

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

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order September 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 September 6, 2016 at the Municipal Building, 6101 Thirteenth Street, Mays Landing, NJ.

Roll Call:

Present: Amy Gatto, John Kurtz, Art Schenker, Roger Silva. Rodney Guishard arrived at 6:35pm.

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 – Atlantic Cape Community College’s 50th Anniversary

Mayor Silva read the proclamation into the record and presented copies to Dr. Peter Mora, College President and Dean Jean McAlister. Mayor Silva further stated that we are very fortunate to have ACCC in Hamilton Township, and opened the floor to Dr. Mora. Dr. Mora thanked the Township and Township Committee, stating that ACCC is proud to be located in such a wonderful, accessible location within the County. He extended thanks and praise to Police Chief Tappeiner, as the safety of the campus is largely under his authority.

Dr. Mora also invited the public to a Community Day Event to help kick off the College’s 50th Anniversary Celebration. It will be held at the Mays Landing campus at 12:00 noon on September 17, 2016.

Addition/Deletion of Late Agenda Items

None.

Early Public Comment

Mr. Wayne Cortes agreed to defer his comments on Malaga Road until later in the meeting.

Discussion

Mr. Jacobs explained that this is compensation for pumping the Laureldale Fire Department had done for the Township previously and will be used for pavers around their new sign and a flag pole.

Resolution to Award the Laureldale Fire Department a grant for in-kind services in the amount of \$10,998.00

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

RESOLUTION AUTHORIZING AWARD OF A GRANT TO
LAURELDALE FIRE DEPARTMENT

WHEREAS, the Township Committee of the Township of Hamilton desires to award the Laureldale Fire Department a grant for in-kind services in the amount of \$10,998.00; 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 the grant 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 to award the Laureldale Fire Department a grant for in-kind services in the amount of \$10,998.00.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Malaga Road Update

Mr. Sandman opened the discussion by giving background on the issue and stating that the situation on Malaga Road, which the Township Committee had voted to declare an emergent condition at the last meeting, has now been compounded by the addition of school bus traffic and further deterioration of the roadway. Mr. Sandman reported that the Mayor had received a response to the Township's request for an exemption to the Governor's order from Scott Stephens, Director, Community and Constituent Relations, NJDOT. Quoting from Mr. Stephens email, dated August 17, 2016, Mr. Sandman read the following into the record: "The Township of Hamilton can move forward with the project utilizing local funds however in doing so you may be forfeiting the full amount of the DOT grant. It is up to the Township officials whether the potential loss of grant funding is an acceptable risk." Mr. Sandman stated that Mr. Wahlberg, Engineer for the project, provided an affidavit saying that the road was dangerous and that Chief Tappeiner gave testimony that it was dangerous at the meeting of August 15, 2016.

Mr. Sandman also read a portion of a letter dated August 15, 2016, from Michael Russo, Director, Local Aid & Economic Development, NJDOT into the record. "This is in response to your letter dated July 20, 2016 requesting an exemption pursuant to Executive Order 210 to allow completion of improvements to Malaga Road. In accordance with the Executive Order and the Shutdown Order dated July 6, 2016, a safe and orderly shutdown of all active work funded with TTF funds was required to begin with all active work to cease no later than 11:59p.m. on July 8, 2016. From that point on, the only work permitted is that necessary to secure the worksite in accordance with the Shutdown Order and the project plans and specifications. Please be advised that Hamilton Township remains responsible for ensuring the security of the worksite and the safety of the traveling public in connection with the worksite pursuant to the shutdown order and the approved construction contract documents."

Mr. Sandman reported that he had contacted Arawak and they may be willing to do the work but that they want compensation for repair of the deterioration that has taken place and compensation for the measures they have taken to secure the site.

Mr. Sandman said that subsequent Executive Order 213 provides for an exception to Executive Order 210 for health/safety reasons but doesn't say who is responsible to make that determination.

Mr. Cortes, speaking from the audience said that the final determination is up to the Township Committee.

Mayor Silva assured Mr. Cortes that Committee is extremely concerned about this and that public safety is the number one concern. Miss Gatto stated that there are many roadblocks to this including whether Arawak will perform the work and how they will be paid. Discussion ensued.

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

Mr. Sandman: Since you testified at the last meeting have you been out to see the roadway?

Chief: I have.

Mr. Sandman: And you've indicated the large number of tickets that have been issued, is it your opinion that there is a fair amount of use of that roadway despite the barricades?

Chief: There is still a significant amount.

Mr. Sandman: Within a reasonable degree of certainty would you believe based on your own observations that the road surface has deteriorated worse or continued to deteriorate in the last two weeks?

Chief: It has.

Mr. Sandman: And Amy, may I ask you the same question? Based on your observations has it gotten worse?

Miss Gatto: Yes. You can clearly observe the deterioration of the road.

Mr. Sandman: And may I ask Mr. Cortes the same question?

Mayor: Yes.

Mr. Sandman: Mr. Cortes would you please come up? You live on Malaga Road, sir?

Mr. Cortes: Yes.

Mr. Sandman: And do you have any children?

