

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
AUGUST 15, 2016

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order August 15, 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 15, 2016 at the Municipal Building, 6101 Thirteenth Street, Mays Landing, NJ.

Roll Call:

Present: Amy Gatto (arrived 6:40p.m.), 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.

Proclamation – Mays Landing Lightning 12U All Star Softball Team

Mayor Silva read the proclamation into the record and presented copies to the coaches and each member of the team congratulating them on their achievement.

Addition/Deletion of Late Agenda Items

On motion of Mayor Silva, second of Mr. Guishard, it was moved to approve the addition of late list items as follows:

3D. Malaga Road Update

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

Nay: XXX

Abstain: XXX

Absent: Gatto

Motion Carried 4-0.

Early Public Comment

None.

Miss Gatto arrived at 6:40p.m.

Discussion

Public Hearing on 5 Year Tax Exemption for Collazo Holdings, LLC – Block 743, Lot 12.02

Mayor Silva opened the public hearing.

Hearing nothing from the public, on the motion of Mr. Kurtz, second of Mr. Schenker, it was moved to close the public hearing.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution Approving 5 Year Tax Exemption for Collazo Holdings, LLC for Improvements to the Commercial or Industrial Structure Located at Block 743, Lot 12.02

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

RESOLUTION APPROVING THE GRANTING OF A FIVE YEAR
TAX EXEMPTION TO COLLAZO HOLDINGS, LLC FOR
IMPROVEMENT TO THE COMMERCIAL OR INDUSTRIAL STRUCTURE
LOCATED AT BLOCK 743, LOT 12.02

WHEREAS, Township Code Chapter 269, Article IV authorizes the Township to grant a five year tax exemption for the full true value of improvements on certain properties within the Township; and

WHEREAS, Collazo Holdings, LLC (“Applicant”) is the owner of Block 743, Lot 12.02, 6016 Main Street (the “Property”), at which property is presently located a 24 hour gym and fitness center; and

WHEREAS, the Applicant has completed improvements to the Property (the “Improvements”) and timely filed an application with the Tax Assessor, such application being attached hereto and being made a part hereof; and

WHEREAS, the Tax Assessor has deemed such application to be complete and determined that Applicant has met all requirements for entitlement to an exemption for an improvement to a commercial or industrial structure in the Township’s Historic District; and

WHEREAS, the Applicant has appeared before the Township Committee, and the Township Committee has considered any testimony by Applicant and is satisfied with Applicant’s responses to all questions by the Township Committee regarding the Improvements; and

WHEREAS, the Township Committee has determined that the Improvements will tend to maintain or provide gainful employment within the Township, assist in the economic development of the Township; maintain or increase the tax base of the Township; and maintain, or diversify and expand, commerce within the Township.

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

- 1) Approve the granting of a five year tax exemption to Applicant for the Improvements on the Property pursuant to Chapter 269, Article IV of the Township Code; and
- 2) Authorize the Tax Assessor, Tax Collector, and Exemption and Abatement Officer to take any actions necessary and proper to effectuate this approval.

Comments: Miss Gatto thanked Mr. Collazo for his investment in the community and the improvements to Main Street.

Mr. Kurtz noted that Mike Collazo is the Vice-President of the Merchants Association and has a great commitment to Main Street and is an asset to the Township.

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

Motion Carried 5-0.

Resolution to Award the Hamilton Township Historical Society a Grant for the Purchase and Installation of a New Roof for the Museum in the amount of \$20,000.00.

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

RESOLUTION AUTHORIZING AWARD OF A GRANT TO
HAMILTON TOWNSHIP HISTORICAL SOCIETY

WHEREAS, the Hamilton Township Historical Society is in need of a new roof for the Historical Museum, 49 Mill Street in Mays Landing, NJ, known as “The Little Red Schoolhouse”; and

WHEREAS, the Township of Hamilton Committee included \$20,000.00 in the Township’s 2016 budget for the Museum’s new roof.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hamilton to award the Hamilton Township Historical Society a grant for the purchase and installation of a new roof for the Museum in the amount of \$20,000.00.

Comments: Miss Gatto stated that the Historical Society is a great partner with the Township and that the property houses many historical artifacts for the Township. She further stated that this was a priority item that was waiting for funding.

Mayor Silva stated that the Township has an obligation to preserve history.

Mr. Guishard commended the commitment of the people at the Historical Society.

