

Minutes Regular Meeting of Mayor and Council – January 28, 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](http://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

#R018-2013 Enter Into Executive Session

#R018-2013

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. Personnel (Highway Department)
2. Personnel (Radio Department)
3. Paradise Lakes re: Litigation
4. Tax Appeals (Ole Hanson and Alan Litt Exchange) re: Litigation
5. Raso v. Town of Hammonton re: Litigation
6. Pulte v. Town of Hammonton re: Litigation 2/21/13 Plenary Hearing

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 Carpo, seconded by Councilperson Furgione, the resolution 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

No one desired to be heard.

APPROVAL OF MINUTES

December 17, 2012 Executive Session  
December 17, 2012 Regular Meeting  
January 1, 2013 Organization Meeting  
January 17, 2013 Special Meeting

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

ROLL CALL

Councilpersons:

Bachalis – Yes (Abstain on December minutes only)  
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. Presentation of Proclamation

Councilman Bachalis presented a proclamation to Mr. Thomas F. Durney who will be reaching age 100 on February 2, 2013.

Five Minute Recess

2. Hearing Transfer Person to Person Liquor License from Double U Mineral to LaPalmita Liquors LLC

Mayor DiDonato announced a hearing on the transfer of liquor license will now be held.

No one desired to be heard.

3. Approve Resolution for Transfer of Liquor License LaPalmita Liquors LLC

#R018A-2013 Person to Person Transfer Liquor License – Double U to La Palmita Liquors

#R018A-2013

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License 0113-33-022-013;

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

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

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

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Town of Hammonton does hereby approve the transfer of the aforesaid Plenary Retail Consumption License to La Palmita Liquors LLC, and does hereby direct the Town Clerk to endorse the license certificate to the new ownership as follows: "this license, subject to all its terms and conditions, is hereby transferred to La Palmita Liquors LLC effective January 29, 2013.

Motion by Councilperson Carpo, seconded by Councilperson Esposito, the resolution is adopted.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Recused

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

COMMITTEE REPORTS

Administration -Councilperson Esposito

Defer Administration Committee Meeting Report to the BA

Business & Industry-Councilperson Esposito

Report on Hammonton Revitalization Board Retreat

Welcomed New Businesses which included Stockton College

Education-Councilperson Furgione

Reported on Board of Education Issues

Reported on Stockton College Ribbon Cutting and other Activities

Public Works & Transportation-Councilperson Rodio

Report on Public Works Projects with Assistance of the PWM/BA and Town Engineer

Quality of Life – Councilperson Bachalis

Reported on Events Held in Hammonton which contribute to Hammonton's Quality of Life

Reported on various committees plans which included Hammonton Lake Cleanup Sat March 2<sup>nd</sup>

Advised the public on tree removal laws as well as water conservation

Reported on Senior meeting at Canoe Club & requested ideas from Seniors on how to make Hammonton better

Read State of the Pinelands Annual Report which gave Hammonton a "thumbs up" for zoning and revitalization

Reported on workshop for use of Form Based Code recently held

Authorize Letter Supporting Senate Bill 812 with Modifications

Motion by Councilperson Bachalis, seconded by Councilperson Carpo, authorize a letter of support of Senate Bill 812 with modifications.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Water & Sewer – Councilperson Pullia

Defer Change Orders to Engineer Report

Updated public on water remediation

Report on status of solar project at sewer department

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)

This contract is completed with the exception of punch list items. The major punch list item that we will be addressing with the contractor are the many driveway aprons that have failed. The repairs will be performed in the spring.

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

There are approximately 30 homes that must connect under the project. Helmer has installed on-site services to over 25 of the subject properties, but has not yet made the physical connection to any of these homes/businesses. This activity should start within the next week.

