

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
AUGUST 5, 2013

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

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a copy of the notice of this meeting on the bulletin board in the municipal building and 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 in the municipal building, Mays Landing, New Jersey at 6:30 PM on Monday, August 5, 2013.

A moment of silence for private reflection was observed.

Mayor Gatto and Rodney Guishard presented the Township of Hamilton Honors and Remembers Its Veterans award to Edward D'Amico. Mayor Gatto read a list of Mr. D'Amico's military background and medals he received. Mr. D'Amico expressed his appreciation for the honor. Mr. Guishard commented on this being the first of these awards to be presented. The Mayor commented on Joe Nickels and Robert Sandman donating the flags that will be awarded to each recipient of the award. Russell Bongiovanni, Chairman of the Veterans' Advisory Board, congratulated Mr. D'Amico on receiving the award. Michael Francis, on behalf of Congressman LoBiondo, presented Mr. D'Amico a letter and certificate thanking Mr. D'Amico for his service to the nation and welcomed him home.

There was no executive session and no executive session confirmations.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Agenda Item 7.A Approval of Business Registration Licenses be deleted from the agenda because there were no applications for same.

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

- 7.B Change total to \$8,333.66 per revised resolution received 8/5/13.
- 7.H Change bond amount to \$86,295.60 (revised bond received 8/5/13)
- 7.0 (1) Accept \$72,933.66 International fidelity Insurance Company bond #0602717 as performance guarantee for St. Vincent DePaul Holy Cross Cemetery expansion project.
- (2) \$28,986.12 PNC Bank cashier's check to be held in escrow for 4 years as maintenance guarantee for stormwater management system components of St. Vincent dePaul new Church & Rectory project.
- (3) \$168,160.59 PNC Bank cashier's check to be held in escrow for 2 years as maintenance guarantee for all non-stormwater management system components of St. Vincent dePaul new Church & Rectory project.

---Insert immediately after 7.0(3): Approval of transient vendor license for Jack Lyon equipment auction to be held at Atlantic City Race Course August 24, 2013.

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

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There were no early public comments on agenda items not listed for public hearing.

Explanation of tax bills:

Mr. Silva commented on some offices receiving more than 25 calls phone calls after the tax bills were received and explained the Township didn't raise its taxes; the Township tax rate remained stable in 2012 and 2013; this year Atlantic County taxes went up 9.8¢; the school districts taxes together went up 7.2¢; and the total increase for County and School Tax is 17¢. He said a copy the graph on the slide shown by Mr. Jacobs is posted on the Tax Collector's window and available at the Assessor's window. He said most tax increases were \$300, \$400, and in some cases \$800 and \$1,000. Mr. Silva said this Township Committee voted not to raise any taxes for the last 2 years; said they were \$1,300,000.00 under CAP this year; and he doesn't believe that any other town or township in the County accomplished what was done here on a financial level. He said that putting the graph up tonight was to set the record straight and that the members will talk to the taxpayers about any issues they have with their taxes but he thinks they might be better served if their calls went to the County and School Representatives. Mr. Silva said these are difficult times that hurt the seniors and all families in the community; the Township Committee has been trying to do everything they can to work with the residents; the Committee stopped spending, eliminated the structural deficit, paid down \$9 million in debt, and continues to pay as they go; and if the Committee can do it as a municipality, the schools can also do it. Mr. Silva commented on not wanting to drive people out of the community by over-taxing them. Mr. Guishard said the chart is also available on the Township website. Mrs. Link said the School and County Taxes are broken down on the tax bill and that the Township Committee is doing and will continue to do its best to make sure the taxes are as stable as possible. Mr. Guishard said he thought the public should be aware that the County taxes actually went down but the rates went up because the ratables went down considerably and that is a problem that the Township will also have to deal with. Mrs. Dix commented on appealing to the school boards about people on small pensions and said that the Township Committee gets it but the other entities don't. Mayor Gatto said she thinks the Committee has a lot of passion regarding its budget and what happens with the municipal tax increases; the members all attended the other entities budget work sessions and voiced their concerns from a big-picture perspective; the members agree it is their duty as public servants to do that; and she encouraged the public to attend those meetings also, particularly their budget meetings. Mr. Sandman explained that the Township has funded a reserve for future situations where property values go down and, besides keeping the budget as they have been, they are projecting losses for the future. Mrs. Dix said the losses referred to tax appeals and the money that has to be given back to the taxpayers that made appeals. Mr. Guishard explained the Township has to pay back the County and School taxes and the local taxes.

Towing Ordinance discussion:

Mayor Gatto explained that there is no new ordinance on the table for discussion; the Committee wants to talk about the existing Ordinance, the issues and problems it poses in terms of State Legislation, and where they are attempting to go with it. Mr. Sandman explained the situation arose when a vehicle was towed for being unregistered; the tower gave the owner proper notice; the vehicle was ultimately sold; a lawsuit followed; and the JIF appointed attorney rendered an opinion that there are a number of different statutes that provide for towing and for abandoned vehicles. Mr. Sandman explained legislation his office drafted legislation that would allow the towers to directly get the titles was sent to Assemblymen Amado and Brown and Senator Whelan; when Assemblyman Brown introduced it Assembly Speaker Sheila Oliver felt it would allow vehicles in the city of Newark to be towed for not having made payments; she sent her letter to the Legislative Office; they researched it and wrote back saying that

