

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
OCTOBER 20, 2014

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

The meeting opened with the salute to the flag followed by the Deputy Township Clerk certifying compliance with the New Jersey Open Meetings Law by posting a notice on the bulletin board in the municipal building and by sending a copy of this notice, along with an agenda of this meeting to The Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers stating that this meeting would take place at 6:30 PM on October 20, 2014 at the Municipal Building, Mays Landing, NJ.

A moment of silence for private reflection was observed.

PRESENTATION- Tax Abatements for Industrial Park

Information relating to tax abatements in the Industrial Park was provided by Tony DiDio, Marketing Director for the Industrial Commission, F. Gordon Craig, Chairman of the Industrial Commission and Dr. Michael Busler of Richard Stockton College. It was explained that incentives were needed in order to be competitive with other Industrial Parks in our area and possibly the only thing the township could offer would be a PILOT program. Mr. Craig asked for direction from the Committee members explaining that if they wanted to move forward the park would be declared an area in need of redevelopment through the Planning Board. Township Committee members asked for more information on the proposal. Mr. Sandman suggested that if the Committee expressed a desire to move forward, the Industrial Commission would come back with alternate plans that would address the committee's questions and concerns.

It was the consensus of those present to authorize the Solicitor to work with the Industrial Commission and professionals along with Phil Sartorio and the Tax Assessor to formulate alternate plans and respond back to Township Committee.

Addition/Deletion of Late Agenda Items

There was no late list.

Early Public Comment

Ms. Jodi Bolger spoke on item 5A, asking the Committee to waive the requirement that the Restored Israel of Yahweh post a 2 year maintenance bond. Ms. Bolger asked that the Committee consider the two years prior as the maintenance guarantee and reimburse the entire bond.

Mr. Sandman said that he is not recommending that the maintenance bond be waived but that the Committee did have the authority to do so. Mr. Sandman explained that the risk would be in losing that cushion if something should happen to the road.

Discussion:

Release of Restored Israel of Yahweh performance guarantee

October 20, 2014

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 to authorize the release of \$7,377.00 being held in escrow as a performance guarantee for the Restored Israel of Yahweh minor subdivision site improvements contingent upon them posting a 2-year maintenance guarantee in the amount of \$3,688.50 as recommended by Robert J. Smith III, Township Engineer on October 6, 2014.

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

Request by Atlantic County Public Works Department RE: Transfer of Twp FEMA Trailers

It was explained that the trailers were obtained approximately 7 years ago at no cost to the Township and were no longer needed by the Township.

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to transfer the two trailers as identified by the following from the Township of Hamilton to The County of Atlantic:

1. Serial Number 5L4TF332563014034 with plate number MG75728
2. Serial Number INL1VTR2561048585 with plate number MG75729

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

Proposal from Remington and Vernick for Engineering Services- Tanglewood Drive Twin Culvert Replacement

Mrs. Dix asked that this item be tabled to allow the Quality of Life Committee to discuss it, stating that she felt the amount was excessive and that she didn't think it needed to be started at this point. There was no motion to table made. Mr. Jacobs gave background information on why this work needed to be done. There was a discussion about the safety issues. Mrs. Dix said that this work can't be done until the curbing and paving work on Park Road is done and that is why there is no rush to do this. Mr. Guishard said he wanted this fixed as soon as possible and that if Mrs. Dix's purpose is to delay things he didn't agree with that. Mr. Smith gave details on the amount of the proposal and said that if this is put off and later needed to be dealt with as an emergency it would be much more expensive. Mr. Smith said the Township has not yet determined when Park Road will get paved. Mrs. Dix asked that the words "fee not to exceed" be in the resolution in place of "fixed fee".

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to accept the proposal from Remington and Vernick for engineering services for the Tanglewood Drive Twin Culvert Replacement for a fee not to exceed \$39,600.00

RESOLUTION ADOPTED WITH FOUR MEMBERS VOTING "AYE", ONE "NAY", NO "ABSTAIN". Mrs. Dix voted No.

Public Hearing/Adoption of Ordinances

Hearing nothing from the public, Miss Gatto moved, seconded by Mr. Guishard, to close the public hearing. Miss Gatto stated for the record that no residents of Thirteenth Street came to speak in opposition to the ordinance.

October 20, 2014

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

Mrs. Dix said that handicapped people will be required to travel a long distance to gain access to the building. Mrs. Dix suggested that there is a different way to do this by having no parking during certain hours or making it a snow route, but not a total ban. Miss Gatto and Mrs. Link spoke in favor of the ordinance. Mrs. Dix asked why this ordinance is being recorded with the County Clerk which costs money. Mr. Sandman will check to see if this is necessary.

