

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NEW JERSEY
APRIL 7, 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 Amy Gatto, Rodney Guishard, and Judy Link. Committeewoman Dix was absent. Also present were Phillip Sartorio substituting for the 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 March 3, 2014 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

Mayor Silva and Mr. Guishard presented the Hamilton Township Honors and Remembers Its Veterans award to John McGuire, retired Air Force. Michael Francis presented a Congressional Certificate of Recognition to Mr. McGuire on behalf of Congressman LoBiondo. Assemblyman Brown presented a Resolution of Appreciation from the New Jersey State Assembly.

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

7.A Insert names of businesses:

1. Mercato Market LLC - flea market at Atlantic Coty Race Track.
2. American Recycling LLC (new owner) - scrap iron/metal recycling, auto sales & parts, towing business on Route 50.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", AND NO "ABSTAIN", ONE MEMBER ABSENT.

There were no requests to make early public comment on agenda items not listed for public hearing.

Strategic Recovery Planning Report:

Philip Sartorio explained the Township Committee authorized an application to DCA for post Sandy CBDG funding last fall; funding for the Report was from the Grant; approval of the plan is the first step before the Township can apply for additional grant funding from DCA. He introduced Kendra Lelie, the planner from the consultant firm retained to prepare the report. Ms. Lelie explained the Steering Committee started in November and had several meetings; this was really in response to damages from Hurricane Sandy; municipalities that sustained \$1.1 million or more in damages or more than 10% loss of value from Super-storm Sandy were eligible for grant funding; although it concentrated on Hurricane Sandy, they also looked at other natural disasters that have hit the township; mitigation is included in the plan but isn't the sole purpose of the plan. Ms. Lelie made a power point presentation on the report and recovery plan and explained that D.C.A. requires be completed before the Township can apply for additional funding if the governing body wanted to move forward with any of the items in the report; funding is on a first-come, first-served basis so the process has to be completed and the application

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submitted by April. Ms. Lelie said it will be submitted to the State as soon as she has the resolution of endorsement from the Committee. Mr. Sartorio said the presentation was made to the Planning Board last Thursday and they recommended action by the governing body. The presentation and following discussion was recorded and video-taped; a hard copy of the power point presentation slides is on file in the Township Clerk's Office; and the video will be available for review on the Township website.

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton that the Strategic Recovery Plan is hereby endorsed and authorized to be submitted as presented.

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

Interest Arbitration Awards Cap extension:

Mr. Jacobs explained it is a general resolution supporting and asking the Legislature to approve extending the cap and the League of Municipalities recommended it; and his understanding is that the extension would be for as long as the municipalities are subject to a law capping their budgets. Mr. Guishard commented on understanding the need and would support the resolution and the word "permanent" being relatively worthless because they won't have current economic situation forever.

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

Resolution Calling on the Legislature to Make Permanent the 2% Cap on Interest Arbitration Awards

WHEREAS, on December 21, 2010, Governor Christie signed into law reforms to the Arbitration process that took effect January 1, 2011; and

WHEREAS, the reforms capped arbitration awards on economic factors to no more than 2%, provided for random selection of arbitrators, expedited the determination of awards, required the arbitrator to provide a written report detailing the weight accorded to each of the required considerations and expedited the appeal process; and

WHEREAS, these reforms marked a dramatic change to the arbitration process and have helped municipalities to control the never-ending rise in public safety personnel costs; and

WHEREAS, a key element of the reforms, capping arbitration awards on economic factors to no more than 2% of the property tax levy will expire on April 1, 2014; and

WHEREAS, while municipalities are statutorily limited to raise their property tax levy by no more than 2%, with very limited exceptions, failure to extend the 2% cap on interest arbitration awards will force municipalities throughout the State to further reduce or even eliminate crucial services, personnel, and long-overdue infrastructure improvement projects in order to fund an arbitration award; and

WHEREAS, the 2% Interest Arbitration cap has controlled one of the largest municipal expense, public safety salaries, not only through arbitration awards but through contract negotiations; and

WHEREAS, absent further action by the Legislature, any contract that expires on or after April 1, 2014, will be subject to all new procedures and requirements, EXCEPT the 2% awards cap; and

WHEREAS, without those limits, arbitrators will be able to impose awards that do not account for the 2% limit on the property tax levy, which would immediately threaten funding for all other municipal services; and

WHEREAS, without the 2% cap on Interest Arbitration Awards but with the 2% cap on property tax levy local budget makers could be forced to reduce other essential municipal services to fund an arbitration award;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Hamilton, Atlantic County, strongly urges the Legislature to permanently extend the 2% cap on interest arbitration awards prior to the April 1, 2014 sunset; and

BE IT FURTHER RESOLVED, that a that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, the Hamilton Township State Legislative Representatives, Governor Chris Christie, and the New Jersey State League of Municipalities.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

Purchase of fire pumper truck for Cologne Volunteer Fire Company:

Mr. Jacobs explained the bid came in higher than what was set aside and that the ESAB Board, at its meeting on Thursday, recommended the additional funds be taken from the money set aside for Mizpah. Cologne Chief Vallauri commented on purchase of this replacement fire truck having been worked on for 3½ years and asking the ESAB Board for more money. He said the truck does meet their needs and that he recommended the Township start exploring more options on the replacement fire trucks in the future. Chief Vallauri commented on the Township having bought all of the replacement trucks at once at one time in its history but they can't buy them all at the same time right now. He said he appreciated everyone's help. He thanked everyone involved for their help on this. Cindy Lindsay explained the first of two motions needed because of formalities in purchasing from State Contract was authorizing purchase of one new fire apparatus from Pierce Manufacturing under State Contract in the amount of \$454,347.67.

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 purchase of One New Fire Pumper Apparatus from State Contract Vendor Pierce Manufacturing Inc., Appleton, Wisconsin, under State Contract #A83457 in the amount of \$454,347.67 is hereby authorized with funding appropriated from Capital Bond Ordinance #1607-10, #1672-10, #1693-11 and #1760-14.

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

Ms. Lindsay explained the second motion needed was to award a "Non-Fair and Open Contract" in the amount of \$34,029.61 to Pierce Manufacturing Inc. for One Fire Pumper Apparatus Options in accordance with N.J.A.C. 19:44A-20.4 et seq.

