

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
AUGUST 1, 2016

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order August 1, 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 August 1, 2016 at the Municipal Building, 6101 Thirteenth Street, Mays Landing, NJ.

Roll Call:

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

Absent: Art Schenker

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 Miss Gatto, second of Mr. Kurtz, it was moved to approve addition of late list item:

7A. (2) Heavenly Concessions, LLC – Mobile Hot Dog Cart

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

Nay: XXX

Abstain: XXX

Absent: Schenker

Motion Carried 4-0.

Early Public Comment

None.

JIF Update

Paul Miola, Executive Director representing the Atlantic County Joint Insurance Fund reviewed with Township Committee the benefits of membership renewal in the JIF. He provided and referenced a handout outlining the success, affordability and financial stability of the JIF.

Committee members thanked Mr. Miola for his thorough presentation.

Discussion

Recommendation of the Planning Board to adopt a Resolution Designating Lots 3, 4.02, 6 and 7 of Block 735 as an Area in Need of Rehabilitation

Mr. Kurtz provided an update on the recommendation from the Planning Board.

Discussion followed on the process of how property owners can request consideration as an area in need of rehabilitation.

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

RESOLUTION
DESIGNATING LOTS 3, 4.02, 6 AND 7 OF BLOCK 735
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, among the conditions that warrant the designation of an area in need of rehabilitation are findings that: a significant portion of structures therein are in a deteriorated or substandard condition; and, that there is a pattern of vacancy, abandonment or underutilization of properties in the area; and

WHEREAS, the Township Committee has received a request on behalf of C. Richard Tunney, Inc., accompanied by a planning report by Timothy D. Michel, PP, to designate Block 735 Lots 1, 2, 3, 4.01, 4.02, 5, 6 and 7 to be an Area in Need of Rehabilitation; and

WHEREAS, upon an initial review of the request by the Planning Board it was recommended that the proposed Rehabilitation Area include Lots 3, 4.02, 6 & 7 but that Lots 1, 2, 4.01 & 5 be excluded; and

WHEREAS, the planning study of the proposed Rehabilitation Area found that due to age the structures therein are in a deteriorated or substandard condition, and that there is a pattern of vacancy or underutilization of non-residential properties; and

WHEREAS, based on the results of this planning study it is the finding of the Township Committee that the structures therein are in a deteriorated or substandard condition, and the pattern of vacancy and underutilization of non-residential properties in the proposed Rehabilitation Area, a program of rehabilitation as defined in NJSA 40A:12A-3 will prevent further deterioration and promote the overall revitalization of the area; and

WHEREAS, the developed portion of the area is located in a sewer service area, is adjacent to two heavily traveled State highways and is located adjacent to a Smart Growth Area; and

WHEREAS, the improved portions of the area are designated Commercial/Service on the Land Use/Land Cover, Urban layer of the NJOIT maps; and NJDEP Permits were issued in 2013 to significantly expand the commercial development activity; 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. The structures in the proposed rehabilitation area are in a deteriorated or substandard condition
2. There also exists a pattern of vacancy and underutilization of non-residential properties in the proposed rehabilitation area.
3. The Block 735 Lots 3, 4.02, 6 and 7 are hereby found to be an area in need of rehabilitation.
4. Prior to the adoption of this resolution it was forwarded to the Hamilton Township Planning Board for review and recommendation.
5. A copy of this resolution shall be forwarded to the Commissioner of the Department of Community Affairs upon adoption.

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

Motion Carried 4-0.

Miss Gatto commented that to be more efficient the Township should be proactive and reach out to notify surrounding property owners when a neighboring property applies for rehabilitation consideration.

Waste Management

Miss Gatto stated she requested this item on the agenda to discuss repeated problems and complaints with trash collection. She asked Ingrid Perez, Special Projects Manager to provide an overview of the issues.

Ms. Perez introduced Brian Grady, Operations Manager from Waste Management. Ms. Perez explained that there was a change in the Route Supervisor position and that the transition created a gap in both bulk pick up and new can delivery.

She stated that they expect improvement.

Mr. Grady stated that a new route manager was assigned and that bulk pick up has a permanent driver.

