

Minutes Special Meeting of Mayor and Council – May 2, 2016  
Town Hall Council Chambers, 100 Central Avenue at 4:00 P.M.

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilman:

Furgione - Present  
Giralo - Present  
Gribbin – Present via telephone  
Pullia - Present  
Rodio - Present  
Torrissi - Present  
Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor  
Bob Vettese of ARH, Town Engineer  
Jerry Barberio, PWM/Business Administrator

PUBLIC NOTICE

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

PLEDGE OF ALLEGIANCE

PUBLIC HEARD FOR AGENDA ACTION ITEMS

No one desired to be heard.

#R069A-2016 Capital Budget – Valley Avenue Project

#R069A-2016  
TOWN OF HAMMONTON  
TEMPORARY CAPITAL BUDGET

**WHEREAS**, the need has arisen to introduce a bond ordinance to provide funds for the Valley Avenue and Broadway Utility Project in the Water/Sewer Utility Capital Fund, including all appurtenances necessary and related thereto, and;

**WHEREAS**, the regulations of the Local Finance board (N.J.A.C. 5:30-4.3(b)) of the Division of Local Government Services, Department of Community Services requires that the municipality adopt a temporary capital budget if a bond ordinance is to be passed prior to the adoption of the Annual Capital Budget, and;

**WHEREAS**, the ordinance provides a total appropriation as follows:

<b>1) Purpose</b>	<b><u>Total</u></b>	<b><u>Debt Authorized</u></b>
Valley Avenue and Broadway Utility Project – NJEIT	<u>\$ 3,500,000.00</u>	<u>\$ 3,500,000.00</u>

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Town of Hammonton, County of Atlantic that:

(1) a Temporary Capital Budget is hereby created for the following:

<b><u>Water/Sewer Utility Capital Fund</u></b>	
Valley Avenue and Broadway Utility Project \$	3,500,000.00

(2) the project will be included in the Annual Capital Budget, and

(3) one certified copy shall be forwarded to the Director of the Division of Local Government Services immediately after passage.

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

**ROLL CALL**

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

**Introduction Ordinance #011-2016 Valley Avenue Project**  
Ordinance #011-2016

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD AND UTILITY IMPROVEMENTS IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$3,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

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

The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town"). For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$3,500,000. No down payment is required pursuant to N.J.S.A. 40A:2-11(c) since the project authorized herein is an environmental infrastructure project being funded by a loan from the New Jersey Environmental Infrastructure Trust.

In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,500,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the design, permitting, construction, construction management and the administration of various roadway improvements to Valley Avenue, Broadway and various other Roadways in Town and utility improvements, including, but not limited to water, sewer, sanitary and storm water, curbing replacements, handicap ramps and roadway improvements, including acquisition and installation of all equipment and materials and all work necessary therefore or incidental thereto.

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

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

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

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

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 30 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,500,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$800,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Town solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Town. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Town or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. If required, the Local Finance Board, in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

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

The Town hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Town to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

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

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

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

Motion by Councilman Gribbin, seconded by Councilman Furgione, the ordinance is taken up for and passed first reading and given legal publication.

**ROLL CALL**

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

**#R069B-2016 Award Bid to Lowest Responsible Bidder – Valley Avenue Project (Contingent Upon Funding)**

**RESOLUTION # 069B - 2016**

**RESOLUTION AWARDING BIDS ON VALLEY AVENUE AND BROADWAY (CR 680) UTILITY IMPROVEMENTS**

WHEREAS, the Town of Hammonton received bids for the Valley Avenue and Broadway (CR 680) Utility Improvements Project; and

WHEREAS, said bids were received on April 27, 2016 and consisted of various unit prices and a lump sum bid total; and

WHEREAS, (5) bids were received and evaluated; and

WHEREAS, the summary of the bids received for the project are as follows with a complete bid tabulation form attached hereto:

