

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
TUESDAY, SEPTEMBER 2, 2014

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

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice on the bulletin board in the municipal building and by e-mailing a copy of the notice along with the agenda for this meeting to the Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 PM on Tuesday, September 2, 2014 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

Veteran's Honors & Remembers Award presentation:

Mayor Silva and Committeeman Guishard presented the award to Roger C. Laney. Assemblyman Chris Brown presented a Certificate of Recognition to Mr. Laney on behalf of the New Jersey General Assembly and thanked him for his service.

There was no executive session and no executive session confirmations.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Item #6.A, Introduction of Ordinance #1775-2014 be and is hereby deleted from the agenda.

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

- 5.C Change source of funding from CDBG Grant to 2014 Operating Budget - General Engineering 20-165-2.
- 8.L Authorize waiver of electrical inspection fee for Mays Landing Merchants' Association 2014 Wine ^ Food Festival.
- 8.M Resolution approving submission of grant application for Reconstruction of Malaga Road Section 4 and authorizing the Mayor and Clerk to sign the grant agreement.
- 8.N Approve Transient Vendor License for Jack Lyon equipment auction at Atlantic City Race Track on September 27 & 28, 2014
- 8.O Authorize preparation of Contiguous Owner Land Sale Ordinance for Block 344 Lot 26 25'X100' Atlanta Avenue (paper) Minimum Bid \$100.00.

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

There was no request to make early public comment on agenda items not listed for public hearing.

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Assemblyman Brown gave an update on issues of concern to the Township and reported 4 issues have been better identified; he is trying to get all the information together so the municipality and state understand what it is that they are trying to accomplish; and his goal is to get some answers for the governing body. Mayor Silva commented on the possibility of some misunderstanding with several of the letters because they said they have to do a traffic study and there would be a 25% charge for it. He explained the Township's initial request for New York Avenue and McKee Avenue was strictly for the timing of the lights. Mrs. Dix said that she contacted a Mr. Patel at the State about timing of the light at New York Avenue before the letters started and before Mr. Brown was here 2 months ago; she hasn't heard anything since then; she is concerned that Mr. Patel may already be working on something to do with the timing because he may not know what is going on in Trenton. Mr. Brown thought Mrs. Dix was talking about McKee Avenue and explained he was told that the developer of the Hamilton Commons shopping center wants the State to assess the traffic impact on the highway under his permits; there is already an existing traffic study that would have to be modified to create a municipal roadway; and they believe they can put something together that will work once that is done. Mrs. Dix explained she was talking about the difficulty making right turns from 40 onto New York Avenue and left turns from it onto Route 40. She said she would send her e-mails to Mr. Brown's office tomorrow. Mr. Brown asked for everybody to work through the Administrator and for Mr. Jacobs to let him know concisely exactly what the Township wants so he can better explain it to the State. Mayor Silva commented on hoping they can come to a solution by working in that way and consolidating everything they get. Ms. Gatto said she didn't understand the disconnect because Committee Members were working independently on complaints before Mr. Brown came to a meeting a couple of months ago and they made a decision at that time to work through the Administrator. Mrs. Link said Bob Campbell, the Chairman of the Citizens' Safety Advisory Committee for South Jersey Transportation Authority, asked for a study of New York Avenue and Route 40. Mayor Silva explained that is the one that the State said they would be happy to do but they want the Township to pay for it. Mr. Guishard said Mr. Campbell called the State about that intersection and asked if they would look into it. He said it was not a formal request. Mr. Smith explained that when the Conifer project comes in they will more than likely have to do a traffic study that will encompass that intersection.

