

Minutes Regular Meeting of Mayor and Council – April 22, 2013
Town Hall Council Chambers, 100 Central Avenue
Executive Session 6:00 P.M.
Public Session 7:00 P.M.
Agendas & Minutes can be viewed at www.townofhammonton.org

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilpersons:
Bachalis - Present
Carpo - Present
Esposito - Present
Furgione - Present
Pullia - Present
Rodio - Present
Mayor DiDonato - Present

PRESENT ALSO

Brian Howell, Town Solicitor
Jerry Barberio, PWM/Business Administrator

#R042-2013 Executive Session

#R042-2013

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. Potential Reduction of Hours – Tax Collector Office Clerical Staff
2. COAH – Status of Litigation-Requested Amendment of Settlement Agreement
3. Main Road Apartments
4. Tax Appeals
5. Raso vs. Town of Hammonton
6. Route 54 Bond Claim (05-15 Meeting)
7. Travelers Insurance Company Paving Claim
8. Solar Agreement Amendments
9. Water Rates: Verification of Corrected Leak
10. 2004 Subpoena
11. Revaluation
12. ADA Compliance
13. Getty Litigation
14. Zoning Board Testimony
15. Update Sick Leave of Absence Radio Department Employee

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 Rodio, seconded by Councilperson Bachalis, the resolution to enter into executive session is adopted.

ROLL CALL

Councilpersons:
Bachalis - Yes
Carpo - Yes
Esposito - Yes

Furgione - Yes
Pullia - Yes
Rodio - Yes
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

RESUME REGULAR MEETING-ROLL CALL

Councilpersons:
Bachalis - Present
Carpo - Present
Esposito - Present
Furgione - Present
Pullia - Present
Rodio - 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.

PLEDGE OF ALLEGIANCE

PUBLIC HEARD FOR AGENDA ACTION ITEMS

Ken Comuso – Plymouth Road

Mr. Comuso questioned the accuracy of the wording of the ordinance that increased water rates compared to the inclusion of the excess water billing that appeared on his utility bill?

Mr. Brian Howell, Town Solicitor, advised Mr. Comuso that the wording and the billing are both correct.

APPROVAL OF MINUTES

Executive Session – March 18, 2013
Regular Meeting – March 18, 2013

Motion by Councilperson Esposito, seconded by Councilperson Rodio, the minutes are approved as recorded by the Clerk.

ROLL CALL

Councilpersons:
Bachalis - Yes
Carpo - Yes
Esposito - Yes
Furgione - Yes
Pullia - Yes
Rodio - Yes
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

1. Mayor DiDonato, Budget Presentation

Mayor DiDonato gave a power point budget presentation which included charts depicting large increases to pensions and benefits and large reductions in financial aid for each year beginning with 2006 to present. Mayor DiDonato also reviewed percentage of tax distribution to Municipality, County and School District. He advised that the budget presented this evening proposes a 4.9 cent tax increase. He displayed a graph to show the public what a penny increase each budget year would have cost the taxpayers per year over the last several years in comparison to what the increase in 2012 and the proposed increase in 2013 will actually cost the taxpayers, which results in a much lower overall annual increase. He then turned the budget presentation over to Rob Scharle, CFO.

Mr. Rob Scharle, CFO, reviewed the proposed 2013 Municipal Budget in detail for Mayor and Council and the public. He advised the public on the two percent tax cap. He then advised the public on the two percent appropriations cap. He advised on the proposed cap ordinance for Mayor and Council's consideration this evening. He also stated that he believes in replenishing surplus used in prior years.

Mayor DiDonato re-iterated that our budget is balanced and we are generating the same amount of surplus that we are using.

Mayor and Council posed questions to which Mr. Scharle responded.

A discussion of Mayor and Council was held concerning options to fund the Landfill Lawsuit Settlement. A discussion was also held concerning the amount budgeted to Utilities.

Mr. Scharle advised that increasing the General Budget in the amount of the Landfill Lawsuit Settlement would have negative ramifications.

2. Ordinance #009-2013 (First Reading) Authorize Exceedence Municipal Budget Appropriation Limits

Ordinance #009-2013
TOWN OF HAMMONTON
COUNTY OF ATLANTIC
CALENDAR YEAR 2013
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Town Council of the Town of Hammonton in the County of Atlantic finds it advisable to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Town Council hereby determines that a 1.5% increase in the budget for said year, amounting to \$133,833.09 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Hammonton, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Town of Hammonton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$312,277.22, and that the CY 2013 municipal budget for the Town of Hammonton be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion by Councilperson Furgione, seconded by Councilperson Bachalis, Ordinance 9 is taken up for and passed first reading and given legal publication.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - No

Furgione - Yes

Pullia - Yes

Rodio - No

Mayor DiDonato – No

Mayor DiDonato declared the motion carried.

3. #R055-2013 Self Examination of Budget

Resolution #055-2013
TOWN OF HAMMONTON
SELF-EXAMINATION OF BUDGET RESOLUTION
[as required by DCA]

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Town of Hammonton has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2013 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Town of Hammonton that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth,
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget has been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Motion by Councilperson Esposito, seconded by Councilperson Rodio, resolution 55 is adopted.

ROLL CALL

Councilpersons:
 Bachalis - Yes
 Carpo - Yes
 Esposito - Yes
 Furgione - Yes
 Pullia - Yes
 Rodio - Yes
 Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

4. #R056-2013 Introduce 2013 Municipal Budget

Ordinance #056-2013
 TOWN OF HAMMONTON
 RESOLUTION TO INTRODUCE THE 2013 MUNICIPAL BUDGET

BE IT RESOLVED, that the following statement of revenues and appropriations shall constitute the Local Municipal Budget for the year 2013;

BE IT FURTHER RESOLVED, that the said budget be published in the Hammonton Gazette, edition of May 8, 2013 as follows:

A hearing on the budget and tax resolution will be held at the Town Hall on the 28th day of May, 2013 at 7:00 o'clock p.m., at which time and place objections to said budget and tax resolution of the Town of Hammonton for the year 2013 may be presented by taxpayers or other interested persons.

Summary of General Section of Budget

Current Fund

Municipal Purposes within "CAPS"	\$8,736,309.72
Municipal Purposes excluded from "CAPS"	1,790,449.59
Reserve for Uncollected Taxes	934,180.21
Total General Appropriations	\$11,460,939.52
Less: Anticipated Revenues	3,821,599.27
Amount to be Raised by Taxation	\$7,639,340.25

Motion by Councilperson Bachalis, seconded by Councilperson Esposito, resolution 56 is adopted.

ROLL CALL

Councilpersons:
Bachalis - Yes
Carpo - No
Esposito - Yes
Furgione - No
Pullia - No
Rodio - Yes
Mayor DiDonato – No

Mayor DiDonato declared the motion defeated.

5. Ordinance #005-2013 Hearing Amend Chapter 175 Wetlands & Forestry Mgt

ORDINANCE # 005-2013

AN ORDINANCE AMENDING CHAPTER 175, LAND USE LEGISLATION,
OF THE CODE OF THE TOWN OF HAMMONTON,
COUNTY OF ATLANTIC AND STATE OF NEW JERSEY

BE IT ORDAINED by the Common Council of the Town of Hammonton, County of Atlantic, State of New Jersey, as follows:

I. **PURPOSE:** The purpose of this Ordinance is to amend Chapter 175, Land Use Legislation, of the Code of the Town of Hammonton in response to amendments to the Pinelands Comprehensive Management Plan related to cluster development, wetlands management and forestry, effective April 6, 2009, December 1, 2009 and March 1, 2010, respectively.

II. Article II, Definitions, §175-10, Terms defined, is hereby amended by replacing or adding the following definitions:

ARTIFICIAL REGENERATION - The establishment of tree cover through direct or supplemental seeding or planting.

BEDDING – A silvicultural practice involving the preparation of land before planting in the form of small mounds so as to concentrate topsoil and elevate the root zone of seedlings above temporary standing water.

BROADCAST SCARIFICATION - A silvicultural practice involving the dragging of cut trees or other objects across a parcel to remove or reduce above-ground shrub cover, debris, leaf litter and humus without disturbance to mineral soil horizons and associated roots.

CLEARCUTTING - A silvicultural practice involving removal of an entire forest stand in one cutting for purposes of regeneration either obtained artificially, by natural seed or from advanced regeneration. Clear cutting typically results in the removal of all woody vegetation from a parcel in preparation for the establishment of new trees; however, some trees may be left on the parcel.

COPPICING - A silvicultural practice involving the production of forest stands from vegetative sprouting by the trees that are harvested (stump sprouts, root suckers, and naturally rooted layers). Coppicing typically involves short rotations with dense stands of short trees.

DISKING - A silvicultural practice involving the drawing of one or more heavy, round, concave, sharpened, freely rotating steel disks across a site for the purposes of cutting through soil and roots or cutting and turning a furrow over an area

DRUM CHOPPING - A silvicultural practice involving the drawing of a large cylindrical drum with cutting blades mounted parallel to its axis across a site to break up slash, crush scrubby vegetation prior to burning or planting or to chop up and disturb the organic turf and roots in the upper foot of soil.

FORESTRY - The planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clear cutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelter wood cut and thinning. For purposes of this Chapter, the following activities shall not be defined as forestry:

A. Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed;

- B. Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
- C. Removal of trees necessitated by the development of the parcel as otherwise authorized by this Chapter;
- D. Removal of trees necessary for the maintenance of utility or public rights-of-way;
- E. Removal or planting of trees for the personal use of the parcel owner; and
- F. Removal of trees for public safety.

FOREST STAND - A uniform group of trees of similar species, composition, size, age and similar forest structure.

GROUP SELECTION - A silvicultural practice whereby a group of trees is periodically selected to be removed from a large area so that age and size classes of the reproduction are mixed.

