



**MINUTES**  
**TOWNSHIP OF HAMILTON**  
**REGULAR COUNCIL MEETING**  
**MARCH 21, 2023 AT 6:30 PM**

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**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:**

Councilmember Pasquale "Pat" Papero, Jr.  
Councilmember Nancy Philips  
Councilmember Rick Tighe  
Council President Charles Whalen

**ABSENT:**

Council Vice President Anthony Carabelli, Jr.

**ALSO PRESENT:**

Kathryn Monzo, Business Administrator  
Jennifer Eugene, Assistant Township Attorney  
Alison Sabo, Municipal Clerk

**FLAG SALUTE**

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

**INVOCATION**

The Invocation was given by Councilmember Tighe.

**MINUTES**

M1. EXECUTIVE SESSION MINUTES - FEBRUARY 21, 2023

Motion made by Councilmember Papero and seconded by Councilmember Phillips to approve the Executive Session Minutes.

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

**COMMUNICATIONS**

Motion made by Councilmember Tighe and seconded by Councilmember Papero to accept Communications C1-C3.

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

C1. JOINT PROCLAMATION - VIETNAM WAR VETERANS DAY 2023 COMMEMORATING THE 50TH ANNIVERSARY OF THE END OF THE VIETNAM WAR - RECEIVED BY JUAN CLASS

Council President Whalen read the Proclamation into the record for the members of the audience.

Mr. Class stated that the Proclamation was long overdue for all who served in Vietnam.

C2. JOINT PROCLAMATION RECOGNIZING MARCH AS COLORECTAL CANCER AWARENESS MONTH

Councilmember Tighe read the Proclamation into the record for the members of the audience.

C3. JOINT PROCLAMATION RECOGNIZING MARCH AS WOMEN'S HISTORY MONTH

Councilmember Phillips read the Proclamation into the record for the members of the audience.

**RESOLUTIONS**

**CONSENT AGENDA**

Council President Whalen gave a brief overview of the items listed on the Consent Agenda.

Councilmember Phillips stated she is glad the Township was moving forward with getting proposals for the electric charging stations. She was also happy that the hockey rink will be back in business for the kids in the Township.

Relative to Consent Agenda item CA16, Councilmember Papero inquired about the amount of the increase. Ms. Monzo stated that the increase was due to 20% more soil being removed than originally anticipated. This is necessary in order to be able to finish remediating the property and get approval from DEP. This is only the first phase of the project. Then the township will be able to move forward with plantings. DEP will be involved with this as well.

Mr. David Kenny of 6 Bernath Drive asked the status of the litigation with Van Horn Park with the contractor dumping soil. Ms. Eugene advised the contractor paid a significant amount of money to the Township to go towards the remediation. When they settled, the Township did not have a final number for the remediation, but would get the numbers for Mr. Kenny.

Motion made by Councilmember Phillips and seconded by Councilmember Tighe to approve Consent Agenda items CA1-CA22.

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

- CA1.** **23-143** - RESOLUTION CONSENTING TO THE APPOINTMENT OF DARRELL VIGH TO THE HAMILTON TOWNSHIP LIBRARY BOARD OF TRUSTEES
  
- CA2.** **23-144** - RESOLUTION AUTHORIZING A COST SHARING AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION, BUREAU OF TRAFFIC ENGINEERING, FOR TRAFFIC SIGNAL REVISION AT THE INTERSECTION OF ROUTE 33 AND DONALD DRIVE IN THE TOWNSHIP OF HAMILTON, MERCER COUNTY
  
- CA3.** **23-145** - RESOLUTION AUTHORIZING THE EXERCISING OF AN EIGHTH ONE (1) YEAR OPTION FOR A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF HAMILTON AND THE COUNTY OF MERCER, D.O.T. & I. FOR CERTAIN SERVICES OF THE HAMILTON TOWNSHIP ECOLOGICAL FACILITY
  
- CA4.** **23-146** - RESOLUTION AUTHORIZING A NEW MEMORANDUM OF AGREEMENT FOR THE TOWNSHIP OF HAMILTON'S PARTICIPATION IN THE MERCER COUNTY HIV COLLABORATIVE FOR THE PROVISION OF PUBLIC HEALTH PROGRAM SERVICES EFFECTIVE UNTIL DECEMBER 31, 2027
  
- CA5.** **23-147** - RESOLUTION APPROVING AN AMENDMENT TO RESOLUTION 23-015 AUTHORIZING ALTERNATE AWARD/FULL DISCLOSURE CONTRACTS WITH VARIOUS VENDORS FOR THE CALENDAR YEAR 2023 (ADDING DRAEGER SAFETY DIAGNOSTICS, INC.)
  
