

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
February 21, 2017

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order February 21, 2017 at 6:30 p.m. with Mayor John Kurtz presiding.

Flag Salute.

Township Clerk Rita Martino certified adequate notice of this meeting was provided pursuant to the New Jersey Open Public Meetings Law by posting a notice on the bulletin board in the municipal building and by publication in The Press of Atlantic City on 1/9/17, and the Atlantic County Record on 1/11/17.

Roll Call:

Present: Rodney Guishard, John Kurtz, Judith Link, Art Schenker, Roger Silva.

Absent: XXX

Also present: Rita Martino, Township Clerk; Michael Jacobs, Township Administrator;
Evan Labov, Township Solicitor; Kevin Dixon, Township Engineer

A moment of silence for private reflection was observed. Mayor Kurtz requested that the public remember the passing of Matt Angelo, brother of Michael Angelo.

Addition/Deletion of Late Agenda Items

None.

Early Public Comment

None.

Discussions

Adams Branch Major Subdivision (Cedar Point)

Solicitor Labov explained that Counsel was previously authorized to take action on the maintenance bonds; however, through correspondence with the developer and surety, it has been agreed that if action is delayed until 6/1/17, all punchlist items will be completed by that date. Mr. Silva asked and confirmed that such agreement was in writing. Mayor Kurtz also mentioned supporting correspondence from 2016 Township Engineer Steve Filippone, and recommended that the item be tabled accordingly.

Upon motion of Mr. Guishard, second of Mrs. Link it was moved to table action on the maintenance bonds for Adams Branch Major Subdivision (Cedar Point), Phases 2 and 3, to allow for completion of punchlist items by 6/1/17.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Shared Services Agreement with the Hamilton Township BOE for purchase and storage of Road Salt

Mr. Silva confirmed that the agreement was for a limited amount of salt to load Hamilton Township BOE's new truck. Loading will coincide with loading of our own vehicles, and Hamilton Township BOE will pay for the salt.

Resolution #2017-0135 – Resolution Authorizing Shared Services Agreement With Hamilton Township Board Of Education –Storage, Loading And Purchase Of Road Salt.

Mr. Silva moved, seconded by Mrs. Link that Resolution #2017-0135 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Animal Control Bid

Solicitor Labov explained that the specifications have been substantially revised. Mr. Guishard commented that the specifications are extensive for a relatively small contract. Mr. Labov stated that most of the items are required by law, and the committee should keep in mind that while the

requirements are onerous, the contract is essentially for a law enforcement position with the Township. It was confirmed that the intention is to go out for bid as soon as possible.

Upon motion of Mr. Silva, second of Mr. Guishard it was moved to approve use of the revised Animal Control Bid Specifications.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Introduction of Ordinance

Ordinance #1843-2017 – Malaga Road – Speed Limit – No Passing Zone

Mr. Jacobs stated that the Traffic Engineer conducted a study, from which a recommendation was submitted to the state and approved. An Ordinance is necessary to make it enforceable.

Mr. Silva moved, seconded by Mr. Guishard that the following Ordinance #1843-2017 be introduced on first reading with public hearing to be held March 6, 2017:

Ordinance #1843-2017 – Malaga Road – Speed Limit – No Passing Zone

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Award of Bids/Contracts/Change Orders

Resolution #2017-0136 – A Resolution Authorizing Participation in the South Jersey Power Cooperative and Recognizing the Award of Contract between the County of Camden and SJ Energy Co. and Direct Energy Business Marketing for Natural Gas Supply Service.

Mr. Jacobs clarified that this is simply a renewal; the Township has been in participation for a number of years.

Mr. Silva moved, seconded by Mr. Schenker that Resolution #2017-0136 be adopted.

Mr. Guishard pointed out that continued participation results in substantial savings.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2017-0137 – A Resolution Authorizing Contract Amendment to Approve an Additional \$3,750.00 to Remington and Vernick Engineers for Hamilton Township Reforestation Plan Oversight and contract Administration.

