

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
October 15, 2018

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order October 15, 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 Presentations**

None.

**Addition/Deletion of Late Agenda Items**

On motion of Mr. Silva, second of Mr. Kurtz, it was moved to delete the following late list item:

Personnel:

8B. Resolution to appoint HTMUA member to fill vacant Alternate I position, a 5 year term expiring December 31, 2022.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

**Early Public Comment**

None.

**Discussions**

**American Legion Building**

Administrator Mike Jacobs explained that we are working through the redevelopment process on this building to find a buyer. The property is on the Historic Register, so in order to sell it, we must record an easement on the building that protects it forever. Any buyer must maintain the building in its historical character. This involves a \$400.00 application and a \$7,000.00 endowment to allow for annual inspections, which may come from the proceeds of the sale. Some discussion ensued.

On motion of Mr. Kurtz, second of Mr. Silva, it was moved to authorize application to record an easement on the American Legion Building.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

**Public Hearing/Adoption of Ordinances**

None.

**Introduction of Ordinances**

**Introduction of Ordinance #1887-2018 – An Ordinance Amending a Portion of Chapter 94, Veterans’ Advisory Board.**

Mr. Silva and Mr. Guishard discussed how the Ordinance will alleviate the difficulty of achieving a quorum at the Veterans’ Advisory Board Meetings.

Mr. Silva moved, seconded by Mr. Guishard that the following Ordinance #1887-2018 be introduced on first reading with public hearing to be held November 13, 2018:

Ordinance #1887-2018 – An Ordinance Amending a Portion of Chapter 94, Veterans’ Advisory Board.

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

Motion Carried 5-0.

**Award of Bids/Contracts/Change Orders**

**Resolution #2018-0375 – Resolution authorizing second year option of award of Bid #2015-02, Solid Waste Collection Services to Waste Management of New Jersey, Inc., not to exceed \$619,740.00 for the period 1/1/19 – 12/31/19.**

Mr. Jacobs explained that this is an extension option of an existing contract.

Mr. Silva moved, seconded by Mr. Kurtz that Resolution #2018-0375 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0376 – Resolution to award contract for Snowplowing Services to Warriner’s Construction, Inc. (Bid #2018-12) for the period 10/15/18 – 4/20/19 in an amount not to exceed \$60,000.00.**

Mr. Jacobs stated that we received one bid, and the contract is for services on an as-needed basis.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0376 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0377 – Resolution authorizing acceptance of proposal for surveying, engineering and construction management services for Tavistock Major Subdivision to Engineering Design Associates, amount not to exceed \$45,000.00.**

Mr. Jacobs stated that this will enable us to move forward with repairs associated with the Tavistock settlement.

Mr. Silva moved, seconded by Mr. Kurtz that Resolution #2018-0377 be adopted.

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

Motion Carried 5-0.

Mayor Schenker thanked Solicitor Robert Sandman and Engineer Steve Filippone for their hard work in this matter.

**Consent Agenda**

Item 7V. was removed from the Consent Agenda for a separate vote.

**Resolution #2018-0378 – Resolution authorizing the institution of an In Rem Tax Foreclosure.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0378 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0379 – Resolution authorizing the reduction of Performance Guarantee for Recovery Centers of America (5034 Atlantic Avenue, LLC – Block 994, Lot 58.05) from \$756,623.40 (Cash Escrow) to \$603,083.40, as recommended by Dixon Associates Engineering, LLC in their correspondence dated 9/26/18 and 10/3/18.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0379 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0380 – Resolution denying the release of Performance Guarantee for Enclave at Mays Landing Major Subdivision aka Thelma Heights Phase I (Schaeffer Family Homes) – Block 1126, Lots 2.08-2.24 in the amount of 215,813.29 (Bond Safeguard Insurance Company bond #5037639 - \$194,231.97; Cash Escrow - \$21,581.32) due to incomplete punchlist items , as recommended by Township Engineer Steve Filippone in his correspondence dated 9/27/18.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0380 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0381 – Resolution authorizing the release of 4-year Stormwater Maintenance Guarantee for DDR Hamilton Commons Phase III – Red Robin (Block 1320, Lots 4.01, 5, 7.01, 8 & 9) in the amount of \$96,320.43 (Travelers Casualty and Surety Company of America Bond #106034614) upon its expiration date of 10/20/18, as recommended by Township Engineer Steve Filippone in his correspondence dated 10/4/18.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0381 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0382 – Resolution accepting Performance Guarantee for Artists Walk Major Subdivision – Phase 8 (Block 1132.01, Lot 37) in the amount of \$304,974.60 (Cash Escrow - \$30,497.46; Lexon Insurance Company Bond #1153067 - \$274,477.14) as required by Township Engineer Steve Filippone in his estimate dated 9/17/18.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0382 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0383 – Resolution accepting Safety/Stabilization Guarantee for Artists Walk Major Subdivision – Phase 8 (Block 1132.01, Lot 37) in the amount of \$10,124.37 (Lexon Insurance Company Bond #1153068) as required by Township Engineer Steve Filippone in his estimate dated 9/17/18.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0383 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0384 – Resolution denying the release of 4-year Stormwater Maintenance Guarantee for Consumer Square (Wrangleboro) (Block 1318, Lot 1; Block 1319, Lots 1-2; Block 1319.01, Lot 1; Block 1320, Lot 1) in the amount of \$75,000.00 (Travelers Casualty and Surety Company of America Bond #106034612) due to incomplete punchlist items, as recommended by Township Engineer Steve Filippone in his correspondence dated 10/10/18, and authorizing Solicitor to take action.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0384 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0385 – Resolution authorizing the release of 2-year Maintenance Guarantee for ADA Hardware (Bid #2016-06) in the amount of \$56,193.00 (Aegis Security Insurance Company Bond #B10028036) upon its expiration date of 10/31/18, as recommended by Township Engineer Steve Filippone in his correspondence dated 8/29/18.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0385 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0386 – Chapter 159 Resolution to Insert Item of Revenue with Offsetting Appropriation for Bulletproof Vest Grant in the amount of \$5,720.00.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0386 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0387 – Resolution authorizing GovDeals auction of items as recommended by the Director of Public Works.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0387 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0388 – Resolution to adopt the 2018 Employee Handbook.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0388 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0389 – Resolution authorizing application for State of New Jersey Division of Highway Traffic Safety Drunk Driving Enforcement Fund Grant and authorizing Mayor to sign same.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0389 be adopted.