<b>CONTRACTOR</b>	<b>BASE BID COST</b>	<b>ALTERNATE A BID COST</b>	<b>TOTAL COST</b>
Mathis Construction Co., Inc.	\$2,060,775.50	\$519,178.50	\$2,579,954.00
Charles Marandino, LLC	\$2,153,428.00	\$535,901.00	\$2,689,329.00
Mount Construction Co., Inc.	\$2,165,760.00	\$497,386.00	\$2,663,146.00
Lexa Concrete, LLC	\$2,195,475.00	\$532,242.00	\$2,727,717.00
Lafayette Utility Construction Co., Inc.	\$2,674,845.50	\$668,034.00	\$3,342,879.50

WHEREAS, the recommendation of award to Mayor and Council was to consider all bids received and the packet of information submitted with each bid; and

WHEREAS, after review from the Town Engineer and consideration of the funding made available from the New Jersey Environmental Infrastructure Trust Program (NJEIT), the Town Engineer has recommended to the Mayor and Town Council to accept and award the Base Bid and Alternate A Bid for the Valley Avenue and Broadway (CR 680) Utility Improvements which are depicted in the bid summary above; and

WHEREAS, based on the award recommendation, the lowest responsible bidder on the project was Mathis Construction Co., Inc., in the amount of \$2,579,954.00; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Hammonton that an award of the contract for the bids for the Valley Avenue and Broadway (CR 680) Utility Improvements received on April 27, 2016 be made to Mathis Construction Co., Inc., in the amount stated above in accordance with the Town Engineer's recommendation.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Town Council award these contracts with the following conditions:

1. The Town Solicitor review and approve the bid package submitted by the low bidder to ensure compliance with the applicable bid requirements.
2. Subject to the certification of the availability of funds from the New Jersey Environmental Infrastructure Trust and in accordance with the requirements of said program.
3. Contingent upon the review and approval of the authorization to award package by the New Jersey Department of Environmental Protection.
4. Subject to certification as to the availability of funds from the Town's Chief Financial Officer.
5. The Town reserves the right to reduce the scope of the project to the funds available and those portions which are deemed eligible by the NJEIT.
6. The Mayor of this body be and is hereby directed to sign for and on its behalf the contract in prescribed form for said construction.

Motion by Councilman Furgione, seconded by Councilman Rodio, the resolution is adopted with the contingency that the contractor awarded the bid fully understands and agrees that he/she is to be the only contractor for this entire project and will not utilize sub-contractor(s) per bid specifications and discussion with Council Committee and Town Solicitor.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

ENGINEER REPORT

Rockwood Road Parcel Wetlands Mapping

Motion by Councilman Giralo, seconded by Councilman Rodio, authorize Purchase Order to ARH not to exceed \$2,970.00 for Wetlands Mapping.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes  
Pullia - Yes  
Rodio - Yes  
Torrissi - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Berenato Site Plan 2<sup>nd</sup> Road

Recommend Release Performance Bond ASA1783-7610 Amount \$60,609.00 contingent upon:

1. Posting of Maintenance Bond 15% of original bond or \$9,091.35
2. Submit any escrow due

Motion by Councilman Pullia, seconded by Councilman Giraldo, authorize release of ASA1783-7610 with contingencies listed above.

ROLL CALL

Councilman:  
Furgione - Yes  
Giraldo - Yes  
Gribbin - Yes  
Pullia - Yes  
Rodio - Yes  
Torrissi - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Authorize Subordination Agreement – 14 Pressey Street

Motion by Councilman Pullia, seconded by Councilman Torrissi, authorize the Mayor to sign Subordination Agreement for 14 Pressey Street as reviewed by the Town Solicitor.

ROLL CALL

Councilman:  
Furgione - Yes  
Giraldo - Abstain  
Gribbin - Yes  
Pullia - Yes  
Rodio - Yes  
Torrissi - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

PUBLIC HEARD

No one desired to be heard.

#R069C-2016 Executive Session

#R 069C -2016

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:

St. Martin de Porres Church  
Fire Department vs. Town of Hammonton

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 Councilman Pullia, seconded by Councilman Torrissi, the resolution is adopted.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

MEETING ADJOURNED

Motion by Councilman Giralo, seconded by Councilman Gribbin, the meeting is adjourned. Motion carried.

April Boyer Maimone, Clerk