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

Motion Carried 5-0.

Malaga Road Update

Mr. Jacobs informed Township Committee that he has not received a response regarding the application for an exemption to the Governor's Executive Order No. 210. He stated that the Township, in an effort to improve public safety on the uncompleted Malaga Road is paying for police extra duty and for maintenance of road signage.

Miss Gatto requested the Chief provide information regarding the additional police coverage on Malaga Road.

Police Chief Tappeiner noted the increase in summons and traffic stops since special detail began mid-July.

Mr. Sandman addressed Chief Tappeiner as a sworn officer to provide testimony.

Mr. Sandman: Because what this amounts to is, I think where we are going, because I just learned of this, is that we are going to ask for a declaration of an emergency. So your testimony is relevant in that respect and the question that Amy asked you is very poignant but I want to be just a little bit more specific. At the end of the day I have been advised by the engineer dealing with this, in this case it is Remington and Vernick, representative was Mr. Wahlberg, that he believes there is a dangerous situation there and that he believes that when, if in fact this road is a school bus route, that it is going to exacerbate the problem. So what I'm going to suggest, at the end of the day, committee, is that we get an affidavit from the engineering company certifying that. Because you're not going to have enough evidence here alone to make a decision, but if I may, may I direct...to Chief Tappeiner.

Mr. Sandman: Chief can you tell us how long this has been a problem?

Chief: Approximately a month.

Mr. Sandman: Can you be specific as to what the problem is?

Chief: The dilemma that we have right now is Malaga Road, as you're aware, is a project where they're resurfacing the road and there are state funds involved in that and that project was shut down by the state and they never completed the project. The road as it stands now is unsafe, there are no shoulders to the roadway, it is a soft shouldered area, it is also not well lit in the evenings and it is a high traffic area. The other issue we have out there is that there are pedestrians that will frequently cross the road out there and there are no lane markings designating no passing and so forth and as it stands now the road is supposed to be closed with a detour; however, it is supposed to be open to local traffic. Now what we have is our signage that's out there, that's on the ground directing motorists to go around but there is no barrier that prevents traffic from actually flowing through the roadway, the road is not in any condition to handle traffic, it is o.k. for residents who live there just to get in and out, it was never intended for it to have the normal traffic flow that it has. I have spoken with residents out there, I actually spoke with residents this morning, it is still a dangerous situation. I have myself drafted a letter and sent it. I gave a copy to the administrator, it went to the state noting that I believe and our traffic officer Wade Smith believes the roadway is a significant danger and if it is not corrected we could potentially see a fatality out there or a serious injury and at this point what we are going to do as a police department isn't even a Band-Aid. It is very minimal, we are trying to keep vehicles off that roadway but it is not possible it's really not.

Mr. Sandman: Have you done, yourself, a look see at this roadway?

Chief: I have.

Mr. Sandman: And has the shoulder of the roadway deteriorated since this condition started?

Chief: It has. I believe the roadway has itself deteriorated, both the first course that's out there and the shoulder, it's a soft shoulder.

Mr. Sandman: And does that deterioration aggravate the condition that you think is unsafe?

Chief: In my opinion yes.

Mr. Sandman: And do you think it is unsafe for pedestrians?

Chief: I do.

Mr. Sandman: And do you think it is unsafe for motorists?

Chief: I do.

Mr. Sandman: And is this a truck route in some respects?

Chief: It is a truck route.

Mr. Sandman: And are they ignoring the road blocks?

Chief: Yes they are.

Mr. Sandman: And has your department issued summons?

Chief: Yes, we've issued summons and some trucking companies have been contacted, it has gotten so bad.

Mr. Sandman: Now there was a group of people here at our last meeting and one of them discussed the fact that there were horses in the area. Do you believe this would be a danger to someone riding a horse along that roadway?

Chief: Absolutely.

Mr. Sandman: Now you've mentioned the fact that there is no striping. I take it striping must have been part of the contract and they didn't get to it yet because of the halt.

Chief: Yes, that's correct.

Mr. Sandman: And would that striping include the center striping which may be dashed yellow or solid yellow?

Chief: That's correct.

Mr. Sandman: And a solid yellow striping means no passing, right?

Chief: That's correct.

Mr. Sandman: So if the absence of that would not advise the motorist that this is a no passing zone, true?

Chief: That is true.

Mr. Sandman: Is there striping on the fog line?