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

Motion Carried 5-0.

**Motion to grant request of Veterans' Advisory Board for \$200.00 rental fee for VFW Hall for Veterans Day Services on 11/12/18.**

Upon motion of Mr. Kurtz, second of Mr. Silva it was moved to grant request of Veterans' Advisory Board for \$200.00 rental fee for VFW Hall for Veterans Day Services on 11/12/18.

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

Motion Carried 5-0.

**Motion to grant request of Veterans' Advisory Board to purchase a plaque in the amount of \$369.99 for the Wall of Honor.**

Upon motion of Mr. Kurtz, second of Mr. Silva it was moved to grant request of Veterans' Advisory Board to purchase a plaque in the amount of \$369.99 for the Wall of Honor.

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

Motion Carried 5-0.

**Resolution #2018-0390 – Resolution authorizing application for New Jersey Department of Transportation for the New York Avenue Phase IV Project and authorizing Mayor to sign same.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0390 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0391 – Resolution authorizing release of 2-year Maintenance Guarantee for Dunkin Donuts (Atlantic Region Food Corp.) (Block 1134, Lot 17.02) in the amount of \$20,178.02 (Guarantee Company of North America, USA Bond #76129190) upon its expiration date of 10/17/18, as recommended by Alternate Township Engineer Kevin Dixon in his correspondence dated 10/10/18.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0391 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0392 – Resolution authorizing release of 2-year Maintenance Guarantee for Municipal Building Generator Replacement (Bid #2015-08) in the amount of \$358,520.00 (Aegis Security Insurance Company Bond #B10025284MB) upon its expiration date of 10/26/18, as recommended by Township Engineer Steve Filippone in his correspondence dated 10/10/18.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0392 be adopted.

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

Motion Carried 5-0.

**Resolution #2018-0393 – Resolution of no objection to NJDOT issuing permits for a Coin Drop to be held at the intersection of Routes 40 and 50 for Oakcrest High School Crew Booster Club on November 9-11, 2018.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0393 be adopted.

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

Motion Carried 5-0.

**Motion of no objection to the Division of ABC granting a special liquor license to Atlantic Cape Community College for their Food and Wine Festival to be held 11/16/18 from 6-10pm, wine to be dispensed.**

Upon motion of Mr. Kurtz, second of Mr. Silva it was moved to authorize no objection to the Division of ABC granting a special liquor license to Atlantic Cape Community College for their Food and Wine Festival to be held 11/16/18 from 6-10pm, wine to be dispensed.

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

Motion Carried 5-0.

**Resolution #2018-0394 – Resolution approving Off Premise Draw Raffle for St. Vincent de Paul Parish to be held 12/16/18.**

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0394 be adopted.

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

Motion Carried 5-0.

**Item(s) removed from Consent Agenda**

**Resolution #2018-0395 – Resolution authorizing the provision of matching funds for Laureldale Fire Department’s FEMA Grant in the amount of \$6,666.00 to be paid to the equipment vendor (total grant is \$140,000.00).**

Mr. Jacobs explained that this is for Air Packs and Masks.

Mr. Guishard moved, seconded by Mr. Silva that Resolution #2018-0395 be adopted.

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

Motion Carried 5-0.

Mayor Schenker congratulated the Laureldale Fire Department for putting in the work to receive this worthwhile grant.

