

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
APRIL 16, 2018

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order April 16, 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, John Kurtz, Art Schenker, Roger Silva

Absent: Judith Link

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

A moment of silence for private reflection was observed.

Addition/Deletion of Late Agenda Items

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

Additions

7K. – Grant request of MLAA to use the Township’s Field Maintainer for use at Underhill Park.

Deletions

3A. – (1 & 2) – 2017 Audit Report & Resolutions.

Early Public Comment

Anne Marie Leone stated that she lives across the street from the Fernmoor Project (items 7B. and 7C.) and has spoken to Engineer Kevin Dixon. She has issues with their basin, which is consistently filled. She further stated that she cannot sell her property due to water in the house related to the basin. A lawsuit was completed but still did not solve the issue; Ms. Leone has eleven inches of water in her basement. She does not support the idea of releasing any of Fernmoor’s Performance Guarantee, as she has lived with this problem for thirteen years, and her residence predates the project. Township Engineer Steve Filippone stated that he will contact Mr. Dixon regarding Fernmoor so that two engineers will be working on it.

Robert Murie of 1301 Old Egg Harbor Road stated that he is Ms. Leone’s neighbor. He has similar issues with the Fernmoor basin, and runs as many as three pumps to deal with the flooding. He stated that the basin is not supposed to be there; the last time it was full, Ms. Leone pumped between 9,000 and 12,000 gallons per hour from her property. The mold smell in her residence is overwhelming, and no one should have to live that way.

Mr. Kurtz asked how the basin was approved to be where it is. Director of Community Development Phil Sartorio stated that it was designed as a wet basin, and the overflow area is not draining as it should. Mr. Filippone confirmed that this is part of the reason for denying total release of bonds.

Discussions

Acceptance of Atlantic County Open Space funds to acquire Block 809 Lot 6.

Director of Community Development Phil Sartorio stated that on 2/5/18, Fred Akers from the Watershed Association spoke in favor of applying for the funds. The package was prepared, submitted, and it has been recommended that the Township receive the \$25,000.00 in funding.

Resolution #2018-0181 – Resolution Authorizing Acceptance Of Funds From The Atlantic County Open Space, Recreation, Farmland And Historic Preservation Trust.

Mr. Silva moved, seconded by Mr. Kurtz that Resolution #2018-0181 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 4-0.

Discussion of Incorporating Optional Higher Standards in Chapter 173, Flood Damage Prevention.

Mr. Sartorio stated that after eight years, they are on the verge of adopting the updated flood insurance study and flood insurance rate maps, which are scheduled to become effective on 8/28/18. The Ordinance must be updated as part of the process. FEMA and DEP have made it clear that the standards of the Federal Flood Insurance Program as far as construction standards are minimum requirements; the Township may adhere to those requirements, or adopt one or more higher standards. He then gave some examples; a lengthy discussion ensued. It was the consensus of the group that the minimum requirements remain in place, thereby allowing the individual homeowner to decide what level is appropriate.

Public Hearing/Adoption of Ordinances

Ordinance #1876-2018 – Bond Ordinance Appropriating One Million Dollars (\$1,000,000) and Authorizing the Issuance of Nine Hundred Fifty Thousand Dollars (\$950,000) in Bonds or Notes of the Township of Hamilton for Capital Improvements or Purposes Authorized to be Undertaken by the Township of Hamilton, County of Atlantic, State of New Jersey.

At Mr. Guishard’s request, Mr. Jacobs explained that \$500,000.00 will be for road paving and patching, \$100,000.00 for the Lake Lenape Dam, and \$400,000.00 for a new salt storage building.

Hearing nothing from the public, on the motion of Mr. Silva, second of Mr. Kurtz, it was moved to close the public hearing of Ordinance #1876-2018.

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

Motion Carried 4-0.

Adoption of Ordinance #1876-2018

Mr. Kurtz moved, seconded by Mr. Guishard, that Ordinance #1876-2018, which was introduced and passed first reading on 4/2/18 and was duly advertised in the 4/5/18 edition of the Press of Atlantic City with public hearing held as advertised and closed be and is hereby adopted.

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

Motion Carried 4-0.

Award of Bids/Contracts/Change Orders

Resolution #2018-0182 – Resolution to approve Change Order No. 1 – Underhill Park Restrooms (Bid #2017-03) – Increase of \$2,900.00 – addition of a sign.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0182 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0183 – Resolution to approve Change Order No. 2 – Underhill Park Restrooms (Bid #2017-03) – Increase of \$5,000.00-concrete installation.