Chief: I don't recall; I don't believe there is.

Mr. Sandman: Would that create a problem for a motorist?

Chief: Yes it would.

Mr. Sandman: Particularly in light of the deteriorated curb?

Chief: Yes.

Mr. Sandman: So is it your opinion to a reasonable degree of police safety, that leaving this road in the condition that it is poses an eminent hazard to people and property?

Chief: Yes it does.

Mr. Sandman: Do you understand giving an opinion to a reasonable degree of certainty?

Chief: Yes.

Mr. Sandman: It means more likely than not.

Chief: Yes.

Mr. Sandman: And is your opinion to that level?

Chief: It is.

Mr. Sandman: That's all the questions I have.

Discussion followed regarding ability to use dialogue from prior meeting from the public as testimony.

Mr. Sandman stated he was contacted by Mr. Wahlberg representing Remington and Vernick Engineers who relayed information that the road is a school bus lane.

Miss Gatto expressed concern regarding emergency vehicles.

Mayor Silva stated the Township is still waiting for a report from the traffic engineer.

Mr. Sandman suggested to Township Committee that both the Chief's testimony as well as that of the public from two meetings ago is very significant.

Mr. Sandman explained that no one can tell what the consequences of disobeying an executive order of the Governor are; however, he suspects they are not good. Mr. Sandman stated that he certainly doesn't recommend it, but if Committee decided to take that route that Mr. Wahlberg is suggesting and accept the Chief's testimony and the testimony of the other witnesses that were here who live in that neighborhood, that is the basis for them to consider that this is an emergency. In the absence of sworn testimony by the engineer, he would suggest that Committee wait. He further stated that he is certainly willing to prepare an affidavit in a sworn form that Committee can rely upon so if it comes in to be consistent with what they are hearing, then Committee would have the basis of the municipal engineer, chief of police and residents in the neighborhood, and could allow Mr. Wahlberg to petition the state.

He further explained that Committee could also, based upon that, declare an emergency if they believe it to be true.

Mayor Silva stated that in the absence of getting any information back from the State and his understanding that the State is reluctant to make any decision contrary to the executive order, it's been suggested to finish the project because the issue of public safety trumps anything else.

Mr. Sandman restated the Chief's testimony that: there is lack of sufficient lighting, an incomplete roadway, deterioration of the roadway and shoulder, a lack of striping in the center line and perhaps the fog line, that children are about to be waiting for school buses, people riding horses and walking on the roadway and repeated violations of people taking down warning signs.

Mr. Sandman stated that he would not consider it an appropriate resolution declaring it an emergency without an engineering affidavit.

Mr. Guishard stated that the Township followed the State's rules for filing for an emergency situation, and got no response. He inquired who is liable for deterioration on that road.

Mr. Sandman stated that the cost of maintaining precaution and the cost of the deterioration of the road is not an appropriate consideration when dealing with emergency issues. He stated that the human factor issue is what gives the basis for what is being considered.

Discussion followed on construction contract details.

Mayor Silva inquired on consequences of violating the order.

Mr. Sandman stated he cannot predict it.

Miss Gatto stated that the Township filed for an appeal for a safety concern. She stated that while Committee can't consider the financial aspect in considering an emergency, the Township is spending money to pay for extra duty police officers and \$1100 a day for signage; she stated she believes it is fiscally irresponsible to overlook that and that the situation is an emergency in so many ways.

She recommended the use of surplus funds or whatever funds are allowed to be used to get the project done as fast as possible.

Mr. Guishard suggested that before that is done, that the Township look at all other avenues before taking a drastic step. He stated we need to appeal every process we can, and if not resolved then move forward.

Mr. Kurtz noted the time constraint with school starting.

Mr. Jacobs informed Committee that he reached out to the Governor's office and was informed that there is nothing on the Governor's desk to consider at this time.

Mr. Sandman stated that if the Committee follows the lead of Miss Gatto that he would suggest considering using general funds, not trust funds.

Mr. Schenker stated that with school scheduled to begin and the addition of school buses the Township can't wait any longer. He stated that the contractor will need all three weeks to complete the project. He further stated that he is in agreement with Miss Gatto. He agreed that the Township should use general fund money, not trust fund money and should continue to plead the case for a state of emergency.

Discussion followed on the contractor's obligation to the State or Township and payment obligations.

