

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
SEPTEMBER 19, 2016

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order September 19, 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 19, 2016 at the Municipal Building, 6101 Thirteenth Street, Mays Landing, NJ.

Roll Call:

Present: 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.

Solicitor Sandman requested the assistance of Esther, a local student and future attorney, for the swearing in of the new Township Committee Member this evening. Esther joined the appointed officials at the front of the room.

Proclamation – Knock Out Opiate Abuse Day

Mayor Silva read the proclamation into the record and stated that same will be signed by all Committee Members.

Resignation of Committee Member Amy Gatto

The resignation of Amy Gatto was accepted upon motion by Mr. Schenker, seconded by Mr. Kurtz. Both Mr. Schenker and Mr. Kurtz expressed regret over her resignation and wished her the best. Mr. Guishard also wished Ms. Gatto the best, and mentioned her achievement of having been a Mayor at the young age of 29. Mayor Silva expressed similar regret over her resignation, and stated that she will be a great asset to the County.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Selection of Township Committee Member

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

RESOLUTION NAMING ROBERT LAWS COMMITTEE MEMBER
FOR THE TOWNSHIP OF HAMILTON

WHEREAS, Amy Gatto resigned her position as Committee Member of The Township of Hamilton, effective September 9, 2016; and

WHEREAS, as required by NJSA 40A:16-11, the Hamilton Township Republican County Committee submitted the following names as nominees for the selection of a successor to fill the vacancy on September 14, 2016:

1. Robert Laws
2. Marla Caldwell
3. Myke Collazo
4. Jennie Ayers (Alternate)

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton to appoint Robert Laws as the successor to fill the vacancy of Amy Gatto, for the term September 19, 2016 to December 31, 2016, in accordance with the Municipal Vacancy Law, NJSA 40A:16-11.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Oath of Office Administered to Township Committee Member Robert Laws

The Oath was administered by Solicitor Sandman, with the assistance of Mr. Laws' wife and son. Mr. Laws stated his thanks to the committee for the opportunity to serve, while acknowledging the loss of Miss Gatto's service. He further stated that he is 100% committed to the community, and hopes to enhance the good things that are already being done.

Solicitor Sandman thanked Esther for her assistance.

Amy Gatto thanked everyone for their beautiful comments and stated that Hamilton Township is where her heart is. She further stated that she is very proud to have served Hamilton Township in the best of times and the worst of times, and that she is honored to be serving on the Freeholder Board. Miss Gatto also thanked everyone she served with – appointed officials, elected officials, professionals, and employees. She concluded with her congratulations to Committeeman Laws and appreciation to Assemblyman Chris Brown.

Selection of Deputy Mayor

On motion by Mr. Schenker, seconded by Mayor Silva, it was moved to appoint John Kurtz as Deputy Mayor.

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

Motion Carried 5-0.

Restructuring of Liaison Appointments

Mayor Silva announced that Mr. Schenker will be moving to Public Safety, and that Mr. Laws will be assigned to Special Services and Public Works.

Comments from Assemblyman Chris Brown

Mayor Silva opened the floor to Assemblyman Brown, who expressed his thanks for the opportunity to be accessible to local residents through his presence this evening. He also stated his congratulations to Amy Gatto, citing her as an excellent example for young females.

Assemblyman Brown acknowledged that the Township wound up spending about \$1,100.00 a day due to the lack of funding in the Transportation Trust Fund. He also stated that he is hopeful that legislation will be enacted that will require the state to reimburse the Township for costs they incurred due to the shutdown. He further stated that Hamilton Township is a model of leadership for how they managed to lower debt, maintain a stable tax rate, and still provide services.

Addition/Deletion of Late Agenda Items

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

Immediately after Proclamation – Accept the resignation of Committee Member Amy Gatto, term expiring December 31, 2016.

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

Motion Carried 5-0.

Early Public Comment

Solicitor Sandman expressed his great respect for Amy Gatto, and as a taxpayer and a resident, thanked her for her service.

