

SPECIAL JOINT MEETING OF TOWN COUNCIL AND HAMMONTON PLANNING BOARD

Held in Town Hall Council Chambers  
100 Central Avenue, Hammonton, N.J.  
April 1, 2010 at 7:00 P.M.

Minutes can be viewed at [www.townofhammonton.org](http://www.townofhammonton.org)

MEETING CALLED TO ORDER BY MAYOR DIDONATO AND PLANNING CHAIRMAN MARINELLI

PLEDGE OF ALLEGIANCE

PUBLIC NOTICE

Notice of this meeting has been posted on Town Hall bulletin board, mailed and e mailed to official newspapers. Please familiarize yourselves with the fire exit to the right and rear of the Council Chambers. Members of the public are reminded that they are not to proceed beyond the front row of the benches without specific invitation from the Mayor to do so.

TOWN COUNCIL ATTENDANCE ROLL CALL:

Mayor DiDonato - P  
Councilpersons:  
Barberio - P  
Bertino - P  
Gribbin - P  
Lewis - P  
Pullia - P  
Rodio - P

PLANNING BOARD MEMBER ATTENDANCE ROLL CALL:

Cacia – P  
Colasurdo – Absent  
DeMarco – P  
Giralo – Absent  
Hozik – P  
Pheribo – P  
Pullia Alt 1- P  
Messina Alt 2– P  
Chairman Marinelli - P

Chairman Marinelli advised that Planning Board Members Pullia and Messina will be voting this evening due to the absence of Colasurdo and Giralo.

PRESENT ALSO:

Brian Howell, Town Solicitor  
Michael Malinsky, Planning Board Solicitor  
Jay Steinmetz of ARH, Town Engineer  
Randy Scheule of Karabashian Eddington, Town Planners  
Shirley Bishop, COAH Consultant  
Mary Beth Lonergan, PP, AICP, Court Appointed Master  
Frank Zuber, Local COAH Official

#R042A-2010 Enter Into Closed Session-COAH

#R 42A-2010

BE IT RESOLVED, by the Mayor and Common Council of the Town of Hammonton that, in accordance with the "Open Public Meetings Act," an Executive Session is authorized on this below adopted date, for the purpose of discussing and/or acting upon:

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1. Discuss pending litigation and potential settlement-COAH

BE IT FURTHER RESOLVED, that the minutes of any matters discussed in Executive Session shall be released to the public as soon as reasonably possible after Mayor and Council conclude that the basis for exclusion of the public ceases to exist.

Motion by Councilperson Barberio, seconded by Councilperson Bertino, resolution 42A be adopted to enter into closed session.

TOWN COUNCIL ROLL CALL:

Councilpersons:

Barberio - Y

Bertino - Y

Gribbin - Y

Lewis - Y

Pullia - Y

Rodio - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Motion by Planning Board Member Hozik, seconded by Planning Board Member Pherribo, resolution 42A be adopted to enter into closed session.

PLANNING BOARD MEMBER ROLL CALL:

Cacia - Y

Colasurdo - A

DeMarco - Y

Giralo - A

Hozik - Y

Pherribo - Y

Pullia Alt #1- Y

Messina Alt#2- Y

Chairman Marinelli - Y

Chairman Marinelli declared the motion carried.

RESUME OPEN SESSION-TOWN COUNCIL ATTENDANCE ROLL CALL:

Mayor DiDonato - P

Councilpersons:

Barberio - P

Bertino - P

Gribbin - P

Lewis - P

Pullia - P

Rodio - P

RESUME OPEN SESSION-PLANNING BOARD MEMBER ATTENDANCE ROLL CALL:

Cacia - P

Colasurdo - A

DeMarco - P

Giralo - A

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Hozik – P  
Pheribo – P  
Pullia Alt 1- P  
Messina Alt 2 – P  
Chairman Marinelli - P

PRESENT ALSO

Brian Howell, Town Solicitor  
Michael Malinsky, Planning Board Solicitor  
Bob Vettese of ARH, Town Engineer (entered in closed session)  
Jay Steinmetz of ARH, Town Engineer  
Randy Scheule of Karabashian Eddington, Town Planners  
Shirley Bishop, COAH Consultant  
Mary Beth Lonergan, PP, AICP, Court Appointed Master  
Frank Zuber, Local COAH Official

COAH PRESENTATION

Brian Howell, Town Solicitor, advised the public on COAH history as it pertains to Mr. Bee's proposed project and legal requirements the municipality must comply with.

