

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
JUNE 6, 2016

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order June 6, 2016 at 6:30 p.m. with Mayor Roger Silva presiding.

Flag Salute.

Township Clerk Rita Martino certified compliance with the New Jersey Open Public Meetings Law by posting a notice on the bulletin board in the municipal building and by sending a copy of this notice, along with an agenda of this meeting to The Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers stating that this meeting would take place at 6:30 p.m. on June 6, 2016 at the Municipal Building, 6101 Thirteenth Street, Mays Landing, NJ.

Roll Call:

Present: Amy Gatto, Rodney Guishard, John Kurtz, Art Schenker, Roger Silva

Absent: xxx

Also present: Rita Martino, Township Clerk, Robert Sandman, Township Solicitor,
Steven Filippone, Township Engineer, Michael Jacobs, Township Administrator

A moment of silence for private reflection was observed.

Addition/Deletion of Late Agenda Items

On motion of Mr. Guishard, second of Miss Gatto, it was moved to approve addition of the following late list items:

5A. Business Registrations

1. Hair Designs by Christopher – 6027 Main Street
2. Mister Sparky Electric – 6394 Harding Hwy. – Electrical Contractor Office and Call Center

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Early Public Comment

Mr. Sandman, Township Solicitor noted that the early public comment sign-in reflects that the public wishes to speak on agenda item no. 8, Requested Rezoning of Block 733, Lots 10-19. He suggested Committee consider holding public comment after the public has heard comments from Mr. Stephen Nehmad, who is representing Feinberg & McBurney Realty/Development, LLC, developer for the proposed CVS.

Mr. Sandman stated for the record that this subject has been previously discussed during early and late public comments at a prior Committee meeting, as well as at the Planning Board where procedure allows for a public hearing.

Mr. Sandman reviewed the history of the zoning change request and the process of the Planning Board's review and consideration. Mr. Sandman stated that the Planning Board found the requested zoning change to be inconsistent with the current Master Plan and that a Planning Board sub-committee was created and provided the task of evaluating the Master Plan relevant to this area and other areas. He stated that the report of the sub-committee remains pending.

Mr. Sandman informed the public that Mr. Stephen Nehmad, attorney for the applicant sent a letter requesting discussion of the requested rezoning be held in public at a Township Committee meeting to clarify any misconceptions on behalf of his client.

Mr. Sandman confirmed that an ordinance will not be introduced tonight since proper notification would be required prior to such action.

Consensus of Township Committee to move Early Public Comment to after discussion of agenda item no 8.

Discussion

Public Hearing on Tax Agreement between DF Equities of NJ, LLC – 5230 Atlantic Ave. and the Township of Hamilton

Gordon Craig, Principal of DF Equities of NJ, LLC appeared before Township Committee. Mr. Sandman acknowledged his acquaintance with Mr. Craig and their positions on the Industrial Commission. Mr. Sandman confirmed with Mr. Craig that no private conversation with regard to this matter was held between them.

Mr. Craig confirmed.

Mr. Craig stated that he submitted an application for a 50x60 foot addition to the warehouse at 5230 Atlantic Ave. with the intention of adding 3,000 square feet to the current property.

Mr. Sandman stated that this is an abatement program application. Mr. Sandman marked and submitted document A-1, for the record.

Mr. Sandman asked Mr. Craig to confirm what the document was.

Mr. Craig stated that the document is a plan for the expansion of the warehouse.

Mr. Sandman confirmed with Mr. Craig that it is a true and accurate plan of the proposed construction.

Mr. Craig confirmed.

Mr. Sandman inquired if it is the opinion of Mr. Craig that this addition will add amenities to the property and provide employment.

Mr. Craig stated that the expansion will include 6-7 new offices and allow for approximately 6-7 new employees.

Mr. Sandman inquired if in Mr. Craig's opinion this plan is consistent with why the Pilot program was adopted.

Mr. Craig confirmed it was and provided a brief history of the company.

Mr. Sandman swore in Mr. Craig and asked that he confirm that the statements and information he provided were true and accurate.

Mr. Craig confirmed they were.

Mayor Silva stated he looks forward to the expansion and congratulated DF Equities on their forty plus years of business.

Mayor Silva opened the Public Hearing.

Mr. Sandman stated that this is a pilot program to attract business and offer incentive to expand, build and repair by providing tax relief. He further stated that it has been expanded to include the Historic District.

There being no comments from the public, Mr. Kurtz moved, seconded by Mr. Schenker to close public hearing.