Vacation days in excess of Policy discussion:

Mrs. Dix said commented on employees in Atlantic City never calling in sick and then getting large payouts when they leave. She said this item was pulled from the agenda at the last meeting; that she gave each Member a proposed amendment to the Vacation Policy dated for discussion tonight; that from conversations she had with Mr. Sandman she understood that the Policy Manual is the equivalent of law; if there is a policy in the manual it has to be enforced and cannot be waived; there is a situation that may go back to 2009 where vacation time has been allowed to go beyond the boundaries of the policy. Mrs. Dix said the amendment she recommended is to correct the violation fairly and equitably to everybody involved and read the following: *"Employees with greater than 10 excess vacation days may exercise the option to sell back 50% of the excess days. The "SELL BACK DAYS" are understood to be days at risk of forfeiture. The "SELL BACK DAYS" shall be paid the first pay in December of 2014. Employees with greater than 20 excess vacations days after the sell back shall have until June 30, 2016 to use the excess days. This Amendment shall sunset (expire) on June 30 2016."* She said the Committee has to protect the taxpayers by not having long-term buildup of vacation time that would be paid at their current (salary) rate; the employees who relied on being able to defer vacation and carry the days won't be penalized; and they can start to use the days or sell them back. Mr. Guishard said that in this case the policy says accrued time has to be taken or it is lost; the Administrator addressed the issue; he advised the Committee of what he did; it took care of the problem; and he isn't aware of any issues remaining or complaints on it. He asked if there was any policy requiring the Township to pay out vacation time.

Mr. Jacobs said it is upon separation of employment. Mr. Guishard said it is for appropriately accrued vacation; there is a situation where employees accrued time that could have been lost and the administration should have advised them that they would lose the time if they didn't take it; that he thought the issue was addressed at the last meeting and taken care of; that he believes the few employees with excess time are required to take a minimum of 5 days a year until it is resolved; and they can use more than 5 days if they choose to so the Township isn't losing anything. Mr. Jacobs explained they have to take 5 days a year and they also have to bring down the overage by 5 days a year. Mrs. Dix said Mr. Sandman explained to her that a policy is law; the Township is in violation of its own policy; the proposed amendment is an attempt to cure that and to protect the taxpayers and the employees; giving an extension of time in violation of policy isn't an arbitrary decision that anybody can make. Mr. Sandman explained this occurred before Mr. Jacobs came here; certain employees didn't use all of their vacation time in a particular year for reasons that were important to the Township at the time; there were situations where certain employees had to be available, for a weather event for instance, and they weren't able to use the amount of vacation time the policy manual gives them. He explained that Mrs. Dix was correct that the policy was created by Ordinance; Ordinance is law; the policy as it currently stands says that the vacation days are forfeited if they aren't taken in the subsequent year; that ties the Administrator's hands in being fair and equitable to employees who were called in to duty at the request of the Township, weren't able to take their vacation days and weren't able use them up in the subsequent years for the same reasons. Mr. Sandman said that in his estimation Mr. Jacobs tried to do what is fair and equitable because you can't tell an employee they can't take a day off and then not have the advantage of using it as a future vacation day. He explained the law is clear that it shall be forfeited if it isn't used and that the discussion should be to create a mechanism in the policy manual to allow the Business Administrator some discretion; there are equitable reasons to allow some flexibility; his understanding is that what is suggested creates the flexibility to allow the situation to work itself out over a finite period of time and continue to enforce the Ordinance at the same time. Mr. Guishard asked if that isn't what the Administrator is doing now. Ms. Gatto asked if it was accurate that the Administrator has that prerogative to make that equity decision for employees as the person who is offered the authority to manage the Township day-to-day. Mr. Sandman said that it wasn't. He explained that in order to endorse what Mr. Jacobs has done with respect to the employees being talked about the Committee must change the Policy Manual to give the Business Administrator that authority; it doesn't have to be done today but should be done before the end of the year so that those working here on a going-forward basis know what their options are. Mrs. Link asked if the sell back would cost a lot of money. Ms. Gatto asked Mrs. Dix if she had a proposed cost of what it would equate to. Mrs. Dix said Mr. Jacobs' contract allows him to sell back 10 days a year so that was her starting point. Mr. Sandman interrupted and explained the sell back may be a reasonable proposal in an ongoing basis but right now the Township has made and extended a position to certain people to use it or lose it by such and such a date. Mrs. Dix said there was no authority to do that; that it isn't fair to the taxpayers because people move from one job to another; that she is talking about the people with the greatest number of days that are at risk of forfeiture if they are so vital that they can't (use) them; that she suggested the Committee reduce that by letting them sell back some number of days; that she put in 50% as a starting point but the Committee can pick any number; the Committee has to protect the taxpayer by reducing the vacation time and give the employees the comfort level that they can sell back time; they still get their money; they are protected and aren't taking a day off. Mrs. Link commented on sell back being about giving out money from the Township; the Township has an Ordinance that says if you don't take the vacation days in 2 years you forfeit them; it is "use them or lose them"; that is what the Federal Government does; Mr. Jacobs came up with a fair and equitable way of dealing with it; and she thinks the Committee should address the issue and give him that permission. Mr. Sandman explained that in order to do that the Committee has to amend the