Mr. Cortes: Yes.

Mr. Sandman: Are they of school age?

Mr. Cortes: Thank God they are no longer; they graduated because the bus would let her off on the opposite side like they're going to do to all the high school kids.

Mr. Sandman: Let me ask you about that. When you say the opposite side if you're going down Malaga Road toward Mays Landing do you live on the right or the left?

Mr. Cortes: If you're coming from 322, I live on the left hand side, right before Third.

Mr. Sandman: So you're on the south side?

Mr. Cortes: I call it the east side.

Mr. Sandman: But if you're heading toward Buena you're on the left?

Mr. Cortes: I'm on the left.

Mr. Sandman: And you said they left off the kids on the other side?

Mr. Cortes: Well, they stop up at Jackson Ave. to let the school kids off on Third when they're in high school. Grade school are left off on the side of the road you're supposed to be on. For some reason high school stops and you walk across a dangerous road.

Mr. Sandman: So the high school children, once they get off the bus are obligated to walk across the street.

Mr. Cortes: Yes they do.

Mr. Sandman: Can you give me a sense as to how the surface of the roadway has deteriorated in the last two weeks?

Mr. Cortes: When I tell you every contractor, every tractor trailer, every business you can possibly think of has been through there. Again today at 3:00 the tanker truck, my wife almost got hit by the tanker truck yesterday trying to pull into the driveway.

Mr. Sandman: My question is very specific – Based on your personal observations of the surface of the road has it gotten worse in the last two weeks?

Mr. Cortes: Yes, Absolutely you cannot go thousands of breeches on that road and expect that road & the heavy equipment that's on that road.

Mr. Guishard suggested other methods of making the road safe including the placement of hard barriers being erected and observed by the Police. There was a discussion of the placement of hard barriers being put up to stop all traffic or limit traffic, until work is permitted to continue.

The was discussion of the payment of \$1,100.00 being paid to the contractor daily. Mr. Guishard stated that he felt there were more effective steps that could be taken at less cost. Discussion ensued regarding how actions taken could jeopardize future state funding. The Chief stated that there would still have to be access for emergency vehicles and local residents.

Miss Gatto stated that the best option is to make the roadway safely passable. There was a discussion regarding the length of time before the situation would be resolved and the need to pave before winter.

Mr. Sandman said in terms of findings and facts there has been new evidence presented tonight that the situation has been exacerbated significantly in the last two weeks, the volume of use as evidenced by the number of tickets that have been issued, the Chief's testimony, the comments of Amy Gatto and the statements of Mr. Cortes means that the situation you found dangerous two weeks ago is even more dangerous now and you're adding to that school buses.

Mr. Schenker said this road will continue to deteriorate and get worse and expressed concern for the safety of those that use the road. Mr. Schenker said we need to do this now and move forward before someone gets killed, regardless of the cost.

Mr. Sandman said the record should reflect that there is new evidence that has been garnered today and previous to today and that would include the affidavit of Mr. Wahlberg the Engineer, the supplemental testimony tonight of the Chief, Mr. Cortes, Miss Gatto, the letter of August 25 from Mr. Russo, which is subsequent to the August 15 meeting and I think you should make a finding of fact by way of a resolution.

Resolution to secure Malaga Road worksite

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

TOWNSHIP OF HAMILTON
RESOLUTION TO SECURE MALAGA ROAD WORKSITE

BE IT RESOLVED that the Township Committee of the Township of Hamilton makes a finding of fact that from this point on the work permitted on Malaga Road is that necessary to secure the worksite in accordance with the Shutdown Order and the project plans and specifications and ensures the security of the worksite and the safety of the travelling public.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution to authorize Arawak to proceed with completing that portion of work on Malaga Road necessary for public safety

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

TOWNSHIP OF HAMILTON
RESOLUTION TO AUTHORIZE ARAWAK TO PROCEED WITH COMPLETING THAT PORTION OF WORK ON MALAGA ROAD NECESSARY FOR PUBLIC SAFETY

BE IT RESOLVED by the Township Committee of the Township of Hamilton to authorize Arawak to proceed with completing that portion of the work on Malaga Road which Remington and Vernick deems necessary to make the work site safe and secure and to take into account the safety of the traveling public.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Discussion on the above resolution.

There was discussion regarding the conditions of payment to Arawak as stated previously. Miss Gatto stated that Arawak would not be paid for measures taken to secure the site as of the date of the shutdown, but rather as of the date of the termination of the contract, which is 30 days.

There was discussion of the Traffic Study recommendations for a double yellow line, lowering the speed limit and putting signs up.

Miss Gatto encouraged residents to write letters to the Governor, State Senators and Assemblyman expressing their concerns.