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

WHEREAS, Ordinance #1777-2014 was introduced and passed first reading on October 6, 2014 and was duly advertised in the October 8, 2014 edition of the *Atlantic County Record* for a public hearing to be held on October 20, 2014; and

WHEREAS, the public hearing has been held as advertised and closed,

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hamilton that Ordinance #1777-2014 be and is hereby adopted.

RESOLUTION ADOPTED WITH FOUR MEMBERS VOTING “AYE”, ONE “NAY”, NO “ABSTAIN” Mrs. Dix voted no.

TOWNSHIP OF HAMILTON  
ORDINANCE #1777-2014

**AN ORDINANCE AMENDING CHAPTER 301, ARTICLE I OF THE TOWNSHIP CODE TO CREATE A NO PARKING ZONE ON PORTIONS OF THIRTEENTH SREET IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY**

WHEREAS, the Township Committee of the Township of Hamilton deems it in the best interests of public safety to establish a NO PARKING ZONE on portions of Thirteenth Street in order to ensure and improve both motorist and pedestrian safety and facilitate emergency responses; and

WHEREAS, the Hamilton Township Police Department Traffic Safety Unit has reviewed the area and made certain recommendations,

NOW, THEREFORE, the whereas clauses being incorporated herein as if set forth in full, BE IT ORDAINED by the Township Committee for the Township of Hamilton, County of Atlantic and State of New Jersey, that Chapter 301 of the Code of the Township of Hamilton shall be amended to read as follows as recommended by the Township of Hamilton Police Department:

**SECTION 1.** Chapter 301, Article 1, shall be and hereby is amended to include the following:

(27) No parking shall be permitted on either side of Thirteenth Street beginning where Thirteenth Street abuts the westerly edge of Route 50 and continuing in a generally westerly direction 1,110 feet to the end point of

Thirteenth Street.

**SECTION 2. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 3. REPEALER.** All ordinances and parts of the Township of Hamilton heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 4. PENALTIES AND VIOLATIONS.** Any individual, partnership or corporation violating any provision of this Ordinance, upon conviction thereof before the proper officer having jurisdiction, shall be subject to a fine not to exceed fifty (\$50.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both, in the discretion of the Court hearing the same.

**SECTION 5. WHEN EFFECTIVE.** This Ordinance shall take effect immediately upon its final passage and publication as provided by law.

ATTEST:

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

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JOAN I ANDERSON, RMC  
TOWNSHIP CLERK

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ROGER SILVA, MAYOR

ROLL CALL:	DIX	“NO”
	GATTO	“YES”
	GUISHARD	“YES”
	LINK	“YES”
	SILVA	“YES”

ORDINANCE #1777- 2014 INTRODUCED & PASSED FIRST READING ON OCTOBER 6, 2014.

ORDINANCE #1777- 2014 ADOPTED ON October 20, 2014.

Consent Agenda

Mrs. Dix asked that item C be removed for discussion.

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to accept the following replacement bonds as guarantees for Diversified Development Realty (DDR) Corp:

- 1) Consumer Square II- Hamilton Commons (former Benderson-Wainberg project)
  - a) Bond #106034613 Performance (Restoration) Guarantee-\$201,700.00
  - b) Bond #106034614 a 4-year Stormwater Management System maintenance guarantee in the amount of \$96,320.43
  - c) Bond #106034615 a 2-year Site Improvement maintenance guarantee for Phase III Red Robin & Outbuilding #2 in the amount of \$79,157.70
- 2) Wrangleboro Consumer Square (former Benderson-Wainberg project)
  - a) Bond #106034612 a 4-year Stormwater Management System maintenance guarantee in the amount of \$75,000.00.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to accept the amended Bond Safeguard Bond #5041549 in the amount of \$694,470.65 a performance guarantee reduction for Paparone Artist Walk Project.

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

Mrs. Dix asked why the property on Park Road (Block 723 Lot 30) was included, when they have a sign posted and there is a maintenance company that comes once a month to cut the grass.

Miss Gatto moved, seconded by Mayor Silva 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:

<b>BLOCK/LOT/QUAL.</b>	<b>ASSESSED OWNER</b>	<b>AMOUNT DUE</b>
996.01/47	WEST BAY 2 PARTNERS LLC	\$ 364.00
996.01/55	WEST BAY 2 PARTNERS LLC	\$ 364.00
996.01/61	WEST BAY 2 PARTNERS LLC	\$ 364.00
996.01/67	WEST BAY 2 PARTNERS LLC	\$ 364.00
996.01/70	WEST BAY 2 PARTNERS LLC	\$ 364.00
996.01/69	WEST BAY 2 PARTNERS LLC	\$ 364.00
996.01/32	WEST BAY 2 PARTNERS LLC	\$ 364.00
996.01/33	WEST BAY 2 PARTNERS LLC	\$ 364.00
804/8	CRUZ,DANIEL A.& ARELY A	\$ 532.00
805/2.02	WILLIAM,M (DEC'D)	\$ 628.00
723/30	BORKLAK,EVA,FATIMAR R&M	\$ 532.00
805/5	DIBRUNO,JAMES	\$ 532.00
712/10	SPRIGG,JOSEPH M&KARA L	\$ 628.00
726/4	REESE,THOMAS G	\$ 316.00

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.

