

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

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order July 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, Judith Link, Art Schenker, Roger Silva

Absent:

Also present: Rita Martino, Township Clerk; Michael Jacobs, Township Administrator;
Robert Sandman, Township Solicitor; Steven Filippone, Township Engineer

A moment of silence for private reflection was observed.

Guest Presentation: Frank Vogel, Superintendent of Hamilton Township Schools

Mr. Vogel gave a brief presentation regarding a proposed referendum which will be the subject of a Special Election in October. The projects therein would correct multiple areas of disrepair at our local schools. He stated that this ties in with a previous referendum and will result in a slight tax decrease for the year.

Architect John Veisz of Fraytak, Veisz, Hopkins & Duthrie, PC stated that these are primarily Capital Projects, many of which have been accumulating for years. Changes in the State Aid formula in 2008-2009 had prevented many of these projects from moving forward. He then briefly outlined the proposed projects and entertained questions from Committee. He explained that once the public supports the referendum, contract bid documents are developed and they will go out to get competitive bids according to New Jersey Statute. They hope to bid in early Spring, and work would begin in Summer. A lengthy discussion ensued.

Addition/Deletion of Late Agenda Items

None.

Early Public Comment

Steven Scherzer, Esquire of Cooper Levenson spoke in opposition of item 7G, the release of Performance Guarantee for JSM at Timber Glen Phase IV. He stated that he represents Timber Glen Condominium Association; the Association has had ongoing difficulty with the developer over a number of infrastructure issues, particularly Timber Glen Drive. They have filed suit and are currently in litigation against the developer. Mr. Scherzer stated that he has provided an engineer's report to the Township Solicitor and Township Clerk, in which it is requested that the bond not be released. Mr. Scherzer further requested that any decision be postponed until the next meeting, so that the engineers of Mr. Scherzer, Timber Glen, and Hamilton Township may discuss the matter.

Township Solicitor Robert Sandman asked and confirmed that Township Engineer Steve Filippone had read the report provided by Mr. Scherzer. Mr. Filippone stated that the report concerns Phase I and Phase II, and does not affect Phase IV.

Mr. Sandman explained to Committee that New Jersey Statute requires Committee to take action within 45 days of the Township Engineer's report. In this particular case, Committee must act by 7/21/18. He cited case law establishing that if Committee opts not to accept the Township Engineer's recommendation, same must be rebutted by sufficient evidence to the contrary. Such evidence does not exist in this instance.

Mr. Scherzer thanked Committee and stated that anything the Township can do to facilitate repair of Timber Glen Drive would be appreciated. A brief discussion ensued.

Jocelyn and David Blood of 154 Marucci Place (Tavistock) expressed praise for the Hamilton Township Police Department; they have been very impressed to see Officers familiarizing themselves with their development in order to serve them. They also had the opportunity to speak with Sergeant Nicole Nelson when she stopped to offer roadside assistance as they waited for a tow truck. This was not their first meeting; they had already met Sergeant Nelson and her K9 partner as they patrolled Tavistock. The Bloods closed by stating that all of their encounters with our Police Department have been positive ones, and they feel comfortable living here as a result.

Discussions

Referral of a Resolution to the Planning Board designating the entirety of Hamilton Township to be an area in need of rehabilitation as required by NJSA 40A:12A-14.

Director of Community Development Phil Sartorio stated that at the June 18 meeting, it was authorized to have our engineer prepare a rehabilitation study for the entire Township. This is the next step in the process.

Mrs. Link asked how this might affect revenue collected by the Township. Mr. Sartorio explained that it will not make any changes at all. It would allow the Township to make Redevelopment plans for specific sites to encourage revitalization, and amend our tax abatement ordinance accordingly. Additionally, a developer would have to conduct a project and make application to committee before any financial changes would occur. Mr. Guishard commented that this could bring in money in the long term. Mayor Schenker restated that this is one step in a much larger process. Some discussion ensued.

Resolution #2018-0300 – Resolution referring a proposed Rehabilitation Area Designation for the Township of Hamilton, County of Atlantic, to the Hamilton Township Planning Board.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0300 be adopted.

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

Motion Carried 5-0.

