

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
April 15, 2019

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order April 15, 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;
Robert Sandman, Township Solicitor; Steven Filippone, Township Engineer

A moment of silence for private reflection was observed.

Addition/Deletion of Late Agenda Items

None.

Early Public Comment

8C. Resolution to authorize reduction of Performance Guarantee for Fernmoor Homes at Woods Landing, LLC – Phase 1 from \$271,809.84 to \$148,468.32, as recommended by Alternate Township Engineer Kevin Dixon in his correspondence dated 3/29/19.

Anne Marie Leone of 1305 Old Egg Harbor Road stated that this item should be removed from the consent agenda. She stated that the basin took six months to drain and was dry for ten days, and nothing was done to clean up or repair that area. Ms. Leone asserted that the remaining funds would not be sufficient to make the necessary repairs. She also stated that while permits were halted for further construction, she has observed construction taking place.

Mr. Silva asked if Phase I or Phase 4A involves the basins, as Ms. Leone has a valid point. We should know the cost of repairs before considering a reduction. Solicitor Sandman stated that under the Municipal Land Use Act, the engineer makes recommendations as to percentage of completion, based on the overall project. Options are: 1. Remove the item from the consent agenda for discussion; or 2. Defer the item, as there is no absolute right to a reduction at this time. He also stated that the reduced amount is likely insufficient in case of litigation. Mr. Sandman recommended that no action be taken tonight, that Engineer Kevin Dixon and Mr. Sandman research the situation, and that Administrator Jacobs be removed from same due to conflict.

2019 Budget

Resolution #2019-0175 – Resolution to Authorize Local Examination of the 2019 Municipal Budget.

Solicitor Sandman stated that according to NJSA 40A:4-78, the Chief Financial Officer may state that the Township qualifies for local examination. This may occur once in a three-year period.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2019-0175 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0176 – Resolution Authorizing the Budget to be Read by Title Only.

Township Clerk Rita Martino read the resolution aloud.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2019-0176 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Public Hearing on the 2019 Municipal Budget.

Jim Kerrigan of Mays Landing spoke about “two A-words,” the first one being “Attrition.” He stated that retiring employees should not be replaced. The second word is “Austerity.” He stated that taxes should be raised only as a last resort; rather, the surplus should be reduced. Some discussion ensued.

Hearing nothing additional from the public, on the motion of Mr. Silva, second of Mr. Kurtz, it was moved to close the public hearing on the 2019 Municipal Budget.

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

Motion Carried 5-0.

Public Hearing on the 2019 Municipal Budget Amendment.

Township Administrator Mike Jacobs read the proposed Municipal Budget Amendment aloud.

Hearing nothing additional from the public, on the motion of Mr. Kurtz, second of Mr. Silva, it was moved to close the public hearing on the 2019 Municipal Budget Amendment.

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

Motion Carried 5-0.

Resolution #2019-0177 – Resolution to Adopt Budget Amendment.

Solicitor Sandman confirmed that pursuant to NJSA 40A:4-9, advertisement of this amendment was not required. Additionally, it may be introduced and adopted at the same meeting. Carol Russ of Ford Scott & Associates outlined the statute for amendments and confirmed that advertisement was not required for this amendment, and therefore, public hearing at a separate meeting is not required.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2019-0177 be adopted.

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

Motion Carried 5-0.

Adoption of 2019 Municipal Budget as Amended.

Mr. Silva moved, seconded by Mr. Guishard that the 2019 Municipal Budget be adopted as amended.

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

Motion Carried 5-0.

Public Hearing/Adoption of Ordinances

Ordinance #1899-2019 – Bond Ordinance Appropriating One Million Three Hundred Thousand Dollars (\$1,300,000) and Authorizing the Issuance of One Million Two Hundred Thirty-Five Thousand Dollars (\$1,235,000) in Bonds or Notes of the Township of Hamilton for Capital Improvements or Purposes Authorized to be Undertaken by the Township of Hamilton, in the County of Atlantic, New Jersey.

Mr. Jacobs explained that this is our capital program for the year, and will cover such projects as the Road Program, License Plate Readers for the Police, and Lake Lenape Dam.

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 #1899-2019.

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

Motion Carried 5-0.

Adoption of Ordinance #1899-2019

Mr. Kurtz moved, seconded by Mr. Silva, that Ordinance #1899-2019, which was introduced and passed first reading on 3/18/19 and was duly advertised in the 3/21/19 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 #1900-2019 – An Ordinance Amending Chapter 203, Land Use and Development, to Adopt Standards for solar panels, satellite dishes and similar equipment in the Historic District.

Mr. Jacobs stated that this is an amendment to the Land Use and Development Ordinance which will provide guidelines as to placement of solar panels on property in the Historic District.

Mr. Kurtz commented that this is the result of much consideration by the Historic Preservation Commission and consultation with the state Historic Preservation Office.