Discussion

Malaga Road Update

Mayor Silva remarked that we've had a very serious issue out there once the Governor's Executive Order No. 210 closed down all of the state funded construction on the infrastructures. He stated that the road has been reopened as of Thursday of last week, and hopefully the safety issue has been put to rest.

Mr. Schenker and Mr. Kurtz expressed their satisfaction that the road is open. Mr. Guishard stated that he hopes that the state does reimburse Hamilton Township for that work; Mr. Kurtz agreed.

Public Hearing – Five Year Tax Exemption in the Historic District for construction of a new home (Block 741, Lot 2 – 80 Mill St.)

Mayor Silva clarified that this is for the new home that is between the Masonic Temple and Victor’s Liquor Store; the original home there sustained extensive damage from Hurricane Sandy. He then opened the floor for public discussion.

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

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

Motion Carried 5-0.

Resolution Approving the Granting of a Five Year Tax Exemption and Abatement to Robert & Mary Hahn for construction of a dwelling located at Block 741, Lot 2

Mr. Kurtz commented upon making motion that he had the opportunity to follow the project along, these gentlemen also were before the Historic Preservation Commission as part of this years ago, and they did an excellent job of working with that commission to keep the historic flavor of the property intact, and he thinks they did a great job with the building and construction.

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

RESOLUTION APPROVING THE GRANTING OF A FIVE YEAR TAX EXEMPTION AND ABATEMENT TO ROBERT & MARY HAHN FOR CONSTRUCTION OF A DWELLING LOCATED AT BLOCK 741, LOT 2

WHEREAS, Township Code Chapter 269, Article VI authorizes the Township to grant a five year tax exemption of thirty percent (30%) of the full true value of new construction and a five year tax abatement of existing value by twenty percent (20%) of the total cost of the new construction on certain properties within the Township; and

WHEREAS, Robert & Mary Hahn (“Applicant”) is the owner of Block 741, Lot 2 – 80 Mill Street (the “Property”), at which property is presently located a newly constructed home; and

WHEREAS, the Applicant has completed construction on the Property (the “Construction”) 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 and abatement for construction of a dwelling 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 Construction;

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 and abatement to Applicant for the Construction on the Property pursuant to Chapter 269, Article VI 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.

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

Motion Carried 5-0.

Introduction of Ordinance
Ordinance No. 1831-2016

Solicitor Sandman stated that this was discussed at the last two meetings and thought to be too restrictive. It now would allow a resident to sell one vehicle on his own property, making it both restrictive and helpful. It is also able to be tweaked as necessary in the future. Solicitor Sandman recommended the Ordinance. Mr. Guishard stated that the Ordinance is indeed a good compromise to

allow people to sell their own vehicle on their own property. Mayor Silva agreed that it makes good sense.

Mr. Kurtz moved, seconded by Mr. Schenker that the following Ordinance No. 1831-2016 be introduced on first reading with public hearing to be held October 3, 2016:

Ordinance No. 1831-2016 – An Ordinance Creating Chapter 289 to be Entitled “Vehicles, Sale of Used”

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

Motion Carried 5-0.

Authorization to enter into an agreement with NJ Transit for the installation and maintenance of a bus shelter on Cologne Avenue and Authorize Mayor to sign same.

Mayor Silva inquired and confirmed that this matter had been previously tabled, and that there is currently nothing in writing from the property owner. Both Mayor Silva and Mr. Schenker expressed concern for the liability risk to the Township. Solicitor Sandman confirmed that the agreement calls for the Township to defend, indemnify, protect, and save harmless the State. This involves two distinct duties: payment of any judgment or settlement, and payment of attorney’s fees and costs involved in a lawsuit. Therefore, signing this agreement would task the Township with defending the State in the event of a lawsuit. Mr. Guishard inquired whether this type of provision is standard for all bus shelters, and stated it is reasonable to believe that it is a standard arrangement. Mr. Guishard further stated that we have a duty to the 39 people who use the bus, and a remote risk of lawsuit should not stop the residents from having a bus shelter. Lengthy discussion ensued, and it was the consensus of the majority of the group for the matter to remain tabled until we know more about the liability issues.

