



MINUTES
TOWNSHIP OF HAMILTON
REGULAR COUNCIL MEETING
APRIL 19, 2022 AT 6:30 PM

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 Richard Tighe
Council Vice President Charles Whalen
Council President Nancy Phillips

ABSENT:

Councilman Pasquale Papero, Jr.

ALSO PRESENT:

Kathryn Monzo, Business Administrator
Jennifer Eugene, Deputy Township Attorney
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.

MINUTES

M1. MARCH 15, 2022 - REGULAR MEETING MINUTES

Motion made by Councilmember Tighe and seconded by Councilmember Carabelli to approve Item M1.
Voting Yea: Councilmember Carabelli, Councilmember Tighe, Council President Phillips

COMMUNICATIONS

C1. COMMENDATION PROCLAIMING APRIL 22, 2022 AS EARTH DAY

Councilman Tighe read the Proclamation for the members of the audience.

C2. COMMENDATION ACKNOWLEDGING ARBOR DAY - APRIL 29, 2022

Council President Phillips read the Proclamation for the members of the audience. She added that on Friday, April 29th at 9:30 a.m., there will be an Arbor Day Ceremony where the winner of the eighth grade poster contest will be awarded along with a tree being planted at the school.

Motion made by Councilmember Carabelli and seconded by Councilmember Tighe to accept Communications C1 and C2.

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

RESOLUTIONS

RES1. **22-180** - RESOLUTION CONSENTING TO THE APPOINTMENT OF EUGENIA POULOS TO FILL THE UNEXPIRED TERM OF THE POSITION OF DIRECTOR OF FINANCE/CHIEF FINANCIAL OFFICER

Motion made by Council Vice President Whalen and seconded by Councilmember Carabelli to adopt.

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

CONSENT AGENDA

Council President Phillips gave a brief overview of the items on the Consent Agenda for the members of the audience. Councilman Carabelli noted that there were several contract decreases listed. Ms. Monzo noted that with regard to CA6, it was for an as needed basis even which may not be used in its entirety.

Relative to CA1, Councilman Tighe inquired as to why this item was coming back to Council. Ms. Monzo advised that the developer had appeared before the Planning Board who originally denied the application, but there were subsequent discussions held and a settlement agreement was reached for a modified plan, with one of the conditions being that a formal agreement be adopted. Councilman Tighe indicated that he would be recusing himself from voting on Consent Agenda item CA3 since he is an employee of the New Jersey Economic Development Authority.

There were no comments received by the members of the public.

Motion made by Councilmember Tighe and seconded by Councilmember Carabelli to adopt Consent Agenda Items CA1 through CA15.

Voting Yea: Councilmember Carabelli, Councilman Tighe (With Exception of CA3 – Abstained), Council Vice President Whalen, Council President Phillips.

CA1. **22-181** - RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER’S AGREEMENT BETWEEN TJC AT HAMILTON LLC AND THE TOWNSHIP OF HAMILTON FOR THE PROJECT KNOWN AS “CHAPEL BRIDGE AT HAMILTON” (381 WARD AVENUE; BLOCK 1890, LOT 17)

CA2. **22-182** - RESOLUTION AUTHORIZING THE EXECUTION OF AN APPLICATION AND AGREEMENT FOR A “CLICK IT OR TICKET 2022 SEAT BELT MOBILIZATION GRANT” WITH THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF HIGHWAY TRAFFIC SAFETY, FOR THE TERM MAY 23, 2022 THROUGH JUNE 5, 2022 (\$8,750.00)

CA3. **22-183** - A RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

CA4. **22-184** - RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CITY OF TRENTON RELATING TO THE SHARING OF COSTS RELATED WITH CONSTRUCTION/BUILDING REVIEW AND APPROVALS RELATED TO EXPANSION TO SWITLIK PARACHUTE COMPANY, INC. PROPERTY

CA5. **22-185** - RESOLUTION APPROVING AN AMENDMENT TO RESOLUTION 22-035 AUTHORIZING PURCHASES FROM APPROVED COOPERATIVE PRICING SYSTEMS FOR CALENDAR YEAR 2022 VIA THE EDUCATIONAL SERVICES COMMISSION OF NJ (ESCNJ) CO-OP #65MCESCCPS

