

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
December 3, 2018

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order December 3, 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: John Kurtz, Judith Link, Art Schenker, Roger Silva
Absent: Rodney Guishard
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. Mayor Schenker asked that everyone keep Committeeman Rodney Guishard in their thoughts and prayers, as he has recently taken ill.

Guest Presentations

Annual Report from Senior Citizen Advisory Committee – Diane Fox, Chairperson

Ms. Fox thanked Township Committee for their support this past year, and stated that Mr. Guishard attends their meetings and is always helpful to them. She also thanked her fellow SCAC members. She then highlighted the past year, which included two Speaker Series, the annual Health Fair, annual Food Drive, and attendance at various community events. Work continues on an intergenerational program with the local schools, as well as Senior Computer classes at Hess Elementary School. They plan to hold all future meetings, dinners, activities, and Speaker Series at the Methodist Church.

Atlantic County Utilities Authority (ACUA) Budget Presentation – Rick Dovey, President

Mr. Dovey introduced himself, along with Linda Bazemore, Vice President of Finance and Administration/CFO, and Gary Conover, Director of Solid Waste Operations. He went over their annual report card, and discussed yard waste and recycling rates for the last year and the coming year. He also discussed the importance of following the rules of recycling to prevent contamination of recyclable materials. He stated that the ACUA is happy to serve the Township, and entertained questions from the Committee.

Early Public Comment

Bruce Strigh (Item 3A. – New HTMUA Building) expressed concern regarding the proposed HTMUA move from Ken Scull Avenue to Underhill Park. He stated that reoccupation of the Ken Scull site would be difficult, as the site may not be desirable for residential occupation, and commercial occupation would require a use variance and costly rehabilitation. He further stated that the proposed new site is already very congested, and questioned whether the MUA really had the necessary information regarding the feasibility of this new site, which may also require a use variance.

Discussions

New Hamilton Township Municipal Utilities Authority (HTMUA) Building – Steve Blankenship, HTMUA Executive Director

Mr. Blankenship, along with Chairman Frank Tomasello, gave a brief presentation regarding the project. He stated that the cost of moving is only slightly higher than staying in place, and discussed the strengths and weaknesses of each option. Relocation would be approximately an 18-month project. He stated that this type of project does not require a variance, as they are a government entity. Some discussion ensued.

Cologne Fire Company Flashing Beacon

Mr. Jacobs stated that the original beacon was installed with a grant that the County received many years ago. The County is willing to replace it, but then the Township must assume responsibility for its maintenance. The Cologne Fire Chief has said that the beacon is a valuable tool. Some discussion ensued.

Motion to proceed with County replacement of the Cologne Fire Company Flashing Beacon, with Township maintenance thereafter.

Upon motion of Mr. Silva, second of Mr. Kurtz it was moved to proceed with County replacement of the Cologne Fire Company Flashing Beacon, with Township maintenance thereafter.

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

Public Hearing/Adoption of Ordinances

None.

Introduction of Ordinances

Introduction of Ordinance #1889-2018 – An Ordinance Amending Chapter 276-15 Entitled “Towing Fee Schedule” of the Code of the Township of Hamilton, County of Atlantic and State of New Jersey.

Mr. Jacobs stated that research was done and new rates were recommended and built into this Ordinance. Solicitor Sandman explained the exception of Hamilton Township towed vehicles: at the suggestion of the Chief, they are a flat rate of \$100.

Mr. Kurtz moved, seconded by Mrs. Link that the following Ordinance #1889-2018 be introduced on first reading with public hearing to be held December 17, 2018:

Ordinance #1889-2018 – An Ordinance Amending Chapter 276-15 Entitled “Towing Fee Schedule” of the Code of the Township of Hamilton, County of Atlantic and State of New Jersey.

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

Introduction of Ordinance #1890-2018 – An Ordinance for the Conveyance of Two Temporary Sidewalk Easements to the State of New Jersey.