Resolution to designate portions of Blocks 1028.02, 1132.01, 1134, 1135.01, 1317, 1318, 1319, 1319.01, 1320, 1321, 1323, and 1324 to be an Area in Need of Rehabilitation pursuant to NJSA 40A:12A-14.

Mr. Sartorio explained that on June 18th, Committee authorized the Planning Board to make a recommendation as to the Commercial Corridor on the Black Horse Pike from Egg Harbor Township to the Cologne Avenue area. On July 5th, Planning Board passed a resolution recommending the Rehabilitation Area. Again, this is the next step in a larger process. Some discussion ensued.

Resolution #2018-0301 – Resolution to designate an Area in Need of Rehabilitation Within the Township of Hamilton, County of Atlantic.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0301 be adopted.

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

Motion Carried 5-0.

Public Hearing/Adoption of Ordinances

Ordinance #1878-2018 – An Ordinance Amending Section 3 of Chapter 169 of the Code of the Township of Hamilton, Providing for the Discharge of Firearms.

Township Administrator Mike Jacobs explained that a neighbor entered a complaint that rounds were being fired close to his home. This Ordinance will allow the Township to post the property.

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 #1878-2018.

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

Motion Carried 5-0.

Adoption of Ordinance #1878-2018

Mr. Silva moved, seconded by Mr. Guishard, that Ordinance #1878-2018, which was introduced and passed first reading on 7/2/18 and was duly advertised in the 7/5/18 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, Link, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Ordinance #1879-2018 – An Ordinance Amending Chapter 203, Land Use and Development of the Township Code of the Township of Hamilton, County of Atlantic and State of New Jersey –

Amendments to Performance/Maintenance Guarantees and to the Pinelands Comprehensive Plan.

Mr. Sartorio explained that this Ordinance incorporates new regulations for Performance and Maintenance Guarantees, as well as changes to maintain consistency with Pinelands Commission standards.

Paul Raetsch of Mays Landing stated that he is on a Legislative Action Committee of the Community Associations Institute, and he feels that being prohibited from bonding anything that will not be dedicated to the Township would be a terrible thing for developments in the future.

Township Engineer Steve Filippone stated that this comes from a change to Municipal Land Use Law. Therefore, we must update our Ordinance to stay in compliance with State Law. By way of example, if a developer builds a shopping center, we cannot require a Performance Bond for improvements such as the paving, sidewalk, curbing, etc. that the developer will eventually own. However, in lieu of a traditional Performance Bond, two smaller bonds can be required: one for restoration in case the project is not completed, and one for buffer landscaping. Stormwater Basins will be captured under Maintenance Bonds.

Hearing nothing from the public, on the motion of Mr. Kurtz, second of Mr. Silva, it was moved to close the public hearing of Ordinance #1879-2018.

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

Motion Carried 5-0.

Adoption of Ordinance #1879-2018

Mr. Kurtz moved, seconded by Mr. Silva, that Ordinance #1879-2018, which was introduced and passed first reading on 7/2/18 and was duly advertised in the 7/5/18 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, Link, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Ordinance #1880-2018 – An Ordinance Amending Exhibit A, Section 1, Article II of Chapter 66 of the Township of Hamilton, providing for the Maximum Salary of Employees – Executive Assistant to the Chief of Police.

Mr. Jacobs explained that this Ordinance will allow for a maximum salary of \$55,000.00 for the Executive Assistant to the Chief of Police. Currently it is limited to \$50,000.00.

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 #1880-2018.

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

Motion Carried 5-0.

Adoption of Ordinance #1880-2018

Mr. Guishard moved, seconded by Mr. Silva, that Ordinance #1880-2018, which was introduced and passed first reading on 7/2/18 and was duly advertised in the 7/5/18 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, Link, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Ordinance #1881-2018 – An Ordinance Establishing the Speed Limits for the Entire Length of Cates Road Situated in the Township of Hamilton, County of Atlantic and State of New Jersey.

John Mazzocca of 1890 Cates Road stated that the signs currently set the speed limit at 35mph. He confirmed that the signs will be updated to read 25mph.

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 #1881-2018.

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

Motion Carried 5-0.