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

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PURCHASE OF ONE NEW FIRE PUMPER APPARATUS OPTIONS

WHEREAS, the Township of Hamilton has a need to Contract for the purchase of options on One New Fire Pumper Apparatus as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will not exceed \$36,000.00; and

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WHEREAS, the purchase order will not exceed the \$36,000.00 threshold; and

WHEREAS, Pierce Manufacturing, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Pierce Manufacturing, Inc. has not made any reportable contributions to a political party or candidate committee in the Township of Hamilton in the previous one year, and that the contract will prohibit Pierce Manufacturing, Inc. 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 Ordinance #1607-10, 1672-10, 1693-11 and #1760-14 appropriations,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton hereby authorizes the purchase of One New Fire Pumper Apparatus Options at a cost of \$34,029.61 from Pierce Manufacturing, Inc.; 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 PRESENT VOTING "YES", NO "NO", AND NO "ABSTAIN" ON ROLL CALL VOTE.

Electric Energy Aggregation presentation by A.U.S. & discussion:

Mr. Guishard commented on this being the third presentation; there were several meetings that included the Administrator, a Committee Member and members from the community; and they put together a presentation that answers most of the questions they thought the Committee might have.

Gus Escher said Mike Erickson made a presentation on energy aggregation; changes in the energy aggregation laws from 1999; changes from the "opt-in" to the "opt-Out" process; what AUS would do as the consultant; the presentation was recorded and video-taped; a hard copy of the slides from the presentation is on file in the Township Clerk's Office and the video can be viewed on the Township website. Mr. Escher explained AUS is seeking an agreement with the Township to move forward to establish a Community Energy Aggregation (CEA) program with AUS as its consultant and begin drafting an Ordinance to put it into full force and effect. Mayor Silva asked if there are any other companies with the same level of licensing as AUS. Mr. Escher said there are 5 to 8 legal companies in New Jersey soliciting non-bid contracts like AUS is. The Mayor asked why the Township shouldn't listen to them also. Mr. Escher said AUS is here; they want the business; they value the community; it is a great size community; they do hundreds of CEAs around the country including Ohio and Illinois; they have been here since the fall; Hamilton Township will be their first community in New Jersey; they have always been the lowest bidder in any bid they participated in but they were not the winning bidder because there are other considerations and factors that people weigh; they are a low-cost provider of a first class service. Mr. Guishard commented on having multiple meetings with AUS since September and that he thinks they showed integrity in their response and proficiency in what they are doing; Michael Erickson traveled here from Wisconsin a number of times; they are licensed; if the savings is \$120.00 a year they would get \$4 or \$5 out of the whole thing; and that they talked about bidding but that doesn't necessarily help. Mrs. Link commented on the "opt out" versus the "opt in" process. Mr. Escher explained it would be cost in-effective to go door to door to get people to sign up

to "opt-in" so the State made it "opt-out" because the "opt-in" process wasn't working. Mr. Guishard said he signed up with a 3rd party provider and his bill more than doubled in the past couple of months but this program will prevent that from happening. Mayor Silva asked if AUS had any municipality in New Jersey. Mr. Escher said they don't have any yet. The Mayor asked who will receive all the phone calls from the residents about their bills. He said that if he votes against it he didn't want to hear it; he isn't in favor of it and hasn't been from the beginning. Mr. Guishard said AUS will provide a phone number for residents to call; that doesn't mean there won't be calls but he doesn't anticipate a lot of calls to the Township; that was discussed with AUS and they told him there was minimum number of phone calls in their experience in other communities; he thinks it can be kept under control; and other communities in the area like Egg Harbor City are reviewing it. Mr. Escher said they do everything they can to get the calls to come to them. Mrs. Link asked about their experience with questions in their programs in other states. Mr. Erickson explained many of them were very basic about procedures, what choices they have, when it becomes effective, and that there wasn't much in the way of criticism. He explained that the idea of deregulation was to save money for all of New Jersey not just corporate and industrial customers; the State found it wasn't getting to the people so they added the opt-out provision in the law in an attempt to make aggregation work; opt-out is the only way to see what the opportunity for savings is; as they go through the education program they will communicate to the people that they are free to opt-out; and AUS will have instructions for whoever the Township puts in place to get the calls. Mr. Guishard said that when they talked about the Administration's concern about phone calls Mr. Erickson indicated that the company can assure that they will handle most of the phone calls and it is something that can be negotiated to make sure that happens. Mr. Guishard said residents will get a bill that is reduced; the bill will come from the electric company just like it does now; there is nothing the residents have to do; the contracts AUS will bid for are for 12 to 18 months at a fixed rate; and AUS won't come to the Committee with a rate that isn't lower than that of the electric company. Mr. Jacobs explained the Committee first has to decide whether or not they want to pursue energy aggregation process; if they do, they have to decide whether they are going to utilize AUS or seek proposals; if they are going to utilize AUS it has to be made is clear that they will be negotiating and start to put an agreement together.

Mr. Guishard read the resolution prepared by AUS and moved, seconded by Mrs. Link, that the resolution be adopted.

BE IT RESOLVED that the Township of Hamilton shall enter into an acceptable Professional Consulting Services Agreement appointing Alternative Utility Services, In. ("AUS") to assist the Township in preparing an Ordinance to establish a Community Energy Aggregation ("CEA") Program.

BE IT FURTHER RESOLVED, that upon passage of such an Ordinance, AUS will assume and perform all of the Township's CEA regulatory responsibilities and requirements including, but not limited to a) conducting community awareness and education events, b) preparing and mailing notices to residents, c) performing utility data gathering and analysis, d) manage the nodding and contract process, and e) provide on-going recommendations for implementing a successful CEA program.

BE IT FURTHER RESOLVED, that the Township shall not be obligated to incur or pay any consulting fees for CEA services and that AUS shall be compensated by the winning Bidder, only if a CEA supply contract is approved by the Township and executed.

DISCUSSION: Mr. Jacobs commented on what his reading of what the resolution was. Mr. Guishard said it is to enter into an agreement to have AUS represent the Township in the bidding process, to work on an ordinance so AUS can represent the Township in the bidding process and move ahead with the community education program with the residents. Mr. Escher explained the resolution should say it is the intent to

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enter into an ordinance to proceed because they don't have the agreement yet; they have drafts of it and the BPU Standard, but they have to fill in the fee, names and addresses, etc.; this simply says the Committee intends to create such a document and the Township and AUS will have to negotiate. Mr. Sandman said it should say it is the intent to negotiate an arrangement that hopefully will be finalized in the form of an ordinance and that there will be no cost to the Township until such time as a contract is awarded. Mr. Guishard said he was fine with that. Mr. Escher said there will never be any cost to the Township. Mr. Sandman said he thought the way he phrased it takes in everybody's interest and that nothing is legal or binding on the Township until the majority of the Committee adopts an ordinance.

Mr. Guishard amended his motion and Mrs. Link amended her second for the resolution to read as follows:

BE IT RESOLVED that it is the intent of the Township of Hamilton to negotiate an acceptable Professional Consultant Services Agreement that will hopefully be finalized in the form of an Ordinance appointing Alternative Utility Services, Inc. ("AUS") to assist the Township in preparing an Ordinance to establish a Community Energy Aggregation ("CEA") Program.

