Hamilton Township LOSAP Eligibility for Distribution of Funds Policy is hereby amended as set forth below and shall replace the May 15, 2012 Policy.

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

**HAMILTON TOWNSHIP
LOSAP POLICY**

A. ELIGIBILITY FOR DISTRIBUTION OF LOSAP FUNDS:

A volunteer may be eligible to receive a distribution of funds upon completing the 5-year vesting period. Distributions are subject to state and federal taxes as well as any penalties or fees imposed by the provider. Individuals should consult with their providers about penalties and distribution requirements that may exist when funds are distributed.

The following are examples of general eligibility options; however, prior to requesting a distribution of funds, individuals should consult with their providers about penalties and distribution requirements that may exist when funds are distributed:

1. Retirement (if the volunteer met the vesting requirement) - The volunteer retires as a Volunteer from the Department and the LOSAP Program for a minimum of one year.
2. Death - A death benefit will be paid to the volunteer's beneficiary(s).

3. Financial Hardship - An unforeseeable emergency is a severe financial hardship resulting from an illness or accident, loss of property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant or beneficiary. Examples of events that may be considered unforeseeable emergencies include imminent foreclosure on, or eviction from, the volunteer's home; medical expenses; and funeral expenses. Generally, the purchase of a home and the payment of college tuition are not unforeseeable emergencies.

4. Disability - (If the volunteer met vesting requirements).

5. Separation from volunteer service for a minimum of one year (If the volunteer met vesting requirements) - Funds may be transferred to another LOSAP account or can be withdrawn from the account. You will have to contact your LOSAP contractor for more specific details regarding early withdrawal fees and/or penalties.

Please note that if a volunteer terminates his or her association with the emergency services organization and transfers or withdraws funds awarded, they cannot return as a volunteer for a minimum of one year, and if the volunteers returns a year or more later and once again becomes an active volunteer of the emergency service organization, they may participate in LOSAP; however, they must begin a new vesting track. No credit for prior years of service will be given.

6. Voluntary withdrawal (If the volunteer met the vesting requirements) - This request will require a resignation or retirement from volunteer service for a minimum of one year, and for the volunteer to remain out of the LOSAP program for a minimum of one year. At the end of the one year voluntary withdrawal from Volunteer Service and the LOSAP program, the volunteer must start a new vesting period. No credit for prior years of service will be given.

B. ELIGIBILITY TO VOLUNTEER AFTER RECEIVING A DISTRIBUTION OF LOSAP FUNDS.

LOSAP Fund recipients who want to volunteer for a Township LOSAP-eligible position following receipt of distribution of funds from their LOSAP account must remain separated from Volunteer service for a minimum of one year. At the end of the one year voluntary withdrawal from the LOSAP program and separation from Volunteer service, the volunteer must start a new vesting period. No credit for prior years of service will be given.

Policy Adopted February 3, 2014.

EPL insurance premium options:

Mr. Jacobs explained the Township currently pays the first \$20,000.00 and 20% on \$250,000.00 on each claim under the Employment Practices Liability insurance policy; JIF is offering buy-down options to reduce the Township's deductibles and co-pays; increasing the annual premium by \$11,800.00 will reduce the first \$20,000.00 to \$10,000.00 and the 20% of \$250,000.00 to 20% of \$10,000.00. He commented on about a dozen claims being filed in 2013 but only 3 or 4 will generate bills. Mayor Silva asked if the Township has any large exposure now. Mr. Jacobs said there are several that could be. Mrs. Dix asked if it is retroactive. Mr. Jacobs said no and it won't help what is pending. Mrs. Dix asked if the rebate in January is enough to cover the increase. Mr. Jacobs explained he didn't put anything in the 2014 budget for this and that the Committee didn't have to do anything. Ms. Gatto commented on trying to stabilize a variable item in the budget and minimize risks of overspending. Mrs. Link asked about the record on this for the last 5 years. Mr. Jacobs said about \$19,500. was paid out. Mrs. Dix asked if it was to settle a suit or legal fees. Ingrid Perez said it was for legal fees.

February 3, 2014

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 EPL Premium Option #3 be and is hereby accepted as recommended by the Township Administrator.