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Policy and Procedure Manual to give certain discretion to the Business Administrator on circumstances like this and they would ratify what the Administrator has already done with respect to existing employees by doing that and allow it to be exercised in the future under certain extraordinary circumstances. He said it is fundamentally unfair to say the employee can't take the days off and not allow them to exercise their right to use all of their vacation time; that it has nothing to do with the taxpayer because it was a condition of employment for that year; the person unable to take the time partially because of direction of the government; it was an expense in that year; the fact that they are carrying over days into this year or next year, is an expense that was computed and derived a long time ago. Mr. Sandman explained as an example, that if he was hired today and was allowed 5 vacation days but his position was such that he couldn't take them because of he had to be there for certain instances and the same thing happened next year, the deal was that if he didn't use them he would get them the next year and, if he couldn't use them in both years, he would lose them but he would have lost them because his employer directed him to do so. He said buy-back is paid by the taxpayer but unused vacation time isn't. Mr. Sandman said the easiest answer is to consider amending the Policy in the Ordinance to give the Administrator some discretion consistent with that which he has just done in four isolated instances.

Ms. Gatto, moved, seconded by Mrs. Link, that an amendment to the Policy and Procedure Manual be drafted to give discretion to the Administrator for extraordinary circumstances such as these (the four current employees with excess time) in particular and to memorialize the plan that is currently in place with respect to excess unused vacation days to extend the time to use unused vacation.

DISCUSSION ON MOTION: Mr. Guishard said that changing the Manual is effectively changing the Ordinance and he thinks the Committee should take at least one session to reflect on what that should be. He said he thinks the Administrator came up with an excellent choice this time; he has no problem with it and thinks it satisfies the problem. Mayor Silva commented on people in many municipalities accumulating many days and getting high payouts when they left but he believes that this Township and the MUA have locked the maximum payout at \$15,000.00. Mrs. Dix said that is for sick time, not vacation time. The Mayor said that whatever it is, it brings down the amount of it; there may be a point of law but the Solicitor also talked about something that could have been lost and to be fair and equitable at this time this makes the most sense. Mrs. Dix said Mr. Sandman virtually told her not to make any reference to human beings, that it is strictly a policy decision, and now tonight he is referring to employees and who can't take all of their time. She said the Committee doesn't have a list or know the names of the people who didn't take their time because they couldn't versus who didn't. Mrs. Dix said she felt like she was hogtied tonight because of the position Mr. Sandman took after making it clear to her last week not to talk about people; that they should talk about policies and the right way to do them for the benefit of the employees as well as the taxpayers. Ms. Gatto said Mrs. Dix was the only one to reference an employee's name and employee agreement and that she thinks it was ridiculous as an elected official who has a responsibility to him. She said that Mr. Jacobs should have been RICE-noticed if Mrs. Dix was going to mention his name or employment agreement. Mr. Sandman said that he never mentioned an individual's name, he spoke in general terms and he chose his words carefully tonight. He said he agreed with Mrs. Dix that it is a policy issue that needs to be amended. Mr. Guishard said he thought the Ordinance should be written to address this issue and the Committee should have the option of whether it to be by the Administrator or specifically how it should be handled. Ms. Gatto explained it won't be an issue in the future because of mechanisms that are in place now. Mrs. Link said she totally agreed with Ms. Gatto and Mr. Guishard. Mayor Silva asked for a roll call vote on the motion.

