

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
OCTOBER 17, 2016

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order October 17, 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 October 17, 2016 at the Municipal Building, 6101 Thirteenth Street, Mays Landing, NJ.

**Roll Call:**

Present: Rodney Guishard, John Kurtz, Robert Laws, Art Schenker, Roger Silva.

Absent: XXX

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

A moment of silence for private reflection was observed.

**Addition/Deletion of Late Agenda Items**

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

**ADDITIONS**

6A(2). Business Registrations

1. Platinum Fireplaces – Mill St.
2. Rug and Décor Enterprises – Hamilton Mall

7F. Appointment to fill the unexpired three year term, Veterans Advisory Board vacancy of James Childs, term ending December 31, 2016.

**CHANGES**

6D. Change item 6D to read as follows:

Rescind resolution adopted September 6, 2016 and adopt corrected resolution requesting permission from the DLGS for the Dedication by Rider for Refund payments from a Joint Insurance Fund.

**DELETIONS**

6J. Approving subordination of \$3,125.00 Small Cities Mortgage for Laverne Hubbard to Bank of America, NA.

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

Nay: XXX

Abstain: XXX

**Motion Carried 5-0.**

**Early Public Comment**

At the suggestion of Mayor Silva, Township Committee agreed to change the agenda slightly to allow for the public to make their comments now. Solicitor Sandman stated for the record that nobody had signed up for early public comment.

Solicitor Sandman introduced himself and addressed residents' concern regarding a clinic in the industrial park which includes methadone distribution among its services. He stressed the importance of understanding how the clinic's location occurred, and that it could not have happened any other way. Solicitor Sandman explained that local drug use has reached epic proportions; clinics such as this one are inherently beneficial, which has a big meaning in terms of the zoning law. The location in question was a professional office and zoned as such; when there is a change in occupancy, it typically goes through the zoning officer. The change was permitted by law, and the zoning officer was bound by law to permit same. Solicitor Sandman recognized that some might argue that this is more of a medical office than a professional office; however, that argument has been made and lost in other municipalities, thereby costing those municipalities hundreds of thousands of dollars without achieving the desired results. He cited case law (L & L Clinics Inc. v. Town of Irvington), which stated that a methadone clinic is indeed a professional office under zoning law. This left our zoning

officer with absolutely no alternative but to issue a zoning permit. The government acted exactly as the law required; the governing body did not have standing to intervene in that process.

Hamilton Township Police Chief Tappeiner stated that at the nearby Wawa on Route 40, from 1/1/16 until the clinic opened on 10/3/16, there were approximately 45 service calls there for various scenarios. On Cantillon Boulevard from 1/1/16 to 10/3/16, there were approximately 7 service calls, mostly for theft. Since 10/3/16 at the Wawa, there were two incidents reported to the police that could have been caused by a patron of the methadone clinic or the drug court. Chief Tappeiner reminded residents that there is also a countywide drug court in the same area, which is now in session two days a week and will be increasing to three days a week; there are far fewer people at the methadone clinic than at the already established drug court. He further reminded everyone that it is legal to park on Cantillon Boulevard.

At Mayor Silva's inquiry, Chief Tappeiner reported that in 2015, there were 25 overdoses reported in the Township, with 4 fatalities; in 2016, the numbers have nearly doubled, with 41 overdoses and 7 fatalities.

Mr. Guishard discussed with Chief Tappeiner that the context suggests that there has not been a substantial increase in problems reported to the police since the clinic has opened.

Mayor Silva opened the floor for public comment.

Domenic Francesco, 1521 Pinehurst Drive, expressed concern that the clinic is located in the heart of the school district; his son is in Kindergarten and will ask questions about people lying on the curb, etc. as they pass through that area. He further stated that despite the laws, somebody should look at this industrial park to make sure this doesn't happen again. He also said that he will call the police every time he sees something there.

Ken Jaeger, 112 Red Bank Drive, stated that his community is not happy over the clinic, and does not see how this could happen without residents knowing about it. He said he has a child at Hess School who attends the gymnastics academy in the industrial park and had to explain why someone was passed out in the grass at the facility. He also stated that just because it is legal, doesn't make it right.

Danielle Rivera, of 6028 Ken Scull Avenue, stated that this clinic distributes substances that are not allowed in the drug court program, and the location of the clinic is unsafe for children.

