

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

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order December 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 December 19, 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; Evan Labov, Township Solicitor;  
Steven Filippone, Township Engineer; Michael Jacobs, Township Administrator

A moment of silence for private reflection was observed.

**Annual Report from Senior Citizen Advisory Committee (SCAC) – Diane Fox**

Ms. Fox thanked the Committee for their support. She gave a brief outline of the various events conducted over the past year, including health fairs, festivals, and their first annual food drive. She also mentioned that a recent survey has shown that area Seniors are very much in need of reliable transportation. Furthermore, Seniors have also expressed a need for help in doing work in their homes. The SCAC is currently developing a website, and is planning to start a speaker series at the PAL Building.

Mayor Silva and Mr. Kurtz congratulated Ms. Fox on a successful year. Mr. Guishard stated that he will bring up the transportation issues at the Citizens Advisory Committee Meeting.

**ACUA Budget Meeting Presentation – Richard Dovey, President**

Richard Dovey was joined by Linda Bazemore, ACUA Vice President of Administration and Finance. He presented the Annual Report Card for Hamilton Township. He stated that there is no tipping fee increase on Municipal Solid Waste, for the third year in a row. The only tip fee that will increase this year is for tires, as they must be sent out for disposal. Recycling/Yard Waste tonnage has gone down this year.

**Resolution recommending the appointment of Municipal Court Judge for the Township of Hamilton Regional Municipal Court.**

Mr. Kurtz stated that as a member of the Personnel Committee, and after careful consideration of the information provided to all Committee Members on the nine applicants, plus input from Committee Members who chose to have an applicant interviewed, he made a motion, seconded by Mr. Laws, to appoint Michele Verno as Municipal Court Judge for the Township of Hamilton Regional Municipal Court.

Mr. Guishard stated that for key positions in the Township, candidates should be interviewed by the Committee as a whole. He expressed great disappointment in the selection process. Some discussion ensued as to whether a candidate needed to be selected at this meeting. Mr. Guishard inquired whether a legal precedent existed in this matter. Solicitor Labov stated that his understanding is that the position should be filled before there is a vacancy, to prevent potential gaps in service.

TOWNSHIP OF HAMILTON  
COUNTY OF ATLANTIC  
STATE OF NEW JERSEY

**RESOLUTION RECOMMENDING THE APPOINTMENT OF MICHELE VERNO, ESQ. AS  
MUNICIPAL COURT JUDGE FOR THE TOWNSHIP OF HAMILTON REGIONAL  
MUNICIPAL COURT**

**WHEREAS**, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et. seq., and N.J.S.A. 2B:12-1(b), the Township of Hamilton and Buena Vista Township have established a joint municipal court, called the “Township of Hamilton Regional Municipal Court”, by adopting the necessary Resolutions and Ordinances and executing a Shared Services Agreement; and

**WHEREAS**, N.J.S.A. 2B:12-4(b) provides that a judge of a joint municipal court shall be nominated and appointed by the Governor with the advice and consent of the Senate; and

**WHEREAS**, the Shared Services Agreement executed by the Township of Hamilton and Buena Vista Township provides in Paragraph 7A that any and all recommendations made to the Governor for nomination of the municipal court judge shall be made by the Governing Body of the Township of Hamilton; and

**WHEREAS**, the Township Committee of the Township of Hamilton hereby has determined that Michele Verno, Esq. meets the qualifications to serve as a municipal court judge under the laws of the State of New Jersey and under the Shared Services Agreement between the Township of Hamilton and Buena Vista Township.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee for the Township of Hamilton, County of Atlantic, State of New Jersey, that they hereby recommend to the Governor of the State of New Jersey that Michele Verno, Esq. be appointed as the municipal court judge for the Township of Hamilton Regional Municipal Court.

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

Motion Carried 4-1.

Mr. Guishard clarified that his issue is not with the person selected, but with the selection process itself.

**Addition/Deletion of Late Agenda Items**

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

Additions

- 6L. – Resolution authorizing application of the Safe and Secure Grant
- 7H. – Resolution appointing Sheila Garrison as a Clerk III effective 12/21/16 at \$31,356.61 annually as per Collective Bargaining Agreement.
- 11. – Additional Executive Session Item: Discussion of potential litigation regarding 142 Knights Bridge Way – potential litigation

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

Motion Carried 5-0.

**Early Public Comment**

Committeewoman Elect Judy Link stated that she was very taken aback by the appointment procedure for Municipal Judge. She further stated that the position was advertised on 11/21/16 with a response date of 11/27/16, which was a very short window of time for interested parties to respond. This is a position that will exist for three years, and Mrs. Link stated that she had been given no information about the nine candidates. She further stated that a Judge can indeed be selected on January 1<sup>st</sup>. She expressed extreme disappointment at the way the year is starting off, and she hopes things will improve.