**Personnel**

**Resolution #2018-0396 – Resolution appointing Officer William McElrea as the Township of Hamilton Humane Law Enforcement Officer.**

Mrs. Link stated that Officer McElrea is very well-qualified for this position.

Mr. Jacobs stated that a change in the statute requires appointment of this position. Chief Tappeiner explained that the SPCA used to handle all of these duties; budget cuts and new legislation have shifted these duties to the municipalities. This resolution is the first step, which will allow our officer to attend the required training. Some discussion ensued.

Mr. Silva moved, seconded by Mr. Kurtz that Resolution #2018-0396 be adopted.

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

Motion Carried 5-0.

**Approvals:**

Mr. Kurtz moved, seconded by Mr. Guishard that the regular meeting minutes of the October 1, 2018 meeting are approved as presented.

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

Motion Carried 5-0.

**Resolution #2018-0397 – A Resolution authorizing payment of approved payrolls and bills - \$9,002,796.31.**

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2018-0397 be adopted.

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

Motion Carried 5-0.

**Reports**

Administrator – Mr. Jacobs stated that there are items left in the American Legion Building that must be removed.

Solicitor – nothing additional.

Engineer – Mr. Filippone has issued a notice to proceed with the 2018 Road Program to Landberg Construction. He will be meeting with them to view the project areas.

Tavistock plans and specifications have been completed. We will be advertising for bids shortly, and we hope to make a recommendation at the November meeting.

Buffalo Pike Associates work continues, as well as work on Outback Steakhouse. Artists Walk is under construction with Phase 8.

Mr. Filippone reported that Buena Vista Township has awarded a contract for Malaga Road at Route 54 to Arawak Paving. They wish to detour non-local, non-emergency traffic from Malaga Road to Jackson Road during the 2-3 week project. Dave Scheidegg, Municipal Engineer for Buena Vista Township sent a traffic control plan, and stated that all affected Hamilton Township residents have been notified. Mr. Filippone will be discussing same with Sergeant Wade Smith of the Hamilton Township Police Department.

**Township Committee:**

Mrs. Link discussed the Senior Citizens Telephone Reassurance Program, which provides free daily phone calls to 220 elderly and disabled individuals. She also discussed a program sponsored by Cape Atlantic College called the Community College Innovation Challenge, which will allow many students to attend classes without financial burden.

Mr. Kurtz reminded everyone of the Fall Festival on October 27<sup>th</sup>. It is always a great event for families with activities for the children and live music.

Mr. Silva reminded everyone about the Halloween Parade on October 30<sup>th</sup>, which will contain even more floats than last year. Mr. Silva also participated in a ribbon cutting ceremony at Laundry and Sweets, a new state of the art laundry facility in town.

Mr. Guishard commented on the recent bike ride through our area. With over 7,000 participants, it was great to have a safe event with no incidents. He also attended the South Jersey Transportation Planning Office (SJTPO) 25<sup>th</sup> Anniversary Luncheon, and plans to attend a Citizens' Advisory Committee event on October 30<sup>th</sup>, where a DOT Representative will be discussing project financing.

Mayor Schenker had no comments.

Mrs. Link inquired about the late list item to appoint an Alternate I member of the HTMUA, which was voted for deletion at the beginning of the meeting.

Mayor Schenker then opened the floor for public comment.

**Public Comment**

Anne Marie Leone of 1305 Old Egg Harbor Road thanked the Mays Landing Fire Department for pumping 11 inches of water from her basement that day. She stated that she needs a point of contact at the Township to address the ongoing Woods Landing drainage basin issues which are causing water in her basement. She stated that our Township Engineer is conflicted out of the matter; she further stated that our Township Administrator should also be conflicted out of the matter, due to the fact that he is a resident of Woods Landing. She pointed out the water marks on her pantlegs to show the water level in her basement. She stated that she needs Township support in getting the developer to fix the basin. She cannot get an engineer to come to her home and design a fix for what is an evolving and worsening problem. What used to be five inches of basement water is now eleven inches. Her HVAC system was recently three inches short of being completely submerged. She asked for any help that Committee can give her in getting the developer to repair the basin. She reminded everyone that before the basin was built, her home existed without problems. Some discussion ensued. It was agreed that Alternate Township Engineer Kevin Dixon should look at Ms. Leone's property and at the basin. Mayor Schenker agreed that it is a valid concern that the developer may continue to build new homes while ignoring this ongoing problem. Mr. Silva asked if Ms. Leone had prior problems with Fernmoor and the Homeowners' Association, and Ms. Leone stated that there was a previous agreement that everything was settled unless they did a new fix or repair to the basin; they did do a new fix, and the problem got much worse. More discussion ensued.

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

Motion Carried 5-0.

On motion of Mr. Silva, seconded by Mr. Kurtz and carried the meeting was adjourned at 7:12 pm.

Respectfully submitted,

Rita Martino, RMC, CMR  
Township Clerk