We have reviewed two change order issues with the PWTC and they have consented to approving each. Please review the following:

Change Order #1 (Service Method Modification)

When Contract #2 was initially bid, the method to service the homes was to use inside meter setter connections. Subsequently, after re-evaluating this method and the area upon which this project resides, it was the consensus to change the meter location to a meter pit method at the curblin. In so doing, Helmer Construction needed to modify their pricing to accomplish this modification. There were added costs for the meter pit equipment, however, these costs were somewhat offset by a less complicated connection inside the home should the originally bid method be utilized. Ultimately, this change of method was essentially a wash and resulted in a net -\$15.00 in cost. The proposed change order is attached hereto.

Motion by Councilperson Pullia, seconded by Councilperson Bachalis, authorize Change Order #1.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Change Order #2 (Falcone Lateral Installation)

One of the properties requiring connection under the program is the Falcone residence located at 250 Oak Road. This property was not originally in the CKE and was added following the retesting proceedings. Access to this home presents a challenge in that there is a bridge crossing the stream to get to the residence. This was not part of the original bid as awarded to Helmer Construction. As a result, Helmer needed to provide a method to cross the stream. The most advisable means to do so is through directional boring beneath the stream corridor with a casing. We have reviewed the elements of the change order and recommend award. The amount of this change order to Helmer Construction is \$11,850.00. The proposed change order is attached hereto.

At present, since the Helmer contract is not complete and the final value of this contract is influenced by the actual linear feet of pipe installed. His original contract was \$381,250.00 and was bid on some properties that are no longer in the CKE and replaced by others. For now, until this contract is finalized, this change will be consider an extra. At the end of his contract, a final quantities change order will be presented that will ultimately determine the extent of how the contract measured against the original contract value. Additionally, Helmer's ultimate contract value could be influenced by the final decisions regarding mandatory connection issues. There are certain properties that need final determination as to whether they will be required to physically connect under the program due to mitigating circumstances. A letter was written to NJDEP – Spillfund Program to obtain a response on the pending issues. A response has not yet been received.

Motion by Councilperson Pullia, seconded by Councilperson Esposito, authorize Change Order #2.

ROLL CALL

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

Mayor DiDonato declared the motion carried.

Contract #3 – Well Sealing (Steffen Well Drilling)

This project has not yet started awaiting the completion of Contract #2.

General Issues

Funding Status:

During the past month, a recap was provided to the PWTC regarding funding and contract status including construction management services. It is the goal to maximize the grant/low interest loan funding offered by NJEIT and NJDEP – Spillfund. The aspect of the project that was not eligible from either resource dealt with full width pavement of the affected roadways. The task in the next month is to present 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:

Now that the project is completed, connection is available to all other residents within the project area. Any such connection is purely voluntary since the Town does not have a mandatory water connection ordinance. Attached is a draft of a letter that will be issued to these residents inviting their participation.

Summary of Last Month's Activity/Pending Items:

Movement of the administrative services cost performed by ARH to the administrative line item under the NJEIT budget to maximize funds earmarked for the project from this program.  
Obtain response from NJDEP on the mandatory connection requirements that are pending.

Motion by Councilperson Pullia, seconded by Councilperson Rodio, authorize Change Order #3.

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:

2. Hammonton Water System - AACO (ARH #11-30152):  
Radium at Well #5/#7:  
Building Construction:

Per the contract, substantial completion is expected on or before February 1, 2013. Construction has been ongoing since September 19, 2012. The WRT radium equipment was delivered on December 21, 2012 and has been connected to the piping that was installed previously. The roof has been installed and shingled. Essentially, the contractor is finishing all minor aspects of the building, interior and exterior. It is anticipated that the media will be delivered during the week of January 28, 2013. If this schedule is achieved, the earliest the Town can be online is during the first week of February. As we have anticipated all along, the original goal of mid-February for operation appears to be achievable.

Well #5/#7 – Radium Licensing:

Last month, authorization was provided to Dr. Christman to file for the requisite radium licensing. In addition, his services for the fee provided included the NJDEP sanctioned training. On January 11, 2013, the completed radium licensing application was hand delivered to NJDEP and is under review. Training of the employees is scheduled for the week of January 28 – February 1 and will take one day.