BE IT FURTHER RESOLVED, that upon passage of such an Ordinance, AUS will assume and perform all of the Township's CEA regulatory responsibilities and requirements including, but not limited to a) conducting community awareness and education events, b) preparing and mailing notices to residents, c) performing utility data gathering and analysis, d) manage the nodding and contract process, and e) provide on-going recommendations for implementing a successful CEA program.

BE IT FURTHER RESOLVED, that there shall be no cost to the Township for CEA services and that AUS shall be compensated by the winning Bidder only if a CEA supply contract is approved by the Township and executed.

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

Ms. Gatto thanked Mr. Escher and Mr. Erickson for all of their visits and said she appreciated all their hard work and detail provided. She explained her decision wasn't made lightly; she likened it to the trash collection contract and decision made years ago to go to automated trash collection that meant a lower cost per household and the first goal of that program was the health, safety and well-being of the community; she was voting no because she wasn't in favor of an energy aggregation program, particularly one that wasn't "opt-in"; she was not in favor of government putting its influence on people's homes arbitrarily; she thinks people will do it themselves if they want to go to a third party; she would be in favor of an "opt-in" program; and she doesn't think the Township has the capacity to manage the program with the its limited resources

Mr. Guishard thanked Mr. Escher and Mr. Erickson for the effort they put into it and said he was disappointed because he thought it was an opportunity for the Township to save money.

Mr. Escher thanked the Committee for a good hearing. Mr. Erickson asked if there was an option for them to come back at another time when there was a full Committee. Mr. Sandman said that may not be possible and that he would have to give the Committee an opinion on it.

Public Hearing/Adoption - Ordinance #1762-2014:

Mr. Jacobs explained purpose of the Ordinance and that the Township paid off a bond and wants to use the money in the operating budget.

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

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN, ONE MEMBER ABSENT.

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

WHEREAS, Ordinance #1762-2014 was introduced and passed first reading on March 17, 2014 and was duly advertised in the March 19, 2014 issue of the Atlantic County Record for a public to be held on April 7, 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 #1762-2014 be and is hereby adopted.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "YES", NO "NO" AND NO "ABSTAIN, ONE MEMBER ABSENT.

**TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ**

ORDINANCE #1762-2014

CALENDAR YEAR 2014

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Hamilton in the County of Atlantic finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3 % increase in the budget for said year, amounting to \$ 606,241.59 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township of Hamilton hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Hamilton, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Township of Hamilton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 707,281.86 and that the CY 2014 municipal budget for the Township of Hamilton be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

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BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ATTEST:

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

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

ROGER SILVA, MAYOR

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

ORDINANCE #1762-2014 INTRODUCED AND PASSED FIRST READING MARCH 17, 2014
ORDINANCE #1762-2014 ADOPTED APRIL 7, 2014.

Public Hearing/Adoption - Ordinance #1763-2014:

Mr. Jacobs explained the Ordinance gives additional money to 3 existing employees for being on call after hours, authorizes putting 3 more employees on call after hours, deletes some other positions and has some housekeeping measures in it.

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

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN, ONE MEMBER ABSENT.

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

WHEREAS, Ordinance #1763-2014 was introduced and passed first reading on March 17, 2014 and was duly advertised in the March 19, 2014 issue of the Atlantic County Record for a public to be held on April 7, 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 #1762-2014 be and is hereby adopted.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "YES", NO "NO" AND NO "ABSTAIN, ONE MEMBER ABSENT.

**TOWNSHIP OF HAMILTON
ORDINANCE NO.: 1763-2014**

**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 Township Committee has determined that increasing the number of Public Works employees on-call from three to six will provide for a larger pool of on-call employees; and

WHEREAS, the Township Committee has determined that there is no appreciable increase in cost as a result of adding the three additional “On-Call Responder” positions, since compensation will be absorbed by the Public Works over-time line item; and

WHEREAS, the Township Committee has considered the cost of \$5,550 for adding three additional “On-Call Responder” positions to assist in after-hours emergent situations will greatly enhance the efficiency and effectiveness in responding to resident concerns; 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.

Amend Exhibit “A” Section #1, entitled PART-TIME REGULAR DUAL POSITIONS, by inserting the following three (3) additional positions:

On-Call Responder	\$1,850
On-Call Responder	\$1,850
On-Call Responder	\$1,850

Section 2.

Amend “CHART OF ORGANIZATION” by adding the following part-time regular dual positions in the Department of Public Works:

- On-Call Responder
- On-Call Responder
- On-Call Responder

Section 3.

Amend Exhibit “A” Section #1, entitled PART-TIME REGULAR DUAL POSITIONS, by deleting the following positions:

JIF Safety Director	\$ 5,000
JIF Claims Coordinator	\$ 5,000
Grants/Records Manager Archivist	\$ 3,000
Grants/Records Deputy Manager Archivist	\$ 1,500

Section 4.

Amend “ CHART OF ORGANIZATION” by deleting the following part-time regular dual positions in Administration:

- JIF Safety Director
- JIF Claims Coordinator
- Grants/Records Manager Archivist
- Grants/Records Deputy Manager Archivist

Section 5. Severability and Effectiveness Clause.

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

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Section 6. Effective Date.

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

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

ATTEST:

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

Roger Silva, Mayor

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

**ORDINANCE #1763-2014 INTRODUCED AND PASSED ON FIRST READING, MARCH 17, 2014.
ORDINANCE #1763-2014 ADOPTED APRIL 7, 2014**

Public Hearing/Adoption - Ordinance #1765-2014:

Ms. Gatto commented on Mr. Jacobs receiving comments from a resident who was not able to attend tonight and asking him to read it. Mr. Jacobs explained he would not read it; copies of the e-mail were given to all the Committee Members; and a member of the public could read it if they want to.

Kim Yoder read the e-mail Mr. Bongiovanni sent to Mr. Jacobs into the record for him. (A copy of the e-mail is on file in the Township Clerk's Office).

Robert Campbell, Sr., said it was a shame that the word political keeps coming up; during the 15 years he was Chairman of the Veterans' Advisory Board the word political never came up in anything they did; he understands the consensus of Township Veterans' Advisory Board is that the ordinance should be passed; the County Veterans' Advisory Board voted unanimously to pass the Ordinance and get it started; most veteran organizations that he knows of and is affiliated with have all said they endorse the Ordinance; there were questions about whether certain parts of it should pass; the basic feeling of the veterans he has spoken to in the Atlantic County area is that there is definitely and absolutely a need to create the Ordinance to give veterans, especially those returning from Iraq, a little step up in the bidding process to possibly create jobs for veterans and work for veteran-owned businesses; he has a lot of faith in the administration of the Township Committee and that they will see that it is done correctly; he believes it is a good ordinance and that the Township can really do something good for the veterans; the people in charge of the new American Legion Jobs Program are looking carefully to see what the Township does; he thinks a lot of municipalities are going to emulate it; he appreciated the work Mr. Guishard did on it; and he urged the Committee to pass it.

