

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
SEPTEMBER 15, 2014

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was held on the above date with Mayor Roger Silva presiding. Members present were Aline Dix, Amy Gatto, Rodney Guishard and Judy Link. Also present were Rita Martino, Deputy Township Clerk, Robert Sandman, Township Solicitor, Robert Smith, Township Engineer and Michael Jacobs, Township Administrator.

The meeting opened with the salute to the flag followed by the Deputy Township Clerk certifying compliance with the New Jersey Open Meetings Law by posting a notice on the bulletin board in the municipal building and by sending a copy of this notice, along with an agenda of this meeting to The Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers stating that this meeting would take place at 6:30 PM on September 15, 2014 at the Municipal Building, Mays Landing, NJ.

A moment of silence for private reflection was observed.

Addition/Deletion of Late Agenda Items

On the motion of Miss Gatto, seconded by Mr. Guishard to adopt the following resolution:

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

8A. Insert name of business:

1) Spirit Halloween Superstore- seasonal retail

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

Early Public Comment

There was no early public comment.

Discussion:

CEPA Issue- Comp Time

Mrs. Dix stated that she sees comp time and flex time as synonymous. Mrs. Dix said that it is her understanding that exempt employees have to work however many hours are required to get their job done. Mrs. Dix said that Mr. Jacobs talks about flex time and how it is permitted to be used in a document dated January 31, 2012, but under the law she doesn't think that is permissible. Mrs. Dix said that she feels we need to come into compliance with state law and if we need a legal opinion we need to have that done.

Miss Gatto asked Mrs. Dix if her concern was that we do not have an ordinance on the books regarding comp time. Mrs. Dix replied that the crux of the issue is whether we permit comp time or flex time and if it was permissible then an ordinance is needed. Miss Gatto stated that comp time and flex time are not synonymous and explained the difference between comp time and flex, stating that no money is paid for flex time and that it needs to be used within the pay period, while comp time can be accrued and paid out in cash. Mr. Jacobs agreed that this was a perfect explanation. Miss Gatto also stated that it was her understanding that under a previously existing ordinance, exempt employees were permitted to track comp time, but that Mr. Jacobs implemented a change to the ordinance via a resolution that adopted the handbook that takes away the ability to

track comp time for exempt employees. Miss Gatto further stated that exempt employees were not paid out for the comp time they had tracked but that it was zeroed out and the issue was fixed via the resolution. Mr. Guishard and Mrs. Link agreed that they had the same understanding of the policy. Mrs. Dix asked how a resolution could change an ordinance. Mr. Jacobs answered that the ordinance was amended by the ordinance that combined 66 & 80 and was put in the personnel manual that was adopted by resolution. Mr. Jacobs said he didn't see any problem with having an ordinance to adopt the personnel manual. Mr. Jacobs reiterated that it was always done right and stated that flex time and comp time are not the same thing. Mr. Guishard said that we are in full compliance as far as he can see and that what was in the article supplied by Mrs. Dix does not apply to this township.

Mrs. Dix said that she is understanding that the resolution that changed this situation was adopted in an ordinance and put into a handbook, but the 158 page handbook was given less than seven days before the meeting where it was adopted. Mrs. Dix further stated that it was a bit of a stretch to suggest that there was the ability to read and understand everything that was in it. Mrs. Dix said that if everyone feels that everything is in proper order then that resolved the issue and it can be crossed off the list. In response to a question from Miss Gatto, Mr. Jacobs said that nothing had come up in the audit regarding comp time or flex time. Mr. Sandman offered to analyze the matter of an ordinance requirement further. Mr. Guishard stated that the current procedure allows for flexibility. Mr. Sandman said that an ordinance wouldn't hurt anything but under the current policy amendments can be done in one meeting and is good business. No action was taken on the matter.

Introduction of Ordinances

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance # 1775-2014 be and is introduced and passed on first reading and the Township Clerk is authorized to advertise same in the September 17, 2014 edition of the Atlantic County Record for a public hearing to be held at the Municipal Building at 6:30 PM on Monday, October 6, 2014.