IMPERMEABLE SURFACE — Any surface which does not permit fluids to pass through or penetrate its pores or spaces, typically having a maximum permeability for water of 10^{-7} cm/second at the maximum anticipated hydrostatic pressure. The term "impermeable" is equivalent in meaning.

IMPERVIOUS SURFACE — Any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 - Engineering, 210-3-1 - Small Watershed Hydrology (WINTR-55) Version 1.0. Such surfaces may have varying degrees of permeability.

INDIVIDUAL SELECTION - A silvicultural practice whereby single trees are periodically selected to be removed from a large area so that age and size classes of the reproduction are mixed.

NATURAL REGENERATION - The establishment of a plant or plant age class from natural seeding, sprouting, suckering or layering.

PERMEABILITY - The rate at which water moves through a unit area of soil, rock, or other material at hydraulic gradient of one.

PINELANDS NATIVE FOREST TYPE – See N.J.A.C. 7:50-6.43.

RESOURCE MANAGEMENT SYSTEM PLAN- A plan, prepared in accordance with the United States Department of Agriculture, Natural Resources Conservation Service New Jersey Field Office Technical Guide, dated June 2005. Such plans shall prescribe needed land treatment and related conservation and natural resources management measures, including forest management practices, for the conservation, protection and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of non-point source pollution; and establish criteria for resource sustainability of soil, water, air, plants and animals.

ROOT RAKING - A silvicultural practice involving the drawing of a set of tines, mounted on the front or trailed behind a tractor, over an area to thoroughly disturb tree and vegetation roots and/or to collect stumps and slash.

SEED TREE CUT - A silvicultural practice involving the removal of old forest stand in one cutting, except for a small number of trees left singly, in small groups or narrow strips, as a source of seed for natural regeneration.

SHELTERWOOD CUT - A silvicultural practice involving the establishment of a new, essentially even-aged forest stand from release, typically in a series of cuttings, of new trees started under the old forest stand. A shelter wood cut involves the establishment of the new forest stand before the old forest stand is removed.

THINNING - A silvicultural practice involving the removal of competing trees to favor certain species, sizes and qualities of trees.

WETLANDS MANAGEMENT - The establishment of a characteristic wetland or the removal of exotic species or Phragmites from a wetland in accordance with the standards of N.J.A.C. 7:50-6.10. For purposes of this definition, exotic species are those that are not indigenous to North America.

III. Article XII, Design, Performance and Evaluation Standards, §175-104, Forestry, is hereby amended by replacing Sections 175-104B and C, in their entirety, with the following:

- B. Forestry application requirements. The information in Subsection B(1) or (2) below shall be submitted to the Town Zoning Officer prior to the issuance of any forestry permit:
- (1) For forestry activities on a parcel of land enrolled in the New Jersey Forest Stewardship Program, a copy of the approved New Jersey Forest Stewardship Plan. This document shall serve as evidence of the completion of an application with the Pinelands Commission as well as evidence that the activities are consistent with the standards of the Pinelands Comprehensive Management Plan. No certificate of filing from the Pinelands Commission shall be required.
 - (2) For all other forestry applications:
 - (a) The applicant's name and address and interest in the subject parcel;
 - (b) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;
 - (c) The description, including block and lot designation and street address, if any, of the subject parcel;
 - (d) A description of all existing uses of the subject parcel;
 - (e) A brief written statement generally describing the proposed forestry operation;
 - (f) A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject parcel, the Pinelands management area designation and the municipal zoning designation are shown;
 - (g) A forestry management plan that includes, as appropriate:
 - [1] A cover page for the plan containing:
 - [a] The name, mailing address and telephone number of the owner of the subject parcel;
 - [b] The municipality and county in which the subject parcel is located;
 - [c] The block and lot designation and street address, if any, of the subject parcel;
 - [d] The name and address of the forester who prepared the plan, if not prepared by the owner of the subject parcel; and
 - [e] The date the plan was prepared, subsequent revision dates and the period of time the plan is intended to cover;
 - [2] A clear and concise statement of the owner's objectives for undertaking the proposed forestry activities, including a description of the short- (five years) and long-term (20 years) objectives for all proposed silvicultural techniques that will be used to manage the parcel;

[3] A description of the existing conditions of the subject parcel and of each forest stand in which a proposed activity, prescription or practice will occur. These stand descriptions shall include photographs of each stand taken at eye level showing the location of all Pinelands Native Forest Types, as identified at N.J.A.C. 7:50-6.43, and shall be keyed to an activity map that shall include, as appropriate, the following information:

- [a] The number of acres;
- [b] The general condition and quality of each stand;
- [c] The overall site quality, relative to the management goals and objectives identified in Subsection (2)(g)[2] above;
- [d] An inventory and map of Pinelands Native Forest Types with Native Forest Types broken into "stands," including information on type, size and volume by species;
- [e] The age of representative trees;
- [f] The species composition, including over story, under story, ground layer structure and composition;
- [g] The stand cohort composition;
- [h] The percent cover;
- [i] The basal area;
- [j] The structure, including age classes, diameter breast height (DBH) classes and crown classes;
- [k] The condition and species composition of advanced regeneration when applicable;
- [l] A stocking table showing the stocking levels, growth rates and volume;
- [m] Projections of intended future stand characteristics at 10-, 20-, and 40-year intervals;
- [n] A description of the forestry activities, silvicultural prescriptions, management activities and practices proposed during the permit period and the acreage proposed for each activity. These may include, but are not necessarily limited to, a description of:
 - [i] Stand improvement practices;
 - [ii] Site preparation practices;
 - [iii] Harvesting practices;
 - [iv] Regeneration and reforestation practices;
 - [v] Improvements, including road construction, stream crossings, landings, loading areas and skid trails;
 - [vi] Herbicide treatments;

- [vii] Silvicultural treatment alternatives;
- [viii] If planting will occur to accomplish reforestation, the application shall include seed sources records, if such records are available;
- [ix] Implementation instructions; and
- [x] Measures that will be taken to prevent the potential spread of exotic plant species or Phragmites into wetlands; and
- [o] A description, if appropriate, of the forest products to be harvested, including volume expressed in cords and board feet; diameter breast height (DBH) classes and average diameter; age; heights; and number of trees per acre; and
- [4] A map of the entire parcel which includes the following:
 - [a] The owner's name, address and the date the map was prepared;
 - [b] An arrow designating the north direction;
 - [c] A scale which is not smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet;
 - [d] The location of all property lines;
 - [e] A delineation of the physical features such as roads, streams and structures;
 - [f] The identification of soil types (a separate map may be used for this purpose);
 - [g] A map inset showing the location of the parcel in relation to the local area;
 - [h] Clear location of the area and acreage in which each proposed activity, prescription or practice will occur. If shown on other than the property map, the map or maps shall note the scale, which shall not be smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet, and shall be appropriately keyed to the property map; and
 - [i] A legend defining the symbols appearing on the map.
- (h) A letter from the Office of Natural Lands Management identifying any threatened or endangered plants or animals reported on or in the immediate vicinity of the parcel and a detailed description by the applicant of the measures proposed to meet the standards set forth in §§175-102 and 175-136A;
- (i) A cultural resource survey documenting cultural resources on those portions of the parcel where ground disturbance due to site preparation or road construction will occur and a detailed description of the measures proposed by the applicant to treat those cultural resources in accordance with §175-107;
- (j) A statement identifying the type, location and frequency of any proposed herbicide treatments and how such treatments will comply with the standards set forth in Subsection C(9)(b) below;
- (k) A statement identifying the specific steps to be taken to ensure that trees or areas to be harvested are properly identified so as to ensure that only those trees intended for harvesting are harvested;
- (l) Written comments from the New Jersey State Forester concerning the extent to which the proposed forestry activities are consistent with the guidelines provided in the New Jersey Forestry and

Wetlands Best Management Practices Manual developed by the New Jersey Department of Environmental Protection, dated October 1995, as amended. Any such comments which indicate that the proposed activities are not consistent with said Manual must be addressed by the applicant in terms of their potential impact on the standards set forth in Subsection D. below; and

- (m) A Certificate of Filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34; and
- (n) When prior approval for the forestry activities has been granted by the Zoning Officer or other town approval agency, a letter from the Pinelands Commission indicating that the prior approval has been reviewed pursuant to §175-60.

C. Forestry standards. Forestry operations shall be approved only if the applicant can demonstrate that the standards set forth below are met:

- (1) All forestry activities shall serve to maintain Pinelands native forest types, including those which are locally characteristic, except in those stands where other forest types exist;
- (2) Any newly developed access to lands proposed for harvesting shall avoid wetland areas except as absolutely necessary to harvest wetlands species or to otherwise gain access to a harvesting site;
- (3) The following actions shall be required to encourage the establishment, restoration or regeneration of Atlantic White Cedar in cedar and hardwood swamps:
 - (a) Clear cutting cedar and managing slash;
 - (b) Controlling competition by other plant species;
 - (c) Utilizing fencing and other retardants, where necessary, to protect cedar from over browsing;
 - (d) Utilizing existing streams as cutting boundaries, where practical;
 - (e) Harvesting during dry periods or when the ground is frozen; and
 - (f) Utilizing the least intrusive harvesting techniques, including the use of winches, corduroy roads and helicopters, where practical.
- (4) All forestry activities and practices shall be designed and carried out so as to comply with the standards set forth in §§175-102 and 175-136A. The species accounts provided in the "Recommended Forestry Management Practices Report," Appendix I - Endangered Animals, dated March 2006, as amended and supplemented and available at the principal office of the Commission or at www.nj.gov/pinelands, may be utilized as a guide for meeting these standards;
- (5) All forestry activities and practices shall be designed and carried out so as to comply with the standards for the land application of waste set forth in N.J.A.C. 7:50-6.79, except as expressly authorized in this section;
- (6) All forestry activities and practices shall be designed and carried out so as to comply with the standards for the protection of historic, archaeological and cultural resources set forth in §175-107;
- (7) A vegetated streamside management zone shall be maintained or established adjacent to streams, ponds, lakes and marshes, except that no streamside management zone shall be required when Atlantic White Cedar is proposed to be harvested, established, restored or regenerated. The streamside management zone shall be at least 25 feet in width. Where soils are severely erodible, slopes exceed 10 percent or streamside vegetation is not vigorous, the streamside management zone shall be increased up to a maximum of 70 feet to buffer the water body from adjacent forestry activities;
- (8) Stream crossings, access roads, timber harvesting, skid trails, log decks, portable sawmill sites, site preparation, and reforestation shall be designed and carried out so as to:

- (a) Minimize changes to surface and ground water hydrology;
 - (b) Minimize changes to temperature and other existing surface water quality and conditions;
 - (c) Prevent unnecessary soil erosion, siltation and sedimentation; and
 - (d) Minimize unnecessary disturbances to aquatic and forest habitats.
- (9) The following standards shall apply to silvicultural practices for site preparation, either before or after harvesting:
- (a) In areas with slopes of greater than 10 percent, an undisturbed buffer strip of at least 25 feet in width shall be maintained along roads during site preparation to catch soil particles;
 - (b) Herbicide treatments shall be permitted, provided that:
 - [1] The proposed treatment is identified in the forestry application submitted to the Zoning Officer pursuant to Subsection B(2)(j) above;
 - [2] Control of competitive plant species is clearly necessary;
 - [3] Control of competitive plant species by other, non-chemical means is not practical;
 - [4] All chemicals shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements; and
 - [5] In Pine-Shrub Oak Native Forest Types, herbicide treatments shall only be permitted as a method to temporarily suppress shrub-oak under story in order to facilitate pine regeneration. All such herbicide treatments shall be applied in a targeted manner so that there will be no significant reduction in tree or shrub-oak re-sprouting outside those areas subject to the herbicide treatment;
 - (c) Broadcast scarification and mechanical weeding shall be permitted in all Pinelands Native Forest Types;
 - (d) Disking shall be permitted, provided that:
 - [1] It shall not be permitted in Pine Plains Native Forest Types;
 - [2] Disking shall only be permitted in Pine-Shrub Oak Native Forest Types as a method to temporarily suppress shrub-oak under story in order to facilitate pine regeneration, and shall be limited as follows:
 - [a] Disking may occur one time during the first year of the establishment of a stand to assure the successful growth of pine seedlings and may be repeated one time during the second year of the growth of the stand only in areas where pine seedling establishment has not successfully occurred; and
 - [b] Only single-pass disking, which penetrates the soil no deeper than six inches, shall be permitted.
 - [3] It shall not occur in wetlands, except as may be necessary to establish, restore or regenerate Atlantic White Cedar. When so used, disking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and
 - [4] It shall follow land contours when slopes are discernible;

- (e) Root raking shall be permitted, provided that:
 - [1] It shall not be permitted in Pine-Shrub Oak Native Forest Types or Pine Plains Native Forest Types;
 - [2] When used to establish, restore or regenerate Atlantic White Cedar, root raking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and
 - [3] Root raking debris shall not be piled in wetlands;
- (f) Bedding shall be permitted only in recently abandoned, cultivated wetlands where there are no established Pinelands Native Forest Types; and
- (g) Drum chopping shall be permitted, provided that:
 - [1] It shall not be permitted in Pine Plains Native Forest Types except to create road shoulder fuel breaks, which shall be limited to 25 feet in width, or to create scattered early successional habitats under two acres in size;
 - [2] It shall not be permitted in wetlands, except as may be necessary to establish, restore or regenerate Atlantic White Cedar. When so used, drum chopping shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and
 - [3] It shall adhere to the following procedures:
 - [a] No more than two passes shall be permitted except to create scattered early successional habitats under two acres in size;
 - [b] Drums shall remain unfilled when used during the dormant season;
 - [c] Chop up and down the slope on a parcel so the depressions made by the cleats and chopper blades run parallel to the contour of the land to help reduce the occurrence of channeled surface erosion;
 - [d] Chop so the depressions made by the cleats and chopper blades run parallel to a wetland or water body; and
 - [e] Avoid short-radius, 180-degree turns at the end of each straight pass.
- (10) The following standards shall apply to silvicultural practices for harvesting:
 - (a) Clear cutting shall be permitted, provided that:
 - [1] It shall not be permitted in Pine Plains Native Forest Types;
 - [2] It shall be limited to 300 acres or five percent of a parcel, whichever is greater, during any permit period;
 - [3] A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any clear-cut and the parcel boundaries;
 - [4] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger clear-cut from other 25-acre or larger clear cuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;

- [5] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches diameter breast height (DBH) and six feet in height shall be left on the parcel for a minimum of five years; and
 - [6] The area of the parcel subject to the clear-cut shall have contoured edges unless the boundary of the clear-cut serves as a firebreak in which case straight edges may be used;
- (b) Coppicing shall be permitted in all Pinelands Native Forest Types, provided that:
- [1] It shall be limited to 500 acres in size or 10 percent of a parcel, whichever is greater, during any permit period;
 - [2] A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any coppice cut and the parcel boundaries;
 - [3] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger coppice cut from other 25-acre or larger clear cuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;
 - [4] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years; and
 - [5] The area of the parcel subject to the coppice cut shall have contoured edges unless the boundary of the coppice cut serves as a firebreak in which case straight edges may be used;
- (c) Seed tree cutting shall be permitted in all Pinelands Native Forest Types, provided that:
- [1] It shall be limited to 500 acres in size or 10 percent of a parcel, whichever is greater, during any permit period;
 - [2] A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any seed tree cut and the parcel boundaries;
 - [3] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger seed tree cut from other 25-acre or larger clear cuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;
 - [4] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years;
 - [5] The area of the parcel subject to the seed tree cut shall have contoured edges unless the boundary of the seed tree cut serves as a firebreak in which case straight edges may be used;
 - [6] Dominant residual seed trees shall be retained at a distribution of at least seven trees per acre; and
 - [7] Residual seed trees shall be distributed evenly throughout the parcel; and

- (d) Shelter wood cutting, group selection and individual selection shall be permitted in all Pinelands Native Forest Types.
- (11) The following standards shall apply to silvicultural practices for forest regeneration:
 - (a) Natural regeneration shall be permitted in all Pinelands Native Forest Types and shall be required in the Pine Plains Native Forest Type, except as provided in Subsection (11)(b) below; and
 - (b) Artificial regeneration shall be permitted in all Pinelands Native Forest Types provided that:
 - [1] The use of non-native cuttings, seedlings or seeds shall not be permitted;
 - [2] The use of hybrid cuttings, seedlings or seeds shall be permitted if it can be demonstrated that the cutting is from a locally native, naturally occurring hybrid which will be planted within its natural range and habitat;
 - [3] Cuttings, seedlings or seeds shall be collected and utilized so as to ensure genetic diversity; and
 - [4] When used in Pine Plains Native Forest Types, artificial regeneration shall only be permitted to restore drastically disturbed sites if seeds or seedlings from the immediate vicinity have been collected from local, genetically similar sources.
- (12) Following site preparation and harvesting activities, slash shall either be retained in piles on the parcel, distributed throughout the parcel, removed from the parcel or burned.
- (13) Thinning shall be permitted in all Pinelands Native Forest Types, including that which serves to maintain an under story of native plants and/or manage stand composition, density, growth and spatial heterogeneity.
- (14) A copy of the forestry permit issued by the Town Zoning Officer shall be conspicuously posted on the parcel which is the site of the forestry activity.

IV. Article XII, Design, Performance and Evaluation Standards, §175-140, Wetlands, is hereby amended by replacing Section 175-140A(5) with the following:

- (5) Fish and wildlife activities and wetlands management in accordance with N.J.A.C. 7:50- 6.10.

V. Article XIII, Zoning, §175-145E, Pinelands development credits established, is hereby amended by replacing Sections 175-145E(10)(a), (b) and (d) with the following:

- (a) In the PA District: Berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; wetlands management; agricultural employee housing as an accessory use; and low-intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed five (5) percent of the parcel, and no more than one (1) percent of the parcel will be covered with impervious surfaces.
- (b) In the AP and AP/CLI Districts: Agriculture; forestry; agricultural employee housing as an accessory use; low-intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed five (5) percent of the parcel, and no more than one (1) percent of the parcel will be covered with impervious surfaces; agricultural commercial establishments, excluding supermarkets and restaurants and convenience stores, where the principal goods or products available for sale were produced in the Pinelands and the sales area does not exceed 5,000 square feet; airports and heliports

accessory to agricultural uses and which are used exclusively for the storage, fueling, loading and operation of aircraft as part of an ongoing agricultural operation; and agricultural products processing facilities.

- (d) In the SAP District: Berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; wetlands management; and agricultural employee housing as an accessory use.

VI. Article XIII, Zoning, §175-145J, Density transfer program, is hereby amended by replacing Section 175-145J(3) with the following:

- (3) All noncontiguous lands acquired pursuant to Subsection J(1) and (2) above shall be permanently protected through recordation of a deed of restriction in accordance with the following requirements:

- (a) The deed of restriction shall permit the parcel to be managed for:

- [1] Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of this Chapter;

- [2] Where agricultural use exists on a parcel to be protected, the following standards shall apply:

- [a] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;

- [b] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for density transfer;

- [c] For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsection [2][b] above, the deed of restriction shall permit the land to be managed only in accordance with subsection a. above and shall not provide for continuation of any agricultural use on the parcel; and

- [d] The deed of restriction to be recorded pursuant to Subsection [2][a] or [b] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Atlantic County or the State Agricultural Development Committee, evidence of their approval shall also be provided.

- (b) The deed of restriction shall be in favor of the parcel to be developed and the Town or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. The deed restriction shall be in a form to be approved by the Town Solicitor and the Pinelands Commission.