Recorded Roll Call Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Miss Gatto moved, seconded by Mr. Guishard to adopt the Tax Agreement between DF Equities of NJ, LLC – 5230 Atlantic Avenue and the Township of Hamilton.

Comments: Miss Gatto thanked Mr. Craig for setting a great example of the program benefits and providing a great application.

Mr. Guishard stated he was happy to see the success of local business and that the expansion will create additional employment opportunity.

Mr. Sandman stated that document A-1 should be moved into the minutes.

Recorded Roll Call Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Ordinance Extending Animal Licensing Fee grace period to April 30th

Mr. Jacobs, Township Administrator explained that the proposed ordinance allows the annual rabies clinic to be moved to April.

Ordinance No. 1823-2016 – An Ordinance Amending Chapter 105 Animals of the Code of the Township of Hamilton, Providing for Annual Licensing Fees

Miss Gatto moved, seconded by Mr. Kurtz that Ordinance No. 1823-2016 be introduced on first reading with public hearing to be held June 20, 2016.

Recorded Roll Call Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Panhandling and Begging Ordinance

Mr. Jacobs, Township Administrator stated that the ordinance was a request from the Prosecutor.

Miss Gatto stated that it is needed within the court for enforcement.

Mr. Guishard stated it is an extensive ordinance.

Mr. Kurtz stated that it can become a nuisance without proper enforcement.

Miss Gatto stated for the record that the proposed ordinance does not prohibit coin drops.

Ordinance No. 1824-2016 – An Ordinance to Create a Panhandling and Begging Ordinance in the Township of Hamilton, County of Atlantic and State of New Jersey

Miss Gatto moved, seconded by Mr. Guishard that Ordinance No. 1824-2016 be introduced on first reading with public hearing to be held June 20, 2016.

Recorded Roll Call Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

2015 Audit Report

Resolution certifying that governing body members have received and reviewed at a minimum the Comments and Recommendation portions.

Harvey Coccozza representing Ford, Scott & Associates, LLC, Township Auditors, commended the Township of Hamilton for seven years of clean audits with no findings or recommendations. He stated that the budget is built to sustain itself, which is a sign of good governing.

Mayor Silva thanked Chief Financial Officer, Dorothy Gallagher, the Finance department and all employees for their contribution to the successful audit.

Miss Gatto stated the Township takes pride in producing a sustainable budget and commended the Committee, residents and employees for their role.

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

**RESOLUTION
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Hamilton, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Recorded Roll Call Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

2016 Local Road Paving Program

Mr. Jacobs, Township Administrator informed Committee members that the roads listed are in priority order.

Mr. Guishard stated that having held meetings with the Public Works Committee and administration, that this list represents the best decision with available funds.

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

**RESOLUTION
APPROVING THE 2016 LOCAL ROAD PAVING PROGRAM**

BE IT RESOLVED that the following list of streets for the 2016 Local Road Paving Program is hereby approved and set forth in order of priority:

Arlington Avenue
 Sitka Avenue
 Market Street
 Melvin Newton Boulevard
 Klondyke Avenue
 Oakcrest Drive

Venice Boulevard → Commonwealth Avenue
 Melvin Newton Boulevard → Strand Avenue
 Boston Avenue → St. Petersburg Avenue
 Charleston Avenue → Boston Avenue
 Landis Avenue → Dead End
 Flintshire Court → Laydon Court

Recorded Roll Call Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
 Nay: XXX
 Abstain: XXX

Motion Carried 5-0.

Award of Bids/Contracts

Award Bid #2016-06 – Town Hall ADA Door Hardware to R. Maxwell Construction Company, Pleasantville, NJ in the amount of \$53,449.00 – funding from CDBG ADA Improvements Town Hall 2014 - \$11,219.00, CDBG ADA Improvements Town Hall 2016 - \$20,991.93 and General Capital Ordinance #1672-10 - \$21,238.07

Mr. Sartorio, Director of Community Development stated that the hardware is for the main entry, court room entrance and rear door entry.