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

Public Hearing/Adoption - Ordinance #1759-2014:

There being no public comment on the Ordinance, Ms. Gatto moved, seconded by Mr. Guishard, that the public hearing be closed.

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

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

WHEREAS, Ordinance #1759-2014 was introduced and passed on first reading January 6, 2014 and was duly advertised in the January 8, 2014 issue of the Atlantic County Record for a public hearing to be held on Tuesday, January 21, 2014; and

WHEREAS, the January 21, 2014 was cancelled due to a snowstorm and postponement of the public hearing until February 3, 2014 was legally advertised in the Atlantic County Record; and

WHEREAS, the public hearing was held as advertised and closed,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1759-2014 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON
ORDINANCE NO. 1759-2014

AN ORDINANCE AUTHORIZING THE SALE OF LOTS 1, 2, 3 AND 5 IN BLOCK 94, AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HAMILTON, AND GRANTING TO THE OWNER OR OWNERS OF SAID REAL PROPERTY CONTIGUOUS TO SAME THE RIGHT TO PRIOR REFUSAL TO PURCHASE SUCH LAND IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, AND STATE OF NEW JERSEY.

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

SECTION 1. The following described lots and block numbers on the Hamilton Township Tax Map are hereby determined to be less than the minimum size required for development in said Township under the existing Developmental Ordinance and are without any capital improvements thereon.

SECTION 2. Upon final adoption of this Ordinance, owners of real property contiguous to the subject lot may thereafter submit an offer to the Township Clerk, as designee of this Governing Body, in writing and on forms prepared by the Township for a period of twenty (20) days following advertisement of the finally adopted Ordinance pursuant to N.J.S.A. 40A:12-13. All offers shall be made in a sealed envelope. No offer less than the minimum value established herein below for said lot shall be considered by the Township Committee.

SECTION 3. In the event of bids being submitted by more than one (1) contiguous property owner with respect to said lots, the sale shall be made, if at all, to the highest bidder. The Township Committee reserves the right to reject any and all bids and to thereafter advertise the subject property for public sale pursuant to N.J.S.A. 40A:12-13(a).

SECTION 4. The following conditions of sale shall apply:

- (a) The successful bidder shall submit a certified check made payable to the "Township of Hamilton" in the amount of twenty (20%) percent of the purchase price, which check shall be submitted in the sealed envelope at the time of submission of the bid. Persons bidding on behalf of a contiguous property owner shall be required to submit in writing satisfactory evidence of their authority. The balance of the purchase price plus FOUR HUNDRED, TWENTY-FIVE (\$425.00) DOLLARS to offset administrative costs including but not limited to advertising, legal and recording fees shall be paid in cash or certified check within ten (10) days after acceptance of the bid by the Township Committee and authorizing the sale to the high bidder.
- (b) The Deed prepared by the Township Committee shall not be tendered until the full purchase price is paid.
- (c) Title shall be conveyed by and through a Quitclaim Deed and shall Convey only the right, title and interest of the Township of Hamilton to the land, as described herein. No warranties and covenants are or shall be made by the Township of Hamilton and in no event shall there be any liability on the part of the Township by reason thereof. The right, title and interest of the successful bidder, as purchaser, shall be subject to the following conditions, covenants, restrictions, easements and exceptions which shall run with the land and shall also become part of the Deed granted to the purchaser for the recording:
 - (1) Easement of utility companies and of governmental agencies or bodies.
 - (2) Any encroachments, prescriptions, easements or other state of facts pertaining to said lands which may be ascertained upon a visual examination and inspection of the land and the lands surrounding said land and any restrictions and covenants of record.
 - (3) All existing federal, state, county and municipal laws, statutes, ordinances, rules and regulations including, by of description and not by limitation, existing zoning, health and planning board rules and regulations.
 - (4) No representation of any kind is made that the land in question, surface as well as subterranean portions, is suitable or adaptable for any particular use whatsoever.
 - (5) No representation of any kind is made concerning gas or electric service to the land.
- (d) In the event that the Township cannot convey good and marketable title, subject to the above, the purchaser will be entitled to the return of the deposit, without interest, and the Township will not be responsible or liable in any other manner and for any other amount.
- (e) In the event that the purchaser defaults in making payment to the Township, as set forth above, or if the purchaser cannot make settlement in accordance with the terms thereof, the deposit made by the successful bidder on account of the purchase will be retained by the Township as and for its liquidated damages and the land may be resold. This remedy shall be in addition to the Township's right to compel specific performance of the purchaser's obligation hereunder. Time is of the essence.

