

Minutes Regular Meeting of Mayor and Council –June 22, 2015  
Town Hall Council Chambers, 100 Central Avenue  
Executive Session 6:00 P.M.  
Public Session 7:00 P.M.

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilman:

Furgione - Present

Gribbin - Present

Pullia - Present

Rodio – Present

Torrissi - Present

Wuillermin – Present

Mayor DiDonato - Present

PRESENT ALSO

Brian Howell, Town Solicitor

Jerry Barberio, PWM/Business Administrator

Executive Session #R069-2015

#R069-2015

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. Gulig
2. COAH Expert
3. US Attorney – Tax Sale Prosecution
4. Aerobatic Box/Taildraggers Event
5. Fire Co. #2
6. Hammonton Hangars
7. Distillery
8. Tax Appeals
9. Towing Ordinance
10. Litigation Matters
11. Vine Street Property

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 Gribbin, seconded by Councilperson Torrissi, the resolution is adopted.

ROLL CALL

Councilman:

Furgione - Yes

Gribbin - Yes

Pullia - Yes

Rodio – Yes

Torrissi - Yes

Wuillermin - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

RESUME REGULAR MEETING-ROLL CALL

Councilman:

Furgione - Present

Gribbin - Present

Pullia - Present

Rodio – Present

Torrissi - Present

Wuillermin - Present

Mayor DiDonato - Present

PRESENT ALSO

Brian Howell, Town Solicitor

Bob Vettese of ARH, Town Engineer

Jerry Barberio, PWM/Business Administrator

PUBLIC NOTICE

Notice of this meeting has been posted and given to official newspapers. Please familiarize yourselves with the fire exits to the right and rear of the Council Chambers. Please do not proceed beyond the front benches without invitation from the Mayor to do so. Also, each person who wishes to address Council will be allotted 5 minutes.

PLEDGE OF ALLEGIANCE

DISPENSE WITH REGULAR ORDER OF BUSINESS

OATH OF OFFICE – Officer Brandan Campbell

Lieutenant Fiorentino – National Night Out Presentation

Welcome and Congratulate Miss New Jersey – Lindsey Giannini

Mr. John Runfalo - Sesquicentennial Presentation

Pinelands Preservation Alliance Presentation

Introduction of Mr. Hershey Alter – Hammonton Center

PUBLIC HEARD FOR AGENDA ACTION ITEMS

No one desired to be heard.

APPROVAL OF MINUTES

Executive Session – May 18, 2015

Regular Meeting – May 18, 2015

Special Meeting – June 8, 2015

Motion by Councilperson Furgione, seconded by Councilperson Gribbin, the minutes are approved.

ROLL CALL

Councilman:

Furgione - Yes

Gribbin - Yes

Pullia - Yes

Rodio – Yes  
Torrissi - Yes  
Wuillermin - Yes  
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Hearing Person/Person Transfer Liquor License Parker to Lucca

No one desired to be heard.

#R070-2015 Approve Person/Person Transfer Liquor License

#R070-2015

A RESOLUTION AUTHORIZING THE PERSON TO PERSON TRANSFER OF LIQUOR LICENSE

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License 0113-33-028-005;

WHEREAS, the submitted application form is complete in all respects, transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, a police background check has revealed the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Town of Hammonton does hereby approve the transfer of the aforesaid Plenary Retail Consumption License to Lynne Lucca, and does hereby direct the Town Clerk to endorse the license certificate to the new ownership as follows: "this license, subject to all its terms and conditions, is hereby transferred to Lynne Lucca effective June 23, 2015.

Motion by Councilperson Gribbin, seconded by Councilperson Torrissi, the resolution is adopted.

ROLL CALL

Councilman:  
Furgione - Yes  
Gribbin - Yes  
Pullia - Yes  
Rodio – Yes  
Torrissi - Yes  
Wuillermin - Yes  
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Hearing Bond Ordinance #009-2015 Road Improvements

Ordinance #009-2015

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF ROADS IN  
AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC,

NEW JERSEY, APPROPRIATING \$350,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$332,500 BONDS OR NOTES OF THE  
TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$350,000, including the sum of \$17,500 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$332,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the milling, paving, curbing, surveying and engineering to achieve optimal drainage on Lakeview Drive, Moss Mill Road, Walmer Street, Park Avenue, Egg Harbor Road, 9th Street, 1st Road, 2nd Road, Grand Street, Old Forks Road and any other streets or roads that may require restoration, including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the

Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$332,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$70,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the notes. The Chief Financial Officer is hereby authorized to act on behalf of the Town to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Motion by Councilperson Torrissi, seconded by Councilperson Gribbin, the ordinance is taken up for second reading and public hearing. Motion carried.