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

**RESOLUTION AWARD OF BID CONTRACT (#2016-06)
 TOWN HALL ADA HARDWARE**

WHEREAS, the Township Committee of the Township of Hamilton, Atlantic County, NJ, has determined to provide for the Town Hall ADA Hardware same being more particularly described in specifications which are on file in the Office of the Township Clerk; and

WHEREAS, there has been public advertisement for bids, and the Township Clerk has received and opened bids on May 4, 2016 for the purpose of awarding a contract for the aforementioned purpose; and

WHEREAS, the following bids were received on May 4, 2016:

M.B. Markland	Mays Landing, NJ	Base Bid - \$72,480.00
R. Maxwell Construction Company	Pleasantville, NJ	Base Bid - \$53,449.00

WHEREAS, after review by Linda Viventi, AIA, NCARB, Design Collaborative, Township Architect, of all bids submitted, R. Maxwell Construction Company, 206 W. Delilah Road, Pleasantville, NJ 08232 was determined to be the lowest, qualified responsible bidder for said contract. Linda Viventi, Design Collaborative has recommended by correspondence dated 5/6/16 that the Township Committee award said contract to R. Maxwell Construction Company in an amount not to exceed \$53,449.00; and

WHEREAS, the Chief Financial Officer of the Township of Hamilton, as required by N.J.A.C. 5:30-5.1, has certified that there are sufficient funds available for the purpose of awarding a contract to said entity, said certification being attached hereto and made a part hereof.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, that the contract for the Town Hall ADA Hardware is hereby awarded to R. Maxwell Construction Company, 206 W. Delilah Road, Pleasantville, NJ 08232 in the amount of fifty-three thousand four hundred forty-nine dollars (\$53,449.00).

Recorded Roll Call Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
 Nay: XXX
 Abstain: XXX

Motion Carried 5-0.

Award of Contract for Asphalt Compliance Testing for Reconstruction of Malaga Road – Section 4 to Craig Testing Laboratories, Inc. in the amount of \$2,060.00

Mr. Filippone, Township Engineer provided an update of the status of Malaga Road construction.

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

**RESOLUTION
AWARD OF CONTRACT FOR ASPHALT COMPLIANCE TESTING –
FY2015 NJDOT MUNICIPAL AID PROJECT –
RECONSTRUCTION OF MALAGA ROAD – SECTION 4**

WHEREAS, the Township Committee of the Township of Hamilton, Atlantic County, NJ, has determined to provide for asphalt compliance testing in accordance with NJDOT Municipal Aid requirements for the reconstruction of Malaga Road – Section 4; and

WHEREAS, Robert J. Smith III, P.E., P.P., C.M.E., CPWM, Remington & Vernick Engineers, has solicited and received three (3) proposals for the above referenced project as follows:

Craig Testing Laboratories, Inc.	\$2,060.00
Martin A. Ackley Associates, Inc.	\$2,475.00
Pennoni Associates, Inc.	\$3,935.00

WHEREAS, the Robert J. Smith, after review and consideration has recommended the authorization of award of contract to Craig Testing Laboratories, Inc., 5439 Harding Highway, P.O. Box 427, Mays Landing, NJ 08330 for asphalt compliance testing in accordance with NJDOT Municipal Aid requirements for the reconstruction of Malaga Road – Section 4 in accordance with their proposal dated May 24, 2016 and in an amount not to exceed \$2,060.00; and

WHEREAS, the Chief Financial Officer of the Township of Hamilton, as required by N.J.A.C. 5:30-5.1, has certified that there are sufficient funds available for the purpose of awarding a contract to said entity, said certification being attached hereto and made a part hereof.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, to authorize award of contract to Craig Testing Laboratories, Inc., 5439 Harding Highway, P.O. box 427, Mays Landing, NJ 08330 for asphalt compliance testing in accordance with NJDOT Municipal Aid requirements for the reconstruction of Malaga Road – Section 4 in an amount not to exceed \$2,060.00.

Recorded Roll Call Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Award of Contract to Remington & Vernick Engineers for 2016 Local Road Program services in the amount not to exceed \$34,700.00 (Surveying, Engineering & Public Bidding Services \$13,800.00 and Construction Observation & Contract Administration \$20,900.00)

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

**RESOLUTION
AWARD OF CONTRACT
2016 LOCAL ROAD PROGRAM SERVICES**

WHEREAS, the Township Committee of the Township of Hamilton, Atlantic County, NJ, has determined to provide for surveying, engineering and public bidding services, as well as, construction observation and contract administration services for the 2016 Local Road Program; and

WHEREAS, Remington, Vernick & Walberg Engineers, 845 North Main Street, Pleasantville, NJ 08232 has submitted a proposal, dated May 23, 2016 for completion of services requested; and

WHEREAS, the Township Administrator after review and consideration has recommended the award of contract to Remington, Vernick & Walberg Engineers to provide 2016 Local Road Program services in accordance with their proposal as follows:

Surveying, Engineering & Public Bidding Services – Fixed fee not to exceed \$13,800
Construction Observation & Contract Administration – Fixed fee not to exceed \$20,900

in a total amount not to exceed \$34,700; and

WHEREAS, the Chief Financial Officer of the Township of Hamilton, as required by N.J.A.C. 5:30-5.1, has certified that there are sufficient funds available for the purpose of awarding a contract to said entity, said certification being attached hereto and made a part hereof.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, to authorize the award of contract to Remington, Vernick & Walberg Engineers, 845 North Main Street, Pleasantville, NJ 08232 to provide 2016 Local Road Program services in an amount not to exceed \$34,700.00.