couldn't happen but the bill died despite the efforts of the Senator and the Assemblymen and now vehicles that don't have much value are taking up all the spaces in the towers yards. Chief Tappeiner explained Detective Sgt. Gehring researched what other municipalities do; their (Police) Departments issue a letter to tow operators upon their request saying the Department relinquishes all claim to the vehicle itself; that letter is what the tow operators need to go to DMV for title to the vehicle; and that is an option or the Township can go back to the Department handling everything. The Chief said he read everything and believes that by going with the option of using the letter, the burden of doing the auction, getting the titles, etc., will be borne by the tow operator and will not go through municipal government. He said there are now approximately 85 vehicles sitting in tow lots and it is at a critical juncture at this point. Mr. Sandman said he thought the Township should go with the letter of no interest option; the risk is not great based on what is known; he is only aware of one lawsuit in all the years he has been solicitor; systems like it are occurring in every town and it is unfair for it not to occur here. He said he has to weigh possible consequences and risks with what is happening to businesses and he recommended the Committee follow the procedures outlined by Sgt. Gehring. Mr. Guishard asked for clarification that if the Township does that, the people in the towing business have to conduct the auctions and go through all the steps mentioned by the Chief and it would be more cost effective. Chief Tappeiner explained it will cost about \$6,500 for the Township to auction the vehicles and that doesn't include staff time and said it is his personal opinion that the most cost effective, efficient way would be for the tow operators to do it and he acknowledged it put a huge burden back on them that they haven't done before. Mrs. Dix said she didn't get the impression that they had to auction the vehicle if they got the title to a wreck in their name. The Chief explained they are getting permission to auction a vehicle; title isn't actually carried to them, it carries to the person who buys the vehicle through the auction. He explained the previous procedure was that the Township would have an auction with the vehicles sold in batches; if the vehicles weren't sold, the tow operator got the title; that reimbursed them for the storage fees plus the towing fees that had built up; and what they can do with it depended on whether it is a junk or a regular title. Mr. Silva said some vehicles have been there for years and anyone interested in them would have come forth by now. The Chief explained what the department staff had to do and said that was "pre-layoff". Mr. Guishard said he would prefer the way it was done before if he were a tow operator because the cost could be much more than \$6,500.00 if they do it themselves. Mr. Sandman said the legislation he proposed is still possible and what the Committee is looking at may be a temporary solution. The Mayor said the Committee was trying to mitigate risk assuming those bills would get passed but that didn't happen. She asked if the Committee wants to work with the tow operators now to find a solution. Mrs. Link asked who is responsible for the storage and towing fees. The Mayor suggested the best way to have the members' questions answered was to have the tow operators speak. Robert Dirkes explained that he has been in business on the Black Horse Pike for 43 years; he and Jay McKeen worked many hours putting together the Ordinance the Township has now mostly because they had 300 cars that they were unable to do anything with and they were on the hook if they disposed of one improperly; their conversations were about finding a way to get the towers legal ownership of the vehicles; and it is more about disposing of the vehicles legally than it is about getting the money owed to them. Mr. Dirkes said there was litigation against the Township and part of the settlement agreement was that the Township would have an auction; the Ordinance was put in place and has worked for 8-10 years with no issues except the one. He said the way he reads State Statute, if a vehicle is towed by a public entity, they are the only ones legally permitted to apply for a title; giving the tower a letter saying the Township has no interest in it doesn't fulfill that requirement; the Township is a violation of the settlement agreement by not having the auctions; the towers are happy and willing to continue with the auctions. Mr. Dirkes said that the Court isn't working with the towers

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To solve the problem and when he came to Court to do an abandoned vehicle action legally the judge told him not to use his court as a collection agency. Mayor Gatto asked if any of the towers worked with Galloway Township and followed their procedure. Mr. Dirkes said he wasn't familiar with it. Mr. Silva asked if they have to junk the whole car or can take parts off of it. Mr. Dirkes said he can take parts off because he has a junk yard license but some of the others don't have a license to do that. Mayor Gatto commented on having a couple of options and having to figure out a temporary solution. She questioned the number of man hours involved. The Chief explained Wade Smith was detailed several hours a week just doing that and said that there is a big difference in the cost for junk titles and clear titles. Mayor Gatto asked how the towers felt about getting a junk title vs. a clear title. Ed Silipena said it has been a law for years that you cannot abandon a car in New Jersey; you can send everyone a notice that the car was abandoned and they either come in and pay their bill or you have the right to pull their license; if you send someone a notice that you are going to pull their license they will come pay the bill or give you the title. He said that will solve 99% of the problem; the police have the technology to find out the information to do it that the towers don't have access to. The Chief said the police don't have the time for that. Mayor Gatto commented on needing to find a way to balance the effort and manpower and to work with the towers to solve the issues. She said it is unfortunate that one-third of the staff was laid off so there would be no tax increases. Mr. Silipena said Atlantic City has an auction every month and they only have one person doing the job. Mayor Gatto commented on needing to know the cost on the towers side, the cost on the Township's side in man hours, overtime and other options if it stays in-house and if the new procedure is a violation of the settlement agreement. Mrs. Link suggested finding out more details on how successful it is the way it is done in Mullica and Galloway. Chief Tappeiner explained Galloway has been doing it for a long time and that it required a change in their Ordinance. Mr. Sandman explained that the Ordinance isn't being enforced because of the JIF attorney's opinion; this is the first time he heard of a settlement in the past; that he has to look at whatever settlement occurred in the prior case and come back to Committee with a recommendation because he wasn't the Solicitor at the time. The Chief said it was in 2003. Mrs. Dix suggested that the JIF may not have seen the settlement and that the towers share a copy if they have it. Mr. Dirkes said the towers are contractors acting as agents of the Township so the Township is responsible for the paperwork. Mr. Sandman said the answer to that is no if Mr. Dirkes is talking about legal agencies and things like that. Mr. Dirkes said they provide a service for the Police Department. Mr. Sandman said he would agree with that. Mayor Gatto said the Committee needs clarification of the costs to sides and a copy of the settlement agreement. She asked Mr. Jacobs to set up a subcommittee meeting between now and August 19<sup>th</sup> to be sure the Township Committee has everything ready for a decision at the next meeting

Proposed changes to Chapter 222 of the Township Code:

Mayor Gatto said the proposed change is that inspections will only be done on change of occupancy. Mrs. Dix if the language in Section 222:13 could be changed to say the late fee will be 50% of the currently charged annual license fee. Mayor Gatto explained the discussion tonight is the proposal that was advertised; the proposal was for removal of the annual inspection only; adding another change would be a substantial change that would have to be advertised and the amendment couldn't be adopted tonight. Mr. Sandman explained that people that manage very large complexes read what the agenda says and if the late fee structure was going to be changed they might have wanted to be here to hear about it.

Mr. Silva 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 #1752-2013 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the August 7, 2013 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, New Jersey at 6:30 PM on Monday, August 19, 2013.

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

### ORDINANCE #1752-2013

#### AN AMENDING ORDINANCE OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, CHANGING SOME OF THE REQUIREMENTS OF THE EXISTING RESIDENTIAL RENTAL UNIT LICENSES, AND PERIODIC HABITABILITY INSPECTIONS AND RE-INSPECTIONS ORDINANCE

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

#### Chapter 222

#### ARTICLE I

#### Residential Rental Unit Licensing Requirements

##### **222-1. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

**LODGING UNIT** - A room or group of rooms containing no cooking facilities, used for living purposes by a separate family or group of persons living together or by a person living alone, within a building.

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

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

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

**PERSON** - An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

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

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

**SECONDARY REINSPECTION** - Any inspection which occurs after a failed re-inspection.

**SLEEPING ACCOMMODATIONS** - The number of individuals who may be properly accommodated in the beds and other sleeping facilities located within a residential rental unit.

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

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

The provisions of the Uniform Construction Code, N.J.S.A. 52:27D-119 et seq. and N.J.A.C. 5:23-1 et seq.; Uniform Fire Code, N.J.A.C. 5:70-2 et seq.; and the International Property Maintenance Code, as may be approved and adopted subsequent thereto by the Department of Community Affairs of the State of New Jersey, are hereby accepted, adopted and established as standards to be used as a guide in determining whether dwellings and buildings in this Township are safe, sanitary and fit for human habitation and/or rental. A copy of said codes and regulations, and any amendments subsequent thereto, have been placed on file in the office of the Township Clerk and are available for inspection by all persons desiring to use and examine same.