As a reminder, the cost of Dr. Christman's services is \$9,500.00 and each year for the continuing training, his cost would be \$2,500.00 per year. The radium license fee has been submitted in the amount of \$1,275.00. Additionally, as a requirement of the NJDEP license, monitoring equipment at the site both inside the facility and along the perimeter must be acquired. The applicable equipment list has been furnished to the utility superintendent and they are pursuing purchase of same.

As a reminder, Dr. Christman does not anticipate any additional training costs when adding Well #4 to the list in the future. However, there will be a slight cost for an amendment to add Well #4 as a radium treatment facility along with the radium license payable to the State of NJ.

Well #4 Radium Treatment Facility and Air Stripper:

Well #4 remains off-line since Well #1 has been meeting the demand during the non-peak season. Due to test results that were above the MCL for the 4<sup>th</sup> quarter 2012, the Town is required and did again issue the required public notices. It remains the intent not to return Well #4 to service unless there is an emergency. The Town continues to be capable of refraining on the use of Wells #5 and #7 until they are returned to service which is hopefully by the beginning of February.

Last month, we were provided partial authorization to initiate design in order to take advantage of NJEIT funding. The submission to NJEIT is due by March 1, 2013. 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. It is anticipated that the design of Well #4 including the air stripper portion will be completed by the end of January for submission to NJDEP for a construction and operational approval along with a submission to NJEIT for securing the funding.

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 – Volatile Organic Compounds (VOC's):

On or about December 18, 2012, the Well #1 treatment system installed under emergency provisions became fully operational. Well #1 has become the primary source of supply to the Town since the treatment system is addressing the levels of contamination experienced at this source.

A report to the NJDEP Spill Compensation Fund Program under their Damage Claim provisions has been filed for reimbursement of eligible costs incurred to date. At this writing, the expense to be recovered is approximately \$130,000.00.

Initial discussions have occurred to address the future of the site as it relates to the conversion of this equipment to permanency.

AACO Compliance Dates:

- ~ Licensed Operator compliance – October 31, 2012 (COMPLETED)
- ~ Licensed Operator succession plan – April 30, 2013
- ~ Wells #5/#7 Radium Removal – project completion July 1, 2013
- ~ 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)

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

There has been no change to the report filed last month which is repeated below for convenience:

*A meeting has yet to be set by NJDEP following their granting of Hammonton's request for an adjudicatory hearing on our discharge limits.*

*As a reminder, the issues raised in the comment letter involve the following:*

- ~ *Frequency of the quarterly copper monitoring requirement.*
- ~ *Ability to perform a site specific study to address the zinc limit.*

**4. 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**

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

The removal of the impacted soils situated exterior to the building was deemed complete on November 26<sup>th</sup>. The impacted soils discovered under the building are being addressed administratively by implementing both institutional (i.e., deed notice) and engineering (i.e., cap) controls. ARH prepared the Deed Notice, which was reviewed by the Town Solicitor and needs to be endorsed by the Town and recorded at the County Clerk's office. After it is recorded by the Solicitor with the County Clerk's Office, a remedial action permit application (soils) will be prepared/ submitted to 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 15<sup>th</sup> to address this issue through the natural attenuation option. After the CEA is approved, a remedial action permit application (groundwater) will be 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 and has been communicating with Town staff with respect to the need for supporting documents (i.e., waste manifests, clean fill load slips, contractor's certification, cost summary, etc.).

**6. 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.

**7. Hammonton Lake Aquatic Weed Control (P2011.0492):**

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. The application will be applied in late spring or early summer of 2013 as per the Lake Water Quality Management Report. If the Council desires to complete the application and weed treatment work, funds will need to be established within the 2013 budget. We would be available to discuss the project requirements with the Finance Committee of Council at the appropriate time of budget preparation.

**8. Drainage Projects: Anderson Avenue (11-60208.01) & Chew Road/Jacobs Street (ARH #11-60207.01):**

Anderson Avenue:

We have not received any positive feedback from the effected property owners along Egg Harbor Road related to the request for a drainage easement. In discussion with the PWTC members, we will proceed with providing a project proposal to complete the fieldwork, design, permitting and easement requests along the properties where the presentation of the conceptual design was favorable. The Council should consider placing funds in the 2013 budget to complete the work as noted on the conceptual plan.