Recorded Roll Call Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Consent Agenda

Mayor Silva requested 5F. be removed from the consent agenda.

Approve Business Registration Licenses

Miss Gatto moved, seconded by Mr. Guishard to approve the following business registration licenses:

- Hair Designs by Christopher – 6027 Main Street
- Mister Sparky Electric – 6394 Harding Hwy. – Electrical Contractor Office and Call Center

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Resolution urging the State of New Jersey to apply for funds to prepare for the Zika virus

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

**RESOLUTION
RESOLUTION URGING STATE OF NEW JERSEY TO APPLY
FOR FUNDS TO PREPARE FOR THE ZIKA VIRUS**

WHEREAS, the Centers for Disease Control and Prevention (CDC) has announced funds for states and territories to prepare for the Zika virus locally; and

WHEREAS, these funds will allow states and territories to continue implementation of their Zika virus preparedness plans; and

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Township Committee of the Township of Hamilton, Atlantic County, requests that the State of New Jersey apply for Funds for States and Territories to prepare for the Zika virus.

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Cancel Grant Fund Accounts Receivable and Appropriated Reserve Balances

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

RESOLUTION CANCELLING GRANT FUND ACCOUNTS RECEIVABLE AND APPROPRIATED RESERVE BALANCES

BE IT RESOLVED that the following Grant Fund Account Receivable Balances are hereby cancelled as recommended by Dorothy Gallagher, CFO:

- (1) Drive Sober or Get Pulled Over Year End Crack Down \$1,200.00
- (2) Post Sandy Planning Assistance Grants: \$1.53
Preparation of Strategic Recovery Planning Report
- (3) Historic Mays Landing Neighborhood Planning \$4.91
- (4) Historic Mays Landing Pre-Investment and Redevelopment \$18,268.24

BE IT FURTHER RESOLVED that the following Grant Fund Appropriated Reserve Balances are hereby cancelled as recommended by Dorothy Gallagher, CFO:

- (1) Drive Sober or Get Pulled Over Year End Crack Down \$1,200.00
- (2) Post Sandy Planning Assistance Grants: \$1.53
Preparation of Strategic Recovery Planning Report
- (3) Historic Mays Landing Neighborhood Planning \$4.91
- (4) Historic Mays Landing Pre-Investment and Redevelopment \$18,268.24

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Increase the Fixed Asset threshold to \$5,000.00 in accordance with NJAC 5:30-5.6

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

**RESOLUTION
RESOLUTION TO INCREASE THE FIXED ASSET THRESHOLD TO
\$5,000.00 IN ACCORDANCE WITH N.J.A.C. 5:30-5.6**

WHEREAS, fixed assets are currently defined by the Township as assets with an initial, individual cost of at least \$1,500 and an estimated useful life in excess of five (5) years; and

WHEREAS, the threshold for “nonexpendable, tangible personal property”, as defined in N.J.A.C. 5:30-5.6 “Accounting for Governmental Fixed Assets”, was increased from \$1,000.00 to \$5,000.00 for both municipalities and counties, in Local Finance Notice CFO-93-13 effective January 1, 1997 and brings the threshold to a level comparative with the federal government; and

WHEREAS, Local Finance Notice CFO-96-13 also increased the useful life of all nonexpendable, tangible personal property from at least one (1) year to at least five (5) years.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton, County of Atlantic, New Jersey hereby increases its fixed asset limit as defined in N.J.A.C. 5:30-5.6, Accounting for Governmental Fixed Assets, to the maximum limit of \$5,000 and an estimated useful life of at least five (5) years for all nonexpendable, tangible personal property.

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to forward a certified copy of this resolution to the Director of the Division of Local Government Services.

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Accept PNC Bank Check No. 2781765 in the amount of \$124,665.38 and International Fidelity Insurance Company Surety Bond No. 0696248 in the amount of \$1,121,988.42 as Performance Guarantee for Holy Cross Cemetery, Block 996, Lots 31-32.