No one desired to be heard.

Motion by Councilperson Torrissi, seconded by Councilperson Gribbin, the hearing is closed, the ordinance is passed second reading and adopted.

#### ROLL CALL

Councilman:  
Furgione - Yes  
Gribbin - Yes  
Pullia - Yes  
Rodio - Yes  
Torrissi - Yes

Wuillermin - Yes  
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

COMMITTEE REPORTS

Administration - Councilman Gribbin

Report on action items under Administration Committee  
Congratulate Tomasello's Winery Grand Opening  
Thank you Main Street Food Truck Committee  
Thank you Tri Veterans Memorial Day Parade  
Challenge Triathlon this Sunday – no roadway closings

Business & Industry- Councilman Furgione

No action items for this evening  
Thanked Police Chief and all Officers and Scott Rivera and all PWD involved in Food Truck Event  
Blueberry Festival this Sunday  
Third Thursday Reminder  
Welcomed new businesses  
Wished residents Happy 16<sup>th</sup> of July

Education - Councilman Torrissi

Report on Hammonton Middle School Construction  
Hammonton / St. Joe Football Games  
Report on fuel service for the Town of Hammonton

Quality of Life - Councilman Pullia

Thanked Town Food and Liquor for commitment to Hammonton in building renovations  
Green Acres Funding – Expansion of Lake Park \$550,000 Award

Motion by Councilperson Pullia, seconded by Councilperson Furgione, authorize Mayor to sign necessary letters/documents to government agencies for funding of expansion of lake park.

ROLL CALL

Councilman:  
Furgione - Yes  
Gribbin - Yes  
Pullia - Yes  
Rodio – Yes  
Torrissi - Yes  
Wuillermin - Yes  
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Quality of Life Report continued

Joint Meeting – Hammonton Lake Park  
Report on Cancer Bikathon

Public Works & Transportation- Councilman Rodio

Defer action item to Engineer Report  
Update on Pratt Street storm drain work and paving

Water & Sewer – Councilman Wuillermin

Defer action item to Engineer Report

Update on Lincoln Avenue Project

Update on Boyer Avenue Project

ENGINEER REPORT

SEWER AND WATER ACTION ITEMS:

**1. Valley Avenue Utility Replacement (ARH #11-30159):**

Plans & specification were previously submitted to all permit agencies as well as NJEIT. The following is a status of all submissions:

- Cape Atlantic Soil Conservation – Approval Received
- Treatment Works Approval – Deemed Administratively Complete, awaiting review comments
- Bureau of Water System Engineering – Awaiting to hear administratively complete/comments
- Atlantic County – Awaiting comments

As authorized by Council, we received price quotes for the cleaning and video of a portion of the Valley Avenue sanitary sewer trunk line extending between Bellevue Avenue to Winding Way. A summary of the price quotes received are as follows:

- Root 24 Hours, Inc. - \$28,375.00
- Video Pipe Services, Inc. - \$29,845.00

There has been an objection to the price quote submitted by Root 24 Hours Inc. which the Town Solicitor is investigating.

Motion by Councilperson Wuillermin, seconded by Councilperson Rodio, authorize purchase order to Root 24 Hours Inc. in the amount of \$28,375.00 subject to the following conditions:

1. Review and approval of the bids documents by the Town Solicitor.
2. Resolution of the objection raised by Video Pipe Services Inc.
3. Certification of funding availability for the project by the Town's Financial Officer.

ROLL CALL

Councilman:

Furgione - Yes

Gribbin - Yes

Pullia - Yes

Rodio – Yes

Torrissi - Yes

Wuillermin - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

**2. Akshar Properties, LLC (ARH #11-12043):**

At the request of the owner, the Quality of Life Committee (Q of L) conducted an on-site inspection for performance bond release consideration on Saturday, June 6<sup>th</sup>. There were a few minor adjustments to the site improvements from the design plans, but the adjustments appeared to make the site better.