Jim Link of Park Road stated that “open and honest government” was the mantra of the 2007 campaign. He stated that now, with regard to selecting a Municipal Judge, it seems that current Committee is “ramming someone through” with no regard for procedure; the person’s name was not placed on the agenda to allow for public comment before action was taken. It is objectionable from a public point of view and smacks of unadulterated partisan politics. He hopes things will improve as well.

Bob Campbell of Lewis Drive stated that he sat on Committee for nine years, and knows how decisions are made. A minor delay in appointment would have simply resulted in the Assignment Judge of Atlantic County assigning a Judge to take care of any interim issues. He closed by stating that it was irresponsible not to wait a week so that the new Committee Member could be involved.

On a different note, Mr. Campbell stated that Richard Dovey is also head of the Stockton Foundation, and he does an enormously wonderful job.

Mr. Schenker stated that he was not involved in the selection process, as he is not part of the Personnel Committee, but he pointed out that Michele Verno now must be replaced as Prosecutor, which takes time. Therefore, he stated that the matter was handled properly, given the time constraints.

**Discussion**

**Application from Verizon Wireless for Authorization to locate and operate small network nodes in the public right of way by attaching to existing and new utility poles.**

Mr. Jacobs explained that the request from Verizon, which was reviewed by the Solicitor, involves placement of nodes on utility poles throughout the Township. Verizon would obtain a Construction Permit for each individual site.

Bill Flanagan of Tilson Technology, who is representing Verizon Wireless in this project, confirmed that the nodes would augment existing cell towers and improve service in areas with poor coverage. It would also enhance data transmission. Some discussion ensued. Mr. Flanagan also confirmed that the draft resolution has been revised to meet insurance requirements. Township Clerk Martino read the revisions to the resolution.

Mr. Schenker inquired as to whether Mr. Flanagan has any involvement with the Verizon switching station in the Historic District, as Verizon does not keep the property in accordance with Historic District standards; Mr. Flanagan stated that he would look into it, although Verizon Wireless is a separate entity.

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

**TOWNSHIP OF HAMILTON  
RESOLUTION  
AUTHORIZING VERIZON WIRELESS TO USE POLES ERECTED BY PARTIES THAT  
HAVE THE LAWFUL RIGHT TO MAINTAIN POLES WITHIN THE PUBLIC RIGHT-  
OF-WAY**

**WHEREAS**, Cellco Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

**WHEREAS**, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in Hamilton Township; and

**WHEREAS**, New Jersey law permits such use provided that there is the consent of the relevant municipality;

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

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in Hamilton Township, subject to the following:
  - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
  - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by Hamilton Township.
  - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall to the fullest extent permitted by law, defend, pay on behalf of, indemnify, and hold harmless Hamilton Township, its elected and appointed officials, its agents, employees and volunteers and others working on behalf of Hamilton Township against any and all claims, demands, suits, or loss, including all costs connected therewith, And for any damages which may be asserted, claimed or recovered against or from Hamilton Township, its elected and appointed officials, its agents, employees, volunteers or others working on behalf of Hamilton Township, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this contract, except to the extent resulting from the acts or omissions of Hamilton Township.

- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance in the amount of \$3,000,000 combined single limit per occurrence and automobile insurance with combined single limits of \$2,000,000 for bodily injury (including death) and property damage each occurrence. Workers compensation insurance in compliance with the statutory requirements of the state(s) in which work is performed. Hamilton Township shall be included as an “Additional Insured” as their interests may appear under this agreement on all general liability policies. Nothing in this section shall limit Verizon Wireless’s liability in any way.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. This instrument shall be adopted on behalf of Hamilton Township by the Township Committee of Hamilton Township and attested to by Hamilton Township Clerk who shall affix the Hamilton Township Seal thereto.
- G. This instrument shall be adopted on behalf of Hamilton Township by the Township Committee of Hamilton Township and attested to by the Hamilton Township Clerk who shall affix the Hamilton Township Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

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

Motion Carried 5-0.

**Resolution Declaring Block 758 Lot 7 (American Legion/Hope Fire Company Building) an Area in Need of Redevelopment (Non-Condemnation) as recommended by the Planning Board.**

Director of Community Development Phil Sartorio introduced Tiffany CuvIELLO, the planning consultant hired by ACIA on behalf of the Township to conduct the related study. He then gave a brief outline of the project, and stated that Planning Board voted on 11/17/16 to recommend that Township Committee deem this parcel a Non-Condemnation Area in Need of Redevelopment. Tiffany CuvIELLO then gave a brief report regarding her study; step 1 is finding a way to provide additional incentives for improvements, step 2 is the redevelopment plan, which she will be back to address in January. Ms. CuvIELLO also clarified and explained that this is a very lengthy process. She also explained that after step 1 and step 2, the property can then be marketed to developers for rehabilitation. Some discussion ensued.

