



MINUTES
TOWNSHIP OF HAMILTON
REGULAR COUNCIL MEETING
MARCH 15, 2022 AT 6:30 PM

The meeting was called to order at 6:35 pm by Council President Phillips.

STATEMENT OF THE PRESIDENT

“This meeting is being held with the benefit of public notice as required by the Open Public Meetings Act”

ROLL CALL

PRESENT:

Councilman Anthony Carabelli, Jr.
Councilman Pasquale "Pat" Papero, Jr.
Councilman Richard Tighe
Council Vice President Charles Whalen
Council President Nancy Phillips

ALSO PRESENT:

Kathryn Monzo, Business Administrator
Elissa Grodd-Schragger, Director of Law
Eileen Gore, Municipal Clerk
Alison Sabo, Deputy Municipal Clerk

FLAG SALUTE

The Salute to the Flag was led by Council Vice President Whalen.

INVOCATION

The Invocation was given by Councilman Carabelli.

COMMUNICATIONS

Motion made by Councilmember Papero and seconded by Councilmember Carabelli to accept Communications C1 through C3.

Voting Yea: Councilmember Carabelli, Councilmember Tighe, Councilmember Papero, Council Vice President Whalen, Council President Phillips

C1. PROCLAMATION DESIGNATING MARCH AS WOMENS' HISTORY MONTH

Council President Phillips read the Proclamation for Women's History Month for the members of the public. She also offered congratulations to Sgt. Kristin Seitz who was recently promoted to Lieutenant becoming the first female to hold such a position in the Hamilton Police Division.

C2. RECEIPT OF DOCUMENTATION TO UPDATE ALCOHOLIC BEVERAGE CONTROL LICENSE 1103-33-047-006 HOMESTEAD INN OF HAMILTON, LLC T/A THE HOMESTEAD INN (CHANGE OF CORPORATE STRUCTURE)

C3. RECEIPT OF DOCUMENTATION TO UPDATE ALCOHOLIC BEVERAGE CONTROL LICENSE ON FILE 1103-33-046-006 - TEXAS ROADHOUSE (UPDATE BOARD OF DIRECTORS TO PARENT COMPANY TEXAS ROADHOUSE, INC.)

At the direction of Council President Phillips, the Resolutions (RES1 through RES4) were heard prior to the Consent Agenda.

RESOLUTIONS

RES1. **22-151** - RESOLUTION OF CERTIFICATION TO THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY OF THE REVIEW BY THE TOWNSHIP COUNCIL OF THE OF THE CALENDAR YEAR 2020 ANNUAL AUDIT

Appearing before Council were Messrs. Warren Brody and Matt Daily of Mercadien who indicated that the 2020 Audit had an unmodified opinion despite finding two material weaknesses. The first related to the reconciliation and year-end process that everyone was aware for which correction action is already in place for this. There was also a deficiency for a small over-expenditure in the amount of \$3,400 which had been raised in the subsequent budget. He stated that the prior year also had two findings found through their testing methods which were resolved in 2020. He thanked the Administration and all staff for their assistance in gathering information needed to conduct the audit. Councilman Carabelli asked what is considered a good collection rate and it was advised that anything about 97% is good, the Township had a rate closer to 99% with the accelerated tax sale and that sewer rents were also strong. In spite of COVID, the Township continued to operate and function. There were no further comments from Council or the audience members.

Motion made by Councilmember Carabelli and seconded by Councilmember Papero. Voting Yea: Councilmember Carabelli, Councilmember Tighe, Councilmember Papero, Council Vice President Whalen, Council President Phillips

RES2. **22-152** - RESOLUTION OF TOWNSHIP OF HAMILTON, COUNTY OF MERCER, STATE OF NEW JERSEY, ACCEPTING AND APPROVING THE CORRECTIVE ACTION PLAN FOR THE 2020 ANNUAL AUDIT

Mr. Daily stated that relative to the bank reconciliations, the Township has put in place staff as well as outside resources in place to assist with getting caught up through 2021 for a majority of the large accounts. Council President Phillips indicated that any corrections action or recommendations are currently in place.

Motion made by Councilmember Tighe, Seconded by Council Vice President Whalen. Voting Yea: Councilmember Carabelli, Councilmember Tighe, Councilmember Papero, Council Vice President Whalen, Council President Phillips

RES3. **22-153** - RESOLUTION OF CERTIFICATION TO THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY OF THE REVIEW BY THE GOVERNING BODY OF THE 2020 ANNUAL AUDIT FOR FIRE DISTRICTS 2, 3, 4, 5, 6, 7, 8, AND 9

Appearing before Council was Ms. Jackie DePietto who performed the audits for the all the fire districts. She indicated that the state of New Jersey reports not issued for 2020 until 2022 which resulted in the audits taking so long to conduct. She thanked the Township for assisting her in gathering information needed to perform the audits. Councilman Papero inquired as to the final surplus amount and it was advised by Ms. Monzo that prior to the consolidation, there was an estimate of what the numbers would be based on the 2019 audits, which there were one or two districts that had a slight difference; one had a bigger less unrestricted surplus than anticipated, but overall, very close to what was expected. While she did not have the exact number, she advised Councilman Papero that she would get that information to him. It was also noted that the required synopsis and public advertisement was done in accordance with the law.