Motion by Councilperson Pullia, seconded by Councilperson Furgione, release project Performance Bond (Letter of Credit #10014265044) dated 11/13/14, posted by Susquehanna Bank subject to the following conditions:

1. A project maintenance bond (letter of credit) be posted with the Town in an amount equal to (\$3,337.82).  
The form of the guarantee must be approved by the Town Solicitor and Risk Manager.
2. That all bills must be satisfied.
3. The maintenance bond will remain in effect for a period of two (2) years at which time a subsequent inspection by the Quality of Life Committee will be conducted at the request of the applicant.  
Appropriate fees must be posted at the time with the Town to cover the cost of inspection and reports to Council.
4. The following items are not mandatory, but are suggestions for the applicant to consider at this time.
  - Cut the overgrown grass in the rear of the building.
  - Consider removing the existing grass in the rear of the building and replacing this area with river rock similar to that presently used on-site.
  - Paint the existing rear and side walls of the old structure to match the new addition.

ROLL CALL

Councilman:

Furgione - Yes

Deputy Mayor Gribbin - Yes

Pullia - Yes

Rodio – Yes

Torrissi - Yes

Wuillermin - Yes

Mayor DiDonato – Recused

Deputy Mayor Gribbin declared the motion carried.

SOLICITOR REPORT

#R079-2015 Redevelopment Resolution

RESOLUTION #R079-2015

RESOLUTION DETERMINING THAT THE PREMISES IDENTIFIED ON THE MUNICIPAL TAX MAP AS BLOCK 3502, LOTS 1 & 2 AND BLOCK 3607, LOTS 2 & 3 CONSTITUTES A REDEVELOPMENT AREA AS SPECIFIED IN N.J.S.A. 40A:12A-6b(5)(b)

WHEREAS, Mayor and Council approved Resolution R42A-2015 authorizing the Planning Board to conduct an investigation to determine, pursuant to N.J.S.A. 40A:12A-6, whether the area in question (comprised of Block 3502, Lots 1 and 2 and Block 3607, Lots 2 and 3) is an area in need of redevelopment without the municipality's use of its eminent domain power; and

WHEREAS, the Planning Board at its meeting of May 6, 2015 conducted a hearing, the result of which was that the area in question be determined by the municipal governing body to be a redevelopment area; and

WHEREAS, following receipt of the Planning Board's recommendation, Mayor and Council are to determine whether to adopt or reject that recommendation; and

WHEREAS, Mayor and Council have given careful consideration to the Planning Board's recommendation.

NOW THEREFORE IT IS ON THIS 22nd DAY OF June, 2015 resolved that:

1. The property referenced above (Block 3502, Lots 1 and 2 and Block 3607, Lots 2 and 3 on the Town of Hammonton Tax Map) is a redevelopment area; and



2. The Municipal Clerk is hereby directed to forward a copy of this Resolution to the Commissioner of Community Affairs for his/her review and to take any other action required by the statute in question.

Motion by Councilman Pullia, seconded by Councilman Furgione, the resolution is adopted.

ROLL CALL

Councilman:

Furgione - Yes

Gribbin – Recused

Pullia - Yes

Rodio – Yes

Torrissi - Recused

Wuillermin - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

#R070B-2015 COAH Expert

#R070B-2015

Whereas, the Town of Hammonton has filed or anticipates filing a Declaratory Judgement Action in the Superior Court of New Jersey, Atlantic County, in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

Whereas, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

Whereas, the Town of Hammonton desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. Seq.; and

Whereas, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

Whereas, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

Whereas, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

Whereas, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share

Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

Whereas, a Municipal Shared Services Defense Agreement (hereinafter MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

Whereas, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000.00 fee; and

Whereas, notwithstanding the foregoing, it is possible that the MSSDA may be need to be changed as a results of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

Whereas, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

Now, Therefore, Be it resolved, by the Mayor and Council of the Town of Hammonton as follows:

1. the terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Town of Hammonton for Rutgers through Dr. Robert Burchell, Principal Investigator prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Town of Hammonton and is appended hereto.
4. The Mayor be and is hereby authorized to executive the aforesaid MSSDA to memorialize the participation of the Town of Hammonton in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Town of Hammonton hereby authorized Jeffrey R. Surenian, Esq. To execute on behalf of the Town of Hammonton the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Town of Hammonton will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

Motion by Councilman Wuillermin, seconded by Councilman Gribbin, authorize Town of Hammonton to join other Municipalities in hiring of COAH Expert to review laws in an amount of \$ 2,000.00.

