

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
APRIL 6, 2015

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was held on the above date with Mayor Roger Silva presiding. Members present were Amy Gatto, Rodney Guishard, John Kurtz 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 of the meeting on the bulletin board in the municipal building, Mays Landing, NJ, and by e-mailing a copy of the notice along with the agenda of this meeting to the Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers, stating this meeting would take place at 6:30 PM on Monday, April 6, 2015 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

There was no executive session and no executive session confirmation.

Agenda late list:

Ms. Gatto said she didn't see the item as worthy because it isn't an emergency; the Committee just got it tonight and are going to have to make a decision on it. She asked that only emergent items go on the late list in the future.

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

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

5.F Authorization to submit list of projects to the South Jersey Transportation Planning Organization Citizens Advisory Committee for their input and recommendation for improvements.

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

Early public comment on agenda items not listed for public hearing:

**Agenda Item 5.F:** Robert Campbell, Sr., said the South Jersey Transportation Authority Citizens' Advisory Committee (SJTACAC) would take the list directly to the Technical Committee and that the SJTACAC is looking for federal grants and he hopes the Committee will support them. Mayor Silva said more than three quarters of the list has already been submitted to the Assemblyman's Office. Mr. Campbell thanked the Police Department Traffic Safety Officer for his help in preparing it. Ms. Gatto said it was an agenda late list item that the Township Committee just got tonight; the memo says it is to authorize submitting it to the Citizens Advisory Committee for their input and recommendation for improvements, not for the purpose of seeking Federal Grants; and she questioned what was being done. Mr. Campbell said the Police Department gave Mr. Guishard a report on Route 50; Mr. Guishard gave it to the Planning Committee and Mr. Guishard met with the SJT Planning Organization and they recommended it be put into a resolution. Ms. Gatto said she wasn't aware the Township had recommendations for Route 50. Mr. Guishard explained that after their meeting they decided to bring it to the Township Committee because 2 more were added and they wanted to make sure there was no objection before giving it to the CAC. Ms. Gatto said that she worked very closely with the Police Chief, who wasn't at Mr. Guishard's meeting, to do the abstracts of accident and death data; it was sent to the state Legislators and it had no recommendations for improvement. She said that she didn't see any recommendations for improvement and asked Mr. Guishard for examples. Mr. Guishard said the first step is to identify them as problem areas; they discussed recommendations but haven't codified anything because they

April 6, 2015

wanted Township Committee to be aware of it before they take it to the CAC meeting on the 13th. Mr. Campbell explained he and Mr. Guishard are on the Citizens Advisory Committee; there is a group within the SJT Planning Organization that does safety studies that are financed by the Federal Government. He said they also included Route 40 and Dr. Foreman Drive; the CAC will accept the resolution on the 13<sup>th</sup> and send it on to the Planning Organization; they will review it and decide if they want to do a study and get back to the Township Committee; it is something extra the Committee may not have explored. Ms. Gatto said she was in favor of anything in support of trying to get these issues resolved but by having it added as a late agenda item she has to make a decision without any background information other than what Mr. Campbell just presented; Mr. Guishard had said it is to identify areas of safety concerns; Mr. Campbell just said it is about seeking grants; and the memo the Committee has said it is for getting input and recommendations for improvements. Ms. Gatto said that she wants to be clear on the approach the Township Committee is taking. Mr. Campbell said they could have gotten the Committee a little more information except that they met and talked about it right before the Easter Holidays; Mr. Guishard led the meeting; and the next CAC meeting is before the next Township Committee meeting. He said they aren't asking for approvals; these are recommendations that came to the CAC; they will turn it over to the Safety Committee and try to get an examination of potential safety hazards; they will do a report to the Township Committee; and there is no cost to the Township. Mr. Kurtz said it was on the agenda as authorization to submit a list of projects and asked if that list is fully developed. Mr. Guishard said there is nothing new on the list but he didn't want to submit it to the CAC without making the Township Committee Members aware of it. Ms. Gatto said that (1) it is listed as "authorization" and that is an approval (2) the memo said it was for input and recommendation for improvements and Mr. Campbell said it is for the purpose of seeking grants. Mr. Campbell said if the Committee sends it to the CAC they will forward it to the Safety Committee and the Township may get some money. **Agenda Item 5.A:** Mr. Campbell commented on poles laying down on Park Road that have large nails and spikes sticking out of them being a safety hazard. Mayor Silva said they are slated to be removed. **Agenda Item 5.C:** Mr. Campbell said he hoped the Committee would approve the VAB recommendation to sponsor and provide proof of insurance for Lou Green to provide information and assistance to veterans at the Hamilton Mall.

Terry Daly said she knew decisions the Committee made several years ago for budget reasons were very difficult for the Committee, the employees that were laid off and the employees that are still here; she thanked the Committee for doing it because of what the schools and county are doing. Mrs. Daly said the condition of Park Road is deplorable, and she asked that paving of Park Road be put into the budget.

Jim Link said Park Road has been in need of repair for 20 years; it was on the official road list in 2010 but was moved off the list for some reason; that he has a residence and business on Park Road; and people come from all over out of the area for the Hometown Celebration. He asked the Committee not to put off fixing Park Road. Ms. Gatto explained that there is \$500,000.00 in the budget in addition to the regular capital budget for roads this year.

Frank Craig commented on the County planning to take over central dispatching; the County Executive saying the municipalities can keep their own but their cosshare of the cost will be included in the County tax bill so the Township would be paying twice; and he suggested people from Hamilton Township join him in opposing it. Mayor Silva explained the Township invested over \$300,000.00 to bring its dispatch center up to the state-of-the art that it is; the County was given a tour and said they would buy it from the Township; the County has talked about this for the last 25 years; the Township couldn't wait for them any longer; and the Township is protecting its community and residents. Mr. Craig said there is a 4-year plan for County Assessment and it is going ahead. Mr. Craig referred to the paving of Route 50 and Weymouth Township trying to get sidewalks put in while that is being done.

April 6, 2015

Mike DiDonato questioned the status of road work on Park Road. Mayor Silva said someone from the MUA was coming later to explain what they are going to do and when. Mayor Silva explained the MUA had to correct drainage at Tunney Avenue and the Committee wants to be sure all of the work is done before they pave it. He commented some people wanting sidewalks and explained that would delay the project because it would require drainage. He said he hoped the Engineer could spec it out and go out to bid when the MUA is done. Mrs. Link said Mr. Blankenship said it was going to be done 2 weeks ago.

Shawn Donaldson said the road is the worst it has ever been; not paving it until next year is beyond unacceptable; and she asked if the triathlon was being cancelled. In answer to Ms. Gatto's question, Ms. Donaldson said the Mayor said there was no money in the budget for it. Mayor Silva explained he had said it was planned for 2016. Ms. Gatto explained the MUA is doing the work, not the Township. Mayor Silva said Hamilton Township is the largest municipality in the State, 115 square miles, and providing public safety, police, fire, rescue, and snow plowing is a burdensome responsibility. The Mayor commented on the number of foreclosures listed in the paper every week and explained that real estate taxes are the Township's principal source of revenue; foreclosures create a burden for everybody; County talk about Central Dispatch and Countywide Tax Assessment will impact on the Township; the Township has to do more with fewer people because of the reduction of personnel; it is important to maintain sustainability of the municipality. Mayor Silva explained that every contractor has to provide performance bonds; the Committee wants to find out how much more of the contractor's obligation will be satisfied and look at what they are left with when they are done. He explained the Township has a very good bond rating because this Committee reduced its debt and will be in a better borrowing position when the Township does go out to bonding; that they don't want to load up the budget with debt payments because if they do, they can't use that money for capital projects.

Steven Blankenship, Executive Director of the MUA, explained Park Road is part of their water main project; then project is funded from the New Jersey Infrastructure Loan Program; it won't be perfect but he thinks it can be brought up to a point where it last for the 2 years under the maintenance bond at the 25 MPH speed limit posted; the contractor was supposed to be done last Friday but wasn't; he spoke to the contractor this afternoon and depending on the weather he will remobilize is supposed to finish by the section by the end of next week; they had to take sections at Tanglewood Drive out for the water main; it will be done in 3 pieces so the road wouldn't have to be closed; one section n is done; he expects them to be do ne in two weeks and when they are done he will meet with the Township Administrator and representatives look at it; the MUA has money withheld and the maintenance bond for after he comes off the performance bond. Mrs. Link asked what happened to the idea of combining money from the MUA and the Township; coming up with a solution for paving it instead of having a two year maintenance period. Mr. Blankenship explained the understanding was that once the utility upgrades were do ne the Township would do the design work for what they want to do there; to combine resources you have to be on the same page to go out for a project. MUA Chairperson Mary Jo Coutts explained the MUA wants the Mayor, Mr. Jacobs and Mr. Smith to inspect the road when the contractor to see if it is satisfactory. Mrs. Link commented on looking at it for 5 years and coming up with nothing about what the problems were going to be and asked if money was put aside knowing curbs would be needed. She commented on the number of roads done since 2010; spending over \$100,000 on the road program last year; and questioned where the plan for Park Road was. Ms. Gatto explained road programs are in the Capital Budget; this year an extra \$500,000.00 was put into it for road improvements; and looking for the highest and best use of money based on the Township Pavement Management Plan prioritization. Mrs. Link said Park Road has been on it since 2004. Mr. Kurtz said based on information heard from the MUA tonight paving over a roadway that still needs work done isn't the way to go and that he thinks discussing with the contractor how he can make the road the best possible condition for it to be paved is the answer. Mrs. Link said

April 6 2015

that there isn't that much more that needs to be done. Mayor Silva explained another consideration is that the culvert on Thirteenth Street needs to be replaced and both roads couldn't be done at the same time. He said he thinks the contractor has an obligation to smooth the road until it can be paved. Ms. Gatto summarized the plan (1) allow the MUA 2 weeks to finish their work; assess the condition; then the Township will make its decision on the road program.

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

BE IT RESOLVED that the request of NJDOT to use Weymouth Malaga Road as a detour from Route 54 to Route 322 (Black Horse Pike) as a detour when they close Route 54 for bridge repairs is hereby approved contingent upon receipt, review and approval of revised detour plans by The Township Engineer and Police Department Traffic Safety Officer.

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

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

BE IT RESOLVED that the Township sponsor and provide proof of insurance for Lou Green to provide information and assistance to veterans at the Hamilton Mall as recommended by the Veterans' Advisory Board.

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

Request to Designate Industrial Park as area in need of rehabilitation:

Phil Sartorio said the Township Committee took the Industrial Commission requests to provide property tax abatement for new development or renovation of structures in the Industrial Business Park (IBP) and adjacent IBP zoned properties under advisement about a month ago and this resolution is one of the criteria under the Statute for implementation of the abatement program. He explained that the Area in Need of Rehabilitation designation is a much shorter process than the Area in Need of Rehabilitation process. Mr. Sartorio explained the Statute requires that this resolution be adopted and sent to the Planning Board for their review and recommendation if the Committee agrees with the Industrial Commission's findings to make sure it isn't contrary to the Master Plan.

