

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
July 1, 2019

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was called to order July 1, 2019 at 6:30 pm with Mayor Art Schenker presiding.

Flag Salute.

Deputy Township Clerk Jane Bash certified that 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: Jane Bash, Deputy Township Clerk; Michael Jacobs, Township Administrator;
Evan Labov, Township Solicitor; Steven Filippone, Township Engineer

A moment of silence for private reflection was observed.

Guest Presentation

Dr. Gilda Rorro – Presentation of book – “Gilda, Promise Me”

Dr. Rorro gave a brief presentation regarding her book, “Gilda, Promise Me.” She stated that the title is derived from words spoken to her by Pope Pius XII, imploring her to learn to speak Italian and to keep her heritage alive. Dr. Rorro’s book contains many references to Mays Landing, a place she frequented as a child. She presented the book to Mayor Schenker for display at the Historical Society.

Addition/Deletion of Late Agenda Items

None.

Early Public Comment

7D. Chapter 159 Resolution to Insert Item of Revenue with Off-Setting Appropriation for: Hazardous Discharge Site Remediation Fund Grant from the New Jersey Department of Environmental Protection in the amount of \$213,582.

Aline Dix of Mays Landing asked if the funds were dedicated to a specific use. Township Administrator Mike Jacobs stated that it is for evaluation and studies being done at the landfill. Ms. Dix asked if the encroachment problem of the landfill that was discussed six years ago was corrected. Mr. Jacobs stated that he believes that it was not corrected. She asked what the projected time is to close out this redevelopment project. Mr. Jacobs stated that we do not have a firm timeline. An update at a future meeting was discussed. Ms. Dix asked if we are possibly going to cap it and not do anything else. Mr. Jacobs stated that the plan is to do what is needed to satisfy Pinelands Commission and the DEP as far as capping, and then do solar.

7G. Resolution authorizing the execution of a contract renewing membership in the Atlantic County Municipal Joint Insurance Fund (JIF).

Aline Dix of Mays Landing asked if an attorney has reviewed the proposed contract. Mr. Labov stated that he will check with Solicitor Sandman. She asked for the status of JIF providing legal representation to the members, and if this is in the contract. Some discussion ensued. Ms. Dix also asked if there is a clause in the contract permitting the JIF to settle lawsuits. Special Projects Manager Ingrid Perez stated that each lawsuit has its own circumstances, and further stated that she will check for such a clause. Ms. Dix stated that she has filed OPRA’s requesting resolutions to go into executive session that would spell out if JIF was going to speak to Committee about any pending litigation, and there were none, meaning there were no such meetings. She said that her research has shown no evidence that the JIF has ever brought in an attorney to discuss any lawsuit for which they represent the Township.

She stated that in 2013, the JIF settled a lawsuit for \$1.2 million, and Committee at that time was not informed. She showed a 6/3/13 letter from Attorney Stackhouse to Chief Tappeiner, explaining why he settled a lawsuit that Committee never knew about or discussed. She stated that she does not want to see any more settlements by the JIF that Committee does not know about. She strongly suggested that an attorney review the contract before voting on it, to make sure this does not happen again.

Discussions

Comcast of South Jersey, LLC Application for Renewal of Municipal Consent.

Edward Purcell, Esquire, Special Counsel to the Township for negotiations with Comcast, spoke briefly regarding Comcast’s application for cable franchise renewal; the existing franchise ends in 2020. We are in the Municipal Consent phase of the franchise process, which begins with tonight’s public hearing. We then go into negotiations, and the Township will decide whether or not to grant renewal of Comcast’s franchise, at which time an Ordinance would be transmitted to the New Jersey Board of Public Utilities (NJBPU) for review, and upon approval, the Township would introduce and adopt it. The contract is for 15 years. A lengthy discussion ensued.

Mr. Kurtz moved, seconded by Mr. Guishard to open the public hearing.

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

Motion Carried 5-0.

Fred DeAndrea, Senior Director of Government Affairs for Comcast, gave a brief overview of the proposed renewal of Comcast’s franchise agreement in Hamilton Township. The agreement is non-exclusive, meaning that other providers are not prevented from providing service in the Township. He stated that no action is required by the governing body this evening. It is simply an opportunity to hear from the public and from Comcast. More discussion ensued.