Bruce Strigh, of Mays Landing, agrees that the clinic has a right to be there, but questioned the parking requirements for the facility, as there should be more parking required. Some discussion ensued.

Mayor Silva stated that he understands the concerns of the community, as well as the fact that deaths from opiate addiction have reached alarming proportions. He further stated that he attended a meeting at the clinic and toured the facility, and Public Works has trimmed the foliage in the area to allow people to remain on the sidewalks. He expressed that he would personally like to learn more about local clinics, and stressed that addiction is a disease requiring lifetime maintenance. He also encouraged residents to keep the Township informed of any ongoing concerns.

Mr. Kurtz observed that there is a common thread in all of the comments, that being concern with people on the curb, loitering, etc. He stated that this can be addressed along with the parking issues.

Mr. Guishard stated that he grew up in New York City, and saw many addicts during that time. He further stated that if young people could truly see what drugs do to people, it may help them to avoid drug use; this is the world, and it is important to be aware.

Mr. Laws stated that it would be beneficial if there could be some type of cooperative effort between the Township and the facility. Mayor Silva agreed.

Mr. Schenker stated that he raised three children in the Township, and he shares the concerns of the community. He shared that his first reaction to the clinic was total opposition; however, he also stated that after some research, he realized that the opiate issue is a crisis situation. 50% of the people in question started out with a legitimate prescription that led to heroin. He further stated that not all of the people who use the clinic are lying on the ground; most of them have jobs and are working hard at recovery. It is important to find a way to work with this clinic and do our part to stop the drug epidemic from worsening even more.

Mr. Guishard pointed out that the majority of drug users go to work every day and are living this reality undetected. The clinics exemplify people who are trying to better themselves.

Resident Ken Jaeger stated that everyone agrees that this is a problem, they just don't feel that it should be near the schools, there has to be somewhere else.

Mayor Silva agreed that there is no easy answer.

Martina Santana of Mays Landing stated that we need to consider the downfalls of the clinic as well as the benefits. She said her five year old son saw the man that was lying on the side of the street. She also stated that many addicts do not consume the methadone, but rather sell it to people outside the clinic. She questioned who would be protecting her three children as she drives past the facility with them every day.

Mr. Guishard inquired if zoning law would allow for the facility to use another location. Solicitor Sandman replied that there are many zoning districts within the Township where this facility could operate as a matter of right, such as a medical office, a strip mall on Route 50, and any number of places in downtown Mays Landing. It could also probably go in Hamilton Mall, Festival Mall, Consumer Square, or anywhere professional offices are permitted, regardless of its proximity to anything else.

Domenic Francesco mentioned how hard Hamilton Township has worked to build up its image for local businesses, and this clinic will discourage new businesses or encourage existing ones to leave.

Mr. Schenker encouraged residents to call the police any time they feel there is an issue.

Joelle Bridges, 32 Chancellor Place, questioned whether police will patrol more. Chief Tappeiner explained that they will be making regular patrols during peak hours.

Chief Tappeiner mentioned that starting 1/1/17, the Criminal Justice Reform Act will take effect, allowing many people who used to go to jail to be released on their own recognizance after a risk assessment. It is unknown at this time what effect this will have on police activity, so the department is preparing for same. He assured Ms. Bridges that regular patrols will be a part of that area.

Harry Rogers, 1069 Morningside Drive, inquired about the radius of a drug free school zone. Chief Tappeiner explained that they do not apply in this situation, as the drugs are prescribed.

Mayor Silva stated that a grant has been approved to allow for the hiring of three more police officers, and that public safety is a large part of the Township's budget. He expressed his appreciation for everyone's concerns and comments.

**Discussion**

**Best Practices Discussion Items - Proposed Amendment to Employee Handbook Regarding Use of Municipal Vehicles**

Mr. Jacobs clarified that Federal law already exists in this area; we are not changing the law, but simply putting it in our policy.

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

TOWNSHIP OF HAMILTON  
RESOLUTION AMENDING HANDBOOK REGARDING  
USE OF MUNICIPAL VEHICLES

WHEREAS, pursuant to Internal Revenue Service (IRS) regulations, the personal use value of a Township vehicle, gasoline and oil provided by the Township is taxable income; and

WHEREAS, the taxation requirement applies primarily to passenger vehicles that do not meet the "qualified non-personal vehicle" criteria as specified in IRS Publication 15-B;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Township Committee of the Township of Hamilton certifies that it met, discussed, and found that the Employee Manual is to be amended as follows:

**D. USE OF TOWNSHIP OWNED MOTOR VEHICLES,**

Add a new item number 10. to read as follows: **The total annual calculation for commuting use for "non-qualified personal vehicles" will be subject to all applicable taxes as required by the IRS.**

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

Motion Carried 5-0.