CA6. **22-186** - RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH GOVERNMENT STRATEGY GROUP (22-074) TO PROVIDE FINANCIAL MANAGEMENT SERVICES ON AN AS NEEDED BASIS FOR UP TO A ONE (1) YEAR TERM (Monthly service amount: \$8,950.00; Total contract maximum: \$107,400.00 maximum)

- CA7.** **22-187** - RESOLUTION AUTHORIZING A SECOND AMENDMENT TO AN AGREEMENT FOR PROFESSIONAL SERVICES WITH ARORA AND ASSOCIATES, P.C. (20-555) TO PROVIDE ENGINEERING SERVICES UNDER THE 2018 SAFE ROUTES TO SCHOOL DESIGN ASSISTANCE PROGRAM FOR THE KLOCKNER ELEMENTARY SCHOOL PROJECT FOR THE PERIOD OF NOVEMBER 18, 2020 TO NOVEMBER 17, 2021 (\$368,199.73 maximum)
- CA8.** **22-188** - RESOLUTION APPROVING FIRST AND FINAL CHANGE ORDER/PROJECT CLOSURE OF CONTRACT 21-310 AWARDED TO GROWING CONCERN, INC. FOR THE 2021 FALL TREE PLANTING PROJECT (ZONES A AND B) (\$5,400.00 DECREASE)
- CA9.** **22-189** - RESOLUTION APPROVING SECOND AND FINAL CHANGE ORDER/PROJECT CLOSURE OF CONTRACT 21-391 AWARDED TO LOUIS BARBATO LANDSCAPING, INC. FOR THE 2021 FALL TREE PLANTING PROJECT (ZONES C AND D) (\$5,838.00 DECREASE)
- CA10.** **22-190** - RESOLUTION APPROVING FIRST AND FINAL CHANGE ORDER/PROJECT CLOSURE OF CONTRACT 21-173 AWARDED TO RICHARD T. BARRETT PAVING CO., INC. FOR THE 2020 MISCELLANEOUS PAVEMENT REPAIR (\$7,761.00 DECREASE)
- CA11.** **22-191** - RESOLUTION TO APPROVE BID WITHDRAWAL AND AWARD A CONTRACT FOR THE DEMOLITION AND DEBRIS REMOVAL OF FOUR (4) RESIDENTIAL DWELLINGS WITH RICCO CONSTRUCTION CORP. (148 PARKINSON AVENUE), CARROLL GROUP, INC. (247 WILFRED AVENUE & 1804 SOUTH BROAD STREET) AND F.R. BEINKE WRECKING, INC. (210 CLOVER AVENUE) (COMBINED TOTAL \$141,885.00)
- CA12.** **22-192** - RESOLUTION ESTABLISHING A CONTRACT FOR THE PURCHASE OF CLOTHING AND FOOTWEAR (134 - CLASS A UNIFORMS) FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF FIRE WITH GALLS, LLC., VIA MERCER COUNTY COOPERATIVE CONTRACT PURCHASING SYSTEM (\$55,932.59) AND ALTERNATE AWARD/FULL DISCLOSURE AWARD (\$26,631.16) TOTAL CONTRACT AMOUNT \$82,563.75
- CA13.** **22-193** - RESOLUTION AUTHORIZING THE REFUND OF FEE PAID IN CONNECTION WITH THE RENTAL OF THE BROMLEY NEIGHBORHOOD CIVIC CENTER PAID BY TWAIN MOORE (\$100.00)
- CA14.** **22-194** - RESOLUTION AUTHORIZING THE PARTIAL REFUND OF FEE PAID BY COLLEEN NUGENT FOR A CHANGE OF OCCUPANCY HOUSING INSPECTION FEE (\$100.00)
- CA15.** **22-195** - RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSE 1103-33-031-006 FROM GRAYLING CORPORATION TO BRINKER FREEHOLD, INC. D/B/A CHILI'S GRILL & BAR

ORDINANCES

SECOND READING AND PUBLIC HEARING

- ORD1.** **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*

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.

Councilman Tighe questioned the scope of the change as proposed and it was advised by Ms. Eugene that not all of the zones would be affected. The only section which was being affected was a very small section within the R&D Zone which is the Marketplace Shopping area. He indicated the reason for his inquiry was that he did not wish to make the area along Kuser Road easier for developers to develop. Councilman Carabelli indicated that it could help fill some of the vacancies that existed. Councilman Tighe recalled that while serving on the Planning Board, a special consideration was given to allow a motorcycle shop to go into Independence Mall, which under normal zoning, that would not have been allowed.