Mr. Jacobs stated that there was additional work involved in the project for inspections. Mr. Silva questioned the timing of the request, as the first phase of the project is nearly finished. Mr. Silva further stated that he is not in favor of additional payment. Mr. Schenker asked and confirmed that the additional payment is for re-inspection of the trees planted during the project. Mrs. Link asked and confirmed that the trees will be replanted and re-inspected until satisfactory by State standards. Mr. Guishard inquired as to which party should be responsible for payment: contractor, engineer, or township. Some discussion ensued.

Mr. Silva moved , seconded by Mrs. Link to act on Resolution #2017-0137.

Recorded Vote: Aye: XXX

Nay: Guishard, Kurtz, Link, Schenker, Silva

Abstain: XXX

Motion Defeated 0-5.

Resolution #2017-0138 – A Resolution Amending Contract Award to Atlantic Switch & Generator in the Amount of \$7,050.00 Base Bid to Include \$95.00 per hour rate of Additional Work as Directed and Parts Markup of 20%.

Mr. Jacobs explained that the contract is already awarded; however, the previous resolution did not include the hourly rate and markup for materials on additional work. Mr. Silva confirmed that the bid did not change.

Mr. Silva moved, seconded by Mr. Schenker that Resolution #2017-0138 be adopted.

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

Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Consent Agenda

Motion to Approve Bingo License for Hamilton Township PTA, Designer Bag Bingo to be held on 4/7/17.

Upon motion of Mr. Guishard, second of Mr. Silva it was moved to Approve Bingo License for Hamilton Township PTA, Designer Bag Bingo to be held on 4/7/17.

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

Motion Carried 5-0.

Motion to Approve Raffle Licenses for Hamilton Township PTA to be held on 4/7/17.

- 1. Tricky Tray
- 2. On Premise 50/50

Upon motion of Mr. Guishard, second of Mr. Silva it was moved to Approve Raffle Licenses for Hamilton Township PTA to be held on 4/7/17.

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

Motion Carried 5-0.

Resolution #2017-0139 – A Resolution of No Objection to the NJDOT Issuing Permits for the following Coin Drops to be held at the Routes 40 and 50 Intersection.

Fleet Reserve Association – 5/27/17, 5/28/17, 7/1/17, 7/2/17, 8/12/17, 8/13/17, Rain Dates 6/3/17, 6/4/17, and 7/8/17, 7/9/17, 9/2/17, 9/3/17.

Mr. Guishard moved, seconded by Mr. Silva that Resolution #2017-0139 be adopted.

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

Motion Carried 5-0.

Resolution #2017-0140 – A Resolution Identifying Authorized Signatories on all Municipal Bank Accounts.

Mr. Guishard moved, seconded by Mr. Silva that Resolution #2017-0140 be adopted.

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

Motion Carried 5-0.

Resolution #2017-0141 – A Resolution Authorizing Application for a Sustainable New Jersey Capacity Building Grant.

Mr. Guishard moved, seconded by Mr. Silva that Resolution #2017-0141 be adopted.

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

Motion Carried 5-0.

Resolution #2017-0142 – A Resolution Authorizing GovDeals Auction of Various Items as Requested by the Director of Public Works.

Mr. Guishard moved, seconded by Mr. Silva that Resolution #2017-0142 be adopted.

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

Motion Carried 5-0.

Personnel

Motion to Accept Resignation of Municipal Alliance Committee Member Michael Braxton, Jr., term expiring June 30, 2017.

Upon motion of Mr. Silva, second of Mr. Guishard it was moved to Accept Resignation of Municipal Alliance Committee Member Michael Braxton, Jr., term expiring June 30, 2017.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2017-0143 – A Resolution to Appoint Dorothy Gallagher, Chief Financial Officer, the Qualified Purchasing Agent (QPA) for the year 2017, effective March 1, 2017 and to Appoint Cynthia Lindsay as a Temporary Part-Time Employee on an As Needed Basis at \$50.00 per hour through the end of the year.

