

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
MARCH 19, 2018

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order March 19, 2018 at 6:30 pm with Deputy Mayor Roger Silva 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, John Kurtz, Judith Link, Roger Silva.

Absent: Art Schenker

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

A moment of silence for private reflection was observed.

Presentations

Proclamation to Oakcrest High School History and JROTC Students

Deputy Mayor Silva invited History Teacher Mr. Vince Sera and the students to come forward. Deputy Mayor Silva then read the proclamation, which stated that Mr. Sera's history students and Master Sergeant Patrick Murphy's JROTC students sent Valentine's Day cards and care packages to service members serving worldwide. Mr. Sera presented a copy of same to each student. Mr. Sera stated that he is very impressed with the love and pride that the students have shown for our veterans.

Landfill Redevelopment Update

Jeffrey Dey, Project Director of Land Resource Solutions gave a brief update regarding closure, remediation, and redevelopment of the Hamilton Township Landfill. They have submitted a Hazardous Discharge Site Remediation Fund (HDSRF) Application to the DEP; they are third in line for review. There may also be similar opportunities with the Federal Government. Many milestones have been completed, and they hope to complete landfill closure and initiate the solar renewable energy system by the end of 2019.

Addition/Deletion of Late Agenda Items

None.

Early Public Comment

None.

Discussions

2018 CDBG Program Recommendations

Director of Community Development Phil Sartorio stated that on February 20 the County kicked off the 2018 cycle for Community Development Block Grant (CDBG) program. The Township received slightly over \$89,000.00 last year. \$15,500.00 of this was earmarked for accessibility improvements at the Lundy Center, with the remainder going to housing rehabilitation. The eligibility amount this year is unknown, but estimated at about \$80,000.00. Past uses of these funds include ADA Improvements at Town Hall and demolition work at Beacon Avenue. Plans for 2018 funds include continued ADA improvements at the Lundy Center, improvements to the pedestrian paths connecting Oakcrest High School with Oakcrest Estates, and housing rehabilitation services. Some discussion ensued, particularly involving lighting improvements and security on the Oakcrest Pedestrian Paths. Deputy Mayor Silva suggested that Mr. Sartorio contact the school about this.

Resolution #2018-0150 – Resolution authorizing the 2018 CDBG Program Application.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0150 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Public Hearing/Adoption of Ordinances

None.

Introduction of Ordinances

None.

Award of Bids/Contracts/Change Orders

None.

Consent Agenda

Motion to Approve Business Registration Licenses.

Upon motion of Mr. Kurtz, second of Mr. Guishard it was moved to approve the following Business Registration Licenses:

- 1. Freedom City Bike Club

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

Motion Carried 4-0.

Resolution #2018-0151 – Resolution to Refund Payments made on Block 854 Lot 122 and Block 940 Lot 3.02 due to Totally Disabled Veteran Status.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0151 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0152 – Resolution of no objection to the NJDOT issuing permits for Coin Drops to be held at the intersection of Routes 40 and 50:

Fleet Reserve – 5/26-5/27/18, 7/7-7/8/18, 9/1-9/2/18.
 Rain Dates: 6/2/18, 7/14/18, 9/8/18

