

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
April 17, 2017

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order April 17, 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.

Guest Presentation – Legislative Update from Assemblyman Chris Brown

Assemblyman Brown thanked the Committee for the opportunity to speak and hoped everyone had a good holiday weekend. He spoke regarding the Pilot Program entered into by the state, and expressed great dismay over its effect on municipalities. He stated that the Governor has recently decided, through his political appointee, that 10.4% is what municipalities will receive. He further stated that he feels this is a sweetheart deal for the casinos at the expense of county residents, and he fought from the beginning for the bill to include a fairer figure of 13.5%, which amounts to \$4,000,000.00 per year. However, his counterpart felt the figure should be 10.4%, and should be negotiated. He stated that he will continue to fight for the 13.5%.

Mr. Silva stated that he has been a resident since 1976, and has grown with the area. He further stated that the other 22 municipalities are tired of bailing out Atlantic City. Some discussion ensued. Assemblyman Brown commended Committee as a Governing Body that works together and has enhanced services without increasing taxes; their concern above all is the people.

Mrs. Link inquired as to the rationale behind the decision for 10.4%. Assemblyman Brown stated that this would be a question for Senator Whelan and Assemblyman Mazzeo; Assemblyman Mazzeo's public statement is that the city should negotiate it with the county. Some discussion ensued.

Mr. Schenker stated that he appreciates Assemblyman Brown's efforts and encouraged him to continue the fight.

Presentation – Donation of Municipal Court Seal to Township of Hamilton Historical Society

Mayor Kurtz invited the members of the Historical Society to come forward. He explained that our Municipal Court has transitioned to a Regional Court, thereby retiring our longtime Municipal Court Seal. Mayor Kurtz then read a brief description of the seal and stated that Township Committee is pleased to donate the Municipal Court Seal to the Township of Hamilton Historical Society. Society President Irene McMichael accepted the seal for placement in the Society Museum. She stated that an open house will take place in May and that Committee Members are invited.

Addition/Deletion of Late Agenda Items

None.

Early Public Comment

None.

Discussions

Public Hearing of 5 year Tax Agreement between Clayton Self Storage at Mays Landing – 5310 Harding Highway and the Township of Hamilton.

Mayor Kurtz opened the floor for public comment.

Paul Casaccio, the son-in-law of Ralph Clayton, expressed great appreciation for the program, as it will allow them to construct another building with adequate time to fill the building, thereby making it profitable. Mr. Guishard inquired about the timeline of their long term plan. Some discussion ensued. Mr. Silva and Mayor Kurtz complimented the appearance and presentation of the business, including

the antique cars and the beautiful mural. Upon Mrs. Link’s inquiry, Mr. Casaccio confirmed that auctions of abandoned storage spaces are held on a quarterly basis.

Hearing nothing additional from the public, on the motion of Mr. Silva, second of Mr. Schenker, it was moved to close the public hearing of 5 year Tax Agreement between Clayton Self Storage at Mays Landing – 5310 Harding Highway and the Township of Hamilton.

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

Motion Carried 5-0.

Proposed amendments to Chapter 269 of the Township Code relating to tax abatement and exemption. (will be Ordinance #1847-2017 with a public hearing set for May 1, 2017 if introduced)

Director of Community Development Phil Sartorio stated that the proposed Ordinance makes a few technical modifications to the existing sections of the Ordinance. It corrects a few transposed numbers regarding the industrial park, and it adds the additional lots regarding the Mays Landing Historic District area in need of Rehabilitation. It also adds a new Article (Article V) to allow for the abatement and exemption program on the Tunney properties. Mrs. Link asked and confirmed the location of some of the lots in question.

Mr. Silva moved, seconded by Mr. Guishard that the following Ordinance #1847-2017 be introduced on first reading with public hearing to be held May 1, 2017:

Ordinance #1847-2017 – Amending Chapter 269 of the Township Code relating to tax abatement and exemption.

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

Motion Carried 5-0.

Resolution #2017-0201 – Resolution to grant Land Resource Solutions, LLC a three (3) year extension of the Landfill Redevelopment Agreement.