Jim Kerrigan of Mays Landing stated that he does not care for solar panels in the Historic District and he feels that solar panels should not be allowed there. Some discussion ensued.

Hearing nothing additional from the public, on the motion of Mr. Silva, second of Mr. Kurtz, it was moved to close the public hearing of Ordinance #1900-2019.

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

Motion Carried 5-0.

Adoption of Ordinance #1900-2019

Mr. Silva moved, seconded by Mrs. Link, that Ordinance #1900-2019, which was introduced and passed first reading on 4/1/19 and was duly advertised in the 4/4/19 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.

Award of Bids/Contracts/Change Orders

Resolution #2019-0178 – Resolution awarding contract for Township Dog Warden and General Animal Control Officer Services for the Township of Hamilton to Animal Control of South Jersey in the amount of \$26,400.00 – 5/1/19 – 4/30/20.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0178 be adopted.

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

Motion Carried 5-0.

Resolution #2019-0179 – Resolution authorizing extension of Bid #2018-02A, Authorized On-Site Inspection and Plan Review Agencies for the Electrical Sub-Code for the Township of Hamilton to Trinity Code Inspection, LLC in accordance with the agreement for the term 5/15/19 – 5/14/20.

Mr. Guishard moved, seconded by Mr. Kurtz that Resolution #2019-0179 be adopted.

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

Motion Carried 5-0.

Consent Agenda

Items 8C, 8D, and 8F were removed from the Consent Agenda for 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. Starcade, LLC – 4403 Black Horse Pike
2. Earth Angels for Dementia, Inc. – 115 Route 50
3. Hand and Stone Massage and Facial – 4215 Black Horse Pike

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

Motion Carried 5-0.

Resolution #2019-0180 – Resolution canceling Grant Fund Accounts Receivable and Appropriated Reserve Balances.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2019-0180 be adopted.

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

Motion Carried 5-0.

Resolution #2019-0181 – Resolution to authorize release of 2-year Maintenance Guarantee for 2015 NJDOT Municipal Aid Project – Reconstruction of Malaga Road – Section 4 (Bid #2015-04) in the amount of \$246,054.43 (Berkley Insurance Company) upon its expiration date of 4/15/19, as recommended by Township Engineer Steve Filippone in his correspondence dated 4/4/19.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2019-0181 be adopted.

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

Motion Carried 5-0.

Resolution #2019-0182 – Resolution approving Raffle License #9-2019 – Tricky Tray Raffle License for Special Olympics New Jersey to be held 5/19/19.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2019-0182 be adopted.

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

Motion Carried 5-0.

Resolution #2019-0183 – Resolution approving Raffle License #10-2019 – On Premise 50/50 Raffle License for Special Olympics New Jersey to be held 5/19/19.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2019-0183 be adopted.

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

Motion Carried 5-0.

Resolution #2019-0184 – Resolution supporting the 2019 Click It or Ticket Seat Belt Mobilization.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2019-0184 be adopted.

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

Motion Carried 5-0.

Resolution #2019-0185 – Resolution authorizing submission of application for Click It or Ticket Seat Belt Mobilization Grant and authorizing Mayor and CFO to sign same.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2019-0185 be adopted.

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

Motion Carried 5-0.

Item(s) removed from Consent Agenda

TABLED – Resolution to authorize reduction of Performance Guarantee for Fernmoor Homes at Woods Landing, LLC – Phase 1 from \$271,809.84 to \$148,468.32, as recommended by Alternate Township Engineer Kevin Dixon in his correspondence dated 3/29/19.

TABLED – Resolution to authorize reduction of Performance Guarantee for Fernmoor Homes at Woods Landing, LLC – Phase 4A from \$222,533.70 to \$78,948.40, as recommended by Alternate Township Engineer Kevin Dixon in his correspondence dated 3/29/19.

Mr. Kurtz moved, seconded by Mr. Silva that the proposed resolutions regarding reduction of Performance Guarantees for Fernmoor Homes at Woods Landing, LLC – Phases 1 and 4A be tabled.

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

Motion Carried 5-0.

Resolution #2019-0186 – Resolution authorizing the Private Sale of Surplus Property no longer needed for public use.

Mr. Jacobs explained that the property is an old infield maintainer that is being proposed for sale to the Mays Landing Athletic Association (MLAA) for \$1.00.

Mr. Guishard moved, seconded by Mr. Silva that Resolution #2019-0186 be adopted.

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

Motion Carried 4-0-1.

Personnel

Resolution #2019-0187 – Resolution to appoint Susan Giberson as Administrative Operations Supervisor for the Public Works Department with a \$5,000.00 salary increase, effective 3/6/19.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0187 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 April 1, 2019 meeting are approved as presented.

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

Motion Carried 4-0-1.

Resolution #2019-0188 – A Resolution authorizing payment of approved payrolls and bills – \$1,576,886.07.