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

Members comments when casting their vote:

Ms. Gatto explained that she voted yes because the option the Administrator has been working with for the past year-and-a-half from the point the employees were notified; it is cost neutral to the Taxpayer because the Township isn't paying anything out; it does not impact the budget; and because Mrs. Dix did not propose any projected costs or where in the budget the Township would pay for the sell back days. **Mr. Guishard** explained that he voted yes he saw no reference to pay (sell) back until he heard Mrs. Dix's comments tonight; the Manual as written doesn't address that; and for various reasons. **Mrs. Link** explained that she voted yes because it is a way of fairly giving back the vacation days to the employees; it is budget neutral; and she thinks the idea of sell-back would cost over \$20,000.00 at least for the first year. **Mayor Silva** explained that he voted yes because the Township is fortunate to have dedicated employees who know their presence is required for emergencies and various reasons; he thinks the Township has a very capable Administrator who worked on a fair and equitable solution to this issue; it is unfortunate that there had to be such extended dialog before the public to try to resolve something that could have worked its way out very simply and wouldn't have been an issue.

Engineer's proposal for 2014 State Aid grant application:

Mr. Jacobs explained the application is for the next phase of Malaga Road.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Remington & Vernick proposal to provide engineering services for preparation of 2015 NJDOT Trust Fund Municipal Aid Program (State Aid) Grant applications dated August 20, 2014 is hereby accepted and authorization is given for submission of one (1) application at a cost of \$900.00 with funding to come from the General Engineering Account.

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

Engineer's proposal for environmental assessment services:

Mr. Jacobs explained CDBG funds will be used for actual demolition of the house.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Remington & Vernick proposal to provide engineering services for preparation of a Preliminary Environmental Assessment on 6372 Beacon Avenue (Block 611 Lot 7) at a cost of \$6,750.00 dated August 20, 2014 is hereby accepted and authorization is given for preparation of said Preliminary Assessment with funding to come from the 2014 Operating Budget - General Engineering 20-165-2.

Discussion on motion: Mrs. Dix explained that she thinks that more than what has to be done to tear down the structure has to be looked at and that she doesn't think this is the right proposal for that. Mayor Silva said he and Mr. Jacobs went to look at the property and that at a previous meeting the Members were given a packet of pictures taken at that property. Mr. Sandman explained that the property had a fair assessed value and a structure on it according to property record cards; after it was taken through In Rem Foreclosure photographs and statements were received from Mr. Primavera that indicated it was a dangerous situation; there were squatters in the home; the home was

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unsafe; it presented an absolute liability; with assistance from the County, shelter was found for them and their dogs within a couple of days. He explained that a catastrophe could have happened and the cost would have been well beyond what is being talked about now. Mr. Sandman said hopefully the Township will sell the property for more than it cost to clean it up. Mr. Smith said the proposal is for the entire property, not just for a hazardous material survey of the structure. Mayor Silva called for a roll call vote on the motion.

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

Engineer's proposal for the 2014 Road Patching Program:

Mr. Smith explained deteriorated areas will be milled up; the subgrade will be evaluated and excavated if it is unsuitable; replaced and the area repaved. He explained it is cost-saving because the Public Works frequently goes out to fill the potholes and this is a permanent repair similar to what was done on Mizpah Road. He said there is a limited budget for patching and how much can be done will be determined by how much subgrade excavation and replacement has to be done. He said they will estimate how much subgrade is needed and put that in the bid. Mr. Guishard asked if the three areas in the proposal were the worst. Mr. Smith explained Holly Street, Dr. Dennis Foreman Drive and a portion of Malaga Road are the ones the Township decided to focus on. Ms. Gatto commented on Holly Street being a thoroughfare from Laureldale to Cologne and use of it by fire trucks. Mr. Smith said he thinks there will be enough to do all of Holly Street and they can prioritize the others after that.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Remington & Vernick proposal to provide Engineering, Inspection and Contract Administration Services for the 2014 Road Patching Program at a cost not to exceed \$11,900.00 dated August 27, 2014 if hereby accepted and authorization to proceed is hereby given with funding to come from Bond Ordinance #1713-2012.