Chew Road/Jacobs Street/First Road:

Since we received a favorable response on the conceptual design from the affected property owners, we will now proceed in preparing a proposal to Council for the remaining work to move forward with the project. The proposal will include any remaining fieldwork, design, permitting, easements, etc. The Council should consider placing funds in the 2013 budget to complete the work required as noted on the conceptual plans or a portion thereof.

**9. Boyer Avenue Recreation Complex (ARH #11-75003):**

The Contractor completed the rough grading of the site, installed the DGA in the parking and access drive locations. However, due to timing the Contractor has not been able to stabilize the site. It will be the Contractor's obligation to keep the site safe and stable. Any efforts that need to be reinforced or reinstalled will be on the Contactor. For example there is erosion in sections of the basin, the basin bottom will need to be reworked and the erosion areas repaired. We are attempting to get updated scheduling and resolve any outstanding issues with the Contractor to allow for the project to be completed as soon as the weather breaks and the optimal seeding season is here

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

Enterprise Network Resolutions (ENR) completed the removal of the storage tanks from the property the week of November 26<sup>th</sup>, and is finalizing the removal of the waste materials stored within the buildings.

ARH is close to completing the Preliminary Assessment (PA) Report and has initiated some additional sampling in connection with the ongoing Site Investigation (SI).

11. **Celona Property – Railroad Avenue/Pleasant Street (ARH #11-01054):**  
No changes since the update provided April 3, 2012, with the following exception. 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 of said notice, which is rapidly approaching. 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. The Solicitor will provide Council with an update on his findings and recommendations for action.
12. **Drainage Projects: Lakeshore and White Horse Pike (ARH #11-60202.03):**  
We have submitted an application to the NJDOT for Discretionary Aid funding consideration in the amount of \$247,250. Copies of the application were forwarded to area legislators. Council should contact the legislators to request their support for the project funding request. We recently provided a copy of the project funding application to the Business Administrator in response to an inquiry made by one of the area legislators. We have also contacted the NJDOT Trenton Review Officer regarding the status of his review. He indicated that the report should be forthcoming in February of 2013.
13. **Former Mazza Property, Egg Harbor Road Parking Lot at the Historic Train Station (P2012.0153):**  
As noted in prior reports, we were requested to resubmit our proposal dated 4/3/12 to complete the Environmental Investigative Work at the above noted site. This 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. Our proposal dated 4/3/12 totalling \$16,700.00 relates to the work required to complete the Preliminary Site Assessment investigation and report. We are waiting for further direction by the Mayor and Council. If Mayor and Council are still interested in pursuing this project, consideration for inclusion of these funds within the 2013 budget would be appropriate. We will be guided by Council's action.
14. **2012 Roadway/Drainage Projects (ARH #11-40045 & 46):**  
We are continuing work on the conceptual design plans for the project roadways. We have prepared the application to the NJEIT for funding consideration as authorized by Council totaling over 4.5 million dollars. We should hear something from NJEIT within the next few months related to this funding request. We will also be reviewing the design plans with the PWTC as the design work progresses.
15. **Hammonton Tax Map Revisions, Property Revaluation (P2011.0485):**  
The submission of the revised Tax Map was made to the State Division of Taxation in advance of the January 1<sup>st</sup> deadline. ARH continues to follow-up with the State's Division of Taxation on the status of their Tax Map review. While we have no control over the timing of their review, we typically receive feedback within 2-3 months of submittal. Once we receive the State's review comments we will address them and coordinate with the Town's Tax Assessor for issues requiring her attention.
16. **Solar Project at Former WWTP Site (ARH #11-01086):**  
All permits have been obtained for this project and the construction phase will be commencing. A ground breaking ceremony was scheduled for Friday, January 25, 2013.