Mr. Kurtz moved, seconded by Mr. Schenker, to adopt the following resolution:

**RESOLUTION  
 A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
 HAMILTON DECLARING THAT LOT 7 OF BLOCK 758, TO BE AN AREA IN NEED OF  
 REDEVELOPMENT (“NON-CONDEMNATION REDEVELOPMENT AREA”) AS  
 DEFINED UNDER N.J.S.A. 40A:12A-1 ET SEQ. AS AMENDED.**

WHEREAS, by virtue of Resolution adopted on May 2, 2016 from the Township Committee, Township of Hamilton, New Jersey, the Planning Board was designated to hold a hearing to determine whether the property referred to above is or is not in Need of Redevelopment (“Non-Condemnation Redevelopment Area”) as defined under N.J.S.A. 40A:12A-1 et seq. as amended; and

WHEREAS, the property referred to above is commonly known as the former American Legion Building located at 6007 Second Street in Mays Landing; and

WHEREAS, pursuant to a grant from the Atlantic County Improvement Authority, Tiffany CuvIELLO, PP, LLC was authorized to prepare the Determination of Need Report and supporting documents (Preliminary Investigation Report), which was submitted to the Planning Board Secretary; and,

WHEREAS, the Planning Board, at its meeting of November 19, 2016, which was property noticed as required by law, did conduct a public hearing and an investigation into the conditions affecting the property in question as set forth in the “Determination of Need Report” dated November 2016 as prepared by Tiffany A. CuvIELLO, PP, AICP; and,

WHEREAS, the Planning Board did find, and so moved to recommend to the Township Committee that Lot 7 of Block 758 meets the statutory criteria pursuant to be designated an Area in

Need of Redevelopment (Non-Condensation Redevelopment Area) as set forth at NJSA 40A:12A-5.a. and d.

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

1. The recommendation of the Planning Board regarding Lot 7 of Block 758 is accepted.
2. Lot 7 of Block 758 is declared to be “An Area In Need of Redevelopment (“non-condemnation redevelopment area”) as defined under N.J.S.A. 40A:12A-1 et seq.
3. The Township Clerk shall forward a copy of this resolution along with a copy of the Planning Board resolution and the Determination of Need Report to the Commissioner of the Department of Community Affairs as required by NJSA 40A:12A-6.b.(5)(c).

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

Motion Carried 5-0.

**Resolution Authorizing Submission of an HDSRF Application for a Remedial Action Renewable Energy Grant for Remediation of the Hamilton Township Landfill (Block 994 Lot 57).**

Jeff Dey, Project Manager for LRS, redeveloper of the landfill site, briefly summarized the details of the request. Some discussion ensued.

Mr. Kurtz moved, seconded by Mr. Schenker, to adopt the following resolution:

TOWNSHIP OF HAMILTON

A RESOLUTION OF THE TOWNSHIP OF HAMILTON APPLYING FOR AND ACCEPTING A 75% RENEWABLE ENERGY PROJECT REMEDIAL ACTION/CLOSURE GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND MUNICIPAL PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of Hamilton (Township) owns a certain real property commonly referred to as the former “Hamilton Township Landfill Site” located on Block 994 Lot 57 in the Township of Hamilton, Atlantic County, New Jersey (Site); and

WHEREAS, the Township is applying for a grant from the Hazardous Discharge Site Remediation Fund Municipal Grant Program for the Site, through the Department of Environmental Protection (NJDEP) and the New Jersey Economic Development Authority (NJEDA) for a 75% renewable energy project Remedial Action (RA) grant (HDSRF Grant) for the Site; and

WHEREAS, the Township desires to submit such HDSRF Grant application to the State pursuant to NJSA 58:10B-6 for a 75% grant for remedial action and closure activities in preparation for a renewable solar energy project, and, the Township agrees that any moneys received from the State as a result of such application shall be subject to State conditions, policies, regulations and rules; and

WHEREAS, it is in the interest of the Township to accept such HDSRF Grant for the Site if NJDEP and NJEDA approve the Township’s application, for cleanup and closure of the site;

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

1. The Township may apply for, and may accept the HDSRF Grant.
2. The Mayor is authorized to execute HDSRF Grant Documents.

A certified copy of this Resolution shall be forwarded to NJEDA upon its adoption.

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

Motion Carried 5-0.