John Percy asked if Mr. Bongiovanni elaborated on changes he recommended. Mr. Guishard said he did propose some changes that were incorporated; that they were very minor; and that with all his talk about the inefficiencies in the Ordinance over the past year Mr. Bongiovanni made essentially no positive recommendations for change. Mr. Percy said that Mr. Bongiovanni elaborated in his letter on some changes he would like to have made. Mr. Guishard said there was no elaboration; that the VAB board that Mr. Bongiovanni Chairs has indicated they want to see the Ordinance go; that it has all the benefits; that the changes that need to be made can be made; that he

supposed the reason other changes haven't been proposed is because it is a pretty good document the way it stands and there are no obvious changes to improve it. Mr. Guishard said he helped write it. Mr. Percy commented on a possible postponement until the changes could be elaborated on. Mr. Guishard said Mr. Bongiovanni had the opportunity for the past year and all the Committee has gotten from him is negative comments passed around in multiple e-mails, sent to newspapers and never a suggestion on how to make it better. Ms. Gatto said she had to stop Mr. Guishard from attacking another veteran. Mr. Guishard said they are facts. Mr. Percy explained the intent of his question was what the prospective changes were if there was a motion for postponement. Mr. Guishard said it has been postponed twice; the Veterans' Advisory Board was supposed to consider the Ordinance and if they had proposed changes to make them and that hasn't happened. He read part of a letter sent by Mr. Bongiovanni to a number of people and said this shouldn't be a political event at all; that Mr. Bongiovanni is always making negative comments about him and a lot of other democrats; and said he is disgusted with it.

Kim Yoder questioned how they would make sure it is 5%. Mr. Guishard explained the 5% was discussed quite a bit and changed to 1% because 5% would be difficult to achieve due to the Township using State Contracts, things that had to do with salaries and things that would not be eligible to bid to veterans. Ms. Yoder suggested Mr. Bongiovanni may have been fighting for the 5%. Mr. Guishard explained it was changed to 1% at the last meeting; that Mr. Bongiovanni didn't object to it; and the Committee doesn't want to put the staff in a position having to achieve something that may be difficult to do. Mr. Guishard explained the purpose of the ordinance and bid process. Ms. Yoder asked if there will be veterans on the board that decides what bids go to veterans. Mr. Guishard said there wouldn't but that input or advice would be taken from the Veterans' Advisory Board or anyone else. Ms. Yoder suggested it might scare Mr. Bongiovanni that people other than veterans are going to vote on what bids are going to veterans. Mr. Guishard explained the program is to set aside a portion of the public procurements for veterans; the object is to get the best deal for the Township; and that is the job of the staff. Ms. Yoder said she always liked to be able to go with the lowest bidder. She asked if it would be appropriate to have an amount each month or quarter that a veteran could bid on. Mr. Guishard explained that how it is done has to be decided. Mayor Silva said Mr. Bongiovanni's position was that he wanted a larger entity to handle it; he was in favor of the County doing it; if what all 23 municipalities to go out to bid for was added up there would be more benefits and opportunities for veterans and it could go out as a co-op. Ms. Gatto commented on another part of his position that she agreed with him on was trying to put parameters in that would keep the contracted money to local veteran-owned businesses as opposed to a veteran-owned business in North Jersey. Mr. Jacobs explained the staff would try to find veteran businesses that perform a service or provide a bid the Township wants and recommend it to the Township Committee; they recommend to the Committee which services would be set aside for veterans; the idea with the sign and TV station is to promote the idea that the Township has adopted the ordinance but the bidding is done according to State law and anybody in the State of New Jersey can bid. Ms. Yoder said she hopes it will go back up to 5%.

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

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

Mr. Guishard commented on the required number of work hours performed by veterans on a job being changed from 25% to 50% at the last meeting; it was supposedly changed for the purpose of hiring more veterans and; he believes it has exactly the opposite impact and used

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as an example a contract that could be done in 3 months. He said it would require hiring 2 veterans at 25% and 4 at 50%; it would be difficult enough to get 2 veterans with whatever skills were required; it practically kills the efficacy of the ordinance; and the primary purpose was to hire veterans. He proposed going back to 25% because he thinks it will give veterans a much better opportunity. Ms. Gatto referred to Mr. Guishard's statement that the purpose of the ordinance was to provide opportunity for veterans and said the example he just gave provided for 4 veterans instead of 2. Ms. Gatto said she thinks that is why Committeewoman Dix was fighting so hard for that number to be changed; that she would not be in favor of changing that number with Mrs. Dix being absent; and if there is movement to change it she would move to table it until Mrs. Dix is present. Mr. Guishard said the Township would be asking an employer to hire 4 veterans instead of using his own people and hiring 2 new employees; that he thinks that makes it very difficult; that he thinks it ruins the opportunities for veterans and their problems; and to go ahead if that is what the Committee wants because he thinks they have discussed it enough. Ms. Gatto said it includes new hires and if they already have 4 veterans on staff, that counts. Mr. Sandman explained that he understood that Mr. Guishard is saying that it reduces the available pool of companies that can bid on the projects. Mr. Sandman explained that he made a determination that it was a material change when the number was changed from 25 to 50 at the last meeting; that if the Committee is considering changing it back to 25, he has to be consistent in his rulings and say that is also a material change that would mean the Ordinance has to go to another meeting; of the Committee can adopt the Ordinance as written and perhaps modify it in the future; and if the 1% is achievable the Committee can raise it next year. Mr. Sandman explained he carefully reviewed the memo Mr. Guishard forwarded to him with an opinion from Associate Counsel Postelnik of the State Legislature Office of Legislative Offices; he thinks it says the percentage can be either/or; the Statute says "at least 25%" and he reads that to mean a minimum of 25%. Mr. Guishard commented on his opinion on there being a difference between defining that of the contractor or vendor and changing the law, the reason for having this second hearing, and said he would like to move the ordinance as written.

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

WHEREAS, Ordinance #1762-2014 was introduced and passed first reading on March 17, 2014 and was duly advertised in the March 19, 2014 issue of the Atlantic County Record for a public to be held on April 7, 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 #1765-2014 be and is hereby adopted.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "YES", NO "NO" AND NO "ABSTAIN, ONE MEMBER ABSENT.