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

**RESOLUTION ACCEPTING PERFORMANCE GUARANTEE
HOLY CROSS CEMETERY – BLOCK 996, LOTS 31-32**

BE IT RESOLVED by the Township Committee of the Township of Hamilton to accept the performance guarantee for Holy Cross Cemetery, Block 996, Lots 31-32 in the amount of \$1,246,653.80 (\$124,665.38 Cash Escrow – Ck# 2781765 PNC Bank and International Fidelity Insurance Company Surety Bond No. 0696248 in the amount of \$1,121,998.42).

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Authorize Public Land Sale of Lot 7 in Block 864.01 on June 23, 2016 – RD 5 Zone – 5 acres at 6221 Cypress St. – Minimum Bid \$35,000.00.

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

**TOWNSHIP OF HAMILTON
RESOLUTION AUTHORIZING PUBLIC LAND SALE**

WHEREAS, the Township of Hamilton is the owner of lands hereinafter described; and

WHEREAS, a request has been made for the Township of Hamilton to offer said lands for public sale; and

WHEREAS, in the judgment of the Township of Hamilton, said lands are of no further use for public purposes, are not needed for public use, and should be disposed of by sale at public auction in accordance with the statute in such case made and provided.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, that the Township of Hamilton, County of Atlantic, State of New Jersey shall sell to the highest bidder, at a public sale to be held on June 23, 2016 at 3PM, in the municipal building, 6101 Thirteenth Street, Mays Landing, NJ, all right title and interest of the Township of Hamilton in and to the lands described as follows subject to the terms and conditions set forth in the Notice of Public Land Sale as published in accordance with law and such other conditions as may be stated at the time of sale.

Block/Lots(s)	Lot size	Location	Zoning	Minimum Bid
864.01/7	5 acres	6221 Cypress St.	RD 5	\$35,000

BE IT FURTHER RESOLVED that printed copies of the full terms and conditions shall be included in the legal advertisement of Notice of Public Sale and stated at the time of sale. Said terms and conditions are also available in the Township Clerk’s Office. Said terms and all conditions shall survive closing and transfer of title.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to advertise said Public sale of lands in the June 8, 2016 and June 15, 2016 issues of the Atlantic County Record.

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Personnel:

Appoint Abigail Haugan as a Lifeguard on an “as needed” basis effective June 16, 2016 at \$9.25 per hour.

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

**RESOLUTION TO APPOINT
ABIGAIL HAUGAN AS A LIFEGUARD**

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Abigail Haugan as a Lifeguard on an “as needed” basis effective June 16, 2016 at \$9.25 per hour.

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Appoint Hannah Desmond as Zoning Officer at \$50,000.00 annually effective June 20, 2016 contingent upon successful background check and pre-employment/post offer physical.

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

**RESOLUTION TO APPOINT
ZONING OFFICER**

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Hannah Desmond as Zoning Officer at an annual salary of \$50,000, effective June 20, 2016 contingent upon successful background check and pre-employment/post offer physical.

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Approvals:

Miss Gatto moved, seconded by Mr. Guishard that the regular meeting minutes of the May 16, 2016 meeting are approved as presented.

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

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

**TOWNSHIP OF HAMILTON
RESOLUTION AUTHORIZING PAYMENT OF
APPROVED PAYROLLS AND BILLS**

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills be paid, the bill list total being \$2,081,290.39.

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Discussion of Requested Rezoning of Block 733, Lots 10-19.

Mr. Sandman, Township Solicitor suggested Committeeman Guishard consider recusing himself from discussion.

Mr. Guishard recused himself and stepped down from the dais.

Stephen Nehmad, representing Feinberg & McBurney Realty/Development, LLC, developer for the proposed CVS addressed Township Committee and the public reviewing the history of their rezoning request and why seeking a use variance was not applicable.

Mr. Nehmad stated their position that the current R-9 residential zoning is no longer suited to that corner location and is not an appropriate use of land. His recommendation is that the GC General Commercial zoning would be a more appropriate use of land.

Mr. Nehmad reviewed and addressed points of concern brought forth in public comments during prior Committee meetings including traffic, compatibility, lighting, stormwater management, aesthetics and property value.

Mr. Nehmad stated that his client is requesting the Township consider an ordinance amending the zoning which would require a public hearing before adoption.

Mr. Kurtz stated that the plan involves major demolition and a zoning change, he inquired if consideration was given to other locations including the site between the diner and Wawa.

Mr. Nehmad noted wetlands restrictions on development at that location.

Discussion followed.

Mr. Nehmad stated that he understands the plan involves taking down historic homes, however they are in poor condition and not contributing to the historic value of the downtown.