Mr. Jacobs explained that the State is doing some improvements on Route 322 in front of the Woodlands, and will be putting handicapped ramps at the intersections. This is a temporary easement that they will need during construction, for which the State will pay \$600.

Mr. Silva moved, seconded by Mrs. Link that the following Ordinance #1890-2018 be introduced on first reading with public hearing to be held December 17, 2018:

Ordinance #1890-2018 – An Ordinance for the Conveyance of Two Temporary Sidewalk Easements to the State of New Jersey.

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

Award of Bids/Contracts/Change Orders

Resolution #2018-0435 – Resolution approving Interlocal Agreement for Solid Waste Collection Services with Atlantic County Institute of Technology and authorizing Mayor to sign same.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0435 be adopted.

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

Resolution #2018-0436 – Resolution approving Interlocal Agreement for Solid Waste Collection Services with Atlantic County Special Services Schools and authorizing Mayor to sign same.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0436 be adopted.

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

Resolution #2018-0437 – Resolution approving Interlocal Agreement for Solid Waste Collection Services with Hamilton Schools and authorizing Mayor to sign same.

Mr. Silva moved, seconded by Mr. Kurtz that Resolution #2018-0437 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0438 – Resolution approving Interlocal Agreement for Salt Storage, Loading, and Purchase with Atlantic County Institute of Technology and authorizing Mayor to sign same.

Mr. Silva moved, seconded by Mr. Kurtz that Resolution #2018-0438 be adopted.

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

Motion Carried 4-0.

Consent Agenda

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. White Lotus, LLC – Hamilton Mall
2. Heart of Class, LLC – Hamilton Mall

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

Motion Carried 4-0.

Resolution #2018-0439 – Resolution authorizing the execution of Shared Services Agreement with the Police Activities League (PAL) for use of the Frank Grieco Center.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0439 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0440 – Resolution to refund 2018 tax payments made on exempt properties.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0440 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0441 – Resolution to cancel taxes on Block 766, Lot 4 due to Totally Disabled Veteran exemption and refund payment made in the amount of \$553.79.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0441 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0442 – Resolution to increase the Medical Flexible Spending Account limit from \$2,650.00 to \$2,700.00 in accordance with the IRS Code.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0442 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0443 – Resolution to cancel Safe Corridor Grant Account Receivable and Appropriated Reserve in the amounts of \$32,217.96 and \$31,680.55, respectively.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0443 be adopted.

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

Motion Carried 4-0.

Motion to authorize the preparation of a Contiguous Owner Land Sale Ordinance for Block 24, Lot 12 – a 4.86 acre lot located at 1421 Poplar Avenue – Minimum Bid \$3,402.00.

Upon motion of Mr. Kurtz, second of Mr. Silva it was moved to authorize the preparation of a Contiguous Owner Land Sale Ordinance for Block 24, Lot 12 – a 4.86 acre lot located at 1421 Poplar Avenue – Minimum Bid \$3,402.00.

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

Motion Carried 4-0.

Resolution #2018-0444 –Resolution approving Designer Bag Bingo License for Oakcrest High School Falcon Crew Booster Club to be held on 1/18/19 from 6pm-10pm.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0444 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0445 –Resolution accepting Bond Safeguard Insurance Company Bond #5041736 in the amount of \$26,976.66 as the 2-year Maintenance Guarantee for Enclave at Mays Landing Major Subdivision (aka Thelma Heights Phase I), as required by Township Engineer Steve Filippone in his correspondence dated 11/5/18.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0445 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0446 –Resolution to cancel and refund 2018 Tax Payment made on exempt property.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0446 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0447 – Resolution accepting Performance Guarantee for John Brooks Recovery Center (Block 994, Lot 7) in the amount of \$80,442.00 (cash escrow), as required by Township Engineer Steve Filippone in his estimate dated 11/13/18.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0447 be adopted.

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

Motion Carried 4-0.

