

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
FEBRUARY 20, 2018

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order February 20, 2018 at 6:30 pm with Mayor Art Schenker 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 1/5/18, and the Atlantic County Record on 1/10/18.

Roll Call:

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

Absent: John Kurtz

Also present: Rita Martino, Township Clerk; Michael Jacobs, Township Administrator

A moment of silence for private reflection was observed.

Mayor Schenker informed everyone that Committeeman Kurtz is doing well at home after recent surgery.

Addition/Deletion of Late Agenda Items

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

Additions:

7N. Resolution Authorizing Reduction of Performance Guarantee for Recovery Centers of America (5034 Atlantic Avenue, LLC) (Block 994, Lot 58.05) from \$1,431,425.73 (cash escrow) to \$1,038,810.60, as recommended by Alternate Township Engineer Kevin Dixon in his correspondence dated 2/15/18.

Changes:

Postpone date of public hearing/adoption of Ordinance #1873-2018 from 2/20/18 to 3/5/18:

4A. Ordinance #1873-2018 An Ordinance Vacating Certain Portions of those Public Alleys known as Second Street and Third Street Situated in Block 229, Lots 3 and 4; Block 232, Lots, 1, 2 and 3; Block 232, Lots 4,5,6,7 and 8 and Block 235, Lots 1, 4 and 5, as shown on the Tax Map of The Township of Hamilton, County of Atlantic and State of New Jersey and Releasing and Extinguishing the Public Rights Therein.

Early Public Comment

Marcus King of Teamsters Local 331 spoke in favor of fairness in pending negotiations, as the employees work diligently on behalf of the Township. When police dispatch services were brought from Egg Harbor City to Hamilton Township, the employees were the ones who did the work. Similarly, the Township has benefitted financially from the Buena Vista Municipal Court merger, with our employees doing the work to make it successful. Mr. King stated that he was troubled by past negotiations in 2012, when the employees took a three year contract with no wage increases, then had to pay out of pocket for benefits. Additionally, he expressed dismay at recent wage increases for non-union and management personnel, while Union personnel were only offered 2%. Mr. King asserted that all they ask for is fairness.

Gene Kahn of Tavistock Community spoke about the roads in Tavistock, which are cracking and falling apart. The housing association had to, at their own expense, hire a company to fill in the cracks and potholes. They have spent over \$30,000.00 for snow removal. Mr. Kahn stated that he is certain that some of his taxes go toward road maintenance, and he hopes something will be done in closed session tonight. He cited the Township's mission statement: "To provide essential services in the most effective, efficient, and affordable manner."

Richard Dickson of 68 Gasko Road stated that in 2015, Mayor Silva informed him that the Bond Company settled for \$650,000.00, which would take care of streets, landscaping issues, drainage, etc. He further stated that he understood that the homeowners association could order the contractor themselves, have the work done, and have the bill sent to the Township, and this never happened. He said that Tavistock residents are like hostages now, unable to get the appropriate work done. He questioned what kind of company would grade land into a house, and further questioned if the Township has the \$650,000.00.

Solicitor Sandman stated that the two bonding companies initially agreed to pay \$250,000.00; they increased it to \$400,000.00, \$500,000.00, and finally \$650,000.00, which he was able to recommend. That was agreed to in late 2015, subject to a number of conditions that were outlined by Mr. Sandman to Counsel for the association. Counsel for the association has repeatedly taken the position that the association could directly bid the work for the road improvement and some of the landscaping. Mr. Sandman had a meeting with the association president on October 3, 2017, where Mr. Sandman told Mr. Wiechnik that he must prove that the association can legally bid the work directly. It was determined that they could not, and the work must be publicly bid. The agreement with the bonding company is that they are subject to court approval.

Solicitor Sandman also stated that it is his understanding that the issue of standing water between the homes is the subject of a separate lawsuit filed on behalf of the association against the developer, and that issue will not be funded by this bond money.

He further stated that the ponds are a huge issue and will be discussed in closed session this evening. However, it has been the position of counsel for the association and the bonding company that the basins were a completed item, and therefore not subject to the bond money, complicating Mr. Sandman's ability to solidify a global settlement. He filed a lawsuit to enforce the settlement, which was last week dismissed without prejudice to reopen it.

Discussions

An Ordinance Amending Chapter 167 of the Township Code to Provide for or Amend Fees for Certain Land Development Applications (will be Ordinance #1874-2018 with a public hearing to be held March 5, 2018 if introduced).

Director of Community Development Phil Sartorio explained that the ordinance amends application fees for Planning and Zoning applications, reorganizing the fees into a more coherent schedule. Some discussion ensued.

Mr. Silva moved, seconded by Mr. Guishard that the following Ordinance #1874-2018 be introduced on first reading with public hearing to be held March 5, 2018:

Ordinance #1874-2018 – An Ordinance Amending Chapter 167 of the Township Code to Provide for or Amend Fees for Certain Land Development Applications.