Mayor Silva stated that the Township has had a great relationship with Waste Management in the past and hopes that the complaints can be minimized.

Miss Gatto stated that a customer service, communication plan should be in place to correct problems and that Waste Management always provided great quality.

Ms. Perez stated that the new supervisor had already been proactive and communicating with the Township.

Mr. Guishard inquired on process of replacing trash cans.

Ms. Perez explained time periods associated with new trash can requests and replacements. She reminded residents not to take trash cans when moving and not to take trash cans from abandoned properties.

Public Hearing/Adoption of Ordinances
Ordinance No. 1828-2016 – An Ordinance Supplementing and Amending Municipal Code Section 105-5.1 to Include Provisions for Protection of Dogs

Comments: Miss Gatto stated that this ordinance was recommended by the Township Prosecutor.

Public Hearing
No Comments.

Hearing nothing from the public, on the motion of Mr. Kurtz, second of Miss Gatto, it was moved to close the public hearing on Ordinance No. 1828-2016.

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

Motion Carried 4-0.

Adoption of Ordinance No. 1828-2016
Ms. Gatto moved, seconded by Mr. Kurtz, that Ordinance No. 1828-2016; which was introduced and passed first reading on 7/18/16 and was duly advertised in the 7/20/16 edition of the Atlantic County Record with public hearing held as advertised and closed be and is hereby adopted.

Comments: Mr. Guishard inquired regarding formula used to calculate square footage required per dog. He further inquired how items such as nutritious food could be monitored and enforced.

Mr. Sandman, Township Solicitor responded, explaining that the ordinance was based on SPCA guidelines or State Statute and that legislation is required for when abuse is obvious.

Mr. Kurtz stated he is happy to have the ordinance and that he recently contacted the SPCA regarding a dog left out in the heat too long and suffering.

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

Motion Carried 4-0.

Introduction of Ordinances – Public Hearing to be held August 15, 2016
Ordinance #1829-2016 – An Ordinance Amending Chapter 225, Article III, Section 30 of the Hamilton Township Code Prohibiting Smoking on Public Property

Miss Gatto moved, seconded by Mr. Kurtz that Ordinance No. 1829-2016 be introduced on first reading with public hearing to be held August 15, 2016.

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

Motion Carried 4-0.

Award of Bids/Contracts

Resolution certifying that the purchase of Miracle playground equipment replacement parts from Liberty Parks & Playgrounds, Inc. (estimated cost in the amount of \$9,001.17) is necessary for the conduct of the Township’s affairs and deemed to be proprietary goods.

Mayor Silva explained that the top protective layer needs to be replaced and could be a hazard. Mr. Guishard stated that the replacement material could only come from the vendor.

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

RESOLUTION CERTIFYING THAT THE
PURCHASE OF PLAYGROUND EQUIPMENT REPLACEMENT PARTS
ARE DEEMED TO BE PROPRIETARY GOODS

WHEREAS, NJSA 40A:11-2(39) sets forth the definition of “Proprietary” to mean goods or services of a specialized nature, that may be made or marketed by a person or persons having the exclusive right to make or sell them, when the need for such goods or services has been certified in writing by the governing body of the contracting unit to be necessary for the conduct of its affairs; and

WHEREAS, the Township Committee of the Township of Hamilton has determined that the purchase of playground equipment replacement parts from Liberty Parks & Playgrounds, Inc., estimated cost in the amount of \$9,001.17 is necessary for the conduct of the Township’s affairs; and

WHEREAS, because these items are replacement parts necessary for the repair of equipment previously purchased they are therefore deemed to be proprietary goods.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Hamilton, certifies that the purchase of playground equipment replacement parts from Liberty Parks and Playgrounds, Inc. is necessary for the conduct of the Township’s affairs and deemed to be proprietary goods.

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

Motion Carried 4-0.

Consent Agenda

Mr. Sandman, Township Solicitor requested removal of item G. from consent agenda, stating he has a conflict.

Township Committee voted on consent agenda items 7.A-F and H-L.