SOLICITOR REPORT

Environmental Commission re: receipt of payment

Schedule meeting council comm/pinelands/residents within zone re: cluster development (and Airport Re-Zoning) on 2/7

Revaluation Status

Specs

Emergency Appropriation

Resolution Authorizing Subordination of Liens (N. Egg Harbor Road)

Motion by Councilperson Esposito, seconded by Councilperson Furgione, authorize Mayor DiDonato to sign subordination agreement as prepared by Solicitor.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Pleasant Mills Road/US Route 30 (No left turn ordinance) Under New Business  
Middle Road Resident/County Grant Program

Motion by Councilperson Furgione, seconded by Councilperson Carpo, authorize Mayor DiDonato to sign lien for county program.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Green Acres Resolution re: Boyer Avenue

Motion by Councilperson Bachalis, seconded by Councilperson Rodio, authorize Mayor DiDonato to sign Green Acres paperwork for release of funds when prepared by Solicitor.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Pulte v. Town of Hammonton Litigation (2/21/13 Plenary Hearing)

Traditions at Blueberry Ridge/Travelers/Pinelands  
Former Service Station at Railroad Avenue and Pleasant Street (DEP)  
Stockton  
Second Road Landfill

Motion by Councilperson Furgione, seconded by Councilperson Carpo, authorize use of Landfill Closure Monies for Second Road Landfill Closure Lawsuit. The total amount of funds needed toward the lawsuit are \$240,000.00.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

MAYOR REPORT

Correction Environmental Commission Appointments – Mayor Appointment - Effective 1/28/13

Chris Jage, 3 year term to expire 12/31/13 (to unexpired term Templeton)

Steven Carr, Alternate 1, 3 year term to expire 12/31/13 (to unexpired term Jage)

Amy Menzel, Alternate 2, 2 year term to expire 12/31/13 (to unexpired term Bachalis)

PWM/BUSINESS ADMINISTRATOR REPORT

#R018B-2013 Repeal Resolution 168-1999 Creating an Assistant Superintendent of Highways

R#018B-2013

A RESOLUTION REPEALING RESOLUTION #R168-1999  
CREATING THE POSITION OF ASSISTANT SUPERINTENDENT OF HIGHWAYS  
AND APPOINTING THERETO

WHEREAS, it has been recommended by the Public Works Manager/Business Administrator that the job responsibilities of the position of Assistant Superintendent of Highways are too narrow for the needs of the Highway Department at this point and time; and

WHEREAS, it is the recommendation of the NJ CSC that the titles given to employees of the Town of Hammonton be consistent with those in the NJ CSC Local Job Title Listing; and

WHEREAS, Mayor and Council have deliberated upon and agree with the above recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, ATLANTIC COUNTY, NEW JERSEY, that Resolution #168-1999 creating the Assistant Superintendent of Highways position is repealed effective the date of this resolution; and

BE IT FURTHER RESOLVED, that the current designation of this position is terminated effective the date of this resolution; and

BE IT FURTHER RESOLVED that the \$2000.00 annual salary for this position is terminated effective the date of this resolution.

Motion by Councilperson Rodio, seconded by Councilperson Esposito, the resolution 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.

#R018C-2013 Create Deputy Municipal Department Head Unclassified Position for Public Works Department

#R018C-2013

A RESOLUTION CREATING THE LOCAL CIVIL SERVICE POSITION  
OF DEPUTY MUNICIPAL DEPARTMENT HEAD FOR PUBLIC WORKS

WHEREAS, it has been recommended by Jerry Barberio, PWM/BA that there exists a need for a Deputy Municipal Department Head of Public Works;

WHEREAS, the position of Deputy Municipal Department Head is an Unclassified NJ CSC Local Position;

WHEREAS, the Deputy Municipal Department Head of Public Works provides a detailed job description pertaining to the needs of the Highway Department;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, THAT:

1. The position of Deputy Municipal Department Head of Public Works is hereby created effective the date of this resolution;
2. The job description of Deputy Municipal Department Head of Public Works is adopted effective the date of this resolution and attached hereto;
3. The salary of the Deputy Municipal Department Head of Public Works will be set by the appropriate salary ordinance per law;

Motion by Councilperson Esposito, seconded by Councilperson Bachalis, the resolution 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.