**Best Practices Discussion Items – Proposed Policy: Tax Appeals**

Mr. Jacobs explained that this policy is required as a part of Best Practices; it states that the Tax Assessor will notify the CFO and the Governing Body of all tax appeals upon filing but not later than June 1<sup>st</sup> of each year.

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

TOWNSHIP OF HAMILTON  
RESOLUTION ESTABLISHING POLICY REGARDING  
NOTIFICATION OF TAX APPEALS

WHEREAS, the Township Committee wishes to set forth a policy whereby the Tax Assessor will notify the Chief Financial Officer (CFO) and the Township Committee of all tax appeals once all appeals have been filed and entered with the Atlantic County Board of Taxation;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Township Committee of the Township of Hamilton certifies that it met, discussed, and established a policy that the Township's Tax Assessor will deliver the list of tax appeals from the Atlantic County Board of Taxation to the Chief Financial Officer and the Governing Body within three (3) days of receiving the list, but no later than June 1<sup>st</sup> of each year.

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

Motion Carried 5-0.

**Best Practices Discussion Items – Proposed Amendment to Township Purchasing Policy to Include the Prompt Payment Statute**

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

TOWNSHIP OF HAMILTON  
RESOLUTION AMENDING TOWNSHIP PURCHASING POLICY  
TO INCLUDE THE PROMPT PAYMENT STATUTE

WHEREAS, in order to comply with the Best Practices work sheet, the Township must officially amend its purchasing policy to include the Prompt Payment Statute;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Township Committee of the Township of Hamilton certifies that it met, discussed, and hereby amends its Township Purchasing Policy to include the Prompt Payment Statute.

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

Motion Carried 5-0.

**Best Practices Discussion Items – Best Practices Inventory**

Mr. Jacobs explained that a resolution is required to confirm that there was a discussion, and that with these discussions, changes and resolutions we do qualify for our money. Mayor Silva further explained the process, mentioning the old Municipal Utility Tax, which used to be held by the municipalities, but is now held by the state. The Best Practices process is a way for the municipalities to get that money back. Mr. Jacobs stated that we must comply with 22 out of 30 items, and we have complied with 24 out of 30, thereby entitling the Township to receive 100% of the money back.

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

TOWNSHIP OF HAMILTON  
RESOLUTION ACKNOWLEDGING COMPLETION OF  
BEST PRACTICES INVENTORY

WHEREAS, in accordance with Local Finance Notice 2016-13, the governing body's acknowledgement of the completed Best Practices Inventory must be an agenda item for discussion at a Township Committee meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Township Committee of the Township of Hamilton certifies that it met, discussed, and acknowledged completion of Best Practices Inventory.

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

Motion Carried 5-0.

**Ordinance to Abolish the Municipal Court of the Township of Hamilton and to create and replace it with the Township of Hamilton Regional Municipal Court**

Solicitor Sandman recused himself from discussion, as his associate is the Prosecutor for Buena Vista Township. Discussion opened with Mr. Jacobs stating that the Township was approached by Buena Vista Township to take over their court system. This requires an ordinance as the first step.

Mr. Kurtz moved, seconded by Mr. Guishard that the following Ordinance No. 1834-2016 be introduced on first reading with public hearing to be held November 14, 2016:

Ordinance No. 1834-2016 – An Ordinance to Abolish the Municipal Court of the Township of Hamilton and to create and replace it with the Township of Hamilton Regional Municipal Court.

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

Motion Carried 5-0.

**Introduction of Ordinances**

**Ordinance No. 1832-2016 – An Ordinance Authorizing the Sale of Lot 15 in Block 606 and Granting the Owners of Said Real Property Contiguous to Same the Right of Prior Refusal**

Mr. Guishard moved, seconded by Mr. Kurtz that the following Ordinance No. 1832-2016 be introduced on first reading with public hearing to be held November 14, 2016:

Ordinance No. 1832-2016 – An Ordinance Authorizing the Sale of Lot 15 in Block 606 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.