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

Motion Carried 4-0.

An Ordinance Amending Chapter 144 of the Township Code to Provide for or Amend Fees for Certain Construction Permit Applications in the Township of Hamilton, County of Atlantic (will be Ordinance #1875-2018 with a public hearing to be held March 5, 2018 if introduced).

Phil Sartorio explained that the fee changes are primarily as provided through the construction official. One change is that our electrical inspections will be done by a third party, so State Uniform Construction Code requires that electrical permit fees be those established by the state for their inspectors. Some discussion ensued.

Mr. Silva moved, seconded by Mr. Guishard that the following Ordinance #1875-2018 be introduced on first reading with public hearing to be held March 5, 2018:

Ordinance #1875-2018 – An Ordinance Amending Chapter 144 of the Township Code to Provide for or Amend Fees for Certain Construction Permit Applications in the Township of Hamilton, County of Atlantic.

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

Motion Carried 4-0.

Resolution Establishing and Adopting a Township of Hamilton Complete Streets Policy.

Solicitor Sandman explained that the Planning Board originally determined that the language (including the word "shall") should be changed. Mr. Sandman has since redrafted the resolution, and stated that it should again go before the Planning Board. Mr. Guishard stated that the final word from the Planning Board was that it was not a Planning Board item, but rather a Township Committee decision, and many of the original issues were addressed in the revision. He further stated that Complete Streets is a beneficial policy adopted by many municipalities throughout the nation.

Richard Cheek, Chairman of the Planning Board, stated that he is not aware of what changes were made. He further stated that while a Complete Streets Policy is helpful in earning points for grants, the Township is not currently applying for any grants of this nature; therefore, there is nothing to be

gained now. The Planning Board is much more concerned about liability and cost to developers. Additionally, if the governor adds requirements to Complete Streets, then the Township would be required to adhere to them.

Solicitor Sandman stated that the resolution states that it must be consistent with the Hamilton Township Master Plan and Land Use Development Ordinance, which is a Planning issue. Therefore, he recommended that the Planning Board review same. Mr. Silva agreed it makes good sense to do so.

Mr. Silva moved, seconded by Mr. Guishard, that the revised proposed Complete Streets Resolution be referred to the Planning Board for review and recommendation to Township Committee.

Recorded Vote: Aye: Guishard, Link, Schenker, Silva
Nay: XXX
Abstain: XXX
Motion Carried 4-0.

Award of Bids/Contracts/Change Orders

Resolution #2018-0115 – Resolution accepting renewal proposal for Delta Dental Insurance administered by Gallagher Benefit Services, approving contract renewal, and authorizing Mayor to sign renewal.

Mr. Silva asked and confirmed that the proposal is about the same as last year.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0115 be adopted.

Recorded Vote: Aye: Guishard, Link, Schenker, Silva
Nay: XXX
Abstain: XXX
Motion Carried 4-0.

Resolution #2018-0116 – Resolution authorizing option year one extension of award of Animal Control Services and Animal Cruelty Officer Services (Bid #2017-01) to Shore Veterinarian Animal Control Services, LLC, Seaville, New Jersey for the term 4/1/18-3/31/19.

Mr. Jacobs confirmed that extension is recommended.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0116 be adopted.

Recorded Vote: Aye: Guishard, Link, Schenker, Silva
Nay: XXX
Abstain: XXX
Motion Carried 4-0.

Consent Agenda

Mr. Silva requested to remove item 7H. from the consent agenda to allow for a separate vote.

Mr. Silva moved, seconded by Mrs. Link to approve Consent Agenda items 7A-7G, and 7I-7N.

Recorded Vote: Aye: Guishard, Link, Schenker, Silva
Nay: XXX
Abstain: XXX
Motion Carried 4-0.

Resolution #2018-0117 – Resolution cancelling Grant Fund Account Receivable and Appropriated Reserve Balance – Drive Sober or Get Pulled Over Year End Holiday Crackdown - \$4,895.00.

Mr. Silva moved, seconded by Mrs. Link that Resolution #2018-0117 be adopted.

Recorded Vote: Aye: Guishard, Link, Schenker, Silva
Nay: XXX
Abstain: XXX
Motion Carried 4-0.

Resolution #2018-0118 – Resolution opposing regulations proposed by New Jersey Department of Agriculture to Regulate Beekeeping.

Mr. Silva moved, seconded by Mrs. Link that Resolution #2018-0118 be adopted.

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

Abstain: XXX

Motion Carried 4-0.

Resolution #2018-0119 – Resolution accepting Contiguous Owner Land Sale Bid of Michael Murphy for lots 5,6,7,8,9,10,11,12,13,22,24, & 32 in Block 390 (.80 acres at Memphis & Sitka Avenues), for a purchase price of \$1,000.00.