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

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

Motion Carried 5-0.

Resolution #2019-0272 – Resolution providing for the Combination of Certain Issues of General Obligation Bonds or Notes of the Township of Hamilton, in the County of Atlantic, New Jersey, into a Single Issue of General Obligation Bonds in the Aggregate Principal Amount of Five Million Four Hundred Thousand Dollars (\$5,400,000).

Mr. Jacobs explained that this is a total of our BANs and this year’s bond amount; they are combining them all to sell a new bond for the Township. By paying off the old bond the Township will see a net budget savings of approximately \$600,000. This annual savings will be used to fund the new bond issue. Our auditor recommends this.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0272 be adopted.

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

Motion Carried 5-0.

Resolution #2019-0273 – Resolution determining the form and other details of \$5,400,000 General Obligation Bonds, Series 2019, of the Township of Hamilton, in the County of Atlantic, New Jersey and Providing for their Sale.

Mr. Jacobs stated that this defines the terms of the new bond. Some discussion ensued.

Mr. Guishard moved, seconded by Mr. Kurtz that Resolution #2019-0273 be adopted.

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

Motion Carried 5-0.

Public Hearing/Adoption of Ordinances

Ordinance #1904-2019 – An Ordinance Amending Chapter 301, Article I and Chapter 301, Article VIII of the Township Code to Create a No Parking, Stopping, or Standing Zone on Cantillon Boulevard and Oakwood Boulevard in the Township of Hamilton, County of Atlantic and State of New Jersey.

Mayor Schenker asked and confirmed that this will eliminate parking on one side of the street only. Mr. Jacobs stated that it was recommended by Traffic Officer Wade Smith and reviewed by the Industrial Commission. Mrs. Link asked why this action is important; Mr. Jacobs explained that when vehicles are parked on both sides, it impedes passage of large trucks.

Hearing nothing from the public, on the motion of Mr. Silva, second of Mr. Guishard, it was moved to close the public hearing of Ordinance #1904-2019.

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

Motion Carried 5-0.

Adoption of Ordinance #1904-2019

Mr. Kurtz moved, seconded by Mr. Guishard, that Ordinance #1904-2019, which was introduced and passed first reading on 6/17/19 and was duly advertised in the 6/20/19 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 #1905-2019 – An Ordinance authorizing the acquisition of Real Property known as Block 809, Lot 6 in the Township of Hamilton from Fred A. Bohren, for Open Space and Recreation purposes with funding through the Great Egg Harbor Watershed Association, the NJDEP Green Acres Program and the Atlantic County Open Space Trust.

Mr. Jacobs stated that our agreement with the County requires us to adopt this Ordinance to acquire land; they are providing some grant funding to us.

Hearing nothing from the public, on the motion of Mr. Kurtz, second of Mr. Guishard, it was moved to close the public hearing of Ordinance #1905-2019.

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

Motion Carried 5-0.

Adoption of Ordinance #1905-2019

Mr. Silva moved, seconded by Mr. Guishard, that Ordinance #1905-2019, which was introduced and passed first reading on 6/17/19 and was duly advertised in the 6/20/19 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 #2019-0274 – Resolution authorizing award of Bid #2019-06, Electrical Repair, Maintenance, and Service for the Township of Hamilton to Electri-Tech, Inc. for an amount not to exceed \$50,000, for the period of 8/15/19-8/14/20.

Mr. Kurtz moved, seconded by Mrs. Link that Resolution #2019-0274 be adopted.

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

Motion Carried 5-0.

Resolution #2019-0275 – Resolution authorizing the purchase of a 2019 Chevrolet Express RWD 2500 (Cargo Van) from Mall Chevrolet, Inc. under State Contract #T-2103 Contract #88213, for an amount not to exceed \$24,000.

Mr. Guishard moved, seconded by Mr. Silva that Resolution #2019-0275 be adopted.

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

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0276 – Resolution to authorize an agreement with Phoenix Advisors, LLC of Bordentown, NJ to act as Financial Advisor for the 2019 Bond Issued to the Township, not to exceed \$12,200 and to authorize Dorothy Gallagher, Chief Financial Officer to sign same.