Mr. Sandman repeated that there is no precedent for this action and that as Chief Legal Counsel he cannot predict what will happen.

Mr. Guishard stated that since we can't predict what is going to happen the Township should wait and try to escalate this, and then proceed. He agreed that the road needs to be complete before the school year.

Miss Gatto stated that she has tried to escalate this to political officials and that the NJDOT has not responded to the appeal.

Miss Gatto suggested a motion to allow use of funds and the administrator to do what is necessary to complete the Malaga Road project.

Mr. Sandman requested that consideration of any action be conditioned upon his obtaining an affidavit from the engineer to opine in a certified oath the opinions of the engineer with respect to the hazards.

Mr. Jacobs sought clarification if Committee wants to use what was already received from the trust fund for payment.

Miss Gatto responded to use any allowable funds as determined by the administrator and solicitor.

Mr. Guishard stated that he does not support doing that now without making every effort to get emergency approval and that it could risk future trust funds and cause more litigation.

Mayor Silva stated the Township has waited and that it comes back to public safety.

Mr. Sandman explained that if what Mr. Guishard is suggesting were to occur that would make moot what the Committee is doing because the state would agree to allow use of the state funding, but in any event if the Township is moving faster than that, it gives the contractor the opportunity to mobilize immediately.

Mr. Sandman advised Township Committee that they need to make a motion to declare an emergency subject to receipt of the affidavit of the engineer prior to other action.

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

RESOLUTION DECLARING A STATE OF EMERGENCY IN
THE AREA OF MALAGA ROAD THAT IS UNDER CONSTRUCTION

BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, NJ, to declare a State of Emergency in the area of Malaga Road that is under construction, pending the receipt of an affidavit from the Township Engineer.

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

Motion Carried 5-0.

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

RESOLUTION TO COMPLETE CONSTRUCTION ON MALAGA ROAD

BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, NJ, to initiate all action to get the Malaga Road project back up and running and paid for with whatever allowable funds, to be determined, in as expedient a time as possible.

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

Motion Carried 4-1.

Public Hearing/Adoption of Ordinances

Ordinance No. 1829-2016 – An Ordinance Amending Chapter 225, Article III, Section 30 of the Hamilton Township code Prohibiting Smoking on Public Property

Public Hearing

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. 1829-2016.

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

Motion Carried 5-0.

Adoption of Ordinance No. 1829-2016

Ms. Gatto moved, seconded by Mr. Kurtz, that Ordinance No. 1829-2016; which was introduced and passed first reading on 8/1/16 and was duly advertised in the 8/3/16 edition of the Atlantic County Record with public hearing held as advertised and closed be and is hereby adopted.

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

Motion Carried 5-0.

Award of Bids/Contracts

Authorize and Award a Contract to Bowman & Company, LLP of Voorhees NJ, to Provide Professional Services to the Township for the Administration of the Section 125 Cafeteria Plan for the 2017 Plan Year

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

RESOLUTION AUTHORIZING AND AWARDING A CONTRACT
TO PROVIDE PROFESSIONAL SERVICES FOR ADMINISTRATION OF
THE SECTION 125 CAFETERIA PLAN FOR THE 2017 PLAN YEAR

WHEREAS, the Township Committee of the Township of Hamilton, Atlantic County, NJ, has determined to provide for professional services for the administration of the Section 125 Cafeteria Plan for the 2017 Plan Year; and

WHEREAS, Bowman & Company, LLP, 601 White Horse Road, Voorhees, NJ 08043 has submitted a proposal, dated 8/1/16 for completion of services requested; and

WHEREAS, the Township Chief Financial Officer after review has recommended the authorization and award of a contract for professional services to Bowman & Company, LLP, 601 White Horse Road, Voorhees, NJ 08043 in accordance with their proposal and in an amount not to exceed \$2,000.00; 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 professional services for the administration of the Section 125 Cafeteria Plan for the 2017 Plan Year for the Township of Hamilton to Bowman & Company, LLP, 601 White Horse Road, Voorhees, NJ 08043 in an amount not to exceed \$2,000.00.

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

Motion Carried 5-0.

Award of Contract for the purchase of two PUC Pumpers from Pierce Manufacturing, Inc. through Houston-Galveston Area Council Cooperative Purchasing Program in the amount of \$535,959.72 and \$620,847.39.