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

**RESOLUTION  
DESIGNATING THE HAMILTON BUSINESS PARK  
AND ADJACENT INDUSTRIALLY ZONED LAND  
IN THE TOWNSHIP OF HAMILTON, ATLANTIC COUNTY NJ  
AS AN AREA IN NEED OF REHABILITATION**

WHEREAS, rehabilitation is a process which can be used by local government to prevent further deterioration of an area and promote overall development in the community; and,

WHEREAS, the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.) provides municipalities with the authority to designate areas in need of rehabilitation based on the conditions set forth in the Section 14 of that statute; and,

WHEREAS, one of the conditions that warrant the designation of an area in need of rehabilitation is a finding that there is a pattern of vacancy, abandonment or underutilization of properties in the area; and,

WHEREAS, the Industrial Commission of the Township of Hamilton (Industrial Commission) is responsible for the development and marketing of the Hamilton Business Park, an approximately 700 acre area established in 1976 comprised of the lands listed in Attachment A of this resolution for light industrial and commercial uses; and,

WHEREAS, in addition to the lands in the Business Park there are other adjacent properties listed in Attachment B of this resolution that are also zoned for light industrial and commercial use; and,

WHEREAS, for the purposes of this Resolution the properties listed in Attachments A and B are collectively referred to as the IBP Zone; and,

WHEREAS, at the request of the Industrial Commission the Director of Community Development has conducted a review and analysis of the Assessor's records and found 424 acres or 52 percent of IBP Zone, including other public lands not controlled by the Industrial Commission, are classified as unimproved. Excluding the other public lands the unimproved property represents 70 percent of the property available in the Zone for light industrial and commercial use; and,

WHEREAS, based on the findings of this analysis the Industrial Commission has recommended that Township Committee make a finding that there is a pattern of vacancy and underutilization in the IBP Zone and a program of rehabilitation as defined in NJSA 40A:12A-3 will prevent further deterioration and promote the overall development of the IBP Zone; and,

WHEREAS, the IBP Zone is located in a New Jersey Pinelands Commission designated Regional Growth Area, which is an area where development and redevelopment are encouraged; and,

WHEREAS, prior to adoption of this resolution a copy thereof was forwarded to the Hamilton Township Planning Board for its review and recommendation.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hamilton County of Atlantic that:

1. There exists a pattern of vacancy and underutilization of properties in the area identified herein as the IBP Zone.
2. The IBP Zone is hereby found to be an area in need of rehabilitation.
3. Prior to the adoption of this resolution it was forwarded to the Hamilton Township Planning Board for review and recommendation.
4. A copy of this resolution shall be forwarded to the Commissioner of the Department of Community Affairs.

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

ATTACHMENT A  
LANDS IN THE HAMILTON TOWNSHIP BUSINESS PARK

BLOCK	LOT(S)
987	5, 5.01
987.01	5.02
991	1-3, 3.01, 16.01, 16.02, 17-19, 19.01, 20.01, 20.02, 21, 22.01, 22.02, 23.01, 23.02, 33-39
992	1
993	1
994	1-10, 11.01, 12-18, 19.01, 31-45, 46.01, 47-50, 58.01, 58.02, 58.05, 58.07, 58.12- 58.23
994.01	1, 6-10
994.02	1-4
994.03	1-10
994.04	1-10
994.05	20-30
995	1.01, 1.02, 1.03, 2

ATTACHMENT B  
INDUSTRIAL ZONED PROPERTIES ADJACENT TO THE  
HAMILTON BUSINESS PARK

BLOCK	LOT(S)
987	1-4
1029	1, 2.01, 4
1030.03	2.02, 4.01

Hamilton Mall LLC First Amended Declaration of Covenants Restrictions for drainage structures:

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

WHEREAS, the Planning Board required Hamilton Mall, LLC, to file and record an Amended and Restated Declaration of Covenants and Restrictions for the storm basins at the Hamilton Mall in the Atlantic County Clerk's Office as a condition of its approval of the Hamilton Mall, LLC amended site plan on January 15, 2015; and

WHEREAS, the Township Solicitor has reviewed and approved the Amended and Restated Declaration of Covenants and Restrictions for Drainage Structures at the Hamilton Mall submitted by Hamilton Mall, LLC,

NOW, THEREFORE, BE IT RESOLVED that the "First Amended and Restated Declaration of Covenants and Restrictions for Drainage Structures at the Hamilton Mall", as submitted by Hamilton Mall, LLC, is approved and the Mayor and Township Clerk are hereby authorized to sign same on behalf of the Township of Hamilton.

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

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

BE IT RESOLVED that the following be sent to the South Jersey Transportation Planning Organization Citizens Advisory Committee for their input and recommendation for improvement:

- .Route 40 at New York Avenue.
- .McKee Avenue at Route 322.
- .Cologne Avenue at Route 322.
- .Sugar Hill Circle.
- .Lake Lenape Dam.
- .Route 40,Route 50 and Mill Street Intersection.
- .Dr. Dennis Foreman Drive from Route 322 to Route 40.

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

Public hearing & adoption - Ordinance #1785-2015:

George Phy referred to a 2008 or 2009 letter from Ed Sasdelli and asked if all of the members were aware of it and if anything in it has been addressed. Mr. Kurtz said it was addressed. Mr. Sartorio said the Planning Board is the decision making body on anything in the Historic District and they gave the HPC authority to issue Certificates of Appropriateness on minor applications. He said he wants his agents to be able to tell buyers to go on the website and see what the requirements are if they want to buy the house. Mr. Guishard asked if having a Historic District and the Ordinance is a plus to the community. Mr. Phy explained that it isn't making Main Street and surrounding areas what it should be in his opinion. He commented on distressed properties in the District. Mr. Sartorio explained it can be handled through the property maintenance and code enforcement. Mr. Guishard

April 6, 2015

asked if Mr. Phy had any specific recommendations. Mr. Phy said he didn't. Mrs. Link Sid she would like a survey done of people who went through the HPC process. recommended posting photos of restored historic houses in newspapers and magazines if the Township gets a grant.

Melissa Davenport said she supported the Ordinance and would like to see it go forward.

Peg Capone said commented on all the help she got from the Historic Commission and said she supported the Ordinance.

Fred Kneble said he owns 2 properties and a business in the District and had no problems with the HPC.

Virginia Gale commented on the help the HPC gave the Weymouth Methodist Church with getting indoor handicapped bathrooms and water projects.

Cheryl Fetty said the PC has existed since 1979; they are operating under a 1987 Ordinance; and she hopes the Committee will approve this Ordinance.

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

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

Mr. Kurtz moved, seconded by Ms. Gatto, that the following resolution be Adopted.

WHEREAS, Ordinance #1785-2015 was introduced and passed first reading on March 16, 2015 and was duly advertised in the March 18, 2015 issue of the Atlantic County Record for a public hearing to be held on April 6, 2015; and

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

NOW, THEREFORE, BE IT RESOLVED that Ordinance #1785-2015 be and is hereby adopted.

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

Mr. Sartorio said he will send copy of the Ordinance to the Atlantic County Board of Realtors for dissemination to its members.

**TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NEW JERSEY  
ORDINANCE # 1785-2015**

**AN ORDINANCE AMENDING SECTION 203 OF THE CODE OF THE TOWNSHIP OF HAMILTON REGARDING ESTABLISHMENT OF A HISTORIC PRESERVATION COMMISSION AND PROVISIONS FOR THE DESIGNATION, PRESERVATION AND REGULATION OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS WITHIN THE TOWNSHIP.**

WHEREAS, the historical cultural, architectural, archaeological, economic and social heritage of the Township of Hamilton is entrusted from generation to generation, enriched and then passed on; and

WHEREAS, the members of the Township of Hamilton Committee believe that the character and quality of life of the citizen of Township of Hamilton depends in great measure upon the preservation of this rich heritage; and

April 6, 2015

WHEREAS, in order to perform this preservation, the members of the Township of Hamilton Committee wish to identify and protect certain resources located within the Township; and

WHEREAS, the members of the Township of Hamilton Committee believe that the creation of an "Historic Preservation Commission," and the establishment of certain regulations governing the designation, establishment, preservation and regulation of Historic Landmarks and Historic Districts within Township of Hamilton will greatly assist in achieving this goal. And will serve to enhance the general welfare of the citizens of Township of Hamilton.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hamilton, in the County of Atlantic and State of New Jersey, as that Chapter 203, Land Use and Development, of the Code of the Township of Hamilton shall be amended as follows:

Section 1. Delete existing Section 203-10, Historic Preservation Commission, in its entirety and replace it with the following:

§203-10 HISTORIC PRESERVATION COMMISSION.

- A. Establishment – There is hereby established within the Township of Hamilton an "Historic Preservation Commission," whose members shall serve without compensation.
- B. Responsibilities - The Historic Preservation Commission shall have the following duties and responsibilities:
  - 1) To identify, record and maintain a survey of all building, structures, sites, objects, improvements and districts of historical significance within the Township.
  - 2) To recommend to the Township Committee the designation of buildings, structures, sites, objects or improvements as Historic Landmarks, and to recommend the designation of Historic Districts.
  - 3) To monitor and recommend to the Township Committee any buildings, structures, sites, objects, improvements or districts for inclusion in the New Jersey or National Register of Historic Places.
  - 4) To make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of Historic Landmarks and Historic Districts of any other Master Plan elements. The Commission may provide information to the Planning Board indicating the location and significance of Historic Landmarks and Historic Districts, and identify the standards used to assess worthiness for Historic Landmark or Historic District designation.
  - 5) To advise the Planning Board and Zoning Board of Adjustment on applications for development pursuant to N.J.S.A. 40:55D-110.
  - 6) To provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the Zoning Ordinance provisions concerning historic preservation to proposed construction.
  - 7) To review and render determinations regarding applications for Certificates of Appropriateness when so authorized by the Planning Board as set forth in §203-211.A.3.
  - 8) To advise the Planning Board on the inclusion of Historic Landmarks and Historic Districts in the recommended capital improvement program.
  - 9) To monitor and recommend to the Township Committee the submission of any grants related to historic preservation.
  - 10) To carry out such other advisory, educational and informational functions as will promote historic preservation in the Township.
- C. Membership
  - 1) Appointment – The Commission shall consist of seven (7) regular members and no more than two (2) alternate members, who shall be appointed by the Township Committee. Of the regular members a total of at least one less than a majority shall be of Classes A and B. At the time of appointment, members shall be designated by the following classes:
    - a) Class A – A person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality; and,
    - b) Class B – A person who is knowledgeable in, or who has demonstrated an interest in, local history and who may reside outside the municipality; and,
    - c) Class C – Citizens of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board or Zoning Board of Adjustment. Class C members should have at a minimum a demonstrated interest in history, historic preservation or a related field. Alternate members shall

April 6, 2015

meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2".

- 2) Terms. The terms of the members first appointed under this ordinance shall be so determined that to the greatest practicable extent the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment; provided that the initial term of a regular member shall not exceed four years and that the initial term of an alternate member shall not exceed two years. Thereafter, the term of a regular member shall be four years; the term of an alternate member shall be two years.

Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the term of membership on the Planning Board; and the term of any member common to the Historic Preservation Commission and the Zoning Board of Adjustment shall be for the term of membership on the Zoning Board of Adjustment.

The full membership of the Historic Preservation Commission shall be appointed within sixty (60) days from the effective date of this Ordinance. A vacancy occurring for reasons other than the expiration of a term shall be filled for the remainder of the unexpired term within sixty (60) days of occurrence.