Approve Business Registration Licenses

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

- Belisle Construction, Inc. – General Contractor for remodel of Olive Garden
- Heavenly Concessions, LLC – Mobile Hot Dog Cart

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

Motion Carried 4-0.

Resolution authorizing the Mayor to execute an agreement with Elavon to establish the rates for credit card fees charged to the Municipal Court

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

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AN AGREEMENT WITH ELAVON MERCHANT SERVICES

WHEREAS, the Township Committee of the Township of Hamilton desires to enter into an agreement with Elavon Merchant Services to establish the rates for credit card fees charged to the Municipal Court.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Hamilton, authorizes the Mayor to execute an agreement with Elavon Merchant Services.

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

Motion Carried 4-0.

Chapter 159 Resolution to Insert Item of Revenue with Off-Setting Appropriation for New Jersey Health Care Wellness (\$1,000.00)

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

RESOLUTION NO. 2016-159-4
INSERTION OF SPECIAL ITEMS OF REVENUE IN THE BUDGET
CHAPTER 159, P.L. 1948

WHEREAS, 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation of an equal amount.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, that the Township Committee hereby requests that the Director of Local Government Services approve the insertion of additional amounts as items of revenue in the budget of the year 2016 under the captions and sums of

- 3. Miscellaneous Revenues – Section F: Special Items of General Revenue Anticipated with Prior Written consent of Director of Local Government Services – Public and Private Revenues Offset with Appropriations

New Jersey Health Care Wellness - \$1,000.00

BE IT FURTHER RESOLVED that like additional sums be and the same are hereby appropriated under the sums and captions of:

- GENERAL APPROPRIATIONS
- (A) Operations – Excluded from “CAPS” Public and Private Programs Offset by Revenues –

New Jersey Health Care Wellness - \$1,000.00

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

Motion Carried 4-0.

Resolution cancelling the taxes of the last half of 2016 due to 100% Totally Disabled Veteran Exemption – Block 996.03, Lot 4 - \$2,498.14 to be cancelled

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

RESOLUTION OF THE TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY,
TO CANCEL 2016 TAXES

WHEREAS, Block 996.03, Lot 4 was granted a 100% Totally Disabled Veteran exemption status by the Tax Assessor effective 6/30/16, a copy of the approval letter from the Assessor is attached hereto; and

WHEREAS, taxes were assessed on this property for the last half of 2016 which must be **cancelled** due to the exemption; and

WHEREAS, the taxes on the last half of 2016 will be cancelled as follows:

Block/Lot	Owner	Amount
996.03/4	Francis Krasnoborski	\$2,498.14 to be cancelled

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey that 2016 last half taxes assessed on the above mentioned block and lot be cancelled in the amount of \$2,498.14.

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

Motion Carried 4-0.

Resolution Authorizing the Refund of Payments Received due to Totally Disabled Veteran Status – Block 1132.11, Lot 121 Qualifier C0121 - \$206.96 to be refunded.

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

RESOLUTION OF THE TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY,
AUTHORIZING THE REFUND OF PAYMENTS RECEIVED

WHEREAS, a Homestead Benefit payment was received on a property that is tax exempt; and

WHEREAS, this payment was applied to property that does not have taxes assessed due to Totally Disabled Veteran status; therefore, a credit exists on the account; and

WHEREAS, this payment must be refunded to the homeowner as follows:

Block/Lot/Qualf.	Assessed Owner	Homestead Benefit
1132.11/121/C0121	Iezzi, Dennis	\$206.96

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey that the Homestead Benefit amount that appears above be refunded.

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

Motion Carried 4-0.

Authorize GovDeals Auction of 2003 Chevy Impala and 2004 Chrysler Pacifica

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

RESOLUTION AUTHORIZING THE SALE OF
SURPLUS PROPERTY NO LONGER NEEDED
FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Governing Body of the Township of Hamilton, Atlantic County, NJ, has determined that the property listed in Schedule A, attached to this resolution is property no longer needed for public use; and

WHEREAS, the Director of the Division of Local Government Services, a Division of the Department of Community Affairs of the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of an online auction service, pursuant to Local Finance Notice 2008-9; and

WHEREAS, the Governing Body of the Township of Hamilton has declared the property listed in Schedule A, attached to this resolution surplus property to be offered for public sale pursuant to the provisions of Revised Statutes 40A:11-36.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Hamilton, Atlantic County, New Jersey, that said items are hereby authorized to be sold at a public sale to the highest bidder through GovDeals, Inc., at www.govdeals.com. The Township will reserve the right to reject any and all bids.