Mayor Silva stated that is why the tax abatement program was made available to the Historic District and that the Township Committee respects the Planning Board and the Master Plan of the Township.

Mr. Sandman invited Early Public Comment on Agenda Items.

Joan Maxwell, Mill Street, stated she has invested in and maintained her home and that the homes in question have historic value and are part of the community and memories.

Liane Scatone, Mill Street, stated that many residents were not aware of the incentive program in the Historic District and that they may not have had the opportunity to utilize it. She further stated that CVS is not a new business but a relocation. She expressed concern with traffic control and stated that the homes in question are landmarks at the entrance and exit to the Historic District.

William Kruse, Longwood Avenue, stated he is a 53 year resident, that his home is well cared for and that a CVS exit onto Longwood Avenue will cause traffic problems. He is concerned over property values and requested Committee not allow rezoning from historic to commercial to protect the residents.

Anthony Parmenter, Longwood Avenue, stated he is against the CVS relocation, expressing concern with traffic, light pollution and negative property values. He opposed the suggested threat of CVS leaving Hamilton Township, stating that another pharmacy would replace it if that were to occur.

Angel Merrill, real estate agent for the project, stated that a decrease in property values is a condition of the market. With regard to the demolition of homes she stated that some are vacant, five are rentals and many owners of those properties are in favor of demolition. With regard to turning onto Route 40, she stated that the site triangle will improve after demolition. Ms. Merrill further stated that there are other commercial properties in the area.

Cheryl Fetty, Pennington Avenue stated that her home is part of the Historic District; she expressed concern with intersection traffic volume and attempts to turn from Longwood Avenue to Rt. 40. She inquired regarding the proposed 40-50 foot landscape buffer and the location of the retention ponds. She further stated the 63 spot parking lot does not suggest a neighborhood pharmacy. Ms. Fetty stated that she spoke with the State Office of Historic Preservation and that a certificate of appropriateness is required and that the Pinelands Commission is interested as well.

Will Pauls, stated that he did a walk-through of downtown Mays Landing and that the corner in question appears more commercial. He remarked that CVS is a good business partner and has done successful projects in other areas. Mr. Pauls stated that development keeps taxes low and that he is in favor of the CVS.

Patricia Doerr, 11th Avenue, stated that the location is logical and that there are few businesses on this end of the township. She further stated that the property owners have the right to sell. She spoke favorably regarding a drive-thru and that the CVS would be a value and convenience to those in the west end of town.

Rodney Guishard, Longwood Ave, stated that this is a great opportunity for him to sell his home. He stated that two of the houses next to him are empty and that while he has invested in his home, there is not a great return on the investment. He doesn't believe traffic would increase.

Liane Scattone, Mill Street presented a petition of sixty-five signatures in opposition to the relocation. She emphasized that they do not want CVS to leave, but that it is not a new business. She suggested they consider purchasing in their current location. She reemphasized her earlier comment that homeowners were not aware of the Pilot program and may now utilize it to improve their properties.

Mr. Nehmad stated that petitions are not valid in land use hearings.

Mr. Sandman stated this is not a land use hearing.

Ms. Scattone stated it was only to provide the pulse of the community.

Angel Merrill, provided email submissions and photos of homes in disrepair. She stated that the left hand turn onto Rt. 40 would be orchestrated with the traffic light and reminded the public that the site triangle would be different with the elimination of the homes.

Mr. Nehmad stated they would like to move to the next step.

Mayor Silva stated that the committee supports the Master Plan.

Miss Gatto inquired if CVS considered other locations and exhausted all other options.

Mr. Albert Stein representing Fineberg & McBurney Realty/Development, LLC was sworn in by Mr. Sandman.

Mr. Stein stated that other locations were investigated including Camac Street, where they also met opposition.

Ms. Merrill stated that the Tunney property was not for sale at that time.

Miss Gatto inquired on the process moving forward.

Mr. Sandman stated that the agenda item was now closed and that the public was heard.

Mr. Sandman reviewed with Committee their options.

Mayor Silva suggested waiting until the Planning Board subcommittee responded.

Miss Gatto inquired on timeline for the subcommittee response and her belief to allow the process to unfold.

Mr. Kurtz was in agreement.

Mr. Schenker stated that while he is president of Local 322 Plumbers and Pipefitters and would be pleased to see construction he speaks tonight as a Committeeman and represents Hamilton Township.

Mr. Schenker stated that every other CVS in Atlantic County is located somewhere other than a residential area and inquired why in the largest municipality, CVS would consider residential.

He stated he is conflicted and not 100% on board with location, stating it is against the CVS model.