- 3) Role of Alternates. The alternate members may participate in all Commission discussions during proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
- 4) Officers. Annually, the Commission shall elect a Chairman and Vice-Chairman from its members and select a recording secretary who may or may not be a member of the Commission or a municipal employee.

D. Budget. The governing body shall make provision in its budget and appropriate funds for the expenses of the Historic Preservation Commission. The Commission may employ, contract for and fix the compensation of experts and other staff as it shall deem necessary. The commission shall obtain its legal counsel from the municipal attorney at the rate of compensation determined by the governing body, unless the governing body by appropriation provides for separate legal counsel for the Commission. Expenditures pursuant to this Subparagraph shall not exceed, exclusive of gifts or grants, the amount appropriated by Township Committee for the Commission's use.

E. Finances. The Township Committee shall establish by Ordinance reasonable fees necessary to cover the expenses of administration and professional services to aid the Commission in its review of applications and development reviews. These fees are in addition to any other required under any portion of this or any other applicable Township Ordinance.

F. Rules of Commission.

- 1) The Commission shall adopt written rules for the transaction of its business and for the consideration of applications for Certificates of Appropriateness and for the designation of Historic Landmarks and Historic Districts. Such rules shall not be inconsistent with the provisions of the Ordinance and shall include, but not be limited to, rules pertaining to all notices and hearings required herein.
- 2) In order to make available to the public information useful to the preservation and protection of Historic Landmarks and Historic Districts and to provide the basis for consistency of policy, the Commission Secretary shall maintain complete files and records. The commission's files shall include, but are not limited to, data used in the classification of building, structures, sites, objects, improvements and districts, minutes of Commission meetings, applications for Certificates of Appropriateness along with collateral data, decisions and appeals associated therewith and information, materials and references submitted to the public related to historic preservation. A record of Commission proceedings shall be kept and made available upon request and pursuant to Open Public Records Act, but a formal verbatim record shall not be required.
- 3) The Commission Secretary shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, reports, findings, determinations, decisions and applications, which shall be public documents. All meetings shall be noticed and conducted in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. Copies of all minutes shall be maintained in the Municipal Building and shall be delivered to the Township Clerk.

April 6, 2015

- 4) Copies of records shall be made available to municipal bodies, agencies, and officials for their use. When the Planning Board or the Zoning Board of Adjustment refers an application to the Historic Preservation Commission, then the referring Board shall receive a copy of the Commission's Report.
  - 5) The Zoning Office shall maintain and display an up-to-date map showing the boundaries of all areas designated as Historic Districts, as well as the locations of all Historic Landmarks.
  - 6) No member of the Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. Unless a member resides or owns property within 200 feet of property which is the subject of an application, mere ownership or residence in a designated Historic District and/or ownership of a designated Historic Landmark or a non-designated property shall not be deemed a personal or financial interest.
  - 7) Unless authorized to issue Certificates of Appropriateness pursuant to §203-211.A.3, any decision of the Historic Commission will be reviewed by the Planning Board and either adopted or modified.
- G. Removal. A member of the Commission may, after a public hearing if he requests it, be removed by the governing body for cause.
- H. Meetings; Quorum.
- 1) The Historic Preservation Commission shall establish and post in the Municipal Building a regular schedule of meetings, which shall include a minimum of one meeting per month. Regular meetings shall be held as scheduled unless canceled for lack of a quorum, lack of applications to process or for other good reason(s), which shall be noted in the minutes. Additional special meetings may be called by the Chairman or Vice Chairman, or on the request of any two of its members, when the regular meetings are inadequate to meet the needs of its business, to handle emergencies or to meet time constraints imposed by law.
  - 2) The Historic Preservation Commission shall hold hearings to review all applications for Certificates of Appropriateness, referrals of development applications and other business which comes before the Commission.
  - 3) The presence of four members, which may include alternate members filling the vacancies of regular members, shall constitute a quorum. A majority vote of those present and voting shall prevail, and shall be sufficient to grant or deny a Certificate of Appropriateness. Not less than a majority of the appointed membership shall be required to recommend the designation or change of an Historic Landmark or Historic District designation or to render a decision on applications for demolition.
- I. Designation of Historic Landmarks and Historic Districts.
- 1) Survey. The Commission shall maintain a comprehensive survey of the Township of Hamilton to identify Historic Landmarks and Historic Districts that are worthy of protection and preservation.
  - 2) Criteria for Designation. The criteria for evaluating and designating Historic Landmarks and Historic Districts shall be guided by the National Register Criteria. The Commission or any person may recommend designation of Historic Landmarks or Historic Districts that are in accordance with the National Register Criteria or that possesses one or more of the following attributes:
    - a) Character, interest, or value as part of the development, heritage or cultural characteristics of the Township, State or Nation; or
    - b) Association with events that have made a significant contribution to the broad patterns of our history; or
    - c) Association with the lives of person significant in our past; or
    - d) Embodiment of the distinctive characteristics of a type, period or method of construction, architecture, or engineering; or
    - e) Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the Township, State, or Nation; or
    - f) Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative; or
    - g) Unique location or singular physical characteristics that make a district or landmark an established or familiar visual feature; or
    - h) Ability or potential ability to yield information important in prehistory or history.

April 6, 2015

### 3) Procedures for Designation.

- a) Persons wishing to make a nomination shall contact the Commission Secretary regarding consideration of a proposed Historic Landmark or Historic District. The Commission may also initiate the designation of an Historic Landmark or Historic District. The Commission will schedule a hearing to review the proposed Historic Landmark or Historic District.
- b) A nomination to propose an Historic Landmark shall include the following information which addresses the criteria for designation as set forth herein:
  - i) A photograph, preferable black and white, of the proposed landmark; and
  - ii) A copy of the municipal tax map showing the property on which the proposed landmark is located; and
  - iii) A physical description of the proposed landmark; and
  - iv) A statement of significance, referencing applicable National Register criteria.
- c) A nomination to propose an Historic District shall include the following information which addresses the criteria for designation as set forth herein:
  - i) A building-by-building inventory of all properties within the district; and
  - ii) A photograph, preferable black and white, of all properties within the district; and
  - iii) A copy of the municipal tax map of the district showing boundaries; and
  - iv) A physical description of the proposed district; and
  - v) A statement of significance, referencing applicable National Register criteria.
- d) Following receipt of a nomination to propose an Historic Landmark or Historic District, the Commission shall schedule a public hearing on the proposed designation.
- e) At least ten (10) days prior to the public hearing, the Commission shall, by personal service or certified mail perform the following:
  - i. Notify the owner(s) of record of a property that has been proposed for Historic Landmark designation, or the owner(s) of record all properties located within a district that has been proposed for Historic District designation, that the property or district, as applicable, is being considered for such designation and the reasons therefore;
  - ii. Advise the owner(s) of record of the significance and consequences of such designation, and of the rights of the owner(s) of record to contest such designation under the provisions of this Ordinance;
  - iii. Notify the owner(s) of record of the date, time and location of the hearing concerning the proposed designation of the property or district; and
  - iv. Serve any further notices as may be required under the provisions of the Municipal Land Use Law.
- f) At least ten (10) days prior to the public hearing, the Commission shall also cause public notice of the hearing to be published in the official newspaper of the Township.
- g) At least ten (10) days prior to the public hearing, a copy of the nomination report shall also be made available for public inspection in the Municipal Offices of the Township.
- h) At the public hearing scheduled in accordance with this Ordinance, the Commission shall review the nomination report and accompanying documents. Interested persons shall be given the opportunity to be heard and to comment on the proposed nomination for designation.
- i) Designation of an Historic District shall not proceed over the written objection of fifty-one percent (51%) of the property owners, (as certified by the Township Clerk) in accordance with the procedural guidelines set forth by the National Register of Historic Places.

- j) If the proposed nomination is approved by the Commission, then the Commission shall forward a report concerning the proposed Historic Landmark or Historic District to the Planning Board, which shall contain a statement of the Commission's recommendations and the reasons therefore. Township Committee action on designating an Historic Landmark or an Historic District shall then be otherwise subject to those procedures and statutes which apply to a change of a zoning designation and the adoption, revision or amendment of any development regulation.
- k) All other requirements of the Municipal Land Use Law and the NJ Pinelands Comprehensive Management Plan, if applicable, regarding adoption of development regulations shall be followed.
- l) Upon adoption of an Ordinance by the Township Committee designating an Historic Landmark or an Historic District, the said designation shall supplement, rather than supersede, the existing zoning district in which the affected Historic Landmark or Historic District is located. At that time, the designation list and map shall be incorporated into the Master Plan and Zoning Ordinance of the Township as required by the Municipal Land Use Law. Designated properties shall also be noted as such on the records for those properties as maintained by the Planning and Zoning offices, as well as the offices of the Construction Official, the Township Tax Assessor and the Township Clerk.
- m) Amendments to Historic Landmark or Historic District designations may be made in the same manner as they were adopted in accordance with the provisions of this Ordinance.

Section 2. Delete existing Article XVIII Sections 203-208 thru 203-216, Historic District Site Plan Review, in its entirety and inserting the following:

#### ARTICLE XVIII HISTORIC DISTRICT

##### 203-208. Purpose.

The purpose of this Article is to effectuate and accomplish the protection, enhancement and perpetuation of historic building, structures, sites, objects, improvements and districts within the Township of Hamilton, to implement the historic preservation element of the Township's Master Plan, and to advance the following public purposes:

- A. To safeguard the heritage of Township of Hamilton by preserving the resource within the Township which reflect elements of its historical significance;
- B. To identify, designate, and regulate Historic Landmarks and Historic Districts in order to preserve their historical significance;
- C. To encourage the continued use of Historic Landmarks and Historic District and to facilitate their appropriate use or reuse;
- D. To maintain and develop an appropriate and harmonious setting for Historic Landmarks and Historic Districts within the Township of Hamilton;
- E. To foster civic pride in the history and architecture of Township of Hamilton;
- F. To promote appreciation of Historic Landmarks and Historic Districts for the education, pleasure and welfare of the local population;
- G. To encourage beautification and private reinvestment in Historic Landmarks and Historic Districts, and surrounding properties;
- H. To manage change of Historic Landmarks and Historic Districts by encouraging sensitive alteration and/or new construction;
- I. To discourage the unnecessary demolition of historic resources;
- J. To recognize the importance of Historic Landmarks and Historic Districts by urging property owners and tenants to maintain their properties in keeping with the requirements and standards of the Ordinance;
- K. To encourage the proper maintenance and preservation of historic settings and landscapes.

##### 203-209. Definitions.

As used in this Article, the following terms shall have the meanings indicated and shall supplement or supersede the definitions in §203-18:

Application – Shall mean a request to the Historic Preservation Commission made pursuant to this Ordinance for the purposes of obtaining a Certificate of Appropriateness or other action by the Commission hereunder specified.

April 6, 2015

Commission – For the purpose of this Article shall mean the Historic Preservation Commission established pursuant to the provisions of this §203-10.

Designated Historic Landmark or Historic District – Shall mean an individual building structure, site, object, improvement or district which has been determined to have historical significance pursuant to the provisions of this Ordinance.

Emergency - When an Historic Landmark or a key or contributing Historic District Resource requires immediate repair to preserve its continued habitability and/or the health and safety of its occupants or others.