SECTION 5. The Township owned lots and minimum bid established therefore are as follows:

| <u>Block/Lot(s)</u> | <u>Lot Size</u> | <u>Location</u> | <u>Zoning</u> | <u>Minimum Bid</u> |
|---------------------|-----------------|-----------------|---------------|--------------------|
| 94 / 1, 2, 3 and 5 | 42.31 acres | Venice Blvd. | FA-70 | \$12,200.00 |

SECTION 6. SPECIAL CONDITIONS: NONE

SECTION 7. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

February 3, 2014

SECTION 9. This Ordinance shall take effect immediately upon its publication after final passage as required by law.

ATTEST:

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

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

ROGER SILVA, MAYOR

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

ORDINANCE #1759-2014 INTRODUCED AND PASSED FIRST READING ON JANUARY 6, 2014. JANUARY 21, 2014 MEETING CANCELLED DUE TO SNOWSTORM. PUBLIC HEARING POSTPONED TO FEBRUARY 3, 2014.

ORDINANCE #1759-2014 ADOPTED FEBRUARY 3, 2014.

Public Hearing/Adoption - Ordinance #1760-2014:

Robert Campbell asked what the equipment is. Mr. Jacobs explained it is for the purchase of a fire truck.

There being no further questions or comment on the Ordinance, Ms. Gatto moved, seconded by Mr. Guishard, that the public hearing be closed.

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

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

WHEREAS, Ordinance #1760-2014 was introduced and passed on first reading January 6, 2014 and was duly advertised in the January 8, 2014 issue of the Atlantic County Record for a public hearing to be held on Tuesday, January 21, 2014; and

WHEREAS, the January 21, 2014 was cancelled due to a snowstorm and postponement of the public hearing until February 3, 2014 was legally advertised in the Atlantic County Record; and

WHEREAS, the public hearing was held as advertised and closed,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1760-2014 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON
ORDINANCE #1760-2014

AN ORDINANCE APPROPRIATING THE SUM OF \$322,295.00 CURRENTLY LOCATED WITHIN THE CAPITAL IMPROVEMENT FUND; RESERVE FOR PURCHASE OF EMERGENCY EQUIPMENT OF THE TOWNSHIP OF HAMILTON FROM THE GENERAL CAPITAL FUND FOR THE PURCHASE OF EMERGENCY EQUIPMENT.

WHEREAS, these funds were accounted for in the General Capital Fund, Capital Improvement Fund entitled Reserved for the Purchase of Emergency Equipment; and

WHEREAS, there is in this fund at least \$322,295.00; and

WHEREAS, it is deemed appropriate to make use of the \$322,295.00 for the purchase of Emergency Equipment, a capital purchase.

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

SECTION I. There is hereby appropriated from the Capital Improvement Fund; Reserve for Purchase of Emergency Equipment, the sum of \$322,295.00.

SECTION II. All Ordinance or parts of Ordinances which are inconsistent with the terms of this Ordinance which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

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

ATTEST:

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

ROGER SILVA, MAYOR

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

ORDINANCE #1760-2014 INTRODUCED AND PASSED FIRST READING ON JANUARY 6, 2014.
JANUARY 21, 2014 MEETING CANCELLED DUE TO SNOW STORM. PUBLIC HEARING POSTPONED
TO FEBRUARY 3, 2014.
ORDINANCE #1760-2014 ADOPTED FEBRUARY 3 , 2014.

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

BE IT RESOLVED that the Business Registration License for CATO #1327, a retail women's clothing store at Consumer Square is hereby approved.

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

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 Change Order #1-Final for the FY2012 NJDOT Municipal Aid Project Reconstruction of Malaga Road-Section 2, a net decrease in the contract amount of \$2,540.16 based on as-built construction quantities, is hereby approved as recommended by Robert J. Smith III, Township Engineer, on January 1, 2014.