Introduction of Ordinance

Ordinance No. 1830-2016

Mr. Jacobs confirmed that this is a general land sale.

Mr. Schenker moved, seconded by Mr. Kurtz that the following Ordinance No. 1830-2016 be introduced on first reading with public hearing to be held October 3, 2016:

Ordinance No. 1830-2016 – An Ordinance Authorizing the Sale of Lot 19 in Block 375 and Granting the Owners of Said Real Property Contiguous to Same the Right of Prior Refusal

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

Motion Carried 5-0.

Award of Bids/Contracts/Change Orders

Resolution to Approve Change Order #4 (final) for 2014 Milling and Patching Program as recommended by Robert J. Smith III, Alternate Township Engineer on September 6, 2016 – net decrease of \$1,542.80.

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

RESOLUTION TO APPROVE CHANGE ORDER NO. 4
2014 MILLING AND PATCHING PROGRAM

WHEREAS, the Township Committee by previous resolution awarded a contract to Landberg Construction, LLC for the 2014 Milling and Patching Program; and

WHEREAS, by correspondence dated September 6, 2016, Robert J. Smith III, Alternate Township Engineer recommended approval of Change Order No. 4 which decreases the contract amount by \$1,542.80; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, to approve Change Order No. 4 to the 2014 Milling and

Patching Program contract for a decrease of \$1,542.80 as recommended by Robert J. Smith III, Alternate Township Engineer.

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

Motion Carried 5-0.

Resolution to Authorize the Annual Renewal of the Snow Plowing Services Bid with Warriner's Construction, Inc., commencing October 1, 2016 through April 30, 2017.

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

RESOLUTION AUTHORIZING THE ANNUAL RENEWAL OF THE
SNOWPLOWING SERVICES BID

WHEREAS, on January 19, 2016 the Bid for Snowplowing Services (Bid #2016-02) was awarded to Warriner's Construction of Egg Harbor Township, New Jersey; and

WHEREAS, the specifications for this bid allow that the contract may be renewed annually commencing October 1, 2016 through April 30, 2017;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hamilton, that the snowplowing contract with Warriner's Construction, Inc. be renewed for the period October 1, 2016 through April 30, 2017 at the following hourly rates, as recommended by the CFO:

- | | |
|--|---------------|
| 1. Trucks up to two tons, with at least an 8-foot plow width | \$180.00/hour |
| 2. Trucks two tons or greater, with at least a 9-foot plow width | \$210.00/hour |
| 3. Front End Loader, minimum 2.5 cubic yard bucket | \$255.00/hour |
| 4. Small Loader or Loader/Backhoe, minimum 1.0 cubic yard bucket | \$235.00/hour |

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

Motion Carried 5-0.

Resolution Ratifying the Execution of the Amended Malaga Road Contract.

Comments:

Mr. Guishard: Have we assured ourselves that this new amended contract limits our liability or does not subject us to any liability?

Solicitor Sandman: Well it could, I mean as I reported the last two meetings, this is a very unusual circumstance where you have the Executive Order followed by a second Executive Order which carves out somewhat of an exception. But what you did here is first you took testimony from the Chief, followed up by a certification of the Engineer to establish that this was a dangerous condition. Then at the second meeting, there was other testimony provided by our residents, again the Chief, some by Miss Gatto, as to the further deterioration and you once again declared this to be a dangerous condition. Under the Local Finance Rules and Regulations, it required three things: it required a request from the Administrator to put this on the Agenda, it required a certification from Arawak as the contractor certifying certain things, including that this was an unforeseeable event, and a similar certification from Bob Smith, the Engineer in charge of the project. So all three of those documents should be part of the record and part of the minutes, and all of that has been satisfied. So you have, as best I can tell, complied with all of the rules of Local Finance with respect to doing what we did, what you did, but it's a new ball game. Nobody's going to tell you there's no risk; in fact, they wrote to us and said there is risk that you could lose the funding, and we had a hearing and it was determined, I think in large measure based upon public safety, to provide with finishing the contracts essentially. So there is risk, there's always risk, particularly in an area that is uncharted. Now having said that, 90% of what I do is I represent injured victims in car accident cases and other cases, and I can tell you that you are absolutely on notice of a dangerous condition. Had you not acted as you did and someone was injured or killed, you certainly would have been liable.