Motion made by Council Vice President Whalen and seconded by Councilmember Carabelli to close the public hearing and adopt on second reading and public hearing.

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

ORD2. 22-014 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Motion made by Councilmember Carabelli and seconded by Councilmember Tighe to adopt on second reading and public hearing.

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

FIRST READING AND INTRODUCTION

ORD1. 22-015 - ORDINANCE ACCEPTING A DEED OF RIGHT-OF-WAY DEDICATION (TJC at Hamilton LLC - Fletcher Avenue; Block 1890; p/o Lot 17)

Motion made by Council Vice President Whalen and seconded by Councilmember Carabelli to adopt on first reading and introduction.

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

Voting Nay: Councilmember Tighe

COMMENTS FROM THE PUBLIC

Ms. Sharon Coleman of 53 Foy Drive spoke of the ACME owned property behind her house. She stated that the property is not maintained and that there are weeds (poison ivy) and several dead trees which then encroach onto her property. She indicated that last year, one of the trees fell onto her property and damaged her vinyl fence which cost her over \$500 for the tree to be removed. She had addressed the issue with Zoning Official but the issue remains ongoing. While an email dated March 10th was sent by Acme Properties indicating they would take care of the matter, nothing has been done. Ms. Monzo advised that she would speak with Director Dumont and make sure the matter was addressed by his department.

Ms. Janice Glonek of 432 Trinity Avenue inquired about the Cornell Heights Park. She indicated that there was graffiti on the playground equipment and inquired whether new equipment would be installed and the tennis court resurfaced. Ms. Monzo indicated she was unsure if anything for that particular park was in the capital budget, but that she would check with the Director of Public works and get back to her on the matter. She also inquired about the Colonial Firehouse and it was advised that the firefighters have been removed from that location until all parties discuss the current situation at the facility.

Ms. Lisa Williams of 130 Briner Lane requested the Township acquire the necessary software to allow Hamilton's available animals be uploaded and placed on PetFinder's website. She felt that if they were able to be placed on PetFinder, animals that were at the Hamilton Shelter for over a year and a half would have a better chance of being adopted. Mr. Tighe asked Assistant Township Attorney Jennifer Eugene to check on the length of stay as stated by Ms. Williams and advise Council. Ms. Eugene stated that in checking with Donielle, she was advised the animals were at the shelter for over a year and a half.

Mr. Steve Clegg of Wolfpack Road spoke of a dog who was euthanized without an intake exam or a behavior evaluation. He was told that an investigation was going to be done to find out why the normal protocol of in taking of was not followed. Ms. Eugene stated that the animal in question (Zander) was listed by the behaviorist as too difficult to handle in order to conduct the evaluation which was documented in the file. Mr. Clegg came back to the podium and raised concern about coverage at the animal shelter during afterhours and on holidays. He stated there are four full time animal control officers at the shelter. Their working schedules should be scattered so someone is at the shelter every day.

Mrs. Roberts who formerly resided at 148 Parkinson Avenue stated she received a certified letter from the Township about the intent to demolish the property in seven days. Ms. Eugene gave Council the following history on the property. On January 5, 2021, the Township hired Leonard Bush and Associates PC Consulting Engineers to do a structural evaluation which concluded there was significant damage to the property and recommended the building be demolished because the repairs to the building would not be cost effective. On August 12, 2021, there was a court hearing with Mrs. Roberts before Judge Sancinito where there was a judgment and order issued indicating it was a danger and hazard. Ms. Eugene reviewed the complete communication history with Ms. Roberts. Currently, in order to pause the process, a structural engineer's report must be filed indicating something different than what the

Township's did. If the Township has that report prior to the scheduled demolition, it can be reviewed and brought before Council if necessary. Ms. Monzo advised that she would check on the scheduling status of the demolition. Council President Phillips suggested that Ms. Roberts speak with Ms. Eugene of the Department of Law to address the issue.

COMMENTS FROM COUNCIL

The members of Council thanked the audience members for attending. It is hoped that many of our residents will be able to attend the AzaleaFest scheduled for May 7th from 10:00 a.m. to 4:p.m... A happy Mother's Day wish was extended to all.

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