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

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 release of Guarantee Company of North America USA bond #LS10068025 COS F/P, the maintenance guarantee for G & M Eastern Contracting Inc. town hall roof replacement project is hereby denied due to uncompleted punch list items as recommended by Robert J. Smith, Township Engineer.

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

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 Bottling Group, LLC (Pepsi) check #70637650 in the amount of \$8,176.50 is hereby accepted to be held in escrow for two (2) years as a maintenance guarantee for site work on Block 994, Lots 15, 16 and 17.

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

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

WHEREAS, subsequent to the Weymouth United Methodist Church depositing \$72,332.90 to be held in escrow for its church expansion project a change was made with regard to the proposed site light fixture which resulted in a lowering of performance guarantee requirement **from** \$72,332.90 **to** \$50,372.90 and an inspection escrow of \$2,099.00 be posted; and

WHEREAS, Lynn Caterson, attorney for the United Methodist Church, has authorized in writing the deduction of \$2,099.00 from the refund due them and transfer of said funds to their inspection escrow account,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the transfer of \$2,099.00 from the Weymouth United Methodist Church performance guarantee escrow account to the inspections escrow account for their Church Expansion Project is hereby authorized and that the CFO is authorized to refund the sum of \$19,861.00 to the Weymouth United Methodist Church.

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

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

BE IT RESOLVED that a 90-day Non-Profit Solicitation Permit is hereby approved for People In Crisis (Lana Samuels, Person in charge) effective February 4, 2014 through May 4, 2014.

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

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 2014 Facilities Use Agreements for the Mays Landing Athletic Association, the Hamilton Township Soccer and Lacrosse Club, and the Hamilton Youth Athletic Association are hereby approved.

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

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

TOWNSHIP OF HAMILTON
RESOLUTION NO. SAFE CORRIDOR GRANT 1-2014

WHEREAS the Township of Hamilton desires to apply for a New Jersey Department of Transportation Safe grant for the Safe Corridor Project,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton (Atlantic County) formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as HSF-2012-Hamilton Township-00045 to the New Jersey Department of Transportation on behalf of the Township of Hamilton.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Hamilton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

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

BE IT RESOLVED that Raffle License #3-2014 is hereby approved for the Mays Landing Athletic Association calendar raffle with drawings to be held on April 17, 2014 and on May 15, 2014.

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

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

RESOLUTION

WHEREAS, transfers are permitted between budget appropriations during the first three months of the year for unexpended balances of the preceding year to meet bills incurred during the preceding year,

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

| Account No. | Account Title | | From | To |
|-------------|-----------------|----------------|----------|----------|
| 20-100-2 | Postage | Other Expenses | 6,500.00 | |
| 43-490-2 | Municipal Court | Other Expenses | | 500.00 |
| 20-115-2 | Human Resources | Other Expenses | | 1,000.00 |
| 20-165-2 | Engineering | Other Expenses | | 5,000.00 |
| | | Totals | 6,500.00 | 6,500.00 |

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

February 3, 2014

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 renewal of the Commercial Excavation (Gravel Pit) License for Arawak Paving Company, Inc. be and is hereby approved for the June 1, 2010-May 31, 2011, June 1, 2011-May 31, 2012, June 1, 2012-May 31, 2013 and June 1, 2013-May 31, 2014 license years as recommended by Robert J. Smith, III, Township Engineer.

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

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton hereby accepts the amendment reducing Capital Bank of New Jersey letter of credit #2007-01, the performance guarantee for Thelma Heights, LLC, Phase II, **from** \$127,759.50 **to** \$55,694.00 as authorized by resolution adopted January 6, 2014.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the November 19, 2013 regular 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 paid, the bill list totaling \$4,702,783.44.

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

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 Joseph Leyenaar Jr. be and is hereby appointed to fill the Zoning Board of Adjustment Alternate I vacancy for term expiring December 31, 2014.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Robert J. Campbell, Sr., be and is hereby appointed to fill the Hamilton Township Municipalities Authority Alternate I vacant term expiring February 1, 2017.

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

February 3, 2014

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Marla Caldwell be and is hereby appointed to fill the Hamilton Township Municipalities Authority Alternate I vacant term expiring February 1, 2017.