Resolution to approve and adopt the 2016 Township of Hamilton Employee Handbook as recommended by Labor Counsel

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

RESOLUTION TO APPROVE AND ADOPT THE
2016 TOWNSHIP OF HAMILTON EMPLOYEE HANDBOOK

WHEREAS, the Township Committee, in compliance with the 2017 – 2018 MEL Employment Practices Risk Control Up-date, wishes to approve a revised Employee Handbook, which incorporates the following changes/additions as recommended by Labor Counsel:

- Page 1 Mayor’s Comments (modified second paragraph)
- Page 5 Hours of Work (modified Statement of Policy, deletion of paragraphs 6 & 7)
- Page 7 Attendance (inserted paragraph 2)
- Page 9 Administration of Employee Personnel Records (deletion of bullet point #9)

Page 15 Employee In-Processing/Orientation (modified Statement of Policy, deletion of #10, #11 and #12 from list)

Page 16 Types of Employment and Eligibility for Benefits (modified #3)

Page 18 Employee Termination and Out-Process (modified paragraph 2, 9 and 11)

Page 20 Date of Hire/Anniversary Date (deletion of paragraph 4 and 7)

Page 32 Anti-Harassment Policies (added Scope)

Page 44 Introductory Period (deletion of paragraph 6 from Statement of Policy)

Page 48 Demotions (modified Statement of Policy)

Page 51 Transfers (modified Statement of Policy)

Page 54 Pay Advances (Delete Policy)

Page 55 Pay Periods (modified Statement of Policy)

Page 57 Time Sheets/Cards, Preparation of Payroll and Direct Deposit (modified Statement of Policy)

Page 60 Vacation Leave (modified Statement of Policy)

Page 62 Unpaid Leave (modified last paragraph)

Page 69 Bereavement Leave (modified #1 and #2)

Page 71 Military Leaves of Absence (modified Statement of Policy)

Page 79 Personal Days (Added Policy)

Page 85 Retirement System (modified Statement of Policy)

Page 94 Employee Conduct (modified Statement of Policy, bullet point #4, deletion of #10 from list)

Page 97 Personal Appearance (modified Statement of Policy)

Page 106 Smoking Policy for Township Employees (modified Statement of Policy)

Page 127 Employee Complaint Policy (modified Statement of Policy)

Page 134 Open Public Meetings Act Procedure Concerning Personnel Matters (inserted HR Director in place of Clerk)

Page 141 Use of Township-Owned Motor Vehicles (deletion of #5)

Page 145 Collision Investigation Involving Township Employees and/or Vehicles (modified #4)

Page 147 Employee Actions at Accident Scenes (deletion of last paragraph)

Page 151 Township Emergency Plan (modified 3, 3(a), deletion of #13 from list)

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that a revised Employee Handbook be and the same are hereby adopted and shall be available to employees and the public on the Township of Hamilton website.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Award of Bids/Contracts/Change Orders

Resolution to Award 2016 Local Road Program Contract (Bid #2016-07) to Arawak Paving Company, Inc., in the amount of \$348,900.00.

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

RESOLUTION AWARD OF BID CONTRACT (#2016-07)
2016 LOCAL ROAD PROGRAM

WHEREAS, the Township Committee of the Township of Hamilton, Atlantic County, NJ, has determined to provide for the 2016 Local Road Program 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 August 25, 2016 for the purpose of awarding a contract for the aforementioned purpose; and

WHEREAS, the following bids were received on August 25, 2016:

Arawak Paving Company, Inc.	Base Bid - \$348,900.00
Jerry & Son Excavating, Inc.	Base Bid - \$396,645.00
Landberg Construction, LLC	Base Bid - \$458,605.33
A.E. Stone, Inc.	Base Bid - \$463,000.00
Asphalt Paving Systems, Inc.	Base Bid - \$474,000.00
Ricky Slade Construction, Inc.	Base Bid - \$649,670.00

WHEREAS, after review by Robert J. Smith, III, P.E., P.P., C.M.E., CPWM, Remington, Vernick & Walberg Engineers, of all bids submitted, Arawak Paving Company Inc., 7503 Weymouth

Road, Hammonton, NJ 08037 was determined to be the lowest, qualified responsible bidder for said contract. Robert J. Smith, Alternate Township Engineer has recommended by correspondence dated 8/26/16 that the Township Committee award said contract to Arawak Paving Company, Inc. in an amount not to exceed \$348,900.00; 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 2016 Local Road Program is hereby awarded to Arawak Paving Company, Inc., 7503 Weymouth Road, Hammonton, NJ 08037 in the amount of three hundred forty-eight thousand nine hundred dollars (\$348,900.00).

Roll Call Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
 Nay: XXX
 Abstain: XXX
Motion Carried 5-0.

Approve Change Order No. 1 (final) for Municipal Generator Replacement Project as recommended by Robert J. Smith, III, Alternate Township Engineer on August 29, 2016, net decrease of \$8,056.31.

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

RESOLUTION
 APPROVAL OF CHANGE ORDER NO. 1
 MUNICIPAL BUILDING GENERATOR REPLACEMENT

WHEREAS, the Township Committee by previous resolution awarded a contract to Ronald Janney Electrical Contractor, Inc. for the Municipal Building Generator Replacement project; and

WHEREAS, by correspondence dated August 29, 2016, Robert J. Smith III, Alternate Township Engineer recommended approval of Change Order No. 1 which decreases the contract amount by \$8,056.31; and

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 Municipal Building Generator Replacement contract for a decrease of \$8,056.31 as recommended by Robert J. Smith III, Alternate Township Engineer.