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

Contract change orders:

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Change Order #1 to the Town Hall Auxiliary Parking Lot Contract resulting in a net increase of \$1,120.00 be and is hereby approved as recommended by Robert J. Smith III, Township Engineer, on August 14, 2014.

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

There were no Business Registrations Licenses to be approved.

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

RESOLUTION RATIFYING PUBLIC LAND SALE

WHEREAS the Township Committee of the Township of Hamilton determined the following lands are of no use for public purposes and are not needed for public use; and

WHEREAS the Tax Assessor's Office confirmed in writing that there were no contiguous owners due to the parcel being surrounded by paper streets: and

WHEREAS said lands were advertised for sale at public auction in accordance with statute in such case made and provided; and

WHEREAS Steven Cahill, trading as Country Blues, IIL, whose address is 6858 Third Avenue, Mays Landing, NJ 08330, bid the sum of Two Thousand Dollars (\$2,000.00) ; and

WHEREAS no other bids were offered,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that the offer of Two Thousand Dollars (\$2,000.00) made by Steven Cahill, trading as Country Blues, for the following described parcel of land be and is hereby accepted and the sale of same to him is hereby ratified subject to all terms and conditions of sale as advertised and as presented at the time of sale:

<u>BLOCK/LOTS</u>	<u>LOT SIZE</u>	<u>LOCATION</u>
547 / 1 and 2	2.78 acres	Eighth Avenue

SPECIAL CONDITIONS IMPOSED: NONE

BE IT FURTHER RESOLVED that the proper officers are hereby authorized to prepare and execute a Deed of Conveyance for aforesaid parcel to Country Blues, LLC, 6872 Third Avenue, Mays Landing, NJ 08030, as requested by Steven Cahill pursuant to the terms and conditions of sale as set forth in the Notice of Sale published in the July 23 and July 30, 2014 issues of the Atlantic County Record copies of which were distributed to the public at the time of sale and all bidders acknowledged in writing that they had read and understood same.

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

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

RESOLUTION AUTHORIZING RENEWAL OF INACTIVE LIQUOR LICENSE WITH SPECIAL RULING OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL

WHEREAS, Singh Rayt Mangal, an individual, is the owner of Plenary Retail Distribution License #0112-44-038-005; and

WHEREAS, aforesaid PRD License #0112-44-038-005 has been inactive since March 9, 2012; and

WHEREAS, Singh Rayt Mangal, filed the required application for renewal and paid the renewal fees for the 2014-2015 license year which was accepted by the Township Committee of the Township of Hamilton on June 16, 2014 for filing only and with no action taken to approve or deny its renewal pending receipt of the required Alcoholic Beverage Control Special Ruling for renewal; and

WHEREAS, the Division of Alcoholic Beverage Control issued a Special Ruling pursuant to N.J.S.A. 33:1-12.39 on August 18, 2014 under Agency Docket No. 06-14-8682 which authorized the Township of Hamilton, at its discretion, to renew PDC License #0112-44-038-005 for the 2014-2015, 2015-2016 and 2016-2017 license years; and

WHEREAS, the required Alcoholic Beverage Retail Licensee Clearance Certificate for renewal purposes was issued May 16, 2014,

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic that, pursuant to the terms and provisions of the aforesaid Division of Alcoholic Beverage Control Special Ruling, Plenary Retail Distribution License #0112-44-038-005 is hereby approved and issued for the 2014-2015 license year to Singh Rayt Mangal, with an address for mailing purposes only of 130 Spruce Trail, Woolwich, NJ 08085.

BE IT FURTHER RESOLVED that the license certificate shall be retained in the office of the Township Clerk until said license is transferred and/or reactivated at a location approved by the Township Committee of the Township of Hamilton.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the sum of \$42.00 is hereby authorized to be paid to Zlotnick & Feinberg, PA for professional legal services rendered during July 2014 in Misty Pines Estates Phases 3 & 4; and

BE IT FURTHER RESOLVED that the aforesaid sum of \$42.00 is authorized to be paid from the Special Accounts established pursuant to an Escrow Agreement between Dayco Holding Corp., the Township of Hamilton and Susquehanna Bank (formerly Minotola Bank) dated November 23, 2005.