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

Motion Carried 4-0.

Resolution Authorizing Release of a 2 Yr. Maintenance Guarantee for the Demolition of 6921 Market Street and 6212 Philips Ave. (Neri's Construction & Rentals, Inc.) in the amount \$23,130.00 – Ohio Casualty Insurance Co. Bond as recommended by Alternate Twp. Engineer, Robert J. Smith in a letter dated 7/14/16. This will be effective upon the 9/29/16 expiration of the guarantee.

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

RESOLUTION
AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE
DEMOLITION OF 6921 MARKET STREET AND 6212 PHILIPS AVENUE
(NERI'S CONSTRUCTION & RENTALS, INC.)

BE IT RESOLVED by the Township Committee of the Township of Hamilton to authorize release of the Ohio Casualty Insurance Co. 2 year Maintenance Bond No. 019044792 in the amount of \$23,130.00 posted by Neri's Construction & Rentals, Inc. for the Demolition of 6921 Market Street and 6212 Philips Avenue project (Bid #2013-10) upon its expiration of 9/29/16 as recommended by Robert J. Smith, Alternate Township Engineer in his correspondence dated 7/14/16.

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

Nay: XXX

Abstain: XXX

Absent: Schenker

Motion Carried 4-0.

Resolution Supporting the 2016 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown

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

TOWNSHIP OF HAMILTON
RESOLUTION SUPPORTING THE
2016 DRIVE SOBER OR GET PULLED OVER
STATEWIDE LABOR DAY CRACKDOWN

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 22% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the 2016 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from August 18, 2016 through September 2, 2016; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Hamilton, declares its' support for the 2016 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown from August 18, 2016 through September 2, 2016 and pledges to increase awareness of the dangers of drinking and driving.

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

Nay: XXX

Abstain: XXX

Absent: Schenker

Motion Carried 4-0.

Resolution Accepting \$4,491.93 current cash escrow as the 2 year Maintenance Guarantee for Mays Landing Development, LLC for sidewalk construction on McKee Avenue and authorizing the return of any remaining escrow held as a performance guarantee for same

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

RESOLUTION ACCEPTING MAINTENANCE GUARANTEE
MAYS LANDING DEVELOPMENT, LLC
SIDEWALK CONSTRUCTION – MCKEE AVENUE

BE IT RESOLVED by the Township Committee of the Township of Hamilton to accept \$4,491.93 current cash escrow as the two (2) year maintenance guarantee for Mays Landing Development, LLC for sidewalk construction on McKee Avenue and authorize the return of any remaining escrow held as a performance guarantee for same, in accordance with the resolution of the Township Committee dated 11/6/00.

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

Motion Carried 4-0.

Resolution Authorizing the Mayor to execute the South Jersey Power Cooperative Natural Gas Bid Participation Response Form

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

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE
SOUTH JERSEY POWER COOPERATIVE NATURAL GAS BID
PARTICIPATION RESPONSE FORM

WHEREAS, the Township of Hamilton is currently a member of the South Jersey Power Cooperative (“SJPC”) for natural gas supply service; and

WHEREAS, the current contract will expire November 30, 2016.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Hamilton, authorizes the Mayor to execute the SJPC Natural Gas Bid Participation Response Form.

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

Motion Carried 4-0.

Request to Waive Inspection Fees for National Night Out

Miss Gatto moved, seconded by Mr. Kurtz to waive the inspection fees for National Night Out.

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

Motion Carried 4-0.

Mr. Sandman recused himself and sat in audience.