Mr. Guishard moved, seconded by Mr. Silva that Resolution #2019-0276 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0277 – Resolution authorizing the purchase of Fire Department Radio Communications Equipment from Tactical Public Safety under State Contract #A83932, for an amount not to exceed \$149,909.04.

Mr. Jacobs confirmed that this is the same vendor as previously used, and that the radios are much improved. Some discussion ensued.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0277 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Consent Agenda

Items 7D. and 7E. were removed for separate vote.

Resolution #2019-0278 – Chapter 159 Resolution to Insert Item of Revenue with Off-Setting Appropriation for: Atlantic County Open Space Trust Grant in an amount not to exceed \$25,000.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0278 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0279 – Chapter 159 Resolution to Insert Item of Revenue with Off-Setting Appropriation for: New Jersey Transportation Trust Fund Authority Act, New York Avenue Phase IV in the amount of \$285,000.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0279 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0280 – Resolution authorizing Person-to Person Transfer of Liquor License #0112-33-012-004 from Restaurant Projects, Inc. to Yogi’s All American Grill and Sports Bar, LLC for premises located at 5704 Mays Landing Somers Point road, effective 7/2/19.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0280 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0281 – Resolution authorizing the execution of a contract renewing membership in the Atlantic County Municipal Joint Insurance Fund (JIF).

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0281 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0282 – Resolution authorizing reduction of Performance Guarantee for Festival at Hamilton, LLC from \$719,935.20 to \$300,000, as recommended by Township Engineer Steve Filippone in his correspondence dated 6/26/19.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0282 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Items Removed from Consent Agenda

Resolution #2019-0283 – Resolution to approve Hazardous Discharge Site Remediation Fund (HDSRF) Public Entity Grant Agreement for Hamilton Township Sanitary Landfill and authorize Mayor to sign same.

Mr. Jacobs explained that these are funds coming into the Township.

Mr. Kurtz moved, seconded by Mr. Guishard that Resolution #2019-0283 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0284 – Chapter 159 Resolution to Insert Item of Revenue with Off-Setting Appropriation for: Hazardous Discharge Site Remediation Fund Grant from the New Jersey Department of Environmental Protection in the amount of \$213,582.

Mr. Jacobs stated that this puts the grant into the budget so that the funds can be spent.

Mr. Silva moved, seconded by Mrs. Link that Resolution #2019-0284 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Personnel

Resolution #2019-0285 – Resolution appointing Gregory Ciambrone as Chief of Police of the Township of Hamilton at a salary of \$142,000 annually, effective July 2, 2019 at 9:00am, subject to negotiation and signing of an employment agreement.

Mr. Kurtz moved, seconded by Mrs. Link that Resolution #2019-0285 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0286 – Resolution to hire Danielle Kelly as a Clerk III in the Community Development Office at \$33,900.12 annually, effective date TBD. Employment contingent upon successful completion of physical and background check.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2019-0286 be adopted.

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

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution #2019-0287 – Resolution to hire Danielle Kelly as the Zoning Board of Adjustment Secretary, at the recommendation of the Board, to commence with her hire date as Clerk III in the Office of Community Development, at \$2,241.00 annually.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2019-0287 be adopted.

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

Motion Carried 5-0.

Resolution #2019-0288 – Resolution to hire Omar Wright as a Temporary Full-Time Laborer at \$16.00 per hour, effective July 15, 2019, not to exceed eleven (11) months in duration. Employment contingent upon successful completion of background check and employment physical/drug screening.

Mr. Silva moved, seconded by Mr. Guishard that Resolution #2019-0288 be adopted.

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

Motion Carried 5-0.

Approvals:

Mr. Silva moved, seconded by Mrs. Link that the regular meeting minutes of the June 17, 2019 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. Guishard that the Special Executive Session meeting minutes of June 19, 2019 are approved as presented.

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

Motion Carried 5-0.

Resolution #2019-0289 – A Resolution authorizing payment of approved payrolls and bills – \$7,776,310.07.

Mr. Kurtz moved, seconded by Mr. Silva that Resolution #2019-0289 be adopted.

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

Motion Carried 5-0.

Reports

Administrator – Nothing to report.