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

RESOLUTION RATIFYING THE EXECUTION OF THE AMENDED
MALAGA ROAD CONTRACT

WHEREAS, the Township of Hamilton and Arawak Paving Company entered into Contract Documents for Project NO. 01-12-0-041, FY 2015 NJDOT Municipal Aid – Project – Reconstruction of Malaga Road – Section 4 – Hamilton Twp. Bid #2015-04; and

WHEREAS, in order to complete the Project certain modifications are required to the scope of work and the payment terms therefor, including but not limited to a modification to the source of funding for payment of the work to be performed by Arawak; and

WHEREAS, in a resolution adopted by the Township Committee of the Township of Hamilton on September 6, 2016, authorization was given to Arawak to proceed with completing that portion of work on Malaga Road necessary for public safety; and

WHEREAS, as required by NJAC 5:30-5.1, it has been 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 to ratify the execution of the amended Malaga Road Contract made and entered into on the 12th day of September, 2016.

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

Motion Carried 5-0.

Resolution to Approve Change Order for FY 2015 NJDOT Municipal Aid Project – Reconstruction of Malaga Road – Section 4 – net increase of \$49,338.00, funding from General Capital Ordinance #1787-2015 Road Program C-04-15-787-000-906.

Comments:

Upon making his motion, Mr. Schenker stated: This is something that cost us \$50,000.00, at this point it was going to keep increasing as time went on, on top of the safety issues that we discussed in previous meetings, and our Solicitor just brought up our responsibility and our liability to this situation, so I believe that the, even though I wasn't happy about the \$50,000.00 and I made my feelings clear, when they got you over a barrel, you've got to go ahead and do what you've got to do, so I think the money, I'd like to say it was well spent, but it was, it had to be spent.

Upon seconding the motion, Mr. Kurtz stated: I believe it was an issue we had to make, it was something that, it actually when it came to the point where we had to make a decision, it was pretty much a no-brainer, it was a safety issue, we had to do it, and I think it was something that, I'm happy that we made the decision. It certainly finished the road quickly, it's over now, and there's an element of safety here now for children riding the buses and everything else, and the motorists.

Mr. Guishard: I'd just like to comment since this safety thing keeps coming up, that there are ways to satisfy the safety issue. It can be done with barriers, with police, etc. The problem is it would be inconveniencing, that's for sure. So I'm not saying we made the wrong decision but this, we continually talk about safety, and safety is really not an issue. We have the responsibility for assuring safety, and we can do that even though that road is closed. Roads are closed all around the state, and the provisions properly made to make it safe. We could do that also, but we chose not to. That's all I have to say.

Mayor Silva: Interesting comment, because if you look at the fact that the Governor may not even act on this until after November 8th, and maybe longer until he gets his way. At \$1,100.00 a day times thirty days in that month, the next month, and half of the one before you will have exceeded this amount of money. But when you looked at the fact that school was starting, people were not only terrorizing everybody on that main roadway, but were going through the back roads and disturbing the neighborhoods with excessive speed, people were afraid to back out of their driveways; yeah, our police are very busy now with everything they do and I think they did a very good job for the period of time that they had to police that area.

That money was extremely well spent, and I think as the Solicitor pointed out, once we were put on notice, and we were, okay, the way that you said you wanted to do it, you could abate it by putting up barriers, but you didn't really resolve anything. The real resolve is finishing the road and making it safe again. And I think that says that generally the committee realistically understood that, it was pointed out to us, and I think we acted in an appropriate way. And we're not here to throw away money, we actually believe there will be some healthy resolve to this thing as time goes on and I'm not a dreamer, I just believe there's a lot of municipalities dealing with the same issue, I read in the paper recently that Cumberland County, the Board over there, the Freeholders voted to continue all their projects and there were five of them, so I think there's many more people looking at this in a

similar way, and I think the decision was very well made and in the interest of the residents in that area and the rest of the Township, and the people who drive through there.