VII. Article XIII, Zoning, §175-146, Preservation Area, is hereby amended by replacing Section 175-146F with the following:

- F. Fish and wildlife management and wetlands management.

VIII. Article XIII, Zoning, §175-146, Preservation Area, is hereby amended by replacing Section 175-146G(6) with the following:

- (6) No more than 1% of the parcel will be covered with impervious surfaces.

IX. Article XIII, Zoning, §175-146.1, Special Agricultural Production District, is hereby amended by replacing Section 175-146.1F with the following:

F. Fish and wildlife management and wetlands management.

X. Article XIII, Zoning, §175-147, Forest Area, is hereby amended by replacing Section 175-147F(5) with the following:

(5) No more than 1% of the parcel will be covered with impervious surfaces.

XI. Article XIII, Zoning, §175-148, Agricultural Production District, is hereby amended by replacing Section 175-148F(5) with the following:

(5) No more than 1% of the parcel will be covered with impervious surfaces.

XII. Article XIII, Zoning, §175-148, Agricultural Production District, is hereby amended by replacing Section 175-148M with the following:

M. Fish and wildlife management and wetlands management.

Motion by Councilperson Esposito, seconded by Councilperson Bachalis, Ordinance 5 is taken up for second reading and public hearing. Motion carried.

No one desired to be heard.

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

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

COMMITTEE REPORTS

Administration -Councilperson Esposito

Report on Administration Committee Meeting held this evening

Business & Industry-Councilperson Esposito

Report on Main Street Events

Welcomed new business location Value Auto Parts

Education-Councilperson Furgione
Report on Board of Education Matters

Public Works & Transportation-Councilperson Rodio
Defer Action Items to Engineer Report and PWM/BA Report

Quality of Life – Councilperson Bachalis
Reported on upcoming events sponsored by Chamber, Mothers Club, Rotary Club
Report on Green Committee exhibit for Earth Day
Defer Action Items to BA Report
Defer Resolutions to New Business

Water & Sewer – Councilperson Pullia
Defer Action Items to Engineer Report
Requested Water Use Report be placed on Town Website
Report on wells

ENGINEER REPORT

SEWER & WATER ACTION ITEMS:

1. **Pine, Basin & Oak Road Water Main Extension/Well Contamination (ARH #11-30138):**

Contract #1 – Water Main Installation, Street Side Services and Roadway Restoration (Lafayette Utilities)
The contractor has returned to repair the many driveway aprons that have failed.

Officially, the contractor has requested a time extension contract which we will support since the project was substantially completed and operational in December. Attached hereto is a change order associated with the request for time extension. The contractor is requesting an extension until May 15, 2013 to complete all work. This adds 185 calendar days to the original contract. Please note the Change Order is only for time extension, there is no cost associated with this change order.

Contract #2 – House Side Services to Affected Contaminated Properties (Helmer Construction)

There are approximately 30 homes that must connect under the project. Helmer has fully connected all but one of the connections at this writing. We are dealing with the one resident at this time who has not readily accepted participation into the program.

Contract #3 – Well Sealing (Steffen Well Drilling)

As previously reported, this project has not yet started awaiting the completion of Contract #2. Several residents have applied for a farm use waiver to allow them to retain their wells. The applications have been received by the NJDEP and they will be performing site visits to determine whether the individuals requesting do in fact qualify. This past week the residents applying for farm waivers have received correspondence from NJDEP requesting additional information. The residents were asked to provide additional information to the NJDEP. We will follow-up with the residents to see if they will be further pursuing the waiver. The outcome of these site visits will affect Contract #3.

General Issues

Funding Status:

We are working toward the final quantities so the overall funding availability against eligible project cost can be finalized. That will allow for the Town to make decisions regarding the proposed optional change orders and seek full reimbursement to the limits allowed from the agencies supporting this project.

Connection by Non-CKE Residents:

Non status change from last month:

A letter dated February 5, 2013 was issued to these residents inviting their participation. We have had no feedback as to whether the letter has had any impact.

Summary of Last Month's Activity/Pending Items:

- Complete Contract #2.
- Initiate Contract #3.
- Resolve the one remaining connection issue remaining under Contract #2.

- Present a final quantities estimate for consideration of optional change orders.

Motion by Councilperson Pullia, seconded by Councilperson Esposito, authorize the time extension Change Order #2 to Lafayette Construction for an additional 185 calendar days, until May 15, 2013.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

PUBLIC WORKS ACTION ITEMS

2. Hammonton Tax Map Revisions, Property Revaluation (P2011.0485):

We met with the Mayor, Business Administrator and representatives of the Council on 3/22/13 to discuss the State's review comments on the Tax Map submitted in December of 2012. The State is requiring that the Town address the spatial inconsistencies and alignment issues within the map in order to achieve State certification. The attached proposal addresses the effort required to meet the State's requirements. The completion of these tasks is required to obtain the State Division of Taxation Certification of the map. The map must be certified in order to proceed with the revaluation process. We will seek authorization to proceed so as to be able to resubmit the tax map book to the state for review as quickly as possible.

Motion by Councilperson Rodio, seconded by Councilperson Furgione, authorize a purchase order not to exceed \$75,000.00.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

3. Weymouth Road Drainage (P2013-0227):

We met with representatives from the Atlantic County Engineer's Office as related to drainage and roadway improvements along a portion of Weymouth Road, CR # 640 extending between Reading Avenue and First Road. The County expressed the possibility of entering into an Interlocal Services Agreement with the Town to have the Town Engineer's office complete the survey, design, permitting and possible construction management for this work. The Interlocal Services Agreement would be similar to the Agreement executed between the Town and County for the work completed on Central Avenue some years ago. The County would be responsible for the costs associated with the work, the details of which would be spelled out in the Agreement. At the present time, we are gathering existing information together to develop a cost estimate to complete the work plus provide for a rough construction cost estimate for review by both entities. Once the estimate is approved, the Agreement would be brought before the County and Town for review and approval. At this time, we would seek authorization to proceed with the research and prepare the estimates for discussion purposes.

Motion by Councilperson Carpo, seconded by Councilperson Bachalis, authorize ARH to complete the necessary research of existing data and prepare a cost estimate to complete the required survey, design, permitting and construction management work for the drainage and roadway improvements at the low points for the section of

Weymouth Road, CR # 640 limits noted above. The cost to be covered within the Interlocal Services Agreement between the Town and County.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Recused

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

4. Skinner Building – Egg Harbor Road (ARH #11-01074):

As previously reported, ARH completed/ submitted the Preliminary Assessment (PA) Report and has conducted some additional sampling in connection with the ongoing Site Investigation (SI), and is working with the Town to coordinate the pending demolition activities. Additionally, ARH has provided a proposal (copy attached) to the Town of Hammonton to prepare a supplementary Hazardous Discharge Site Remediation Fund (HDSRF) grant application with respect to areas of concern (AOC) not included within the current HDSRF monetary budget. We are requesting the Town's approval related to this matter so that the site remediation effort could continue with possible assistance from the state.

Motion by Councilperson Rodio, seconded by Councilperson Furgione, approve proposal from Chris Gardner, totaling \$1,000 to complete the application work required to seek additional funds under the State's Hazardous Discharge Site Remediation Fund (HDSRF).

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

5. Hammonton Lake Aquatic Weed Control (P2011.0492): - No Status Change

As requested by the Lake Water Quality Committee, we have prepared a proposal to complete the various tasks needed to proceed with the fieldwork, permitting, bid process, etc. for the application of aquatic weed control to the Hammonton Lake. At the last Council meeting, we were requested and did contact a licensed applicator to complete a general survey of the Lake in order to determine the present condition of the Lake. The goal will be to provide a report as to whether the Lake will require a treatment this year and if so, could that be limited to specific areas rather than the entire Lake. We have attached a proposal from Great Blue, Inc. from Newton, N.J. dated 4/8/13 totaling \$275.00 to complete that survey. If accepted, a representative from the Lake Water Quality Committee and Jerry Barberio should meet with the applicator to complete the survey and review their recommendations for action if needed as soon as possible.

Motion by Councilperson Rodio, seconded by Councilperson Bachalis, authorize a purchase order to Great Blue, Inc. in the amount of \$275 and authorize Jerry Barberio to set up the date for the lake inspection and follow-up review of the findings and recommendations.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes
 Furgione - Yes
 Pullia - Yes
 Rodio - Yes
 Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

SEWER & WATER INFORMATION ITEMS:

6. Wastewater Treatment Plant Surface Water Permit (ARH #11-50058):

We previously reported that on August 8, 2012, an Adjutory Hearing was requested on the elements of the permit for which the Town was requesting consideration. On October 19, 2013, the request for hearing was accepted but as of this writing no date has been established. The operator has checked his permit requirements whereby the work plan for zinc is due on or before March 1, 2013. Zinc is one of the items contested in the appeal. An extension to file the work plan has since been secured by ARH.

This matter was discussed at the last meeting whereby Kleinfelder/Omni was authorized to prepare the work plan for submission to the NJDEP to safeguard the Town's interest. The work plan will most likely be completed and submitted by mid-May.

As a reminder, the work plan allows for the Town to maintain its options and provides for enough time to conduct the study to assess the impact of zinc. Furthermore, if the Department suddenly decided the Creek is not impaired for zinc or otherwise deleted the WQBEL for zinc, the Town would not be obligated to conduct the study proposed in the work plan.

7. Hammonton Water System - AACO (ARH #11-30152):

Radium at Well #5/#7:

Building Construction:

As reported, the system became fully operational on March 4, 2013 and has been run to the system since. During the month, the alternate bid item regarding the driveway was completed without the need for a change order that was contemplated last month. Additionally, the site work is nearly completed and we are moving toward closeout of the project. The contractor will be provided with a punch list including the need to furnish as-built records and O&M manuals before releasing final payment and bonds. We believe the project was a success and the goal was met of having this facility back on line before the summer season. In the process, the change orders on the job were less than 2%.