Resolution Denying Release of 2 Yr. Maintenance Guarantee for Mercy Medical Associates Office Expansion – Block 774, Lot 4 – in the amount of \$6,288.41 due to uncompleted punchlist items as recommended by Township Engineer, Steven Filippone’s letter of 7/21/16

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

RESOLUTION
DENYING RELEASE OF MAINTENANCE GUARANTEE
MERCY MEDICAL ASSOCIATES OFFICE EXPANSION –
(BLOCK 774, LOT 4)

BE IT RESOLVED by the Township Committee of the Township of Hamilton to deny the release of the two (2) year Maintenance Guarantee in the amount of \$6,288.41, for Mercy Medical

Associates Office Expansion, 1161 Route 50 (Block 774, Lot 4) due to uncompleted punch list items as recommended by Steven L. Filippone, Township Engineer in his correspondence dated 7/21/16.

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

Motion Carried 4-0.

Personnel:

Appoint William Perna as a Full-Time Temporary Laborer, not to exceed six months at \$15.30 per hour effective date to be determined

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

RESOLUTION TO APPOINT
FULL-TIME TEMPORARY LABORER

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint William Perna as a Full-time Temporary Laborer at \$15.30 per hour, for a period not to exceed six (6) months, effective date to be determined.

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

Motion Carried 4-0.

Appoint Calvin Macwan Part-Time Special Law Enforcement Officer, Class II at \$19.00 per hour contingent on the successful completion of a background investigation, Effective date to be determined.

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

RESOLUTION TO APPOINT
PART-TIME SPECIAL LAW ENFORCEMENT OFFICER (SLEO)
CLASS II POSITION

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Calvin Macwan as a Part-Time Special Law Enforcement Officer (SLEO) Class II position at \$19.00 per hour, contingent on the successful completion of a background investigation.

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

Motion Carried 4-0.

Appoint Daniel Hartey as a Beach Badge Checker at \$8.38 per hour effective 8/4/16.

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

RESOLUTION TO APPOINT
COVE STAFF

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Daniel Hartey as Beach Badge Checker at \$8.38 per hour, effective 8/4/16.

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

Motion Carried 4-0.

Approvals:

Miss Gatto moved, seconded by Mr. Guishard that the regular meeting minutes of the July 18, 2016 meeting are approved as presented.

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

Motion Carried 4-0.

Miss Gatto moved, seconded by Mr. Guishard that the Executive Session minutes of the July 18, 2016 meeting are approved as presented.

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

Motion Carried 4-0.

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

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 \$6,004,394.42.

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

Motion Carried 4-0.

Reports

Administrator – None.

Solicitor- Mr. Sandman stated that he was asked to evaluate and present options regarding the private sale of used cars, boats and RVs.

Mr. Sandman stated that he created two draft ordinances modeled after other towns. He further explained that in essence it is a zoning violation in the Township to sell a used car anywhere.

He suggested the safest model is to follow lead of other towns which require a license for sale of second hand or used vehicles and that failure to obtain a license carries a fine.

Miss Gatto commented that this discussion was in response to complaints received regarding abandoned properties becoming like used car lots.

She stated that she asked for an ordinance because she was told that the zoning ordinance didn't have enough "teeth" to enforce it. She further stated that if the current zoning ordinance doesn't allow it she doesn't see where we are lacking "teeth".

Mr. Sandman explained that there are general enforcement procedures for violations of the zoning ordinance. If the Township enacts an ordinance you can spell out fines for each offense and make the property owner liable and responsible.

Mr. Guishard requested clarification that the ordinance would prevent a car owner from putting a for sale sign on it on his own property.

Mr. Sandman confirmed.

Discussion continued on creating guidelines to allow an owner to sell their car on their property, one vehicle at a time and to do it without creating a license.

Mr. Kurtz inquired on signage regulations.

Mayor Silva stated that he believes in communication and suggested contacting owners and asking them to remove the vehicle. He stated that he has no problem with someone putting a sign on their car in front of their home or driveway and is opposed to creating laws just to enforce things like this which, in these times may present challenges and may be overwhelming to the Township in trying to

enforce. He concluded that Committee can look at the ordinances and see what challenges they present.

Discussion continued on enforcement clauses in ordinances.

Mr. Sandman stated he can draft an ordinance in the way it is being discussed.

Mr. Guishard, with respect to enforcement, stated that the Township has its hands full with signage complaints.