Mr. Jacobs explained that this increase is for the concrete.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0183 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0184 – Resolution to authorize Purchase of two 2018 Ram 1500 4x4 Quad Cab Pickup Trucks from Hertrich Fleet Services, Inc. (Vendor V00000201) for a purchase price of \$22,484.00 each, purchased under NJ State Contract/Master Blanket PO #17-Fleet-00210.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0184 be adopted.

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

Motion Carried 4-0.

Consent Agenda

Resolution #2018-0185 – Resolution Authorizing the Reduction of Performance Guarantee (Bond Safeguard Insurance Company Bond #5033578) for Fernmoor Homes at Woods Landing Phase 4A from \$222,533.70 to \$184,841.75, as recommended by Alternate Township Engineer Kevin Dixon in his correspondence dated 3/30/18.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0185 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0186 – Resolution Denying Release of Performance Guarantee for Fernmoor Homes at Woods Landing Phase 1 in the amount of \$271,809.84 (Bond Safeguard Insurance Company Bond #5033574) due to incomplete punchlist items, as recommended by Alternate Township Engineer Kevin Dixon in his correspondence dated 3/30/18.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0186 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0187 – Resolution Ratifying Land Sale to Contiguous Owners Pursuant to Ordinance #1871-2018 Lot 1 in Block 526, \$2,300.00.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0187 be adopted.

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

Motion Carried 4-0.

Authorization to re-bid Demolition of 5908 & 5916 7th Street.

Upon motion of Mr. Silva, second of Mr. Guishard it was moved to authorize re-bid for Demolition of 5908 & 5916 7th Street.

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

Motion Carried 4-0.

Motion of no objection to the Division of ABC granting a Special Liquor License to the Cologne Volunteer Fire Company for their Annual BBQ, to be held June 9, 2018 from 10am-10 pm, beer to be dispensed.

Upon motion of Mr. Silva, second of Mr. Guishard it was moved to authorize no objection to the Division of ABC granting a Special Liquor License to the Cologne Volunteer Fire Company for their Annual BBQ, to be held June 9, 2018 from 10am-10 pm, beer to be dispensed.

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

Motion Carried 4-0.

Resolution #2018-0188 – Resolution Denying Release of Aegis Security Insurance Company Bond #B10024094M in the amount of \$156,661.64 posted as a 2-year Maintenance Guarantee for 2014 Milling and Patching Program (Bid #2014-09A – Landberg Construction, LLC) due to incomplete punchlist items, as recommended by Steven Filippone, Township Engineer, in his correspondence dated 2/26/18, and authorizing Township Solicitor to take action against the bond.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0188 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0189 – Resolution Rescinding Resolution #2018-0162 and Accepting Amended Certified List of Members Eligible for 2017 LOSAP Credit – Weymouth Volunteer Fire Rescue Company.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0189 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0190 – Resolution Rescinding Resolution #2018-0161 and Accepting Amended Certified List of Members Eligible for 2017 LOSAP Credit – Mizpah Volunteer Fire Company.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0190 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0191 – Resolution Rescinding Resolution #2018-0159 and Accepting Amended Certified List of Members Eligible for 2017 LOSAP Credit – Laureldale Volunteer Rescue Company.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0191 be adopted.

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

Motion Carried 4-0.

Motion to grant request of MLAA to use the Township’s Field Maintainer for use at Underhill Park.

Upon motion of Mr. Silva, second of Mr. Guishard it was moved to grant request of MLAA to use the Township’s Field Maintainer for use at Underhill Park.

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

Motion Carried 4-0.

Personnel

Resolution #2018-0192 – Resolution Appointing Nancy Galimi to fill the unexpired one-year term for Senior Citizen Advisory Committee, term ending 12/31/18.

Mr. Guishard moved, seconded by Mr. Silva that Resolution #2018-0192 be adopted.

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

Motion Carried 4-0.

Approvals:

Mr. Kurtz moved, seconded by Mr. Guishard that the regular meeting minutes of the April 2, 2018 meeting are approved as presented.

Mr. Silva abstained from voting, as he was not present at the April 2, 2018 regular meeting.

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

Motion Carried 3-0-1.

Mr. Kurtz moved, seconded by Mr. Guishard that the Executive Session minutes of the April 2, 2018 meeting are approved as presented.