Well #4 Radium Treatment Facility and Air Stripper:

As Council is aware, Well #4 remains off-line since Well #1 and now Wells #3, and #5/#7 has been meeting the demand during the non-peak season. It remains the intent not to return Well #4 to service unless there is an emergency. The Town will proceed through the summer using Wells #5/#7, Well #1 and/or Well #3.

The loan application for Well #4 was submitted to NJEIT on March 1, 2013. Plans and specifications were submitted on April 1, 2013 to NJDEP and NJEIT. The ACO requires the Town to submit a design plan to the NJDEP by October 1, 2013. As a reminder, a separate NJEIT application will include the installation of a SCADA system and a comprehensive meter replacement program employing the use of radio frequency type meters.

Licensed Operator:

Since the licensed operator requirement was fulfilled, it is reminded that the next ACO requirement on this topic is the submission of a licensed operator succession plan. **Submission is due by April 30, 2013.**

Well #1 / Well #3 – Volatile Organic Compounds (VOC's):

On March 18, 2013, the installation of the yard piping by Garrison Enterprises was completed. Special thanks are expressed to SJG's who took responsibility to provide a contractor to excavate the trench at their expense. Both Wells #1 and #3 can be treated through the EDB system even though Well #3 levels are not above the MCL.

AACO Compliance Dates:

- ~ Licensed Operator compliance – October 31, 2012 (COMPLETED)
- ~ Licensed Operator succession plan – April 30, 2013
- ~ Wells #5/#7 Radium Removal – (COMPLETED)

- ~ Well #4 Radium Removal – project completion February 28, 2015
- ~ Well #4 Air stripper upgrade – Revised to coincide with Well #4 – Feb 28, 2015
- ~ Well #1 VOC Removal – (COMPLETED)

8. Water Quality Management (WQM) (ARH #11-5000):

As authorized, we have modified the Wastewater Management Plan to reflect the revisions to sanitary sewer service area as discussed with the PWTC. The cover letter and revised plan were forwarded to the Atlantic County Division Planning and Regional Development earlier this month for their review and hopeful endorsement of said revisions. We will keep Council informed of any future actions.

9. Route 54/Bellevue Avenue Utilities (ARH #11-50120): - No Status Change

The sub-contractors have completed all of their required punch list items. We are currently waiting for the Contractor to provide outstanding items, allowing the contract to be closed out. Unfortunately in order to close out this project there are a few issues that need to be addressed. There are currently claims in against the payment bond by the sub-contractors. The Contractor cannot close out the project without a release of liens form filled out by the sub-contractors. Until the issues that have led to the claims against the payment bond are resolved we will not be able to close out this project. We will make efforts to move this project to closure; however potential litigation issues may continue to delay this process.

PUBLIC WORKS INFORMATION ITEMS

10. 2012 Roadway/Drainage Projects (ARH #11-40045 & 46):

We completed the conceptual design plans for the project roadways. The application to the NJEIT for funding consideration as authorized by Council totaling over 5.5 million dollars was submitted in conjunction with the design plans and specifications. We should hear something from NJEIT within the next few months related to this funding request and their comments of the design packet submitted.

We met with a representative from Atlantic City Electric Co. regarding the possibility for utility pole relocation where needed. We have also been in contact with representatives from Bell Telephone (Verizon) and South Jersey Gas Co. regarding their utility lines within the project area.

Last week we met with Mickey Riggins, an arborist with Arbor Care Resources as suggested by the Environmental Commission. He will prepare a proposal for the Town to complete the tree inventory for each of the four (4) streets within the project scope. Part of that study might be eligible for funding if filed within the required timeframe. We will need Council to review the proposal once provided so that the trees to be removed could be noted and listed on the design plans. We have also contacted Tom Reilly of Atlantic City Electric to see if they could assist with any tree removal where their lines are involved. We will keep Council informed of any progress.

11. Stockton College Parcel Property Remedial Investigation/ Action – Front Street (ARH #11-40042):

As previously reported, the removal of the impacted soils situated exterior to the building was deemed complete on November 26th.

The impacted soils discovered under the building were addressed administratively by implementing both institutional (i.e., deed notice) and engineering (i.e., cap) controls. ARH prepared the Deed Notice, which the Town Solicitor recorded at the County Clerk's office on January 17th. On April 9th ARH prepared/ filed a remedial action permit application (soils) with NJDEP for the remaining soil impacts.

Regarding groundwater quality, ARH completed the required classification exception area (CEA) analysis and submitted same to NJDEP on November 15th to address this issue through the natural attenuation option. The CEA was approved and on April 11th a remedial action permit application (groundwater) was prepared/ submitted to NJDEP for the remaining groundwater impacts.

As discussed previously with both the Town and Stockton, the remedial action permit(s) will require long-term monitoring and reporting. Additionally, ARH is in the process of preparing the final Remedial Action (RA) Report, understanding that the report cannot be submitted until the remedial action permit applications have been filed.

12. FY2013 Municipal Aid Applications (ARH #11-40041): - No Status Change

Pursuant to our authorization we have prepared and filed the following applications to NJDOT for FY2013:

Municipal Aid – Pratt Street from Egg Harbor Road to Fourth Street – Phase II
 (\$250,000.00 Requested)

- Bikeways – Phase I to provide a link from NJTRANSIT Train Station to the Lake Park. Phase I would utilize existing ROW and easements to extend from Eleventh Street to the Veterans Place rail road crossing.
(*\$250,000 Requested*)
- Safe Streets to Transit – This would extend decorative sidewalk from Historic Train Station to Peach Street. Along with sidewalk along Front Street between Passmore Avenue and Line Street on the Fire Station side.
(*\$225,000 Requested*)

This item is pending NJDOT review, last year's program allotments were announced in March.

- 13. **Boyer Avenue Recreation Complex (ARH #11-75003):**
The Contractor returned to the site on April 15, 2013 to begin completing all outstanding items. It is our understanding the Contractor will first work to address all issues that developed over the winter months with the basins as well as addressing topsoil that has migrated over the winter months throughout the site. As a reminder the Contractor previously completed the rough grading of the site and installed the DGA in the parking and access drive locations.
- 14. **Celona Property – Railroad Ave/Pleasant St (ARH #11-01054): - No Status Change**
No changes since the update provided April 3, 2012, with the exception of the following reminder. On December 21, 2012, NJDEP issued a letter confirming that the Town's LSRP [Henry Weigel] had been released from the case, and that the responsible party (RP) was required to again retain an LSRP within 45 days. Acknowledging the State's 'affirmative obligation to remediate a discharge', the Solicitor was to make a determination as to who is the RP for the site and what obligations the Town might have. An update related to same should be provided by the Solicitor.
- 15. **Drainage Projects: Lakeshore and White Horse Pike (ARH #11-60202.03):**
As reported before, an application to the NJDOT for Discretionary Aid funding consideration in the amount of \$247,250 was submitted at the end of last year. Copies of the application were forwarded to area legislators. We have contacted the NJDOT Trenton Review Officer regarding the status of his review. He indicated that his review was conducted and the application has been forwarded to the next level for review along with other project requests for funding consideration. The Town Officials should follow-up with their area legislators and request support of the application and funding for same.
- 16. **Former Mazza Property, Egg Harbor Road Parking Lot at the Historic Train Station (P2012.0153):**
As noted in prior reports, a Preliminary Site Assessment will be required as part of the initial phase for any funding application the Town may consider to complete the parking lot improvements at this location. If Mayor and Council are still interested in pursuing this project, consideration for inclusion of funds to complete the Preliminary Site Assessment Report should be included within the 2013. We will be guided by Council's action.
- 17. **Drainage Projects: Anderson Avenue (ARH # 11-60208.02)**
Our ARH field crews are gathered a good portion of the additional information required for the Phase I area. We will be finalizing the Design Plans for review with the PWTC and affected property owners where easements are requested. We have attended a meeting with representatives from the County Engineer's office. We briefly discussed the overall design concept with them, which was well received. We are continuing with the Phase I design for the project which will include additional storage along Anderson Avenue between the low points. Overflow to the rear of the lots fronting Anderson Avenue could be a possibility. The Solicitor has been in contact with one of the down gradient property owner's where easements will be required in the future to allow for connection of the overflow pipes to Egg Harbor Road. Legal descriptions for the various easements will be prepared when required so that the Solicitor can prepare the deeds for signature and filing.
- 18. **Chew Road/Jacobs Street/First Road (ARH # 11-60207.02)**
Our ARH field crews have gathered the majority of the additional information required. We are finalizing the Design Plans for review with the PWTC and affected property owners where easements are required. Legal descriptions for these easements have been prepared which we will forward to the Solicitor so that he could prepare the deeds for signature and filing. We have met with the County representatives and reviewed the conceptual design with them. We are in the process of modifying the plans to correspond to those comments. We will be completing soil borings in

the area to obtain the seasonal high water table elevation and determine if there are any restrictive soil layers present that may be of concern and require soil replacement. We will keep Council aware of further progress.

19. Solar Project at Former WWTP Site (ARH #11-01086):

The Contractor is on site and has completed the installation of the stone base for the solar array.