Mr. Silva moved, seconded by Mrs. Link that Resolution #2018-0119 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Resolution #2018-0120 – Resolution authorizing release of Ocean City Home Bank nka Ocean First Bank Letter of Credit #04-2012 in the amount of \$8,171.10 posted as a 2 year Maintenance Guarantee for Simcare Surgical, LTD, dba Simcare Pharmacy (Block 740, Lots 3,4,5, and 6.01), as recommended by Township Engineer Steven Filippone in his correspondence dated 2/6/18.

Mr. Silva moved, seconded by Mrs. Link that Resolution #2018-0120 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Resolution #2018-0121 – Resolution authorizing submission of the Grant Application and execution of a Grant Contract with the NJ Department of Transportation for Pavement Preservation.

Mr. Silva moved, seconded by Mrs. Link that Resolution #2018-0121 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Resolution #2018-0122 – Resolution authorizing submission of the Grant Application and execution of a Grant Contract with the NJ Department of Transportation for New Construction.

Mr. Silva moved, seconded by Mrs. Link that Resolution #2018-0122 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Resolution #2018-0123 – Resolution approving 2018 Municipal Aerial Mosquito Control Agreement and authorize Mayor to sign same.

Mr. Silva moved, seconded by Mrs. Link that Resolution #2018-0123 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Resolution #2018-0124 – Resolution authorizing the submission of a Grant Application and the execution of a Grant Contract with the NJDOT for The Safe Corridor Project.

Mr. Silva moved, seconded by Mrs. Link that Resolution #2018-0124 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Resolution #2018-0125 – Resolution authorizing GovDeals Auction of items as recommended by the Diector of Public Works.

Mr. Silva moved, seconded by Mrs. Link that Resolution #2018-0125 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Resolution #2018-0126 – Resolution approving Coin Drop Application for Mizpah Fire Department at Estelle and Landis Avenues 8am-5pm 5/26, 6/16, 7/7, 8/11, 9/1, and 9/2/18; Rain Dates: 5/27, 6/17, 7/8, 8/12/18.

Mr. Silva moved, seconded by Mrs. Link that Resolution #2018-0126 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Resolution #2018-0127 – Resolution for 2018 Temporary Budget Amendment.

Mr. Silva moved, seconded by Mrs. Link that Resolution #2018-0127 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Resolution #2018-0128 – Resolution authorizing reduction of Performance Guarantee for Recovery Centers of America (5034 Atlantic Avenue, LLC) (Block 994, Lot 58.05) from \$1,431,425.73 (cash escrow) to \$1,038,810.60 as recommended by Alternate Township Engineer Kevin Dixon in his correspondence dated 2/15/18.

Mr. Silva moved, seconded by Mrs. Link that Resolution #2018-0128 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Items Removed from Consent Agenda

Resolution #2018-0129 – Resolution establishing an annual contribution for eligible members of LOSAP at \$1,000.00.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0129 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Personnel

Resolution #2018-0130 – Resolution appointing Kristina Lisitski as AP/Purchasing effective 3/12/18 at \$38,500.00 annually with an increase of \$1,500.00 after six months upon successful performance evaluation.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0130 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Approvals:

Mr. Silva moved, seconded by Mr. Guishard that the regular meeting minutes of the February 5, 2018 meeting are approved as presented.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Resolution #2018-0131 – A Resolution authorizing payment of approved payrolls and bills-\$1,708,823.78.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0131 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Reports

Administrator – Mr. Jacobs had nothing to add to his written report.

Solicitor – Solicitor Sandman stated that there have been changes to Municipal Land Use Law with regard to Performance and Maintenance Guarantees. The new legislation has restricted the items that can be bonded.

Township Engineer Steve Filippone stated that it is a more “Developer-Friendly” set of guidelines. With Performance Guarantees, Public Improvements (like a subdivision with gutters and curbs, etc.) are not affected. Anything that is going to be owned by the municipality is not affected. However, with Private Developments (such as shopping centers) two items need to be bonded: buffer and perimeter landscaping, and a restoration or stabilization bond.

Mr. Filippone further stated that Maintenance Guarantees will be 15% of the related original Performance Guarantee, plus any drainage requirements (stormwater basins, etc.). The Maintenance Guarantee will be a 2-year Guarantee, and must be released at the end of the 2-year period. He is working with the Planning Board Solicitor to draft the revisions to the Ordinance; the Planning Board will make their recommendation, and then Township Committee will review and make their recommendation.

Mr. Sandman recommended that Committee authorize Mr. Filippone to go ahead with the revisions, as it is important that our Ordinance is in compliance with the new law. Some discussion ensued.