Resolution #2018-0448 –Resolution accepting Safety/Stabilization Guarantee for John Brooks Recovery Center (Block 994, Lot 7) in the amount of \$5,000.00 (cash escrow), as required by Township Engineer Steve Filippone in his estimate dated 11/13/18.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0448 be adopted.

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

Motion Carried 4-0.

Personnel

Resolution #2018-0449 – Resolution approving \$5,000.00 salary increase for Stephen Ruberti effective 1/1/19.

Mr. Jacobs explained that Mr. Ruberti will be taking on the additional duty of installing the ProPhoenix software and hardware for the five fire companies annually.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2018-0449 be adopted.

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

Motion Carried 4-0.

TABLED – Appointment of two Alternate Members of the Veterans Advisory Board for three-year terms effective 1/1/19 – 12/31/21.

Mayor Schenker stated that it would be more appropriate to make these appointments at the upcoming Reorganization Meeting, allowing ample opportunity for interested parties to submit their applications.

Mayor Schenker moved, seconded by Mr. Silva that the appointment of two Alternate Members of the Veterans Advisory Board be tabled until the Reorganization Meeting.

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

Motion Carried 4-0.

Motion to authorize advertisement for the hiring of a Director of Community Development.

Mr. Kurtz stated that he has reviewed the job description and feels that it is time to move ahead with this. Subdivision of the job responsibilities can occur at a later time if necessary. Mr. Silva agreed. Mayor Schenker stated that he also reviewed the job description and believes that time is of the essence. Mrs. Link agreed.

Upon motion of Mr. Kurtz, second of Mr. Silva it was moved to authorize advertisement for the hiring of a Director of Community Development.

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

Motion Carried 4-0.

Approvals:

Mr. Kurtz moved, seconded by Mr. Silva that the regular meeting minutes of the November 13, 2018 meeting are approved as presented.

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

Motion Carried 4-0.

Mr. Silva moved, seconded by Mr. Kurtz that the Executive Session minutes of the November 13, 2018 special meeting are approved as presented.

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

Motion Carried 4-0.

Resolution #2018-0450 – A Resolution authorizing payment of approved payrolls and bills - \$1,886,837.60.

Mr. Silva moved, seconded by Mr. Kurtz that Resolution #2018-0450 be adopted.

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

Motion Carried 4-0.

Reports

Administrator – Nothing additional.

Solicitor – Nothing additional.

Engineer – Mr. Filippone reported that the 2018 Road Program is well underway, with many improvements already noticeable.

Tavistock contracts are working their way through the Clerk's Office and Finance Office. The first part of the project will be the fences around the basins.

Buffalo Pike is planning the grand opening/ribbon cutting of their mattress store on December 20th at 8:00am. The Renaissance Drive connector road will open the same day. Starbucks will open in February 2019. Outback Steakhouse is making slow progress.

Artists Walk is still under construction. Five street opening permits have been processed.

He will be meeting with BJs owners tomorrow to discuss parking lot flow and stormwater basin issues.

Mayor Schenker stated that homeowner Anne Marie Leone was present, and asked that Alternate Township Engineer Kevin Dixon elaborate on his letter regarding Woods Landing. Solicitor Sandman said that a motion must be made to alter the agenda.

On the motion of Mr. Silva, second of Mr. Kurtz it was moved to alter the agenda to allow Alternate Township Engineer Kevin Dixon to elaborate on his letter regarding Woods Landing.

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

Motion Carried 4-0.