SOLICITOR REPORT

1. Airport Re-Zoning
2. Lease with DEP for Portion of Wharton State Forest
3. Abandoned Property Ordinance
4. International Property Maintenance Code Ordinance
5. Clustering Ordinance
6. Traditions at Blueberry Ridge/Pulte/Travelers

Motion by Councilperson Pullia, seconded by Councilperson Esposito, authorize payment under the bond in the amount of \$70,000. This payment represents reimbursement for monies advanced by the Town to complete paving work at the Traditions at Blueberry Ridge Development.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

7. Solar Agreement
8. Water Conservation
9. Paradise Lakes
10. Raso v. Town of Hammonton
11. Route 54 Bond Claim (May 15 Meeting)
12. School Resource Officer Agreement
13. NIBR Project and Main Road Project (Referred to PWTC)
14. Drastic Increase in Water Bills for Certain Users

#R042A-2013

A RESOLUTION SETTING A POLICY PROVIDING RELIEF TO TOWN WATER USER FOR EXCESSIVE USAGE OF TOWN WATER DUE TO A MAJOR LEAK IDENTIFIED AND REPAIRED BY A LICENSED PLUMBER OR IRRIGATION SPECIALIST

WHEREAS, it has come to the attention of the Mayor and Council that there are isolated occurrences inwhere a water user receives a large excess billing due to an unknown leak that has since been identified and repaired by a licensed plumber or irrigation specialist; and

WHEREAS, Mayor and Council believe that certain guidelines need to be set to provide relief those water users in these types of isolated occurrences.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Hammonton, County of Atlantic and State of New Jersey that the Tax Collector, Superintendent of Municipal Utility Department and the Business Administrator are those officials designated to investigate and determine if a water user meets the above criteria; and

BE IT FURTHER RESOLVED THAT the affected water user will be given a “one time only” 40 percent reduction on their excess water billing upon receipt of proof of identified leak and repair by a licensed plumber or irrigation specialist; and

BE IT FURTHER RESOLVED THAT the approval for the “one time” reduction will be made by Mayor and Council upon review of appropriate resolution at their regular meeting.

Motion by Councilperson Pullia, seconded by Councilperson Carpo, authorize a one time, 40 percent reduction in water bill excess in cases that meet certain criteria only.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

MAYOR REPORT

Accept Resignation Michael Ammirato – Lake Quality Committee Alt 2

Motion by Councilperson Carpo, seconded by Councilperson Bachalis, accept the resignation of Michael Ammirato, Alternate 2, Lake Quality Committee Member.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Appoint to Unexpired term Ammirato Lake Quality Comm Alt 2-3 yr term to exp 12/31/13
(Mayor Appointment with Confirmation of Council)

Motion by Councilperson Bachalis, seconded by Councilperson Rodio, appoint Joseph Cacia as Alternate 2, Lake Quality Committee Member, 3 year term, to the unexpired term of Ammirato to expire 12/31/13.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

PWM/BUSINESS ADMINISTRATOR REPORT

1. Skinner Building Demolition Status
2. General Supervisor, Public Works – Effective April 23, 2013

Motion by Councilperson Rodio, seconded by Councilperson Esposito, appoint Scott Rivera, to the position of General Supervisor, Public Works effective April 23, 2013 with a \$2565.00 annual salary increase.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

3. Grant Application for ANJEC Open Space – Interpretative Signage

Motion by Councilperson Bachalis, seconded by Councilperson Rodio, approve ANJEC Open Space Grant Application and authorize a Town match of \$575.00 from Environmental Commission OE.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

4. Succession Plan for Municipal Utility Department

Motion by Councilperson Pullia, seconded by Councilperson Rodio, authorize submittal of Municipal Utility Department Succession Plan to NJ DEP as prepared by Jerry Barberio with the assistance of Anthony DeCicco.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

5. Bulky Pickup – May 6 to May 10
6. Brush Pickup – May 13 to May 17
7. Summer Intern Program Discussion

Motion by Councilperson Bachalis, seconded by Councilperson Esposito, authorize a paid intern program for 8-12 weeks in the Highway and Utility Departments, one intern per department, summer only, in the total amount of \$2000.00.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

TOWN CLERK REPORT

1. Approve new member Fire Co 2 Robert Read
2. Authorize Annual Atlantic County Mosquito Control Agreement
3. Change Mark Rogers title to Code Enforcement Officer Trainee eff retro 8/28/12
4. Approve 2 month extension sick leave of absence without pay Radio Dispatcher
5. Accept retirement Teresa Bradbury effective 7/1/13 with no time off balance payment due
6. Hire Henry Skala Sub-Insp \$30 hr, 10 hr wk w/ no benefits during absence of Electric Insp eff 4/24/13
7. Approve Fire Co 2 member removal/resignation Monzo, Off and Griess

Motion by Councilperson Esposito, seconded by Councilperson Furgione, approve Town Clerk Report Items 1-7.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

APPROVE BILL LIST AND PURCHASE ORDERS

Motion By Councilperson Bachalis, seconded by Councilperson Esposito, the April Bill List and Purchase Order Listing are approved.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

NEW BUSINESS-ORDINANCES

Ordinance #006-2013 Abandoned Real Property (first reading)

Motion by Councilperson Bachalis, seconded by Councilperson Furgione, Ordinance 6 is Tabled for further review.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Ordinance #007-2013 Amend Chapter 211 Property Maintenance (first reading)

Ordinance #007-2013

An Ordinance Amending Chapter 211, Article II, Sections 11 and 12
and adding Section 13 of the Code of the Town of Hammonton Entitled "Property Maintenance"

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY that the following amendments be made to Chapter 211, Article II, Sections 11 and 12 with the addition of Section 13:

Add to Section 211-11 C. Enforcement

The Construction Code Official or his designee and all authorized members of their department shall direct those actions necessary to cause the violation to be terminated and abated. The actual cost of such termination, which shall include the cost for terminating and abating the violation, obtaining title information, advertising and recording any liens imposed hereunder, shall constitute a lien on the property in accordance with Section 211-13.

Add to Section 211-12 D.

It shall be unlawful for any person to oppose, obstruct or resist any Town of Hammonton Building Official / Code Enforcement Official in the discharge of his or her duties as provided in this article.

Add to Section 211-12 E.

Any Town of Hammonton/ Code Enforcement Official shall be immune from prosecution, whether civilly or criminally, as the result of any reasonable, good faith trespass upon property while in the discharge of duties imposed by this section.

Add Section 211-13. Liens

A. A copy of the request for payment of the cost of abating a violation(s) shall be served on the violator at his or her last known address and the violator shall have fifteen (15) days from the receipt of the request within which to pay all costs described in the request. Service of the request for payment may be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first class mail addressed to the last known address; or
3. If the notice is returned showing the letter was not delivered, a copy posted in a conspicuous place in or about the property or structure affected by such notice.

In the event a violator fails or refuses to pay all costs incurred by the town that are associated with terminating or abating a violation, such costs will be imposed as a lien against the subject real property.

BE IT FURTHER ORDAINED that, all ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency;

BE IT FURTHER ORDAINED that this ordinance shall take effect after final passage and publication according to law.

Motion by Councilperson Rodio, seconded by Councilperson Esposito, Ordinance 7 is taken up for and passed first reading and given legal publication.

ROLL CALL

- Councilpersons:
- Bachalis - Yes
- Carpo - Yes
- Esposito - Yes
- Furgione - Yes
- Pullia - Yes
- Rodio - Yes
- Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Ordinance #008-2013 Adopt 2012 Edition International Property Maintenance Code (first reading)

ORDINANCE #008 -2013
 An Ordinance Amending Article I, Section 211-1 (A), (B) and (C)
 of the Code of the Town of Hammonton and
 to include the 2012 International Property Maintenance Code

BE IT RESOLVED by the Mayor and Council of the Town of Hammonton in the County of Atlantic, New Jersey, that Article I, Section 211-1 (A), (B) and (C) is amended as follows:

Section 211-1. Adoption of standards.

A. A certain document, three copies of which are on file in the Office of the Town Clerk of the Town of Hammonton and the Office of the Building Official/Code Enforcement Officer, being marked and designated as **International Property Maintenance Code, 2012 edition**, as published by the International Code Council, be and is hereby adopted as the Property Maintenance code of the Town of Hammonton in the State of New Jersey for regulating and governing the conditions and maintenance of all property, buildings and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Hammonton Construction Code Official, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section C of this ordinance.

B. (Amend as follows) This article shall be considered cumulative and not superseding or subject to any other law or provision for same, but shall rather be an additional remedy available to the town above and beyond any other state, county and/or local provisions for same.

C. Table 404.5 Minimum Area Requirements Table is amended as follows:

<u>Space</u>	<u>1 occupant</u>	<u>2 or more occupants</u>
Bedrooms	70 square feet	Additional 50 sq. feet per occupant *

*No more than 4 occupants per any bedroom.

BE IT FURTHER RESOLVED that any Ordinance or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies; and

BE IT FURTHER RESOLVED that this Ordinance shall take effect immediately upon passage and publication according to law.

Motion by Councilperson Bachalis, seconded by Councilperson Esposito, Ordinance 8 is taken up for and passed first reading and given legal publication.

ROLL CALL

Councilpersons:
Bachalis - Yes
Carpo - Yes
Esposito - Yes
Furgione - Yes
Pullia - Yes
Rodio - Yes
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Ordinance #010-2013 Special Emergency for Tax Map Preparation (first reading)

ORDINANCE #010- 2013

AN ORDINANCE OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A: 4-53 FOR THE PURPOSE OF PREPARATION OF AN APPROVED TAX MAP

BE IT ORDAINED by the Mayor and Town Council of the Town of Hammonton, in the County of Atlantic and State of New Jersey, that pursuant to N.J.S.A. 40A:4-53 (ch.48, P.L. 1956 as amended by Ch.144, P.L. 1965 and Ch.38, P.L. 1969), the sum of Seventy Five Thousand Dollars (\$75,000.00) is hereby appropriated for the preparation of an approved tax map and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.

The authorization to finance the appropriation shall be provided for in the succeeding annual budgets by the inclusion of at least one-fifth (1/5th) of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).

Motion by Councilperson Rodio, seconded by Councilperson Esposito, Ordinance 10 is taken up for and passed first reading and given legal publication.