**Re-advertise for RFQs for certain professionals**

Mr. Jacobs clarified that the affected positions are Township Architect, Township Auditor, Bond Counsel, Certified General Appraiser, Township Engineer, and Traffic Engineer. Some discussion ensued, and it was determined that the position of Prosecutor must also be re-advertised. However, this position will have a submission date of December 28, 2016, whereas the other positions will have a submission date of January 11, 2017.

Mr. Kurtz moved, seconded by Mayor Silva to re-advertise for RFQs for the following positions:

- Township Architect
- Township Auditor
- Bond Counsel
- Certified General Appraiser
- Township Engineer
- Traffic Engineer

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

Motion Carried 5-0.

Mr. Schenker moved, seconded by Mr. Guishard to re-advertise for RFQs for the position of Municipal Prosecutor, with a submission date of December 28, 2016.

Mr. Schenker stated that it is important to clarify to everyone that this position is now an open seat, as this may interest potential applicants.

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

Motion Carried 5-0.

**Public Hearing/Adoption of Ordinances**

**Ordinance # 1838-2016 – An Ordinance Authorizing the Sale of Lots 12, 18, & 19 in Block 362 as shown on the Tax Map of the Township of Hamilton, and Granting to the Owner or Owners of said Real Property Contiguous to Same the Right to Prior Refusal to Purchase Such Land in the Township of Hamilton, County of Atlantic, State of New Jersey**

James Kerrigan of Mays Landing inquired and confirmed the location of Block 362 in Mizpah.

Hearing nothing additional from the public, on the motion of Mr. Guishard, second of Mr. Kurtz, it was moved to close the public hearing of Ordinance # 1838-2016.

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

Motion Carried 5-0.

**Adoption of Ordinance No. 1838-2016**

Mr. Schenker moved, seconded by Mr. Kurtz, that Ordinance #1838-2016; which was introduced and passed first reading on 12/5/16 and was duly advertised in the 12/7/16 edition of the Atlantic County Record with public hearing held as advertised and closed be and is hereby adopted.

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

Motion Carried 5-0.

**Award of Bids/Contracts**

**Authorize 2<sup>nd</sup> year extension of award of Bid #2014-19, Pump Maintenance and Testing for the Township of Hamilton’s Fire Apparatus to Fire Apparatus Repair, Inc., Hamilton, NJ in accordance with the proposal attached for the term January 1, 2017 through December 31, 2017.**

Mr. Jacobs stated that this is our second one-year extension; there is one more extension available after this.

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

TOWNSHIP OF HAMILTON  
 RESOLUTION  
 AUTHORIZING 2<sup>nd</sup> YEAR EXTENSION OF AWARD OF BID 2014-19

WHEREAS, the Township of Hamilton awarded Bid 2014-19 to Fire Apparatus Repair, Inc., Hamilton, New Jersey, for Pump Maintenance and Testing for the Township of Hamilton’s Fire Apparatus; and

WHEREAS, the option exists for extension of aforementioned award of bid;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton to authorize 2<sup>nd</sup> year extension of award of Bid 2014-19, for Pump Maintenance and Testing for the Township of Hamilton’s Fire Apparatus to Fire Apparatus Repair, Inc., Hamilton, New Jersey, in accordance with the proposal attached for the term 01/01/2017 through 12/31/2017.

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

Motion Carried 5-0.

**Award of Contract to Engineering Design Associates for Architectural and Engineering Services – New Public Bathroom Building at Underhill Park in the amount not to exceed a lump sum of \$18,000.00.**

Mr. Kurtz and Mr. Guishard agreed that this is good news for the citizens who use the Park.

Mr. Jacobs confirmed that groundbreaking can take place in early Spring.

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

TOWNSHIP OF HAMILTON  
RESOLUTION  
AWARDING CONTRACT TO ENGINEERING DESIGN ASSOCIATES  
FOR NEW PUBLIC BATHROOM BUILDING – UNDERHILL PARK

WHEREAS, the Township of Hamilton is in need of Architectural and Engineering Services related to the Underhill Park Public Bathroom Building project; and

WHEREAS, a proposal for same has been submitted to the Township by Engineering Design Associates; 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 to award contract to Engineering Design Associates for the Underhill Park Public Bathroom Building project in the amount not to exceed a lump sum of \$18,000.00.

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

Motion Carried 5-0.

**Consent Agenda**

Mayor Silva requested to remove items 6B., 6F., 6H. and 6K. from the consent agenda to allow for a separate vote.

Mr. Kurtz moved, seconded by Mr. Schenker to approve Consent Agenda items 6A., 6C.-6E., 6G., 6I.-6J., and 6L.