Skinner Specs

Town Road(s) striping

Bulky – February 4-February 8

Brush – February 11 – February 15

Pinelands/Clustering/WWTP Trenches

Airport – Police Hangar under construction

TOWN CLERK REPORT

1. Approve 4 month sick leave of absence without pay Radio Dispatcher 12/20/12 thru 4/20/13
2. Hire Sabrina Gilbert FT Temporary Dispatcher eff 1/28/13 at 40 hours per week \$15.00 per hour, not to exceed 6 months, with no benefits.
3. Accept resignation Historic Preservation Commission Secretary Lori Hartzell eff 1/1/13
4. Hire Kristin Keating as Secretary to Historic Preservation Commission Effective 1/28/13
5. Approve Nicole Asencio as member of Fire Co. #2
6. Accept retirement Sam Spoto, School Crossing Guard, effective 2/1/13
7. Authorize Municipal Clerk to advertise for vacant School Crossing Guard position

Motion by Councilperson Esposito, seconded by Councilperson Rodio, approve Town Clerk Report items 1 through 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 & PURCHASE ORDERS

Motion by Councilperson Rodio, seconded by Councilperson Furgione, approve January 2013 bill list and purchase orders.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione – Yes (recused on Lafayette only)

Pullia - Yes

Rodio - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

NEW BUSINESS-ORDINANCES

Ordinance #001-2013 Amend Chapter 271 Vehicles and Traffic

Ordinance #001-2013

AN ORDINANCE AMENDING Chapter 271 Vehicles and Traffic  
Section 28 Speed Zones Along Town Roadways

BE IT ORDAINED by the Mayor and Common Council of the Town of Hammonton, County of Atlantic, State of New Jersey that Chapter 271-28 be amended follows:

<b>Name of Road</b>	<b>Zone Description</b>	<b>Maximum Speed Limit (mph)</b>
Mardor Avenue	Entire Length	15

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 Carpo, seconded by Councilperson Furgione, the ordinance is taken up for first reading, 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 #002-2013 Amend Chapter 271 No Turn Pleasant Mills Rd. & Rt. 30

Ordinance # 002-2013

AN ORDINANCE AMENDING ORDINANCE 271-26

**§271-26**

WHEREAS, based upon a recommendation from the Atlantic County Engineer's Office as confirmed by an investigation by the Hammonton Police Department, it has been determined that public safety requires a restriction on certain left-hand turns at the intersection of US Route 30 (White Horse Pike) and County Route 542 (Pleasant Mills Road), as follows:

- A. Left turn prohibited, **ADD:**

**Intersection**  
Route 30 eastbound at Route 542

**Turn Prohibited**  
Left turn

**Movement Prohibited**  
No left turn onto County Route 542 (Pleasant Mills Road) for vehicles proceeding eastbound On US Route 30 (White Horse Pike)

**B. Right turns only ADD:**

**Intersection**  
Route 542 and US Route 30

**Movement Permitted**  
Right turn only (No left turn) onto US Route 30 (White Horse Pike) from County Route 542 (Pleasant Mills Road).

WHEREAS, signage consistent with the attached Schedule A prepared by William J. Day, P.E. on April 1, 2010 as File No. TS-6073A is hereby authorized to be installed.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT CHAPTER 271-26 OF THE TOWN OF HAMMONTON CODE SHALL BE REVISED WITH AN AMENDMENT CONSISTENT WITH THE ABOVE WHICH IS HEREBY ADOPTED BY MAYOR AND COUNCIL.