Ms. Janice Glonek of 432 Trinity Avenue stated that in reading the audits for the fire districts, she noticed there were increases in the OPED and long-term liability for the pensions. Ms. DePietto stated the additional numbers come directly from the state of New Jersey and the actuaries so there was nothing that the fire districts could have done for those numbers to change. There was nothing the fire districts could have done for the numbers to be changed. At one time, the fire districts paid for the health insurance and the annual required contributions for pensions. Councilman Whalen reflect an increase on the payment that is required by the districts to meet the pension obligation. Ms. DePietto indicated that it is a culmination of different numbers because the actuaries change. Since the districts are now under one umbrella, there won't be those differences; it will be one number that is calculated to show and reveal our unfunded liabilities are in that manner, but it does fluctuate based on several factors i.e. different employees, different salaries. With the merging of nine different contracts, there were different salary guides everything will now be continuous from employee number one through hundred thirty.

Councilman Papero thanked Ms. DePietto on behalf of Council for her hard work that she did.

There being no further comments, a motion made by Council Vice President Whalen and seconded by Councilmember Tighe.

Voting Yea: Councilmember Carabelli, Councilmember Tighe, Councilmember Papero, Council Vice President Whalen, Council President Phillips

RES4. **22-154** - RESOLUTION ACCEPTING AND APPROVING THE CORRECTIVE ACTION PLAN FOR THE FIRE DISTRICTS 2, 3, 4, 5, 6, 7, 8, & 9 FOR THE YEAR ENDED DECEMBER 31, 2020 ANNUAL AUDIT

Motion made by Councilmember Papero and seconded by Councilmember Carabelli.

Voting Yea: Councilmember Carabelli, Councilmember Tighe, Councilmember Papero, Council Vice President Whalen

Ms. Monzo stated that while there were no findings and recommendations, the state of New Jersey still requires the CFO to file a correction action plan in outlining stating there were no findings and recommendations.

CONSENT AGENDA

Council President Phillips gave a brief overview of the items listed on the Consent Agenda. She stated that with regard to Item CA10, the pipes on Kenwood Terrace were replaced by Trenton Water Works prior to the street being paved.

Ms. Lisa Williams of 130 Briner Lane spoke with regard to Item CA10 and asked if all the sidewalks will be connected and that there would be (handicap) accessible ramps lead to sidewalks. Council Vice President Whalen stated that it is required to be done.

Mr. Leroy Ames of Ridge Avenue asked for an explanation for Item CA7. Councilman Tighe advised that developers are required by law to submit a bond to the Township in case there are items that they fail to perform according to the approved project plans. Once the developer has received approvals after the required inspections, they may submit a request for the release of the bond.

Ms. Miyopa Little of 228 Hollywood Drive asked if the condos being authorized (Item CA7) would include low income housing. Councilman Tighe asked Ms. Little to leave her contact information and someone would get back to her with that information.

There being no further comments from the public, a motion made by Councilmember Carabelli and seconded by Councilmember Papero to approve Consent Agenda Items CA1 through CA11. Voting Yea: Councilmember Carabelli, Councilmember Tighe, Councilmember Papero, Council Vice President Whalen, Council President Phillips

CA1. **22-140** - RESOLUTION AUTHORIZING THE EXECUTION OF AN APPLICATION AND AGREEMENT FOR A 2022 DISTRACTED DRIVING CRACKDOWN - U DRIVE. U TEXT. U PAY. GRANT WITH THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF HIGHWAY TRAFFIC SAFETY, FOR THE TERM APRIL 1, 2022 THROUGH APRIL 30, 2022 (\$14,000.00)

CA2. **22-141** - RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF NEW JERSEY THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR AN *IT PAY\$ TO PLUG IN: NJ'S ELECTRIC VEHICLE CHARGING GRANT* (Grant Amount: \$8,000.00)

CA3. **22-142** - RESOLUTION APPROVING AN AMENDMENT TO RESOLUTION 22-036 AUTHORIZING THE MUNICIPAL UTILIZATION OF NEW JERSEY STATE APPROVED CONTRACT VENDORS FOR THE CALENDAR YEAR 2022 IN ACCORDANCE WITH N.J.S.A. 40A:11-12(a)