Recorded Roll Call Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
 Nay: XXX
 Abstain: XXX
Motion Carried 5-0.

Resolution to Award Fleet Maintenance Contract (Bid #2016-04A) to First Vehicle Services in the amount of \$1,603,615.75 and Non Target Regular Rate \$38.00 per hour and Overtime Rate \$48.00 per hour.

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

RESOLUTION AWARD OF BID CONTRACT
 FLEET MAINTENANCE CONTRACT

WHEREAS, the Township Committee of the Township of Hamilton, Atlantic County, NJ, has determined to provide for Fleet Maintenance Services 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 August 18, 2016 for the purpose of awarding a contract for the aforementioned purpose; and

WHEREAS, the following bids were received on August 18, 2016:

Centerra Integrated Services, LLC	Base Bid - \$1,674,474.00	Non-Target \$44.00	Non-Target OT \$50.73
First Vehicle Services	Base Bid – \$1,603,615.75	Non-Target \$38.00	Non-Target OT \$48.00

WHEREAS, after review by the Townships' Qualified Purchasing Agent, Township Attorney and Public Works Department of all bids submitted, First Vehicle Services, 1100 N. Albany Ave., Atlantic City, NJ was determined to be the lowest, qualified responsible bidder for said contract. Mike Jacobs, Township Administrator has recommended by correspondence dated 8/31/16 that the Township Committee award said contract to First Vehicle Services in an amount not to exceed \$1,603,615.75; 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 Fleet Maintenance Services is hereby awarded to First Vehicle Services, 1100 N. Albany Ave., Atlantic City, NJ in the amount of \$1,603,615.75.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution to Award Emergency Generator Service and Maintenance Contract (Bid #2016-08) to Atlantic Switch & Generator in the amount of \$7,050.00.

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

RESOLUTION AWARD OF BID CONTRACT (#2016-08)
EMERGENCY GENERATOR SERVICE & MAINTENANCE CONTRACT

WHEREAS, the Township Committee of the Township of Hamilton, Atlantic County, NJ, has determined to provide for an emergency generator service and maintenance contract 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 August 25, 2016 for the purpose of awarding a contract for the aforementioned purpose; and

WHEREAS, the following bids were received on August 25, 2016:

Atlantic Switch & Generator	Base Bid - \$7,050.00
Power Equipment Company	Base Bid - \$14,584.00

WHEREAS, after review by Township Engineer Steven L. Filippone, P.E., P.P., C.M.E., Engineering Design Associates, P.A., of all bids submitted, Atlantic Switch & Generator, 4108 Sylon Blvd., Hainesport, NJ 08036 was determined to be the lowest, qualified responsible bidder for said contract. Steven L. Filippone, Township Engineer has recommended by correspondence dated 8/31/16 that the Township Committee award said contract to Atlantic Switch & Generator in an amount not to exceed \$7,050.00; 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 Emergency Generator Service and Maintenance Contract is hereby awarded to Atlantic Switch & Generator, 4108 Sylon Blvd., Hainesport, NJ 08036 in the amount of seven-thousand fifty dollars (\$7,050.00).

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Consent Agenda

Mayor Silva requested to remove items 5I. and 5M. from the consent agenda to allow for a separate vote.

Mr. Kurtz moved, seconded by Mr. Guishard to approve Consent Agenda items 5A.-5H., 5J.-5L., and 5N.-5P.

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

Motion Carried 5-0.

Approve Business Registration Licenses:

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

1. Grigsby at Gravelly Run – General Store
2. JerZeyEatZ Food Truck – Transient Vendor 9/8/16 – 9/12/16

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

Motion Carried 5-0.

Resolution requesting permission from the DLGS for the Dedication by Rider for Security Deposits.

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

A RESOLUTION REQUESTING PERMISSION FOR THE
DEDICATION BY RIDER FOR SECURITY DEPOSITS

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, New Jersey as follows:

1. The Township Committee hereby requests permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A.40A:4-39, as amended by P.L. 1999, c.292 for the exclusive purpose of depositing and expending funds paid by individuals for security deposits.
2. The Municipal Clerk is hereby directed to forward two certified copies 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.

Resolution requesting permission from the DLGS for the Dedication by Rider for Refund Payments from a Joint Insurance Fund.

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

A RESOLUTION REQUESTING PERMISSION FOR THE
DEDICATION BY RIDER FOR REFUND PAYMENTS
FROM A JOINT INSURANCE FUND

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, New Jersey as follows:

1. The Township Committee hereby requests permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A:4-39, as amended by P.L. 1999, c.292 for the exclusive purpose of depositing and expending funds paid by individuals for Joint Insurance Fund refunds.

- 2. The Municipal Clerk is hereby directed to forward two certified copies 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.