Ms. Gatto made several comments on the reason for voting yes and said Mr. Bongiovanni sent a report to all of the Township Committee Members from the last Veterans' Advisory Board meeting stating that 2 members are in favor of the Ordinance, 2 are not in favor of it, 2 members didn't respond and the 7th member had resigned at that point and said the Veterans' Advisory Board did in fact make a recommendation. Mayor Silva said he has always been in favor of the County coming forth the Ordinance because he wanted to see a larger group of municipalities involved so there would be a cooperative effort that would maximize the benefits.

**Township of HAMILTON
ATLANTIC COUNTY, NEW JERSEY
ORDINANCE #1765-2014**

**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 1% of the Township’s purchases, services and construction contracts for qualified veterans’ 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.

COUNTY -The County of Atlantic.

QUALIFIED VETERAN BUSINESS ENTERPRISE or - The meaning set forth at N.J.S.A. 40A:11-4II, 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 50% of the required workforce for the contract are veterans, and 50% 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 forth 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 1% 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 immediately 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 Veterans on contract staffing, control or management.
- F. If a business is denied certification, the Finance/Purchasing Department shall notify the business, in writing (notice shall be sent by regular mail and Return Receipt Requested to the address provided by the business), 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 delivery or attempted delivery by the post office of the Return Receipt Requested notice and/or 20 days after the date of the notice sent by regular mail. 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.

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.

14-14. 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	ABSENT
GATTO	"YES"
GUISHARD	"YES"
LINK	"YES"
SILVA	"YES"

ORDINANCE NO. 1765-2014 INTRODUCED & PASSED FIRST READING FEBRUARY 3, 2014.
ORDINANCE NO. 1765-2014 ADOPTED APRIL 7, 2014.

April 7, 2014

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

BE IT RESOLVED by the Township Committee if the Township of Hamilton that the following Business Registration License are hereby approved:

1. Mercato Market LLC - flea market at Atlantic Coty Race Track.
2. American Recycling LLC (new owner) - scrap iron/metal recycling, auto sales & parts, towing business on Route 50.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", AND NO "ABSTAIN", ONE MEMBER ABSENT.

RESOLUTION AMENDING THE TEMPORARY BUDGET FOR THE YEAR 2014

WHEREAS, N.J.S.A. 40A:4-19 provides that the governing body may, and if any contracts commitments or payments are to be made before the adoption of the budget, shall by resolution adopted prior to January 31, of the fiscal year, make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the budget; and

WHEREAS, after January 31 any appropriation which becomes necessary before the adoption of the budget, and which has not been included in the Temporary Budget, must be made by adoption of a resolution amending the temporary budget provided for in N.J.S.A. 40A:4-20,

NOW, THEREFORE, BE IT RESOLVED that the following appropriations shall constitute an amendment to the Temporary Budget of the Township of Hamilton, County of Atlantic.

Township Administrator S&W	10,000.00
Township Committee S&W	2,400.00
Human Resources S&W	2,200.00
Township Clerk S&W	6,600.00
Finance S&W	1,600.00
Management of Information Systems S&W	2,200.00
Tax Collector S&W	7,400.00
Tax Assessor S&W	3,600.00
Tax Assessor O&E	5,000.00
Historic S&W	100.00
Board of Adjustment S&W	600.00
Construction S&W	4,200.00
Housing S&W	11,600.00
Police S&W	225,000.00
Prosecutor's Office OE	1,000.00
Emergency Management S&W	100.00

April 7, 2014

LOSAP	70,000.00
Public Works S&W	25,000.00
Vital Statistics S&W	50.00
Vital Statistics O&E	100.00
Municipal Court S&W	17,000.00
Employee Group Insurance	220,000.00
Liability Insurance	70,000.00
Workers Compensation Insurance	182,000.00
Social Security	27,000.00
PERS	269,682.40
PFRS	688,091.69
DCRP	400.00
Capital Improvement Fund	20,000.00
Total Current Fund	1,872,924.09

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

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 for the 2013 Road Program, a net decrease in the contract of \$1,195.11, is hereby approved as recommended by Robert J. Smith III, Township Engineer on March 28, 2014.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton does hereby support the Mays Landing Merchants' Association application to Atlantic County for use of the Lake Lenape Park for a community picnic on Sunday, June 29, 2014.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

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 Raffle License #6-2014 is hereby approved for St. Vincent dePaul Knights of Columbus Council #3451 arm chair race to be held on May 3, 2014.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", AND NO "ABSTAIN", ONE MEMBER ABSENT.

April 7, 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 following Raffle Licenses are hereby approved for United Way of Greater Philadelphia & Southern New Jersey:

- 1) #7-2014 for an on premise 50/50 being held on May 6, 2014.
- 2) #8-2014 for an on premise tricky-tray being held on May 6, 2014.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", AND NO "ABSTAIN", ONE MEMBER ABSENT.

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 Raffle Licenses are hereby approved for St. Vincent DePaul School:

- 1) #9-2014 for an off premise draw raffle being on April 26, 2014.
- 2) #10-2014 for an on premise 50/50 on April 26, 2014.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", AND NO "ABSTAIN", ONE MEMBER ABSENT.

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objection to the New Jersey Division of Alcoholic Beverage Control approval and/or issuance of a Special Permit to St. Vincent dePaul Knights of Columbus Council #3451 for a social affair at St. Vincent dePaul School from 5 PM to 11 PM on May 3, 2014 with wine and beer to be dispensed.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objection to the New Jersey Division of Alcoholic Beverage Control approval and/or issuance of a Special Permit to Cologne Volunteer Fire Company for a chicken barbecue at the Cologne Fire House from 10 AM to 10 PM on June 7, 2014 with wine and beer to be dispensed.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

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

STATE OF NEW JERSEY
 DEPARTMENT OF LAW AND PUBLIC SAFETY
 DIVISION OF CRIMINAL JUSTICE
 SAFE AND SECURE COMMUNITIES PROGRAM
 RESOLUTION OF PARTICIPATION

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

WHEREAS, the Township of Hamilton, County of Atlantic wishes to apply for funding of approximately \$60,000.00 with a match of \$114,737.00 for an approximate project total cost of \$174,737.00 for a project under the State of New Jersey Safe and Secure Communities Program, and

WHEREAS, the Township Committee of the Township of Hamilton has reviewed the accompanying application and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and Township of Hamilton, County of Atlantic for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton Committee that

1. As a matter of public policy Township of Hamilton, County of Atlantic wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", AND NO "ABSTAIN", ONE MEMBER ABSENT.