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

RESOLUTION AUTHORIZING PURCHASE OF
TWO (2) PUC PUMPERS FROM HOUSTON-GALVESTON AREA COUNCIL
NATIONAL COOPERATIVE PURCHASING AGREEMENT
(CONTRACT #FS12-15 – FIRE SERVICE APPARATUS)

WHEREAS, the Township Committee of the Township of Hamilton as Member #16-5380 of the Houston-Galveston Area Council National Cooperative Purchasing Agreement wishes to purchase two (2) PUC Pumpers from Pierce Manufacturing Inc., 2600 American Drive, Appleton, Wisconsin 54914; and

WHEREAS, Pierce Manufacturing Inc., participates in the Houston-Galveston Area Council National Cooperative Purchasing Agreement Contract #FS12-15 for providing such equipment; and

WHEREAS, the Township Administrator has recommended the use of this contract, price and other factors considered; and

WHEREAS, as required, notice of award of this contract was published on July 22, 2016 in The Press of Atlantic City; and

WHEREAS, the cost for this purchase shall not exceed \$1,156,807.11; 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 purchasing listed equipment, said certification being attached hereto and made a part hereof.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Hamilton does hereby approve the purchase of two (2) PUC Pumpers from Pierce Manufacturing Inc., 2600 American Drive, Appleton Wisconsin 54914 under the Houston-Galveston Area Council National Cooperative Purchasing Agreement.

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

Motion Carried 5-0.

Authorize the purchase of radio equipment for the Township of Hamilton Fire Department in the amount of \$167,792.25 (less \$6,691.95 to be reimbursed by Egg Harbor City), from Tactical Public Safety of West Berlin, NJ for a total cost of \$161,100.30. State Contract #83932

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

RESOLUTION AUTHORIZING THE PURCHASE OF
RADIO EQUIPMENT FOR TOWNSHIP FIRE DEPARTMENT
FROM NEW JERSEY STATE CONTRACT #83932

WHEREAS, the Township Committee of the Township of Hamilton wishes to purchase radio equipment for the Township Fire Departments from an authorized vendor under contract by the Division of Purchase and Property, Department of Treasury, State of New Jersey; and

WHEREAS, Tactical Public Safety, 1036 Industrial Drive, West Berlin, NJ 08091, has been awarded NJ State Contract #83932 for providing such equipment; and

WHEREAS, the Township Administrator has recommended the use of this contract, price and other factors considered; and

WHEREAS, the cost for this purchase shall not exceed \$167,792.25 (less \$6,691.95 to be reimbursed by Egg Harbor City as per shared services agreement) for a total cost to Hamilton Township of \$161,100.30; 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 purchasing listed equipment, said certification being attached hereto and made a part hereof.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Hamilton does hereby approve the purchase of radio equipment from Tactical Public Safety, 1036 Industrial Drive, West Berlin, NJ 08091.

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

Motion Carried 5-0.

Approve Change Order No. 1 for the Town Hall ADA Ramp Project as recommended by Project Architect Linda Viventi – net increase of \$3,398.09 – funding from Capital Ordinance #1672-10.

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

RESOLUTION
APPROVAL OF CHANGE ORDER NO. 1
FOR THE TOWN HALL ADA RAMP PROJECT

WHEREAS, the Township Committee by previous resolution awarded a contract to M.B. Markland Contracting Co., 120 Marlin Lane, Suite A, Mays Landing NJ 08330 for the Town Hall ADA Ramp Project; and

WHEREAS, by change order request dated August 9, 2016, Linda M. Viventi, AIA, The Design Collaborative, Township Architect for the project recommended approval of Change Order No. 1 which increases the contract amount by \$3,398.09 to allow for supplemental costs for the fabrication and installation of additional railing; 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 increasing the contract amount, 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 approve Change Order No. 1 to the Town Hall ADA Ramp Project contract for an increase of \$3,398.09 as recommended by Linda Viventi, The Design Collaborative, Township Architect.

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

Motion Carried 5-0.

Consent Agenda

Mayor Silva at the request of Mr. Sandman requested removal of items I & J from consent agenda.

Mr. Schenker requested removal of item K.

Miss Gatto moved, seconded by Mr. Schenker to approve the Consent Agenda items all but I, J & K.

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

Motion Carried 5-0.