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

TOWNSHIP OF HAMILTON  
ORDINANCE NO. 1775-2014

AN ORDINANCE AMENDING CHAPTER 301 "VEHICLES AND TRAFFIC" ARTICLE XVI "MID-BLOCK CROSSWALKS" OF THE CODE OF THE TOWNSHIP OF HAMILTON TO INCLUDE A NEW CROSSWALK TRAVERSING THIRTEENTH STREET AND CONNECTING THE TOWNSHIP TOWN HALL COMPLEX WITH THE TOWNSHIP'S NEWLY CONSTRUCTED AUXILIARY MUNICIPAL PARKING LOT LOCATED AT BLOCK 758, LOTS 2-4.

**WHEREAS**, the Township of Hamilton has deemed it in the best interest of the Township to create an auxiliary municipal parking lot (the "Auxiliary Parking Lot") for public safety reasons on Thirteenth Avenue (between Decatur and Calhoun Avenues) known as Block 758, Lots 2-4 on the Hamilton Township Tax Map; and

**WHEREAS**, on January 27, 2014, the Hamilton Township Zoning Board granted a use "d" variance and other relief to allow the Township of Hamilton to construct the Auxiliary Parking Lot which is memorialized in Zoning Board Resolution of Application #22-2013 dated February 24, 2014; and

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**WHEREAS**, on March 24, 2014, the Hamilton Township Zoning Board granted site plan approval, waivers, and other relief to allow the Township of Hamilton to construct the Auxiliary Parking Lot which is memorialized in Zoning Board Resolution of Application #22-2013 dated April 28, 2014; and

**WHEREAS**, the approved plans for the Auxiliary Parking Lot depict a required, mid-block crosswalk connecting the Auxiliary Parking Lot with the Town Hall Complex which is depicted in plans entitled "Crosswalk Exhibit" by Remington Vernick & Walberg Engineers which is attached hereto as **Exhibit "A"**; and

**WHEREAS**, N.J.S.A. 40:49-4 permits municipalities to amend Ordinances as needed in the best interests of the municipality and its citizens; and

**WHEREAS**, the Township deems it in the best interests of the Township and its citizens to establish a mid-block crosswalk on Thirteenth Street connecting the Auxiliary Parking Lot with the Town Hall Complex; and

**NOW, THEREFORE, the above whereas clauses being incorporated herein as if set forth in full, and Exhibit "A" being incorporated herein by reference, BE IT HEREBY ORDAINED** by the Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that Chapter 301, Article XVI, Section I, is hereby amended to add the following Mid-Block crosswalk which is depicted in plans entitled "Crosswalk Exhibit" by Remington Vernick & Walberg Engineers which is attached hereto as **Exhibit "A"**:

Thirteenth Street beginning at a point 26.5 feet west of the westerly right-of-way line of Decatur Avenue and extending 6 feet westerly therefrom, creating a crosswalk traversing Thirteenth Street and connecting the Township Town Hall Complex with the Township's Auxiliary Municipal Parking Lot.

**EFFECTIVE DATE.**

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

Miss 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 # 1776-2014 be and is introduced and passed on first reading and the Township Clerk is authorized to advertise same in the September 17, 2014 edition of the Atlantic County Record for a public hearing to be held at the Municipal Building at 6:30 PM on Monday, October 6, 2014.

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

TOWNSHIP OF HAMILTON  
ORDINANCE NO. 1776-2014

AN ORDINANCE AUTHORIZING THE SALE OF LOT 26 IN BLOCK 344, AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HAMILTON, AND GRANTING TO THE OWNER OR OWNERS OF SAID REAL PROPERTY PROPERTY CONTIGUOUS TO SAME THE RIGHT TO PRIOR REFUSAL TO PURCHASE SUCH LAND IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY.