Mr. Guishard: I don't want to beat this to death, but the only reason I mention safety is because the safety issue is resolved if the road is closed. You don't have to worry about people speeding and so on and so forth, that resolves the issue. It's inconvenient, and could be costly, but that resolves the issue, so safety is not the issue.

Mayor Silva: You close the whole road with a barrier, right?

Mr. Guishard: We close that portion of the road, yes, just like they've done in many other places in the state.

Mayor Silva: Then what happens with the trucks and all the side roads?

Mr. Guishard: The trucks don't take that road, they go on 54, they take an alternate.

Mayor Silva: That'll never happen. We've been trying to get trucks to go down 54 ever since I can remember here, to cut down on the traffic in the center of town, to alleviate the traffic on 40, to take it off 50, you bring up a point, but I'll tell you what, who's going to follow it? The day we were out there when the road was opening, we were watching the heavy-- right, John? – Tractor trailers going down that road?

Mr. Kurtz: Yes.

Mr. Guishard: Yes, I've been out there.

Mayor Silva: So imagine you, you close the road, Mr. Solicitor? And they run into the barrier.

Solicitor Sandman: That's—that's a different issue. That's a signage issue, I would think. A different issue.

Mr. Guishard: All right, I don't want to---

Mayor Silva: No, I understand what you're doing. You're entitled to it, and I think everybody understood the point that you were making, and I wish we could have gone that way, but once we were put on notice, we either had to abate the situation, or resolve it, and I think we resolved it.

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

**RESOLUTION TO APPROVE CHANGE ORDER NO. 1
FY 2015 NJDOT MUNICIPAL AID PROJECT-RECONSTRUCTION OF MALAGA ROAD**

WHEREAS, the Township Committee by previous resolution awarded a contract to Arawak Paving Company, Inc., 7503 Weymouth Road, Hammonton, NJ 08037 for the FY2015 NJDOT Municipal Aid Project- Reconstruction of Malaga Road- Section 4; and

WHEREAS, by correspondence dated September 16, 2016, Robert J. Smith III, Alternate Township Engineer recommended approval of Change Order No. 1 which increases the contract amount by \$49,338.00; and

WHEREAS, this increase is in excess of 20% of the original contract, additional documentation as required by NJAC 5:30-11 is attached hereto and made a part hereof as Schedule A; and

WHEREAS, as required by NJAC 5:30-5.1, it has been 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 approve Change Order No. 1 to the FY2015 NJDOT Municipal Aid Project- Reconstruction of Malaga Road-Section 4 contract for an increase of \$49,338.00 as recommended by Robert J. Smith III, Alternate Township Engineer.

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

Motion Carried 5-0.

Consent Agenda

Mayor Silva requested to remove items 10E, 10F, and 10H, from the consent agenda to allow for a separate vote.

Mr. Kurtz moved, seconded by Mr. Guishard to approve Consent Agenda items 10A.-10D. and 10G.

Recorded Roll Call Vote: Aye: Guishard, Kurtz, Laws, 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 license(s):

- 1. Jack Lyon – Auction of equipment at ACRC 9/24/16 & 9/25/16

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

Motion Carried 5-0.

Approve Raffle License Applications #16-2016, #17-2016, #18-2016, and #19-2016; St. Vincent DePaul Regional School HSA – Raffles to be held on November 12, 2016.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton to approve Raffle License Applications #16-2016 (Penny Auction), #17-2016 (Off Premise Draw Raffle), #18-2016 (Off Premise Draw Raffle), and #19-2016 (On Premise 50/50) - for St. Vincent DePaul Regional School HSA – Off-Premise Draw Raffle to be held on November 12, 2016.

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

Motion Carried 5-0.

Approve Raffle License Application #20-2016, St. Vincent DePaul Parish – Raffle to be held on December 11, 2016.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton to approve Raffle License Application #20-2016 - for St. Vincent DePaul Parish – Off-Premise Draw Raffle to be held on December 11, 2016.

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

Motion Carried 5-0.