Mike Jacobs directed Committee to the resolution in their packets, which would grant a three year extension to complete the work at the landfill, including the solar project. He also introduced Jeff Day from Land Resource Solutions, LLC. Mrs. Link asked how they will bring the project to fruition amidst stringent pinelands requirements. Mr. Day explained that they have had favorable communication with the Pinelands Commission staff all along. At the request of Mayor Kurtz, Mr. Day, with the help of Kevin Orchard from Citizens Energy, explained that they were required to show that they had potential clients to use the solar power upon project completion. Mr. Guishard inquired as to which agency has final authority in the matter; Mr. Orchard explained that the State DEP would approve the project under all of their regulations; however, the Pinelands Commission is actually a Federally governed agency, so the DEP would approve unless Pinelands Commission ruled otherwise. It is hopeful that all approvals will be in place this year. Some discussion ensued.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2017-0201 be adopted.

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

Motion Carried 5-0.

Public Hearing/Adoption of Ordinances

Ordinance #1844-2017 – Bond Ordinance Appropriating One Million Three Hundred Thousand Dollars (\$1,300,000) and Authorizing the Issuance of One Million Two Hundred Thirty-Five Thousand Dollars (\$1,235,000) in Bonds or Notes of the Township of Hamilton for Capital Improvements or Purposes Authorized to be Undertaken by the Township of Hamilton, in the County of Atlantic, New Jersey.

Mr. Jacobs explained that this is the funding for our Capital Program for the projects that we outlined in the presentation: about \$600,000.00 for road paving, \$100,000.00 for drainage, \$150,000.00 for Lake Lenape Dam, \$200,000.00 for the hockey courts, \$100,000.00 for the radios, and \$150,000.00 for salt storage building.

Mayor Kurtz opened the floor to the public.

Harry Rogers of 1069 Morningside Drive asked about the term and rate of the bonds. Mr. Jacobs explained that this would be determined at the point of sale, probably around 3%. He further stated that it would likely be 4-5 years before we sell these bonds. Some discussion ensued. Mr. Rogers mentioned that previously the Township had adopted a pay as you go status on virtually all expenditures, while also reducing our debt; he questioned why we would need to add to our debt. Mr. Jacobs explained that our debt is actually decreasing in the long run. Further discussion ensued.

Bruce Strigh of Mays Landing stated that between 2000 and 2010, \$7.5 million in interest was paid based on \$20 million in debt. Since 2010, the Committee has brought the debt figure down to approximately \$13 million. By the time the debt is paid, a substantial amount of additional interest will have been paid, which could have been used to pave a lot of roads, etc. He further stated that the Committee has done the best job possible with the pay as you go plan, and he feels that it will pay off in the long run. A lengthy discussion ensued.

Hearing nothing additional from the public, on the motion of Mr. Silva, second of Mr. Guishard, it was moved to close the public hearing of Ordinance # 1844-2017.

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

Motion Carried 5-0.

Adoption of Ordinance No. 1844-2017

Mr. Silva moved, seconded by Mrs. Link, that Ordinance #1844-2017, which was introduced and passed first reading on 4/3/17 and was duly advertised in the 4/5/17 edition of the Atlantic County Record with public hearing held as advertised and closed be and is hereby adopted.

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

Motion Carried 5-0.

Ordinance #1845-2017 – An Ordinance Amending Exhibit A, Section 1 Article II of Chapter 66 of the Code of the Township of Hamilton, Providing for the Maximum Number of Employees.

Mr. Jacobs explained that this Ordinance allows for two additional positions: Technical Assistant to Construction Official (TACO) and IT Technician for the Police Department. Both positions are funded in the budget.

Jim Kerrigan of Mays Landing confirmed that this will increase our employee count to 128.

Hearing nothing additional from the public, on the motion of Mr. Silva, second of Mrs. Link, it was moved to close the public hearing of Ordinance # 1845-2017.

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

Motion Carried 5-0.

Adoption of Ordinance No. 1845-2017

Mr. Silva moved, seconded by Mrs. Link, that Ordinance #1845-2017, which was introduced and passed first reading on 4/3/17 and was duly advertised in the 4/5/17 edition of the Atlantic County Record with public hearing held as advertised and closed be and is hereby adopted.

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

Motion Carried 5-0.

Motion to Authorize Advertisement of the two new positions described in Ordinance #1845-2017.

Upon motion of Mr. Guishard, second of Mr. Silva it was moved to Authorize Advertisement of the two new positions described in Ordinance #1845-2017.