Motion by Councilperson Carpo, seconded by Councilperson Bachalis, the ordinance is taken up for first reading, 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

#R019-2013 Appoint Tax Assessor as Agent for Hammonton Tax Appeals

RESOLUTION #019-2013

RESOLUTION APPOINTING ASSESSOR AS AGENT FOR TOWN OF HAMMONTON

WHEREAS, from time to time the Assessor discovers an error in calculation, transposing, measurement, computer of typographical errors in the Tax Assessments on the Tax List after the time the County Board of Taxation has certified the tax rate for the tax year; and

WHEREAS, the governing body of the Taxing District of the Town of Hammonton is desirous that every taxpayer pays his fair share of taxes; and

WHEREAS, if the above discovered errors are not corrected the taxpayers affected would be paying more than their fair share of taxes; and



WHEREAS, the method of correcting such errors is to file a Petition of appeal for the current year with the Atlantic County Board of Taxation; and

WHEREAS, the error was not caused by the taxpayer.

THEREFORE BE IT RESOLVED, by the governing body of the Town of Hammonton that the Assessor is hereby authorized to act as an agent for the Taxing District and file a Petition of Appeal(s) for the **year 2013** with the Atlantic County Board of Taxation to correct such errors and lower such assessments to the current value; and

That a certified copy of this Resolution be forwarded to the Hammonton Tax Assessor to forward to Atlantic County Board of Taxation with any such Petition of Appeal.

#R020-2013 Approve Application Local Finance Board

#R020-2013

RESOLUTION OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-26(e), N.J.S.A. 58:11B-9, AND N.J.S.A. 40A:2-11(c)

**WHEREAS**, the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town") desires to make application to the Local Finance Board pursuant to N.J.S.A. 40A:2-26(e), N.J.S.A. 58:11B-9, and N.J.S.A. 40A:2-11(c) for its review and approval of (i) a bond ordinance to provide for the funding of the design, permitting, construction, construction management and the administration of the radium treatment equipment, installation and ancillary building at the Well 5/7 facility located on 14<sup>th</sup> Street, including acquisition and installation of all equipment and materials and all work necessary therefore or incidental thereto (the "Project"); (ii) financing the Project through the New Jersey Environmental Infrastructure Trust Financing Program; (iii) a non-conforming maturity schedule in connection with such proposed financing; and (iv) a waiver of the requirement to make a down payment; and

**WHEREAS**, the Town believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) the purpose is for the health, the welfare, the convenience or the betterment of the inhabitants of the Town;
- (c) the amounts to be expended for the purpose are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Town and will not create an undue financial burden to be placed upon the Town;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY AS FOLLOWS:

**Section 1.** The application to the Local Finance Board is hereby approved, and the Town's Bond Counsel, along with other representatives of the Town, are hereby authorized to prepare such application and to represent the Town in matters pertaining thereto.

**Section 2.** The Clerk of the Town is hereby directed to prepare and to file copies of the proposed bond ordinance with the Local Finance Board as part of such application.

**Section 3.** The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and approvals as provided by the applicable New Jersey Statute.

**Section 4.** The previous resolution adopted by the Town Council authorizing application to the Local Finance Board is hereby superseded by this resolution.

**#R021-2013 Approve Transfer of 2012 Funds**

#R 21-2013

RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS  
IN TOWN OF HAMMONTON MUNICIPAL BUDGET

BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton, County of Atlantic, and State of New Jersey, that there be and hereby is authorized the following transfers from the budget appropriations reserves **with an effective date of January 28, 2013:**

FROM: IN CAP		
Police S&W(2-01-25-119-100)		\$2,100.00
TO: IN CAP		
Airport OE(2-01-30-137-200)		\$1,100.00
TO: IN CAP		
Highway OE(2-01-26-123-200)		\$1,000.00
FROM: IN CAP		
Police Radio S&W (2-01-25-120-100)		\$2,000.00
TO: IN CAP		
Public Bldg/Grd (2-01-26-108-200)		\$2,000.00
FROM: IN CAP		
Prosecutor OE (2-01-25-123-200)		\$1,750.00
TO: IN CAP		
Police O&E (2-01-25-119-200)		\$1,750.00
FROM: IN CAP		
Utility S&W (2-05-55-601-100)		\$11,364.51
TO: Utility O&E (2-05-55-601-200)		\$11,364.51