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

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

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

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

SECTION 4. The following conditions of sale shall apply:

(a) The successful bidder shall submit a certified check made payable to the "Township of Hamilton" in the amount of twenty (20%) percent of the purchase price, which check shall be submitted in the sealed envelope at the time of submission of the bid. Persons bidding on behalf of a contiguous property owner shall be required to submit in writing satisfactory evidence of their authority. The balance of the purchase price plus FOUR HUNDRED, TWENTY-FIVE (\$425.00) DOLLARS to offset administrative costs including but not limited to advertising, legal and recording fees shall be paid in cash or certified check within ten (10) days after acceptance of the bid by the Township Committee and authorizing the sale to the high bidder.

(b) The Deed prepared by the Township Committee shall not be tendered until the full purchase price is paid.

(c) Title shall be conveyed by and through a Quitclaim Deed and shall convey only the right, title and interest of the Township of Hamilton to the land, as described herein. No warranties and covenants are or shall be made by the Township of Hamilton and in no event shall there be any liability on the part of the Township by reason thereof. The right, title and interest of the successful bidder, as purchaser, shall be subject to the following conditions, covenants, restrictions, easements and exceptions which shall run with the land and shall also become part of the Deed granted to the purchaser for the recording:

(1) Easement of utility companies and of governmental agencies or bodies.

(2) Any encroachments, prescriptions, easements or other state of facts pertaining to said lands which may be ascertained upon a visual examination and inspection of the land and the lands surrounding said land and any restrictions and covenants of record.

(3) All existing federal, state, county and municipal laws, statutes, ordinances, rules and regulations including, by of description and not by limitation, existing zoning, health and planning board rules and regulations.

- (4) No representation of any kind is made that the land in question, surface as well as subterranean portions, is suitable or adaptable for any particular use whatsoever.
- (5) No representation of any kind is made concerning gas or electric service to the land.

(d) In the event that the Township cannot convey good and marketable title, subject to the above, the purchaser will be entitled to the return of the deposit, without interest, and the Township will not be responsible or liable in any other manner and for any other amount.

€In the event that the purchaser defaults in making payment to the Township, as set forth above, or if the purchaser cannot make settlement in accordance with the terms thereof, the deposit made by the successful bidder on account of the purchase will be retained by the Township as and for its liquidated damages and the land may be resold. This remedy shall be in addition to the Township’s right to compel specific performance of the purchaser’s obligation hereunder. Time is of the essence.

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

<u>Block/Lot(s)</u>	<u>Lot Size</u>	<u>Location</u>	<u>Zoning</u>	<u>Minimum Bid</u>
344 / 26	25’x 100’	ATLANTA AVE.	MV	\$100.00

SECTION 6. SPECIAL CONDITIONS: NONE

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

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

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

Approve/Deny Contracts and Change Orders

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to approve Change Order #1- Final for FY2013 NJDOT Municipal Aid Project- Reconstruction of Malaga Road- Section 3 as recommended by Robert J. Smith III, Township Engineer – net decrease of \$10,882.86

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to authorize the award of the Atlantic County Cooperative bid for rock salt for the year 2014-2015 to MID-Atlantic Salt LLC, Narberth PA in the amount of \$63.90 per ton

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to authorize the award of an additional Option Year for the period September 1, 2014-August 31, 2015 to provide HVAC Services and Maintenance to Town Hall in accordance with Bid #2012-07 with Marlee Mechanical & Electrical Maintenance and Contractors of Hammonton, NJ in the amount of \$35,126.73 per annum and \$97.08 per hour for additional as directed work, 30% from wholesale mark up on parts

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

Miss 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 Change Order #GC-01 for the Public Works Building Renovations, J.H. Williams Enterprises- Electric sub panel be approved for an increase in the amount of \$300.40

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

Miss 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 Change Order #GC-02R1 for the Public Works Building Renovations, J.H. Williams Enterprises- Flooring be approved for an increase in the amount of \$ 6,492.94

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that Change Order #GC-04 for the Public Works Building Renovations, J.H. Williams Enterprises- Hot Water Heater be approved for an increase in the amount of \$2,552.09

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

Mr. Jacobs stated that the following change order is being denied because we are going to paint instead.