Discussion followed on zoning and code enforcement.

Mayor Silva stated there will be further discussion at the next meeting.

Engineer- Mr. Filippone stated that SJ Gas is scheduled to complete asphalt and shoulder restoration on Jackson Road August 8th and that the Buffalo Pike Connector Road construction is scheduled for completion by Labor Day.

He provided a project status report including updates on temporary road opening permits and upcoming projects.

Mr. Filippone informed Committee members of response to an emergency sink hole at Cedar Point which was more of a depressed area and repair was made.

He stated that he is preparing to advertise for bidding for the emergency generator project.

He updated Committee members on Linwood Avenue sewer main replacement and on no parking investigation in Victoria Pointe in response to Mr. Bongiovanni's inquiry.

Mr. Filippone stated that Traffic Engineer Kevin Dixon will make his recommendation regarding proposed traffic calming measures on Malaga Road.

Mayor Silva stated that the administrator sent letters to two of the trucking companies alerting them of speeding issues and to bring to their attention the disregard for safety experienced by area residents.

Miss Gatto stated that in response to discussion at last meeting the administrator submitted an appeal to the Governor's Executive order. No response has been received from the state.

Mr. Guishard inquired regarding the fill in of a portion of rumble strips on Rt. 50.

Mr. Filippone stated he will investigate.

Township Committee:

Mr. Kurtz

Mr. Kurtz reported, as a member of the Planning Board, that the Planning Board is definitely holding developers responsible for the design and maintenance of basins and that with enforcement and planning there has been much improvement over last couple years.

He commended the Merchants Association for the summer movie series.

Mayor Silva inquired on status of basin on Rt. 40 across from Toys R Us.

Mr. Filippone informed Committee that that basin is part of the Festival development and that part of their condition of approval required repair to the storm water basin. He stated that he has met with their engineer and they are putting a plan together now.

Mr. Guishard

Mr. Guishard provided update on the Senior Advisory Committee planned activities including a fall festival and events at Tavistock and Mizpah.

Mr. Guishard inquired on Buffalo Pike status of completion by September.

Mr. Filippone stated that the Buffalo Pike connector road should completed by September.

Mr. Guishard stated that he attended meetings of the technical advisory committee for SJ transportation planning office and SJ planning office policy board and that the issue of the Transportation Trust Fund stoppage remains unresolved.

Mr. Guishard remarked that as the political season approaches statements and claims have been made that don't help with the main township job of policy making.

He stated that he was surprised to find a letter signed by the Mayor and Deputy Mayor to Assemblyman Brown complementing him on his efforts in the transportation area and blaming the democrats and Assemblyman Mazzeo for the hold up.

He stated that he does not agree with the statement or the use of Township resources for the purpose of partisan politics. He further stated that the letter claimed to be on behalf of the Township Committee; however he was unaware of it.

Mr. Guishard read into the record his written response to Assemblymen Brown and Mazzeo.

Read letter into record (attached).

Mr. Guishard stated that he disagrees with use of Township public resources for partisan political purposes, that he was not consulted, and the letter cannot claim to be on behalf of committee or residents since he did not know anything about it and that it contains erroneous information.

Mr. Guishard asked that the letter be retracted and an agreement reached that it is not an appropriate use of public funds.

Miss Gatto responded that at the prior meeting she stated she was sending a letter to elected officials about the transportation trust fund issue. Miss Gatto agreed that the statement on behalf of the Township Committee be retracted since the letter was only signed by her and the Mayor.

Discussion followed on transportation trust fund shut down.

Mr. Guishard stated that without agreement he will request this be put on next agenda to discuss and come up with a resolution to address what is appropriate use of township resources.

Miss Gatto

Miss Gatto stated that she attended the swearing in of the four new Police Officers, commended the Police Department for the event and congratulated the new officers, recognizing them as outstanding candidates.

She stated that she recently spoke on public service and her career at the Clubhouse Day Camp at Lake Lenape.

She congratulated the Battleground Wrestling Training Center on their opening.

She reminded the public of upcoming events including the National Night Out Event at the Hamilton Mall on August 2nd, the 4H Fair next week and the Lakewood Chapel Carnival on August 27th.