Mr. Silva abstained from voting, as he was not present at the April 2, 2018 Executive Session meeting.

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

Motion Carried 3-0-1.

Resolution #2018-0193 – A Resolution authorizing payment of approved payrolls and bills-\$3,465,035.49.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0193 be adopted.

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

Motion Carried 4-0.

Reports

Administrator – nothing additional.

Solicitor – nothing additional.

Engineer – Steve Filippone stated that the Underhill Park project was completed and turned over to the MLAA last Wednesday. Additionally, McDonald’s is hoping to open in 1-2 weeks. Buffalo Pike Associates has received zoning permits and construction plans are under review.

Two options are being considered for the drainage issue on Tanglewood Drive: to add additional seepage pits alongside the existing pits, or to connect the two seepage pits and add a drainage pipe.

Mr. Filippone will also be meeting with Public Works Director Brett Noll to review the Township-wide Stormwater permits. He will also be working with Kevin Dixon on an issue with emergency vehicle access on New York Avenue. Some discussion ensued.

Township Committee:

Mr. Silva expressed concern for the water issues by the Fernmoor project.

He also mentioned seeing a wood sculpture of an owl on Old River Road, which was carved from the stump of a tree. He complimented the work of the artist and hoped that others will notice the sculpture as well.

Mr. Guishard stated that he recently vacationed in Orlando, Florida; he commented that the cost of the theme parks there required families to plan and save for such a trip.

He mentioned that he looks forward to seeing the electronic sign recently approved for the VFW.

He reminded everyone of the Green Day event at Oakcrest High School on 5/5/18 from 10am-2pm. Shredding, disposal of e-waste, free trees, and many vendors will be there. He encouraged all to attend. Mr. Silva stated that he received one of those tree seedlings many years ago with his son; his son is now 33 years old and the tree is 14 feet tall.

Mr. Guishard has also volunteered to be one of the proposal evaluators for the South Jersey Transportation Planning Organization, with the goal of connecting bicycle paths throughout the New Jersey area.

Mr. Kurtz expressed enthusiasm for the Benderson project, and is interested to know the names of the incoming businesses. He expressed similar enthusiasm for the incoming Outback Steakhouse, and the new Intex plant.

He also stated that he is happy to see that Main Street has been repaved.

Mayor Schenker thanked Township Engineer Steve Filippone for his work on the Underhill Park bathrooms.

Mayor Schenker then opened the floor for public comment.

Public Comment

Fred Akers of the Great Egg Harbor Watershed Association thanked Committee for their acceptance of the Atlantic County Open Space funds for purchase of Block 809 Lot 6. He further thanked Mr. Sartorio for his work with the Green Acres grants. He stated that it is a long process with many steps to go, but substantial progress has been made.

He also commented on the area flooding issues and FEMA’s hundred year flood plan of Babcock Creek. He stated that the plan was based on a Hurricane Sandy level storm surge, without considering that river flooding may occur at the same time.

David Blood of 154 Marucci Place (Tavistock) stated that the intersection of River Road and Routes 40 and 50 contains a stop line which allows drivers to stop too far forward, making it difficult or impossible for large vehicles to turn right onto River Road. He recommended that the stop point be

moved back so that a tractor trailer, school bus, or emergency vehicle can safely make that right turn onto River Road. Some discussion ensued. Engineer Steve Filippone stated he will ask the Traffic Engineer to review the situation.

Louis DeCicco of 110 Gasko Road (Tavistock) thanked the Mayor and Engineer for meeting with him and Alberta Iovacchini about their roads. He expressed hope that progress is being made.

Mosheh Math of Home Initiative stated that the state, through the New Jersey Housing Mortgage Finance Agency, now has a program called Home Seeker, which allows first-time home buyers to have \$10,000.00 to buy homes. Interested parties may call the nonprofit organization Home Initiative at 609-748-3600 or his cell at 609-790-2729.

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

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

Motion Carried 4-0.

Executive Session

**Resolution #2018-0194– A Resolution To Adjourn to Executive Session:
Santore Gravel Pit – Attorney-Client Privilege**

Mr. Guishard moved, seconded by Mr. Silva, that Resolution #2018-0194 be adopted.

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

Motion Carried 4-0.

Township Committee met in Executive Session at 7:42 pm.
Township Committee reconvened at 8:15 pm.

The public was invited 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