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that Change Order #GC-03 for the Public Works Building Renovations, J.H. Williams Enterprises- Siding Exterior be DENIED for an increase in the amount of \$ 15,293.68

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

#### Consent Agenda

Item B. was pulled for separate discussion.

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

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BE IT RESOLVED, by the Township Committee of the Township of Hamilton to approve the following Business Registrations:

1. Spirit Halloween Superstore

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

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

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

Revenue Title: Drunk Driving Enforcement Fund	\$41,187.00
Appropriation Title: Drunk Driving Enforcement Fund	\$41,187.00

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

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

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

Revenue Title: Post Sandy Planning Assistance-HML Pre-Investigation & Redevelopment Plan	\$48,000.00
Appropriation Title: Post Sandy Planning Assistance-HML Pre-Investigation & Redevelopment Plan	\$48,000.00

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton That the following item of revenue with off-setting appropriations be inserted into the 2014 Municipal Budget pursuant to NJSA 40A:4-87:

Revenue Title: Post Sandy Planning Assistance-HML Neighborhood Plan Grant	\$48,200.00
Appropriation Title: Post Sandy Planning Assistance-HML Neighborhood Plan Grant	\$48,200.00

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to amend the August 4, 2014 resolution authorizing the contract with Clarke Caton Hintz for the Preliminary Investigation & Redevelopment Plan for Historic Mays Landing to reflect the full cost of the project proposal, in the amount of \$48,000.00

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

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

**RESOLUTION**

**RESOLUTION OF THE TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC, STATE OF NEW JERSEY,  
AUTHORIZING THE REFUND OF PAYMENTS RECEIVED**

**WHEREAS**, it appears payments were made on two properties in error-one payment by the homeowner and one payment by an Attorney at Law, and;

**WHEREAS**, one payment was intended for another Township with the same block and lot, and the other payment was made by the homeowner in error as the Mortgage Company also made the payment, and;

**WHEREAS**, these payments must be refunded to the the person(s) who made payment as follows:

<b>Block/Lot/Qualf.</b>	<b>Assessed Owner</b>	<b>Refund Amount</b>
209/9	Kaenzig, Bruce	\$ 1,800.00
18/13.02	Clements, Bobby A.	2,000.00

**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 amounts that appear above be refunded.

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

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

**RESOLUTION OF THE TOWNSHIP OF HAMILTON, COUNTY  
OF ATLANTIC, STATE OF NEW JERSEY, AUTHORIZING THE  
INSTITUTION OF AN IN REM TAX FORECLOSURE**

**WHEREAS**, the Tax Collector of the Township of Hamilton has prepared an In Rem tax foreclosure list and has certified the same to the governing body; and

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**WHEREAS**, it is the desire of the Mayor and Township Committee of the Township Of Hamilton to institute In Rem tax foreclosure proceedings against the properties which were set forth in the list attached hereto; and

**WHEREAS**, it is not only in the best interest of the Township to institute said proceedings, but also is a duty of the governing body; and

**WHEREAS**, the institution of said In Rem proceeding will result in revenue to the Township of Hamilton either by a redemption of the subject properties or their foreclosure and resale by the Township of Hamilton.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, as follows:

1. That the Mayor and Township Committee of the Township of Hamilton do hereby authorize the institution of In Rem tax foreclosure proceedings in regard to the properties set forth in the list attached hereto.