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

**Deny release of Fidelity and Deposit Company of Maryland Bond #08821766-M1 in the amount of \$85,975.52 posted as a 2 year Maintenance Guarantee for Cedar Point (fka Adams Branch Major Subdivision) Phase II – Site Improvements (US Homes Corp./Lennar) due to incomplete punchlist items, as recommended by Steve Filippone, Township Engineer in his correspondence dated 11/11/16.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION  
DENYING RELEASE OF MAINTENANCE GUARANTEE  
CEDAR POINT (fka ADAMS BRANCH MAJOR SUBDIVISION) PHASE II –  
SITE IMPROVEMENTS, BLOCK 854 LOTS 30, 42, AND 43  
(US HOMES CORP./LENNAR)

BE IT RESOLVED by the Township Committee of the Township of Hamilton to deny the release of Fidelity and Deposit Company of Maryland #08821766-M1 in the amount of \$85,975.52, the two (2) year Maintenance Guarantee for Cedar Point (fka Adams Branch Major Subdivision) Phase II – Site Improvements (US Homes Corp./Lennar) due to incomplete punchlist items, as recommended by Steve Filippone, Township Engineer in his correspondence dated 11/11/16.

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

Motion Carried 5-0.

**Deny release of Fidelity and Deposit Company of Maryland Bond #08821767-M2 in the amount of \$62,450.76 posted as a 2 year Maintenance Guarantee for Cedar Point (fka Adams Branch Major Subdivision) Phase III – Site Improvements (US Homes Corp./Lennar) due to incomplete punchlist items, as recommended by Steve Filippone, Township Engineer in his correspondence dated 11/11/16.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION  
DENYING RELEASE OF MAINTENANCE GUARANTEE  
CEDAR POINT (fka ADAMS BRANCH MAJOR SUBDIVISION) PHASE III –  
SITE IMPROVEMENTS, BLOCK 854 LOTS 30, 42, AND 43  
(US HOMES CORP./LENNAR)

BE IT RESOLVED by the Township Committee of the Township of Hamilton to deny the release of Fidelity and Deposit Company of Maryland #08821767-M2 in the amount of \$62,450.76, the two (2) year Maintenance Guarantee for Cedar Point (fka Adams Branch Major Subdivision) Phase III – Site Improvements (US Homes Corp./Lennar) due to incomplete punchlist items, as recommended by Steve Filippone, Township Engineer in his correspondence dated 11/11/16.

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

Motion Carried 5-0.

**Authorize the Release of Hudson Insurance Company Bond #HGNE-NE-10-239-0358M in the amount of \$31,057.00 posted as a 2 year Maintenance Guarantee for Underhill Park Accessible Walkway and Parking Area ( Bid #2013-14, Command Co., Inc.) upon its expiration date of 12/31/16, as recommended by Robert J. Smith, Alternate Township Engineer in his correspondence dated 12/12/16.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION  
AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE  
UNDERHILL PARK ACCESSIBLE WALKWAY AND PARKING AREA – BID #2013-14  
(COMMAND CO., INC.)

BE IT RESOLVED by the Township Committee of the Township of Hamilton to authorize the release of Hudson Insurance Company Bond #HGNE-NE-10-239-0358M in the amount of \$31,057.00, the two (2) year Maintenance Guarantee for Underhill Park Accessible Walkway And Parking Area (Bid #2013-14, Command Co., Inc.) upon its expiration date of 12/31/16, as recommended by Robert J. Smith, Alternate Township Engineer in his correspondence dated 12/12/16.

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

Motion Carried 5-0.

**Authorize Reduction of Lexon Insurance Company Bond #1061502, a Performance Guarantee for Artists Walk, LLC Phase 3 (Paparone Homes) from \$224,622.27 to \$114,052.77, and authorizing reduction of cash escrow Performance Guarantee from \$24,958.03 to \$12,672.53, as recommended by Steven Filippone, Township Engineer in his correspondence date d12/8/16 and 12/12/16.**

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

TOWNSHIP OF HAMILTON



RESOLUTION REDUCING PERFORMANCE GUARANTEE  
ARTISTS WALK, LLC – PHASE 3  
PAPARONE HOMES OF NEW JERSEY, INC.  
BLOCK 1132.01, LOT 37

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Lexon Insurance Company Bond #1061502, a Performance Guarantee for Paparone Homes Artists Walk, LLC – Phase 3 Project is hereby authorized to be reduced from \$224,622.27 to \$114,052.77 as recommended by Steven Filippone, Township Engineer in his correspondence dated 12/8/16 and 12/12/16; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Hamilton that the 10% cash escrow Performance Guarantee for Paparone Homes Artists Walk, LLC – Phase 3 Project is hereby authorized to be reduced from \$24,958.03 to \$12,672.53 as recommended by Steven Filippone, Township Engineer in his correspondence dated 12/8/16 and 12/12/16.