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0152 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0153 – Resolution approving Bingo License #3-2018 – Designer Bag Bingo License for Oakcrest HS Falcon Crew Booster Club to be held 5/3/18.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0153 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0154 – Resolution approving Raffle License #7-2018 – Armchair Race Raffle License for South Jersey Cancer Fund to be held 5/5/18.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0154 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0155 – Resolution authorizing release of Performance Guarantee for McDonald’s, 4476 Black Horse Pike (Block 1134, Lots 14 & 15) in the amount of \$28,764.68 (Liberty Mutual Insurance Company Bond #4040008024 - \$25,888.68; Cash Escrow - \$2,876.00) as recommended by Alternate Township Engineer Kevin Dixon in his correspondence dated 2/26/18.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0155 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0156 – Resolution denying release of Performance Guarantee for Eaglesmere fka Glen Eyre Palette III (Conson, LLC), 9 Matisse Drive – Sidewalk and Concrete Apron (Block 1132.26, Lot 3) in the amount of \$1,745.52 (M&T Bank Irrevocable Standby Letter of Credit #SB1796900001) due to incomplete punchlist items, as recommended by Township Engineer Steven Filippone in his correspondence dated 2/28/18.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0156 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0157 – Resolution denying release of Performance Guarantee for Paramount Realty Services, Festival at Hamilton, LLC Expansion Project (Home Goods) (Block 1134, Lots 17.01-17.04) in the amount of \$719,935.20 (Provident Bank Irrevocable Standby Letter of Credit #8050002379 - \$647,941.68; Cash Escrow - \$71,993.52) due to incomplete punchlist items, as recommended by Township Engineer Steven Filippone in his correspondence dated 3/8/18.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0157 be adopted.

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

Motion Carried 4-0.

Approve Request from the Municipal Alliance Committee for membership to Mays Landing Merchants Association.

Upon motion of Mr. Kurtz, second of Mr. Guishard it was moved to approve the Request from the Municipal Alliance Committee for membership to Mays Landing Merchants Association.

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

Motion Carried 4-0.

Resolution #2018-0158 – Resolution accepting certified lists of members eligible for 2017 LOSAP credit from Cologne Volunteer Fire Company.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0158 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0159 – Resolution accepting certified lists of members eligible for 2017 LOSAP credit from Laureldale Volunteer Fire Rescue Company.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0159 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0160 – Resolution accepting certified lists of members eligible for 2017 LOSAP credit from Mays Landing Volunteer Fire Department Reliance Hose Company No. 1.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0160 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0161 – Resolution accepting certified lists of members eligible for 2017 LOSAP credit from Mizpah Volunteer Fire Company.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0161 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0162 – Resolution accepting certified lists of members eligible for 2017 LOSAP credit from Weymouth Volunteer Fire Company.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0162 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0163 – Resolution supporting the 2018 Distracted Driving Crackdown – U Drive, U Text, U Pay.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0163 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0164 – Resolution accepting Contiguous Owner Land Sale Bid of Bobbi-Jene Nye for Lot 1 in Block 526 (4.37 Acres on Belmont Avenue), for a purchase price of \$2,300.00.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0164 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0165 – Resolution ratifying Land Sale to Contiguous Owners Pursuant to Ordinance #1868-2018, Lots 5,6,7,8,9,10,11,12,13,22,24, & 32 in Block 390, \$1,000.00.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0165 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0166 – Resolution authorizing application for Sustainable Jersey Small Grant for Community Outreach.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0166 be adopted.

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

Motion Carried 4-0.

Approvals:

Mrs. Link moved, seconded by Mr. Guishard that the regular meeting minutes of the March 5, 2018 meeting are approved as presented.

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

Motion Carried 4-0.

Mr. Guishard moved, seconded by Mrs. Link that the Executive Session minutes of the March 5, 2018 meeting are approved as presented.

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

Motion Carried 5-0.

Resolution #2018-0167 – A Resolution authorizing payment of approved payrolls and bills-\$1,766,529.79.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2018-0167 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Reports

Administrator – Mr. Jacobs mentioned that the Township has set aside 20 acres in Liepe Park for preservation of the Grasshopper Sparrow, which must be maintained. Fish and Wildlife has asked that the Township do a controlled burn instead of mowing it this year; the controlled burn took place earlier that day. Some discussion ensued.