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

All Residential Dwelling Unit's which were rented on or after January 1, 2012 shall be required to apply for, and obtain a Residential Rental Unit License issued by the Bureau of Fire Prevention on forms which shall be provided for that purpose.

Any owner permitting the occupancy of a Residential Rental Unit without said License after June 30 2012 shall be in violation of this ordinance, and each and every day thereafter shall be deem a separate offense.

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

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

A. The name and address of the record owner(s) of the premises and the record owner(s) of the rental business, if not the same person(s). In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, indicating where such individuals may be reached both during the day and evening hours.

B. If the record owner is a corporation, the name and address of the registered agent and the name and address of the person to be contacted for any reason regarding the residential rental unit, if other than the registered agent.

C. If the address of any record owner is not located in Atlantic County, NJ, the owner shall designate an agent who resides in Atlantic County, NJ who is authorized by the owner to perform any duty imposed upon the owner by this article.

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

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

F. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.

G. As to each residential rental unit, specification of the exact number of sleeping rooms contained in the residential rental unit and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by number and location within the residential rental

unit and by the square footage thereof. In order to satisfy the requirements of this provision, an owner shall submit a floor plan which shall become a part of the Residential Rental Unit Licensing application and which shall be attached to the Residential Rental Unit Licensing form when filed with the Bureau of Fire Prevention.

H. A certification section to read as follows:

By signing below, I Certify that to the best of my knowledge and belief that the statements contained in this application are true and correct; and I further certify that to the best of my knowledge and belief that the unit for which the Residential Rental Unit License being applied for, is in compliance with Municipal Land Use and Development Chapter 203, the Housing Code and/or the UCC Code, the Uniform Fire Code of the State of New Jersey and/or the International Property Maintenance Code.

J. Name of the Tenant/Lessees 18 years of age and older, and the total number of children 17 years of age and younger.

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

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

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

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

The term of all Residential Rental licenses issued shall commence January 1 of each year, and such license shall be valid until December 31 of said year, at which time it shall expire and a Renewal License shall be required. Prorating for Licenses obtain for a portion of a year shall not be permitted.

This ordinance provides an extended period of time from January 1, 2012 through June 30, 2012 to obtain the 2012 Licenses. Licenses obtained or renewed for 2013 and thereafter must be obtained on or before January 31st of each year the license is for. No residential rental unit shall hereafter be rented unless the residential rental unit has been licensed in accordance this article. Notwithstanding the term listed in this subsection a Residential Rental Unit License shall expire immediately upon the expiration of any time limit placed on the unit for repairs by the Township that remain uncompleted.

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

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

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

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

The Bureau of Fire Prevention shall index and file the Rental License and Registration forms and make it reasonably available for public inspection. In doing so, the Bureau of Fire Prevention shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the Residential Rental Unit License form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being Licensed and will also satisfy the Residential Rental

Unit License requirements of this article. The Bureau of Fire Prevention shall maintain a master index of all such Residential Rental Unit Licenses and Registration forms, and any person may obtain from the Bureau of Fire Prevention a list of all properly Licensed residential rental units upon payment of the appropriate fees.

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

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

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

Every owner shall provide each occupant or tenant occupying a residential rental unit with a copy of the Residential Rental Unit License required by this article. This particular provision shall not apply to any hotel, motel or guest house registered with the State of New Jersey pursuant to the Hotel/Motel Multiple Dwelling Act as defined in N.J.S.A. 55: 13A-3. The Tenant must maintain a copy of the Residential Rental Unit License on the premises at all times, and present it to any duly appointed Township enforcement official upon request.

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

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

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

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

- (1) Conviction of a violation of this Chapter in the Municipal Court of the Township of Hamilton or any other court of competent jurisdiction.
- (2) The residential rental unit has a recent and reoccurring history of violations of Chapter 214. Noise and/or 217 Prohibited Nuisances. Recent and reoccurring history shall mean three or more violations of each or both within a six month period of each other.
- (3) A residential rental unit is permitted to be occupied by more than a maximum number of occupants as permitted under this Chapter.
- (4) Maintaining the residential rental unit or units or the property in which the residential rental unit is a part in a dangerous condition likely to result in injury to person or property.

B. Procedures; written complaints; notice; hearing.

- (1) A complaint seeking revocation or suspension of the Residential Rental Unit License may be filed by anyone or more of the following: Chief of Police, Construction Code Official, Zoning Enforcement Officer or Fire Prevention Official. Such complaints should be in writing filed with the Township Administrator or his designee. The complaint should be specific and should be sufficient to apprise the owner or tenant of the charges so as to permit a proper defense. The individual filing the complaint may do so on the basis of information and belief and need not rely on personal information.
- (2) Upon the filing of such written complaint, the Township Administrator shall set a date for hearing, which shall not be sooner than 10 nor more than 30 days thereafter. The Township Administrator or his designee shall forward a copy of the complaint and a notice as to the date of the hearing to the owner, manager or August 5, 2013

agent, if any, at the address indicated on the license form. Notice served upon the manager or agent shall be deemed sufficient for the purposes of this article.

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

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

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

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

### **222-13. Fees for Residential Rental Unit License.**

Prior to the issuance of a Residential Rental Unit License, the owner shall pay to the Township an amount established by the Township Committee through Resolution annually as to the cost of licenses during that calendar year.

Prior to the issuance of a Residential Rental Unit License, the owner shall pay the fee, as established by Resolution, for the licenses issued for license year 2013 and thereafter.

A late fee of \$50.00 shall be charged in addition to the above fee for all Residential Rental Unit Licenses obtained after the required due date.

Fees for new Residential Rental Unit Licenses shall not be pro-rated for a partial year, however, on or after December 1<sup>st</sup> of each year, the license issued for a 'New Unit' shall be for the following year. A 'New Unit' is a Unit that did not require a Residential Rental Unit License, as outlined in this Ordinance prior to the date it is applied for. The fees shall be reviewed annually to assure that the funds projected to be collected are approximately equal to the expenses related to implementing the requirements of this Ordinance. This requirement does not prohibit the Township Committee from creating a reasonable reserve, for related but unanticipated expenses.

No revenues collected from the fees established in this Ordinance shall be used for purposes other than those related to enforcing the codes and other requirements outlined in this Ordinance.

The annual fee for a Residential Rental Unit License shall be established annually by the Township Committee and shall be established by Resolution of the Township Committee without the need to further amend this Ordinance".