**#R022-2013 Approve Stockton Change Order #9**

#R022-2013

RESOLUTION AUTHORIZING CHANGE ORDER # 9 TO THE CONTRACT WITH MJJ CONSTRUCTION LLC FOR THE STOCKTON COLLEGE AT HAMMONTON PROJECT

WHEREAS, the Town of Hammonton did, on the date of July 2, 2012, enter into a contract with MJJ Construction LLC. for the purpose of renovating the building owned by the Town of Hammonton situate at 24-30-Front Street, Town of Hammonton in the amount of \$2,499,998.50 for the project known as the Stockton College Hammonton Campus (hereinafter referred to as "The Project"); and

WHEREAS, the Town of Hammonton has previously approved change orders #'s 1-8 for The Project totaling \$1,002,464.00 which thereby increased the contract amount to \$3,502,462.50; and

WHEREAS, it has now been determined that the contract must be further amended to provide for an adjustment to reflect the items set forth in change order # 9, a summary of which is attached hereto as **Exhibit A**, in the amount of \$44,548.00 which, if approved, shall increase the total change orders for this Project to the amount of \$1,047,012.00; and

WHEREAS, these proposed change orders will result in aggregate change orders for this project to be in excess of the 20% limit for change orders as set forth in the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. and the New Jersey Administrative Code (N.J.A.C. 5:30-11.3 et seq.)

WHEREAS, N.J.A.C. 5:30-11.9 requires the following submissions in those circumstances where the aggregate change orders exceed 20% of the contract amount:

- 1) a written certification by the contractor containing the following:
  - i) an explanation of the factual circumstances which necessitate issuance of the change order;
  - ii) a statement indicating why these circumstances could not have been foreseen;
  - iii) a statement indicating why issuance of the change order would be in the best interests of the Town of Hammonton and would not constitute an abuse of these rules;
  - iv) if the nature of the change order is technical, the certification shall include a certified statement from the contractor's appropriate expert, such as an engineer or architect;
- 2) a request from the chief executive officer, in this case the Town Administrator, or his designee, to the governing body requesting the change order and explaining why this change order may be allowed pursuant to this provision; and

WHEREAS, a certification is attached hereto to reflect the availability of funds;

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Town Council of the Town of Hammonton, County of Atlantic, State of New Jersey, has satisfied itself that the above criteria have been met and therefore hereby approve an amendment to the contract awarded to MJJ Construction LLC for the project known as Stockton College Hammonton Campus, to increase the contract in the amount of \$44,548.00 as a result of approving change order # 9; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk of the Town of Hammonton are authorized to execute all necessary documentation on behalf of the Town of Hammonton: and

BE IT FURTHER RESOLVED THAT the Clerk for the Town of Hammonton is authorized to publish a notice of this action in the Town's official newspaper indicating the additional amount to be expended, the original contract price, the nature of the original and additional work authorized by the within resolution and why it is necessary to expend the additional funds; and

BE IT FURTHER RESOLVED THAT the said Clerk for the Town of Hammonton shall report this action to the Division of Local Government Affairs of the Department of Community Affairs of the State of New Jersey in its annual audit.

**Stockton Project Hammonton**

**Change Order as of 1.28.13**

<b>C.O.#</b>	<b>Purpose</b>	<b>Amount</b>	<b>Architect C.O.#</b>
<b>9</b>	<b>Marker Boards, Concrete Footing for Chiller Pad, Repair Cracked Beam and Ceiling Sound Batt.</b>	<b>\$ 44,548.00</b>	<b>CO # 9</b>

Motion by Councilperson Rodio, seconded by Councilperson Esposito, resolutions 19 through 22 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**

Frank Johnson

Mr. Johnson questioned the increase in the water and sewer bill.

Councilman Pullia advised he will pass this information onto the Municipal Utility Department Superintendent who will have someone visit Mr. Johnson's home to investigate.

**Ed Burner**

Mr. Burner reported of a growing depression on Old Forks Road and one on Third Street.

Mr. Barberio stated he would fix the town roadway and advise the county of the problem on their roadway.

**MEETING ADJOURNED**

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

April Boyer Maimone, Municipal Clerk