Solicitor – Solicitor Sandman addressed the Tavistock residents in attendance, explaining that he has advised Committee members not to discuss the Tavistock matter, because it was in active litigation. He further explained that on May 23, 2016 the case was tentatively settled, and he documented this in a letter to Tavistock counsel. The settlement envisioned that, in order to bind future owners of the property, a settlement document would be created, public notice sent out, Mr. Sandman would file a lawsuit on behalf of the Township against the bonding company and the association, and the judge would invite the Tavistock residents to support or oppose the settlement. Part of the settlement was that the bonding company would pay \$650,000.00, which would be used to construct the road, curbs, and possibly some landscaping. The association and the bonding company took a position in those early 2016 negotiations that the basins were “completed items” and therefore the bond money could not be used to rectify them, if they could be rectified. Mr. Sandman clarified that no one has ever stated to him that there was any way to rectify the wet basins and make them function as they were designed to function. He stated that it seems that the position of the association is credible in that respect, that it would be totally cost prohibitive – millions of dollars. In early May of 2016, our then-engineer estimated that \$650,000.00 would be an adequate dollar amount to complete what the residents wanted done. Tavistock counsel took the position that the association could directly contract that and get a better price, and this was their position throughout negotiations. At a meeting in October, attended by Tavistock counsel and the association president, Mr. Sandman stated that Tavistock counsel still had not proven that the association can legally, privately bid this work out. Mr. Sandman further stated that he later received a message from Tavistock counsel, stating that Tavistock counsel did not believe that the association could privately contract the work, contrary to the position that was taken for the previous three years. This changed things considerably. One week ago, Solicitor Sandman submitted a settlement document to Tavistock counsel (and has not yet received a response) going back to the original concept of providing notice to the residents giving a deadline to file an objection or support document with the Superior Court. The Judge would then conduct a hearing, where any present owner, person, or entity with an interest in the common elements or in the units would have the opportunity to testify. That was always the deal – the glitch was the basins and the association’s belief that they could do it directly. At the conclusion of the hearing, the Judge would then either approve the settlement or not. If approved, some of the funds out of the \$650,000.00 would be paid to our engineer to prepare the contract documents in biddable form. That would get the process started; then the Township would use the biddable documents and go out for public bid, so that someone may come in and put the top coat on the roadways. Mr. Sandman also stated that because he did not want some future owner to potentially sue Tavistock’s Board of Directors or the Township on grounds that there was much more than \$650,000.00 to have been gotten, he had to create a mechanism to bind all future owners, and all people that have an interest in either the common elements or the fee that the residents each owned. The only way to do this was to create a document via a court order, so that he could record it with the County Clerk, so that when a resident sells his unit, the buyer cannot come back and sue the seller, the Board of Directors (past or present), his client, the solicitor, or the engineer, because when the title company researches a title, it would do an upper court and a lower court search, which would reveal the court order approving settlement. It protected all of us, and it was a mechanism to get done what Tavistock wanted done. Those documents are in the hands of Tavistock counsel and have been for a week. The bonding company is ready to write a check; they want to get out; they started out at \$200,000.00, then went to \$400,000.00. Ultimately, the Tavistock board agreed and Mr. Sandman recommended to his client the amount of \$650,000.00, based on what he believed is necessary to build the road and fix the curbs. Mr. Sandman further stated that the ball is in Tavistock’s court. The glitch that has held this thing up has been the basins, and change in opinions with respect to who could bid the documents; not his change, but Tavistock’s change. He stated that he has drafted a document which he thinks takes care of it, and if it doesn’t, it doesn’t. If the Judge does not approve the settlement, the \$650,000.00 will still be received, and his client will still fix the road, it will just not be with Tavistock’s consent. He further stated that the Township has spent a fair amount of money paying Mr. Sandman’s law firm, because the Township filed a lawsuit to enforce the settlement. The Township negotiated in good faith with Tavistock, but the basins have been a monumental issue. Tavistock cannot afford to fix those basins, and Tavistock’s engineers cannot tell them how to fix them, so they are going to be the way they are going to be; it is not going to be part of the settlement.