2. That a certified copy of this resolution be forwarded to the Tax Collector of the Township of Hamilton and the attorney for the Township of Hamilton.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN". \* List attached at the back of these minutes

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

#### RESOLUTION

##### Resolution Change In Custodian of Petty Cash Fund

WHEREAS, P Taylor was custodian of the Township of Hamilton, County of Atlantic, Township Clerk Petty Cash fund, and

WHEREAS, in accordance with N.J.S.A. 40A:5-21 the Township Committee of the Township of Hamilton, County of Atlantic is changing custodians to Joan I. Anderson and

WHEREAS, Joan I. Anderson is bonded in the amount of \$ 1,000,000 per loss by virtue of a surety bond.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey hereby authorizes such action and that two copies of this resolution be filled with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

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

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

RESOLUTION

Resolution Change in Monetary Amount

WHEREAS, in accordance with N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund, and,

WHEREAS, it is the desire of the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey that the petty cash fund for the Township Clerk be increased from \$ 75.00 to \$ 150.00.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey hereby authorizes such action and that two copies of this resolution be filled with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

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

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

RESOLUTION

Resolution Rescinding Petty Cash Fund

WHEREAS, N.J.S. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any County or Municipality by application and resolution, and

WHEREAS, it is the desire of the Township of Hamilton, County of Atlantic that the petty cash funds for the Tax Collector, General Assistance, Planning & Zoning Board and the Court be rescinded;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey hereby authorizes such action and that two copies of this resolution be filled with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

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

Miss Gatto moved, seconded by Mrs. Dix 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 Wells Fargo Real Estate Tax Services

for 2014 taxes on Block 1132.18 Lot 41; and,

**WHEREAS,** this property is tax exempt and therefore, this payment should not have been accepted, and;

**WHEREAS,** this payment must be refunded to Wells Fargo Real Estate Tax Services as follows:

<b>Block/Lot/Qual.</b>	<b>Assessed Owner</b>	<b>Amount</b>
<b>1132.18/41</b>	<b>Golding, Richard J.</b>	<b>\$ 1,887.04</b>

**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 Wells Fargo Real Estate Tax Services in the amount of \$1,887.04 be refunded.

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

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

TOWNSHIP OF HAMILTON  
RESOLUTION

**WHEREAS,** the Atlantic County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Financial Assistance Program to provide Grant funds in connection with municipal acquisition and development of lands for open space, recreation, conservation and historic preservation purposes; and **WHEREAS,** the Governing Body of the Township of Hamilton has previously been awarded County Open Space Trust Funds in the amount of \$400,000.00 for the following project(s):

Underhill Park- Block 809 Lot 32  
Hickory St. Soccer Park- Block 948 Lot 8  
Knights Ave. Park- Block 693 Lot 1

**WHEREAS,** the Township of Hamilton has been unable to complete this project within the time frame specified in the grant agreement; and,

**WHEREAS,** the Township of Hamilton desires to extend the term of the grant agreement for a period of one year, to October 28, 2015.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Hamilton that:

1. The Township of Hamilton is authorized to submit a request to extend the term of the Financial Assistance Agreement to October 28, 2015; and
2. The Township of Hamilton is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-County funds as required; and
3. The municipality is willing to use the approved County Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state and local government rules regulations and statutes thereto;

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4. Mayor Roger Silva is hereby authorized to execute an Amended Financial
5. Assistance Agreement with the County of Atlantic to extend the term to October 28, 2015; and
6. This Resolution shall take effect immediately.

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

Mrs. Dix questioned the use of the word volunteer in the agenda item synopsis, stating that the ambulance squad is not volunteer. Mr. Sandman stated that it was just a matter of semantics.

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to authorize the Township Clerk to submit a certification to the Motor Vehicle Commission stating that the Hamilton Township Rescue Squad provides Basic Life Support Services to the municipality and that its ambulance and equipment are qualified to perform emergency medical services as prescribed under NJSA 27:5F-13.1 through 27:5F-27.

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

Miss 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 September 2, 2014 regular meeting are hereby tabled due to a typographical error.