CA4. **22-143** - RESOLUTION APPROVING AND AMENDMENT TO RESOLUTION 21-034 AUTHORIZING THE AWARD OF PROPRIETARY SOFTWARE APPLICATIONS, SERVICE CONTRACTS AND VARIOUS PROPRIETARY MATERIALS/EQUIPMENT WITH VARIOUS PROPRIETARY SOFTWARE VENDORS FOR THE CALENDAR YEAR 2022 IN ACCORDANCE WITH N.J.S.A. 40A:11-5(1)(dd)

CA5. **22-144** - RESOLUTION APPROVING AN AMENDMENT TO RESOLUTION 22-032 AUTHORIZING ALTERNATE AWARD/FULL DISCLOSURE CONTRACTS WITH VARIOUS VENDORS FOR THE CALENDAR YEAR 2022

- CA6.** **22-145** - RESOLUTION AUTHORIZING A ONE-YEAR CONTRACT FOR IT MANAGEMENT SERVICES FOR THE HAMILTON TOWNSHIP FREE PUBLIC LIBRARY WITH OCEAN COMPUTER GROUP, INC. (\$28,200.00)
- CA7.** **22-146** - RESOLUTION AUTHORIZING THE RELEASE AND REPLACEMENT OF A PERFORMANCE SURETY BOND FOR ON-SITE IMPROVEMENTS MADE TO THE DEVELOPMENT KNOWN AS 1420 CHAMBERS, LLC, LOCATED AT 1420 CHAMBERS STREET (BLOCK 2095, LOT 8)
- CA8.** **22-147** - RESOLUTION AUTHORIZING THE REFUND OF FEE PAID BY NAEEMAH POLHILL FOR THE USE OF SAYEN HOUSE AND GARDENS (\$550.00)
- CA9.** **22-148** - RESOLUTION AUTHORIZING THE REFUND OF 2021-2022 REAL ESTATE TAX AND SEWER TAX OVERPAYMENTS AND REFUNDS (\$6,001.87)
- CA10.** **22-149** - RESOLUTION ESTABLISHING A CONTRACT WITH RUSLING PAVING FOR THE KENWOOD TERRACE CURB, SIDEWALK, ACCESSIBLE RAMPS AND INLET IMPROVEMENTS FOR THE DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT, DIVISION OF ENGINEERING (\$66,100.00 MAXIMUM)
- CA11.** **22-150** - RESOLUTION AUTHORIZING AWARD RECOMMENDATION FOR ENGINEERING AND DESIGN SERVICES FOR ROAD DESIGN FOR PROJECT #1 THOMAS J. RHODES INDUSTRIAL ROAD TO ROBERTS ENGINEERING CONSULTING ENGINEERS; PROJECT #2 FOR INDUSTRIAL DRIVE TO T&M ASSOCIATES; PROJECT #3 FOR LAMONT AVENUE, SANDALWOOD DRIVE & HOLMES AVENUE TO T&M ASSOCIATES; AND PROJECT #4 FOR MARSHALL AVENUE, JULIA AVENUE AND MURRAY AVENUE TO ACT ENGINEERING (\$87,783.29 total maximum cost)

ORDINANCES

SECOND READING AND PUBLIC HEARING

- ORD1.** **22-011** -ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, CHAPTER 485, VEHICLES AND TRAFFIC, ARTICLE II, PARKING; § 485-19, HANDICAPPED PARKING (Establishing spaces for 512 Johnston Avenue and 115 Mary Street)*

After the above Ordinance had been read by title, the President declared the public hearing open and asked if anyone wished to be heard concerning same. There being no comments, a motion made by Councilmember Tighe and seconded by Councilmember Papero to close the public hearing and adopt the Ordinance on second reading and public hearing.

Voting Yea: Councilmember Carabelli, Councilmember Tighe, Councilmember Papero, Council Vice President Whalen, Council President Phillips

FIRST READING AND INTRODUCTION

- ORD1.** **22-012** - AN ORDINANCE AUTHORIZING THE CHANGE IN NAME OF THAT CERTAIN ROADWAY IN THE TOWNSHIP OF HAMILTON WHICH IS PRESENTLY KNOWN AS HORIZON CENTER BOULEVARD WHICH SHALL HEREAFTER BE NAMED AS FIRST RESPONDERS WAY

Motion made by Council Vice President Whalen and seconded by Councilmember Tighe to approve the Ordinance on first reading and introduction.

Voting Yea: Councilmember Carabelli, Councilmember Tighe, Councilmember Papero, Council Vice President Whalen, Council President Phillips

- ORD2.** **22-013** - ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, CHAPTER 550, LAND DEVELOPMENT, ARTICLE III, DISTRICT REGULATIONS, § 550-81, REO-2, REO-4 AND REO-5 RESEARCH, ENGINEERING AND OFFICE DISTRICTS, AND RD RESEARCH AND DEVELOPMENT DISTRICTS*

Motion made by Councilmember Papero and seconded by Councilmember Carabelli to approve the Ordinance on first reading and introduction.

