

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
January 22, 2019

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order January 22, 2019 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 1/10/19, and the Atlantic County Record on 1/16/19.

Roll Call:

Present: Rodney Guishard, John Kurtz, Judith Link, Art Schenker, Roger Silva

Absent:

Also present: Rita Martino, Township Clerk; Michael Jacobs, Township Administrator;
Jessica Budrock, Esquire; Steven Filippone, Township Engineer

A moment of silence for private reflection was observed.

Guest Presentations

Landfill Redevelopment Update – Jeff Dey, Land Resource Solutions

Mr. Dey gave a brief presentation regarding the remedial action plan, landfill closure plan, and grant funding thereof. He estimated that we should be able to begin construction by the end of 2019.

Addition/Deletion of Late Agenda Items

On motion of Mr. Silva, second of Mr. Guishard, it was moved to approve the addition of late agenda items as follows:

Changes

5C. Change wording to read as follows: Ordinance #1895-2019 – An Ordinance Amending Chapter 301, Article 1 of the Township Code to create a No Parking Zone on the entirety of Thirteenth Street, Adams Ave. and Tanglewood Drive in the Township of Hamilton.

Addition(s)

7H. Resolution approving Budget Appropriation Reserve transfers recommended by the Chief Financial Officer.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Early Public Comment

None.

Discussions

Public Hearing – Liquor License – Baker & Carlson – place-to-place transfer of Plenary Retail Consumption License #0112-33-021-009 to 6760 Harding Highway.

Township Solicitor Jessica Budrock explained that this is a place-to-place transfer, and Attorney Alex Barrera is in attendance to represent Baker & Carlson. Application has been made for the transfer and it has been advertised as required. As a formal objection was received in response to the advertisement, a formal hearing is being held at this time; the actual vote in this matter will be on February 4, 2019.

Attorney Alex Barrera briefly presented the history of the application, which is for place-to-place transfer of Plenary Retail Consumption License #0112-33-021-009 to 6760 Harding Highway. He stated that the license was a pocket license that had last been used in 2004. It changed hands a couple of times, was sold to Baker & Carlson, LLC and used at Consumer Square Liquors, which closed down on or about January 2017. The business currently at the proposed transfer site of 6760 Harding Highway will close and new operations will commence under new management, and will be called the Main Event. Baker & Carlson has had the same members since it was formed in 2015, Harry Carlson and Dean Baker. They were investigated and approved as licensees. The new business at the new site will be subject to the laws and requirements of ABC and of the municipality.

Mr. Barrera's associate, Attorney Steven Brog asked Solicitor Budrock if the proceedings would be closed tonight, or if there would be additional proceedings at the time of the vote on February 4,

2019. Solicitor Budrock stated that proceedings will close tonight. Mr. Brog spoke regarding security and other issues of concern over how the business will be run. He introduced Daniel Rosella, general manager of the new business. Mr. Rosella stated that he will hire and train all security personnel, and will ensure that the business complies with ABC requirements. Mr. Rosella stated that he has nine years of experience as a law enforcement officer, and two years of narcotics experience with the Federal Housing Authority. He is currently the Assistant Director of Security with Allied Universal Cigna Healthcare. He has also managed other bars that are similar to the proposed new business, and had no issues with ABC violations or criminal activity. He described the training courses planned for bartenders and security personnel; he also stated that they look for former military or law enforcement candidates. Two assistant managers will be in charge in Mr. Rosella's absence. Proposed hours will be from 12 noon to 2 am or 4 am. Typically there would be two security people working the front door and one roving person along with the manager on the floor. The roving person would address any issues outside with loitering, intoxicated individuals, etc. There are 20 operational cameras onsite, both interior and exterior. Metal detecting wands will also be used. The business is open to any member of the public over age 21 with a valid, government issued ID. He stated that the owners would be cooperative in supplying camera footage to the police in the case of any criminal activity. Some discussion ensued. It was confirmed that there would be no outdoor speakers and that the fire capacity of the building was 00 individuals.

Mayor Schenker then opened the floor for public comment.

Hearing nothing 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.

Mayor Schenker stated that this matter will be up for a vote on February 4, 2019.

Public Hearing/Adoption of Ordinances

Ordinance #1891-2019 – An Ordinance to exceed the Municipal Budget Appropriation Limits and to establish a Cap Bank in Accordance with NJSA 40A:4-45.14.

Mr. Jacobs explained that this is the Appropriations Cap Ordinance that allows us to go to 3-1/2%.

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 #1891-2019.

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

Motion Carried 5-0.

Adoption of Ordinance #1891-2019

Mr. Guishard moved, seconded by Mr. Silva, that Ordinance #1891-2019, which was introduced and passed first reading on 1/7/19 and was duly advertised in the 1/10/19 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 #1892-2019 – An Ordinance Authorizing the Sale of Lot 12 in Block 24 as shown on the Tax Map of the Township of Hamilton, and Granting to the Owner or Owners of said Real Property Contiguous to Same the Right to Prior Refusal to Purchase Such Land in The Township of Hamilton, County of Atlantic, and State of New Jersey.