**222-14. Enforcement.**

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

**222-15. Jurisdiction.**

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

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

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

ARTICLE II

Habitability Inspection Requirements

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

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

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

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

C. In the event that any inspection, re-inspection, or secondary re-inspection of a rental unit does not result in a satisfactory determination (i.e., the dwelling or residential rental unit is not habitable or otherwise violates codes, ordinances and/or statutes), such property shall not thereafter be licensed as a habitable residential rental unit, and the owner of the property or his agent shall not occupy, lease, or rent such property, nor shall any tenant occupy the property until the necessary corrections have been made so as to bring the property and residential rental unit into compliance with the applicable codes and the property thereafter subsequently becomes licensed as habitable. When unsatisfactory conditions are discovered, all such corrections shall be made as prescribed by the applicable codes referred to in this Article. In the event that said codes do not specify a date by which corrections shall be made, then in that event all corrections shall be made within 60 days from the date of notification or a failed inspection, re-inspection, or secondary re-inspection, and if not made within that time period, the owner shall be deemed in violation of this article, and every day that the violation continues shall constitute a separate offense. If, however, the property is occupied at the time any inspection, re-inspection or secondary re-inspection takes

place, which inspection, re-inspection, or secondary re-inspection results in an unsatisfactory condition being uncovered, then in that event the tenant/occupant shall be permitted to remain in the property, with the owner being given the allowed by code or a sixty-day period, as mentioned above to correct the deficiency. If the deficiency is not corrected within the sixty-day period, then in that event the tenant/occupant shall be required to vacate. If at the time of the inspection, re-inspection or secondary re-inspection occurs and an unsatisfactory condition is found, which unsatisfactory condition is deemed to be an imminent hazard as determined by the inspector, then in that event the inspector shall have a right to cause immediate vacation of the property in order to protect the tenant/occupant from any imminent hazard within the unit inspected.

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

Prior to scheduling a Habitability Inspection of a Residential Rental Unit the owner shall pay \$125.00 for inspections which occur during the 2012 calendar year license term. This fee includes \$50.00 for the fire inspection, which is already being charged as required in a separate Ordinance.

The annual Residential Rental Unit License fee shall entitle the owner to one Re-Inspection without charge each year. If additional Re-Inspections are required prior to scheduling this additional Re-Inspection of a Residential Rental Unit the owner shall pay \$50.00 for each additional re-inspection.

This fee shall be reviewed annually to assure that the funds projected to be collected are approximately equal to the expenses related to implementing the requirements of this ordinance. This requirement does not prohibit the Township from creating a reasonable reserve, for related but unanticipated expenses.

No revenues collected from the fees established in this ordinance shall be used for purposes other than those related to enforcing the codes and other requirements outlined in this ordinance.

**222-28. Enforcement.**

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

**222-29. Jurisdiction.**

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

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

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

ARTICLE III

**222-31. Severability.**

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

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

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

ATTEST:

TOWNSHIP COMMITTEE OF  
THE TOWNSHIP OF HAMILTON  
COUNTY OF ATLANTIC

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

\_\_\_\_\_  
AMY GATTO, MAYOR

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

ORDINANCE #1752-2013 INTRODUCED AND PASSED FIRST READING AUGUST 5, 2013.

Stephen Cahill request for sale of Block 550/Lot 1, Block 551/Lot 1 and Block 546/ Lots 1-3:\_\_\_\_\_

Mr. Jacobs explained Mr. Cahill wants to but all three properties and he thinks that if the same person buys all three of them they will then request the alley be vacated.

Mr. Silva moved, seconded by Mr. Guishard, that the Administrator and Clerk are authorized to proceed with the steps necessary to offer Bl. 550/Lot 1, Bl. 551/Lot 1 and Bl. 546/Lots 1-3 for sale as requested by request of Stephen Cahill.

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

Proposed amendment to Salary/Wage Ordinance and Organizational Chart:

Mr. Jacobs explained they tried to keep costs down by having part-timers but Department is having a difficult time with consistency with inspections and that is the basis for the recommendations.

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

BE IT RESOLVED that the Administrator is hereby authorized to prepare an Ordinance for introduction at the August 19, 2014 meeting to amend the Salary & Wage Ordinance to add the position of Full-time Fire/Code/Housing Inspector with a maximum of \$50,000.00 per year.

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

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

BE IT RESOLVED that the Administrator is hereby authorized to prepare an Ordinance amending the Organizational Chart to add one (1) full-time Clerk in the Fire/Code/Housing Department.

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

August 5, 2013

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

BE IT RESOLVED that the Administrator is hereby authorized to prepare an Ordinance amending the Organizational Chart to delete the position of Part-time Clerk at \$15.00 per hour in the Fire/Code/Housing Department.

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

Proposed Tax Assessment Compliance Plan:

Mr. Sandman explained the Assessor is notifying the Township Committee that he will be taking action on properties they believe are not assessed properly so that the Township won't have to pay back county and school taxes later if appeals are successful. Mr. Sandman said no formal action is required; the Assessor is just fulfilling his obligation to notify them of the plan.

Teamsters' request for relief:

Mr. Jacobs explained the Township gives all of its paid leave credit at the beginning of the year according to the contract; it is actually prorated monthly but employee has the opportunity to use it before it is actually earned. Mr. Jacobs said some employees leave for not good reasons and that he sued one and has a judgment against another one to get back the excess money that was paid. He explained there was an employee who wanted to work and the doctor said they could work, but he said that they couldn't based on conditions the Township has; it turned out that the Township acted correctly in the end and the issue is resolved. Mr. Jacobs explained the Teamsters are asking the Committee to consider an amendment to the sick leave provision of their contract regarding when an employee wants to work but the Township doesn't let them; it would be a very narrow amendment; and the Labor Attorney approved it. Mr. Silva commented on the union's cooperation in elimination of the budget deficit by giving up their raises for 2 years and said he was in favor of granting the request. Mr. Guishard asked if a contract amendment was the only way to do it. Mr. Jacobs said it is the best way; it eliminates the Administrator's ability to say no to the next person who fits the same category and then having a discrimination lawsuit; it allows an exception to anyone who fits the category going forward. There being no objections, Mr. Jacobs said he would have the amendment ready for next meeting.