Resolution correcting the spelling of Joseph D. Harty’s name on the list of the Mizpah Volunteer Company members eligible for 2015 LOSAP credit, as certified by Chief Davenport.
 Mr. Kurtz moved, seconded by Mr. Guishard that the following resolution be adopted:

RESOLUTION AMENDING
 ACCEPTANCE OF CERTIFIED 2015 LOSAP CREDIT LIST

WHEREAS, an error was made in one of the names as listed in the March 7, 2016 resolution accepting the Mizpah Volunteer Fire Company certified list of Members eligible for 2015 LOSAP credit.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hamilton that the March 7, 2016 resolution be and is hereby amended to read as follows:

Jay Davenport II – 211 points	Joseph Tortello – 105 points
Kelley Davenport – 202 points	Kennedy Davenport – 142 points
Anthony Milazzo – 110 points	Joseph Harty – 106 points

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
 Nay: XXX
 Abstain: XXX
Motion Carried 5-0.

Resolution accepting Performance Guarantee for Artists Walk – Phase 3, Block 1132.01, Lot 37 in total amount of \$249,580.30 – Lexon Insurance Company Performance Bond #1061502-\$224,622.27 and Cash Escrow - \$24,958.03 as required by Robert J. Smith, Alternate Township Engineer’s estimate dated May 14, 2014.

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

RESOLUTION ACCEPTING PERFORMANCE GUARANTEE
 ARTISTS WALK LLC – PHASE 3
 PAPANONE HOMES OF NEW JERSEY, INC.
 BLOCK 1132.01, LOT(S) 37

BE IT RESOLVED by the Township Committee of the Township of Hamilton to accept the Lexon Insurance Company Performance Bond #1061502 in the amount of \$224,622.27 together with \$24,958.03 cash escrow as the performance guarantee for the Artists Walk – Phase 3 at Block 1132.01, Lot(s) 37 in the total amount of \$249,580.30 as required by Robert J. Smith, Township Engineer’s estimate dated May 14, 2014.

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 Appropriation for Federal Emergency Management Agency (FEMA) in the amount of \$18,861.56.

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

RESOLUTION NO. 2016-159-6
 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

Federal Emergency Management Agency (FEMA) - \$18,861.56

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 –

Federal Emergency Management Agency (FEMA) - \$18,861.56

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution Authorizing GovDeals Auction per list submitted by the Director of Public Works on August 23, 2016

Mr. Kurtz moved, seconded by Mr. Guishard 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, Schenker, Silva

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution Supporting a Mid-Block Crosswalk on Main St.

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

RESOLUTION SUPPORTING
THE ESTABLISHMENT OF A MID-BLOCK CROSSWALK ON MAIN STREET IN
MAYS LANDING, (HAMILTON TOWNSHIP) ATLANTIC COUNTY, NEW JERSEY

WHEREAS, in concern for Public Safety the Township of Hamilton Police Department recommends a mid-block crosswalk to be established on Main Street between the First United Methodist Church and Anytime Fitness; and

WHEREAS, the Township Committee of the Township of Hamilton agrees and supports the recommendation of the Police Department; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hamilton, Atlantic County, NJ, supports the establishment of a mid-block crosswalk on Main Street between the First United Methodist Church and Anytime Fitness and urges the County of Atlantic to initiate an investigation into the necessity of said crosswalk as soon as possible.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Authorize the Preparation of a Contiguous Owner Land Sale Ordinance for Block 375, Lot 19, a 25x100 lot located at 1392 Scranton Ave. Minimum Bid \$100.00.

Mr. Kurtz moved, seconded by Mr. Guishard to authorize the preparation of a Contiguous Owner Land Sale Ordinance for Block 375, Lot 19, a 25x100 lot located at 1392 Scranton Ave. Minimum Bid \$100.00.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution Ratifying 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.

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

RESOLUTION RATIFYING SALE OF LAND TO CONTIGUOUS OWNER
PURSUANT TO ORDINANCE #1826-2016

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

WHEREAS, the bid of Debra Kraus, whose address is 7400 Driftwood Lane, Mays Landing, NJ 08330 was accepted by the Township Committee on August 15, 2016; and

WHEREAS, the bid sum of eight hundred dollars (\$800.00) was equal to or exceeded the minimum bid set by Ordinance #1826-2016 and included a money order in the amount of two hundred dollars (\$200.00) which equals or exceeds the minimum twenty (20%) percent deposit required by the Ordinance.

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

- 1) Acceptance of the bid of \$800.00 is hereby confirmed and the sale Lots 12, 13, 14 & 17 in Block 401 to Debra Kraus is hereby ratified.
- 2) The Solicitor is hereby authorized to prepare a quit claim deed conveying the Township's right, title and interest in Lots 12, 13, 14 & 17 in Block 401 to Debra Kraus.
- 3) The Mayor and Township Clerk are authorized to execute and record the deed conveying said property to Debra Kraus.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution Accepting Hamilton Mall, LLC's Amended Letter of Credit #63665350 as Maintenance Guarantee for the Hamilton Mall Expansion Phase I.