ROLL CALL

Councilman:  
Furgione - Yes  
Gribbin - Yes  
Pullia - Yes

Rodio – Yes  
Torrissi - Yes  
Wuillermin - Yes  
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

New Jersey Transit

PULTE Lots

Hammonton Hangars

PEG Bandwidth

Cell Towers

Cedar Branch Stream/White Horse Pike Easement

Distillery Update

Town Parking Lot (Councilman Pullia Recused on this report and discussion)

Address Absences Boards, Commissions and Committees – Refer to Administration Committee

Property Third & 14<sup>th</sup> Street (Open Space)

MAYOR REPORT

Mayor's Appointment(s) – Historic Preservation Commission

Accept resignation Kristin Keating Class C Member

Appoint Lori Orsi Alternate 1

PWM/BUSINESS ADMINISTRATOR REPORT

Property Abandon Law

Mayor DiDonato referred to committee (Councilmen Gribbin, Rodio, Furgione) for review of proposed ordinance.

Report on Status of CFMP and Lake Quality Intern

Report on COAH/NJMMA Meeting

Motion by Councilman Wuillermin, seconded by Councilman Rodio, authorize the Town Solicitor to file a declaration judgement action to preserve the Town of Hammonton's immunity rights under the affordable housing law.

ROLL CALL

Councilman:

Furgione - Yes

Gribbin - Yes

Pullia - Yes

Rodio – Yes

Torrissi - Yes

Wuillermin - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Public Works Report

July 16 bid opening for paving various roadways

July 3 holiday trash will be picked up Friday as normal

Bulky pickup July 6-10

Brush pickup July 13-17

All way stop sign Grape St. approved

Recreation Report

TOWN CLERK REPORT

1. Accept declination of job offer Keyboard Clerk 1 Municipal Court-Kelly Batezel
2. Authorize Clerk advertise Special Meeting July 13, 2015, 7:00 p.m.

Motion by Councilperson Gribbin, seconded by Councilperson Torrissi, Town Clerk Report items 1 and 2 are approved.

ROLL CALL

Councilman:

Furgione - Yes

Gribbin - Yes

Pullia - Yes

Rodio – Yes

Torrissi - Yes

Wuillermin - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

APPROVE BILL LIST & PURCHASE ORDERS

Motion by Councilperson Gribbin, seconded by Councilperson Torrissi, June bill list and purchase orders are approved.

ROLL CALL

Councilman:

Furgione - Yes

Gribbin - Yes

Pullia - Yes

Rodio – Yes

Torrissi - Yes

Wuillermin - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

NEW BUSINESS

#R070A-2015 Amend Capital Budget

**WHEREAS**, the local capital budget for the year 2015 was adopted on the 18th day of May, 2015; and

**WHEREAS**, it is desired to amend said adopted capital budget;

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Town of Hammonton, County of Atlantic, that the following modification to the adopted capital budget of the Town of Hammonton be made:

General Capital Fund

	<i>Original</i>	<i>Debt</i>	<i>Capital Improvement</i>
<u>Purpose</u>	<u>Total</u>	<u>Authorized</u>	<u>Fund</u>
Acquisition of Hanger at Airport	<u>\$ 1,200,000.00</u>	<u>\$ 1,140,000.00</u>	<u>\$ 60,000.00</u>

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services.

Motion by Councilperson Rodio, seconded by Councilperson Pullia, the resolution is adopted.

ROLL CALL

Councilman:

Furgione - Yes

Gribbin - Yes

Pullia - Yes

Rodio – Yes

Torrissi - Yes

Wuillermin - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Introduction Bond Ordinance #010-2015 Airport Hangar Project

Ordinance #010-2015

ORDINANCE PROVIDING FOR THE ACQUISITION OF AN AIRPLANE/HELICOPTER HANGAR LOCATED AT THE HAMMONTON AIRPORT IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$1,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,140,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,200,000, including the sum of \$60,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,140,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of an airplane/helicopter hangar located at the Hammonton Airport, including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be

in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,140,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$240,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the notes. The Chief Financial Officer is hereby authorized to act on behalf of the Town to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations

issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Motion by Councilperson Rodio, seconded by Councilperson Torrissi, the ordinance is taken up and passed first reading and given legal publication.