Mr. John Bee was invited to make a presentation of his proposed project. He was accompanied by Lance Landgraf of Marathon Engineers and Nick Menas, Esq.

Elevations were viewed of the proposed active adult community.

Discussion was held concerning the proposed units. It was explained that this plan is conceptual and the total number of proposed units may decrease depending on the stormwater drainage capability in this area. If the number of units decrease, then the number of "low income" or "affordable" units will also decrease.

Mayor DiDonato advised he is concerned with several issues that he realizes will be better addressed at the time of planning board application but stressed his concern with the stormwater drainage in this area and how it will affect surrounding properties. He advised that some concerns have already been addressed by the applicant such as the location of the stairways at a meeting earlier today. He questioned if the applicant would be willing to receive a tax abatement from the Town of Hammonton contingent upon his guarantee that this proposed project will not place a burden on our schools with addition of students?

Mr. Bee stated that his proposal has always been for an adult community and he has not changed this in any way.

Mr. Menas advised that the Federal Fair Housing Act regulates this development and theoretically its possible that some units could be occupied by people with children.

Councilman Rodio read into the record the definition of an "age restricted" community.

Solicitor advised this council is concerned with how the town will regulate the age restrictions as there are sure to be some who will not comply with the age restrictions at some point and time. He also suggested if the age requirement is changed from 55 to 62 this may eliminate Mayor and Council's concerns in placing an additional burden on our school system.

Bob Vettese, Town Engineer, advised on some items discussed at their meeting with Mr. Bee earlier today including revisions to stairways.

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Councilperson Lewis requested Mayor and Council be shown each proposed drainage basin?

Mr. Landgraf did so and pointed out that the closest drainage basin to any structure on a property adjacent to the proposed project is 50 feet.

PUBLIC HEARD

Sam Ciraolo – W. Pleasant Street

Mr. Ciraolo stated several concerns such as existing drainage problems in the area that he fears will worsen with this project, tree removal, damage to surrounding properties during construction, enforcement of the "55 and over" residents, and questioned what would happen with the project should Mr. Bee go bankrupt?

Solicitor addressed the age restrictions, bankruptcy and advised Mr. Ciraolo that the construction company will be insured.

Mr. Ciraolo questioned if Mr. Bee will be placing a buffer between his project and surrounding properties as previously promised?

Mr. Bee responded yes and described the buffer. Mr. Bee also advised that his building will be pre-fabricated limiting the need for much on-site construction and he stated all existing trees will remain on-site.

Discussion on setbacks was held.

Mildred Ciraolo – W. Pleasant Street

Mrs. Ciraolo questioned where the proposed street will be placed?

Mr. Landgraf advised this is only a conceptual plan but the road will be placed behind the trees.

Mr. Ciraolo, approached the podium once again and questioned, will anything be placed on existing property line?

Mr. Bee responded, no.

Rose Cannizo

Mrs. Cannizo questioned what, if anything, will be done with the existing retainer wall?

Mr. Bee responded the wall will be replaced with a new retainer wall.

Edward Wuillermin – S. Second Road

Mr. Wuillermin questioned what form of ownership will the units be, condominiums, homes, etc?

Mr. Menas advised the affordable units "low income" units will be rental units, however, the form of ownership has not been decided yet.

Mr. Wuillermin questioned will the tax abatement be applied to all units?

Mr. Menas responded, yes.

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Mr. Wuillermin questioned how will the units be managed such as will they have a homeowners assoc., architectural control, maintenance?

Mr. Menas stated there will be a fee for those items charged to each unit. It will be a managed entity and Mr. Bee will retain ownership.

Mr. Wuillermin questioned will payment in lieu of taxes be considered?