Discussion followed.

On motion by Miss Gatto, seconded by Mr. Schenker it was moved to take no action at this time with respect to the request of Stephen Nehmad on behalf of Feinberg & McBurney Realty/Development, LLC to rezone Block 733, Lots 10-19 but to ascertain the time in which Planning Board sub-committee will report back to the Planning Board and time in which Planning Board will evaluate the report to make a determination; if a determination can be made within reasonable time the Committee may engage in further discussion on this issue of rezoning.

Recorded Vote: Aye: Gatto, Kurtz, Schenker, Silva

Nay: XXX

Abstain: XXX

Recused: Guishard

Motion Carried 4-0.

Township Committee by a vote of 4-0 decided to take no action at this time as to whether or not it becomes a subject of future agenda or to abide by the decision of the Planning Board.

Township Committee reserves the right to place on a future agenda or not.

Reports

Administrator – None.

Solicitor- None.

Engineer- Mr. Filippone provided update on inspections at Galleria Way, Buffalo Pike Associates site clearing, South Jersey Gas continued gas main replacement project and the Malaga Road construction.

He informed Committee of temporary road opening permits and recent approvals including Holy Cross Cemetery.

He stated that he is working with Planning Board Secretary Mary Lisitski to issue letters regarding stormwater basin inspections.

Township Committee:

Mr. Schenker thanked the Veterans Advisory Board and Public Works department for their work on the Memorial Day events. He commended Eagle Scout Jonathon Rider and Miss Gatto for the completion of the Wall of Honor, stating that Mr. Nickels would be proud.

Mr. Kurtz provided an update on new business on Main Street, including Anytime Fitness, Dominos restaurant and a salon. He stated that the Movie in the Park event was successful.

Mr. Guishard thanked all involved in the quick change of the Memorial Day events to indoor due to weather. He provided an update on Senior Advisory Board events. He commended the Police Award ceremony and remarked that life-saving awards were given to officers.

He stated he was thankful that coin drops were not included in the panhandling ordinance.

He stated that he attended a positive event, a Boys BBQ at Davies where male role models were present including police officers.

Mr. Guishard provided an update on the South Jersey Transportation Citizen Advisory Committee meeting.

He stated that he recently toured the Atlantic Avenue Recovery Center of America facility which is looking to expand its much needed services.

Mr. Guishard stated that he participated in the 63 mile, Legacy Bike Ride.

Miss Gatto stated that the Police Awards was a great ceremony and honored not only the Police but EMS, dispatcher, public works, and civilians.

She stated that Jonathan Rider did a great job on the honor and remember wall and that the wounded warrior parking space was prepared in time for the Memorial Day event.

She stated that the Cologne BBQ was a sell-out.

She stated that movies in the park has gotten positive feedback, that the Cove opens on June 16th and on June 18th at Gaskill Park there will be a Father's Day event.

She urged people to go out and vote at the Primary Election and to stay involved.

Mr. Guishard stated that the Green Team met and that the Farm Market is scheduled at Gaskill Park in August.

Mayor Silva, regarding recent well attended events, stated that sustainability is all about community. He informed the public that the Lakewood Chapel encourages public use of their basketball courts. He stated that Victoria Crossing held a community carnival with the Spread the Love organization and that the Oakcrest neighborhood was holding a food drive.

Mayor Silva stated people want to be in this community, that there is a lot of history and that homes could be rejuvenated.

He recognized the Police force and their award ceremony and stated that Hamilton Township is a great place to be.

Public Comment

Jim Kerrigan stated that the CVS does not belong in the Historic District.

John Sacchinelli stated that in the past historic homes have been moved. He recommended consideration of sidewalks along Longwood Ave., should the project progress. He remarked that today is D-Day remembrance.

Hearing nothing further from the public, on the motion of Mr. Kurtz, second of Mr. Guishard it was moved to close the public portion.

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Executive Session

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

RESOLUTION TO AUTHORIZE TOWNSHIP COMMITTEE
TO MEET IN EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

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

- Litigation - Potential Settlement – Timber Glen Litigation
- Attorney Client Privilege – Awarding or Rejecting Fleet Maintenance and Management Services Bids
- Contract Negotiations – Shared Services Agreement with Buena Vista Township

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.

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Township Committee met in Executive Session at 9:13p.m.

The meeting reconvened in open session at 9:31p.m.

Mr. Sandman stated that in Executive Session only those items listed were discussed. He stated that minutes of the meeting will be made available at which time matters of a confidential nature are no longer considered confidential.