LOSAP eligibility:

Mr. Jacobs explained what LOSAP is; that firemen must meet a set point total to qualify; they have to be in the program for 5 years to become vested and collect the money. He commented on learning from some firemen that the way it is set up now they have to resign and quit being a volunteer in order to collect the money but many firemen continue to be volunteers and some are life members. He explained that the Township wants to change it so that anyone 55 or older can take their money out and the Township will not continue putting money into their account. Mr. Jacobs explained that a member who resigned and took his money out now wants to come back in; LOSAP regulations say they have to be out of LOSAP for 1 year and then they can go back into LOSAP; he understood why they do that because someone could go out, take their money, come back for 5 years and do it again. He commented on the idea of LOSAP being to encourage active members in fire companies; that that it made sense to make it as liberal as the law allows; and that he would like take it to the Labor Counsel and get a policy from them if the Committee wants to do that. Mayor Gatto said she thought the Committee would want to go for the more liberal provision because she didn't think any Committee Member would want to stifle anyone interested in being a volunteer because of it. Mrs. Dix said that she didn't want to go that way yet; that she is waiting

for information from another volunteer. She said she was told by firemen this afternoon that the agency handling the LOSAP money hasn't met with any firemen to give them an opportunity to ask questions since 2001; that a senior citizen fireman who had \$5,487.00 in his account and wanted to take it out would get \$5,100.00 because of fees the agency was going to charge him to take it out. She said she thought he wanted to take \$100.00 out. Mayor Gatto explained there is a difference between the policy question on the table that Mr. Jacobs wants to pursue with the labor attorney and a process question. Mrs. Dix said she wants to see what kinds of issues the firemen are having and if there is any other option to solve them before starting to spend money with a lawyer. Mayor Gatto said the issue on the table is what kind of policy the Township wants to have to allow a LOSAP eligible member to be able to collect their money and what the law allows the Township to do. Mr. Jacobs said Mrs. Dix's question seems to be whether the Township has the right vendor if they are charging that much to distribute \$100.00 and that is a separate issue. Mrs. Dix said that she had said the account had grown to \$5,400.00 in 10 years and he was going to get \$5,100.00 in his hand. Mr. Silva said they probably have to charge some fees by law for what they do; whether it is fair or not is an information process that has to take place with the various companies; and maybe (the vendor) could come down to talk to the firemen en masse so they can get their questions answered. Mayor Gatto said that if Mrs. Dix wants feedback and information on issues with the administration of LOSAP it absolutely should go to the ESAB Board for them to discuss, prepare feedback and bring it back to the Township Committee as a recommendation. She asked Mrs. Dix if she would like to pursue that route. Mrs. Dix said she would probably talk to a friend tomorrow first. Mr. Silva said he would bring it to the ESAB Board on Monday. Mrs. Dix said it also had to do with his dropping out penalty and that type of thing. Mr. Jacobs said he could get the fee schedule from Mr. Tuthill. He explained he is recommending the most liberal use of the program they can have and that no one has to take advantage of it. Mayor Gatto explained that the Committee wants to make it as easy as possible for the volunteers to collect their money, still be a volunteer, and still be able to get back in. All members agreed when Mayor Gatto asked them and specifically Mrs. Dix, that they were in agreement on both elements from a policy perspective that they were in agreement on both elements from a policy perspective. The Mayor said that Mr. Jacobs is directed to work with the labor counsel on that policy and Mrs. Dix's procedural issues and other questions will be addressed through the ESAB Board. Mayor Gatto asked if anyone had anything else on LOSAP Eligibility; there being none, she moved on with the Agenda.

Acceptance of bids for contiguous owner land sales under Ordinances #1749-2013 and #1751-2013:

Mayor Gatto explained these are properties in Sunshine Park that have structures on them and the successful purchaser was required to demolish them within 60 days. Mr. Jacobs explained bids were received on 2 of the 3 properties; no bid was received on the one with the most costly demolition; the minimum bids were set as low as possible with the understanding all three parcels were being sold; the minimums on the other properties would change if the Township knew that 1 or 2 of them wouldn't be included; and that he recommended the matter be tabled to give him the opportunity to meet with the owners to see if there is a way to work it out.

Mr. Guishard moved, seconded by Mr. Silva that Agenda Items 5.I and 6.A, Acceptance of bids for contiguous owner land sales under Ordinances #1749-2013 and #1751-2013, be tabled as recommended by the Administrator.

MOTION CARRIED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

After the vote was taken, Mayor Gatto told Mr. Valiante he could wait until public comment to speak on the matter.

August 5, 2013

Consent Agenda Item 7.G was taken separately at the request of Mrs. Dix.

Mr. Silva 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, AUTHORIZING THE CANCELLATION OF 2013 TAXES**

**WHEREAS**, the 2013 tax rate has been certified and it appears that several block and lots now have taxes assessed for last half 2013 billing, and;

**WHEREAS**, these taxes for last half 2013 assessed on these block and lots need to be cancelled as these properties are tax exempt due to having been granted a total tax exemption as totally disabled veterans, and:

**WHEREAS**, the 2013 last half taxes must be cancelled on the following list of block and lot numbers in the following amounts for the reasons stated above:

|               |         |             |                        |
|---------------|---------|-------------|------------------------|
| Block 996.04  | Lot 35  | \$ 2,444.45 | Owner: D. Bruce Koch   |
| Block 1132.18 | Lot 115 | 4,094.38    | Owner: Rivera, Timothy |
| Block 1125    | Lot 31  | 1,794.83    | Owner: Garden, Jose    |

**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 Tax Collector be authorized to cancel 2013 taxes in the total amount of \$8,333.66 on the above Block and Lot numbers.

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

Mr. Silva 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 item of revenue with off-setting appropriations be inserted into the 2013 Municipal Budget pursuant to N.J.S.A. 40A:4-87:

|  |             |
|--|-------------|
| Revenue Title: Community Development Block Grant Program       | \$60,946.00 |
| Appropriation title: Community Development Block Grant Program | \$60,946.00 |

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

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

**TOWNSHIP OF HAMILTON**

**RESOLUTION CONSTITUTING A LIEN ON CERTAIN PROPERTIES FOR PROPERTY MAINTENANCE ABATEMENT CHARGES PURSUANT TO CHAPTER 238, PROPERTY MAINTENANCE CODE OF THE TOWNSHIP OF HAMILTON.**

WHEREAS, Chapter 238, Property Maintenance, Section 238-5 authorizes the unpaid charges for emergency property maintenance performed by the Township on private property, to constitute a lien on that property; and

WHEREAS, the following properties have had emergency property maintenance services performed during calendar year 2012 as detailed herein, which is also on file at the Office of the Township Clerk; and

WHEREAS, the charges listed in this Resolution shall include the total cost incurred by the Township, and an additional administrative fee in the amount of 25% of the actual labor costs, but not less than \$100 on each of the properties pursuant to Section 238-5:

| BLOCK/LOT/QUAL. | ASSESSED OWNER                         | AMOUNT DUE  |
|-----------------|--|-------------|
| 726/4           | Reese, Thomas G.                       | \$ 530.00   |
| 710/9           | Bond, Gordon                           | \$ 482.00   |
| 692/43          | Kisby, Richard S.                      | \$ 1,792.72 |
| 709/5           | Leon, Kimberly A.                      | \$ 2,365.77 |
| 700/10          | Cossabone, Brian C.<br>& Mandy L.      | \$ 2,246.25 |
| 699/7           | Bird, Jamie L. &<br>Cordery, Marcus D. | \$ 2,135.50 |
| 712/3           | Gonzalez, Roberto &<br>Stokes, Jean J. | \$ 1,671.95 |
| 701/7           | Huepel, Kae                            | \$ 627.83   |

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

1. The total costs and the administrative fee are hereby approved as to each property; and shall constitute a lien.
2. The amount so charged shall forthwith become a lien upon the dwelling or lands and shall be added to and become and form part of the taxes next assessed and levied upon such dwelling and lands, shall bear interest at the same rate as taxes, and shall be collected and enforced by the Tax Collector, and in the same manner as taxes.
3. Costs shall be in addition to any penalties imposed for any violations of this Chapter.
4. A copy of this resolution shall be certified by the Township Clerk and filed with the Tax Collector.