- CA6.** **23-148** - RESOLUTION AUTHORIZING THE PURCHASING AGENT TO SOLICIT PROPOSALS FOR COMPETITIVE CONTRACTING FOR CONCESSIONS – ELECTRIC CHARGING STATIONS
  
- CA7.** **23-149** - RESOLUTION AUTHORIZING THE PROPER OFFICIALS OF THE TOWNSHIP OF HAMILTON TO CONDUCT AN ON-LINE AUCTION FOR THE DISPOSAL AND REMOVAL OF SURPLUS PROPERTY/MATERIAL
  
- CA8.** **23-150** - RESOLUTION AUTHORIZING AN ALTERNATE AWARD/FULL DISCLOSURE CONTRACT WITH CIOCCA FORD TO PURCHASE ONE (1) 2022 F550 4X4 DUMP TRUCK WITH SNOWPLOW, SALT SPREADER AND ADDITIONAL EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS (\$97,035.00 MAXIMUM)

- CA9.** **23-151** - RESOLUTION ESTABLISHING A CONTRACT WITH S&G PAVING INC. FOR 2021 ROAD IMPROVEMENTS TO MARSHALL AVENUE, JULIA AVENUE AND MURRAY AVENUE FOR THE DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT, DIVISION OF ENGINEERING (\$595,294.45 MAXIMUM)
- CA10.** **23-152** - RESOLUTION ESTABLISHING A CONTRACT FOR THE PURCHASE OF ONE (1) NEW EXMARK LAZER Z DIESEL 144" SERIES MOWER FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF PARKS WITH JOSEPH STEINERT & COMPANY AN AUTHORIZED DEALER OF EXMARK MANUFACTURING COMPANY, INC. UTILIZING THE OMNIA PARTNERS, PUBLIC SECTORS, NATIONAL COOPERATIVE PURCHASING ALLIANCE (NCPA) CONTRACT #20469 (\$66,794.00 MAXIMUM)
- CA11.** **23-153** - RESOLUTION TO AWARD A CONTRACT FOR THE DEMOLITION AND DEBRIS REMOVAL OF ONE (1) RESIDENTIAL DWELLING LOCATED AT 218 DANCER DRIVE WITH FRANK GALBRAITH & SON EXCAVATION AND DEMOLITION, LLC. (TOTAL \$25,900.00)
- CA12.** **23-154** - RESOLUTION ESTABLISHING A CONTRACT FOR THE PURCHASE OF SPORT COURT – POWER GAMES PLUS HOCKEY RINK RESURFACING MATERIALS FOR VETERANS PARK ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF PARKS WITH MRC, INC. UTILIZING NEW JERSEY COOPERATIVE PURCHASING ALLIANCE/BERGEN COUNTY CO-OP #CK04 CONTRACT #BC-BID-21-24 (\$91,242.16 MAXIMUM)
- CA13.** **23-155** - RESOLUTION AUTHORIZING AN ALTERNATE AWARD/FULL DISCLOSURE CONTRACT WITH A2H CONSTRUCTION, LLC FOR THE INSTALLATION OF A SPORT COURT – POWER GAMES PLUS HOCKEY RINK RESURFACING MATERIALS FOR VETERANS PARK ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF PARKS (\$20,480.00 MAXIMUM)
- CA14.** **23-156** - RESOLUTION RETAINING WHITMAN AS THE TOWNSHIP CERTIFIED LEAD EVALUATION CONTRACTOR TO PERFORM LEAD BASED PAINT INSPECTIONS OF CERTAIN SINGLE-FAMILY, TWO-FAMILY AND MULTIPLE FAMILY RENTAL DWELLINGS FOR LEAD-BASED PAINT HAZARDS VIA THE EDUCATIONAL SERVICES COMMISSION OF NJ (ESCNJ CO-OP #65MCECCPS)
- CA15.** **23-157** -RESOLUTION AUTHORIZING AN ENERGY AGENT CONTRACT WITH GABEL ASSOCIATES, INC. FOR THE TOWNSHIP OF HAMILTON'S DEPARTMENT OF WATER POLLUTION CONTROL, AND AUTHORIZING THE BUSINESS ADMINISTRATOR, OR IN HER ABSENCE THE MAYOR, TO AWARD A CONTRACT AND/OR REJECT BIDS IN RESPONSE TO THE REQUEST FOR BIDS FOR ELECTRIC GENERATION SERVICE ISSUED ON BEHALF OF THE NEW JERSEY SEWERAGE AND MUNICIPAL UTILITY AUTHORITY ELECTRICAL SUPPLY AGGREGATION
- CA16.** **23-158** - RESOLUTION APPROVING CHANGE ORDER NUMBER ONE TO CONTRACT 23-020 WITH F.R. BEINKE WRECKING, INC. FOR THE VAN HORN PARK RESTORATION PROJECT – PHASE 1 (REQUIRED BY NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION/NJDEP FOR THE DEPARTMENT OF PUBLIC WORKS - \$115,066.62 INCREASE)
- CA17.** **23-159** RESOLUTION APPROVING FIRST AND FINAL CHANGE ORDER/PROJECT CLOSEOUT TO CONTRACT 22-430 WITH SUNSET CREATIONS, INC. FOR THE 2022 FALL TREE PLANTING PROJECT - ZONES E AND F (\$8,450.00 INCREASE)
- CA18.** **23-160** - RESOLUTION AUTHORIZING THE REFUND OF FEE PAID BY TONY LEE FOR A CONSTRUCTION PERMIT (\$150.00)
- CA19.** **23-161** - RESOLUTION AUTHORIZING THE RELEASE PERFORMANCE GUARANTEE FOR ON-SITE IMPROVEMENTS MADE TO THE DEVELOPMENT KNOWN AS HAMILTON CHASE, ENCHANTMENT VILLAS PHASE THREE (JDME KUSER ROAD, LLC)
- CA20.** **23-162** - RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES FOR VARIOUS PROJECTS (PSE&G POWER, LLC/PSE&G FOSSIL, LLC. – NEW JERSEY BELL TELEPHONE – LAMBERTON ROAD – BLOCK 2506, LOT 8)
- CA21.** **23-163** - RESOLUTION AUTHORIZING THE REFUND OF 2021, 2022 AND 2023 REAL ESTATE AND SEWER OVERPAYMENTS (\$20,783.53)