DISCUSSION ON MOTION: Mrs. Link asked what her background is and how long she has lived here. Ms. Gatto said she is in property Management and has been here 20-30 years. Mayor Silva said her husband is a Sheriff's Officer. Mr. Guishard said he didn't know Mrs. Caldwell and that Bob Campbell has a wealth of experience with the MUA, the Township, numerous Boards; he has ideas and is creative. He said he thinks the Committee missed a great opportunity in not selecting him.

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

ESAB Secretary's compensation change:

Mrs. Dix commented on the HPC Secretary salary being put back and asked what it is. Mr. Jacobs said it is \$2,500.00 and it might go up if there is a raise this year. Mrs. Dix said the board secretary salaries were equal when they were eliminated in 2011; she wants it confirmed that this will be equal to what is being paid to some other person on the staff; and if it is less she wants an adjustment on this salary.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the compensation of the Emergency Services Advisory Board (ESAB) secretary be changed from \$1,000.00 flat "additional pay" with overtime for additional time worked to \$2,500.00 flat "additional pay" as recommended by the ESAB.

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

Extension of part-time employment of Jessica Mead:

Mr. Jacobs explained the appointment was approved in October for 6 months. Mrs. Dix said she thought it was approved September 3rd to fill in for an employee who was out on medical leave and that it would terminate when she returned. Mr. Jacobs said this is to extend it to the end of February but she was already approved until March 7th. Mrs. Dix explained she raised the question because at the September 3rd meeting the Committee approved hiring a temporary Clerk from the pool, not to exceed 24 hours a week during the family medical leave of the employee who was out; there was no date for return so the return supposed to be the trigger to terminate and that didn't happen. She said there is a difference of opinion on what happened on September 3rd and the video tape would tell the tale. Mr. Jacobs read the October 7th resolution appointing Jessica Mead. Mayor Silva asked if action had to be taken. Mr. Jacobs said the Committee should act if they are going to end the employment sooner. Mrs. Dix commented on not knowing the return date and thought this was going to end then. Mr. Jacobs explained he said "okay" when the Assessor asked if he could keep her.

No action was taken because the October 7th minutes covered it.

February 3, 2014

Reports:

Mr. Smith explained the Township was awarded grants for Malaga Road Phases 1, 2 and 3; there was money left over from the Phase 1 grant and DOT allowed it to be carried over to the Phase 2 grant; there was money left over from Phase 2 and DOT approved his request to carry it over to Phase 3. He said the Township will be able to utilize all the funds from the three grants to complete the project which will reduce the amount the Township has to cover for the Malaga Road Section 3 project.

Mrs. Link congratulated the Public Works Department for doing a fabulous job on the snow removal.

Mrs. Dix asked if Department Reports were mandatory and said she thinks the Committee should get a report from each department at least once a month. Mayor Silva asked Mr. Jacobs what he was accustomed to receiving and Ms. Gatto asked what his expectations were. Mr. Jacobs explained the Department Heads give reports to him; they don't report on day to day things, they highlight projects; and he includes them in the agenda packets. Mayor Silva said he gets and reads them. Mrs. Dix said they were listed on the agenda for years but aren't any more. Ms. Gatto said the four reports listed on the agenda now were the only ones as long as she has been on Committee and asked what reports were supposed to be on the agenda. Mrs. Anderson explained the Clerk's Office used to give a report once a month of how much income they received and that she guessed the other departments did too but she only remembers the Clerk's report. Mrs. Dix said she knows the Clerk's money report but was thinking of the type written reports she had in her hand. Mrs. Dix referred to the Public Works Report about dead trees and said there is one in the cleared area in the Industrial Park across from the IRS Building and she suggested it could be taken care of while tree removal is being done elsewhere in the Township. Mrs. Dix reported attending a JIF training session where they talked about ethics and suggested it is time to bring in Board Members and have a live lecturer rather than have them look at a video. Lisa Marcolongo explained Ed Sasdelli did it 3 years ago in April; that she spoke to him about redoing it and he said nothing has really changed in the law. Mrs. Dix said it is an issue of appointed people getting the benefit of hearing the question and answer part and having the opportunity to ask a human being if there is something they don't understand. Mayor Silva asked Lisa to find out if Mr. Sasdelli is available and see about setting up a session.