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

Motion Carried 5-0.

Introduction of Ordinance

Ordinance #1846-2017 – Capital Ordinance Providing for the Purchase of Emergency Equipment by the Township of Hamilton, in the County of Atlantic, New Jersey and Appropriating \$405,000 Therefor.

Mr. Jacobs clarified that this Capital Ordinance is not borrowing any money; it is part of our pay as you go program. It is for \$300,000.00 for the purchase of a fire truck and \$105,000.00 toward the purchase of an ambulance.

Mr. Silva moved, seconded by Mr. Schenker that the following Ordinance #1846-2017 be introduced on first reading with public hearing to be held May 1, 2017:

Ordinance #1844-2017 – Capital Ordinance Providing for the Purchase of Emergency Equipment by the Township of Hamilton, in the County of Atlantic, New Jersey and Appropriating \$405,000 Therefor.

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

Motion Carried 5-0.

Consent Agenda

Mayor Kurtz requested to remove item 6F. from the consent agenda to allow for a separate vote.

Mr. Silva moved, seconded by Mr. Schenker to approve Consent Agenda items 6A.-6E.

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

Motion Carried 5-0.

Motion to Approve Business Registration License.

Upon motion of Mr. Silva, second of Mr. Schenker it was moved to approve the following Business Registration License:

- 1. Miller’s Colonial – self-service car wash

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

Motion Carried 5-0.

Resolution #2017-0202 – Authorizing the cancellation of 2017 Taxes due to Totally Disabled Veteran Status (Block 1132.28, Lot 36 and Block 1132.32, Lot 1).

Mr. Silva moved, seconded by Mr. Schenker that Resolution #2017-0202 be adopted.

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

Motion Carried 5-0.

Motion to Approve Raffle License for South Jersey Cancer Fund, Armchair Race to be held June 3, 2017.

Upon motion of Mr. Silva, second of Mr. Schenker it was moved to approve Raffle License for South Jersey Cancer Fund, Armchair Race to be held June 3, 2017.

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

Motion Carried 5-0.

Motion to Approve Raffle License for St. Vincent de Paul School, On Premise 50/50 to be held May 13, 2017.

Upon motion of Mr. Silva, second of Mr. Schenker it was moved to approve Raffle License for St. Vincent de Paul School, On Premise 50/50 to be held May 13, 2017.

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

Motion Carried 5-0.

Motion of no objection to the Div. of ABC granting a Special Liquor License Permit to Knights of Columbus Council #3451 for their Dinner and Armchair Races Event to be held on May 6, 2017 from 5:00 pm until 10:00 pm, beer and wine to be dispensed

On the motion of Mr. Silva, second of Mr. Schenker, it was moved to confirm no objection to the granting of a Special Liquor License Permit to Knights of Columbus council #3451 as outlined.

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

Motion Carried 5-0.

Item removed from Consent Agenda

Approve extension of hours for Young’s Skating Center on Saturday, May 6, 2017 from 12:00 am until 2:00 am for the Atlantic Christian School Private Skating Party.

Mrs. Link recused herself due to personal conflict as she is the owner of Young’s Skating Center.

On the motion of Mr. Silva, second of Mr. Guishard, it was moved to approve extension of hours for Young’s Skating Center on Saturday, May 6, 2017 from 12:00 am until 2:00 am for the Atlantic Christian School Private Skating Party.

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

Motion Carried 4-0-1.

Approvals:

Mr. Silva moved, seconded by Mr. Schenker that the regular meeting minutes of the April 3, 2017 meeting are approved as presented.

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

Motion Carried 5-0.

Resolution #2017-0203 – A Resolution authorizing payment of approved payrolls and bills-\$3,210,671.73.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2017-0203 be adopted.

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

Motion Carried 5-0.

Reports

Administrator – none at this time.

Solicitor – none at this time.

Engineer – Mr. Dixon stated that Volunteer Way is ready to go. A ribbon cutting ceremony will be held on April 21, 2017 at 9:00am.

Mr. Dixon also spoke briefly about the Enclave at Mays Landing project, in which the Performance Guarantee has already been reduced as much as possible before total release. There are issues with two water features on this project, which were originally designed to be dry, but were later approved to be wet basins. Since wet basins contain standing water, fencing is required around them for safety. Mr. Dixon stated that the contractor should be notified of the immediate need for fencing, and mentioned the potential need for Committee to vote to take action against the Performance Guarantee. At this time, however, Mr. Dixon requested permission of the Township Committee to contact the contractor in writing regarding these issues and possible consequences. Some discussion ensued.