**Ordinance No. 1833-2016 – An Ordinance Amending Ordinances 1758-2013, 1792-2015, 1811-2016, 1820-2016, and 1821-2016**

Mr. Jacobs explained that this will correct a common typographical error among the ordinances.

Mr. Kurtz moved, seconded by Mr. Schenker that the following Ordinance No. 1833-2016 be introduced on first reading with public hearing to be held November 14, 2016:

Ordinance No. 1833-2016 – An Ordinance Amending Ordinances 1758-2013, 1792-2015, 1811-2016, 1820-2016, and 1821-2016.

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 Award Contract for HVAC Service and Maintenance to Marlee Contractors, LLC in the amount of \$20,410.00 for twelve consecutive months beginning on 1/1/17 through 12/31/17, hourly labor rate for additional work \$80.70 per hour, extra material charges, percentage plus or minus from wholesale price +20%**

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

TOWNSHIP OF HAMILTON  
RESOLUTION AWARD OF BID CONTRACT  
HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) CONTRACT

WHEREAS, the Township Committee of the Township of Hamilton, Atlantic County, NJ, has determined to provide for Heating, Ventilation, and Air Conditioning (HVAC) Service 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 October 6, 2016 for the purpose of awarding a contract for the aforementioned purpose; and

WHEREAS, the following bids were received on October 6, 2016:

Core Mechanical, Inc.	Base Bid – \$28,560.00	Hourly Rate \$86.00	Parts Mark-up 17%
Marlee Contractors, LLC	Base Bid – \$20,410.00	Hourly Rate \$80.70	Parts Mark-up 20%
Falasca Mechanical, Inc.	Base Bid – \$23,730.00	Hourly Rate \$81.80	Parts Mark-up 30%
Peterson Service Co.	Base Bid – \$39,980.00	Hourly Rate \$98.00	Parts Mark-up 30%

WHEREAS, after review by the Townships’ Qualified Purchasing Agent, Township Attorney and Public Works Department of all bids submitted, Marlee Contractors, LLC, 364 S. Egg Harbor Rd., Hammonton, NJ was determined to be the lowest, qualified responsible bidder for said contract; further, it was recommended that the Township Committee award said contract to Marlee Contractors, LLC in an amount not to exceed \$20,410.00; 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 Heating, Ventilation, and Air Conditioning (HVAC) Service is hereby awarded to Marlee Contractors, LLC, 364 S. Egg Harbor Rd., Hammonton, NJ in the amount of \$20,410.00.

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

**Consent Agenda**

Resident Bruce Strigh inquired about Consent Agenda item 6H. accepting a grant which will allow for the hiring of three new police officers, specifically asking if the Township has amended the ordinance to hire three more officers. Mr. Jacobs explained that will not happen until we get the grant. Some discussion ensued regarding how the Township will finance this after the grant money is gone. Regarding item 7D., Mr. Strigh also asked and confirmed that the openings for violations clerks are new openings.

Mr. Strigh also stated that the methadone clinic site was approved for 26-27 additional parking spaces that are not there; it was a two-phase project. More discussion ensued.

Mayor Silva requested to remove items 6D. and 6H. from the consent agenda to allow for a separate vote.

Mr. Schenker moved, seconded by Mr. Guishard to approve Consent Agenda items 6A.-6C., 6E.-6G., and 6I. (6J. was previously deleted.)

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

**Approve Business Registration Licenses:**

Mr. Schenker moved, seconded by Mr. Guishard to approve the following business registration license(s):

1. Platinum Fireplaces – 30 Mill Street
2. Rug and Décor Enterprises – 4403 Black Horse Pike

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

Nay: XXX  
Abstain: XXX

Motion Carried 5-0.

**Chapter 159 Resolution to Insert Item of Revenue with Off-Setting Appropriation for Body Armor Replacement Fund in the amount of \$4,509.93.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION NO. 2016-159-8  
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

Body Armor Fund - \$4,509.93

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

Motion Carried 5-0.

**Chapter 159 Resolution to Insert Item of Revenue with Off-Setting Appropriation for Bulletproof Vest Partnership in the amount of \$4,400.00.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION NO. 2016-159-9  
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

Bulletproof Vest Partnership Grant - \$4,400.00

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

Motion Carried 5-0.