Hearing nothing further from the public, on the motion of Mr. Silva, second of Mr. Kurtz, it was moved to close the public hearing of Ordinance #1892-2019.

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

Motion Carried 5-0.

Adoption of Ordinance #1892-2019

Mr. Silva moved, seconded by Mr. Guishard, that Ordinance #1892-2019, which was introduced and passed first reading on 1/7/19 and was duly advertised in the 1/10/19 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.

Introduction of Ordinances

Introduction of Ordinance #1893-2019 – An Ordinance Vacating a Portion of Volunteer Way.

Mr. Jacobs stated that this used to be a cul-de-sac which became a throughway street; the rounded part of the cul-de-sac would be vacated. On the corner of Renaissance, the cross street, there is a small piece which is being abandoned to the neighbors, who do not object to same. Mr. Kurtz stated that this matter came before the Planning Board with favorable results.

Mr. Silva moved, seconded by Mr. Guishard that the following Ordinance #1893-2019 be introduced on first reading with public hearing to be held February 4, 2019:

Ordinance #1893-2019 – An Ordinance Vacating a Portion of Volunteer Way.

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

Motion Carried 5-0.

Introduction of Ordinance #1894-2019 – An Ordinance Amending Chapter 144 of the Township Code to Provide for or to Amend the Fees for certain Construction Permit Applications in the Township of Hamilton, County of Atlantic.

Mr. Kurtz moved, seconded by Mr. Silva that the following Ordinance #1894-2019 be introduced on first reading with public hearing to be held February 4, 2019:

Ordinance #1894-2019 – An Ordinance Amending Chapter 144 of the Township Code to Provide for or to Amend the Fees for certain Construction Permit Applications in the Township of Hamilton, County of Atlantic.

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

Motion Carried 5-0.

Introduction of Ordinance #1895-2019 – An Ordinance Amending Chapter 301, Article 1 of the Township Code to create a No Parking Zone on the entirety of Thirteenth Street, Adams Ave. and Tanglewood Drive in the Township of Hamilton.

Mr. Silva moved, seconded by Mr. Guishard that the following Ordinance #1895-2019 be introduced on first reading with public hearing to be held February 4, 2019:

Ordinance #1895-2019 – An Ordinance Amending Chapter 301, Article 1 of the Township Code to create a No Parking Zone on the entirety of Thirteenth Street, Adams Ave. and Tanglewood Drive in the Township of Hamilton.

Mr. Guishard asked if this was the first Ordinance we had to prohibit parking; Mr. Jacobs stated that we have many others in place. Mrs. Link asked if the affected property owners have been notified; Mr. Jacobs stated that they have not. Mrs. Link stated that this may affect their livelihood.

Mr. Jacobs also stated that only a small portion of Adams Avenue is included in the Ordinance, between Tanglewood and Thirteenth Street. Mrs. Link asked what the objection is to having trucks parked on the street, as they have been there for a long time. Mayor Schenker stated that there have been a lot of complaints. Some discussion ensued. Mrs. Link stated that the affected parties should be notified to allow them to make alternate arrangements. Mr. Guishard agreed that the truck owners should be notified.

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

Motion Carried 3-2.

Award of Bids/Contracts/Change Orders

Resolution #2019-0087 – Resolution rescinding Resolution #2019-0012 – A Resolution Awarding a Professional Services Contract – NJ Certified General Appraiser.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0087 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0088 – Resolution awarding professional services contract for NJ Certified General Appraiser to Richard J. Carabelli of Martin Appraisal Associates, Inc. for an amount not to exceed \$20,000.00.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2019-0088 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0089 – Resolution to Retain the Legal Services of M. James Maley, Jr., Esq. of Maley Givens, PC as Special Counsel – Redevelopment Attorney.

Mr. Guishard moved, seconded by Mr. Silva that Resolution #2019-0089 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0090 – Resolution to Retain the Legal Services of Albert E. Cruz, Esq. of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, PC as Special Counsel – Cable Franchise Renewal.