Solicitor – Mr. Labov stated that the Solicitor’s Office has assisted the Township in responding to a Subpoena for Documents in the matter of Joseph C. Rogers, Jr. v. US Municipal Supply Co.

He also stated that complaints have been filed against Maintenance Bonds related to Victoria Pointe – Township of Hamilton v. Travelers Insurance Company and Baker Residential of Pennsylvania, LLC.

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

Township Committee:

Mrs. Link stated that she attended the ribbon-cutting ceremony for Outback Steakhouse; it was a wonderful experience with great service.

Mrs. Link also commented on the interviews with our Police Lieutenants; she stated that each candidate was very impressive and highly qualified.

Mr. Kurtz echoed Mrs. Link’s comments regarding the interviews, stating that we are very fortunate to have such a high level of professionalism in our Police Department.

Mr. Kurtz also expressed enthusiasm for the liquor license transfer at the Sugar Hill Inn. It is a big part of our community, and the new owner has great things planned.

He stated that the Hometown Celebration was very successful, and included a water slide in the street to beat the high temperatures. Unfortunately, the annual Pooch Parade had to be cancelled to protect our local dogs from the heat.

Mr. Silva observed that War Memorial Park is usually a bit cooler for the Hometown Celebration, but we have lost some trees this year. He expressed hope that the trees will be replaced to eventually restore the lost shade. He also stated that Hometown Celebration showcases our warm community.

He also commented on cleanup efforts to the basins on Main Street by the Girl Scouts. He was pleased to see that his concerns about safety were addressed, and hopes to see more volunteerism.

Mr. Guishard stated that he was pleased to hear that the Hometown Celebration was a success. He further stated that it was unfortunate that the Pooch Parade was cancelled, and remembered an entertaining St. Bernard contestant from last year's parade.

Mr. Guishard also echoed previous comments about the Police Department interviews. He stated that all candidates for Police Chief were tremendously impressive, and quite knowledgeable about social issues as well as police matters.

Mayor Schenker stated that choosing a new Chief of Police was one of the most difficult things in which he has ever been involved. We are very fortunate to have four candidates with such high qualifications; it reflects highly on our entire Police Department.

He also thanked George Phy for his efforts in the sale of Sugar Hill Inn. The new owner has improvement plans, and this is beneficial to the community.

Mayor Schenker also mentioned that the Hometown Celebration was a big success, and he appreciates the efforts of the Mays Landing Merchants' Association in this annual event.

Mayor Schenker then opened the floor for public comment.

Public Comment

Maureen Bugdon of Morningside Drive congratulated all of the candidates for Chief of Police. She also mentioned a recent memorial service for former Mayor and close friend Bill Mangels. She stated that Mr. Mangels had thought very highly of the candidates for Chief of Police, particularly of Greg Ciambrone and his time on the Police Athletic League. Ms. Bugdon closed by congratulating Chief Ciambrone.

James Kinsey of Mays Landing spoke briefly about recent changes on Malaga Road. Despite the reduction in speed limit and the existence of a no-passing zone, people continue to exceed the speed limit. Some discussion ensued regarding further action by our youth; Mayor Schenker thanked Mr. Kinsey for his concern.

Hearing nothing further from the public, on the motion of Mr. Kurtz, 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.

**Resolution #2019-0290 – A Resolution to Adjourn to Executive Session:
Santore - Litigation**

Mr. Silva moved, seconded by Mr. Kurtz, that Resolution #2019-0290 be adopted.

Recorded Vote: Aye: Guishard, Kurtz, Link, Schenker, Silva
Nay: XXX
Abstain: XXX
Motion Carried 5-0.

Township Committee met in Executive Session at 7:44 pm.

On motion of Mr. Kurtz, seconded by Mrs. Link, Township Committee reconvened at 8:29 pm.

Recorded Vote: Aye: Guishard, Kurtz, Link, Schenker, Silva
Nay: XXX
Abstain: XXX
Motion Carried 5-0.

On motion of Mr. Guishard, seconded by Mr. Kurtz and carried the meeting was adjourned at 8:30 pm.

Respectfully submitted,

Jane Bash, RMC, CMR
Deputy Township Clerk