Approval of the following Senior Citizen Advisory Committee Events:

Miss Gatto moved, seconded by Mr. Schenker to approve the following listed Senior Citizen Advisory Committee Events:

1. Chili Sunday – Sunday, October 16, 2016.
2. Fall Festival of Health – Saturday, November 5, 2016 at the Alfred Lundy Center in Mizpah

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

Motion Carried 5-0.

Request from Mays Landing Merchants' Association to waive Electrical Inspection Fee for 2016 South Jersey Wine & Food Festival on September 24 & 25, 2016.

Miss Gatto moved, seconded by Mr. Schenker to approve the request from the Mays Landing Merchants' Association to waive the electrical inspection fee for the 2016 South Jersey Wine & Food Festival on September 24 & 25, 2016.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Approve the following Raffle License Applications for Knights of Columbus #3451:

Miss Gatto moved, seconded by Mr. Schenker to approve the following raffle license applications for Knights of Columbus #3451:

1. #14-2016 – On-Premise 50/50 to be held 9/11/16
2. #15-2016 – Off-Premise Draw Raffle to be held 9/11/16

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution Accepting Contiguous Owner Land Sale Bid of Debra Kraus for Lots 12, 13, 14 & 17 in Block 401 (.796 acres located at Montreal & Quebec Ave.), for a purchase price of \$800.00.

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

RESOLUTION ACCEPTING BID FOR
CONTIGUOUS LAND SALE

WHEREAS, Ordinance #1826-2016 authorized the right of prior refusal to purchase Lots 12, 13, 14 & 17 in Block 401 to owner or owners of the land contiguous thereto; and

WHEREAS, Ordinance #1826-2016 was finally adopted on July 18, 2016 and all contiguous owners affected thereby were notified by certified mail return receipt requested of their right to submit a sealed bid for the purchase of Lots 12, 13, 14 & 17 in Block 401; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, to accept the \$800.00 bid offered by Debra Kraus and authorize the sale of Lots 12, 13, 14 & 17 in Block 401 to her.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Authorize GovDeals Auction of 1997 Toyota 4 Runner

Miss Gatto moved, seconded by Mr. Schenker 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.

“SCHEDULE A”

1. Police Forfeiture Vehicle

- 1997 Toyota 4 Runner
- Last 4 of VIN: 3099

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

Motion Carried 5-0.

Resolution cancelling the last half of 2016 taxes due to Totally Disabled Veteran Exemption – Block 1132.32, Lot 1 in the amount of \$847.00

Miss Gatto moved, seconded by Mr. Schenker 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 1132.32, Lot 1 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
1132.32/1	Lanza, William	\$847.00 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 \$847.00.

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

Motion Carried 5-0.

Chapter 159 Resolution to Insert Item of Revenue with Off-Setting Appropriations for Drive Sober or Get Pulled Over Labor Day Crack Down \$5,000.00.

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

RESOLUTION NO. 2016-159-5
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

Drive Sober or Get Pulled Over Labor Day Crack Down - \$5,000.00

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 –

Drive Sober or Get Pulled Over Labor Day Crack Down - \$5,000.00

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Approve Industrial Commission request for Honorary Street name designation of a portion of Oakwood Blvd. between Cantillon Blvd. and Babcock Rd. as “Rocco Policarpo Blvd.” (or “Way”).

Miss Gatto moved, seconded by Mr. Schenker to approve the Industrial Commission’s request for an Honorary Street name designation of a portion of Oakwood Blvd. between Cantillon Blvd. and Babcock Rd. as “Rocco Policarpo Blvd.” (or “Way”).

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Mr. Sandman explained the Maintenance Guarantee procedure and his recommendation to allow the developer to work on the punchlist items and obtain an extension to the Letter of Credit.

Deny release of Maintenance Guarantee for Hamilton Mall Expansion Phase I – Site Improvements (Block 1135.01, Lots 10.02, 10.03, 10.10 and 10.11), due to uncompleted punch list items as recommended by Steven Filippone, Township Engineer’s letter date 8/10/16.

Miss Gatto moved, seconded by Mr. Schenker to **TABLE** the following resolution.

RESOLUTION
DENYING RELEASE OF MAINTENANCE GUARANTEE
HAMILTON MALL EXPANSION PHASE I – SITE IMPROVEMENTS
(BLOCK 1135.01, LOTS 10.02, 10.03, 10.10 AND 10.11)

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 \$221,841.19, for Hamilton Mall, LLC (c/o Kravco Co., LLC) Hamilton Mall Expansion Phase I, (Block 1135.01, Lots 10.02, 10.03, 10.10 and 10.11) due to uncompleted punch list items as recommended by Steven L. Filippone, Township Engineer in his correspondence dated 8/10/16.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

RESOLUTION TABLED.