**Resolution Accepting 4-year Maintenance Guarantee for Dunkin Donuts (Block 1134 Lot 17.02) in the amount of \$622.80 cash escrow (4-year stormwater management); and 2-year Maintenance Bond #76129190 in the amount of \$20,178.00 (2 year site improvements); and release Performance Guarantee for same.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION ACCEPTING MAINTENANCE GUARANTEE  
FOR DUNKIN DONUTS (BLOCK 1134, LOT 17.02)

BE IT RESOLVED by the Township Committee of the Township of Hamilton to accept \$622.80 cash escrow as four (4) year maintenance guarantee for stormwater management system; and to accept The Guarantee Co. of North America USA Bond #76129190 in the amount of \$20,178.00 as two (2) year maintenance guarantee for all other site improvements for Dunkin Donuts, 4458 Black Horse Pike (Block 1134, Lot 17.02); and authorize the return of \$124,804.80, The Guarantee Co. of North America USA Bond #76117407 and any remaining escrow held as a performance guarantee for same, in accordance with the resolution of the Township Committee dated 3/8/16.

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

Motion Carried 5-0.

**Resolution Authorizing the release of Travelers Casualty and Surety Company of America Bond #106034615 in the amount of \$79,157.70, a 2-year Maintenance Guarantee for DDR Hamilton Commons Phase III – Site Improvements upon its expiration date of 10/20/16 as recommended by Township Engineer Steven Filippone, in his letter dated 10/11/16.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION  
AUTHORIZING RELEASE OF 2-YEAR MAINTENANCE GUARANTEE  
DDR HAMILTON COMMONS PHASE III – SITE IMPROVEMENTS  
(BLOCK 1320, LOTS 4.01, 5, 7.01, 8 & 9)

BE IT RESOLVED by the Township Committee of the Township of Hamilton to authorize the release of Travelers Casualty and Surety Company of America Bond #106034615 in the amount of \$79,157.70, two (2) year Maintenance Guarantee for DDR Hamilton Commons Phase III, Site Improvements (Block 1320, Lots 4.01, 5, 7.01, 8 & 9) upon its expiration date of 10/20/16 as recommended by Steven L. Filippone, Township Engineer in his correspondence dated 10/11/16.

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

Motion Carried 5-0.

**Resolution to renew Inactive Liquor License #0112-33-026-006, Koi Fish Café, LLC with conditions – Special Ruling to permit renewal with conditions received 10/11/16 from Division of ABC.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION AUTHORIZING RENEWAL OF INACTIVE LIQUOR LICENSE WITH SPECIAL  
RULING OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
KOI FISH CAFÉ, LLC (0112-33-026-006)  
2016-2017 LICENSE TERM

WHEREAS, Koi Fish Café, LLC is the owner of Plenary Retail Consumption License #0112-33-026-006; and

WHEREAS, Koi Fish Café LLC, the aforesaid Licensee #0112-33-026-006 has been inactive since December 16, 2000; and

WHEREAS, Koi Fish Café, LLC 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 October 6, 2016 under Agency Docket No. 09-16-619 which authorized the Township of Hamilton, at its discretion, to renew said Retail Consumption License #0112-33-026-006 for the 2016-2017 and 2017-2018 license years and further ordered that should the Governing Body of The Township of Hamilton renew the subject license it shall place upon the license a special condition stating that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2018, except if good cause for reconsideration is shown; 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 #0112-33-026-006 is hereby approved and issued for the 2016-2017 license year.

BE IT FURTHER RESOLVED, as a special condition of this renewal, no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2018, except if good cause for reconsideration is shown.

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.

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

Motion Carried 5-0.

**Resolution accepting a Performance Guarantee in the amount of \$244,996.80 for Auto Zone Northeast, LLC, Block 1317, Lots 14.01 and 14.02 (10% cash escrow in the amount of \$24,499.68 and Travelers Casualty and Surety Company of America Performance Surety Bond #106572570 in the amount of \$220,497.12).**

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

TOWNSHIP OF HAMILTON  
RESOLUTION ACCEPTING PERFORMANCE GUARANTEE  
AUTO ZONE NORTHEAST, LLC  
BLOCK 1317, LOT(S) 14.01 AND 14.02

BE IT RESOLVED by the Township Committee of the Township of Hamilton to accept the Travelers Casualty and Surety Company of America Performance Surety Bond #106572570 in the amount of \$220,497.12 together with \$24,499.68 cash escrow as the performance guarantee for Auto Zone Northeast, LLC at Block 1317, Lot(s) 14.01 and 14.02 in the total amount of \$244,996.80 as required by Steven Filippone, Township Engineer’s estimate dated 8/2/16.