Motion to authorize Township Engineer to contact the contractor for the Enclave at Mays Landing Project regarding project requirements and status of Performance Guarantee.

On the motion of Mr. Silva, second of Mr. Guishard, it was moved to authorize Township Engineer to contact the contractor for the Enclave at Mays Landing Project regarding project requirements and status of Performance Guarantee.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Township Committee:

Mr. Silva expressed dismay over the Township being informed by the State at the last minute regarding milling and overlay work on Main Street. He expressed further dismay that the work will not include curbs, which are in need of repair. Mayor Kurtz agreed, stating that the affected businesses were notified only four days ago. Some discussion ensued.

On behalf of the Committee, Mr. Silva also wished to extend congratulations to Jessica Mendez for passing the state exam to become a Certified Municipal Registrar. He further stated that her work is commendable, and she has assimilated very well as a member of the Township Clerk's Office. Township Clerk Rita Martino agreed and stated that she is very proud of Jessica.

Mr. Schenker had no comments at this time.

Mr. Guishard stated that he attended the SJTPO Technical Analysis Committee Workshop, where the topic was the Highway Safety Program. He stated that while it seems there is funding, the application process is extremely bureaucratic, thereby making it difficult to obtain said funding. He further stated that there are Transportation Management Associations to assist with traffic management problems, which may prove helpful in the future.

He also attended a roundtable meeting of the Atlantic County Association of Township Officials, which was mostly about the budget situation. He stated that all Township Officials are doing the best they can to address the Atlantic City situation, and there is a great deal of unhappiness about it.

Mrs. Link echoed Mr. Guishard's comments about the budget situation, having attended the same meeting.

She also mentioned that this year's County-sponsored Easter Egg Hunt at Lenape Park was a successful one with hayrides and crafts.

Mayor Kurtz stated that the President of Mays Landing Merchant's Association could not attend tonight, but wanted to let everyone know that all four of the usual MLMA Events (Hometown Celebration, Wine Festival, Fall Festival, Dickens of a Holiday) will indeed take place this year. Flyers with the dates are available at various Township locations.

Mayor Kurtz then opened the floor for public comment.

Public Comment

Jennie Ayres, resident of Mays Landing and employee of Atlantic Cape Community College, informed everyone that the CDC currently has a project underway at the ACCC Campus, and an open house is scheduled on the 25th. They are doing a Federal Study on health and wellness in Atlantic County.

She also mentioned that Sojourn Productions does a show on campus each year; they are presenting *The Lion, the Witch and the Wardrobe* this year.

She closed by mentioning that a Beer Festival will be held at the college on June 3rd, which will include culinary demonstrations, ten breweries, and live bands.

With regard to the CDC project, Mr. Schenker commented that studies of this nature are the source of the statistics that we hear and read about in the media. They look for trends, clusters, and other data to help with disease research.

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 #2017-0204 – A Resolution To Adjourn to Executive Session:

1. Lakeview Loan Servicing v. Blackwell and Township of Hamilton – Litigation and Attorney/Client Privilege

2. Lincoln General Liquidation/Santore Gravel Pit Matter – Litigation and Attorney/Client Privilege

Mr. Silva moved, seconded by Mr. Schenker, that Resolution #2017-0204 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 7:50 pm.

Township Committee reconvened at 8:19 pm.

On the motion of Mrs. Link, second of Mr. Guishard, it was moved to reconvene.

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

Motion Carried 5-0.

Administrator Mike Jacobs stated that he went into the lobby and invited the public to return; no one from the public returned.

Resolution #2017-0205 – A Resolution Accepting Payment of \$2,400.00 in Agreement to Subordinate the Township’s Mortgage on Block 95, Lot 5 in the Township Of Hamilton

Mr. Silva moved, seconded by Mrs. Link that Resolution #2017-0205 be adopted.

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

Motion Carried 5-0.

On motion of Mr. Silva, seconded by Mr. Schenker and carried the meeting was adjourned at 8:21 pm.

Respectfully submitted,

Rita Martino, RMC, CMR
Township Clerk