Mr. Guishard said he echoed the remarks about the Public Works Department snow removal.

Ms. Gatto reported February 7th is the Wear Red for Women Day for Heart Disease. Ms. Gatto commended the Communications Department and Public Works Department on getting the new Communications Center up and running. She reported she and Mayor Silva met with the Fire Chiefs and Rescue Squad Chief to talk about what their challenges and opportunities are so as they can prioritize the budget from a safety perspective. She said she thought it was a good productive meeting and that they got a lot of good input. Ms. **Gatto** thanked them for their time. Ms. Gatto reported tomorrow is the last day of the Township's 200th Birthday Celebration and a 50 minute video put together by Oakcrest High School students will be shown in Town Hall at 7 PM. Mayor Silva encouraged everyone to come see it and said it will be on the website after tomorrow night.

Mayor Silva asked Mr. Jacobs to have Mr. Sartorio give an update on the Wheaton Property at the February 18th meeting. The Mayor reported the new store COTO Fashions opened; they have in business since 1946; and this is only the second store they have in New Jersey. Mayor Silva reported he and Ms. Gatto were invited to the Fairways Annual Community Meeting last Sunday; their only real issue is the timing of the traffic light at 322; Ms. Gatto has spoken to the Engineer; and hopefully they can get the timing better for making left hand turns onto the Pike. The Mayor reported he attended the Rotary

Club dinner where John Carrigan was given the Volunteer of the Year Award and Arlene Blossch was given the Business Woman of the Year award. Mayor Silva reported on speaking at the Boy Scouts Jersey Shore Council event at Hamilton Mall. He complimented the Public Works Department on doing a good job with the snow removal.

Public Comment:

Russell Bongiovanni, Sr. suggested the Committee forward the proposed Veterans' Set Aside Ordinance to the County Board of Freeholders for them to look at, possibly adopt and then maybe they and the Township could adopt it together. He said that is where it started and ran into 13 pages of issues. Mr. Bongio0vanni said that as a taxpayer he is concerned that the Township is trying to do something he thinks should be the responsibility of the County or State. He said it would be totally devastating if the Township went through all the process and not one veteran in this township benefited from it. Mr. Guishard said that a veteran is a veteran to him whether they live in Atlantic, Cumberland or Burlington County because he went out, fought and put his life in jeopardy on our behalf. He said he didn't see anything accomplished by trying to limit it. Mr. Guishard said it will be advertised locally so local people will have the first opportunity on it and that the law doesn't allow limiting it to Atlantic County.

Robert Campbell asked that if the Committee is sending the Ordinance to the Township Veterans' Advisory Board they also consider sending it to the American Legion, VFW, Fleet Reserve Association, certified veterans of all veterans groups that are espousing passage of the ordinance. He said the ordinance isn't just for Hamilton Township; it is for all veterans who support anything that can benefit them or their employees and should be sent to everybody. Mr. Campbell there is a dearth of activity supporting this ordinance and there are questions about it. He said he brought it to the Township Committee as President of the Fleet Reserve Association and asked them to consider it because he got a report from the State with an Ordinance passed by the Assembly and Senate and signed by the Governor without any opposition; it was sent to all Veterans' organizations; he received notices from the American Legion and Disabled American Veterans; and if Ms. Gatto is making her decision just on what the VAB is going to say... Ms. Gatto interrupted and said that what she said was that she valued the opinion of the Veterans' Advisory Board because their task in the Township is to advise the Township Committee on ordinances and issues that are happening in Hamilton Township and all she is looking for is their recommendation and advice. Mr. Campbell said Ms. Gatto said she wanted to wait to hear from the Veterans' Advisory Board and he had no problem with that but she should also want to hear from the other Veterans' groups that the ordinance is going to affect. Ms. Gatto said they are all welcome to the public hearing and that she believes they are all represented on the Veterans' Advisory Board. Mr. Campbell said they might be but aren't as far as he is aware. Mayor Silva said Mr. Campbell submitted his letter on April 2013 and came right to the Township Committee; he didn't even send it to the Veterans' Advisory Board. Mr. Campbell said he didn't because it was from his organization and people he represents; that he doesn't have to go to anybody else on anything that the Fleet Reserve or American Legion want to do; the Legion never had to go to anybody if they had an activity they wanted done; when they did the monument in town, they went first to all the veterans' groups and community and then came to the Township Committee as its Veterans' Advisory Board; and they raised \$17,000.00 to bring back the fireworks and town celebration. He said if great weight is going to be put on what the Veterans' Advisory Board says, all veterans' groups should be notified; let them put in their recommendations and comments and it should mean just as much as what the VAB or anybody else says; if the American Legion or any organization says something the Committee should listen and respectfully admit their testimony. He asked Mr. Guishard if the issue was discussed at the VAB meeting and what their opinion was at that time. Mr. Guishard said it was discussed and they reached an agreement that it was worthy of being presented to the Committee, having a first reading and having a subsequent public hearing. Mayor Silva said half