**CA22.** **23-164** - RESOLUTION AUTHORIZING A SETTLEMENT WITH STUART-LIPPMAN AND ASSOCIATES, INC. ON BEHALF OF BENCHMARK INSURANCE COMPANY IN ORDER TO RESOLVE AN OUTSTANDING BALANCE DISPUTE WITH THE TOWNSHIP OF HAMILTON (\$25,376.00 MAXIMUM)

## **ORDINANCES**

### **SECOND READING AND PUBLIC HEARING**

**ORD1.** **23-009** - ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 340, PARKS AND PLAYGROUNDS, ARTICLE I, RULES AND REGULATIONS, § 340-4, PERMITS FOR GROUP USE*

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 response, a motion was made by Councilmember Tighe and seconded by Councilmember Papero to close the public hearing and adopt the Ordinance on second reading.

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

**ORD2.** **23-010** - ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 215, FEES

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 response, a motion was made by Councilmember Papero and seconded by Councilmember Phillips to close the public hearing and adopt the ordinance on second reading.

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

**ORD3.** **23-011** - 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 (Repealing space established at 132 Overlook Avenue by Ordinance No. 20-042)*

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 response, a motion was made by Councilmember Tighe and seconded by Councilmember Papero to close the public hearing and adopt the Ordinance on second reading.

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

### **FIRST READING AND INTRODUCTION**

**ORD1.** **23-012** - ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 167, CONSTRUCTION CODES, UNIFORM, § 167-2, FEES*

Motion made by Councilmember Papero and seconded by Councilmember Phillips to introduce the Ordinance on first reading.

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

**ORD2.** **23-013** - ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, CHAPTER 268, HOUSING STANDARDS, § 268-3, INSPECTION PRIOR TO CHANGE IN OCCUPANCY; CERTIFICATE OF APPROVAL*

Motion made by Councilmember Phillips and seconded by Councilmember Tighe to introduce the Ordinance on first reading.