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

Motion Carried 5-0.

**Items Removed from Consent Agenda**  
**Resolution Accepting a 2016 COPS Hiring Program (CHP) Grant for the hiring of new officers. (Estimated amount of federal funds over 3 year period is \$375,000.00 with a local cash match of \$475,907.00).**

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

TOWNSHIP OF HAMILTON  
RESOLUTION ACCEPTING A 2016 COPS HIRING PROGRAM (CHP)  
GRANT FOR THE HIRING OF NEW OFFICERS

WHEREAS, the Office of Community Oriented Policing Services (COPS Office) has approved the Township of Hamilton for three (3) officer positions under the 2016 COPS Hiring Program (CHP); and

WHEREAS, the estimated amount of federal funds to be awarded over the three year award period is \$375,000.00 with a local cash match of \$475,907.00; and

WHEREAS, CHP award funding may be used to hire new officers;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton to accept the 2016 Hiring Program Grant and to authorize the Mayor and appropriate personnel to sign the Award Document.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

**Rescind resolution adopted September 6, 2016 and adopt corrected resolution requesting permission from the DLGS for the Dedication by Rider for refund payments from a Joint Insurance Fund.**

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

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

WHEREAS, the corresponding resolution in this matter previously adopted on September 6, 2016 was found to contain errors; and

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 resolution in this matter previously adopted on September 6, 2016 is hereby rescinded.
2. 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:10-36.2, as amended by P.L. 1996, c.113 for the exclusive purpose of depositing and expending funds paid by individuals for Joint Insurance Fund refunds.
3. 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: Guishard, Kurtz, Laws, Schenker, Silva

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

**Personnel:**

**Resolution appointing Jessica Mendez as Administrative Assistant assigned to the Township Clerk's Office at a salary of \$42,108.24 effective October 24, 2016 with an increase to \$43,000.00 upon receipt of Registrar of Vital Statistics certification.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION TO APPOINT JESSICA MENDEZ AS ADMINISTRATIVE ASSISTANT  
ASSIGNED TO THE TOWNSHIP CLERK'S OFFICE

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Jessica Mendez as Administrative Assistant in the Township Clerk's Office at a salary of \$42,108.24,

effective October 24, 2016 with an increase to \$43,000.00 upon receipt of Registrar of Vital Statistics certification.

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

**Resolution appointing LuAnne McCardell as a Temporary Part-time Clerk assigned to Public Works at \$14.63 per hour effective October 19, 2016. Appointment not exceed 24 hours per week for 11 months.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION TO APPOINT LUANNE MCCARDELL AS TEMPORARY  
PART-TIME CLERK ASSIGNED TO PUBLIC WORKS

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint LuAnne McCardell as a Temporary Part-Time Clerk assigned to Public Works at \$14.63 per hour, effective October 19, 2016; appointment not to exceed 24 hours per week for 11 months.

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

**Promote Mary Teresa Dreager to Administrative Assistant assigned to the Construction Code Office at present salary effective October 24, 2016.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION TO APPOINT MARY TERESA DREAGER TO  
ADMINISTRATIVE ASSISTANT ASSIGNED IN CONSTRUCTION CODE OFFICE

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Mary Teresa Dreager as Administrative Assistant assigned in the Construction Code Office at present salary effective October 24, 2016.

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

**Authorization to advertise for two (2) Violations Clerks.**

Mr. Guishard moved, seconded by Mr. Kurtz to authorize advertisement for two (2) Violations Clerks.

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

**Authorization to advertise for a Technical Assistant to the Construction Official (TACO).**

Mr. Kurtz moved, seconded by Mr. Guishard to authorize advertisement for a Technical Assistant to the Construction Official (TACO).

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

**Appointment to fill the unexpired three year term, Veterans Advisory Board vacancy of James Childs, term ending December 31, 2016.**

Mr. Guishard moved, seconded by Mayor Silva to table this matter in order to allow for discussion with the Veterans Advisory Board.

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

Motion Carried 5-0.