Historic – Shall mean having historical, cultural, architectural, archaeological economic, social or other significance as defined by the provisions of this Ordinance.

Historical – Shall mean of, relating to, or having the character of history.

Historic District – Shall mean a significant concentration, linkage or continuity of buildings, structures, sites, objects or improvements united historically by plan or physical development which qualifies for designation under Section (4) of this Ordinance.

Historic District Resources – Shall mean those resources classified as either key, contributing or non-contributing, which are defined as follows:

- a) “Key” shall mean any buildings, structures, sites, objects or improvements which, due to their significance, would individually qualify for Historic Landmark status;
- b) “Contributing” shall mean any buildings, structures, sites, objects or improvements which are integral components either because they date from a time period which makes them historically significant or because they represent an architectural type, period or method which is historical significant; and
- c) “Non-contributing” shall mean any building structures, sites, objects or improvements which due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity reflecting its character during the period of significance of the historic district and is incapable of yielding significant new information.

Historic Landmark – shall mean any building, structure, site, object improvement which qualifies for designation under Section 4 of this Ordinance

In Kind - Replacing in kind extensively deteriorated or missing parts of features when there are surviving prototypes. The new work should match the old in material, design, and texture; and be unobtrusively dated to guide future research and treatment.

Not recommended: Replacing an entire architectural feature when limited replacement of deteriorated and missing parts is appropriate; using replacement material that does not match the historic feature; or, failing to properly document the new work.

Integrity – Shall mean the ability of a property to convey its historical significance through the retention of original physical features.

Inventory – Shall mean a list of surveyed historic properties determined to meet criteria of significance specified herein.

Master Plan – Shall mean The Master Plan of the Township of Hamilton, as amended from time to time, compiled pursuant to the Municipal Land Use Law.

Minor Application – Shall mean any application for a Certificate of Appropriateness which:

- a) Does not involve demolition, relocation or removal of an Historic Landmark or a contributing resource in an Historic District.
- b) Does not involve an addition to an Historic Landmark or a property in an Historic District or new construction in an Historic District.
- c) Is a request for approval of fences, signs, lighting paving or streetscape work which, in the opinion of the Chairman of the Commission, will not substantially affect the characteristics of the Historic Landmark or the Historic District;
- d) Is a request for a field change for a Certificate of Appropriateness permit which has already been issued and which meets the criteria of Subparagraph (3) above.

Municipal Land Use Law – Shall mean the Municipal Land Use Law of the State of New Jersey, P.L. 1975, c. 291 (N.J.S.A) 40:55D-1, et seq.), as amended from time to time.

National Register Criteria – Shall mean the established criteria for valuating the eligibility of properties for inclusion in the National Register of Historic Places, as set forth in 36 C.F.R 60.4, et seq.

Noncontributing – A building, site, structure or object that does not add to the historic architectural qualities, historic associations or archaeological values for which a property is significant because it was not present during the period of significance; due to alterations, disturbances, additions or other changes it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period; or it does not independently meet the National Register criteria.

Object – Shall be used as a term to distinguish from buildings and structures those constructions or features that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, moveable, an object is associated with a specific setting or environment

Ordinary Maintenance and Repair – Shall mean the repair of any deterioration, wear or damage to a structure or any part thereof in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear, or damage with in-kind material and quality workmanship. Shall mean any required approval issued by the Construction Official pursuant to applicable building or construction codes for work or improvement(s) to property, or to a building or structure located thereon.

Person – Shall mean any individuals, natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, firms, companies, corporations, entities or unincorporated groups; or any officers, agents, employees, servants, factors or any kind of personal representatives of any thereof in any capacity, acting either for himself or for any other person, under either personal appointment or pursuant to law. When permitted by contest “person” shall also include the United States, the State of New Jersey and/or other States, or any political subdivision thereof, and any foreign country or government.

Preservation – Shall mean the act or process of applying measures necessary to sustain the existing form, integrity and materials of an Historic Landmark. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

Protection – Shall mean the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or cover or shield the property from danger or injury.

Reconstruction – Shall mean the act or process of reproducing, by means of new construction, the form, features and detailing of a non-surviving building, structure, site, object, improvement or landscape for the purpose of replicating its appearance at a specific period of time and its historic location when documentary and physical evidence is available.

Rehabilitation – Shall mean the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historic values.

Replacement – Shall mean the act or process of replicating any exterior architectural feature that is used to substitute for an existing deteriorated or extensively damaged architectural feature.

Restoration – Shall mean the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time. It may sometimes mean the removal of later work or the replacement of missing earlier work.

Secretary of the Interior’s Standards – Shall mean the publication issued by the U.S. Department of the Interior, National Park Service, entitled: “The Secretary of the Interior’s Standards for the Treatment of Historic Properties,” 36 C.F.R 68, issued in 1992 and revised and supplemented from time to time.

April 6, 2015

Site – Shall mean the location of a significant even, a prehistoric or historic occupation or activity, a building or structure, or a burial ground or cemetery, whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure.

Streetscape – Shall mean the visual character of the street including, but not limited to, the architecture, building setbacks and height, fences, storefronts, signs, lighting, parking areas, materials, sidewalks, curbing and landscaping.

Survey – Shall mean the inventory of building, structures, sites, objects, improvements and districts located within the Township of Hamilton which is conducted by the Commission for the ascertainment of their historical significance pursuant to the provisions of this Ordinance.

Survey Data – Shall mean the raw data produced by the survey; that is, all the information gathered on each property and area investigated.

View or Vista – Shall mean the view by the public of a building, structure, site, object, improvement or landscape from any point on a street, road or walkway which is used as a public thoroughfare, either vehicular and/or pedestrian.

203-210. Referral of development applications involving historic landmarks or historic districts.

- A. Pursuant to N.J.S.A. 40:55D-110, the Planning Board and Zoning Board of the Adjustment of the Township of Hamilton shall refer to the Historic Preservation Commission every application for development submitted to either Board involving Historic Landmarks or properties located within Historic Districts. This referral shall be made when the application is deemed complete or is scheduled for a hearing, whichever occurs sooner. Failure to refer the application as required shall not invalidate any hearing or proceeding. The Historic Preservation Commission may provide its advice on said application, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report that the Commission may have submitted.
- B. On all matters referred to the Historic Preservation Commission which require approval by the Township's Planning Board or Zoning Board of Adjustment, the decision of the Commission shall be a recommendation only. In reviewing applications for development, the Commission may comment on any of the zoning and land use considerations which are relevant to the application.

203-211. Certificate of Appropriateness.

- A. Authority to issue certificates of appropriateness.
  - 1) The Planning Board shall issue all certificates of appropriateness, except as specified in Subsection A.3 (below).
  - 2) The Board of Adjustment shall issue certificates of appropriateness for those applications for development which it is otherwise empowered to review, except as set forth in Subsection A.3 (below).
  - 3) The Planning Board and Zoning Board of Adjustment shall have the right to delegate to the Historic Preservation Commission the issuance of Certificates of Appropriateness. Any person aggrieved by a decision of the Historic Preservation Commission shall have the right to appeal to the Planning Board.
- B. When Required. A Certificate of Appropriateness permit shall be required before any work is commenced on any Historic Landmark or within any Historic District, whether or not a construction or zoning permit is required for such work, including but not limited to the following:
  - 1) Changing the exterior appearance of any building, structure, site, object or improvement by addition, reconstruction, alteration or replacement, including the replacement of windows and doors, except for the activities described in Paragraph C below.
  - 2) Demolition of any building structure, site, object or improvement.
  - 3) Relocation of a principal or accessory building, structure, site, object or improvement.
  - 4) Any addition to or new construction of a principal or accessory building, structure, site, object or improvement.
  - 5) Any change of exterior color.

C. April 6, 2015

April 6, 2015

- 1) Development not otherwise exempted from review pursuant to 203-9A(2) of Article I of this chapter where a significant resource has been identified pursuant to Section 203-211.E.4.b.

#### D. When Not Required.

- 1) A Certificate of Appropriateness permit shall not be required if, in the opinion of the Commission, the work contemplated constitutes "ordinary maintenance and repair" as defined by this Ordinance. In such cases, and if a permit is required for the proposed work, the Commission shall promptly notify the Zoning Official that a Certificate of Appropriateness is not required as a prerequisite to the issuance of the permit.
- 2) Changes to the interior of existing structures.
- 3) Repair and replacement work to noncontributing buildings within an historic district which shall include the following:
  - a) Exterior painting
  - b) The replacement of glass in any window or door.
  - c) The installation and replacement of any window or door in the same opening without altering the dimensions or framing of the original opening. This shall include garage doors, storm windows and storm doors. Any new door or window shall be of the same type and operation as the existing.
  - d) Repair of any nonstructural member such as a railing
  - e) The repair of existing roofing material with like material
  - f) The repair of any part of a porch or stoop which does not structurally support a roof above.
  - g) The replacement or installation of screens.
  - h) The replacement of exterior rain gutters, downspouts and leaders.
  - i) The repair or replacement of any exterior trim, decoration or moldings.

#### E. Procedures.

- 1) Except for the circumstances described in Subparagraphs C(1) and C(2) above, no work shall be performed on any Historic Landmark or on any building, structure, site, object or improvement located within an Historic District until either a Certificate of Appropriateness has been issued for such work or until a determination has been made that no Certificate of Appropriateness is necessary for such work due to the fact that the proposed work constitutes "ordinary maintenance and repair" pursuant to Subparagraph C(1) above.
- 2) All applicants for a Certificate of Appropriateness, or for a determination of non-necessity pursuant to Subparagraph C(1) above, shall complete an application form. Application forms shall be made available in the office of the Zoning Official. Completed applications shall be filed with the Zoning Official, who shall then forward the application package promptly to the Commission.
- 3) Each application for a Certificate of Appropriateness or for a determination of non-necessity shall be accompanied by sketches, drawing, photographs, descriptions or other information to show the proposed alterations, additions, changes or new construction. Applications for demolition shall include current and historical photographs of the interior and exterior of the building. The Commission may require the subsequent submission of such additional materials as it reasonably requires to make an informed decision. Any such request shall not affect the time within which the Commission must make a decision pursuant to Subparagraph D.5) (below). To further assist the community there is a copy of the Township of Hamilton Historic District standards guide and a Fencing guide in the Zoning Office at the Township Hall.
- 4) The Zoning Official shall forward a copy of all permit applications dealing with Historic Landmarks or Historic Districts to the Commission prior to issuance of the requested permit, except where the permit relates to the type(s) of work described in Subparagraphs C(1) and C(2) above.
- 5) The Commission shall render a decision on each application for a Certificate of Appropriateness, or for a determination of non-necessity pursuant to Subparagraph C(1) above, and submit its report to the Zoning Official within forty-five (45) days of

April 6, 2015

referral of same by the Zoning Official. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission.

F. Procedures within the Pinelands Area.

- 1) Certificates of appropriateness shall be required for the following:
  - a) Construction, encroachment upon, alteration, remodeling, removal, disturbance or demolition of any resource designated by the Township Committee or the Pinelands Commission pursuant to N.J.A.C. 7:50-6:154 or any action which renders such a site inaccessible.
- 2) Applications for Certificates of Appropriateness shall include the information Specified in N.J.A.C. 7:50-6.156(b).