Mr. Schenker moved, seconded by Mrs. Link that Resolution #2017-0143 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2017-0144 – A Resolution to Assign Lisa Marcolongo Additional Duties and Responsibilities and Increase Salary by \$5,000.00 Annually Effective March 1, 2017.

Mayor Kurtz clarified that this resolution does not take any job responsibilities away from any member of collective bargaining.

Mrs. Link moved, seconded by Mr. Silva that Resolution #2017-0144 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

At Mr. Guishard’s request, Mr. Jacobs clarified that Ms. Marcolongo will be taking over the monthly fuel reporting for each department, and creation and maintenance of the Right to Know Compliance Audit.

Resolution #2017-0145 – A Resolution to Appoint Municipal Alliance Committee Member to Replace Tiffany Turney, term expiring June 30, 2017.

Mrs. Link moved, seconded by Mr. Schenker that Resolution #2017-0145 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Mr. Jacobs clarified that the replacement member is Lisa Yaccarino.

Resolution #2017-0146 – A Resolution to Appoint Municipal Alliance Committee Member to Replace Michael Braxton, Jr., term expiring June 30, 2017.

Mr. Silva asked and confirmed that the replacement member is Michael Boney.

Mrs. Link moved, seconded by Mr. Schenker that Resolution #2017-0146 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Mayor Kurtz mentioned the concern of the board members and chairperson with regard to having vacant positions filled as quickly as possible. Mr. Silva added that any other interested parties are welcome to apply.

Approvals:

Mr. Silva moved, seconded by Mr. Schenker that the regular meeting minutes of the February 6, 2017 meeting are approved as presented.

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

Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Resolution #2017-0147 – A Resolution authorizing payment of approved payrolls and bills-\$1,036,897.51.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2017-0147 be adopted.

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

Motion Carried 5-0.

Reports

Administrator – nothing additional at this time.

Solicitor – nothing additional at this time.

Engineer- Mr. Dixon reported that Outback did some test pits, which the Engineer’s Office witnessed. The system seems to work well.

SJ Gas recently applied for 176 road openings.

Recertification is up for Municipal Stormwater Permit; Stormwater Management Coordinator is required to submit the certification by May 2.

Township Committee:

Mrs. Link stated that she received and reviewed the Tax Collector’s Annual Report, in which the percentage is 98.62, greater than last year. She expressed praise for Tax Collector Renee DeSalvo and the Tax Collection entity.

She also stated that drainage pipe work at Tanglewood has begun. The good weather has been helpful in estimating a quick completion.

Mrs. Link also mentioned that the local JROTC received a \$200.00 donation from Fleet Reserve.

Mr. Silva agreed that the Tax Collector’s Annual Report was outstanding this year, and also stated that her report has been outstanding for the last nine years. Her efforts have resulted in the surplus that enables the Township to do many things.

He also stated that he walked to the Tanglewood site today, and is also optimistic that the project will be completed quickly.

Mr. Silva mentioned that he and Mayor Kurtz met with Administrator Jacobs and Public Works Director Noll to discuss the road program; Public Safety Committee also met with the local Fire Chiefs along with some emergency management personnel to discuss the Pro Phoenix Record Management System.

Mr. Schenker – nothing at this time.

Mr. Guishard also complimented the Tax Collector’s Annual Report. He also stated that he received a disturbing letter in reference to his comments at a recent Planning Board meeting with regard to relocation of the CVS. Mr. Guishard said that his comments were to suggest that there could have been things done to respond in a more timely basis. Mr. Guishard stated that the letter suggested that he faulted the work of Polistina Associates, and also suggested that he had alternative interests, as Mr. Guishard’s son owns property there. Mr. Guishard stated that Polistina did a fine job, and further stated that he recused himself on the subject at Township Committee meetings. In conclusion, Mr. Guishard suggested that in the future we try to be more responsive to investors that come into the area.