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

Mr. Silva 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 to NJDOT Municipal Aid Project Reconstruction of Malaga Road Section 1 (Final), a net reduction of \$8,270.73, be and is hereby approved as recommended by Robert J. Smith III, the Township Engineer.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given to release Merchants Bonding Company bond #NJC 45009, performance guarantee for St. Vincent dePaul/The Bannett Group new Church project, contingent upon their posting the following performance and/or maintenance guarantees as recommended by Robert J. Smith III, Township Engineer July 22, 2013:

- 1) \$72,933.66 performance guarantee for the maintenance building parking, associated parking areas and driveways, driveway reconstruction and site light as shown on approved plan.
- 2) 4-year \$28,986.12 maintenance guarantee for stormwater management system and components.
- 3) 2-year \$168,60.59 maintenance guarantee for all other site improvements.

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

August 5, 2013

Mr. Silva 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 performance guarantees for McDonalds USA, LLC site work on Block 1134, Lots 14 and 15 (4476 Black Horse Pike):

- 1) \$95,884.00 Liberty Mutual Insurance Company bond #404008024.
- 2) \$9,588.40 check #1235728 (10% required cash guarantee).

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

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

2012 GREEN COMMUNITIES GRANT  
COMMUNITY FORESTRY MANAGEMENT PLAN  
GRANT IDENTIFIER: PF13-096

RESOLUTION

WHEREAS, the governing body of the Township of Hamilton desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project:

2012 Green Communities Grant  
Community Forestry Management Plan

THEREFORE, the Township Committee of the Township of Hamilton - Atlantic resolves that Amy L. Gatto or the successor to the office of Mayor is authorized (a) to make application for such grant, (b) if awarded, to execute agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

August 5, 2013

The Township of Hamilton authorizes and hereby agrees to match 50% of the total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

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

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

NO NET LOSS GRANT  
GRANT IDENTIFIER: PF13-097

RESOLUTION

The governing body of Hamilton Township - Atlantic desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$500,352.00 to fund the following project: No Net Loss Grant.

Therefore, the governing body resolves that Amy Gatto or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$500,352.00 and not more than \$500,352.00, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The Township of Hamilton authorizes and hereby agrees to match 0% of the Total Project Amount, in compliance with the match requirements of the grant. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 0% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

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

Mr. Silva 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 the Restored Israel of Yahweh performance guarantee for their Smith Avenue extension project site improvements is hereby denied due to uncompleted punch list items as recommended by Robert J. Smith III, Township Engineer, on July 23, 2013.

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

Mr. Silva 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 the Bottling Group/Pepsi Cola sidewalk maintenance guarantee is hereby denied due to uncompleted punch list items as recommended by Robert J. Smith III, Township Engineer, on July 18, 2013.

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

Mr. Silva 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 Travelers Casualty & Surety Company of America bond #105687636, the \$54,510.00 performance guarantee for Bottling Group LLC (Pepsi Cola) fencing project is hereby authorized contingent upon them posting a 2-year \$8,176.50 maintenance guarantee as recommended by Robert J. Smith III, Township Engineer, on July 10, 2013.

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

Mr. Silva 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 Remington Vernick proposal to provide Inspection Services for the Liepe Tract Recreation Complex Sports Field and Site Lighting Project for a fixed fee not to exceed \$9,200.00 is hereby accepted and the contract for same awarded to them.

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

August 5, 2013

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

WHEREAS the following proposals were received by the Township Engineer for asphalt compliance testing required for the FY2012 NJDOT Municipal Aid Project - Reconstruction of Malaga Road Section 2:

Craig Testing Laboratories, Inc. \$1,475.00  
5439 Harding Highway  
Mays Landing, NJ 08330

Pennoni Associates, Inc. \$2,030.00  
515 Grove Street, Suite 1B  
Haddon Heights, NJ 08035

Martin A. Ackley Associates, Inc. \$2,100.00  
416 White Horse Pike  
Atco, NJ 08004

NOW, THEREFORE, BE IT RESOLVED that the proposal of Craig Testing Laboratories is hereby accepted and the contract for Asphalt Compliance Testing for Reconstruction of Malaga Road Section 2 awarded to them as recommended by Robert J. Smith III, Township Engineer, on July 31, 2013.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that \$72,933.66 International fidelity Insurance Company bond #0602717 is hereby accepted as the performance guarantee for St. Vincent DePaul Holy Cross Cemetery expansion project (removal of maintenance building, associated parking areas and driveways, driveway reconstruction and site light as shown on approved plan).

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

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

BE RESOLVED that the following PNC Bank cashier's checks are hereby accepted to be held in escrow as maintenance guarantees for the St. Vincent dePaul new Church and Rectory project:

| CHECK NO. | AMOUNT       | MAINTENANCE GUARANTEE FOR                     |
|-----------|--------------|---|
| 1879537   | \$28,986.12  | 4-yr. stormwater management system components |
| 1879538   | \$168,160.59 | 2-yr./non-stormwater system site improvements |

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Jack Lyon is hereby granted a Transient Vendor License for an equipment auction to be held at Atlantic City Race Course on August 24, 2013.

RESOLUTION ADOPTED WITH MEMBERS DIX, GUSHARD, LINK, AND SILVA VOTING "AYE", NO "NAY", MEMBER GATTO ABSTAINED DUE TO HER FATHER'S EMPLOYMENT AT THE RACE COURSE.

State Contract Purchase of upgrade equipment:

Mrs. Dix said there was no backup information attached to the agenda review sheet. Mayor Gatto explained the purchase was in the Capital Ordinance. Mr. Jacobs explained it was included in the Capital Budget presentation.

Mr. Silva 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 July 8, 2013 regular meeting are hereby approved and adopted as published.

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

Mr. Silva 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 July 8, 2013 executive are hereby approved and adopted.

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

Mr. Silva 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 July 31, 2013 Special Meeting are hereby approved and adopted as published.