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

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants for 2013 will memorialize the commitment of this municipality to recycling and to indicate the assent of Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Committee of Township of Hamilton that Township of Hamilton hereby endorses the submission of the 2013 Recycling Tonnage Grant application to the New Jersey Department of Environmental Protection and designates Ingrid Perez to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the 2013 Recycling Tonnage Grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

April 7, 2014

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

RESOLUTION

**RESOLUTION OF THE TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY,
TO REFUND A TAX PAYMENT ON EXEMPT PROPERTY**

WHEREAS, a payment was received by Corelogic Real Estate Tax Service for first quarter 2014 taxes on a property that was granted a total tax exemption due to Totally Disabled Veteran status; and,

WHEREAS, the payment that was made on this property must be refunded to the mortgage company that made the payment, Corelogic, and;

WHEREAS, the payment must be refunded as follows:

Block/Lot/Qual.	Assessed Owner	2014 Tax
1113/11	Douglass A. Dwyer	\$ 842.76

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that the payment made by Corelogic Real Estate Tax Service in the amount of **\$842.76** be refunded.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

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 purchases from the list of State Contract Vendors set forth below is hereby approved as recommended by the Chief Financial Officer.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", AND NO "ABSTAIN", ONE MEMBER ABSENT.

	STATE CONTRACT NUMBER	COMMODITY	EXPRIES
A.E. STONE	82251	ROAD MATERIAL	08/31/2014
A.E. STONE	79984	ROAD MATERIAL	3/31/2014
A.E. STONE	80202	ROAD MATERIAL	10/31/2013
CDW GOVT.	70263	TECHNOLOGY	8/31/2014
CDW GOVT.	70262	TECHNOLOGY	8/31/2014
CDW GOVT.	74851	TECHNOLOGY	8/31/2014
CDW GOVT.	74922	TECHNOLOGY	8/31/2014
CDW GOVT.	75579	TECHNOLOGY	8/31/2014
CDW GOVT.	75580	TECHNOLOGY	8/31/2014
CDW GOVT.	75583	TECHNOLOGY	8/31/2014
CDW GOVT.	75585	TECHNOLOGY	8/31/2014
CONTINENTAL FIRE & SAFETY	80970, 80971 80945	FIRE SAFETY	3/31/2015
CONTINENTAL FIRE & SAFETY	80953 80956	FIRE SAFETY	3/31/2015
CRAFT OIL CO.	81514	AUTO PARTS & SUPPLIES	5/29/2014
DELL	70256	TECHNOLOGY	8/31/2014

DELL	77003	TECHNOLOGY		6/30/2015
DREAGER SAFETY	80962	FIRE SAFETY		3/31/2015
FIRE FIGHTER ONE LLC	80946 80955 80965 80969	FIRE SAFETY		3/31/2015
GOV CONNECT	70263	TECHNOLOGY		8/31/2014
H.A. DEHART & SON	75721	AUTO PARTS & SUPPLIES		1/19/2015
H.A. DEHART & SON	73771	AUTO PARTS & SUPPLIES		3/17/2015
JC MILLER DBA NAPA	73739	AUTO PARTS & SUPPLIES		3/17/2015
LAWMEN SUPPLY	82100	PUBLIC SAFETY		4/30/2015
MARTURANO RECREATION	81411	RECREATION		5/14/2015
MAZZA CARPETING	81748 81751	CARPET/FLOORING		6/30/2017
MUNICIPAL EMERG. SRVCS	80966	FIRE SAFETY		3/31/2015
NAT. ALEXANDER	80946	FIRE SAFETY		3/31/2015
PEACH COUNTRY FORD TRAC.	76911	AUTO PARTS & SUPPLIES		6/28/2014
SJ AUTO SUPPLY	73718	AUTO PARTS & SUPPLIES		3/17/2015
SOFTWARE HOUSE INT.	77560	TECHNOLOGY		6/30/2015
STAPLES	77249	OFFICE SUPPLIES		7/31/2014
TRICO EQUIPMENT	76917	AUTO PARTS & SUPPLIES		6/30/2014
TURF EQUIPMENT & SUPPLY	76923	AUTO PARTS & SUPPLIES		6/28/2014
VINELAND AUTO ELEC	73720	AUTO PARTS & SUPPLIES		3/17/2015
WITMER ASSOC.	80947 80955 80965	FIRE SAFETY		3/31/2015

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

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2014-June 2019

Resolution

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages and therefore has an established Municipal Alliance Committee; and

WHEREAS, THE Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Atlantic,

April 7, 2014

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

1. The Township Committee does hereby authorize submission of a strategic plan for the Hamilton Twp./Estell Manor Municipal Alliance grant for fiscal year 2014 in the amount of:

DEDR	\$23,451.00
Cash Match	\$ 5,863.00
In-Kind	\$17,588.00
Total Alliance Budget	\$46,902.00

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", AND NO "ABSTAIN" ONE MEMBER ABSENT.

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 Woodview Estates Assisted Living request to post notice for their Craft Show/Easter Egg Hunt on the electronic sign at Gaskill Park is hereby approved.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

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 riders to Bond Safeguard bond #533574, #5033576, #5033577 and #5033578, performance guarantees for Fernmoor Homes at Woods Landing Phases 1, 3A, 3B and 4 respectively reflecting bond reductions authorized on March 18, 2014 are hereby accepted.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", AND NO "ABSTAIN", ONE MEMBER ABSENT.

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 release of Susquehanna Bank letter of credit #10010340536 in the amount of \$92,828.67, a maintenance guarantee for Jack Trocki Cologne Gardens project, is hereby denied due to uncompleted punch list items as recommended by Robert J. Smith III, Township Engineer, on April 2, 2014.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

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. 1766-2014 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the April 9, 2014 issue of the Atlantic County Record for a public hearing to be held thereon at 6:30 PM on Monday, April 21, 2014 in the municipal building, Mays Landing, New Jersey.

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

**TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NEW JERSEY
ORDINANCE NO. 1766-2014**

BOND ORDINANCE APPROPRIATING ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) AND AUTHORIZING THE ISSUANCE OF ONE MILLION EIGHT HUNDRED FIVE THOUSAND DOLLARS (\$1,805,000) IN BONDS OR NOTES OF THE TOWNSHIP OF HAMILTON FOR CAPITAL IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY

BE IT ORDAINED BY THE COMMITTEE OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be made or acquired by the Township of Hamilton, in the County of Atlantic, New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the apportionment made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000), including the aggregate sum of NINETY-FIVE THOUSAND DOLLARS (\$95,000) as the down payment for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11 and more particularly described in Section 3 and now available by virtue of provision in a previously adopted budget or budgets of the Township for down payment for capital improvement purposes, and including also monies received or expected to be received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) in appropriations not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of ONE MILLION EIGHT HUNDRED FIVE THOUSAND DOLLARS (\$1,805,000) pursuant to the Local Bond Law of New Jersey (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding ONE MILLION EIGHT HUNDRED FIVE THOUSAND DOLLARS (\$1,805,000) are hereby authorized to be issued pursuant to and

within the limitations prescribed by the Local Bond Law.