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

**Approve extension of hours for Young’s Skating Center from December 31, 2016 at 8:00 pm to January 1, 2017 at 7:00 am for their Annual All Night Skating Party.**

On the motion of Mr. Kurtz, second of Mr. Schenker, it was moved to approve extension of hours for Young’s Skating Center from December 31, 2016 at 8:00 pm to January 1, 2017 at 7:00 am for their Annual All Night Skating Party.

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

**Resolution approving the proposed Township of Hamilton Rescue Squad 2016-2017 fee schedule.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION APPROVING 2016-2017 FEE SCHEDULE  
FOR TOWNSHIP OF HAMILTON RESCUE SQUAD

BE IT RESOLVED by the Township Committee of the Township of Hamilton that 2016-2017 Fee Schedule for Township of Hamilton Rescue Squad is hereby approved as follows:

BLS Base Charge:	\$750.00
BLS Loaded Mileage:	\$ 17.00
Additional Charges (where applicable):	
Disposable Cervical Collar:	\$ 40.00
Oxygen Administration:	\$ 50.00
Narcan Administration:	\$ 95.00
EPI Pen Administration:	\$150.00

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

**Items removed from Consent Agenda**

**Deny Release of Liberty Mutual Insurance Company Bond #327012548M in the amount of \$528,530.80 posted as a 2 year Maintenance Guarantee for 2012 Road Program – Phase II (Arawak Paving Co., Inc.) due to incomplete punchlist items, as recommended by Robert J. Smith, Alternate Township Engineer in his correspondence dated 8/25/16.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION  
DENYING RELEASE OF MAINTENANCE GUARANTEE  
2012 ROAD PROGRAM – PHASE II

(ARAWAK PAVING CO., INC.)

BE IT RESOLVED by the Township Committee of the Township of Hamilton to deny the release of Liberty Mutual Insurance Company Bond #327012548M in the amount of \$528,530.80, the two (2) year Maintenance Guarantee for 2012 Road Program – Phase II (Arawak Paving Co., Inc.) due to incomplete punchlist items, as recommended by Robert J. Smith, Alternate Township Engineer in his correspondence dated 8/25/16.

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

Motion Carried 5-0.

**Deny Release of Hudson Insurance Company Bond #ASA165-6658MNT in the amount of \$398,608.23 posted as a 2 year Maintenance Guarantee for Town Hall Auxiliary Parking Lot (Bid #2014-07, Fred M. Schiavone construction, Inc.) due to incomplete punchlist items, as recommended by Robert J. Smith, Alternate Township Engineer in his correspondence dated 10/7/16 and 11/16/16.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION  
DENYING RELEASE OF MAINTENANCE GUARANTEE  
TOWN HALL AUXILIARY PARKING LOT – BID #2014-07  
(FRED M. SCHIAVONE CONSTRUCTION, INC.)

BE IT RESOLVED by the Township Committee of the Township of Hamilton to deny the release of Hudson Insurance Company Bond #ASA1665-6658MNT in the amount of \$398,608.23, the two (2) year Maintenance Guarantee for Town Hall Auxiliary Parking Lot (Bid #2014-07, Fred M. Schiavone Construction, Inc.) due to incomplete punchlist items, as recommended by Robert J. Smith, Alternate Township Engineer in his correspondence dated 10/7/16 and 11/16/16.

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

Motion Carried 5-0.

**Resolution Accepting Contiguous Owner Land Sale Bid of Juan Lugo for Lot 15, Block 606, (4.86 acres on Estelle Ave.), for a purchase price of \$4,700.00.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION ACCEPTING BID FOR  
CONTIGUOUS LAND SALE

WHEREAS, Ordinance #1832-2016 authorized the right of prior refusal to purchase Lots 15 in Block 606 to owner or owners of the land contiguous thereto; and

WHEREAS, Ordinance #1832-2016 was finally adopted on November 14, 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 15 in Block 606; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, to accept the \$4,700.00 bid offered by Juan Lugo and authorize the sale of Lot 15 in Block 606 to him.

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

Motion Carried 5-0.

**Approve Budget Transfers as Recommended by the Chief Financial Officer.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, transfers are permitted between budget appropriations during the last two months of the fiscal year;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Township Committee of the Township of Hamilton, that transfers between year 2016 Budget Appropriations be made as follows:

Account No.	Account Title		To	From
6-01-20-145-000-200	Tax Collector - Other Expenses	\$	39,000.00	
6-01-20-165-000-200	Engineering Services and Costs – Other Expenses		15,000.00	
6-01-25-240-500-100	Police and Traffic Control - Salaries and Wages			79,000.00
6-01-31-435-100-281	Street Lighting		25,000.00	
Total		\$	79,000.00	79,000.00

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

Motion Carried 5-0.