A cultural resource survey shall accompany all applications for development in a Pinelands village and all applications for major development in order to determine whether any significant historic resources exist on the parcel. Guidelines for this survey are contained in Appendix B of the Cultural Resource Management Plan, dated April 1991, as amended. In general, the survey shall include: a statement as to the presence of any properties listed on the National and/or New Jersey State Registers of Historic Places on the site or within the area of the projects, potential environmental impacts; a thorough search of state, local and any other pertinent inventories to identify sites of potential significance; a review of the literature and consultation with professional a vocational archaeologists knowledgeable about the area; thorough pedestrian and natural resources surveys; archaeological testing as necessary to provide reasonable evidence of the presence or absence of historic resources of significance; adequate recording of the information gained and methodologies and sources used; and a list of personnel involved and qualifications of the person(s) performing the survey.

- a) This requirement for a survey may be waived by the local approval agency if:
  - (1) There is insufficient evidence of significant cultural activity of the project site, or, in the case of archaeological resources, within the vicinity;
  - (2) The evidence of cultural activity on the site lacks the potential for importance because further recording of the available data will not contribute to a more comprehensive understanding of Pinelands culture; or
  - (3) The evidence of cultural activity lacks any potential for significance pursuant to the standards of Subsection E 2)(b) below.
- b) A resource shall be deemed to be significant if it possesses integrity of location, design, setting, materials, workmanship, feeling and association which reflects its significance in American history, architecture, archaeology or culture under one or more of the following criteria:
  - (1) The presence of structures, sites or areas associated with events of significance to the cultural, political, economic or social history of the nation, state, local community or the Pinelands.
  - (2) The presence of structures, sites or areas associated with the lives of persons or institutions of significance to the cultural political, economic or social history of the nation, state, local community or the Pinelands.
  - (3) The presence of structures that represent the work of a master or that possess high artistic values or that embody the distinctive characteristics of a type, period or method of construction or that represent a distinguishable entity of significance to the architectural, cultural, political, economic or social history of the nation, state, local community or the pinelands, although its components may lack individual distinction.
  - (4) The presence of a site or area which has yielded or is likely to yield significant information regarding the history or archaeological history of the Pinelands.
- 3) The following guidelines and standards governing the issuance of Certificate of Appropriateness permit in N.J.A.C. 7:50-6:156(c) shall be followed:
  - a) The historical or architectural value and significance of the building and its relationship to the historic value of the surrounding area.
  - b) The general compatibility of exterior design, arrangement an
  - c) d materials to be used.

- d) Any other factor, including aesthetic, which it deems pertinent. In approving or disapproving applications for certificates of appropriateness in the Pinelands Area, the Planning Board, Zoning Board of Adjustment and/or Historic Commission shall consider:
- (1) The extent of the alteration, destruction or removal of the distinctive or architectural features of the designated structure, including consideration of the harmony of materials, details, height, mass, proportion, rhythm, scale, setback, shape, street accessories and workmanship.
  - (2) The relationship of the designated site to the surrounding land and natural features.
  - (3) The degree to which the proposed work would appropriately or inappropriately isolate the designated structures or area from their historical or architectural surroundings.
  - (4) The degree to which the proposed work is compatible with the original design concept of the structure or with the general characteristics of that era.
  - (5) The degree to which the proposed building materials are compatible with the aesthetic and structural appearance of the designated structure of area, including the texture, style, color of the materials and the proposed combination of materials such as brick, stone, concrete, shingle, wood or stucco.
  - (6) If the proposed work involves a designated archaeological site, the degree to which the proposed work avoids or disturbs the designated site or complies with the rules of the Department of the Interior governing the recovery of archaeological data, 36 CFR 66 et seq.
  - (7) If the proposed work involves the demolition of a designated structure, the degree to which the applicant has explored preservation options, such as the sale of the structure to an individual or group interested in preserving the right structure.
  - (8) The degree to which the proposed work is in conformity with the Department of the Interior's Standards for Historic Preservation Projects, 36 CFR 67 et seq. and Township of Hamilton HPC Design Guidelines.
- e) The effect of the issuance of a Certificate of Appropriateness is as follows:
- (1) All subsequent development approval shall be issued or denied in a manner consistent with the Certificate of Appropriateness except as provided in Subsection E(3)(d)(2) below.
  - (2) A Certificate of Appropriateness issued as a result of the cultural resource survey requirement set forth in Subsection E above shall be effective for two years. If the resource is not designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6:154 or by the governing body pursuant to N.J.S.A. 40:55D-1 et seq. within that two-year period, the historic resource standards of this section shall no longer apply to the resource in question until such time as the Pinelands Commission designates the resource pursuant to N.J.A.C. 7:50-6:154.
- 4) The following information will be required to document resources which are not found to be significant but which are otherwise found to present graphic evidence of a cultural activity.
- a) A narrative description of the resource and its cultural environment.
  - b) Photographic documentation to record the exterior appearance of buildings, structures and engineering resources.
  - c) A site plan depicting in correct scale the location of all buildings, structures and engineering resources.
  - d) A New Jersey State inventory form as published by the New Jersey Department of Environmental Protection for buildings and a narrative description of any process or technology, if necessary, to elaborate upon the photographic record.
- 5) If archaeological data is discovered on a site at any time after construction has been commenced, the developer shall immediately cease construction, notify the Planning Board and the Pinelands Commission and take all reasonable steps to protect the archaeological data in accordance with the Guidelines for the Recovery of Scientific,

G. Informational Meetings.

- 1) Persons considering action that requires a Certificate of Appropriateness are encouraged to request an informal "Informational Meeting" with the Commission and/or its Chairman prior to submitting a formal application for a Certificate of Appropriateness or for a determination of non-necessity pursuant to Subparagraph 203-211.C. Requests for such information meetings can be made to the Commission Secretary. The Commission and/or its Chairman shall hold such informational meetings within thirty (30) days of receipt of such request. The purpose of an informational meeting is to review the design issues and standards of appropriateness and the procedures for obtaining a Certificate of Appropriateness or a determination of non-necessity pursuant to Subparagraph 203-211.C.

H. Application Review.

- 1) The Commission shall hold a hearing on all applications for Certificates of Appropriateness. No hearing shall be required in order for the Commission to render a determination of non-necessity pursuant to Subparagraph C above.
- 2) Prior to holding a hearing on an application for a Certificate of Appropriateness, the Commission shall, in addition to complying with the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., notify the applicant in writing prior to the hearing by mail setting forth the time, date and place of the hearing.
- 3) An applicant for a Certificate of Appropriateness permit shall be required to appear or to be represented at the hearing in order for the Commission to consider the application for a Certificate of Appropriateness, and the Commission will deny without prejudice and allow the applicant to reappear before the HPC at a later date.
- 4) At the hearing, the Commission shall allow all persons the opportunity to be heard concerning the issuance of a Certificate of Appropriateness for the proposed work.
- 5) After conducting the hearing, the Commission shall render a determination on the completeness of the application. All determinations regarding the issuance of a Certificate of Appropriateness shall be in writing with an explanation of the reasons for the decision, and shall be delivered promptly to the Planning Board, unless the Commission is authorized to issue Certificates of Appropriateness pursuant to Section 203-211.A.3 in which case it shall be delivered to the Zoning Official. A Certificate of Appropriateness shall be granted if it is found that the application is appropriate to the Historic Landmark or Historic District and in conformity with the standards and criteria set forth in this Ordinance. A Certificate of Appropriateness may be subject to certain conditions(s), which shall be set forth in detail in the written decision. A Certificate of Appropriateness shall be denied if the application is found to be inappropriate to the Historic Landmark or Historic District and/or not in conformity with the said standards and criteria. Denial of a Certificate of Appropriateness shall be deemed to prohibit the applicant from undertaking the work applied for, and shall preclude the issuance of any required permit for said work.
- 6) Failure to render a written determination to the Zoning Official within the forty-five (45) day period referenced in Subsection D(5) shall be deemed to constitute a determination in favor of the issuance of a Certificate of Appropriateness for the proposed work and without conditions. In the event that the applicant has consented to an extension of time to consider the application, the Zoning Official shall be notified of said extension and no Certificate of Appropriateness or permit shall be issued of the proposed work until a determination has been rendered during the extension period.
- 7) Appeals from determinations of the Zoning Official in accordance with the report issued by the Planning Board or the Historic Preservation Commission if so authorized pursuant to Section 203-211.A.3 may be made by the applicant to the Zoning Board of Adjustment. Nothing herein shall be deemed to limit the right of judicial review of the action after an appeal is concluded by the Zoning Board of Adjustment. The appellant shall pay all costs for copies of any transcript(s) required for appeal. If, in the case of an appeal made pursuant to this Subparagraph, the Zoning Board of Adjustment determines there is an error in any order, requirement, decision or refusal made by the Zoning Official pursuant to a determination rendered by the Planning Board or Historic Preservation Commission, the Zoning Board of Adjustment shall, in writing, include the reasons for its determination in the findings of its decision thereon.

- 8) The owner shall post the Certificate of Appropriateness on a conspicuous spot on the exterior of the designated property visible to the general public during the entire process of work.
- 9) When a Certificate of Appropriateness has been issued, the Zoning Official or his appointee shall, from time to time, inspect the work approved by such Certificate and shall regularly report to the Commission the results of such inspections, listing all work inspected and reporting any work not in accordance with such Certificate.
- 10) A Certificate of Appropriateness shall be valid for a period of two (2) years from date of issue unless reasonable extensions are requested by the applicant.
- 11) The performance of unauthorized activities shall be deemed to be a violation of this Chapter and may subject the responsible parties to sanctions imposed hereunder.

I. Minor Applications.

- 1) The Chairman of the Historic Preservation Commission, or other designated member(s) of the Commission acting on the Chairman's behalf, may review applications for minor work ("minor applications") without holding a hearing. If the Chairman finds the application appropriate, he/she may act in place of the full Commission without the necessity of a public hearing and is authorized to issue a Certificate of Appropriateness to the Zoning Official for said minor work. The Zoning Official shall then authorize the applicant to proceed and issue any required permit associated therewith. If the Chairman does not find the application appropriate, the application shall be scheduled for a public hearing before the full Commission.

J. Emergency Procedures.

- 1) When an Historic Landmark or a key or contributing Historic District Resource requires immediate repair to preserve its continued habitability and/or the health and safety of its occupants or others, limited emergency repairs may be performed in accordance with applicable construction codes immediately upon consultation with the HPC Chair and approval of the Construction Official, who shall certify that a bona fide emergency of the type referenced herein exists, without first obtaining a Certificate of Appropriateness from the Commission. Under such circumstances, the limited repairs performed shall be only such as are necessary to preserve the continued habitability of the building or structure and/or the health and safety of its occupants or others. Where feasible, temporary measures to prevent further damage shall be used, provided these measures are reversible without damage to the building or structure.
- 2) Simultaneously with the commencement of the emergency work, the property owner shall make a request for a Certificate of Appropriateness from the Commission memorializing the approval for said emergency work. This request shall be made through the Zoning Official pursuant to the procedures set forth in Paragraph D above.
- 3) It should be noted that the procedures outlined in this Section should be strictly limited to those circumstances which, in the opinion of the construction Official, rise to the level of a bona fide emergency of the type referenced above. No work in addition to the emergency repairs shall be performed until an appropriate request for approval has been granted by the Zoning Official and Historic Preservation Commission pursuant to the procedures set forth in Paragraph G above.