Mr. Sandman stated that he recused himself from discussion regarding item no. 3.

On motion by Miss Gatto, second by Mr. Guishard, it was moved to authorize the Township Solicitor to proceed as per discussion in Executive Session regarding resolving Timber Glen litigation.

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

On motion by Miss Gatto, second of Mr. Kurtz it was moved to adopt the following resolution:

RESOLUTION

RESOLUTION REJECTING ALL BIDS SUBMITTED TO PROVIDE COOPERATIVE FLEET MAINTENANCE AND MANAGEMENT SERVICES FOR THE TOWNSHIP OF HAMILTON IN THE TOWNSHIP

WHEREAS, the Township opened bids for the above referenced services on May 12, 2016;

WHEREAS, the Township received bids from two bidders: First Vehicle Services (“FVS”) and Centerra Integrated Services (“Centerra”);

WHEREAS, FVS submitted the low bid;

WHEREAS, upon review, FVS’s bid has been found not responsive for various reasons including the following:

- a. The Consent of Surety provided by FVS was made conditional by the surety’s letter submitted therewith. This is a material, non-waiveable defect pursuant to N.J.S.A. 40A:11-22(b), N.J.S.A. 40A:11-23.2(b), and the test set forth in Meadowbrook Carting Co. v. Bor. of Island Heights, 138 N.J. 307, 316 (1994).
- b. FVS failed to fill out the appropriate proposal forms regarding the extension periods provided with Addendum 1. This is a material, non-waiveable defect pursuant to the test set forth in Meadowbrook Carting Co.
- c. FVS failed to provide a completed “Exceptions to the Bid” form, instead referring to other portions of its bid package, thereby failing to clearly and conspicuously identify any exceptions taken. This is a material, non-waiveable defect pursuant to the test set forth in Meadowbrook Carting Co.
- d. FVS failed to submit the Target Cost Adjustment form for the Township with its initial bid package. Though the document was provided at a later date, the addition of the document constitutes a correction or amendment to the bid and not a clarification and thus cannot be considered by the Township as part of the bid. The failure to submit the Target Cost Adjustment form is a material, non-waiveable defect pursuant to the test set forth in Meadowbrook Carting Co.

WHEREAS, having determined that FVS’s bid contained defects, the bid of Centerra was reviewed.

WHEREAS, upon review, Centerra’s bid has been found not responsive for various reasons including the following:

- a. Pages 60 and 65 of Centerra’s bid contains discrepancies in the written amounts of its bids as compared to the numeric figures provided for the totals and line items of its bids. These discrepancies cannot be reconciled by reference to the Instruction to Bidders. This is a material, non-waiveable defect pursuant to the test set forth in Meadowbrook Carting Co. Alternatively, the Township exercises its discretion and refuses to waive the defect.

b. Centerra’s performance incentive program does not comply with the bid specifications because it is not “clearly and concisely explained so the Township can determine precisely how such provisions are implemented, calculated and operated.” In particular Page 59 of Centerra’s submission provides a table explaining its incentive program but appears to contain discrepancies in the units of performance measurement. The Township considers this a waiveable defect but exercises its discretion and refuses to waive the defect.

c. Centerra’s “Exceptions to the Bid” form states that it has taken no exceptions with the specifications. However, a review of the Centerra’s annotated specification sheets shows that it did indeed take exceptions. The Township considers this a waiveable defect but exercises its discretion and refuses to waive the defect.

WHEREAS, the rejection of the FVS and Centerra bids results in the Township having received no responsive and responsible bid; and

WHEREAS, the Township still wishes to obtain the specified services.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Hamilton does hereby:

- 1) Reject the bids of FVS and Centerra as non-responsive for the reasons set forth above;
- 2) Authorize the Administrator to oversee the revision of the specifications and Instructions to Bidders as he deems necessary or advisable; and
- 3) Authorize the Administrator to direct the advertisement of the bid solicitation, as modified, as soon as reasonably practicable.

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Mr. Sandman stated that reasons for rejection are on record in Executive Session and requested Committee authorization to address any public questions regarding those reasons.

Consensus of Committee to authorize Township Solicitor to discuss reasons for bid rejection as necessary.

Mr. Sandman stated there was no report on item no. 3.

On motion of Ms. Gatto, seconded by Mr. Kurtz and carried the meeting was adjourned at 9:33PM.

Respectfully submitted,

Rita Martino, RMC, CMR
Township Clerk

6/9/16 – Submitted to Township Clerk
by Lori Friddell, RMC, CMR
Deputy Township Clerk