Mayor Silva

Mayor Silva provided status on electronic signs throughout the town to keep the community connected.

He stated he attended the Mizpah Fire Department Car show and John Underhill Day at the camp.

He stated that the camp will be coming to the Municipal building next week to simulate a Township Committee meeting similar to Youth in Government Day.

He commended the new Police Officers on their qualifications and remarked that they were the top four from 350 applicants and are excited by the idea of "community policing".

He commended the Merchants Association for giving so much back to the community.

Mr. Guishard inquired on last Green Team meeting and the status of the Farm Market.

Ms. Perez stated the subcommittee is considering the concept for 2017 to allow time for planning.

Public Comment

Catherine Crossan thanked Township Clerk Martino for her assistance in explaining the agenda and meeting process. She requested to put forward questions regarding the Mays Landing Country Club co-application for grant funding and stated that she was not looking for discussion but just wanted to express her concerns and suggest Committee consider the following issues.

Ms. Crossan stated that the professional grant consultant stated the Mays Landing Country Club could not apply for the grant; however she researched the grant to find that a private company can

apply, however they are more successful with Township involvement. She questioned their suggestion of a community vegetable garden, and their continued response to plans as being in the first stage with no particulars or details. Ms. Crossan continued, stating that professional fees for the master plan are to be paid via the \$250,000 grant; however, Mays Landing Country Club has already selected its professionals.

Nancy Beck, Cherrimong Drive, stated her property is on the Great Egg Harbor River and informed Committee of ongoing issues she is experiencing with recreational tubing and canoeing. She stated that she has no trespassing signs which are ignored and reported an incident with a group that became confrontational; she expressed fear for her and her daughter's safety. She also expressed concern with liability issues with trespassers and the use of drugs and alcohol on the property. Ms. Beck inquired if zoning had changed since there is an increase in volume on the river. She expressed concern regarding the condition of the river as a result of trash, noting a decrease in turtles and blue heron. She stated that there are no regulations and as a result no repercussions.

Mr. Kurtz inquired if she considered discussion with the business owners of the livery companies, stating that Chatsworth had similar issues and property owners met with business owners and were productive.

Mayor Silva stated that the increase in volume has caused a parking issue on the Pike. He asked Fred Akers to speak as to what action could be taken.

Fred Akers, Administrator of Great Egg Harbor Watershed Association and the river administrator stated that this issue was addressed in 2003 and there were a lot of negotiations between the residents and the liveries. He provided a handout and the history of discussion. He stated a mediator was assigned in 2003 to find a compromise and as a result a permit policy draft document was created but never put into place. He agreed that the increase in volume has created a safety issue and a liability issue for the Township. He suggested checking zoning on the additional parking lot in use.

David Helfrich, Apache Trail, stated that once the river was given wild and scenic designation the Federal Government opted to let each individual township elect to set up their own guidelines and enforce them on their own, and that this never happened. He stated appeals in the past have gone unaddressed for 18 years. He echoed comments on alcohol, trash, and dirty diapers along the river. He stated that the Township should step in and set guidelines. He stated that the Police Department will not take calls on the river that it is delegated to state police or park rangers.

Committee members stated it is the first they've heard of the problem.

Miss Gatto stated the Township will clarify issues and facts and get a plan and strategy.

Mayor Silva requested Mr. Sandman, Township Solicitor investigate jurisdiction and what regulations can be established.

Mr. Sandman stated he will and that it will require research.

Cindy Tyree, Bridge Road, noted an incident with the police department having to respond to a tipped kayak. She expressed her frustration with trespassing issues and property theft, and her concern for her property when she is not home. She noted drug use and public urination occurring and also asked that the illegal parking on Weymouth Road be addressed.

David Finnegan, Indian Branch Park, stated that in the past all canoes and kayaks had numbers on them which made it easy to identify the persons responsible for problems, however the newer boats are no longer numbered.

Heather Boone, stated residents tried to talk with the companies in the past and it was not productive. She stated that volume has increased and that there is a role for government here.