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

Miss 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 all properly executed and approved payrolls and bills be paid, the bill list total being \$1,981,991.50

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

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

#### RESOLUTION

**WHEREAS**; there are employees that have accumulated vacation days in excess of the existing policy; and

**WHEREAS**; the existing policy would require those days to be forfeited; and

**WHEREAS**; it is the intent of the Township Committee to authorize the Township Administrator to provide those employees an opportunity to utilize those accumulated days by a certain date; and

**WHEREAS**; it is the intent of the Township Committee to provide flexibility to the Township Administrator "on a going forward basis" to work with employees who have scheduled vacations, but whose vacation was cancelled due to work demands or a similar events; and

**NOW THEREFORE, BE IT RESOLVED** by the Township Committee for the Township of Hamilton, County of Atlantic, voted to amend the Employee Handbook as follows:

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**SECTION #1**

Amend Section B. Vacation Leave by adding the following new Exception to the end of the 3<sup>rd</sup> from the last paragraph which reads: *However, if these days are not used in the second year, they will be forfeited.*

Exception:

The Administrator is authorized to develop and assign a compliance plans to employees who have accumulated more days than permitted by this policy.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to hire Christine Wilson Part-Time Temporary Violations Clerk not to exceed the temporary vacancy at a salary of \$14.41 per hour, start date to be determined.

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

Reports

Administrator – no report

Solicitor- Mrs. Dix asked when we would know something about three sub divisions: Thelma Ave., Brewster Dr. and Tavistock. Mr. Sandman replied that Thelma Ave. would have to be discussed in closed session at a later date and said that he will report back on Brewster Drive. Mayor Silva stated that the bonding companies are working toward a solution on Tavistock with a meeting to take place sometime in early October. Mrs. Dix stated that her concern is for snowfall this winter. Mr. Smith said that he spoke with the developer for Thelma Avenue. last week and he is making plans to do work in the basin, concrete repairs and hopefully pave the road. Mr. Sandman promised to have the answers to the questions regarding Brewster Drive at the next meeting.

Mr. Sandman commended Phil Sartorio for pointing out that some of the properties on the In Rem list are separate lots for basins which will trigger him to take a look at the properties before we take possession. Mrs. Dix said that she had questioned some of the properties as well. Mr. Sandman said that we should put into effect some type of reasonable cursory inspection prior to taking possession of the properties.

Engineer- no report

Township Committee-

Mrs. Dix suggested delaying the appointment of a Planning Board Administrator because there isn't much work. Mayor Silva said that Mr. Jacobs and Mr. Sartorio are already looking into that and will get back with their recommendations.

Mrs. Dix asked to have an item on the next agenda regarding employee's use of education or professional days to attend workshop, seminars, conventions, etc. Mrs. Dix said that when she had brought this up previously Miss Gatto had asked for data. In an effort to collect the data, Mrs. Dix suggested that each employee report what types of training they are required to take including days off needed for the training and the costs. Mrs. Dix said that the data could be used by Committee to get an idea of what a reasonable, realistic amount of time would be. Mayor Silva replied that the more education the employees get the more beneficial they are to doing their job and they know what they have to take. Mayor Silva said that we have a lot less employees now

then in the past and that we don't want to take away anything from our employees that adds to the benefit of the community. Mayor Silva said he doesn't know why Mrs. Dix continually goes at the employees and worries about their vacation days, comp time, flex time and education. Mayor Silva said all of the Police got employed when we had a reduction in force because the education on their resumes was a benefit to the community and to them. Mayor Silva said that money is well spent on educating our employees and that he is not in favor of taking that away from them. Mr. Guishard stated that supervisors are hired and the Committee should be confident in them and allow them to do their jobs. Mr. Guishard said if the supervisors approve the employee going to a course then it is for the good of the community and they should not be micromanaged. Mrs. Dix said that she never used the word course which means a semester of college course but she was referring to conventions, seminars and one day workshops. Mrs. Dix said that if excess time is being taken off to go to these things that may not be important or necessary, that is a different conversation. Mrs. Dix said no one is thinking about the 3000 and some people that got laid off at Trump Plaza. Mr. Sandman pointed out that in the manual there is a policy that the Township Administrator shall determine which township paid education and training courses an employee is eligible to attend, so there is already in effect a system of checks and balances. Miss Gatto agreed with Mr. Guishard and Mayor Silva saying that she doesn't think there is an excessive use of this, that the Department Reports note the time as well as the timesheets. Miss Gatto said she had previously asked for data because she does not see a problem. Miss Gatto said to Mrs. Dix that we are policy makers and that if Mrs. Dix wants to see a change she should bring a policy or ordinance to the table and make a recommendation. Miss Gatto said she doesn't think we need to have a conversation about this at the next meeting because we have plenty of reports to see what is going on and she has nothing else to add to the conversation. Mr. Guishard stated that he does not see micromanaging the Administrator or Department Heads. He further stated that the Township Committee's job is to set policy and he sees no reason to believe people are abusing training, conventions and the rest and he expects the Administrator to watch that. Mrs. Dix said that she was trying to review data in order to draft policy. The Solicitor and Mayor stated that there is a policy.