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

RESOLUTION ACCEPTING HAMILTON MALL, LLC'S
 AMENDED LETTER OF CREDIT #63665350 AS MAINTENANCE GUARANTEE
 FOR THE HAMILTON MALL EXPANSION PHASE I

BE IT RESOLVED by the Township Committee of the Township of Hamilton to accept the amended Letter of Credit #63665350 in the amount of \$221,841.19 with new expiration date of February 26, 2017 as the continued two (2) year maintenance guarantee for Hamilton Mall, LLC c/o Kravco Company, LLC's Hamilton Mall Expansion - Phase I project.

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
 Nay: XXX
 Abstain: XXX
Motion Carried 5-0.

Renew Inactive Liquor License #0112-33-013-002, Finnerty's Inc. – Special Ruling to permit renewal received 8/18/16 from Division of ABC.

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

RESOLUTION AUTHORIZING RENEWAL OF INACTIVE LIQUOR LICENSE WITH SPECIAL
 RULING OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL
 FINNERTY'S INC. (0112-33-013-002)
 2016-2017 LICENSE TERM

WHEREAS, Finnerty's Inc., a corporation of the State of New Jersey is the owner of Plenary Retail Consumption License #0112-33-013-002; and

WHEREAS, Finnerty's Inc., the aforesaid Licensee #0112-33-013-002 has been inactive since July 21, 2009; and

WHEREAS, Finnerty's Inc. filed the required application for renewal and paid the renewal fees for the 2016-2017 license year; and

WHEREAS, the Division of Alcoholic Beverage Control issued a Special Ruling pursuant to N.J.S.A. 33:1-12.39 on August 18, 2016 under Agency Docket No. 07-16-325.85516 which authorized the Township of Hamilton, at its discretion, to renew said Retail Consumption License #0112-33-013-002 for the 2016-2017 and 2017-2018 license years; and

WHEREAS, the required Alcoholic Beverage Retail Tax Clearance Certificate for Renewal purposes was issued 5/16/16 from the Division of Taxation.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic that pursuant to the terms, provisions and conditions set forth in the aforesaid Division of Alcoholic Beverage Control Special Ruling, Plenary Retail Consumption License #0112-33-013-002 is hereby approved and issued for the 2016-2017 license year.

BE IT FURTHER RESOLVED that the license certificate shall be retained in the office of the Township Clerk until said license is transferred and/or reactivated at a location approved by the township Committee of the Township of Hamilton.

<u>PLENARY RETAIL DISTRIBUTION LICENSES</u>		
FINNERTY'S HUT, INC. 0112-33-013-002	FINNERTY'S HUT	7134 BLACK HORSE PK MAYS LANDING, NJ

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
 Nay: XXX
 Abstain: XXX
Motion Carried 5-0.

Resolution Cancelling 4th Quarter Taxes on Block 996.02, Lot 9 in the amount of \$1,264.98 due to Totally Disabled Veteran Exemption.

Mr. Kurtz moved, seconded by Mr. Guishard 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 996.02, Lot 9 was granted a 100% Totally Disabled Veteran exemption status by the Tax Assessor effective 8/29/16, a copy of the approval letter from the Assessor is attached hereto; and

WHEREAS, taxes were assessed on this property for the 4TH quarter of 2016 which must be cancelled due to the exemption; and

WHEREAS, the taxes on the 4th quarter of 2016 will be cancelled as follows:

Block/Lot	Owner	Amount
996.02/9	Long, Delbert	\$1,264.98 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 fourth quarter taxes assessed on the above mentioned block and lot be cancelled in the amount of \$1,264.98.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution Supporting the Mays Landing Merchants Association Application on Behalf of the Mays Landing Rotary Club for Closure of Main Street/CR 559 Between Farragut Ave. and Mill Street from 5:30p.m. to 8:30 p.m. on Sunday, October 30, 2016 for the 2016 Halloween Parade.

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

RESOLUTION SUPPORTING
MAYS LANDING MERCHANT’S ASSOCIATION APPLICATION TO
ATLANTIC COUNTY FOR ROAD CLOSURE OF MAIN STREET/CR 559
FOR THE ANNUAL HALLOWEEN PARADE

BE IT RESOLVED, that the Township Committee of the Township of Hamilton, Atlantic County, NJ, supports the Mays Landing Merchants’ Association application to the County of Atlantic for closure of Main Street/CR 559 between Farragut Avenue and Mill Street from 5:30 p.m. to 8:30p.m. on Sunday, October 30, 2016 for the Mays Landing Rotary Club annual Halloween Parade.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolutions removed from consent

The Mayor noted that the road will remain open for local residences and businesses.