Solicitor advised only a tax abatement will be considered.

Mayor questioned if condo owner will pay a larger fee than the rental unit or "low income" units?

Ms. Lonergan advised that the fees for each unit must be assessed the same which is by square footage of the unit.

Frank Ingemi – Police Chief

Chief Ingemi questioned would police enforcement at this proposed development fall under the Hammonton Police Department as this could place an additional burden on us, especially with the proposed layoffs? He also advised, for the record, that in his police experience grandparents are often awarded custody of grandchildren so there is a strong possibility that the proposed project will contain school age children.

Jeff Young – Orchard Street

Mr. Young questioned what affordable housing means?

Mrs. Shirley Bishop advised the public as to the required income levels as designated to lower or moderate income housing.

Mr. Young questioned what percentage of "low income" housing is proposed for this project?

Mrs. Bishop advised 20 percent of total units will be designated as "low income" or affordable housing. The number of units to be built will depend on many requirements including drainage capabilities for stormwater.

Mr. Wuillermin once again approached the podium and questioned can we sell to Hammonton residents first?

Mrs. Bishop responded, no.

Mayor DiDonato questioned what makes this proposed development eligible for tax abatement program?

Mr. Bee responded the Fair Housing Law.

Councilman Pullia questioned could the tax abatement be passed onto another developer should Mr. Bee file bankruptcy?

Mr. Menas stated this development is currently in a lawsuit. He believes all individual applications would stand on their own merit.

Lance Schiernbeck, Road Superintendent

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Mr. Schiernbeck questioned will the Hammonton Highway Department be burdened with the snow and trash removal at this proposed development?

Mr. Landgraf advised these types of questions will be addressed at the full site plan hearing.

David Federici

Mr. Federici questioned if a traffic study has been done?

Mayor responded, no, the necessity of that will also be determined at the Planning Board's site plan hearing of the project.

ADJOURN PLANNING BOARD MEETING

Motion by Planning Board Member Pullia, seconded by Planning Board Member Pherribo, the planning board joint meeting be adjourned. Motion carried.

FIVE MINUTE RECESS

Mayor DiDonato requested a 5 minute recess after which time town council will resume the special meeting

RESUME SPECIAL MEETING OF MAYOR AND COUNCIL-DISCUSS POTENTIAL LAYOFFS/FURLOUGHS

#R042B-2010 Enter Into Closed Session-Layoff/Furloughs

#R 42B-2010

BE IT RESOLVED, by the Mayor and Common Council of the Town of Hammonton that, in accordance with the "Open Public Meetings Act," an Executive Session is authorized on this below adopted date, for the purpose of discussing and/or acting upon:

1. Discuss potential employee layoffs/furloughs

BE IT FURTHER RESOLVED, that the minutes of any matters discussed in Executive Session shall be released to the public as soon as reasonably possible after Mayor and Council conclude that the basis for exclusion of the public ceases to exist.

Motion by Councilperson Barberio, seconded by Councilperson Bertino, resolution 42B be adopted to enter into closed session.

TOWN COUNCIL ROLL CALL:

Councilpersons:

Barberio - Y

Bertino - Y

Gribbin - Y

Lewis - Y

Pullia - Y

Rodio - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

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RESUME OPEN SESSION-TOWN COUNCIL ATTENDANCE ROLL CALL:

Mayor DiDonato - P  
Councilpersons:  
Barberio - P  
Bertino - P  
Gribbin - P  
Lewis - P  
Pullia - P  
Rodio - P

PRESENT ALSO

Brian Howell, Town Solicitor

OPEN DISCUSSION ON POTENTIAL LAYOFFS AND FURLOUGHS

Mayor DiDonato advised that he has met with various unions who are working toward concessions which he hopes will eliminate the necessity of some or all layoffs. However, he feels at this time Mayor and Council need to act on the proposed mandatory/voluntary furlough plans as well as the lay off plan in the event that negotiations do not result in reduction in costs. In addition, Mayor and Council have proposed salary reductions for themselves which will also be taken up this evening.