CERTIFICATION

I, **Rita Martino**, Deputy Clerk of Township of Hamilton do hereby Certify that the foregoing resolution was duly adopted by the Township of Hamilton Committee at a meeting held on the 20<sup>th</sup> day of October, 2014.

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Rita Martino, Deputy Township Clerk

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that the minutes of the October 6, 2014 regular meeting are approved.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that the executive session minutes of the October 6, 2014 regular meeting are approved.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills be paid, the bill list total being \$1,824,658.33

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

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

BE IT RESOLVED, BY THE Township Committee of the Township of Hamilton to approve a level increase for Donald Lysinger from Truck Driver/Laborer II (\$31,288.46) to Truck Driver/ Laborer III (\$34,102.37) effective October 21, 2014, as permitted by Schedule “A” of the Teamsters Collective Bargaining Agreement

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

October 20, 2014

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to change Christine Wilson's (Part-Time Temporary Violations Clerk) employment status from Temporary Part-time to Regular Part-time effective October 21, 2014.

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

Reports

Administrator – no report

Solicitor- no report

Engineer- no report

Township Committee-

Mrs. Dix asked that Mr. Sandman look into our Small Cities Grant policy to be certain that we do not allow any refinancing without paying off the small cities loans. Mrs. Dix explained that there is a shortage of monies for new applicants. Mr. Sandman said he will talk with the CFO.

Mr. Guishard reported that Stockton is having a veteran's job fair.

Mrs. Link said that Mizpah Inland Services building is closed for financial reasons and the building could be in jeopardy of pipes freezing, etc. Mrs. Link asked what the contract was between the Township and them when the building was sold. Mr. Jacobs will look to see if there was a reversionary clause.

Miss Gatto announced that the Historic Society will have an exhibit of political memorabilia this weekend and reminded everyone of the Halloween Parade and the Trick or Treat times.

Mayor Silva announced the ribbon cutting last week for Sho Nuf Fish and the grand opening of the Anglican Church of Transformation on October 25, 2014. Mayor Silva also congratulated and praised Public Works for securing the American Legion Building with a tarp. Mayor Silva commented that if we get the Mizpah Inland Services Building back it will be another expense to the Township as the American Legion Building is. Mayor Silva suggested that going forward we take a hard look at whether the organizations that request to purchase a building from us for \$1.00 can handle it before the decision is made. Mrs. Dix interjected that the vans were CDBG money and if they are no longer in use they have to be auctioned off and the money returned to ACIA. Mayor Silva suggested we let the attorney take a look at that. Mayor Silva reported that several officials had gone to look at the building Melissa Davenport had spoken about on Pennington Avenue and the Administrator had made several attempts to have the owner come in for a meeting to no avail. Mayor Silva asked the Solicitor to look into what can be done at this point.

Public Comment

Harry Rogers, of Mays Landing, said that it would be foolish to delay fixing the culvert for even one moment because it puts the residents and the Township at risk. Mr. Rogers suggested the Township Engineer be directed to look into establishing a weight limit for Tanglewood Drive if a section of that road is suspect.

Mr. Rogers said the parking lot looks great but that it needs trash cans.

October 20, 2014

Mr. Smith said that we want to be careful about what we do regarding a weight limit because depending on what the weight limit is for the Park Road Bridge we could create a situation where vehicles of certain sizes can't even get into that area.

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

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss the following matters which are exempt from public discussion pursuant to the New Jersey Open Public Meetings Law:

1. Collective Bargaining- Sergeants
2. Attorney/Client Privilege- Litigation- Bond Replacement Agreement- American Southern Insurance Company- Glen Eyre Development

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

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

The public portion of the meeting reconvened at 8:33 PM.

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to authorize the law firm of Spector, Gaden to make a counter proposal by way of settlement reducing the demand consistent with an October 17, 2014 email from Monica Mathews Reynolds;

BE IT FURTHER RESOLVED, as a condition to that the letter of credit supplied by the bank shall remain a supplement to any cash that is received should American Southern accept the settlement.

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

The Executive Session was reconvened for the discussion of the second topic per the previous resolution.

On the motion of Miss Gatto, seconded by Mr. Guishard and carried the meeting was adjourned at 8:49 PM.

Respectfully submitted,

Rita Martino, RMC  
Deputy Township Clerk