Approve Release of Maintenance Guarantee in the amount of \$1,377.00 current cash escrow for Boakes Funeral Home Phase 2 (Block 742, Lot 13) upon its expiration date of 12/15/16 as recommended by Steven Filippone, Township Engineer’s letter dated 9/12/16.

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

RESOLUTION
AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE
BOAKES FUNERAL HOME PHASE 2
BLOCK 742, LOT 13

BE IT RESOLVED by the Township Committee of the Township of Hamilton to authorize release of current escrow in the amount of \$1,377.00 posted by Boakes Funeral Home Phase 2– Block 742, Lot 13 upon its expiration date of 12/15/16 as recommended by Steven Filippone, Township Engineer in his correspondence dated 9/12/16.

Recorded Vote: Aye: Guishard, Kurtz, Laws, Schenker, Silva
Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Approval of a Request from the Senior Citizens Advisory Committee to sponsor a Food Drive December 3-11, 2016.

Mr. Kurtz moved, seconded by Mr. Guishard to approve the Senior Citizens Advisory Committee-sponsored Food Drive, December 3-11, 2016.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolutions removed from consent

Resolution Authorizing the Institution of an In Rem Tax Foreclosure.

Mayor Silva moved, seconded by Mr. Schenker that the following resolution be adopted:

RESOLUTION AUTHORIZING THE
INSTITUTION OF AN IN REM TAX FORECLOSURE

WHEREAS, the Tax Collector of the Township of Hamilton has prepared an In Rem tax foreclosure list and has certified the same to the governing body; and

WHEREAS, it is the desire of the Mayor and Township Committee of the Township of Hamilton to institute In Rem tax foreclosure proceedings against the properties which were set forth in the list attached hereto; and

WHEREAS, it is not only in the best interest of the Township to institute said proceedings, but also is a duty of the governing body; and

WHEREAS, the institution of said In Rem proceeding will result in revenue to the Township of Hamilton either by a redemption of the subject properties or their foreclosure and resale by the Township of Hamilton;

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

1. That the Mayor and Township Committee of the Township of Hamilton do hereby authorize the institution of In Rem tax foreclosure proceedings in regard to the properties set forth in the list attached hereto.
2. That a certified copy of this resolution be forwarded to the Tax Collector of the Township of Hamilton and the attorney for the Township of Hamilton.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution Authorizing the Release of The Ohio Casualty Insurance Company Bond #601075957 in the amount of \$254,972.58, the two (2) year Maintenance Guarantee for the Public Works Garage Interior Renovations (Bid #2014-15, JH Williams Enterprises, Inc.) upon its expiration date of 10/22/16.

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

RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE
PUBLIC WORKS GARAGE INTERIOR RENOVATIONS (BID #2014-05)

BE IT RESOLVED by the Township Committee of the Township of Hamilton to authorize release of The Ohio Casualty Insurance Company Bond #601075957 in the amount of \$254,972.58, the two (2) year Maintenance Guarantee for the Public Works Garage Interior Renovations (Bid #2014-05, JH Williams Enterprises, Inc.) upon its expiration date of 10/22/16, as recommended by Linda Viventi, Vice President of The Design Collaborative Architects and Planners, PA in her correspondence dated 9/14/16.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution Seeking Approval for a Speed Limit Change and No Passing Zone on Malaga Road.

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

RESOLUTION SEEKING APPROVAL FOR A SPEED LIMIT CHANGE AND NO PASSING
ZONE ON MALAGA ROAD

WHEREAS, Malaga Road was the subject of investigation for appropriate speed limit consideration; and

WHEREAS, Malaga Road was examined by traffic Engineer, Kevin J Dixon, PE, PP, PTOE, CME, as authorized by the Governing Body of the Township of Hamilton; and

WHEREAS, as a result of this investigation, Mr. Dixon also examined the warrants for No Passing pavement markings on Malaga Road; and

WHEREAS, Mr. Dixon produced a report titled, Malaga Road Speed Limit Study and No Passing Warrant Analysis, dated August 29, 2016 (The Report); and