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

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

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

Revenue Title:	Bulletproof Vest Partnership	\$6,020.38
Appropriation Title:	Bulletproof Vest Partnership	\$6,020.38

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

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

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

Revenue Title:	Municipal Alliance Grant	\$657.00
Appropriation Title:	Municipal Alliance Grant	\$657.00

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

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

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 2014 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
700/2	Ryan Coady T.	\$ 251.00
726/4	Thomas Reese G	\$ 251.00
706/5	Shane Dillhoff&Denise L. Bush	\$ 251.00
748/22	Steve Gastelu	\$ 1,544.36

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 "AYE", NO "NAY" AND NO "ABSTAIN" .

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objections to the Division of Alcoholic Beverage Control approving and/or issuing a permit to Magaziners' Discount Liquor for catering at the Mays Landing Merchants' Association Wine and Food Festival at Lake Lenape Park on September 27 and 28, 2014.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that release of CitiBank, N.A. letter of credit #63335350, the performance guarantee for the Hamilton Mall, LLC, Mall Expansion Project, is hereby authorized contingent upon Hamilton Mall, LLC posting a 2-year maintenance guarantee in the amount of \$221,841.19 as recommended by Steven Filippone, Township Engineer for the project, on August 27, 2014.

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

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

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 the Title Company of Jersey for taxes on Block 846 Lot 5 for two months of 2014; and,

WHEREAS, this property subsequently was granted Totally Disabled Veteran status effective March 1, 2014, and;

WHEREAS, one month of the payment must be refunded to the Title Company of Jersey as follows:

Block/Lot/Qual.	Assessed Owner	Amount
846/5	Michael Coppolecchia	\$ 449.25

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 Title Company of Jersey in the amount of **\$449.25** be refunded.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Resolution adopted April 7, 2014 setting forth the list of State Vendors from which purchases are authorized is hereby amended to include the following:

- 1) Boyce Associates, Trexertown PA #A81420 for Trash and Recycling Containers
- 2) Mobile Vision, Inc. Boonton, NJ #A81311 for In-Car Video Camera's

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Mayor is hereby authorized to sign the Modification to the Water Use Registration for the new well at the Liepe Tract Recreation Complex.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Construction Official is hereby authorized to waive the Electrical Inspection Fee for the Mays Landing Merchants' Association 2014 Wine & Food Festival being held at Lake Lenape Park on September 27 and 28, 2014.

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

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

TOWNSHIP OF HAMILTON
Resolution No. 1 Malaga Rd. Section 4

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Reconstruction of Malaga Road - Section 4 project.

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-21015-HAMILTON TOWNSHI-P-00053 to the New Jersey Department of Transportation on behalf of the Township of Hamilton.

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

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that a Transient Vendor License is hereby given for Jack Lyon for an equipment auction to be held at the Atlantic City Race Track on September 27 and 28, 2014 is hereby approved.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given for preparation of an Ordinance offering the owner or owners of real property contiguous to Lot 26 in Block 344 the right to prior refusal to purchase said property through a sealed bid process as set forth below:

<u>BLOCK/LOT</u>	<u>LOT SIZE</u>	<u>LOCATION</u>	<u>ZONING</u>	<u>MINIMUM BID</u>
344 / 26	25' X100'	1395 Atlanta Avenue	MV	\$100.00

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Joseph Natale is hereby appointed a Part-time Violations Clerk at \$14.41 per hour effective September 9, 2014.

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

Mrs. Dix moved, seconded by Mr. Guishard, that the resignation of Doug Hand from the Veterans' Advisory Board effective August 21, 2014 is hereby accepted with regrets and that a letter of appreciation be sent to him.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the August 18, 2014 regular meeting be approved and adopted as published.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the August 18, 2014 executive session be approved and adopted.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered to be paid, the bill list total being \$\$7,529,599.38.

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

Reports:

Michael S. Jacobs, Township Administrator had nothing to add to his written report. Robert S. Sandman, Township Solicitor, had nothing report. Robert J Smith, III, Engineer had nothing to add to his written report.