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

Mr. Silva 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 paid, the bill list total being \$6,667,384.78.

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

Mrs. Dix moved, seconded by Mr. Silva, that the resignation of Michael Callahan from the Veterans' Advisory Board effective July 26, 2013 is hereby accepted with regrets.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Albert Davenport is hereby appointed to fill the unexpired Veterans' Advisory Board term of Michael Callahan, said term expiring December 31, 2014.

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

August 5, 2013

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Brett Noll is hereby appointed Director of Public Works at \$70,000.00 per year effective August 6, 2013.

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

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

BE IT RESOLVED that advertising for a full-time Operations Supervisor is hereby authorized.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Glenn Werner, Christopher DeBaise and Mark Hopkins are hereby appointed part-time Fire Prevention Inspectors at \$20.00 per hour with their starting date to be determined.

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 that the employee status of Nicole Scrofani is hereby changed from full-time Communications Officer (Dispatcher) to part-time Communications Officer (Dispatcher) at \$15.00 per hour effective August 6, 2013.

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

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

BE IT RESOLVED that in-house advertising/posting for a Truck Driver/Laborer is hereby authorized.

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

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

**RESOLUTION**

WHEREAS, on April 6, 2011, the Township of Hamilton, the Hamilton Township Municipal Utilities Authority, and HTMUA Executive Director Steve Blankenship entered into a Shared Services Agreement which provided for the appointment of Mr. Blankenship as the Township's Director of Public Works; and

WHEREAS, this appointment commenced on May 1, 2011 and is set to expire April 2014; and

WHEREAS, the Township has completed its search for a full-time Public Works Director, to be appointed August 5, 2013; and

WHEREAS, Mr. Blankenship's service in this position has been a tremendous benefit to the residents of the Township of Hamilton; and

WHEREAS, Mr. Blankenship has agreed to step down from this position effective August 5, 2013, upon the appointment of the new Director of Public Works; and

WHEREAS, Mr. Blankenship has agreed to serve as an advisor to the new Director of Public Works;

THEREFORE BE IT HEREBY RESOLVED that the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, hereby agrees to the following:

As Mr. Blankenship steps down from the Township's Director of Public Works position, the Township Committee wants to recognize and thank Steve Blankenship for his outstanding service during his tenure as Public Works Director for the Township of Hamilton, and wishes to convey their appreciation for his continued service as an advisor. Further, the Committee wants to express its gratitude to the Hamilton Township MUA for agreeing to share Mr. Blankenship's services with the Township.

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

Reports:

Mr. Jacobs reported on touring the Blueberry Farm facilities with the Lt. Governor and Secretary of Agriculture. Mayor Gatto thanked Mr. Jacobs for going and taking pictures. She said it is a compliment to have the Lt. Governor visit the Township; the Lt. Governor is coming back to tour Main Street and have a round-table discussion; the attention is good for the businesses; she thinks it is another step in the Township's initiative to become more business friendly; and the Township can benefit from a round-table discussion with the Lt. Governor.

Mr. Sandman said he had nothing more to report.

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

Mrs. Link reported 500 COVE badges were sold last year and 900 have been sold so far this year.

Mrs. Dix had nothing to report.

Mr. Guishard reminded everyone a National Night Out event will be held at Victoria Pointe and Victoria Crossing from 5-8 PM.

Mr. Silva reported Township concerns about traffic on Route 50 were brought to the attention of the State for them to look into ways of calming the traffic or to come up with some other traffic devices in hopes of preventing more of what has happened on that road over the past year; that Captain Petuskey received a letter from Douglas Dillon, Principal Engineer for NJDOT, stating a NO PASSING request was approved along the entire length of Route 50 in Hamilton Township, Weymouth Township, Galloway Township, Egg Harbor City, and Estell Manor but no time line was given; that a resolution adopted several meetings ago was sent to the State regarding Route 40; and the Clerk received a letter from the Department of Transportation stating that based on the Bureau of Traffic Engineering investigation it has been recommended that center line markings be revised to a NO PASSING Zone from New York Avenue to Walmart Drive. He commented on hoping to have the traffic the concerns of residents from New York Avenue all the way to Sugar Hill Circle addressed.

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Mayor Gatto reported receiving 2 notices regarding D.O.T. grants. Mr. Jacobs explained the first one over stated the amount and that the second one for the \$62,000.00 D.O.T. Highway Safety Grant for FY2013 was the corrected one. The Mayor read a letter from Thomas Dunn commending Mary Lisitski and Nancy Rainbow for their professionalism in responding to his firms' voluminous OPRA request. Mayor Gatto reported that at the Last Zoning Board meeting, Mrs. Bustard thanked the Zoning Board Secretary, Debbie Ohnemuller, for letting them know that a variance was required and for her help with getting their application on the schedule when they returned from Florida on the last day for filing it. The Mayor read a letter from Edward Klimeck expressing appreciation to the Committee for their good work and positive attitude in putting their constituents first in terms of property tax relief. The Mayor commented on the volunteer fire companies upcoming events and urged the public to attend them.

Mayor Gatto spoke about the death of Nick Santana and his involvement in the community and said his family has requested permission to close Colony Avenue in Clover Leaf Lakes for a block party in celebration of his life.

Mrs. Dix moved, seconded by Mr. Silva, that closing of the Colony Drive between Pinehurst and Mulberry Drives in Clover Leaf Lakes on August 17, 2013 is hereby authorized as requested by the Santana family for the Nick Santana celebration of life event.

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

Public Comment:

Bill Smith explained that he is interested in getting a CO when the work on it is completed on property he is buying on Thelma Avenue; that he got a 2-week extension on the settlement date because he told them that he was coming to the Township Committee about it tonight; and that he had been to Mr. Jacobs' office a couple of times and was told that he was conferring with Mr. Sandman about it. Mr. Jacobs said his understanding is that there is an ordinance that prohibits what Mr. Smith is asking because of the paving component and he is concerned that if the Committee relieves one person they are relieving all developers of the restriction. Mr. Sandman said he had corresponded with Nancy Rainbow on the issue and authored an attorney/client report on it. He asked Mr. Smith if escrowing engineering fees was discussed. Mr. Smith said it wasn't; that he has the house under contract; that when he went to the Building Department to see what he had to do they went to Mr. Sartorio to see if there was going to be a COAH fee and Mr. Sartorio said the Township wasn't going to issue a CO on that property. Mayor Gatto explained that was because of the percentage of houses completed on the street. Mr. Sandman explained that issuing a CO would trigger the 90% completion rate and requirement that the top coat of the road surface be done but there is no bonding company and no developer. Township Engineer Robert Smith explained he is scheduled to meet with a developer on Wednesday to discuss what needs to be done to complete the project; he thinks they are moving in the direction of fixing the sidewalk, broken curb, drainage and eventually topping the roadway; it is an initial meeting to lay out a plan to repair all the damage; and it probably isn't near enough to assist Bill Smith by getting the surface course installed. The Mayor said Bill Smith doesn't want to go to settlement unless he knows that he can get a CO. Mr. Smith said he has two weeks from Wednesday to go to settlement; he still has work to do on the property; and wants to know that he can get a CO. Mr. Sandman said he would contact Nancy Rainbow tomorrow and that one of them will respond to Mr. Smith. Mr. Smith said he believed Mr. Jacobs told him he had to do this before the Township Committee. Mr. Jacobs explained that he told Mr. Smith he talked to Mr. Sartorio and Mr. Sartorio said the Ordinance doesn't allow it; that he told Mr. Smith that he didn't know if there was anything he could do to help him; that he told him it had to go to the Township Committee but he didn't recommend Mr. Smith come to the Committee to get relief; and that he doesn't