#R042C-2010 Salary Reductions – Mayor and Council

#R 042C -2010  
R E S O L U T I O N

WHEREAS, the Mayor and Common Council of the Town of Hammonton, by Ordinance # 21-2005 fixed a salary range for the employment of certain Town Officials of the Town of Hammonton, County of Atlantic, New Jersey; and

WHEREAS, said ordinance provides that the amount to be paid to such official or employee within the salary range shall be fixed from time to time by Resolution of the Mayor and Council; and

WHEREAS, the time of service of any employee shall be computed as commencing in January of the year when the employee was hired.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton, Atlantic County, New Jersey as follows:

<b>Employee</b>	<b>Classification</b>	<b>Salary</b>
Stephen DiDonato	Mayor	6,000
Jerome Barberio	Councilman	5,000
James Bertino	Councilman	5,000
Thomas Gribbin	Councilman	5,000
Jeanne S. Lewis	Councilwoman	5,000
Michael Pullia	Councilman	5,000
Sam Rodio	Councilman	5,000

AND BE IT FURTHER RESOLVED that said salary shall be in place effective 1/1/10.

Motion by Councilperson Pullia, seconded by Councilperson Bertino, the resolution be adopted.

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ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Gribbin - Y

Lewis - Y

Pullia - Y

Rodio - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Authorize Deputy Clerk to Submit Voluntary/Mandatory Furloughs and Layoff Plans to Civil Service

Motion by Councilperson Barberio, seconded by Councilperson Rodio, authorize the Deputy Clerk to forward proposed voluntary furlough plan, mandatory furlough plan and lay off plan to Civil Service.

Councilman Rodio stated for the record that Mayor and Council do not take the layoffs lightly. Its been a tough decision for all of us and he wants the public and the employees to realize this.

Mayor DiDonato stated he is optimistic that employee negotiations will resolve this issue and the lay offs will be retracted.

TOWN COUNCIL ROLL CALL:

Councilpersons:

Barberio - Y

Bertino - Y

Gribbin - Y

Lewis - Y

Pullia - Y

Rodio - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

PUBLIC HEARD

Sam Ciralo

Mr. Ciralo stated there are \$207,000 in back taxes owed by the applicant of the proposed development discussed earlier this evening. He does not feel its fair that Mayor and Council are laying off employees when there are outstanding taxes due in addition to a pending tax abatement approval for this development.

Solicitor advised the anticipated settlement of the lawsuit will result in the collection of the \$207,000 in taxes owed to the Town. Further, the tax abatement for the proposed development is mandated by the court in a proposed settlement. However, the Town of Hammonton has participated in many previous tax abatements that have resulted in businesses such as Kramer Beverage and NJ Manufacturers development in Hammonton.

Councilman Rodio advised that Hammonton must participate in some type of tax abatement program as other town's offer this as well. In the past we have lost businesses due to not having a tax abatement program. In the long run, the town benefits from this type of program in that new businesses will develop here in Hammonton bringing in a much needed tax rate at the conclusion of the abatement program.



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Councilman Bertino advised that the original tax abatement program was copied from Winslow Townships program and there are several municipalities that offer a tax abatement in an effort to bring businesses to their municipality.

Councilman Pullia advised that the current tax abatement program ends 12/31/10 and he believes any new tax abatement program adopted by council should exclude residential units. He realizes with Mr. Bee's development the Town is in litigation and cannot retract the offer of a tax abatement for this project.

CLOSE PUBLIC HEARD

Motion by Councilperson Lewis, seconded by Councilperson Barberio, public heard portion be closed. Motion carried.