Mr. Silva moved, seconded by Mr. Guishard to authorize and direct Township Engineer Steve Filippone to make revisions to the current Ordinance for Planning Board review, followed by Township Committee review.

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

Motion Carried 4-0.

Township Committee:

Mrs. Link commented that she is glad to see so many people come out to participate in the meeting and take part in our decision making. It shows that our system is alive and well.

She also spoke briefly about the Boy Scouting Expo in Hamilton Mall, and congratulated the organizers thereof.

Mr. Silva stated that Committee members received invitations to the Grand Opening Celebration of Intex. He was very impressed with the contents, and quoted the invitation: “I’m hoping that the investment we are making clearly displays our passion and commitment to our employees, our customers, the building material industry, and our new community. We are in this for the long haul.” An Open House is scheduled for March 31st with plant tours.

Committee also received invitations to Eagle Scout honors for one of our local youths. He stated that it is always a pleasure to attend these events and see the achievements of our young people.

Mr. Guishard stated that Mayor Chuck Chiarello of Buena Vista Township has been selected as President of New Jersey Conference of Mayors. He further stated that it is great to see a neighboring leader earn this title.

He also spoke briefly about FIOS availability in the local area.

Mayor Schenker congratulated the local Eagle Scouts for the great work that they do. He also mentioned the May Landing Lakers Football team, and contemplated the possibility of getting a display case in town hall for their trophy.

He also thanked the Union members and the Tavistock residents for attending the meeting tonight, and taking a direct role in the governmental process.

Engineer – Steve Filippone gave a brief update of the Main Street situation; he has attained a commitment from NJDOT that they will repave curblines before Memorial Day.

He and Director of Public Works Brett Noll are also working diligently on the 2018 Road Program.

He closed by mentioning that Buffalo Pike Associates; they have filed administrative plans for two buildings, but still have not revealed which proposed businesses would operate there.

Mayor Schenker then opened the floor for public comment.

Public Comment

Alberta Iovacchini of 38 Gasko Road (Tavistock) stated that their Homeowners Association has spent \$7,500.00 to repair cracks and potholes in the roads. As taxpayers, most of whom are seniors, they expect something to happen.

Randy Rardon of 119 Giunta Walk (Tavistock) stated that he recently moved in and received a notice that taxes were increasing. He questioned what he is getting for his tax dollars. He stated that the roads look terrible, and the Township is responsible for those roads. He further stated that the ponds were also a problem.

Cathy Bonadonna of 100 Gasko Road (Tavistock) stated that when residents drive out of Hartman to go on Route 40, they are met with an iced over gully, and they are taking their life into their hands. The apron of her own home is also affected by dangerous ice.

Art Wexler of 114 Giunta Walk (Tavistock) suggested that Committee view these issues as a problem solving challenge and ask themselves, "What do we need to do tonight, to make this happen?"

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, Link, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 4-0.

On the motion of Mr. Silva, second of Mr. Guishard it was moved to close the public session.

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

Motion Carried 4-0.

Executive Session

Resolution #2018-0132– A Resolution To Adjourn to Executive Session:
Tavistock Clubhouse Litigation – Litigation and Attorney Client Privilege
Tavistock Bond Litigation – Litigation and Attorney Client Privilege
Tavistock Litigation – Reservation of Rights
Teamsters Contract - Contract Negotiations

Mr. Silva moved, seconded by Mr. Guishard, that Resolution #2018-0132 be adopted.

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

Motion Carried 4-0.

Township Committee met in Executive Session at 7:45 pm.

Township Committee reconvened at 9:06 pm.

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

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

Motion Carried 4-0.

The public was invited to return; no members of the public returned.

Solicitor Sandman stated that the only items discussed in executive session were the items announced by resolution. He further stated that the minutes of the executive session will be made available to the public at such time the confidential matters discussed are no longer confidential.

Motion to Authorize Township Solicitor to Participate in Mediation.

On the motion of Mr. Silva, second of Mr. Guishard, it was moved to Authorize Township Solicitor to Participate in Mediation.

Recorded Vote: Aye: Guishard, Link, Schenker, Silva
Nay: XXX
Abstain: XXX
Motion Carried 4-0.

Resolution #2018-0134 – A Resolution to Authorize Township Solicitor to send a Reservation of Rights Letter.

Mr. Silva moved, seconded by Mrs. Link, it was moved to Authorize Township Solicitor to send a Reservation of Rights Letter to JIF and Summit Risk Services.

Recorded Vote: Aye: Guishard, Link, Schenker, Silva
Nay: XXX
Abstain: XXX
Motion Carried 4-0.

On motion of Mayor Schenker, seconded by Mrs. Link and carried the meeting was adjourned at 9:08 pm.

Respectfully submitted,

Rita Martino, RMC, CMR
Township Clerk