Section 3. The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and estimated cost of such purposes, and the estimated maximum amount of bonds or notes to be issued for such purposes, are respectively as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
(a) Construction of various Public Works Projects, including improvements to Lake Lenape Dam, drainage and related roadways, recreation improvements and improvements to municipal complexes, including the costs of surveying, construction planning, architectural, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$991,500	\$941,925
(b) Purchase of various public safety and communications equipment. \$653,000		\$620,825
(c) Purchase of Public Works equipment.	\$60,000	\$57,000
(d) Purchase of Various Management Information Technology Systems and Equipment.	<u>\$195,000</u>	<u>\$185,250</u>
TOTALS	<u>\$1,900,000</u>	<u>\$1,805,000</u>

The excess of the appropriations made for the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payments for said purposes.

Section 4. In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the Township in a principal amount equal to the said principal of bonds not exceeding ONE MILLION EIGHT HUNDRED FIVE THOUSAND DOLLARS (\$1,805,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date.

Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as he may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Committee of the Township at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law.

The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The signature of the Chief Financial Officer upon said note(s) shall be conclusive evidence of such determination.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Township may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is **10.691 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk and an executed copy has been electronically signed and filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows

April 7, 2014

that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by ONE MILLION EIGHT HUNDRED FIVE THOUSAND DOLLARS (\$1,805,000), and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding THREE HUNDRED EIGHTY THOUSAND DOLLARS (\$380,000) in the aggregate for interest on said obligations, costs of issuing said obligations, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the Township in connection with the construction or acquisition of the improvements and properties as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 6. The Township hereby certifies that it has adopted a capital budget. The applicable capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and available for public inspection.

Section 7. Any action taken by any officials of the Township in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the

Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 10. The Township reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "control group" as the Township, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 11. This bond ordinance shall take effect twenty (20) days after the first publication of a summary thereof after final adoption, as provided by the Local Bond Law

ATTEST:

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

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

ROGER SILVA, MAYOR

ROLL CALL: DIX ABSENT
 GATTO "YES"
 GISHARD "YES"
 LINK "YES"
 SILVA "YES"

ORDINANCE NO. 1766-2014 INTRODUCED & PASSED FIRST READING APRIL 7, 2014

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. 1767-2014 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the April 9, 2014 issue of the Atlantic County Record for a public hearing to be held thereon at 6:30 PM on Monday, April 21, 2014 in the municipal building, Mays Landing, New Jersey.

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

**ATLANTIC COUNTY, NEW JERSEY
ORDINANCE NO. 1767-2014**

ORDINANCE OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING CERTAIN UNEXPENDED PROCEEDS OF THE SALE OF PREVIOUSLY ISSUED BONDS AND NOTES TO FINANCE THE COST OF ADDITIONAL CAPITAL IMPROVEMENTS AND TAKING RELATED ACTIONS

WHEREAS, the Township of Hamilton, County of Atlantic, New Jersey (“**Township**”) has, pursuant to the Local Bond Law, Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (“**Local Bond Law**”), and the following Ordinances: Ordinance No. 1340-99, finally adopted on July 6, 1999, Ordinance No. 1344-99, finally adopted on August 16, 1999, Ordinance No. 1350-99, finally adopted on October 4, 1999, Ordinance No. 1351-99, finally adopted on October 4, 1999, Ordinance No. 1369-00, finally adopted on May 15, 2000, Ordinance No. 1403-01, finally adopted on July 16, 2011, Ordinance No. 1531-05, finally adopted on June 20, 2005, Ordinance No. 1553-06, finally adopted on February 6, 2006, Ordinance No. 1565-06, finally adopted on June 5, 2006, Ordinance No. 1607-07, finally adopted on September 17, 2007, Ordinance No. 1601-07, finally adopted on August 6, 2007, Ordinance No. 1625-08, finally adopted on May 19, 2008, and Ordinance No. 1649-09, finally adopted June 1, 2009 (collectively all of the aforesaid Ordinances are hereinafter referred to as the “**Ordinances**”), all duly published as required by law, authorized, issued and sold general obligation bonds in the years 2001 and 2009, respectively (collectively, the “**Obligations**”) to finance the costs of various municipal projects and improvements as are more fully described in the Ordinances (collectively, the “**Prior Projects**”); and

WHEREAS, payment of all of the costs of the Prior Projects under the Ordinances has been made or provided for and **\$355,253.22** of the proceeds of the sale of the Obligations for the Prior Projects are not necessary for such purposes and remain unexpended (“**Unexpended Proceeds**”); and

WHEREAS, Section 40A:2-39 of the Local Bond Law provides that, if, in the opinion of the Township Committee of the Township (“**Committee**”), it is in the best interest of the Township, the Unexpended Proceeds may be appropriated to and used to finance the cost of any other purpose or purposes for which bonds may be issued; and

WHEREAS, the Committee has determined that it is in the best interest of the Township to appropriate the Unexpended Proceeds towards the costs of various public works projects, including improvements to the Lake Lenape Dam and related drainage and roadway improvements for the Township (collectively, the “**Additional Capital Projects**”).

NOW, THEREFORE, THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), does hereby ordain as follows:

Section 1. Capital Character of Additional Improvements; Authorization.

The Additional Capital Projects shall include improvements to Lake Lenape Dam, and related drainage and roadway improvements. It is hereby determined that the Additional Capital Projects constitute purposes for which bonds may be issued pursuant to the Local Bond Law, having a period of usefulness in excess of five (5) years, as required by Section 40A:2-21 of the Local Bond Law.

Section 2. Appropriation of Unexpended Proceeds.

It is hereby determined that, in the opinion of the Committee, it is in the best interest of the Township to appropriate the Unexpended Proceeds in the amount of **\$355,253.22** under the Ordinances to finance the costs associated with the Additional Capital Projects and accordingly,

said sum is hereby appropriated.

Section 3. Capital Budget Amendment.

The capital budget is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital improvement program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 4. No Additional Indebtedness Authorized.

This Ordinance does not authorize any additional indebtedness, but merely appropriates proceeds of the Obligations in excess of the amount required to complete the improvements for the financing of which such Obligations were originally issued.

Section 5. Repeal of Inconsistent Legislation.

All ordinances and resolutions or parts thereof to the extent inconsistent herewith are hereby repealed or rescinded.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication as required by law.