**Approvals:**

Mr. Kurtz moved, seconded by Mr. Guishard that the regular meeting minutes of the October 3, 2016 meeting are approved as presented.

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

Motion Carried 5-0.

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 \$5,429,857.61.

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

Motion Carried 5-0.

**Reports**

Administrator – none at this time.

Solicitor – none at this time.

Engineer- Mr. Filippone reported that he has recommended release of the Maintenance Bond for DDR Hamilton Commons – Phase III after inspection on 10/11/16. DDR expressed their appreciation at being afforded the opportunity to complete their punchlist items.

He also gave a brief update on Buffalo Pike Associates – Volunteer Way connector road; progress continues slowly, with much of the work happening at night.

He also reported that Holy Cross Cemetery is continuing work onsite with internal paving.

Mr. Filippone further stated that Woods Landing has been active, with three home sites have been placed with sidewalk and aprons in the last two weeks.

No new temporary street opening permits are reported.

Mr. Filippone also mentioned that flagpole foundation designs got some minor modifications last week.

Additionally, he has been working with Traffic Engineer Kevin Dixon regarding New York Avenue and Route 40. It has been concluded that the green signal on New York Avenue should be increased, and Mr. Dixon is writing a letter to NJDOT for a three second modification.

At Mayor Silva's inquiry, Mr. Filippone will follow up on status of paving on Second Avenue.

Mr. Kurtz asked about the Farm market, specifically if the state would allow moving forward with the intersection at Wrangleboro Road, which would allow for movement of the barrels. Mr. Filippone explained he is communicating with NJDOT, and hopes that the barrels can be moved in about a week and a half.

Mayor Silva asked Mr. Jacobs if, with the passage of the gasoline tax increase, the Governor had lifted Executive Order No. 210. Mr. Jacobs replied that he had received no indication of same. Mayor Silva further inquired whether we may proceed with the recommendations on Malaga Road regarding the double striping and speed limit there. Mr. Jacobs and Mr. Filippone confirmed that this was

already submitted to NJDOT. Mr. Guishard asked and confirmed that those items would not be affected by the governor's halt.

Mr. Schenker asked if more roadwork would be occurring in the Wrangleboro Road area, thereby affecting the holiday traffic. Mr. Filippone stated that he will ensure that this does not happen.

Township Committee:

Mr. Schenker restated that he had recently learned quite a bit regarding opiate abuse; the issue is beyond what he ever realized. He also stated that as a person in the Township, he would like to see what we can do as a community to help address drug issues.

Mr. Guishard stated that he attended a Candidates' Night at Oakcrest High School along with Mayor Silva and Mr. Laws. There was a voting machine for practice use by the students, and it was a very beneficial and enjoyable event.

He also expressed praise for a new brochure distributed by the regional school district, which he stated is very informative and impressive.

Mayor Silva also mentioned that Oakcrest High School will be having an open house on 10/22/16.

Mr. Kurtz shared his sentiments on the methadone clinic, stating that the key is working closely with the operators of the clinic to ensure that activity does not spill out onto the sidewalks.

He also mentioned that the Fall Festival at Memorial Park was exceptional. He commended Mays Landing Merchant Association President Fred Kneble for his hard work, and stated that the festival was busy all day. The train ride for the kids was a big hit, as well as the live music.

At the invitation of Mayor Silva, Mr. Kneble approached the microphone to say a few words about the Halloween Parade. He spoke briefly about the Mays Landing Merchant's Association and Rotary Club; both groups are working hard to bring great events to the community. Great weather is expected for the Halloween Parade, which will feature an award-winning Mummers band. He further stated that the Halloween Parade was historically modeled after the Mummers Parade, so it is particularly special to have the Mummers here this year. Mr. Guishard inquired about having the parade videotaped; it was mentioned that local students may be able to help. Mr. Kneble confirmed that the new Halloween website ([mayslandingshalloweenparade.com](http://mayslandingshalloweenparade.com)) allows the opportunity for residents to donate to the parade funding.

Mayor Silva stated that Active Shooter training was conducted this week and was very well done. He stressed the importance of awareness and briefly discussed again the issues with drug abuse and our youth.

Mayor Silva then opened the floor for public comment.

**Public Comment**

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 8:32 pm.

Respectfully submitted,

Rita Martino, RMC, CMR  
Township Clerk