#### ROLL CALL

Councilman:

Furgione - Yes

Gribbin - Yes

Pullia - Yes

Rodio – Yes

Torrissi - Yes

Wuillermin - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

#### RESOLUTIONS

#R071-2015 Accept Grant Click it or Ticket

#R 71-2015

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Town has received notice of a grant award in the amount of **\$4,000.00 from The State of New Jersey for Click It or Ticket 2015 Seat Belt Mobilization**, and wishes to amend its Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Hammonton hereby requests that the Director of the Division of Local Government Services approve the insertion of an item of revenue in the **2015 Budget in the sum of \$4,000.00** which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

**2015 Click It or Ticket Seat Belt Mobilization**

BE IT FURTHER RESOLVED, that the Town Clerk forward a certified copy of this resolution to the Director of Local Government Services.

#R072-2015 Accept Grant Clean Community

#R 072-2015

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Town has received notice from the State of New Jersey for **the 2015 Clean Communities Grant in the amount of \$37,215.88**, and wishes to amend its Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Hammonton hereby requests that the Director of the Division of Local Government Services approve the insertion of an item of revenue in the **2015 Budget in the sum of \$37,215.88**, which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

**2015 Clean Communities Grant**

BE IT FURTHER RESOLVED, that the Town Clerk forward a certified copy of this resolution to the Director of Local Government Services.

#R073-2015 Authorize Dedication by Rider Account Curbs/Sidewalks Contributions

RESOLUTION # 073-2015

A RESOLUTION REQUESTING PERMISSION FOR THE  
DEDICATION BY RIDER FOR CURBS/SIDEWALKS CONTRIBUTIONS

**WHEREAS**, The Town of Hammonton, County of Atlantic, in order to install curbs/sidewalks in such locations as deemed most beneficial to the residents of the Town, has provided by ordinance to receive contributions from the applicant/developer where the Planning Board or Zoning Board has determined that curbs and sidewalks are not warranted or practical for installation at the present time; and

**WHEREAS**, it is the desire and intent of the governing body to dedicate these contributions for installation of curbs/sidewalks in such locations as deemed most beneficial to the residents of the Town and account for such funds in a Trust Fund to be designated as the Curb/Sidewalk Assessment Fund, and

**WHEREAS**, it is necessary to petition the approval of the Director of the Division of Local Government Services to include these funds as a "Dedication by Rider" in accordance with N.J.S.A. 40A:4-39,



**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Town of Hammonton, in the County of Atlantic, State of New Jersey as follows:

1. The Town Governing Body hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Curb/Sidewalk Installation as per N.J.S.A. 40A:4-39,
2. The Town Clerk of the Town of Hammonton is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services for consideration and approval.

#R074-2015 Approve Carnival Licenses

#R075-2015 Award Bid Airport Obstruction Removal

RESOLUTION #075-2015  
RESOLUTION AWARDING BID FOR  
HAMMONTON MUNICIPAL AIRPORT  
OBSTRUCTION REMOVAL

WHEREAS, the Town of Hammonton received bids for the Hammonton Municipal Airport Obstruction Removal on July 1, 2014 in accordance with the provisions of the New Jersey Local Public Contracts Law; and

WHEREAS, the following bids were received:

C & H Disposal Services Inc., Elmer, N.J.	\$286,553.86
Downes Tree Service Inc., Hawthorne, N.J.	\$402,650.00
Don Rogers Inc., Bridgeton, N.J.	\$435,560.00

WHEREAS, the low bid was determined to be received from C&H Disposal Services Inc.; and

WHEREAS, the low bidder agreed to extension of time on award of bid;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY THAT the bid for Hammonton Municipal Airport Obstruction Removal is awarded to C&H Disposal Services Inc. in the amount of \$286,553.86 contingent upon approval of New Jersey Pinelands Commission.

BE IT FURTHER RESOLVED the award of bid is contingent upon the continued consent of the low bidder on extension of time pending New Jersey Pinelands Approval.