Mr. Dixon issued his report to the Committee regarding the summary of the oversight of the basin at Woods Landing. He gave a brief timeline regarding basin remediation at the site. Remediation work was completed and the basin was functioning adequately for a few months, until about February of this year. Rainfall has been substantially above normal this year, which has affected basins all over the Township. He is set to meet with the developer later this week regarding what their plan will be; if they are not forthcoming with a definitive plan, we will give them steps that we want them to take, which would be remedial efforts. One of the problems they have is if the basin does not drain, they cannot get in there to maintain it; pumping the basin may lead to a solution in that regard. Another concern is the elevation of the groundwater table, which is two feet below this basin. It is possible that pumping the basin will be draining the groundwater table, which will just lead to more groundwater flowing into the basin. If the developer cannot come up with a rational plan, they will be directed to pump the basin. This leads to the question of where the water will go. A discharge will have to be done correctly, with permits. Some discussion ensued.

Township Committee:

Mrs. Link stated that she was pleased to attend the tree lighting ceremony in War Memorial Park. It was a special event that was greatly enjoyed by the children.

She encouraged everyone to say a special prayer for Committeeman Rodney Guishard, who is currently in the hospital. She said he is a very tenacious person who will hopefully be back in a couple of weeks. She delivered a message that Mr. Guishard says hello and that he is doing fine.

Mr. Kurtz commented on the tree lighting ceremony, which was postponed a day due to heavy rain. He said there was greater attendance than in previous years. It was a nice event, and he thanked Public Works for a great job.

The Dickens of a Holiday event, which was previously run by the Merchants' Association, was picked up by the Historical Society, Presbyterian Church, and Library. It was also a successful event and a good crowd.

Mr. Silva thanked our local reporter Charlie Pritchard for the many pictures published of the tree lighting ceremony. He also thanked Mr. Pritchard for his great coverage of our community.

Mayor Schenker stated that the Mays Landing Lakers teams had two tournament games in Pennsylvania this weekend. Both teams are now headed to Ohio for further competition.

Mayor Schenker then opened the floor for public comment.

Public Comment

Anne Marie Leone of 1305 Old Egg Harbor Road thanked Kevin Dixon for attending tonight's meeting, but she is disturbed that she was not notified that he would be attending or giving a report. She stated that the basin has never drained in 72 hours. While she understands there was a lot of rain, she has seen basins for larger places that are drained. The height of this basin is the furthest it has been in a long time. Her backyard is almost a pond by itself for the amount of water she is pumping out. She said that she appreciates the Township's efforts to push forward. Some discussion ensued.

Rob Murie of 1301 Old Egg Harbor Road stated that his basement is 18 inches higher than Ms. Leone's basement. He has two pumps pumping in his basement; he has 1-1/4" hose shooting water three feet out. In 2010 he flooded about 3-4 inches. He flooded about 2-3 inches this time. His basement has a lot of damage, and many valuable things in it have been damaged. He stated that something must be done, as it is causing an extreme hardship to his family.

Ms. Leone asked what she is allowed to have from the Township, as she often is not notified of new developments. Solicitor Sandman stated that in any application that is going before the Planning Board or Zoning Board, all property owners within 200 feet must be notified by certified and regular mail. This is not so with building permits, DEP permits, construction permits, etc.

Bruce Strigh of Mays Landing stated that at the last Township Committee Meeting there was a Change Order awarded to do curbs, replace sidewalks, stone driveways, asphalt aprons, brick pavers, remove and reset topsoil and seed and six inch concrete driveway on Pennington Avenue. He stated that what is disturbing is that this is the street where Mr. Kurtz has his business, and the record shows that Mr. Kurtz voted for this. He said that even if there is the appearance that someone is voting for something to benefit himself, then he should recuse himself. He further stated that Mr. Kurtz listed his business for sale on September 10th, then 5-6 weeks later voted on this proposed Change Order. Township Ordinance shows that individuals are responsible for their own sidewalks, not the taxpayers. No mention of a conflict of interest was made in this matter; he stated again that this is very disturbing.

Solicitor Sandman encouraged Mr. Kurtz not to respond.

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

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

On motion of Mr. Silva, seconded by Mrs. Link and carried the meeting was adjourned at 8:05 pm.

Respectfully submitted,

Rita Martino, RMC, CMR
Township Clerk