**Personnel**

**Resolution appointing Dorothy Gallagher as Chief Financial Officer for a four year term effective January 1, 2017 – December 31, 2020.**

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

TOWNSHIP OF HAMILTON  
 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON  
 APPOINTING DOROTHY GALLAGHER TO THE POSITION OF CHIEF FINANCIAL OFFICER  
 PURSUANT TO NJSA 40A:9-140.10

WHEREAS, Dorothy Gallagher was appointed by previous resolution to fill the unexpired portion of the prior CFO term; and

WHEREAS, that term expires December 31, 2016; and

WHEREAS, NJSA 40A:9-140.10 requires that “in every municipality there shall be a Chief Financial Officer appointed by the governing body of the municipality”; and

WHEREAS, NJSA 40A:9-140.10 further provides that the term of office of the Chief Financial Officer “shall be four years, which shall run from January 1 in the year in which the Chief Financial Officer is appointed”;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Hamilton, County of Atlantic, to appoint Dorothy Gallagher to the position of Chief Financial Officer for a four year term effective January 1, 2017 through December 31, 2020.

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

Motion Carried 5-0.

**Resolution appointing Annette Pase as a Violations Clerk I, effective 1/4/17 at \$30,075.31 annually as per Collective Bargaining Agreement.**

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

TOWNSHIP OF HAMILTON  
 RESOLUTION TO APPOINT ANNETTE PASE AS VIOLATIONS CLERK I

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Annette Pase as Violations Clerk I effective 01/04/2017 at \$30,075.31 annually pursuant to Collective Bargaining Agreement.

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

Motion Carried 5-0.

**Resolution appointing Lisa Marcolongo as the Historic Preservation Commission Secretary effective 1/1/17 at \$2,640.00 annually as per recommendation by the Historic Preservation Commission.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION TO APPOINT LISA MARCOLONGO AS  
HAMILTON TOWNSHIP HISTORIC PRESERVATION COMMISSION SECRETARY

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Lisa Marcolongo as Hamilton Township Historic Preservation Commission Secretary effective 1/1/2017, at \$2,640.00 annually.

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

Motion Carried 5-0.

**Accept resignation of James Rhodes from Industrial Commission, 5 year term ending 12/31/17.**  
On the motion of Mr. Kurtz, second of Mr. Schenker, it was moved to accept resignation of James Rhodes from Industrial Commission, 5 year term ending 12/31/17.

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

Motion Carried 5-0.

**Resolution promoting Michael Hughes to Electrical Sub-Code Official/Inspector at an annual salary of \$55,000.00 effective 12/20/16.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION TO PROMOTE MICHAEL HUGHES TO ELECTRICAL SUB-CODE  
OFFICIAL/INSPECTOR

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to promote Michael Hughes to Electrical Sub-Code Official/Inspector at an annual salary of \$55,000.00 effective 12/20/2016.

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

Motion Carried 5-0.

**Resolution appointing Frank Primavera as Property Maintenance Enforcement Officer at an annual salary of \$5,000.00 effective date 12/20/16.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION TO APPOINT FRANK PRIMAVERA AS  
PROPERTY MAINTENANCE ENFORCEMENT OFFICER

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Frank Primavera as Property Maintenance Enforcement Officer at an annual salary of \$5,000.00, effective date 12/20/2016.

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

Motion Carried 5-0.

**Resolution appointing Steven Cramer as FT Temporary Laborer at \$15.30 per hour, for a period not to exceed 11 months, effective date 12/21/16.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION TO APPOINT STEVEN CRAMER AS TEMPORARY LABORER

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Steven Cramer as Full Time Temporary Laborer at \$15.30 per hour, for a period not to exceed eleven (11) months, effective 12/21/2016.

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

Motion Carried 5-0.

**Resolution appointing Sheila Garrison as a Clerk III effective 12/21/16 at \$31,356.61 annually as per Collective Bargaining Agreement.**

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

TOWNSHIP OF HAMILTON  
RESOLUTION TO APPOINT SHEILA GARRISON AS CLERK III

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Sheila Garrison as Clerk III in the Office of the Tax Collector effective 12/21/2016 at \$31,356.61 annually pursuant to Collective Bargaining Agreement.

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 December 5, 2016 meeting are approved as presented.

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

Motion Carried 5-0.

Mr. Guishard moved, seconded by Mr. Kurtz 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 \$1,978,248.71.

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

Motion Carried 5-0.

**Reports**

Administrator – nothing additional at this time.

Solicitor – none at this time.

Engineer- Mr. Filippone reported that final paving at Buffalo Pike Associates – Volunteer Way connector road was completed on 12/9/16. All remaining work is expected to be done by the week of 1/24/17.