ROLL CALL

Councilpersons:
Bachalis - Yes
Carpo - Yes
Esposito - Yes
Furgione - Yes
Pullia - Yes
Rodio - Yes
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

RESOLUTIONS

#R045-2013 Authorizing NJ ABC to Renew Conflict Liquor License Separately

#R 045-2013
Town of Hammonton
County of Atlantic
Resolution Authorizing NJ ABC to Renew Conflict Liquor License

WHEREAS, the following liquor license holders have applied for renewal of 2013/2014 Plenary Retail Consumption Licenses:

License #	License Name	License Holder	Location
0113 33 006	DiDonato's Bowling Center	Stephen DiDonato	1151 WHP

WHEREAS, the applicant is a member of the governing body of the Town of Hammonton, which also acts as the ABC issuing authority, the subject license is a "conflict" license. Accordingly, said renewal application will be forwarded to the Director of the Division of Alcoholic Beverage Control for consideration pursuant to N.J.S.A. 33:1-20 and N.J.A.C. 13:2-4.1; and

WHEREAS, N.J.A.C. 13:2-4.6 requires the issuing authority to submit to the Director a certified Resolution setting forth that the issuing authority has no objection to the renewal of the subject license and consents thereto, and, furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the subject licenses.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Town of Hammonton, County of Atlantic and State of New Jersey that the Governing Body has no objection to the renewal of Plenary Retail Consumption License and consents thereto, and, furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the subject licenses.

#R045A-2013 Authorize NJ ABC to Transfer Conflict Liquor License

#R 045A-2013
Town of Hammonton
County of Atlantic
Resolution Authorizing NJ ABC to Transfer Conflict Liquor License
(Place to Place Expansion of Premise)

WHEREAS, the following liquor license holder has applied for a place to place (expansion of premise) transfer of the following Plenary Retail Consumption Licenses:

License #	License Name	License Holder	Location
0113 33 006	DiDonato's Bowling Center	Stephen DiDonato	1151 WHP

WHEREAS, the applicant is a member of the governing body of the Town of Hammonton, which also acts as the ABC issuing authority, the subject license is a "conflict" license. Accordingly, said transfer application will be forwarded to the Director of the Division of Alcoholic Beverage Control for consideration pursuant to N.J.S.A. 33:1-20 and N.J.A.C. 13:2-4.1; and

WHEREAS, N.J.A.C. 13:2-4.6 requires the issuing authority to submit to the Director a certified Resolution setting forth that the issuing authority has no objection to the transfer of the subject license and consents thereto, and, furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the transfer of the subject license.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Town of Hammonton, County of Atlantic and State of New Jersey that the Governing Body has no objection to the transfer of Plenary Retail Consumption License and consents thereto, and, furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the transfer of the subject licenses.

Motion by Councilperson Pullia, seconded by Councilperson Furgione, Resolution 45 and 45A are adopted.

ROLL CALL

Councilpersons:
Bachalis - Yes
Carpo - Yes
Esposito - Yes
Furgione - Yes
Pullia - Yes
Deputy Mayor Rodio - Yes
Mayor DiDonato – Recused

Deputy Mayor Rodio declared the motion carried.

RESOLUTIONS CONTINUED

#R043-2013 Authorize Hammonton Wine Festival and Road Closure

RESOLUTION # 43 -2013

RESOLUTION AUTHORIZING AND ENDORSING
"HAMMONTON WINE FESTIVAL" AND ROAD CLOSURE

WHEREAS, the Hammonton Rotary Club desires to hold the "Hammonton Wine Festival" on May 4th and 5th from 12:00 noon to 5:00 p.m.; and

WHEREAS, Mayor and Council has and continues to support the Hammonton Rotary Club.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, that the Hammonton Wine Festival is approved with the following roadway closure:

Tilton Street (aka Mt. Carmel Lane) between Pratt and French

BE IT FURTHER RESOLVED that the Town of Hammonton will provide trash pickup and police traffic patrol for the Hammonton Wine and Arts Festival.

#R044-2013 Authorize Mt. Carmel Procession, Carnival & Fireworks

RESOLUTION # 044-2013

AUTHORIZE THE "FEAST OF OUR LADY OF MT. CARMEL" PROCESSION, CARNIVAL & FIREWORKS

WHEREAS, July 10th through July 16th is the scheduled date for the Lady of Mt. Carmel carnival and events in the Town of Hammonton; and

WHEREAS, the Mt. Carmel Society has requested assistance of the Town of Hammonton Police Department and the closing of Tilton Street aka "Mt. Carmel Lane" (between French and Pratt) and Third Street (between Pratt and Pleasant) during the week of the carnival; and

WHEREAS, July 16th is the scheduled date for processions, one at 9:00 A.M. and one at 4:00 P.M., (times may vary at discretion of Hammonton Police Chief) and the Mt. Carmel Society requests police patrol and road closures of the following streets in the Town of Hammonton for said procession:

9:00 a.m. procession

From Mt. Carmel Hall east on Tilton Street to Bellevue Avenue
Continue south on Bellevue Avenue to east S. Third Street/Central Avenue Crossing
Continue west on S. Third Street/Central Avenue Crossing to Pratt Street
Continue north of Pratt Street to Tilton Street
Continue west on Tilton Street to place of origin

4:00 p.m. procession

From St. Mary of Mt. Carmel Church west (N. Third Street to Fairview Avenue)
Continue south on Fairview Avenue to N. Egg Harbor Road
Continue east on N. Egg Harbor Road to Bellevue Avenue (Route 54)
Continue north on Bellevue Avenue to N. Third Street
Conclude west on N. Third Street and conclude procession at place of origin

WHEREAS, July 16th is the scheduled date for fireworks event (rain date to be determined) to be held at sundown.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, that the July 16th carnival, procession and fireworks are approved along with police traffic patrol and trash cleanup contingent upon the following:

1. Filing of necessary insurance certificate by Mt. Carmel Society.
2. Filing of required State and County road closure approvals with the Town Clerk's office.

#R046-2013 Authorize Veteran Memorial Day Parade and Road Closure

RESOLUTION # 046-2013

RESOLUTION AUTHORIZING AND ENDORSING
THE ANNUAL "TRI VET MEMORIAL DAY PARADE"

WHEREAS, the Tri Vets continue to promote the Town of Hammonton with their annual "Tri Vet Memorial Day Parade"; and

WHEREAS, Mayor and Council continues to support the efforts of the Tri Vets; and

WHEREAS, May 27, 2013 is the scheduled date for the Tri Vet Memorial Day Parade and Ceremony beginning at 10:00 a.m.; and

WHEREAS, the Tri Vets have requested assistance of the Town of Hammonton Police Department for this scheduled event and closure of the following street in the Town of Hammonton during the parade from 10:30 a.m. to 11:00 a.m.:

Bellevue Avenue (Route 54) from Railroad Avenue to Tilton Street

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, that the Tri Vet Memorial Day Parade is acknowledged and endorsed by the Town of Hammonton contingent upon the following:

- Filing of required State written approvals for street closures with the Town Clerk's office.
- Filing of the necessary certificate of insurance.

#R047-2013 Approve Anti-Drug Alliance Bi Laws & Grant Agreement

RESOLUTION #047-2013

RESOLUTION ACKNOWLEDGING AND APPROVING
THE OFFICIAL HAMMONTON ANTI-DRUG AND ALCOHOL ALLIANCE
BY LAWS AND GRANT AGREEMENT Year 2013

WHEREAS, the Hammonton Anti-Drug and Alcohol Alliance provides an important service to the community in providing education on the issue of drug abuse in an effort to prevent same; and

WHEREAS, it is necessary to approve the Hammonton Anti-Drug and Alcohol Alliance Agreement and By' Laws annually; and

WHEREAS, the Town of Hammonton is in agreement with the Hammonton Anti-Drug and Alcohol Alliance Agreement and By Laws attached hereto; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Hammonton, County of Atlantic, State of New Jersey, that the attached Hammonton Anti Drug and Alcohol Alliance Agreement and By Laws are approved by the governing body of the Town of Hammonton.

#R048-2013 Schedule Annual Tax Sale

RESOLUTION #R 048-2013

SCHEDULE ANNUAL TAX SALE

WHEREAS, N.J.S.A. 54:5 authorizes a tax sale for the collection and enforcement of delinquencies; and

WHEREAS, the Tax Collector of the Town of Hammonton is empowered by statute to conduct and preside over liens.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY THAT Monday, December 23, 2013 at 9:00 a.m. is the scheduled date and time for a tax sale to be conducted in the Town of Hammonton.

#R049-2013 Establish Town of Hammonton Energy Conservation Policy

#R049-2013

A Resolution Establishing an Energy Conservation Policy

WHEREAS, Hammonton's municipal government strives to be as efficient as possible in its operations. This is important because reducing energy consumption not only provides for more resilient and healthy communities but also helps to keep our residents' tax burdens down.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, that the following guidelines be followed in order to conserve both taxpayer dollars and increasingly expensive energy resources in all municipal offices:

Computers:

1. Turn off computers when not in use, including overnight. If the computers are not able to be turned off, at least turn off the monitors.
2. Set each workstation to automatically power down after five minutes of inactivity.

Printers and Copiers:

1. Copies of documents, etc., should be kept to the minimum necessary to perform office functions. Always question whether copies of any particular document need to be made, or whether they can be transmitted in electronic format (email, etc.).
2. Edit or revise documents on screen instead of printing out drafts.
3. Save important emails and documents as digital files instead of hard copies.
4. Use timers to automatically turn off printers and copiers on a set schedule appropriate to their use.
5. Print in black and white instead of color as much as possible
6. Continue to use inkjet printers for our largest mailings, including sewer, water, and property tax mailings. Laser printers, because they use more energy to run, should be reserved for any incidental correspondence that truly requires higher definition.
7. Use the double-sided copy feature for all printing and copying jobs to the maximum extent possible. Before hitting the "print" button, ensure that printers and copier default settings are for duplex settings.
8. Reuse paper with one side of print as scrap paper before recycling.