Mayor Kurtz stated that as Mayor, he sits on the Planning Board and sees the comments out of context to what Mr. Guishard does. Mayor Kurtz also pointed out that the report was for the zone and not for a particular application. He also stated that he is very proud of our Planning Board. Mr. Guishard stated that he agrees that the Planning Board and Zoning Board do an excellent job and that his comments were not directed against the Board or Mr. Polistina.

Mayor Kurtz recognized Chief Tilley in the audience and stated that we always want to work with our Fire Chiefs and listen to their needs regarding equipment, training or requests.

Mr. Schenker commented that the developer being discussed did not go through the proper channels to change the zoning in the project area; therefore, any prolonging of the process is no fault of the Township. Some discussion ensued.

Mayor Kurtz then opened the floor for public comment.

Public Comment

Charles Cain of 569 Gravelly Run Road identified himself as the author of the letter discussed by Mr. Guishard, and Mr. Cain expressed extreme reproach toward Mr. Guishard's comments. He stated that the study conducted took additional time because it involved the corridor as a whole. He further mentioned that the study supported the master plan. He also mentioned that if the developer had used the proper channels, it could have been fast-tracked.

Mr. Cain stated that one of Mr. Guishard's immediate family members owns property that may be under contract with this developer and stands to gain from the settlement of that property. He further stated that this is unacceptable, inappropriate and an ethics violation, and asked Township Committee to investigate. A heated debate ensued.

Mr. Cain also expressed great disdain for the lawsuit filed with regard to the hiring process for Municipal Judge. More debate ensued.

Bruce Strigh of Mays Landing stated that he was on Township Committee when Renee DeSalvo was hired as Tax Collector, and stated that she made a dramatic difference which helped our budget over the years.

He also inquired about the vagueness of the guidelines for Township's digital signs, and requested that the Township Committee refer the matter to the Planning Board for clarification. Mayor Kurtz agreed that he would look into it.

Jim Kerrigan of Mays Landing stated that he is still against the CVS project.

Harry Rogers of 1069 Morningside Drive stated that he has asked at two previous meetings and is asking again about the cost of the recent lawsuit with regard to the hiring process of Municipal Judge. Mayor Kurtz stated that the amount is \$5,000.00. Mr. Rogers stated that this was a waste of taxpayers' money, asked if there was any way to recover the money, and said that it is reprehensible to use the legal system as a political tool. He requested that the matter be referred to Solicitor Sandman to see if the funds can be recovered.

Both Mr. Guishard and Mrs. Link spoke in support of the case. Some discussion ensued.

Charles Cain of 569 Gravelly Run Road stated that when he was on Township Committee, two Committee Members were not involved in the selection of a new Chief of Police. The two members discussed their concerns to the Administrator and understood that this was the nature of the process. Mr. Cain also stated that he would have rather seen that \$5,000.00 go as a stipend to one of our Township employees. Some discussion ensued.

Mr. Schenker stated that next month a new hiring policy will be introduced, and he hopes that this will prevent future issues.

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

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

Executive Session

Resolution #2017-0148 – A Resolution To Adjourn to Executive Session:

1. Tavistock – Litigation and Attorney Client Privilege; 2. Santore Gravel Pit – Litigation and Attorney Client Privilege

Mr. Schenker moved, seconded by Mr. Silva, that Resolution #2017-0148 be adopted.

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

Abstain: XXX

Motion Carried 5-0.

Township Committee met in Executive Session at 7:40 pm.

Township Committee reconvened at 8:14 pm.

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

On motion of Mr. Silva, seconded by Mr. Guishard and carried the meeting was adjourned at 8:15 pm.

Respectfully submitted,

Rita Martino, RMC, CMR
Township Clerk