Mr. Guishard commented that the 911 ceremony was very well done.

Mrs. Link stated Hamilton Township is doing a good job of engaging children in sports but there are children that stay home and do nothing. Mrs. Link said that her skating center has a "Go Healthy Challenge" every year which includes free admission if the child lists four bad habits and 4 ways to reverse those habits.

Miss Gatto wished Mr. Sandman a Happy 60<sup>th</sup> Birthday. Miss Gatto reminded everyone about Art in the Park this weekend, the Wine Festival the following weekend and the Halloween Parade October 30<sup>th</sup>. Miss Gatto announced that the Police Department challenged the Committee to the ALS ice bucket challenge.

Mayor Silva said that well over 300 people attended the 911 ceremony and it was very well done.

#### Public Comment

Rich DeFeo of Mays Landing said that he had stopped coming to meetings because he is sick of the arguing and the negativity that is put on this board and brought out to the audience, which the taxpayer suffers. Mr. DeFeo said that Mrs. Dix was put up there to help the community and since she has been there she has cost them so much money and he hasn't heard her say one thing that is nice. Mr. DeFeo pointed out that Mrs. Dix doubted and questioned everything that was said. Mr. DeFeo said that Mrs. Dix had mentioned that she wants to help the little people but the same little people are the people that she wants to take their vacation away and if they work ten hours she doesn't want to pay them a half hour overtime. Mr. DeFeo said that Mrs. Dix demands these people to give her the information she wants and then they can't get their work done and then Mrs. Dix complains that they aren't doing their job. Mr. DeFeo added that we look like a

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bunch of idiots because it is a circus up there. Mr. DeFeo added that it is sad because Mrs. Dix brings a lot of negativity and the other four people all get along. Mr. DeFeo said that he is a fellow Republican and he just wants to see what is good for the community.

James Kerrigan of Laureldale echoed the comments made by Mr. DeFeo and said that the negativity will stop when John Kurtz is sworn in.

Sandra Nelson of Mays Landing said that the atmosphere here is toxic and you can't blame it on Mrs. Dix. Ms. Nelson said that you have to have a balance of opinion and when you are dealing with budgets and using the taxpayer's money in a responsible manner it is to the benefit of the township to have someone like Mrs. Dix questioning. Ms. Nelson said that Mrs. Dix did not accuse but it was perceived that she made accusations of illegality and she wished Committee would not be so defensive and try to get along better and see the value she is bringing. Mayor Silva said that several members had been fighting for years to control expenses and this didn't just start when this discussion came up with Committeewoman Dix. Mayor Silva asked Ms. Nelson to understand that there is another side to the story and there will be a day they are able to speak and people will understand and maybe she will have a different opinion. Ms. Nelson said she was sure they all were working very hard to do the best job they could and that she wasn't implying that Mrs. Dix had to be a watchdog because they can't be trusted. Ms. Nelson summed up her comments by saying that Mrs. Dix is a valuable part of the process, that the people feel the tension and toxicity when they come in and they would like it to be different.