Resolution Authorizing the Closure of the Entire Length of Harbor Avenue to Motor Vehicle Traffic on September 24, 2016 from 8:30a.m. to 4:00p.m. and on September 25, 2016 from 7:00a.m. to 12:00noon, for the MS 150 City to Shore Cycling Event

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

GRANTING PERMISSION FOR ROAD CLOSURE OF HARBOR AVENUE
FOR THE MS SOCIETY 150 CITY TO SHORE CYCLING EVENT

WHEREAS, the Township Committee of the Township of Hamilton, Atlantic County, NJ, has received a request from the MS Society to limit traffic on Harbor Road between Reega Avenue and Township Avenue on Saturday, September 24, 2016 and on Sunday, September 25, 2016 for the 37th Annual Bike MS: City to Shore fundraising event; and

WHEREAS, after review of the request, the Hamilton Township Police Department in concern for public safety has recommended that the entire length of Harbor Avenue be closed to motor vehicle traffic on September 24th from 8:30 a.m. to 4:00 p.m. and on September 25th from 7:00 a.m. to 12:00 p.m.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, to support the recommendation of the Hamilton Township Police Department and grant permission for the road closure of the entire length of Harbor Avenue to

motor vehicle traffic on September 24, 2016 from 8:30 a.m. to 4:00 p.m. and again on September 25, 2016 from 7:00 a.m. to 12:00 p.m. for the MS Society 150 City to Shore Cycling Event.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

A discussion took place as to who would receive this payment. This will be reviewed before payment is disbursed.

Resolution Authorizing Release of Maintenance Guarantee in the amount of \$3,688.50 current cash escrow for Restored Israel of Yahweh Minor Subdivision – Smith Avenue – Block 25, Lots 5 & 8 upon its expiration of 10/20/16 as recommended by Robert J. Smith, Alternate Township Engineer’s letter of August 29, 2016.

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

AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE
RESTORED ISRAEL OF YAHWEH MINOR SUBDIVISION
SMITH AVENUE – BLOCK 25, LOTS 5 & 8

BE IT RESOLVED by the Township Committee of the Township of Hamilton to authorize release of current escrow in the amount of \$3,688.50 posted by Restored Israel of Yahweh for the minor subdivision – Smith Avenue – Block 25, Lots 5 & 8 upon its expiration date of 10/20/16 as recommended by Robert J. Smith, Alternate Township Engineer in his correspondence dated 8/29/16.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Personnel:

Appoint Jane Bash, Deputy Township Clerk, at an annual salary of \$55,000.00 effective September 7, 2016 with \$3,000.00 increase upon receipt of Registered Municipal Clerk Certification, if obtained within (2) years.

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

RESOLUTION TO APPOINT
DEPUTY MUNICIPAL CLERK

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Jane Bash as a Full-time Deputy Municipal Clerk at an annual salary of \$55,000, effective September 7, 2016 with a \$3,000 increase upon receipt of Registered Municipal Clerk certification, if obtained within two (2) years.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Appoint Jane Bash, Public Agency Compliance Officer effective September 7, 2016, in compliance with N.J.A.C. 17:27-3.3.

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

RESOLUTION TO APPOINT
PUBLIC AGENCY COMPLIANCE OFFICER (PACO)

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Jane Bash as Public Agency Compliance Officer in compliance with N.J.A.C. 17:27-3.3, effective September 7, 2016.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Authorize Advertisement for Administrative Assistant/Alternate Deputy Registrar in the Township Clerk’s Office.

Mr. Kurtz moved, seconded by Miss Gatto to authorize advertisement for an Administrative Assistant/Alternate Deputy Registrar in the Township Clerk's Office

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX
Motion Carried 5-0.

Approvals:

Miss Gatto moved, seconded by Mr. Schenker that the regular meeting minutes of the August 15, 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 executive session minutes of August 15, 2016 are approved as presented.

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX
Motion Carried 5-0.

Miss Gatto moved, seconded by Mr. Guishard 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 \$4,539,845.78.

Recorded Vote: Aye: Gatto, Guishard, Kurtz, Schenker, Silva
Nay: XXX
Abstain: XXX
Motion Carried 5-0.

Reports

Administrator – Mr. Jacobs reported that Hamilton Youth Athletic Association (HYAA) has asked to place a shed in the corner of the parking lot. Discussion of same followed, and it was agreed that it is a good compromise.

Solicitor – Mr. Sandman spoke briefly about the policing of Egg Harbor River, stating that a subgroup has been formed and has developed a conceptual plan. The members of the subgroup are Robert Sandman, Chief Tappeiner, Michael Jacobs, Bill Christman, Phil Sartorio and Fred Akers. A meeting with the owner of Palace Pizza will take place on September 14th to begin the framework for an agreement to be effective in the spring. Meetings will continue in order to develop an enforcement plan for the upcoming spring season.

Mr. Sandman disclosed that he had met previously with Mr. Cokenakes, the owner of Palace Pizza, on an unrelated issue a year ago but there is no conflict.

Engineer- Mr. Filippone informed Committee members of recent inspections for Final Certificates of Occupancy for 3 DaVinci Way – Artist's Walk.

He provided a status report of continued installation of stormwater piping at Buffalo Pike.

Mr. Filippone also met with the concrete subcontractor for Hamilton Mall, who plans to expedite punch list items over the next two weeks.

Inspections of stormwater basins were also performed at both Holy Cross Cemetery and Cedar Point.

There was an August 31st meeting regarding the Linwood Avenue/MUA Project. SJ Gas has agreed to install asphalt between 2nd and 3rd Streets, replace concrete curbing and two driveway aprons through available Capital Bond funds.

He stated that three street opening permits were processed with SJ Gas.