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

**ORD3. 23-014** - ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 268, HOUSING STANDARDS, TO ADD § 268-19 ET SEQ. FOR LEAD-BASED PAINT TESTING

Motion made by Councilmember Tighe and seconded by Councilmember Papero to introduce the Ordinance on first reading.

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

**COMMENTS FROM THE PUBLIC**

Mr. Dan Ranieri of 7 Elliott Court raised concern with excessive noise coming from Duck Island. One evening, he had called the police and they had gone out to respond. Councilmember Papero stated that he and Mr. Ranieri had spoken about the issue in the past. This is not a New Jersey or Pennsylvania issue. Councilmember Papero informed that people tie boats together in the Delaware River and play music as loud as they can. Councilmember Papero stated that further research will have to be done. Council President Whalen thanked Mr. Ranieri for bringing it to Council's attention and stated Council will look into the issue. Ms. Monzo asked for Mr. Ranieri's contact information so that he could be contacted.

Ms. Janice Glonek of 432 Trinity Avenue inquired about how the fire trucks are numbered for responding to calls. Ms. Monzo stated that recently, all the fire trucks were renumbered to make sense for the new fire division in the Township. She stated she will get Ms. Glonek a list of the designations. Ms. Glonek asked for an explanation on what was going on with Colonial Firehouse volunteers because she thought they were no longer with the Township. Ms. Monzo stated that the Volunteer Companies including Colonial have a working program with Chief Tozzi and the Fire Division. Ms. Glonek inquired if Project Freedom will be having an open house once their facility is complete. Council President Whalen stated they would probably contact the Mayor's Chief of Staff or the Mayor on when they were planning on holding the open house or ribbon cutting. Ms. Glonek then asked about the garbage issue at the Congoleum and if anyone had taken a look at it. Ms. Monzo had referred the matter to the Public Works department and would follow up with them because she had not heard from them. Ms. Glonek finished by stating the St. Patrick's Day Parade was very good. She suggested that bands should not be put so close together. If bands are too close to each other, their music overlaps. Council President Whalen stated the Township does not run the parade, but he would pass that along to the St. Patrick's Parade committee.

**COMMENTS FROM COUNCIL**

Councilwoman Phillips stated the St. Patrick's Parade was very nice. She stated the weather was warming up, and asked that people be mindful of the children riding their bikes on the street. Councilwoman Phillips thanked all for attending the meeting.

Councilmember Tighe gave a reminder of the student art show on Wednesday, March 22 taking place at the Hamilton Township Library. He added this week is National Drug and Alcohol Facts week. He stated that last year in Mercer County, there were over 108 suspected drug overdose deaths. The members of the drug and Alcohol Alliance continue to do good work. There are a list of resources on our web site and in the latest newsletter for anyone needing help. Councilmember Tighe added that there is a job fair coming up at Colonial Firehouse for anyone looking for a job. There is a vendors and crafters fair at the Hamilton Township Library taking place on March 25<sup>th</sup>. He also thanked all for attending the meeting.

Councilmember Papero wished all the little leagues a successful season and added their opening day is April 1. He was hopeful the weather would cooperate on that date. Councilmember Papero added that on Wednesday, Thursday, and Friday of the following week, members of the PBA and FMBA on the state level along with Where Angels Play will be constructing a brand new playground. The playground is all from donations and is in support of the Foundation of Joey's Little Angels. Councilmember Papero expressed he was lucky enough to be selected as one of the people to help in the construction of the playground. The ribbon cutting will be taking place on Saturday, April 1<sup>st</sup>. He also thanked all for attending the meeting and wished them a good night.

Council President Whalen noted paving season will be starting. He mentioned, Marshall Avenue, stating that high tension wires were being put there, which was why the paving could not be done. He spoke of the parade taking place on a good weather day even though it was delayed a week. He noted baseball season has begun for our youth. He was hopeful that friendships will be built amongst the youth.

Councilmember Papero asked if the Van Horn litigation was from the prior administration and was told by Ms. Monzo that it has been ongoing.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:12 P.M.

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**Alison J. Sabo, RMC  
Municipal Clerk**

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**Charles F. Whalen  
Council President**