Declare Hamilton Mall, LLC (c/o Kravco Co., LLC) in default of their Maintenance Guarantee for Hamilton Mall Expansion Phase I – Site Improvements (Block 1135.01, Lots 10.02, 10.03, 10.10 and 10.11) and authorize the Township Solicitor to take action.

Miss Gatto moved, seconded by Mr. Schenker that the following resolution be **TABLED.**

RESOLUTION DECLARING HAMILTON MALL, LLC (C/O KRAVCO CO., LLC)
IN DEFAULT OF THEIR MAINTENANCE GUARANTEE FOR HAMILTON MALL
EXPANSION PHASE I – SITE IMPROVEMENTS (BLOCK 1135.01, LOTS 10.02, 10.03,
10.10 AND 10.11) AND AUTHORIZING TOWNSHIP SOLICITOR TO TAKE ACTION

BE IT RESOLVED by the Township Committee of the Township of Hamilton to declare Hamilton Mall, LLC (c/o Kravco Co., LLC) in default of their two (2) year Maintenance Guarantee in the amount of \$221,841.19, for the Hamilton Mall Expansion Phase I, (Block 1135.01, Lots 10.02, 10.03, 10.10 and 10.11) site improvements and authorize the Township Solicitor to take action.

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

Motion Carried 5-0.

RESOLUTION TABLED.

Resolution accepting Performance Guarantee in the amount of \$719,935.20 for Paramount Realty Services Festival at Hamilton, LLC (Block 1134, Lots 17.01-17.04) - (10% cash escrow in the amount of \$71,993.52 and The Provident Bank Irrevocable Standby Letter of Credit #8050002379 in the amount of \$647,941.68)

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

RESOLUTION ACCEPTING PERFORMANCE GUARANTEE
PARAMOUNT REALTY SERVICES
FESTIVAL AT HAMILTON, LLC – BLOCK 1134, LOTS 17.01-17.04

BE IT RESOLVED by the Township Committee of the Township of Hamilton to accept The Provident Bank irrevocable standby Letter of Credit #8050002379 in the amount of \$647,941.68 together with \$71,993.52 cash escrow as the performance guarantee for the Paramount Realty Services, Festival at Hamilton, LLC Expansion Project (Home Goods) at Block 1134, Lots 17.01-17.04 in the total amount of \$719,935.20 as required by Steven L. Filippone, Township Engineer's estimate dated August 2, 2016.

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

Motion Carried 5-0.

Personnel:

Accept resignation of Joseph Rogers, Jr. from the Planning Board, Alternate II, term ending 12/31/17.

Miss Gatto moved, seconded by Mr. Kurtz to accept the resignation of Joseph Rogers from the Planning Board, Alternate II, term ending 12/31/17.

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

Motion Carried 5-0.

Approvals:

Mr. Kurtz moved, seconded by Miss Gatto that the regular meeting minutes of the August 1, 2016 meeting are approved as presented.

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

Motion Carried 4-0-1.

Miss Gatto moved, seconded by Mr. Guishard 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 \$1,790.042.04.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Reports

Administrator – Mr. Jacobs informed Committee that the grant application that was submitted for the park at the golf course was denied. The reason provided was that the purpose did not meet the requirements of the RCDI program.

Solicitor- None.

Engineer- Mr. Filippone provided a project status report including an update on inspections, temporary street opening permits, recent approvals and upcoming projects. He informed Committee of the scheduled bid for the Emergency Generator Service and Maintenance Contract.

Mr. Guishard inquired regarding Buffalo Pike project status.

Mr. Filippone stated they are having difficulty with NJDOT in electrical and signaling work.

Mayor Silva inquired on status of road openings with utility companies and the status of MUA work on Second Street and any interference with school buses.

Mr. Filippone provided status regarding road opening permits in the area and curbing concerns, he stated he does not see potential risk with school buses.

Township Committee:

Mr. Kurtz commended the Police Department for the National Night Out Event, especially the K-9 demo and noted the positive change in venue. He stated that the Fire Departments and Rescue Squads were well staged and did a great job all around. He looks forward to next year.