Mr. Filippone also met with the Engineer for Festival at Hamilton to witness soil investigation at their stormwater basin. Remediation of same is required for Planning Board approval of the Home Goods project.

He also prepared specifications and bid documents for the twelve month maintenance contract for three Emergency Generators, with the award recommendation going to Atlantic Switch and Generator in the amount of \$7,050.00.

Township Committee:

Mr. Schenker stated that his family is eagerly awaiting the opening of the new Home Goods store.

He further stated that he greatly appreciates the letters and communications by the public regarding Malaga Road. He sympathized with Mr. Cortes that such situations are extremely difficult, and he expressed that there is frustration on both sides of the table in the quest to achieve a quicker solution.

Mr. Kurtz extended thanks to Mr. Filippone for his work in support of youth sports at Underhill Park.

He also informed Committee of the Art in the Park event sponsored by the Historical Society, which will take place on September 17, 2016. He further stated that there will be many great vendors in attendance as well as great food.

Mr. Kurtz also stated that a sizeable crowd is expected at the Wine Festival in Lenape Park on September 24-25, 2016.

Mr. Guishard seconded the comments of Mr. Schenker regarding Malaga Road, and encouraged everyone to comment wherever they can. He further observed that transportation projects often seem to be never-ending.

Mr. Guishard also attended meetings for the Green Team, as well as the Senior Citizen Advisory Committee. He further mentioned that the SCAC's new chairperson is Diane Fox.

Miss Gatto extended praise to Lakewood Chapel for their recent Carnival event, which was greatly enjoyed by the local youth. Nixle information was distributed to many residents, and the Mays Landing Fire Department was there as well.

She also mentioned that Committee had just voted to allow road closure for the Halloween Parade, and expressed enthusiasm for the upcoming parade.

Miss Gatto also stated that she is hoping for a follow-up on the used car amendment at the next meeting.

Mayor Silva informed Committee of the 9/11 Ceremony on Sunday at All Wars Memorial Park.

Public Comment

Russell Bongiovanni, Fox Hollow Drive, complimented Committee on their handling of Malaga Road.

Mr. Bongiovanni also expressed concern regarding parking restrictions in Victoria Pointe. He stated that when he moved to the development in January 2006, the parking restrictions were never mentioned until he received a copy of the declaration; he further stated that realtors must disclose that there are parking restrictions, even if they are not enforced. He cited a map provided by the Engineer, and questioned why there is no street parking if the streets are 50 feet wide as shown on the map. Mr. Bongiovanni further stated that without street parking, there would only be 78 total parking spaces in Victoria Pointe, resulting in crisis. He said that he has been unable to locate any plans authorizing streets to go from 50 feet to 30 feet, and his research has indicated that a solution would require Victoria Pointe to hire a Traffic Engineer to do a costly report/study. Upon Mayor Silva's inquiry, Mr. Bongiovanni stated that there are currently no plans by Victoria Pointe management to speak with the developer.

Director of Community Development Phil Sartorio explained that the project started in the late 1990s. In 2004, the performance guarantee was posted. The approved paved road area was 26'-28' wide, and was widened to 30'. The no parking signs remained, and it is a punch list item now; bond is based on the no parking signs.

Some discussion followed, and Solicitor Sandman determined that the Township cannot do anything until the streets are dedicated. Only the Planning Board can give the relief that Mr. Bongiovanni seeks, and Mr. Sandman further indicated that he believes the Planning Board would require a full hearing.

Nate Hall of Malaga Road expressed concern over a blockage to his property caused by a large mound of dirt on Fourth Avenue. He stated that the dirt mound prevents emergency vehicles from getting to his property in the case of an emergency. Some discussion ensued. Mr. Sandman stated that it is a question of where Mr. Hall's property begins and ends, and further stated that he would gladly review Mr. Hall's survey and deed.

Tom Schmutz of Malaga Road commented conversely on the dirt mound, stating that it can help to deter vandalism and break-ins in the area. Mr. Sandman stated that the purpose of the dirt mound is irrelevant; it is a matter of who owns the property.

Tyrone Russell of West Point Avenue expressed interest in increasing awareness of events in the West end of Mays Landing; there was recently a Back-to-School event which provided backpacks and other school supplies to local students.

Mr. Russell also expressed concern regarding the fire hall being used for auto and motorcycle repair, as well as the back area of the building being rented out by people other than Fire Department.

Mr. Russell further requested that the Police Department have a patrol car spend at least ten minutes in Mizpah, rather than simply riding through on patrol. He offered the use of his property for the patrol cars to park, watch, and observe; he stated that this would be much more effective than just driving through.

Harry Hornicle, a Mays Landing Resident, expressed concern over no parking signs at the Verizon Building. He stated that Verizon has placed signs to prevent people from parking on their lawn, but the signs are placed such that they are preventing people from parking on the street, where public parking is allowed.

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

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

On motion of Miss Gatto, seconded by Mr. Guishard and carried the meeting was adjourned at 9:05 pm.

Respectfully submitted,

Rita Martino, RMC, CMR
Township Clerk