Mr. Guishard moved, seconded by Mrs. Link that Resolution #2019-0090 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0091 – Resolution approving Change Order No. 1 – 2017 Road Reconstruction Program – Increase of \$1,942.68.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2019-0091 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

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. Great Clips – 4403 Black Horse Pike

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0092 – Resolution to approve Raffle License #1-2019, Calendar Raffle License for Oakcrest HS Falcon Crew Booster Club to be held 3/21/19, 4/17/19, 5/15/19, 7 pm.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0092 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0093 – Resolution to approve Raffle License #2-2019, Tricky Tray Raffle License for Hamilton Township PTA to be held 4/12/19, 6-10 pm.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0093 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0094 – Resolution to approve Raffle License #3-2019, On-premise 50/50 for Hamilton Township PTA to be held 4/12/19, 6-10 pm.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0094 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0095 – Resolution to approve Bingo License #1-2019, Designer Bag Bingo for Hamilton Township PTA to be held 4/12/19, 6-10 pm.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0095 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0096 – Resolution accepting and ratifying Public Land Sale – Block 471, Lot 1 – Nineteenth Avenue - \$2,400.00.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0096 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0097 – Resolution accepting and ratifying Public Land Sale – Block 472, Lot 1 – Eighth Avenue - \$600.00.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0097 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0098 – Resolution accepting and ratifying Public Land Sale – Block 476, Lot 1 – Eighteenth Street - \$2,400.00.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0098 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0099 – Resolution accepting and ratifying Public Land Sale – Block 477, Lot 1 – Eighth Avenue - \$600.00.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0099 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0100 – Resolution accepting and ratifying Public Land Sale – Block 481, Lot 1 – Seventeenth Street - \$2,400.00.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0100 be adopted.

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

Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0101 – Resolution authorizing release of Performance Guarantee for Recovery Centers of America (5034 Atlantic Avenue, LLC) (Block 994, Lot 58.05) in the amount of \$443,202.72, contingent upon posting of 2-year Maintenance Guarantee in the amount of \$25,713.00, as recommended by Alternate Township Engineer Kevin Dixon in his correspondence dated 1/8/19.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0101 be adopted.

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

Motion Carried 5-0.

Resolution #2019-0102 – Resolution authorizing release of Performance Guarantee for AGS Real Estate, LLC (Liquor Mart) (Block 1134, Lot 4) in the amount of \$124,307.29, contingent upon posting of 2-year Maintenance Guarantee in the amount of \$14,001.15, as recommended by Alternate Township Engineer Kevin Dixon in his correspondence dated 1/8/19.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0102 be adopted.

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

Motion Carried 5-0.

Resolution #2019-0103 – Resolution Establishing a Municipal Drug Alliance Program Budget.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0103 be adopted.

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

Motion Carried 5-0.

Resolution #2019-0104 – Resolution Accepting a Safe and Secure Communities Grant in the amount of \$60,000.00 with a local cash match of \$188,890.88.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0104 be adopted.

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

Motion Carried 5-0.

Resolution #2019-0105 – Resolution Approving Budget Appropriation Reserve transfers recommended by the Chief Financial Officer.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0105 be adopted.

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

Motion Carried 5-0.

Personnel

Resolution #2019-0106 – Resolution to appoint James Kerrigan as a Citizen Representative Member of the Senior Citizen Advisory Board, a one-year term expiring 12/31/19.

Mr. Silva moved, seconded by Mr. Kurtz that Resolution #2019-0106 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. Guishard that the regular meeting minutes of the January 7, 2019 meeting are approved as presented.

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

Motion Carried 5-0.

Mr. Silva moved, seconded by Mr. Kurtz that the minutes of the January 9, 2019 Special Executive Session meeting are approved as presented.

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

Motion Carried 5-0.

Mr. Kurtz moved, seconded by Mr. Silva that the minutes of the January 10, 2019 Special Executive Session meeting are approved as presented.

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

Motion Carried 5-0.

Mr. Silva moved, seconded by Mr. Guishard that the minutes of the January 16, 2019 Special Executive Session meeting are approved as presented.

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

Motion Carried 5-0.

Resolution #2019-0107 – A Resolution authorizing payment of approved payrolls and bills - \$3,825,119.87.

Mr. Silva moved, seconded by Mr. Kurtz that Resolution #2019-0107 be adopted.

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

Motion Carried 5-0.

Reports

Administrator – Nothing additional.

Solicitor – Nothing additional.

Engineer – Mr. Filippone gave a brief report to supplement his written report. He mentioned that back in October, he had worked on the annual MS4 Stormwater Application for the Township. We have 589 storm inlets that Director of Public Works Brett Noll inspects and cleans out. NJDEP had conducted an audit that day; the NJDEP members were very pleased with the work that Mr. Noll has done. Some discussion ensued.

Township Committee:

Mrs. Link requested an update on the dam. Mr. Jacobs and Mr. Noll stated that the County is working with an engineer to develop plans for the powerhouse. They are also looking at overall reconstruction. Some discussion ensued.

Mr. Kurtz asked about Sergeant Robell and K9 Officer Kota, who were in a motor vehicle accident while on duty. Chief Tappeiner stated that both are doing well.

Mr. Silva spoke briefly about local redevelopment plans in the news recently. He also expressed concern about the general safety of our police officers while on duty.

Mr. Guishard and Mayor Schenker had no comments at this time.

Mayor Schenker then opened the floor for public comment.

Public Comment

Hearing nothing 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 7:36 pm.

Respectfully submitted,

Rita Martino, RMC, CMR
Township Clerk