He mentioned that the Merchants Association Wine Festival is scheduled for September 24th & 25th and welcomed a new sponsor, Caesars Entertainment.

Mr. Kurtz stated that the next Movies in the Park program event was moved to Saturday.

Mayor Silva stated it was fantastic to have all the Fire Departments' equipment together at National Night Out.

Mr. Guishard remarked that there was also military equipment at National Night Out and that there is an interest on the part of the mall to have the event again. He stated it was a well-attended and great event and looks forward to next year.

Mr. Guishard stated that as chairman of the Citizens Advisory Committee he has been speaking with the SJ Transportation Planning Office and that the committee is not satisfied with the current communication. He stated they are trying to define their purpose and obtain meaningful input.

He stated that the office reports no progress on the NJDOT Transportation Trust Fund situation.

Mr. Guishard remarked on the recent picnic fundraising event for the Friends of the Lenape Lighthouse and suggested supporting their efforts.

Mr. Schenker congratulated the Mays Landing and Mizpah fire departments on their new equipment. He thanked all companies for what they do and stated that the new equipment is a sign of the Township's commitment to public safety.

Miss Gatto thanked the committees from the departments who worked on the specifications for the new trucks.

She echoed Mr. Kurtz's comments on the National Night Out as a positive community event.

Miss Gatto commended the partnership between Oakcrest High School, the Fire Department and Police Department in the execution of the welcome wagon event for incoming freshman transition.

She noted the new electronic sign at the Laureldale Firehouse.

Miss Gatto recognized the passing of Carmen Fichetola and acknowledged his many contributions to the Township and suggested consideration of an honorary street name designation.

Mayor Silva stated that vendors have commented on the success of the National Night Out event and are looking forward to next year.

He stated that he and the Deputy Mayor attended a ribbon cutting at a new business called Bamboo, and commended the opening event.

Mayor Silva remarked positively on the National Night Out video.

Public Comment

Will, resident of Quinn Avenue informed Committee members about potholes on Harding Highway and remarked on the different quality of paving between varying neighborhoods and expressed concern with public safety as a result of poor roads. He stated his neighborhood and lower income areas do not feel well represented.

Mayor Silva stated that Harding Highway is a County Road and was scheduled for work until the NJDOT matter.

Miss Gatto explained the road program criteria process and thanked him for bringing concerns forward.

Will questioned municipal spending and budgeted items.

With regard to budget questions, Mayor Silva invited him to come into the Township and meet with him to review the budget in detail.

Miss Gatto suggested the Township send a letter to the Freeholder Board and inform them of the Township's actions on Malaga Road and suggest they consider the same on their roads.

Robert Laws thanked the Township Committee and Chief of Police for allowing the camp children to attend a re-enactment of a Township Committee meeting and tour the Police Department. He thanked them for their participation and stated that it was empowering to the children to see that the Police Department supports them and cares about their public safety.

Mr. Guishard thanked Mr. Laws for all that he does for the children of the camp, noting the science, technology and math program.

Mr. Sandman remarked on Rocco Policarpo's dedicated service to the Township through the Industrial Commission and his impact on the Township. He stated it is only fitting that a street was named for him and thanked him for his service.

Hearing nothing further from the public, on the motion of Miss Gatto, second of Mr. Kurtz 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. Schenker that the following resolution be adopted:

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

- Personnel Matter – Silvia Washington

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 8:18p.m.

The meeting reconvened in open session at 8:33p.m.

Miss Gatto stated that the only matters discussed in Executive Session were those listed on the agenda for discussion. She stated that they went into the lobby and invited the public to return, only one member of the public returned.

As result of executive session, Miss Gatto motioned, seconded Mr. Guishard to adopt the following resolution:

RESOLUTION TO TERMINATE EMPLOYMENT OF
SILVIA WASHINGTON AS DEPUTY TAX COLLECTOR

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to terminate employment of Silvia Washington as Deputy Tax Collector as discussed in Executive Session of August 15, 2016, effective immediately.

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

Motion Carried 5-0.

On motion of Ms. Gatto, seconded by Mr. Kurtz and carried the meeting was adjourned at 8:34pm.

Respectfully submitted,

Rita Martino, RMC, CMR
Township Clerk

8/17/16 – Submitted to Township Clerk
by Lori Friddell, RMC, CMR
Deputy Township Clerk