K. Requirement of Obtaining Certificates of Appropriateness for Government Actions.

- 1) It is recognized that the intent and purposes of this Ordinance would not be fully served if the municipality and other governmental agencies were to control the actions of others but fail to apply similar constraints to itself. The Township of Hamilton, when it plans to undertake any work on any municipally owned Historic Landmark or on any municipally owned property in an Historic District, may submit such plans to the Historic Preservation Commission and shall receive an advisory report on the appropriateness of those plans before undertaking the work.
- 2) In those circumstances where the Township cannot require compliance, as in certain cases involving the County, State, and Federal governments, the Township most strongly urges the voluntary cooperation of such agencies in seeking a Certificate of Appropriateness and hereby authorizes the Commission to consider such requests and applications. This does not relieve the property owner from complying with applicable State and Federal regulations regarding historic preservation.

## 203-212. STANDARDS AND CRITERIA

- A. The purpose of this Section is to provide uniform standards and criteria for the regulation of Historic Landmarks and Historic Districts for use by the Historic Preservation Commission. All projects requiring a Certificate of Appropriateness and all applications for development on Historic Landmarks or in Historic Districts shall be governed by the principles of the Secretary of the Interior's Standards for Rehabilitation (as contained within the Secretary of the Interior's Standards for the Treatment of Historic Properties) and by the Secretary of the Interior's Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings.
- B. In reviewing applications for Certificates of Appropriateness, the Historic Preservation Commission may consider the site, design, arrangement, texture, details, scale, shape, materials, finish and relationship to streetscape and/or landscape of the proposed work and the relationship of those characteristics to the historical significance of the Historic Landmark or Historic District.
- C. In reviewing applications for Certificates of Appropriateness, the Historic Preservation Commission shall not consider use, zoning requirements for setbacks, density, height limitations or lot coverage as these matters fall within the purview of the Planning Board and Zoning Board of Adjustment.
- D. In considering development application referrals from the Planning Board and/or Zoning Board of Adjustment, the Historic Preservation Commission may consider use, zoning requirements for setbacks, density, height limitations and lot coverage in rendering its advice to the appropriate Board.
- E. Criteria for Review. In its review of Historic Landmarks or properties located within Historic Districts, the Commission shall give consideration to certain criteria, including but not limited to the following:
  - 1) The historic character of the landscape or streetscape.
  - 2) The historical character of a building, structure, site, object, improvement or district and its relationship to property of the surrounding area.
  - 3) The general compatibility of the proposed use to the historical value of the surrounding area.
  - 4) The general compatibility of the exterior design, arrangement, texture and materials proposed to be used with the historical value of the surrounding area. In carrying out its review under these guidelines, the following criteria shall be utilized:
    - a) All exterior elevations, including the roof, must be maintained and new construction must be compatible with existing structures, districts and surrounding areas.
    - b) In kind or similarly compatible building materials must be utilized.
- F. Exterior lighting and painting requirements for public or commercial buildings
  - 1) The painting or repainting of a public or commercial building in an historic area designated on Zoning Map 5 (Editor's Note: Zoning Map 5 is on file in the office of the Township Clerk, where it may be examined during regular business hours) shall conform to the color guidelines maintained by the Historic Preservation Commission as identified in this Ordinance.
  - 2) The exterior lighting for public or commercial building in an historic area designated on Zoning Map 5 shall conform to the street lighting specifications shown on Sheet 10 of the Mays Landing Historic Plan or be an approved equal.
  - 3) All lighting shall conform to the requirements as set forth within 203 – 167B.
- G. Signs in historic areas.
  - 1) The size, shape and character of the sign shall be in keeping with the historic character of the landmark, Historic District site or Pinelands designated site on which the sign is located. The size of the sign shall not exceed the maximum for the type of sign shown on the following Figure 18-1 and shall otherwise conform to the provisions of Article XIII, 203 139K(6).

- 2) The visibility and scale of the sign shall be in keeping with the architectural and historical character of the surrounding structures and area.
- 3) The signage for a particular building or shop should be reduced to the fewest separate panels or statements as possible.
- 4) Signs on building should not obliterate or obscure the architecture.
- 5) Obsolete signage from defunct activities shall be removed unless it is an integral part of the structure's historic architectural façade.

**Figure 18-1**  
 Maximum Commercial Sign Area by Type of Sign Permitted in Historic Areas  
 Township of Hamilton, New Jersey

Sign Type	Zoning District				
	VC	GC	DC	HC	NC
Wall Mounted					
Flat (sq. ft.)	20	20	50	50	20
Swing arm (sq.ft.)	12	12	16	16	12
Window (percent)	30	30	30	30	30
Pole (sq.ft.)	N.A.	N.A.	100	N.A.	N.A.
Pole swing arm (sq.ft)	6	6	10	10	6

- 6) Many forms of modern lighting of signs are incompatible with the historical integrity of a landmark or Historic District site. Such lighting should conform to the following provisions:
  - a) Flashing, intermittent or moving-type illumination shall not be permitted.
  - b) Backlit fluorescent sign, signs illuminated by neon or other gaseous elements or materials and all other self-illuminated signs shall not be permitted.
  - c) Floodlighting shall be so shielded that the source of light shall not be visible from any point of the lot on which the sign, building or structure being illuminated is erected and so that only the sign is directly illuminated.
- 7) Wall signs shall be installed so as to be flush with the exterior wall of the site unless it enhances the historic properties of the site.
- 8) Post signs and hanging signs shall be permitted if they enhance the historic characteristics of the site.
- 9) A-frame and easel signs shall be permitted, provided that they are decorative in style and so long as the signs:
  - a) Are temporary in nature.
  - b) Do not block public access.
  - c) Are removed nightly.
- 10) Interior signs which are intended to be viewed from the outside of the building or structure shall conform to the requirements of this section, insofar as they are applicable.

H. Exterior color selection in historic areas.

- 1) Purpose The intent of this section is to recognize that although color choice is a matter of intimate preference; there are some colors and methods of application that are more appropriate to maintain the integrity of designated buildings which are landmarks or are located within an Historic District.
  - a) The colors applied to any building should be selected from those that were available and considered appropriate for the date, type and style of the building at the time of its design and construction.
  - b) Those colors, whatever they may be should be applied to the structure to enhance the design in the manner intended by the original designer, builder and owners.
- 2) The applicant shall meet with the Township of Hamilton Historic Preservation Commission prior to the selection of exterior colors.

203-213. DEMOLITIONS AND RELOCATIONS.

A. In regard to an application to demolish or relocate an Historic Landmark or an Historic District Resource, the following matter shall be considered:

- 1) Its current and potential use for those purposes currently permitted by the Zoning Ordinance or for the use proposed.
- 2) The probable impact of its removal upon the ambiance of the Historic Landmark or Historic District.
- 3) The structural soundness and integrity of the building, structure, site, object or improvement and the economic feasibility of restoring or rehabilitating same so as to comply with the requirements of the applicable construction codes.
- 4) The compelling reason for not retaining the building, structure, site, object or improvement at its present location, the proximity of the proposed new location and its accessibility to residents of the municipality, and the probability of significant damage to the building, structure, site, object or improvement as a result of the relocation.
- 5) The compatibility, nature and character of the current and the proposed surrounding areas as they relate to the intent and purposes of this Ordinance and whether the proposed new location is visually compatible in accordance with the standards set forth herein.

B. Procedure.

- 1) Where Demolition is denied. In the event of a denial of an application for a Certificate of Appropriateness to demolish an Historic Landmark or a building, structure, site, object or improvement located in an Historic District, the owner shall, nevertheless, as a matter of right, be entitled to raze or demolish same provided that all of the following requirements have been fully met:
  - a) Appeal to Zoning Board of Adjustment. The owner has applied for the necessary Certificate of Appropriateness and has received notice of denial of same from the Zoning Official based on the report from the Planning Board or the Historic Preservation Commission if so authorized and has appealed to the Zoning Board of Adjustment, which has affirmed such denial.
  - b) Sale for Fair Market Value. The owner has prior to seeking demolition for a period of a least one hundred and eighty (180) days (the "offer period"), and at a price reasonable related to its fair market value, made a bona fide offer to sell such building, structure, site, object or improvement and the land pertaining thereto to any person, entity, organization, government or political subdivision thereof which gives reasonable assurance that it is willing to preserve the building, structure, site, object or improvement and the land pertaining thereto.
  - c) Demolition Notice Posted & Publication. Notice of any proposed demolition shall be posted on the exterior premises of the building, structure, site, object or improvement throughout the Notice Period in a location such that it is clearly readable. In addition, the applicant shall cause to be published in the official newspaper of the Township a notice setting forth the following:
    - (1) The applicant's intent to demolish, including a description of the subject property (by Block and Lot as well as by physical location) and a description of the building, structure, site, object or improvement to demolished; and
    - (2) The applicant's proposed use of the property following demolition; and
    - (3) The anticipated time frame(s) associated with the demolition; and
    - (4) A statement indicating that the applicant shall consider any and all bona fide offers to sell the property to any person who wishes to preserve the building, structure, site, object or improvement; and
    - (5) The applicant's name and address, along with a telephone number where the applicant may be reached during normal business hours by any interested person who wishes to discuss the proposed demolition and/or to make an offer to purchase the property as set forth above. The notice shall be published as follows:

- i At least once within the first (10) days of the Notice Period; and
  - ii At least once within the period of time that is not less than ten (10) nor more than fifteen (15) days prior to the expiration of the Notice Period; and
  - iii At least once each twenty (20) days between the above first and last notifications.
  
  - iv At the conclusion of the Notice Period, if the applicant still wishes to demolish the subject building, structure, site, object or improvement, it shall, prior to performing the demolition, perform the following:
    - v Advise the Commission in writing of its intention to proceed with the demolition; and
    - vi Certify in writing to its compliance with the provisions of Subparagraph (b) above relating to the 180-day “offer period”; and
    - vii Provide the Commission with a copy of the notice that appeared in the official newspaper of the Township and a listing of all dates on which the said notice appeared in the newspaper, and
    - viii Advise the Commission in writing as to whether any interested persons submitted an offer or offers to purchase the property, whether during the 180-day “offer period” or following the newspaper noticing referenced above, and set forth the terms and conditions relating to said offer(s) and the results of any negotiations pertaining thereto; and
    - ix File copies of the affidavits of publication relating to the newspaper noticing with the Commission.
  
  - d) Notice Period. The period of time during which notice must be given in manner hereinbefore set forth shall be known as the “Notice Period” which shall commence on the tenth day following the date of the notice of denial of the appeal from the Zoning board of Adjustment and such Notice Period shall run for a period of time of sixty (60) days.
- 2) Assignment. No assignment of the rights granted by a Certificate of Appropriateness to demolish shall be permitted.
- 3) Expiration of Approval.
- a) In cases where demolition is permitted, the Certificate of Appropriateness shall be valid for one (1) year from the date of Historic Preservation Commission approval of the application. The one year period shall not be extended.
  - b) At the time of issuance of the Certificate of Appropriateness to demolish, the Zoning Official shall designate the period of time (within the one (1) year approval period) within which demolition must be completed.
- 4) Approval After Change of Circumstances. The Commission may at any time during such Notice Period, if a significant change in circumstances occurs, approve a Certificate of Appropriateness to demolish, in which event, a permit from the Zoning Official shall be issued within ten (10) days thereafter.