Mrs. Link reported she visited the COVE on Labor Day; a lot of the regular visitors would like it open two more days; some people focus on the free day when there are no lifeguards; a lot of the visitors missed the hotdog and ice cream vendors. She reported that there will be a status report on the COVE at the next meeting. Mrs. Link commented the flag raising ceremony at Oakcrest High School and the new flag disposal receptacle behind the VFW. Mrs. Link commented on reading an article in the Current newspaper about the DARE sponsored Special Olympics held in Egg Harbor and suggested ti be considered for here next year.

Mrs. Dix reported the Oakcrest High School Reunion of the first 4-year Class to graduate will be held on Friday and Saturday. Mrs. Dix asked if organizations that apply for permits for coin drops on State and County Roads are required to bring in a copy of their State or County permit to the Clerk's Office. Chief Tappeiner explained the Township stated that it has no objection to (the application) and has no further contact with them but the organization has to have it in their possession if the police officers ask for it. Mrs. Dix asked if it would be prudent for the Township to have requiring them to bring it in for liability reasons. Mr. Sandman said it would. Mrs. Anderson explained her Office makes sure that they have the hold harmless agreement, \$1 million liability insurance, and that the Police Department reviewed it and has no problem with their layout. She said all the intersections were approved by Township Ordinance or Resolutions and the Township doesn't give them anything, the Committee just says they have no objection to the State or the County issuing a permit. Ms. Gatto explained there is no liability because of the Hold Harmless Agreement. Mayor Silva asked if the Police check. Chief Tappeiner explained they check to make sure they aren't using cones and are wearing the proper vests. Mrs. Dix asked if the Police ask to see their permit. Chief Tappeiner said they really don't have time for that unless there is an issue. He said that they haven't gotten a lot of complaints since the Coin Drop Ordinance was revised. Mrs. Dix commented on the Tax Assessor's giving his a report in 2013 of what to expect when the Compliance Plan was done and said she would like him to report at the next meeting his projections of the impact of the reassessment on ratables and future tax revenue. Mayor Silva explained he met with the Assessor last week and he said it will be awhile before he has that information yet. He asked Mr. Jacobs to ask the Assessor when he can come to a meeting to answer some of Mrs. Dix's inquires. Mr. Jacobs said the reassessment is revenue neutral. Mrs. Dix disagreed and said the Assessor had projected revenue loss from doing the Compliance Plan and reducing assessments would be three-quarters-of a million to \$1 million. She said she thought the \$642,000 this year triggered a 3¢ tax increase. Mrs. Link said this should be on the agenda and all the members should see the papers about it so they can dispute it. She said that it isn't a comment, it is a huge issue that should be on the agenda. Mrs. Dix said that she brought it up so they know she is asking these questions and can prepare answers and it can be listed on the agenda. Mrs. Link said Mrs. Dix was putting everybody on the spot; that this has a lot of ramifications and should be considered with comments from the Assessor so everyone is on the same level. Mr. Guishard said the normal process is the Assessor will make his report to the Finance Department, the Administrator and copy the Township Committee; that is part of the routine way of doing business and there is no other way to do it.

Mr. Guishard reported on touring the Oakcrest facility after the August 21st flag ceremonies; the inside has been cleaned up and repainted; and he was impressed with the enthusiasm of the staff and the students. He reported of the replacement of the flag disposal receptacle was brought about by a report of its condition by a resident. Mr. Guishard reported he attended the Retired Federal Employees Convention in Orlando Florida. Mr. Guishard reported the 9/11 ceremony will be held at 7 PM in the Park on September 11th. He said last year's event was supposed to be the last but there was so much interest that Reverend Ash decided to do it again.

Mayor Silva reported receiving notice that the Township was awarded a Phase 2 Post Sandy Planning Assistant Grant of \$48,000 for a preliminary investigation and redevelopment plan for Historic Mays Landing and \$48,200 to prepare a Historic Mays Landing Neighborhood Plan.

Ms. Gatto reported the Mays Landing Merchant's Wine and Food Festival will be held on September 27th and 28th. She said she echoed Mr. Guishard's comments about Oakcrest High School and the administration commitment to the school and the community. She said they rescheduled back to school night and are sending students to volunteer with the 9/11 ceremony.