Adoption of Ordinance #1881-2018

Mr. Silva moved, seconded by Mr. Kurtz, that Ordinance #1881-2018, which was introduced and passed first reading on 7/2/18 and was duly advertised in the 7/5/18 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, Link, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Ordinance #1882-2018 – An Ordinance to Vacate a Portion of Memory Lane, a Public Street Situated in the Township of Hamilton, County of Atlantic and State of New Jersey and to Release and Relinquish the Public Rights Therein.

Solicitor Sandman said that the Ordinance contained a small amendment, as he did not have the metes and bounds description at the time it was drafted; he added language stating that the description was included as an attachment. This does not materially alter the Ordinance so it may still be adopted at this time.

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 #1882-2018.

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

Motion Carried 5-0.

Adoption of Ordinance #1882-2018

Mr. Silva moved, seconded by Mr. Guishard, that Ordinance #1882-2018, which was introduced and passed first reading on 7/2/18 and was duly advertised in the 7/5/18 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, Link, Schenker, Silva
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Award of Bids/Contracts/Change Orders

Resolution #2018-0302 – Resolution authorizing purchase of one (1) Dodge Charger from Hertrich Fleet Services, Inc. for an amount not to exceed \$25,000.00.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0302 be adopted.

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

Motion Carried 5-0.

Consent Agenda

Mayor Schenker requested that 7G. be removed for a separate vote.

Motion to Approve Business Registration Licenses.

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

1. Jack Lyon – Auction at ACRC 9/22/18-9/23/18
2. Opal Wire, Inc. – Hamilton Mall

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

Motion Carried 5-0.

Resolution #2018-0303 – Resolution to deny release of Performance Guarantee for Festival at Hamilton, LLC in the amount of \$719,935.20 due to incomplete punchlist items, as recommended by Township Engineer Steve Filippone in his correspondence dated 6/14/18.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0303 be adopted.

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

Motion Carried 5-0.

Resolution #2018-0304 – Resolution authorizing reduction of Performance Guarantee for Recovery Centers of America (5034 Atlantic Avenue, LLC) from \$1,038,810.60 (cash escrow) to \$756,623.40, as recommended by Alternate Township Engineer Kevin Dixon in his correspondence dated 7/6/18.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0304 be adopted.

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

Motion Carried 5-0.

Resolution #2018-0305 – Resolution authorizing GovDeals auction of items as recommended by the Director of Public Works.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0305 be adopted.

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

Motion Carried 5-0.

Resolution #2018-0306 – Resolution to deny release of 2-year Maintenance Guarantee for Mays Landing Development, LLC (aka American Realty Corp.) – Sidewalk Construction – McKee Avenue (Cash Escrow) in the amount of \$4,491.93 due to incomplete punchlist items, as recommended by Township Engineer Steve Filippone in his correspondence dated 5/9/18, and authorize Solicitor to take action.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0306 be adopted.

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

Motion Carried 5-0.

Resolution #2018-0307 – Resolution authorizing release of 10-year Stormwater Maintenance Guarantee for Wawa Store #941 (Block 1132.01, Lot 49) in the amount of \$75,000.00 (Travelers Casualty and Surety Company of America Bond #105144013) upon its expiration date of 8/13/18, as recommended by Township Engineer Steve Filippone in his correspondence dated 6/14/18.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0307 be adopted.

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

Motion Carried 5-0.

Motion to Authorize Purchase of an Information Rack for the Veterans Advisory Board.

Upon motion of Mr. Kurtz, second of Mr. Silva it was moved to Authorize Purchase of an Information Rack for the Veterans Advisory Board.

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

Motion Carried 5-0.

Item(s) Removed from Consent Agenda

Resolution #2018-0308 – Resolution authorizing release of Performance Guarantee for JSM at Timber Glen – Phase IV (Block 1135.01, Lots 10.07 and 10.08) in the amount of \$671,922.62 (International Fidelity Insurance Company Bond #0350951), as recommended by Township Engineer Steve Filippone in his correspondence dated 6/26/18.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0308 be adopted.

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

Motion Carried 5-0.