Mr. Sandman again stated that Committee members were under advisement not to discuss this matter, although they wished to speak on the matter. So, in terms of the information coming from the Township end, he stated that he is the one to blame; he advised his clients not to speak on this matter,

because that is simply the way it is when a matter is in litigation. However, Mr. Sandman felt compelled at this point to tell the Tavistock residents where we are and how we got there. He stated that either way, the roads will get built. He also stated again that the delay did not come from the Township. The lawsuit was administratively dismissed without prejudice; it will be reopened, and if Tavistock counsel agrees with the documents Mr. Sandman has drafted, then there will be a hearing, and Tavistock residents will have an opportunity to talk among themselves, meet with their board and state what they favor and do not favor. The roads will be built regardless of the outcome of the hearing, but the circumstances will be different based on that outcome. The lawsuit is technically dismissed at this point, and that is the reason Mr. Sandman was able to discuss it tonight; he felt that the residents of Tavistock deserved some type of explanation. He encouraged the residents to call their counsel, as he has had the documents for about a week. The bonding company is ready to write a check.

Engineer – Steve Filippone gave a brief report which included repair of a sinkhole on the shoulder of Columbia Road. South Jersey Gas was contacted, as their previous installation work had caused damage to a 24” Corrugated Metal Pipe, and replacement of the CMP was completed.

He is also working with Landberg Construction to oversee the completion of their punchlist items for the 2014 Milling and Patching Program.

Several project inspections have been conducted, among them McDonald’s (Route 40), Parmar (Route 40), Zyndorf (Route 40), and Festival at Hamilton. Potholes in the CVS/McDonald’s parking area are also being addressed. Underhill Park Bathrooms are being inspected by the Construction Official and should be open by the weekend.

Township Committee:

Mr. Guishard stated that he recently attended the 43rd Jersey Shore Science Fair. Over 600 students participated, and their projects were very impressive. He also recently attended a Scouting event.

He also mentioned that the Green Team will host its annual Green Fair at Oakcrest High School on May 5, 2018 from 10am-2pm.

The SJTPO and Citizens’ Advisory Committee are organizing an event for the public to address the functions of the NJDOT, and the process of getting projects approved. He encouraged all to attend.

Mrs. Link commented on the recent student protest march against gun violence. School Superintendent John Keenan held the march indoors to ensure student safety, and included presentations in some of the classrooms.

Mr. Kurtz expressed regret that he was unable to attend the recent Scouting event, but he commented on the high quality of the recent Eagle Scout projects in the area.

He also stated that Intex will hold an open house on March 31, 2018 from 10am-2pm showcasing their new business.

Mr. Silva stated that he likes the motto of Intex – “In it for the long haul.” He also mentioned that many famous people are Eagle Scouts. It is a coveted honor that creates more community-minded people.

Mr. Kurtz thanked the Tavistock residents for attending the meeting, and stated that their issues are of the utmost importance to the Committee.

Deputy Mayor Silva then opened the floor for public comment.

Public Comment

Alberta Iovacchini of 38 Gasko Road (Tavistock) thanked Solicitor Sandman for the information he provided. She asked if they could expect some movement by Spring 2018. Mr. Sandman explained that he cannot control how quickly the courts move. She also expressed confusion as to how the ponding became an issue.

David Blood of 154 Marucci Place (Tavistock) thanked Solicitor Sandman for speaking to them. He stated that he feels the basins should never have been part of the equation. He and many other residents like them. Mr. Sandman clarified that it is not that the basins were removed from the equation, but that the bond funds are not being used for the basins.

Nicholas Signorello, a 2016 graduate of Oakcrest High School, stated that it is great to see Oakcrest students getting involved with veterans’ support. He also expressed enthusiasm for the plan to pave the path between Oakcrest High School and Oakcrest Estates. He said that many students will appreciate having this route paved. He also stated that no expense should be spared in protecting the safety of the students in the form of lights on the path, etc.

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, Link, Silva
Nay: XXX
Abstain: XXX
Motion Carried 5-0.

On motion of Mr. Silva, seconded by Mr. Guishard and carried the meeting was adjourned at 7:55 pm.

Respectfully submitted,

Rita Martino, RMC, CMR
Township Clerk