Lighting:

1. Keep lights off whenever a room is not in use.
2. Turn off all lights when staff leave the building at the end of the work day.
3. Now that most reading and writing is performed on computers, light levels should be lower to eliminate glare and eyestrain. Consider leaving half the lights in private offices and partition areas off to reduce ambient light levels and installing an appropriate task light on desks for paperwork.

Heating/Cooling:

Thermostats are set to be comfortable during working hours while also achieving some savings compared to average American standards. In areas that are not occupied around-the-clock, settings will default to 61°F between the hours of 5 p.m. and 9 a.m. on weeknights, weekends, and holidays. Settings may be slightly warmer in the summer and cooler in the winter. Thermostats should not be adjusted by anyone not specifically authorized to do so by the Town's Business Administrator or designee.

BE IT FURTHER RESOLVED that the Clerk is authorized to update the Town of Hammonton Employee Handbook to include this policy.

#R050-2013 Authorize American Cancer Society Bikathon and Road Closure

RESOLUTION # 050 -2013
 RESOLUTION AUTHORIZING AND ENDORSING
 AMERICAN CANCER SOCIETY BIKATHON AND ROAD CLOSURE

WHEREAS, the American Cancer Society has and continues to promote the Town of Hammonton with their Annual Bikathon; and

WHEREAS, Mayor and Council has and continues to support the efforts of the American Cancer Society; and

WHEREAS, July 14, 2013 is the scheduled date for the annual bikathon;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, STATE OF NEW JERSEY, that the American Cancer Society Bikathon is acknowledged and endorsed with the following streets being closed:

S. Egg Harbor Road (between 9th Street and Park Avenue)
 Hours of road closure 8:30 a.m. to 3:00 p.m.

#R051-2013 Approve Temporary Emergency Appropriations

#R051-2013

RESOLUTION MAKING TEMPORARY EMERGENCY APPROPRIATIONS
 IN THE TOWN OF HAMMONTON MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides that temporary emergency appropriations may be made for the period between the beginning of the fiscal year and the date of adoption of the budget for said year; and

WHEREAS, the date of this resolution is not within the first thirty days of January, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Hammonton, New Jersey, that the following temporary emergency appropriations are hereby made:

<u>Fund</u>	<u>Account Number</u>					<u>Appropriation</u>
Assessment OE	3	01	20	104	200	\$1,000.00
Board of Adj. OE	3	01	21	110	200	\$2,000.00
Other Code S&W	3	01	22	127	100	\$3,000.00
State Fire OE	3	01	25	118	200	\$ 500.00

Public Bldgs Grd S&W	3	01	26	108	100	\$ 6,000.00
Public Bldg/Grds OE	3	01	26	108	200	\$ 3,000.00
Recreation OE	3	01	28	131	200	\$ 5,000.00
Airport OE	3	01	30	137	200	\$ 5,000.00
Gasoline OE	3	01	31	11E	200	\$40,000.00
Natural Gas OE	3	01	31	11F	200	\$3,000.00
Electric OE	3	01	31	11G	200	\$10,000.00
Street Lighting OE	3	01	31	138	200	\$30,000.00
Telephone OE	3	01	31	139	200	\$10,000.00
Social Security OE	3	01	36	145	200	\$60,000.00
Recycling Tax	3	01	36	146	200	\$ 2,000.00
Utility OE	3	05	55	601	200	\$500,000.00
Utility S&W	3	05	55	601	100	\$125,000.00
Utility Disability	3	05	55	609	200	\$ 3,410.33
Utility PERS	3	05	55	609	200	\$101,619.34

#R052-2013 Approve Green Acres Funding

#R052-2013
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM
ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program of New Jersey, provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Town of Hammonton has previously obtained a loan of \$250,000 from the State to fund the following project(s):

#0113-00-030
Hammonton Recreation Complex

WHEREAS, the State and Town of Hammonton intends to increase Green Acres funding by a loan of \$800,000; and

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and willing to enter into an Amendment of the Agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED BY THE governing body of the Town of Hammonton THAT:

- 1) The Mayor of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State known as Hammonton Recreation Complex, and
- 2) In the event the State's funds are less than the total cost specified above, the applicant has the balance of funding necessary to complete the project, and;
- 3) The applicant agrees to comply with all applicable federal, state and local laws, rules, and regulations in its performance of the project.
- 4) This resolution shall take effect immediately.

#R053-2013 Pledging Municipal Support for N.J. Wildlife Action Plan

Resolution #053-2013

A RESOLUTION PLEDGING Municipal Support for New Jersey's Wildlife Action Plan

WHEREAS, Hammonton, being situated in the heart of the New Jersey Pine Barrens, is home to a rich diversity of wildlife and ecologically significant natural communities, and

WHEREAS, New Jersey's wildlife and wild places are under threat from development, fragmentation, invasive species and the impacts of people, and

WHEREAS, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats, and

WHEREAS, it is more cost-effective to prevent species from becoming imperiled than it is to recover them once their populations have declined, and

WHEREAS, a naturally functioning and healthy ecosystem represents a healthy environment for wildlife and our citizens, and

WHEREAS, the NJ Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of all citizens on New Jersey, and

WHEREAS, the New Jersey Wildlife Action plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey, and

WHEREAS, the residents of, and visitors to, New Jersey also enjoy and benefit from New Jersey's wildlife and wild spaces,

NOW THEREFORE, we Mayor and Town Council of the town of Hammonton, resolve to take the following steps with regard to our municipal land-use decisions with the intent of making Hammonton an ecologically sustainable community. It is our intent to include these principles in our public lands management, our environmental resources inventory and to inform the next master plan revision and update our zoning accordingly:

1. We will continue to identify imperiled species, critical habitat and unique ecosystems in our Environmental Resource Inventory.
2. Acknowledging that it is more cost-effective to protect species than recover species, we will protect populations of rare and imperiled species that live and breed in, and migrate through, the municipality and the habitats they depend upon.
3. Because habitat integrity is critical to healthy biodiversity, we will manage publicly owned lands in accordance with wildlife management actions laid out in the New Jersey Wildlife Action Plan and will promote the management of all protected lands to promote biodiversity.
4. We will protect wildlife habitats and maintain connectivity of habitat when formulating an open space acquisition strategy, open space stewardship plans and through the municipal master plan including planning and zoning ordinances.
5. We will seek to minimize disturbance of critical wildlife populations and their habitats from human activities, subsidized predators and invasive species.
6. When possible and appropriate, we will work with neighboring municipalities to implement the aforementioned principles across municipal boundaries.

7. When possible and appropriate, we will strive to monitor and implement appropriate management of municipal easements to ensure native vegetation and wildlife takes precedence over invasive and/or exotic species.

#R054-2013 Approve April Tax Resolution

#R054-2013

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
4703-7	Cirillo, Charles	232 Middle Rd	1,089.77	Tax	Tax Exempt	MJ

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.

Motion by Councilperson Esposito, seconded by Councilperson Bachalis, Resolutions 43, 44 and 46 through 54 are adopted.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

PUBLIC HEARD

Mark Santora – Old Forks Road

Mr. Santora posed questions concerning Pulte Development to which the Solicitor responded.

Rita Neil – Gatto Road

Ms. Neil advised Mayor and Council that she recently attended the Zoning Board Meeting as an applicant and was not made aware, upon making application, of a Parks and Recreation Fee that she was advised she must pay.

Mr. Jerry Barberio, PWM/BA, advised that others have paid the Parks and Recreation Fee and that the Engineer representing Ms. Neil has appeared before the Zoning Board many times and should have made Ms. Neil aware of the fee.

This matter referred to Solicitor for investigation.

Yuli Chew – Rocco Court

Mr. Chew, referring to budget discussion this evening, stated he feels the administrative fee charged to utility budget should be a fixed percentage rate.

Ken Comuso – Plymouth Road

Mr. Comuso once again stated that he feels the ordinance for water rate increase is not worded consistently with the way the Town billed the users.

Mayor DiDonato, referring to the water conservation chart presented this evening, used the chart as proof for Mr. Comuso that residents were aware of water conservation requirements prior to the rate increase and apologized that Mr. Comuso was not aware. He stated, however, the Committee on Water and Sewer will review the ordinance.

Larry Delaney – Broadway

Mr. Delaney questioned Mayor DiDonato's budget presentation to which Mayor DiDonato responded.

Five Minute Recess

Resume Budget Discussion

Mayor DiDonato, referring to budget that council was viewing, compared the 2012 and 2013 General Budget line items and explained any changes due to retirements, necessary increases in appropriations, etc. He questioned does anyone see any budget items that have drastically changed from last year to this year.

Councilman Furgione questioned can we institute a special assessment for tax map preparation?

Mr. Scharle advised no, this is part of our tax rate.

Solicitor to look into legalities of Councilman Furgione's request.

Councilman Pullia stated he still does not have all budget figures in front of him and proposed a special budget meeting.

Mayor DiDonato stated the information Councilman Pullia is requesting was e mailed to him prior to this meeting.

Motion by Councilperson Pullia, seconded by Councilperson Carpo, authorize clerk to schedule a special meeting for May 13th at the hour of 7:00 pm and provide Mayor and Council with General and Utility Other Expenses.

Mayor DiDonato invited Rob Scharle to podium to advise Mayor and Council on their options.

Mr. Scharle advised Mayor and Council that they can reduce the amount appropriated to the utility budget, however, this amount cannot be appropriated in the general budget by law. Therefore, the reduction of the utility budget will mean cuts to employees and services.

Motion by Councilperson Pullia, seconded by Councilperson Carpo, to rescind their motion to schedule a special budget meeting.

Motion by Councilperson Esposito, seconded by Mayor DiDonato, adopt Resolution #056-2013 introducing the Town of Hammonton 2013 budget which was defeated earlier this evening.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - No

Esposito - Yes

Furgione - No

Pullia - No

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

MEETING ADJOURNED

Motion by Councilperson Pullia, seconded by Councilperson Furgione, the meeting is adjourned. Motion carried.

April Boyer Maimone, Municipal Clerk