WHEREAS, The Report was based on the parameters for speed limits found in Title 39 of the New Jersey Statutes, MOTOR VEHICLES AND TRAFFIC REGULATION, for determination of the proper speed limit; and

WHEREAS, The Report was based on the parameters for No Passing Pavement Markings as established in the Manual on Uniform Traffic Control Devices, by the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the aforementioned publications are considered authoritative sources for the establishment of roadway controls such as speed limit signs and pavement markings; and

WHEREAS, The Report concludes that the recommended posting is 40 miles per hour for the reasons stated in the Report; and

WHEREAS, The Report concludes that deficiencies exist in the roadway justifying establishment of No Passing control by means of a double yellow pavement marking throughout the centerline of the entire length of Malaga Road within Hamilton Township, with appropriate breaks, for the reasons stated in The Report;

NOW, THEREFORE, BE IT RESOLVED , that the Governing Body of the Township of Hamilton hereby authorizes Mr. Dixon to take the necessary steps to secure the approval of The Commissioner of the Department of Transportation (the Department) in accordance with Title 39 requirements, including providing the Department the additional information as may be requested to assist the Department in providing the level of review required by the Department, at its discretion, including traffic counts, crash data and speed studies as necessary to establish a speed limit of 40 miles per hour, and A No Passing Zone throughout the length of Malaga Road from the Buena Vista border to NJDOT Route 322.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Personnel:

Appoint Christina Wilbert, Dana DiMarco, and Joshua Hartman as Fire Police for the Laureldale Fire & Rescue Company for a Five Year Term each Effective September 20, 2016 – September 19, 2021.

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

RESOLUTION TO APPOINT CHRISTINA WILBERT, DANA DIMARCO AND JOSHUA
HARTMAN AS FIRE POLICE FOR THE LAURELDALE FIRE & RESCUE COMPANY

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Christina Wilbert, Dana DiMarco and Joshua Hartman as Fire Police for the Laureldale Fire & Rescue Company for a five year term each effective September 20, 2016 – September 19, 2021 as requested by Company Chief.

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

Motion Carried 5-0.

Authorize Advertisement for Deputy Tax Collector.

Mr. Kurtz moved, seconded by Mr. Guishard to authorize advertisement for a Deputy Tax Collector.

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

Motion Carried 5-0.

Authorize Advertisement for Deputy Chief Financial Officer.

Mr. Guishard moved, seconded by Mr. Schenker to authorize advertisement for a Deputy Chief Financial Officer.

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

Motion Carried 5-0.

Accept Resignation of Carol Pickett-Young from the Senior Citizen Advisory Committee, term ending December 31, 2016.

Mr. Kurtz moved, seconded by Mr. Guishard to accept resignation of Carol Pickett-Young from the Senior Citizen Advisory Committee, term ending December 31, 2016.

Both Mr. Kurtz and Mr. Guishard commented that Ms. Pickett-Young was a great asset to the Senior Citizen Advisory Committee, and her resignation is accepted with regret.

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

Motion Carried 5-0.

Appoint Maureen Mattle as Temporary Help in the Finance Office @ \$50.00 per hour, not to exceed 10 hours/week.

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

RESOLUTION TO HIRE
TEMPORARY HELP IN THE FINANCE OFFICE

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to hire Maureen Mattle as temporary help in the Finance office @ \$50.00/hr., not to exceed 10 hours/week.

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

Motion Carried 5-0.

Approvals:

Mr. Guishard moved, seconded by Mr. Schenker that the regular meeting minutes of the September 6, 2016 meeting are approved as presented.

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

Motion Carried 4-0-1.

Mr. Kurtz 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 \$1,524,813.29.

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

Motion Carried 4-0-1.

Reports

Administrator – none at this time.

Solicitor – Mr. Sandman followed up on Nathan Hall's September 6th discussion of blockage of a paper street; it was determined that the dirt mound in question was on a paper street and was therefore removed.