recommend that people come to the Township Committee. Mayor Gatto asked Mr. Jacobs if he recommended Mr. Smith come to the Committee for an ordinance change. Mr. Jacobs explained he wasn't recommending an ordinance change because what the Committee does for one person changes the ordinance for the entire town including developers. He explained that any developer wanting to do something typically puts up escrow money and that if the Committee wants Mr. Sandman to do research on this, the Township will have to pay for it. Mr. Sandman explained that the ordinance that existed when the development was approved is still in effect; if there are 10 units in the project, the developer is required to put the top coat of asphalt down and fix other things the engineer says need to be done to complete the project when the 9<sup>th</sup> one is sold so that the road is built to applicable standards because the Township will dedicate the roadway and have to maintain it at some point; there is no bond to compel the work be done because the bonding company went into liquidation; and Mr. Smith is probably asking the Committee to do something that they cannot do. The Mayor asked if the Members want Mr. Sandman to spend time on this or to let Nancy Rainbow and Phil Sartorio review the information and respond to Mr. Smith. Mr. Jacobs said Nancy and Phil have already said the Ordinance doesn't permit it; that Mr. Smith doesn't own the property now; that he thinks someone or some developer is going to spend a lot of money finishing the road and basin at some point and the question is shouldn't they pay incremental shares of those improvements because the Township or residents are going to be on the hook if a special assessment on the residents has to be done for the pond that has to be redone and the road has to be paved. He said that as much as the Committee wants to help someone buying a house, Phil Sartorio and Nancy Rainbow have already said that the Committee can't relieve them according to the ordinance. Mayor Gatto asked Mr. Jacobs to meet with Phil, Nancy and whoever else is needed to put together a time line so that Mr. Smith knows what it is and can make his decision from there. She explained that the Township would be responsible for finishing paving the road, the drainage basin and other things that are the developer's responsibility if the Township does what Mr. Smith wants and it would become a burden on the taxpayers. Mr. Sandman explained that giving 1 CO could subject the rest of the residents in the development to a special assessment.

Peter Clements commented on being told two months ago that work on Malaga Road was going to start in 2 weeks and said that nothing has been done yet. Mr. Smith explained there were contract issues beyond the control of the Township; they have been rectified; work on Phase 2 is anticipated to start on August 12<sup>th</sup>; and he is preparing an application for authorization to advertise for bids on Phase 3 for submission to D.O.T.

Robert Valiante, Sr. said it would cost \$10,000 to \$12,000 to tear down the block building on Lot 1117, Lot 5 and it would leave a 50'X100' lot that isn't worth \$10,000. Mayor Gatto explained the bid amount of \$100.00 for each of the properties was set with the understanding all 3 properties were going to be sold as 1 package and that would change if they aren't sold together. Mr. Jacobs explained the Valiantes had asked the Township to sell all 3 properties; demolition of the building on the property that they didn't bid is the most costly; that he has to talk to the Assessor to get a new minimum amount if Mr. Valiante is only going to buy the other 2 properties; it will be higher because the buildings on them will be cheaper to tear down; and that action was tabled so he could meet with Mr. Valiante to see what could be worked out. Mr. Valiante said it would be feasible for him to rehab the block building for a garage. Mr. Jacobs said Mrs. Anderson told him Mr. Valiante mentioned that and that is why he wants to meet with him.

Robert Young, Sr., a resident on Somers Point Road, commented on having a problem noise from his neighbor's pit bulls; there are 11 dogs; they weren't licensed until this year; only 3 of the 11 were licensed; they start to bark as soon as he steps out onto his porch or lawn; his wife home and finds it difficult to work with her clients when she works from home because of the barking; the Township doesn't have an ordinance limiting the number of dogs a person can have; other

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municipalities limit the number of dogs you can have; and he encouraged the Township to do it. He explained the dogs are in pens; the County Board of Health inspected when he complained to them about the odor and said there was none. Mayor Gatto asked if the dogs are pets and Mr. Jacobs asked if the owner is selling them. Mr. Young said it is a puppy mill but that is very hard to prove. Mr. Young's son, Robert Jr., said that he gets the bulk of the noise and odor because the pens face his backyard; that he has lived there since 1986 and hasn't used his backyard, swimming pool, BBQ, etc., or gone out back for the past 8 years except for grass cutting and minimal maintenance. Mr. Young, Sr., commented on trying to address this with his neighbor; needing evidence for filing a noise complaint and that puts a cost on him to get a recording machine to record (the noise). Chief Tappeiner commented on there being a nuisance Ordinance where 2 or residents with the same issue can file a complaint. He said he would have Lt. Alcott take their information and research that avenue. The Mayor suggested checking the business registration and Mr. Jacobs suggested checking the Zoning. Mr. Young, Sr., said it is in 1-acre zoning. Mayor Gatto asked Mr. Jacobs to get information from all the neighbors who were present share it with Lt. Alcott. Mrs. Link asked Mr. Young if they witnessed people picking up puppies. Mr. Young, Jr., said he has.

Robert Valiante, Sr., said that if the Committee wanted to go back to the land sale, he and his son will take the whole package and demolish everything. Mr. Jacobs said the one property may have to be rebid; nothing can be done until the next meeting. Mr. Valiante, Sr., said they would like to save the one structure as a garage. Mr. Jacobs said they can talk about it. Mayor Gatto said that may change the wording a little.

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

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

Mr. Silva 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 Collective Bargaining which is exempt from public discussion pursuant to the New Jersey Open Public Meetings Law.

BE IT FURTHER RESOLVED that the governing body will not reconvene in public session because no action is expected to result from the discussions at this time.

BE IT FURTHER RESOLVED that the results of said executive session shall be made known as soon as the basis for confidentiality is no longer confidential.

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

ATTEST:

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

The public session adjourned at 9:11:03 on the recording machine.