of them were in favor of that and the other half said they were in favor of doing it but they want it done right. Ms. Gatto said the Ordinance was introduced tonight. Mr. Campbell said he thinks Mrs. Dix might have a good idea with the percentages if there could be a dollar figure, \$200000.00 or \$250,000.00 because there will be some items veterans won't be able to bid on. Mr. Guishard said the County Veterans' Advisory Board reviewed it and submitted a resolution in favor of it. He said he saw nothing wrong with accepting a recommendation from a Township person directly to the Township Committee. Ms. Gatto said she had no problem with that either but her point is that the Township has a Planning Board, Zoning Board, Emergency Services Advisory Board, Emergency Management Staff, and all those things to help the Committee make educated decisions; that is what they are sanctioned to do by ordinance; and all she is asking is that they (VAB) have the opportunity to review it as a body, make a formal recommendation just as the Committee would have any other Board do. She said she values all the citizens' opinions. Mr. Guishard said the VAB has it and is reviewing it but he wouldn't expect a citizen to have to run to a board. Mayor Silva said the Township has a Veterans' Advisory Board that vetted out a program that honors and remembers its veterans at every meeting and he hasn't seen other organizations or communities do it.

Jim Link questioned why the Township Committee didn't adopt any rules for conducting business or parliamentary procedures at the reorganization meeting or have any by-laws. He said the Planning Board has by-laws and adopted Roberts Rules of Order and asked why it was different for Township Committee. Mrs. Dix said she never heard of that at any reorganization meeting she has attended. Ms. Gatto asked Mr. Link if he asked that question when he was on Township Committee. Mr. Link said "no"; it doesn't matter what happened before; it is water over the dam; and it should have happened then. Mr. Guishard said a policy statement adopted 5 or 6 years ago says that Roberts Rules of Order shall be used as a guide for Committee meetings; that he questioned why it was a guide and no reason for it; and he didn't know about by-laws. Ms. Gatto commented on seeing Mr. Link coming to meetings with the Robert Rules of Order Book. Mr. Link said book is useless if it isn't adopted by the body; it can be cumbersome; and perhaps he could talk to the Solicitor about his concerns. Mr. Jacobs explained he has always been advised by lawyers in other towns he was involved with not to adopt because of possible action if you make one misstep in parliamentary procedure. Mr. Link said if motion is adopted without a point of order being brought it is accepted by the body. Mrs. Anderson said one town adopted the Open Public Meeting Act as their procedure.

Bruce Strigh commented on Roberts Rules of Order being 600-700 pages long and said the Committee has to be either all in or all out and, if adopted, they have to follow it. He said some people cite it to bolster their point of view that others may disagree with. Mr. Strigh said none of the non-profit, public, or private, organizations he has participated in ever adopted Roberts Rules of Order. Mr. Strigh said most organizations make motions, second it, vote on it, have open public discussion to everybody's liking, and that is usually okay for everybody. He said he thinks the idea is for a normal, civil discussion of ideas and that by adopting Roberts Rules of Order the Committee would be going into areas that would prove trouble.

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

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

There being no further matters to be considered Ms. Gatto moved, seconded by Mayor, that this meeting be adjourned.

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

ATTEST:

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