Mr. Guishard moved, seconded by Mr. Kurtz that Resolution #2019-0188 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 have been notified of receipt of a \$285,000.00 grant, which will cover 75% of the repaving project on New York Avenue. Some discussion ensued.

Solicitor – Nothing to report.

Engineer – Mr. Filippone gave a brief report to supplement his written report.

Township Committee:

Mrs. Link discussed the tragic fire at the Notre Dame Cathedral in France. She also discussed the Cotton Mill and its resurgence from past fire damage.

Mr. Kurtz spoke briefly about our Township’s Planning Board, and complimented them for their great work.

Mr. Silva asked Mr. Filippone about the recent letters sent to basin owners in the Township. Some discussion ensued.

Mr. Guishard recently attended the monthly VFW meeting; he was pleased to observe that VFW involvement is increasing. He also mentioned that the local Boy Scouts are planning a landscaping project around the VFW electronic sign. He and Mrs. Link also attended a recent meeting of the Atlantic County Association of Township Administrators.

Mayor Schenker said that he participated in the search for Kathleen Elkow, an elderly resident with dementia who wandered from her home and has been missing for three weeks. He expressed hope for her safe return.

Mayor Schenker then opened the floor for public comment.

Public Comment

Janice Fisher of Manasquan stated that she coordinates the Puppy Mill Awareness Campaign for Friends of Animals United New Jersey. As an animal advocate, she helped to draft and lobby the 2017 amendment to the Animal Cruelty Statute, which explains proper shelter and tethering. It was intended to be an early intervention tool for local law enforcement, and she stated that the law had failed in Hamilton Township. She speculated that law enforcement was either unaware of the law or failed to consult their Humane Law Enforcement Officers, and stated that one dog died and at least three suffered in deplorable conditions as a result.

She requested an acknowledgement and commitment from the governing body that the Police Officers are now ready, willing, and able to enforce the animal cruelty law so that no animal will suffer from lack of enforcement.

Craig Saccarelli of Toms River stated that he is a Certified Animal Control Officer and an Animal Cruelty Investigator. He brought pictures, provided dates, and asserted that numerous Police Officers had been out to the same address where a dog died, had seen incredibly inhumane conditions, and did nothing. He stated that municipalities were required to have Humane Law Enforcement Officers as of February 1st, and questioned why no Humane Law Enforcement Officer was present at that address on February 16th, 18th, and 20th. He expressed hope that this will never happen again.

Terri Wilson of Mays Landing stated that when she has called the Township for animal control issues, she felt that she was treated like a nuisance. People who care enough to call should be treated with respect. She said that she previously e-mailed copies of the law to the Township. She and her husband also visited the Police Department with a copy of the law and were treated rudely by an officer, who refused to take a copy of the law.

Chelsea Lippincott, of Shore Animal Control, a Certified Animal Control Officer, and a Humane Law Enforcement Officer, stated that Shore Animal Control warned the Township via e-mail that a dog would die if Humane Law Enforcement Officers did not go out. There are three Humane Law Enforcement Officers in the Township, including Bill McElrea. She asserted that if Officer McElrea had been dispatched to this situation, it would not have happened. She further stated that he should be appointed as the Township’s full time Animal Control Officer and Humane Law Enforcement Officer.

Missy Denise, a follower of the Reformer Advocates for Shelter Change and a Certified Animal Control Officer, stated that she has followed the Facebook page and OPRA requests posted by the

Reformer Advocates for Shelter Change. She said she is disappointed and angry that the Hamilton Township Police Department was aware of the conditions of these dogs from February 18th until the day the dog was found dead, and failed to act despite numerous warnings. She said the Reformers will have much to say at the next meeting. She asked why Hamilton Township does not have a full time Animal Control Officer in the Police Department. She also asked when the last time a dog census was conducted.

Chief Tappeiner stated that while he cannot comment on the case itself, he said that the situation had been going on for some time. Currently the Township does have three Humane Law Enforcement Officers. However, this incident occurred during a transition period between the time the law went into effect and the time that enabling guidelines were established from the Attorney General/Prosecutor's Office. Currently, throughout the State of New Jersey, there is still no training for the line officer here in service, or in the Police Academy. It would behoove the state to have training for all officers at the Academy level, in addition to specialized training for Humane Law Enforcement Officers.

Mayor Schenker stated that what happened is unfortunate and was not the intention of the Township or anyone else. He stated that the woman who owned those dogs filed a harassment complaint against our officers because they had tried to contact her numerous times. He stated that once everything is in place, the Township will be better equipped to respond to such situations. He thanked everyone for attending.

Terri Wilson asked why a new Animal Control Contractor was hired this year. Solicitor Sandman advised Committee not to respond.

Hearing nothing further from the public, on the motion of Mr. Kurtz, second of Mr. Silva 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 7:46 pm.

Respectfully submitted,

Rita Martino, RMC, CMR
Township Clerk