Voting Yea: Councilmember Carabelli, Councilmember Papero, Council Vice President Whalen, Council President Phillips
 Voting Nay: Councilmember Tighe

RESOLUTIONS

RES1. 22-155 - RESOLUTION REFERRING PROPOSED AMENDMENTS TO THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, CHAPTER 550, LAND DEVELOPMENT, ARTICLE III, DISTRICT REGULATIONS, § 550-81, REO-2, REO-4 AND REO-5 RESEARCH, ENGINEERING AND OFFICE DISTRICTS, AND RD RESEARCH AND DEVELOPMENT DISTRICTS TO THE HAMILTON TOWNSHIP PLANNING BOARD FOR REVIEW PURSUANT TO N.J.S.A. 40:55D-26

Motion made by Councilmember Carabelli and seconded by Councilmember Papero.
Voting Yea: Councilmember Carabelli, Councilmember Papero, Council Vice President Whalen, Council President Phillips
Voting Nay: Councilmember Tighe

COMMENTS FROM THE PUBLIC

Ms. Janice Glonek of 432 Trinity Avenue asked for an explanation on the renaming of Horizon Boulevard. Councilman Papero stated the only part of the street was being renamed (from Route 130 to the stop sign) and the only property on that part of the street is a first responders treatment center. Relative to Project Freedom, Ms. Glonek thought it was only going to be one building, but saw there are three or four buildings at the site. Council President Phillips confirmed that there will be multiple buildings. Councilman Carabelli added this is being modeled after the Robbinsville Project Freedom site.

Ms. Miyopa Little of 228 Hollywood Drive raised concern that the lights on her street are always going out and no one seems to be doing anything about it. She works at a hospital and when coming home at night, she would like to be able to see. Ms. Little also raised concern with homes being built in the Township for low income housing and for people with disabilities. Ms. Little stated her daughter is disabled and has been on the list for low income housing in Hamilton for over ten years, but has not been contacted yet. Just recently, they were contacted by Project Freedom on Klockner Road, but her daughter does not meet the minimum income requirement of \$21,000 even though she is on a fixed income since she receives Social Security every month. Council President Phillips asked who sets the income requirements and was told they are set by the federal government. Ms. Monzo asked for Ms. Little's contact information so someone from the Hamilton Housing Division would contact her.

Ms. Lisa Williams of 130 Briner Lane was glad that 2020 can be put behind us and asked the progress on the 2021 bank reconciliations. Ms. Monzo stated they are going on very well and that a retired CFO is helping with the 2021 bank reconciliations and Robbinsville is continuing to assist as well. There is also an accountant from Mercer County who is working on the 2021 sewer operating accounts. Ms. Monzo was hopeful the bank reconciliations will be completed in early Spring. She needs them to be finalized so that she can do the Annual Financial Statement which must be done before the 2022 budget can be introduced.

Mr. Mark Slafkovsky of 848 Yardville-allentown Road referred to being at the previous Council meeting and discussing that his house was going to be foreclosed on and asking assistance from the Township. He asked if there was an update and was told by Ms. Schragger there was nothing the Township could do. Mr. Slafkovsky stated there is no zone in the Township for self employed people who are only permitted to have one commercial vehicle at their property. Relative to the project which Mr. Slafkovsky was speaking of at the last Council meeting, Councilman Tighe stated the reason it was not approved was because there was a high water table at the site.

COMMENTS FROM COUNCIL

Councilman Papero thanked all for attending the meeting and wished everyone a happy St. Patrick's Day.

Councilman Carabelli acknowledged the important role women play in our society and in the Township. He asked when Ms. Monzo expected the budget to be introduced and it was advised in early April.

Councilman Tighe thanked all for attending the meeting and hoped to see people at the Saint Patrick's Day Parade. He felt it was nice for everyone to be able to get together again. Mr. Tighe announced that Veterans' Park was starting up with registration for Spring tennis.

Council Vice President Whalen thanked all for attending the meeting and for their feedback. He made reference to Women's History Month and acknowledged the women of the Administration and wished everyone a happy St. Patrick's Day as well.

Council President Phillips thanked all for their comments relative to Women's History Month. She gave a reminder that starting with the April 5 meeting, Council meetings will be moving back to Council

Chambers. She gave thanks to Kathy Fitzgerald and the staff at the Senior Center for hosting Council for many meetings. Council President Phillips also thanked Kevin, John, and Peggy for their assistance. Even though Peggy has retired, she was at several Council meetings. The Wilson Center is adding many programs and urged residents to take a look at their website.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:53 p.m.

Eileen Gore, RMC, CMC, MMC
Municipal Clerk

Nancy Phillips
Council President