He also reported that construction is continuing at Holy Cross Cemetery, and one Certificate of Occupancy was issued in Woods Landing.

Final paving for Auto Zone was finished on 12/10/16, except for the driveway on McKee Avenue. Landscaping is finished; site lighting is underway.

Regarding the Michael Zyndorf project, the site is now cleared and soil erosion measures have been taken.

Release of Maintenance Bond has been recommended in the Mercy Medical Associates project.

Three street opening permits have been processed as well.

There was also a workshop meeting with Bodgen Boulevard, LLC (Intex), a company that manufactures PVC specialty architectural features.

Township Committee:

Mr. Laws expressed his thanks to Mike Jacobs, Rita Martino, Chief Tappeiner, Steve Filippone, and everyone who made his transition to public office a seamless one. He stated that he appreciates everyone’s support, and that this was a great experience.

Mr. Guishard stated that he recently attended a ceremony at St. John’s Church in Mizpah in recognition of Sheriff’s personnel who serve as Police Chaplains. He stated that he was very impressed with the Police Chaplains, the program having been established by an Atlantic County Police Officer. The program has expanded to other parts of New Jersey and is very helpful to citizens dealing with traumatic situations.

He also stated that Domino’s Pizza had a soft opening today.

He also mentioned that he attended a Fleet Reserve Association Annual Luncheon. The Fleet Reserve Association consists of military organizations associated with the sea: The Coast Guard, Marines, and Navy. They are now based in Hamilton Township, and have many local residents involved.

Mr. Guishard closed by wishing everyone a happy holiday.

Mr. Schenker stated that Mr. Laws is a class act, and he appreciates his professionalism. He also reminded everyone that Mr. Laws does a tremendous amount of work for the youth of the Township. Mr. Schenker also stated that he is a better person for knowing Mr. Laws. He closed by wishing everyone a happy holiday, and encouraged everyone to spend time with loved ones, and open their doors to those who may be alone.

Mr. Kurtz stated that the opening of Domino’s is a great thing, because it encourages people from other areas to come to Main Street. He also expressed concern that deliveries there blocked Route 40 that morning.

He also stated that he attended a JIF Dinner in Vineland. The Township has earned a substantial dividend from JIF by following Safe Practice procedures.

Mr. Kurtz reminded everyone to enjoy their friends, family, and faith during the Christmas holidays.

Mr. Guishard expressed his appreciation to Mr. Laws for his contributions to the community and to local youth activities.

Mayor Silva reminded everyone that the Reorganization Meeting is Tuesday, January 3, 2017 at 6:00 pm. He also took a moment to recognize the contributions of our first responders. He thanked Mr. Laws for being such a great running mate, and extended his thanks to all employees. He then closed by wishing everyone a Merry Christmas and Happy New Year.

Mayor Silva then opened the floor for public comment.

**Public Comment**

Jim Kerrigan of Mays Landing wished everyone a Happy Christmas and Merry New Year; he also stated that Mr. Laws will be missed.

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.

**Executive Session**

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 that this meeting be adjourned to an executive session to discuss the following matters which are exempt from public discussion pursuant to the New Jersey Open Public Meetings Law:

- Santore Gravel Pit Bond, Claim against Lincoln General Insurance Co. – attorney client privilege and pending litigation

- Discussion of Potential litigation regarding 142 Knights Bridge Way- potential litigation

BE IT FURTHER RESOLVED, that the governing body will reconvene in public session and confirm the results of the executive session if there is a majority consensus for action to be taken on the matter tonight.

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

Motion Carried 5-0.

Township Committee met in Executive Session at 8:01 pm.

The meeting reconvened in open session at 8:56 pm.

Solicitor Labov stated that the only matters discussed in Executive Session were those listed on the agenda for discussion. He stated that he went into the lobby and invited the public to return; no one from the public returned.

As result of executive session, Mr. Kurtz moved, seconded by Mr. Schenker, that the following resolution be adopted:

RESOLUTION AUTHORIZING TOWNSHIP SOLICITOR TO FILE  
AN APPEAL AND NEGOTIATE WITH LIQUIDATOR  
IN THE MATTER OF SANTORE GRAVEL PIT

BE IT RESOLVED by the Township Committee of the Township of Hamilton to authorize the Township Solicitor to file an appeal of liquidator’s determination and negotiate with the liquidator for a resolution in the matter of Santore Gravel Pit.

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

Motion Carried 5-0.

On motion of Mr. Guishard, seconded by Mr. Kurtz and carried the meeting was adjourned at 8:57 pm.

Respectfully submitted,

Rita Martino, RMC, CMR  
Township Clerk