Mr. Sandman stated that a subcommittee has been developed to address the complaints of the residents living along the river. Last week an informational meeting was held with the owner of Palace Pizza, Mr. Jacobs, Mr. Sartorio, and Chief Tappeiner. The subcommittee will meet again in October to provide proposals to address the issues with trash, noise, etc. It was mentioned that Winding River may be part of the issue as well, so a meeting has been scheduled with Winding River as well. The committee would like to develop a plan that can be implemented in spring.

Engineer- Mr. Filippone reported that a maintenance guarantee inspection was conducted for DDR Hamilton Commons Phase II which resulted in a punch list letter.

Regarding Buffalo Pike, he reported that work is progressing slowly along the Black Horse Pike right-of-way. This has been an issue, as barrels set up for the project are harming the business of Joe's Farm Market. A meeting with NJDOT will take place on 9/20/16 to address and resolve same.

He further stated that internal roadway paving for Holy Cross Cemetery will start on Thursday, 9/22/16 instead of 9/19/16 due to rain.

An inspection of Woods Landing (Fernmoor Homes) stormwater basins resulted in a lengthy punch list letter.

Regarding Linwood Avenue/MUA Project, concrete curbing and two driveway aprons have been installed.

Street openings have slowed down with only one new permit to report.

Mr. Filippone also witnessed soil testing of the stormwater basin at Festival at Hamilton, which showed that a restrictive soil layer of 12" was encountered at the bottom of the basin. Once removed, the basin will remain dry.

Mr. Filippone concluded with a report of a site inspection at Aztec Materials, LLC, resulting in a minor punch list letter.

Township Committee:

Mr. Kurtz expressed enthusiasm that three new businesses have opened on Main Street, and a nutrition shop will also be coming soon.

He also reminded everyone about the upcoming wine festival on 9/24/16 and 9/25/16. Everything is in high gear, with high advance ticket sales and many great highlights expected, including 14 wineries.

Mr. Guishard seconded Mr. Kurtz' comments regarding the new businesses. He also mentioned that Catering 2/U is another new Main Street business with excellent food and great take-out options.

He also commented that 350 people attended the 9/11 ceremony this year; it was a great ceremony and he extended his appreciation to all involved.

Mr. Laws agreed that the 9/11 event was a very well done and respectful event.

Mr. Laws also spoke briefly about Liepe Football, and mentioned all of the great work that had been done to help the local youth, such as the addition of new goalposts, scoreboard, etc.

Mr. Schenker stated that there was a great deal of talk about Main Street before he took office, and he is excited to see progress in that area.

He also mentioned that Mizpah took second place in a Fire Truck competition at the Firemen's Convention in Wildwood.

Mayor Silva highlighted the success of the 9/11 event, and also mentioned that Movies in the Park had a very good year.

He also mentioned that he recently attended the presentation of a Habitat for Humanity home, and stated that it is great to have the community involved in such projects.

Public Comment

Tyrone Russell of Mizpah acknowledged the efforts of Police Chief Tappeiner and hopes more will continue.

Mr. Russell also inquired about the repair of a display that had been damaged. It was agreed that the Administrator and Public Works will look into same.

He further inquired about the Mizpah Center getting some assistance. Some discussion ensued. Mayor Silva suggested that they speak further at Budget time.

Jim Kerrigan of Mays Landing extended congratulations to Amy Gatto.

Carl Pitale of Mays Landing asked about the status of the Lake Lenape Dam Committee. Some discussion ensued. It was agreed that the Administrator will check with Jerry Delrosso, and this item will be placed on a future agenda if there is anything new to report.

Tom and Jamie Schmutz of Malaga Road thanked Committee for their work on Malaga Road.

They expressed continued concern regarding the removal of the dirt mound near their property, and mentioned that they had previously asked for the road to be vacated due to problems with trespassing by hunters and the like. They have small children and are concerned for their safety. Chief Tappeiner discussed the specific ways to post hunting restrictions. Mr. Kurtz stated that the street vacation was before the Planning Board. Mayor Silva asked Mr. Jacobs to look into the issue.

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

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

On motion of Mr. Kurtz, seconded by Mr. Guishard and carried the meeting was adjourned at 8:18 pm.

Respectfully submitted,

Rita Martino, RMC, CMR
Township Clerk