Personnel

Resolution #2018-0309 – Resolution authorizing an increase in salary for Lea Brower, Executive Assistant to the Chief of Police to \$52,000.00 annually, effective 4/1/18.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0309 be adopted.

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

Motion Carried 5-0.

Approvals:

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

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

Motion Carried 5-0.

Resolution #2018-0310 – A Resolution authorizing payment of approved payrolls and bills - \$1,492,934.47.

Mr. Guishard moved, seconded by Mrs. Link that Resolution #2018-0310 be adopted.

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

Motion Carried 5-0.

Reports

Administrator – Mr. Jacobs stated that we still do not have a tax rate, therefore we cannot yet send out tax bills. If tax bills are not sent out by month's end, we will have to use Tax Anticipation Notes to pay our bills.

Solicitor – Nothing to report.

Engineer – Mr. Filippone stated that he is working with the state on the link for Stormwater Training.

He anticipates getting the Road Program out to bid shortly.

The Planning Board application for St. Paul Church was deemed incomplete; the applicant had not received permission for construction over South Jersey Transportation Authority easements, coupled with the fact that a traffic study is required. A brief discussion ensued.

The Buffalo Pike/Gravelly Run project is progressing nicely. Parmar Liquor Store parking lot will be paved on Wednesday. Outback Steakhouse will have a pre-construction meeting on August 8th.

He is working on the bid package for the Chiller, which will go out to bid in about two weeks.

Six Street Opening permits have been processed.

Township Committee:

Mrs. Link stated that the Dragon Boat Race on Saturday was a successful event, and she envisions it growing in the future.

Mr. Kurtz stated that he is happy to see businesses coming into the Black Horse Pike Corridor. He hopes to see more new businesses coming to the Main Street area as well.

Mr. Silva stated that Laureldale Fire Department received a new truck last week. Committee was in attendance to see the all-inclusive truck, which has a section exclusively for rescue equipment. The truck will be at National Night Out on August 7th.

He spoke briefly about the return of the energy tax receipts to our communities.

Mr. Guishard stated that he recently attended the Tech Center's 60th Anniversary. It was well attended, with many retirees and dignitaries. The Center has had a great impact on the safety of aviation.

Mayor Schenker commented on Laureldale's new fire truck. He stated that it was great to see the firefighters' enthusiasm and passion for what they do.

Mayor Schenker then opened the floor for public comment.

Public Comment

Harry Rogers of 1069 Morningside Drive stated that the estimated cost involved in Superintendent Vogel's presentation is 15.3 million dollars according to his literature, yet the school is asking for 22 million dollars. Mayor Schenker explained that the state is coming up with the difference, but they must bond for the full amount. Mr. Rogers said that this sounds backwards, and questioned why they must bond for the full amount if they are getting money from a grant. Some discussion ensued. Mr. Rogers further stated that once the money has been bonded, a debt exists for 22 million dollars. If a bonus payment is received, he asked whether that money goes against the principal of the bond or if it gets dumped into the budget. He stated that school board elections can be non-politicized in a special portion of the ballot; now we are having a Special Election that will cost upwards of \$20,000.00 to conduct. If 25% of the voters turned out for the Primary Election, even less will turn out for the Special Election. He believes that this referendum is intentionally scheduled so that only persons who have a self-interest will come out to vote in favor of it. We are allowing the Superintendent and the school board to enshrine negligent practices. They have repeatedly refused to put these repairs into their budget. No building owners neglect maintenance and then cry crisis so the repairs can be done. It is the same scenario as four years ago: money was spent to promote the school board's position, they did not get everything they wanted, and they refused to put these projects into their Capital Budget. By voting to accept this referendum, people are encouraging completely negligent management on the part of the school board and the superintendents. He strongly feels that this election can wait to be included in the General Election. He asserted that the date of the Special Election is there primarily to take advantage of the almost guaranteed extremely low voter turnout; it is a waste of time and money with a predetermined conclusion. Mr. Rogers asked if there is anything Committee can do to move the referendum to the November Election. More discussion ensued.

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.

On motion of Mr. Silva, seconded by Mr. Guishard and carried the meeting was adjourned at 8:37 pm.

Respectfully submitted,

Rita Martino, RMC, CMR
Township Clerk