NEW BUSINESS

Ordinance #006-2010 Amend Chapter 241 Solid Waste

Ordinance # 006-2010  
ORDINANCE AMENDING THE CODE OF THE  
TOWN OF HAMMONTON CHAPTER 241,  
SOLID WASTE, SECTION 241-19, AND SECTION 241-20

BE IT ORDAINED by the Mayor and Council of the Town of Hammonton in the County of Atlantic, New Jersey, that the Code of the Town of Hammonton, County of Atlantic, New Jersey, Chapter 241 is hereby amended as follows:

**Section 241-19(B) is hereby deleted and the following language is hereby inserted in its place and stead:**

241-19 (B) The Town of Hammonton shall not be responsible for the disposal of trade waste, construction debris, hazardous waste, or waste related to the transfer of ownership of a residential property or the change of occupancy by a residential tenant thereof. It shall be the responsibility of the property owner and/or tenant to arrange, in those circumstances, for a solid waste collection contractor to remove the aforescribed waste. The fine for failure to comply with the provisions of this subsection shall be the sum of seventy-five dollars (\$75.00), and shall be payable through the violations bureau of the Hammonton Municipal Court without the necessity of a Court appearance.

**BE IT FURTHER ORDAINED** by the Mayor and Council of the Town of Hammonton in the County of Atlantic, New Jersey, that the Code of the Town of Hammonton, County of Atlantic, New Jersey, **Chapter 241-20A (8)** is hereby deleted and the following language is hereby inserted in its place and stead:

**241-20A (8)** Brush shall only be placed for collection in a single pile not exceeding four (4) feet in height, six (6) feet in length, and six (6) feet in width. The fine for failure to comply with the provisions of this subsection shall be the sum of seventy-five dollars (\$75.00), and shall be payable through the violations bureau of the Hammonton Municipal Court without the necessity of a Court appearance.

**BE IT FURTHER ORDAINED** by the Mayor and Council of the Town of Hammonton in the County of Atlantic, New Jersey, that the Code of the Town of Hammonton, County of Atlantic, New Jersey, Chapter **241-20A (11)** is hereby deleted and the following language is hereby inserted in its place and stead:

**241-20A (11)** Bulk items,(as defined in this Chapter), shall not be collected with the regular weekly collection but may be collected in accordance with a schedule as determined by the Overseer of Highways for the Town of Hammonton. The Town reserves the right to refuse collection of bulk materials which, in its opinion, are

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excessively heavy or cumbersome including, but not limited to, motor engine blocks, automobile bodies or portions thereof, truck bodies or parts, carpets and other similar materials. No refrigerators shall be placed for collection unless and until the door of the refrigerator and/or freezer has been completely removed from the hinges and the lock has been rendered inoperable. In no event shall any person or entity cause to be placed for collection any item in violation of this subsection, nor shall any person or entity cause to be placed for collection in excess of three (3) bulky items for any single collection. The fine for failure to comply with the provisions of this subsection shall be the sum of seventy-five dollars (\$75.00), and shall be payable through the violations bureau of the Hammonton Municipal Court without the necessity of a Court appearance.

Any Ordinance or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

This Ordinance shall take effect immediately upon due passage and publication according to law.

Motion by Councilperson Gribbin, seconded by Councilperson Rodio, the ordinance be taken up for first reading, pass first reading and be given legal publication.

Councilman Rodio addressed the public on the proposed changes to the solid waste ordinance being introduced this evening and asked for their cooperation in adhering to same.

TOWN COUNCIL ROLL CALL:

Councilpersons:

Barberio - Y

Bertino - Y

Gribbin - Y

Lewis - Y

Pullia - Y

Rodio - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

AUTHORIZE MAYOR EXECUTE CONTRACT-SKINNER

Motion by Councilperson Barberio, seconded by Councilperson Lewis, authorize Mayor to execute Skinner Contract.

TOWN COUNCIL ROLL CALL:

Councilpersons:

Barberio - Y

Bertino - Y

Gribbin - Y

Lewis - Y

Pullia - Y

Rodio - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

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APPROVE SOLID WASTE AGREEMENT-ACUA

Motion by Councilperson Rodio, seconded by Councilperson Barberio, authorize solid waste agreement with ACUA.

Councilman Bertino questioned will this agreement lock the Town into the rate for 3 years?

Solicitor responded, yes.

TOWN COUNCIL ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Gribbin - Y

Lewis - Y

Pullia - Y

Rodio - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

MEETING ADJOURNED

Motion by Councilperson Bertino, seconded by Councilperson Gribbin, the meeting be adjourned.  
Motion carried.

Minutes recorded by April Boyer Maimone, Assistant Clerk