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Public comment:

Melissa Davenport commented on frustration and confusion dealing with certain departments in the Township and that the property maintenance code isn't being administered fairly or equitably. Mrs. Davenport commented on the residents having been before Township Committee before about a property on her end of Pennington Avenue that has been abandoned for 18 years and reported to Code Enforcement. She commented on a property at the other end of the street that the inspectors saw when inspecting the property next door; they have been going after the owners for the last 8 months; have taken them to court; have made no offer to work with the owner; and driven them into financial distress. Mrs. Davenport said the code enforcement office refuses to return phone calls; when someone calls they are told different things, that they can make a complaint by phone and another time they are told they have to file in person. She questioned why every employee isn't following a procedure and telling everyone the same thing. Mrs. Davenport said the residents aren't getting any action or follow up on the property at here end of the street. She commented on the Township having a company cut the front of the property and the tax payers paying for it up front. Mayor Silva asked Mr. Jacobs to look into the Code Enforcement Office about that property and the one on the other end of the street. Ms. Gatto said she had pictures and information on the abandoned property. She said she was glad that Mrs. Davenport displayed courage that other people won't because they are afraid in case they need an inspection in the future. Ms. Gatto said she has also received complaints about inconsistency with code enforcement and encouraged people to come forward because the Township can't do anything without official documentation. She commented on seeing the property Mrs. Davenport was talking about when walking on Main Street with the Mayor and Freeholder Pauls looking for opportunities to remedy issues that people are afraid to bring forth; looking to see if there was anything in Strategic Planning that would apply to it; and speaking to Assemblyman Brown about it. Mr. Guishard said he is aware of the building; that it is a problem that needs to be solved; and he has heard of the unequal treatment also. Mrs. Dix said she believed the \$1200 lien on the agenda tonight was for that property and the purchase order would have to be looked at to see what was done beside the front yard. She said she thinks she and Mrs. Link have to sit with Mr. Sartorio as the Smart Growth Committee.

Cheryl Fetty commented on one of the animals in the abandoned house coming up onto her porch. She said it isn't condemned but she wishes it would be. Mrs. Fetty said the Historical Society Art in the Park Show will be held September 20th from 9 to 4. She asked if there will be a tree lighting ceremony this year. The Mayor said there would be. Mayor Silva commented on he and Mrs. Fetty going to Camden with some Board of Education Members to look at properties rehabilitated by the Volunteers of America Organization that is looking into buying Duberson School. He said once their presentation goes before the School Board the community has to look at whether it is appropriate for that neighborhood, for that particular building and time frame. He said the saw a homeless veteran's facility, a homeless bu8ilding and a seniors building. The Mayor said it is a professionally run organization and the facility would probably be well staffed. Mrs. Fetty said they don't think it can be just for seniors because the Township is already saturated with that.

John Kurtz said he supported Mrs. Davenport and Mrs. Fetty on the Pennington Avenue property. He said there is a lot that needs to be done and could be done on Pennington Avenue. Mr. Kurtz said people won't walk there to see the decorations during the Christmas or the Ghost walk. Mr. Kurtz said the new Sho'nuf Fish restaurant is opening up where Cousin Mario's was behind the CVS Store and the Blue Coyote restaurant is opening where the Main Street Café was. He commented on businesses needing a Business Plan to succeed and said the Merchants' Association will meet with any business that indicates they want to open in the Township. Mr. Kurtz said there will be 12 international wineries will be at the Wine Festival through distributors. He explained the proceeds from the Festival go back into

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the community through contributions to the Halloween Parade a \$1000 scholarship at the culinary arts academy, etc.

Jim Kerrigan said he would like Holly Street repaved from Route 50 to Cologne Avenue. Mr. Smith explained what will be done. Mr. Kerrigan said he echoed what Mrs. Davenport and Mrs. Fetty said and suggested the HPC may be able to address it as demolition by neglect.

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

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss State Health Benefits for Elected Officials 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" AND NO "ABSTAIN".

ATTEST:

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

Public Session adjourned at 8:18 PM.