#### 203-214 ENFORCEMENT.

It shall be the duty of all municipal officials reviewing all permit applications involving real property or improvements thereon to determine whether such application involves any activity which should also be the subject of an application for a Certificate of Appropriateness permit. If it should, the official shall inform both the Zoning Official and the applicant, as well as the Historic Preservation Commission.

#### 203-216. VIOLATIONS AND PENALTIES.

The Violations and penalties provisions of § 203-218 shall be applicable to any person undertaking any activity with regard to an Historic Landmark or property located within an Historic District without first having obtained and posted a Certificate of Appropriateness as provided in this Chapter.

Section 3. Repealer. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or other ordinance enacted together with this Ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance, and of the ordinances enacted together with this Ordinance, are hereby declared to be severable.

Section 4. Effective date. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

ATTEST

TOWNSHIP COMMITTEE  
TOWNSHIP OF HAMILTON,  
ATLANTIC COUNTY, NJ

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

\_\_\_\_\_  
ROGER SILVA, MAYOR

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

ORDINANCE NO. 1785-2015 INTRODUCED AND PASSED FIRST READING ON MARCH 2, 2015.  
ORDINANCE NO. 1785-2015 ADOPTED ON APRIL 6, 2015.

Public hearing adoption - Ordinance #1786-2015

There being no questions or comments on the Ordinance, Mr. Kurtz moved, seconded by Ms. Gatto, that the public hearing 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.

WHEREAS, Ordinance #1786-2015 was introduced and passed first reading on March 16, 2015 and was duly advertised in the March 18, 2015 issue of the Atlantic County Record for a public hearing to be held on April 6, 2015; and

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

NOW, THEREFORE, BE IT RESOLVED that Ordinance #1786-2015 be and is hereby adopted.

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

**TOWNSHIP OF HAMILTON  
1786-2015**

**CALENDAR YEAR 2015  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

April 6, 2015

**WHEREAS**, the Township Committee of the Township of Hamilton in the County of Atlantic finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee hereby determines that a 2% increase in the budget for said year, amounting to \$ 416,237.92 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Hamilton, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Township of Hamilton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 728,416.36 and that the CY 2015 municipal budget for the Township of Hamilton be approved and adopted in accordance with this ordinance; and,

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

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

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

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
ATLANTIC COUNTY, NJ

ATTEST:

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

\_\_\_\_\_  
ROGER SILVA, MAYOR

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

ORDINANCE #1786-2015 INTRODUCED AND PASSED FIRST READING MARCH 16, 2015  
ORDINANCE #1786-2015 PUBLIC HEARING APRIL 6, 2015.

Public hearing/adoption - Ordinance #1787-2015:

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

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

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

WHEREAS, Ordinance #1787-2015 was introduced and passed first reading on March 16, 2015 and was duly advertised in the March 18, 2015 issue of the Atlantic County Record for a public hearing to be held on April 6, 2015; and

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

NOW, THEREFORE, BE IT RESOLVED that Ordinance #1787-2015 be and is hereby adopted.

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

Public hearing/adoption - Ordinance #1787-2015:

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

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

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

WHEREAS, Ordinance #1787-2015 was introduced and passed first reading on March 16, 2015 and was duly advertised in the March 18, 2015 issue of the Atlantic County Record for a public hearing to be held on April 6, 2015; and

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

NOW, THEREFORE, BE IT RESOLVED that Ordinance #1787-2015 be and is hereby adopted.

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

**TOWNSHIP OF HAMILTON  
ORDINANCE 1787-2015**

**BOND ORDINANCE APPROPRIATING TWO MILLION DOLLARS (\$2,000,000) AND AUTHORIZING THE ISSUANCE OF ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) IN BONDS OR NOTES OF THE TOWNSHIP OF HAMILTON FOR CAPITAL IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY**

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

**Section 1. Appropriation for Project-Down Payment.**

The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be made or acquired by the Township of Hamilton, in the County of Atlantic, New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the apportionment made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to TWO MILLION DOLLARS (\$2,000,000), including the aggregate sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000) as the down payment for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11 and more particularly described in Section 3 and now available by virtue of provision in a previously adopted budget or budgets of the Township for down payment for capital improvement purposes, and including also monies received or expected to be received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

**Section 2. Authorization of Bonds.**

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

amount not exceeding ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3. Description of Projects.**

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

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
(a) Construction of Various Public Works Projects, including improvements to Lake Lenape Dam, drainage improvements, recreation improvements and improvements to municipal complexes, including the costs of surveying, construction planning, architectural, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$1,050,000	\$997,500
(b) Various Municipal Roadway Improvements, including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, together with the construction or reconstruction of drainage facilities, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing, driveway, curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, striping, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with plans and specifications heretofore or hereafter filed in the office of the Township Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$500,000	\$475,000
(c) Purchase of Various Public Safety and Communications Equipment.	\$100,000	\$95,000
(d) Purchase of Public Works Equipment.	\$285,000	\$270,750
(e) Purchase of Various Management Information Technology Systems and Equipment.	<u>\$65,000</u>	<u>\$61,750</u>
<b>TOTALS</b>	<u>\$2,000,000</u>	<u>\$1,900,000</u>

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

**Section 4. Authorization of Notes.**

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the Township in a principal amount equal to the said principal of bonds not exceeding ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as he may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Committee of the Township at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law.

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

**Section 5. Additional Matters.**

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

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

(b) The average period of usefulness of said purposes within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is **16.465 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk and an executed copy has been electronically signed and filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000), and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) in the aggregate for interest on said obligations, costs of issuing said obligations, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the Township in connection with the construction or acquisition of the improvements and properties as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvements and are included in the foregoing estimate thereof.

**Section 6. Capital Budget.**

The applicable capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital

program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and available for public inspection.

**Section 7. Ratification of Prior Actions.**

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

**Section 8. Application of Grants.**

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

**Section 9. Full Faith and Credit.**

The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

**Section 10. Official Intent to Reimburse Expenditures.**

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

**Section 11. Effective Date.**

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

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
ATLANTIC COUNTY, NJ

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

\_\_\_\_\_  
ROGER SILVA, MAYOR

ROLL CALL: GATTO "YES"  
GUSHARD "YES"  
KURTZ "YES"  
LINK "YES"  
SILVA "YES"

ORDINANCE #1787-2015 INTRODUCED AND PASSED FIRST READING MARCH 16, 2015.  
ORDINANCE #1787-2015 ADOPTED APRIL 6, 2015.

Public hearing/adoption - Ordinance #1788-2015:

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

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

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

WHEREAS, Ordinance #1786-2015 was introduced and passed first reading on March 16, 2015 and was duly advertised in the March 18, 2015 issue of the Atlantic County Record for a public hearing to be held on April 6, 2015; and

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

NOW, THEREFORE, BE IT RESOLVED that Ordinance #1786-2015 be and is hereby adopted.

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

**TOWNSHIP OF HAMILTON  
ORDINANCE # 1788 -2015**

**AN ORDINANCE AMENDING CHAPTER 225, ARTICLE I OF THE TOWNSHIP CODE TO CHANGE THE FEES FOR THE USE OF THE COVE RECREATIONAL BATHING AREA IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY.**

**WHEREAS**, the Township Committee of the Township of Hamilton deems it to be in the best interest of the Public to change the fees for the use of the Cove Recreational Bathing Area and;

**WHEREAS**, The Township Committee of the Township of Hamilton wishes to create one set fee for both residential and non-residential users of the Cove;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hamilton, County of Atlantic and Sate of New Jersey that Chapter 225 of the Code of the Township of Hamilton shall be amended to read as follows as recommended by the Township Committee of the Township of Hamilton:

SECTION 1. The Code of the Township of Hamilton, Chapter 225, Article 1, shall be and is hereby amended to include the following;

§ 225-2 Fees.

[Amended 5-16-1994 by Ord. No. 1167-94; 12-19-1994 by Ord. No. 1188-94; 5-20-1996 by Ord. No. 1239-96; 5-1-2000 by Ord. No. 1365-2000; 5-7-2001 by Ord. No. 1397-2001; 7-21-2008 by Ord. No. 1626-2008; 6-3-2009 by Ord. No. 1650-2009]

A.  
Fees for seasonal use of the Cove Area shall be \$14 per person , with a season consisting of the date upon which the Cove Area is officially opened for swimming through the date of its closure that season.  
[Amended 5-2-2011 by Ord. No. 1691-2011]

B.  
Fees for daily use of the Cove Area shall be \$9 per person per day, during the season consisting of the date upon which the Cove Area is officially opened for swimming through the date of its closure that season.  
[Amended 5-2-2011 by Ord. No. 1691-2011]

C.  
No fees shall be charged or collected from children under 12 years of age.

April 6, 2015

SECTION II SEVERABILITY If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, erroneous and/or incorrect, such decision shall not affect or invalidate the validity of the remaining portions of this ordinance.

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

WITNESSED:

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

\_\_\_\_\_  
JOAN I. ANDERSON, RMC  
TOWNSHIP CLERK

\_\_\_\_\_  
ROGER SILVA, MAYOR

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

ORDINANCE #1788-2015 INTRODUCED AND PASSED FIRST READING MARCH 16, 2015.  
ORDINANCE #1788 -2015 ADOPTED APRIL 6, 2015.

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

WHEREAS, it is imperative from a safety standpoint that the Township of Hamilton Public Works have at least 400 tons of rock salt in its storage facility at all times; and

WHEREAS, the Atlantic County Co-op, in which the Township of Hamilton was a participating member, exhausted its allotment of rock salt and now has to pay market price for rock salt thereby resulting in an increase in cost from \$63.90 per ton delivered to \$118.00 per ton; and

WHEREAS, the Director of Public Works solicited quotes from other vendors and requested approval of purchase of 300 tons additional rock salt from Chemical Equipment Labs, Inc. at \$78.00 per ton delivered,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that an emergency contract for purchase of rock salt in the amount of Twenty-three Thousand Four Hundred Dollars (\$23,400.00) is hereby awarded to Chemical Equipment Labs, Inc., Marcus Hook, PA, as recommended by the Director of Public Works.

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

There were no Business Registration Licenses to be approved.

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

BE IT RESOLVED that Raffle License #6-2015 s hereby approved for South Jersey Cancer Fund armchair races raffle to be held on May 2, 2015.

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

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

BE IT RESOLVED that Raffle License #7-2015 is hereby approved for Oakcrest Band Parents' Association tricky-tray raffle to be held on May 28, 2015.

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

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

BE IT RESOLVED that the following licenses are hereby approved for the Hamilton Township PTA raffles being held on May 8, 2015:

- 1) #8-2015 for an on premise 50/50.
- 2) #9-2015 for a tricky-tray raffle.

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

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

BE IT RESOLVED that License #BA 1-2015 s hereby approved for the Hamilton Township PTA bingo to be held on May 8, 2015.