#R076-2015 Reject Bids Trash Removal Services

RESOLUTION #R076-2015  
REJECTING BIDS FOR TRASH REMOVAL SERVICE  
DUE TO BIDS BEING IN EXCESS OF BUDGETED AMOUNT

WHEREAS, the Town of Hammonton ("Town") solicited bids for trash removal services; and

WHEREAS, bids were received on June 10, 2015 as follows:

Bidder	Year One	Year Two	Year Three
Gold Medal	\$733,000.00	\$747,000.00	\$763,000.00
SJ Sanitation	\$574,500.00	\$585,300.00	\$596,100.00

Waste Mgt            \$549,900.00                            \$563,640.00                            \$577,728.00

WHEREAS, all bids were in excess of the Town of Hammonton's Budgeted Amount for trash removal services.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, that all bids received on June 10, 2015 for trash removal services are rejected.

#R077-2015 Tax Resolution

#R077-2015

WHEREAS, Rosemarie Jacobs, Tax Collector, has approved and made amendments to utility and/or tax accounts as follows:

B&L	NAME	ADDRESS	AMOUNT	ACCT	REASON	PER
2903-1	Contes	102 Grape	911.49	Tax	Refund Corelogic	Rosie
1302-8	Mortellite	564 11th St	1,525.33	Tax	Refund Landis Title	Rosie
3801-35.02	Mc Laughlin	120 Batchelor Ln	3,130.39	Tax	Refund Corelogic	Rosie

WHEREAS, if any above referenced are not approved by Mayor and Council, a retraction will take place.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Hammonton that the Tax Collector's actions are approved.

#R078-2015 Special Emergency Appropriation – Tax Appeals

#R078-2015

**TOWN OF HAMMONTON**

WHEREAS, an emergency has arisen with respect to a **State of New Jersey Tax Court Judgment for Tax Appeals granted for the years 2012, 2013 and 2014** and no adequate provision was made in the 2015 Budget for the aforesaid purpose, and N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of the emergency appropriation created including the appropriation to be created by this resolution is **\$343,991.00** and three (3) percent of the total operations in the budget for the year 2015 is \$371,897.92.

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations including utility operation appropriations in the budget for 2015.

**NOW, THEREFORE, BE IT RESOLVED** (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-49, petition be made to the Director of Local Government Services for permission to exceed the statutory limitation of 3 percent for the creation of an appropriation for the purpose set forth in the preamble in accordance with the following:

1. An emergency appropriation is here by made for **CURRENT FUND**: Reserve for Tax Appeals in the amount of **\$343,991.00**.
2. That said emergency appropriation shall be provided in full in the 2016 Current Fund Budget.
3. That an Emergency Note not in excess of the above amount be authorized pursuant to NJSA 40A:4-51.
4. That such note shall be executed by Robert E. Scharlé, Chief Financial Officer.
5. That such note shall be dated September 15, 2015, and shall be payable no later than one year from issuance.

6. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Motion by Councilperson Gribbin, seconded by Councilperson Rodio, resolutions 71-78 are adopted.

ROLL CALL

Councilman:

Furgione - Yes

Gribbin - Yes

Pullia - Yes

Rodio – Yes

Torrissi - Yes

Wuillermin - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

PUBLIC HEARD

Fred Melendez – Old Forks Road

Mr. Melendez spoke in favor of hiring Police Officers that speak Spanish in light of the ever increasing Hispanic Community in Hammonton.

Mr. Barberio, PWM/BA, advised that hiring of Police Officers is regulated by NJ CSC. Hammonton must hire one of the top three from a Certification of Eligibles list provided by civil service. The list includes applicants who have successfully passed the Police Officer exam given by NJ CSC. The Town of Hammonton does have Spanish speaking officers and employees and encourages this through an education stipend in contracts. He encouraged more Spanish speaking individuals to make application for the Police Officer exam at NJ CSC.

Mayor DiDonato requested Chief Jones or a representative of the Police Department to attend the next Regular Meeting of Council.

Joseph Flood – Franklinville, NJ

Mr. Flood made a complaint that the Fixed Base Operator would not allow him to get gas for his airplane at the Hammonton Airport.

After a discussion of Mayor and Council, Solicitor, PWM/BA and Mr. Flood, it was determined that Mr. Flood did indeed receive a gas fill up for his airplane and that this complaint would be fully investigated.

Mayor wished everyone Happy July 4<sup>th</sup>.

Mayor also thanked Lisa Raso of the Golden Feather for the presentation of the Key to the City presented to Miss New Jersey this evening. He also thanked his wife Debra.

MEETING ADJOURNED

Motion by Councilperson Gribbin, seconded by Councilperson Torrissi, the meeting is adjourned.  
Motion carried.

April Boyer Maimone, Clerk