Dawn Rex, Driftwood Lane, stated there is no longer serenity or peace on the river with 300-500 people passing the house. She noted that sound travels along the river and expressed concern with screaming and foul language and further concern regarding liability issues should someone access the river from your property. She further stated that in the past the police had a motor boat on the river and suggested she would like them to again police the river to address alcohol use.

Mayor Silva stated he would like to investigate responsibility of livery and what can be done to regulate.

Mr. Sandman stated he will undertake an analysis.

Ed Curry, Cherrimong Drive, stated in past there were meetings and good ideas expressed, he stated it stopped because committee at that time didn't support it. He has old documents and timelines for

reference. He questioned the business licensing of Palace Pizza and their being granted a continued use for parking. He also expressed concern with screaming, stating that residents do not know if it is an emergency.

Charlie Frye, Ocean Heights Avenue agreed with all comments made and stated that there is a liability issue. He stated that there are no turtles on the river because there is too much litter. He expressed concern with safety stating that liveries allow people on the river when water levels are dangerously high and also in the dark.

Resident, Indian Branch Park stated she wished to speak for the wildlife, noting an incident when dogs were allowed to chase her ducks.

Fred Akers recommended consideration of the draft permit. He provided history on national park service involvement.

Julie Akers stated that Townships must enforce regulations and have a vision for our rivers. She suggested putting specifics into ordinances and further suggested that parking violations be addressed as a blatant violation. She provided history on the Police boat program.

Discussion continued.

Chief of Police Tappeiner stated that these issues on the river have been an ongoing problem. He explained that the police cannot patrol the river, however they will respond to any call and try to deal with the issue. He stated that the police boat was part of a grant in early 2000 and that enforcement was difficult. He stated the program was a large undertaking and was carried on for a few years.

Discussion followed.

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

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

Motion Carried 4-0.

Mayor Silva thanked everyone for attending and speaking.

Mr. Sandman suggested residents take video and provide proof that this is a security issue. He stated he will provide his opinion on jurisdiction.

On motion of Miss Gatto, seconded by Mr. Guishard and carried the meeting was adjourned at 9:38PM.

Respectfully submitted,

Rita Martino, RMC, CMR
Township Clerk

8/3/16 – Submitted to Township Clerk
by Lori Friddell, RMC, CMR
Deputy Township Clerk

The Honorable Chris Brown

The Honorable Vince Mazzeo

Dear Assemblymen Brown and Mazzeo,

Mayor Silva and Deputy Mayor Gatto recently signed and sent a letter to Assemblyman Brown on a Township of Hamilton letterhead. The letter states that it is written on "behalf of [the] Hamilton Township Committee" and goes on to note the dire impact that the state ordered halt to all projects funded by the NJ Transportation Trust Fund (TTF) is having on our residents and on our municipal budget. While lauding Assemblyman Brown for "doing your part to prevent gridlock" and for "the leadership you have shown on this issue" it goes on to attribute the cause of the work cessation to Democrats and specifically naming Assemblyman Vince Mazzeo.

Please be clear that the Township Committee that Mayor Silva claims his letter represents does not include me, nor can any claim be made that it represents the fine residents of this Township. I was not consulted about the letter and just recently discovered its existence. I strongly disagree with the use of Township resources for partisan political purposes especially when statements made are not factual and not related to our primary job of policymaking for the Township. Frankly, I am disappointed that the Mayor and Deputy Mayor don't yet understand that work has stopped because Governor Christie ordered a halt of all TTF funded projects except those which he considers emergent. Rather than spending time in NJ and providing the leadership needed to negotiate a satisfactory bill, the Governor has chosen to ignore his gubernatorial duties to campaign for Trump and then use his bully pulpit to hold NJ residents hostage until his demands are met. This work stoppage has nothing to do with Brown or Mazzeo.

I appreciate the services of both of you but I cannot condone the use Township resources for politics. I hope that you agree with me that this is inappropriate and I hope that you, Assemblyman Brown, would relay to your fellow Republicans your disapproval of the use of public resources and letterhead for partisan political correspondence like the subject letter.

The best to both of you.

Rodney Guishard

Committeeman

Township of Hamilton