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

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

WHEREAS, a request has been made for Lot 8 in Block 631 to be offered for sale; and

WHEREAS, the lot consists of 4.85 acres in the FA-70 Zone thereby requiring that contiguous owners be offered the right to first refusal to purchase under a sealed bid process pursuant to N.J.S.A. 40A:12-13.

NOW, THEREFORE, BE IT RESOLVED that authorization is hereby given by the Township Committee of the Township of Hamilton for preparation of a Contiguous Owner Land Sale Ordinance for sale of Lot 8 in Block 631 with a minimum bid of \$2,000.00.

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

April 6, 2015

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

BE IT RESPOLVED that the Township Committee of the Township of Hamilton has no objection to NJDOT and/or Atlantic County approving and/or issuing permits to the Weymouth Volunteer Fire Company for coin drops to be held at the intersection of CR 559 and the Black Horse Pike (SR 322) on the following dates:

- 1) July 24 and 25, 2015 (rain dates July 31 and August 1, 2015)
- 2) August 21 and 22, 2015 (rain dates August 28 and 29, 2015).

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

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

**TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NEW JERSEY 08330**

**RESOLUTION**

**A RESOLUTION OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC AUTHORIZATION FOR THE TOWNSHIP COMMITTEE TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2015 OF DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING AND FOR THE TOWNSHIP CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET AND CERTIFY THE AVAILABILITY OF FUNDS.**

**WHEREAS**, the Township of Hamilton, Office of Emergency Management has been awarded State Homeland Security Grant Program Award from the New Jersey State Police Office of Emergency Management. The Sub grant, consisting of a total amount of \$10,000.00, including \$5,000.00 Federal Award and \$5,000.00 Local Matching Funds, is for the purpose of enhancing the Township's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

**WHEREAS**, the sub grant award incorporates all conditions and representations contained or made in application and notice of award; and

**WHEREAS**, the Township of Hamilton Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Sub grant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

**WHEREAS**, the Application for Sub grant Award calls for a match in the amount of \$5,000.00 which the Township of Hamilton Office of Emergency Management adequately satisfies through the 2015 Township of Hamilton approved budget for Division salaries and wages and fringe benefits.

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Hamilton Committee here with accepts the award of the FFY14 Homeland Security Emergency Management Performance Grant Program Sub grant in the amount of \$5,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

**BE IT FURTHER RESOLVED** that the Director of the Division of Local Government Services is requested to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$5,000.00, which is now available from the New Jersey State Police, Office of Emergency Management in the like amount of \$5,000.00 from the aforementioned grant; and

**BE IT FURTHER RESOLVED** that the like sum of \$5,000.00 is hereby appropriated under the caption FFY14 Homeland Security Emergency Management Performance Grant; and

**BE IT FURTHER RESOLVED** that the Township of Hamilton Administrator, the Township Chief Fiscal Officer and the Township Director of Emergency Management are authorized to sign the appropriate sub grant award documents; and

**BE IT FURTHER RESOLVED** that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management.

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

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

BE T RESOLVED that the Chief Financial Officer is hereby authorized to release \$8,024.51 from the escrow performance guarantee posted by Vicki Britton's for the 6045 Harding Highway project; and

BE IT FURTHER RESOLVED that the \$1,416.09 balance shall be held in escrow for 2 years as the required maintenance guarantee.

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

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

WHEREAS, Siracusa Homes deposited \$300.00 to be held in escrow for inspection fees related to their Maryland Avenue Project in 2007; and

WHEREAS, Quality Modular Homes subsequently took over the project; deposited \$300.00 for inspection fees on August 30, 2010; completed the project and all of the their performance guarantees have been released; and

WHEREAS, John R. Siracusa executed a power of attorney authorizing Asset Management to recover all inspection fee monies being held in escrow for the Maryland Avenue on behalf of Siracusa Homes and Asset Management Consultants has requested release of said escrow inspection fees pursuant to aforesaid power of attorney.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized to release the inspection fees held in escrow for Siracusa Homes Maryland Avenue project to Siracusa Homes, c/o Asset Management Consultants, 12841 Fitzwater Drive, Nokesville, VA 20181.

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

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

RESOLUTION AUTHORIZING A PERSON TO PERSON TRANSFER OF  
PLENARY RETAIL CONSUMPTION LICENSE #0112-33-019-008

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License #0112-33-019-008, heretofore issued to Stonehenge, Inc., trading as Good Guys Pub, to VHDH LL HOLDINGS LLC for premises located at 5698 Somers Point-Mays Landing Road, Mays Landing, NJ 08330; and

WHEREAS, the application form submitted is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

April 6, 2015

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated hereunder, as well as pertinent local Ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the authorized municipal authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton, County of Atlantic, does hereby approve the person to person transfer of aforesaid Plenary Retail Consumption License #0112-33-019-008 to VHDH LL Holdings, LLC, effective April 15, 2015 and the Township Clerk is hereby directed to endorse the license certificate to the new ownership as follows: **"This license, subject to all of its terms and conditions, is hereby transferred to VHDH LL Holdings LLC , trading as Paragon Bar and Grill, for premises located at 5698 Somers Point-Mays Landing Road, Mays Landing, NJ 08330 effective April 15, 2015."**

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the list of the Mizpah Volunteer Company members eligible for 2014 LOSAP credit, as certified by its Chief, be and is hereby accepted:

Jay Davenport	132 points	Joseph D. Harty	144 points
Eric Davenport	118 points	Anthony Milazzo	113 points
Kelley Davenport	183 points		

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

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

BE IT RESOLVED that Taxi Owner License #3-2015 is hereby approved for Monique Taxi, Inc. for one (1) gray, 4-door 2003 Mercury Marquis, with the VIN #2MEFM74273X682093 effective April 7, 2015 through December 31 2015.

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

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

BE IT RESOLVED that Taxi Driver's License #3-2015 is hereby approved for Vitina White, driver for Monique Taxi, Inc., effective April 7, 2015 through December 31, 2015.

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

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objection to the New Jersey Division of Alcoholic Beverage Control approving and/or issuing a permit t Mays Landing Merchants' Association for their South Jersey Food & Wine Festival to be held at Lake Lenape Park on September 26 and 27, 2015 with wine only to be dispensed.

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

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

BE IT RESOLVED that advertising for the Chief Financial Officer position is hereby authorized.

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

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

BE IT RESOLVED that the Chief Financial Officer (CFO) employment status of Cynthia Lindsay be and is hereby changed **FROM** regular full-time **TO** temporary part-time employment status at \$50.00 per hour effective April 18, 2015 and until a replacement full-time CFO is hired and trained (not to exceed 60 days from completion of training).

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

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

BE IT RESOLVED that Cynthia Lindsay be compensated the sum of \$15,000.00 prorated for use of her Certified Chief Financial Officer License effective April 18, 2015 until a full-time CFO is hired.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the March 16, 2015 regular meeting minutes are hereby 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 March 16, 2015 executive session minutes are hereby approved and adopted.

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

Ms. Gatto moved, seconded by Mr. Kurtz, 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 \$866,762.40.

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

Reports:

Mr. Jacobs had nothing to add to his written report.

April 6, 2015

Mr. Sandman reported he will be arguing the Timber Glen litigation against the Residential Rental Ordinance in the Appeals Court on April 20<sup>th</sup>.

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

Mrs. Link reported the Mays Landing Merchants' Association held its first Easter Egg Hunt on Saturday. Mr. Kurtz said they put out over 2,000 eggs, some with money in them and some with tickets for a chance on a basket.

Mr. Kurtz thanked everyone for voting on the Historic Preservation Commission Ordinance. He said it may have to be amended down the road but it will make a big difference in how the District and Main Street moves forward.

Mr. Guishard commented on the County hiring a strategic planner and attending their recent meeting; there was a presentation that had a lot of good ideas about the County; he encouraged everyone to keep to complete the County survey; and said he looks forward to their report when it comes out in July.

Ms. Gatto commented on a lot of good ideas being presented about the HPC Ordinance and said that she talked with Mr. Jacobs about having a meeting to go through complaints to find out what happened, why, and what can be done about it; the complaint came from a business on Main Street that wanted to expand. She commented on a suggestion that there be cheat-sheets and suggested doing a survey for all offices. Ms. Gatto reported she will be meeting with one of the Freeholders and County Administrator on Friday to talk about their plans for downtown Mays Landing, sidewalks, improving curbing and to solidify their intent for Main Street. Ms. Gatto said she didn't think the Township has been very vocal about its opposition to Central Dispatching. She explained that she will not support Central Dispatching until an analysis of the cost to the Township residents, savings, and the impact of taking \$700,000.00 out of the Township budget CAP is done. Ms. Gatto commented on Cindy Lindsay being with the Township through some very hard times; and said that she will be missed but it is a great opportunity for her. She thanked Cindy and wished her good luck. Ms. Gatto reported getting feed-back from a couple of people and wanting to sit down and have conversations about what happened and what they learned.

Mayor Silva commented on 2 Township Dispatchers getting awards at the Annual Awards Ceremony and how proud he was of the Township Dispatchers. He commented on Mr. Craig talking about the County looking at a property in Pleasantville (for central dispatching) and on having offered them property in the Township Industrial Park. Mayor Silva reported on the ceremony at the Industrial Park honoring Carmen Fichetola.

Public Comment:

Cheryl Fetty asked if something could be added to the Welcome to the Historic District signs stating you are entering a National Registered Historic District.

Jim Link suggested the Township put together a Project Pla together. He said there are computer programs available for it.

Peter Clements sked the Status of Malaga RoD. Mr. Smith said he expected it to start in 2 weeks.

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

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

Mr. Sandman announced the Executive Session (3) should have included "Harry Scheeler, Jr."

Ms. Gatto moved, seconded by Mt. 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 the following matter(s) which is/are exempt from public discussion pursuant to the New Jersey Open Public Meetings Law:

1. Tavistock potential litigation.
2. Glen Eyre settlement.
3. Pending Litigation - Harry Scheeler, Jr. - OPRA.
4. Collective Bargaining - SOA (Lieutenants).

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" AND NO "ABSTAIN".

Public session adjourned at 9:47 PM.  
Public Session reconvened at 10:48 PM.

Executive Session Confirmations:

Mayor Silva recalled the meeting to order at 10:58 PM. Mr. Sandmen stated the time for the record; that the only person in the meeting room when he came in was the attorney for the Glen Eyre Bonding Company; that he told him that a vote would be taken; that he would tell him what it was; and the attorney felt free to leave. He stated for the record that no one from the public was in the meeting room, the rotunda or on the front steps.

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

BE IT RESOLVED by that the settlement agreement by and between the Township of Hamilton and American Southern Insurance Company as it relates to the Glen Eyre litigation, the terms of which were discussed in the executive session, is hereby approved and the Mayor is authorized to sign same on behalf of the Township.

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

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

BE IT RESOLVED that the Township Solicitor Robert S. Sandman is hereby authorized to make a demand in the Tavistock litigation in the amounts set forth in executive session and without putting them on the record at this time.

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

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

BE IT RESOLVED that the law firm of Robert S. Sandman, Township Solicitor, is hereby authorized to file a lawsuit in Superior Court of New Jersey, Atlantic County Law Division, with respect to a certain OPRA request by Mr. Harry Scheeler.

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

There being no further matters of business to be discussed, Ms. Gatto  
moved, seconded by Mrs. Link, that this meeting be adjourned.

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

ATTEST:

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