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

ATTEST:

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

ROGER SILVA, MAYOR

ROLL CALL: DIX ABSENT
 GATTTO "YES"
 GUSHARD "YES"
 LINK "YES"
 SILVA "YES"

ORDINANCE NO. 1767-2014 INTRODUCED & PASSED FIRST READING APRIL 7, 2014

**ATLANTIC COUNTY, NEW JERSEY
ORDINANCE NO. 1767-2014**

**ORDINANCE OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC,
NEW JERSEY, APPROPRIATING CERTAIN UNEXPENDED PROCEEDS OF
THE SALE OF PREVIOUSLY ISSUED BONDS AND NOTES TO FINANCE THE
COST OF ADDITIONAL CAPITAL IMPROVEMENTS AND TAKING RELATED
ACTIONS**

WHEREAS, the Township of Hamilton, County of Atlantic, New Jersey ("**Township**") has, pursuant to the Local Bond Law, Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented ("**Local Bond Law**"), and the following Ordinances: Ordinance No. 1340-99, finally adopted on July 6, 1999, Ordinance No. 1344-99, finally adopted on August 16, 1999, Ordinance No. 1350-99, finally adopted on October 4, 1999, Ordinance No. 1351-99, finally adopted on October 4, 1999, Ordinance No. 1369-00, finally adopted on May 15, 2000, Ordinance No. 1403-01, finally adopted on July 16, 2011, Ordinance No. 1531-05, finally adopted on June 20, 2005, Ordinance No. 1553-06, finally adopted on February 6, 2006, Ordinance No. 1565-06, finally adopted on June 5, 2006, Ordinance No. 1607-07, finally adopted on September 17, 2007, Ordinance No. 1601-07, finally adopted on August 6, 2007, Ordinance No. 1625-08, finally adopted on May 19, 2008, and Ordinance No. 1649-09, finally

adopted June 1, 2009 (collectively all of the aforesaid Ordinances are hereinafter referred to as the "**Ordinances**"), all duly published as required by law, authorized, issued and sold general obligation bonds in the years 2001 and 2009, respectively (collectively, the "**Obligations**") to finance the costs of various municipal projects and improvements as are more fully described in the Ordinances (collectively, the "**Prior Projects**"); and

WHEREAS, payment of all of the costs of the Prior Projects under the Ordinances has been made or provided for and **\$355,253.22** of the proceeds of the sale of the Obligations for the Prior Projects are not necessary for such purposes and remain unexpended ("**Unexpended Proceeds**"); and

WHEREAS, Section 40A:2-39 of the Local Bond Law provides that, if, in the opinion of the Township Committee of the Township ("**Committee**"), it is in the best interest of the Township, the Unexpended Proceeds may be appropriated to and used to finance the cost of any other purpose or purposes for which bonds may be issued; and

WHEREAS, the Committee has determined that it is in the best interest of the Township to appropriate the Unexpended Proceeds towards the costs of various public works projects, including improvements to the Lake Lenape Dam and related drainage and roadway improvements for the Township (collectively, the "**Additional Capital Projects**").

NOW, THEREFORE, THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), does hereby ordain as follows:

Section 1. Capital Character of Additional Improvements; Authorization.

The Additional Capital Projects shall include improvements to Lake Lenape Dam, and related drainage and roadway improvements. It is hereby determined that the Additional Capital Projects constitute purposes for which bonds may be issued pursuant to the Local Bond Law, having a period of usefulness in excess of five (5) years, as required by Section 40A:2-21 of the Local Bond Law.

Section 2. Appropriation of Unexpended Proceeds.

It is hereby determined that, in the opinion of the Committee, it is in the best interest of the Township to appropriate the Unexpended Proceeds in the amount of **\$355,253.22** under the Ordinances to finance the costs associated with the Additional Capital Projects and accordingly, said sum is hereby appropriated.

Section 3. Capital Budget Amendment.

The capital budget is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital improvement program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 4. No Additional Indebtedness Authorized.

This Ordinance does not authorize any additional indebtedness, but merely appropriates proceeds of the Obligations in excess of the amount required to complete the improvements for the financing of which such Obligations were originally issued.

Section 5. Repeal of Inconsistent Legislation.

All ordinances and resolutions or parts thereof to the extent inconsistent herewith are hereby repealed or rescinded.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication as required by law.

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

ATTEST:

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

ROGER SILVA, MAYOR

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

ORDINANCE NO. 1767-2014 INTRODUCED & PASSED FIRST READING APRIL 7, 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 minutes of the February 3, 2014 regular meeting are hereby approved and adopted as published.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

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 March 13, 2014 special meeting are hereby approved and adopted as published.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

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 March 29, 2014 special meeting are hereby approved and adopted as published.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

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 all properly executed and approved payrolls and bills are hereby ordered to be paid, the bill list total being \$3,062,206.98.

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

April 7, 2014

2014 Edition of Hamilton Township Employee Handbook approval:

Mr. Jacobs explained the vacation on page 60 was changed to increase non-union employee vacations hired before 2009 to the same vacation offered union employees and the other changes are to comply with JIF requirements. Ms. Gatto explained the Social Media Policy was recommended by JIF.

Mr. Guishard 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 2014 Edition of the Hamilton Township Employee Handbook is hereby approved.

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

Ms. Gatto moved, seconded by Mayor Silva that authorization is hereby given to fill the position of Administrative Assistant to the Township Clerk.

MOTION CARRIED WITH ALL MEMERS PRESENT VOTING "YES", NO "NO" AND NO "ABSTAIN" ON ROLL CALL VOTE, ONE MEMBER ABSENT.

Reports:

Mr. Jacobs showed a slide and reported on the former tennis courts are now set up with handicapped playground equipment Underhill Park.

Mrs. Link questioned what an arm-chair race raffle is. Mrs. Anderson explained it.

Mr. Guishard reported representing the Mayor and Township at the American Legion awards ceremony for Virginia Gale for 62 years of service to the Auxiliary and the County presenting a proclamation to her. Mrs. Anderson said Virginia was an employee in the Township municipal court for many years.

Mr. Guishard reported the Mayor of Atlantic City was the speaker at attending the County League of Municipalities meeting and spoke about his plans for the City.

Ms. Gatto congratulated the police officers promoted at the special meeting last weekend.

Mayor Silva commented on the number of events that happen in the Township and thanked all the volunteers that make they happen. He said next to the employees they are the Township's most valuable resource.

Public Comment:

Mr. Sandman commented on the improvements at made Underhill Park since he started coaching baseball over 20 years ago.

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

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTNG "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

April 7, 2014

There being no further matters to be considered for action tonight, Ms. Gatto moved, second by Mayor Silva, that this meeting be adjourned.

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY" AND NO "ABSTAIN", ONE MEMBER ABSENT.

ATTEST:

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