Peggy Capone of Mays Landing said that she appreciated Ms. Nelson's comments but that there really are two sides. Ms. Capone said that when Mr. Jacobs came in as Administrator he stepped up. Ms. Capone said that Mr. Jacobs had been very judicious in his spending and he saw the gaps that were occurring in spending and for two years with the support of Judy, Rodney, Roger and Amy made it happen that for two years there was a zero municipal tax increase. Ms. Capone said that they listened to the community and made the difficult decisions. Ms. Capone said that Mr. Jacobs now has a lawsuit against the community because of the behavior of Mrs. Dix and possibly the professional development that is being challenged tonight should have been pursued by Mrs. Dix. Ms. Capone said that she did not think a lawyer would take that case unless he had something substantial. Ms. Capone said that the few pennies that Mrs. Dix is looking to save is hurting us and she is upset about that because she knows the sacrifices that were made to get a zero tax increase two years in a row. Mrs. Capone said that travel and expense information is approved as part of the budget and all of the information is provided and easy to get and would be a better venue to get the facts. Ms. Capone said she agreed with Mrs. Link about the exercise and she is glad she is bringing it to everyone's attention.

Harry Rogers of Mays Landing said that he has trouble with Mrs. Link getting the name of her personal business out in the public from the bench. Mr. Rogers said he doesn't understand why she feels entitled to do that and why it isn't challenged by the solicitor.

Mr. Rogers asked how many audits the township had with zero findings. Mr. Jacobs responded that it was five. Mr. Rogers noted that no one gets past him as an auditor five times and noted that different auditors were used. Mr. Rogers said that Mr. Jacobs had possibly five separate validations of the way he was running the townships business and yet he is constantly being undercut, second guessed and badgered. Mr. Rogers said if Mr. Jacobs is doing that bad of a job hold a vote of no confidence, up or down, keep him or get rid of him but otherwise knock off this nonsense because it is costing us a fortune. Mr. Rogers said that Mr. Guishard said it well, you are a policy making body, you are not auditors, yet we hear this over and over again on ridiculously tiny topics that not only wastes time and adds to negativity but is going to cost every one of us a bunch of money. Mr. Rogers said there was no personal responsibility on Mrs. Dix part and it doesn't matter to her what it costs us because she keeps it up and he finds it objectionable.

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Mr. Guishard commented to Mrs. Nelson that he appreciated hearing from her but he feels bad if she got the wrong impression that he is intolerant. Mr. Guishard stated that there is a right way and a wrong way of pointing out things and when you start out by showing articles that show townships that have abused their finances that implies or gives the implication that we are in the same situation and we are absolutely not. Mr. Guishard said that he looks forward to debate and differences of opinion but there is a way to do it without accusing the management and staff and maybe that is the source of what Ms. Nelson sees here.

Hearing nothing further from the public, Miss Gatto moved, seconded by Mrs. Link to close the public portion.

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

Miss 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 this meeting be adjourned to an executive session to discuss the following matter which is exempt from public discussion pursuant to the New Jersey Open Public Meetings Law: Reservation of Rights and accept JIF reimbursement for Dix litigation

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

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

The Mayor stated that there will be action taken.

The public portion of the meeting reconvened at 8:19 PM.

On the motion of Miss Gatto, seconded by Mrs. Link to adopt the following resolution:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to enter into a settlement agreement with XL and Atlantic County JIF to accept \$5,000.00 from each entity and to authorize the Mayor to execute a release for any further claims relating to the Dix litigation

DIX	"ABSTAIN"
GATTO	"YES"
GUISHARD	"YES"
LINK	"YES"
SILVA	"YES"

On the motion of Miss Gatto, seconded by Mr. Guishard to adopt the following resolution:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to authorize the Mayor to sign the Reservation of Rights on behalf of the Township in the Jacobs litigation.

DIX	"ABSTAIN"
GATTO	"YES"
GUISHARD	"YES"
LINK	"YES"
SILVA	"YES"

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On the motion of Miss Gatto, seconded by Mrs. Link and carried the meeting was adjourned at 8:20 PM.

Respectfully submitted,

Rita Martino, RMC  
Deputy Township Clerk