

Regular Meeting of Mayor and Council August 24, 2020
Town Hall Council Chambers, 100 Central Avenue
Executive Session 6:00 P.M.
Public Session 7:00 P.M.

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilperson:
Furgione -
Giralo -
Gribbin -
Oliva-
Rodio-
Torrissi –
Mayor DiDonato -

PRESENT ALSO

Michael Malinsky, Town Solicitor
Bob Vettese, Public Works Manager

EXECUTIVE SESSION Resolution #091-2020

RESUME REGULAR MEETING-ROLL CALL

Councilperson:
Furgione -
Giralo -
Gribbin -
Oliva-
Rodio-
Torrissi –
Mayor DiDonato

PRESENT ALSO

Michael Malinsky, Town Solicitor
Robert Vettese, Public Works Manager
Mark Hermann of ARH, Town Engineer

PUBLIC NOTICE

Notice of this meeting has been posted and given to official newspapers. Due to the COVID 19 Virus this meeting will be held electronically by way of Zoom and broadcast live on our local cable channel 9. Each person who wishes to address Council will be allotted 5 minutes. Public may be heard by dialing 609-561-3040.

PLEDGE OF ALLEGIANCE

PUBLIC HEARD FOR AGENDA ACTION ITEMS

APPROVAL OF MINUTES

Executive Minutes July 27, 2020
Council Minutes July 27, 2020
Special Meeting August 6, 2020

PRESENTATION

Police Chief Kevin Friel to make presentation regarding Police Personnel.

DISPENSE WITH REGULAR ORDER OF BUSINESS

Public Hearing of Ordinance #007- 2020 – Amending Chapter 271-28 Speed Zones

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 changed to the following:

<u>Name of Road</u>	<u>Zone Description</u>	<u>Maximum Speed Limit (mph)</u>
South Grand Street	From 12 th Street to 9 th Street	25
South 2 nd Road	From 12 th Street to North Chew Road	35

BE IT FURTHER ORDAINED that, all ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.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

Public Hearing of Ordinance #009- 2020 – Amending Chapter 261 of the Code of the Town

AN ORDINANCE TO AMEND CHAPTER 261 OF THE GENERAL ORDINANCES OF THE TOWN OF HAMMONTON

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

1. Chapter 261, Sections 2, 3, 4, 5, 7 and 9 are hereby repealed.
2. **Chapter 261 is amended to read as follows:**

§261-2. Application Process.A. Submission of application. Applications for all towing licenses required by this Chapter shall be made in writing to the Town Clerk who shall review the applications for completeness prior to transferring said applications to the Chief of Police for processing. All applications shall be accompanied by a \$300.00 nonrefundable application fee.

1. Contents of application. Each application shall include the following information:

- (a) The name of the applicant; if a corporation, the names and addresses of the officers; if a partnership, the names and addresses of all partners; if a limited liability company, the names and addresses of the members; if a sole proprietorship, the name and address of the owner, shall be set forth.
 - (b) The complete home address, home telephone number, date of birth and social security number of the applicant, if a sole proprietorship, or the complete home addresses, home telephone numbers, dates of birth and social security numbers of principal officers and partners if the applicant is a corporation or partnership; or the complete home address, home telephone numbers, dates of birth and social security numbers of the members if the applicant is a limited liability company.
 - (c) Photocopies of all registrations of every tow vehicle to be operated by the applicant. If the tow vehicle is leased, the applicant is required to submit a lease agreement.
 - (d) Names, addresses and telephone numbers of any lien holders on the principal location.
 - (e) Name, address and telephone number of the insurer and photocopies of each certificate of insurance.
 - (f) Photocopies of all towing vehicle operator's current driver's licenses, along with their social security numbers.
 - (g) Whether or not the applicant has ever had a license to conduct the business herein described denied or revoked. If such license has been denied, the applicant shall set forth in detail the facts leading to such denial.
 - (h) A statement as to whether the applicant has been convicted of any crime or the violation of any municipal ordinance other than traffic offenses and, if so, the date and place of conviction, the nature of the offense.
 - (i) The business telephone number of the applicant.
 - (j) The description, including the license number, of all vehicles to be used.
 - (k) If the applicant is not actively involved in the day to day operations of the business, then in that event, the applicant shall provide the name and address of the manager and/or individual responsible for the day-to-day operations of the business.
 - (l) The applicant shall provide an agreement acceptable to the Town of Hammonton, in its sole discretion, that upon the issuance of a license the municipal towing contractor shall hold harmless, indemnify and defend, at the contractor's expense, the Town of Hammonton, its employees and officials against all claims, demands, lawsuits, or actions for personal injury, property damage, or any third party claim brought against the Town, its employees and officials for any activities which arise out or are related in any way to the services performed in accordance with this Chapter.
 - (m) The applicant shall provide an affidavit that the information given in the application is true and correct.
 - (n) Applications will be processed according to the order in which the Town Clerk received them.
- B. Investigation and inspection.

1. Applications received by the Town Clerk shall be referred to the Chief of Police. The Chief of Police or his designee shall initiate an investigation to be made of the applicant and of its proposed business operation and shall perform inspections of the vehicles to be licensed.

2. A criminal history and driver's license check will be performed on all persons listed in the application; Each applicant will pay all fees required by the State of New Jersey for criminal history record information.

3. The Town of Hammonton recognizes that the municipal towing contractor must be trustworthy in that it is safeguarding vehicles belonging to others. Therefore, to protect the public interest, the Town may disqualify any applicant wherein an employee, owner, officer, partner, etc., that has been convicted of a crime (including disorderly persons offenses) or any violation that would indicate that the applicant may not be responsible to perform in the best interest of others.

4. The Town of Hammonton recognizes that tow truck operators must also be drivers who abide by this state's motor vehicle laws. Accordingly, the Town may disqualify any tow truck operator having one or more convictions, within three years of the date of application or renewal thereof, of any moving violation of the motor vehicle laws of this state which the Town Chief of Police or his designee determines will negatively impact upon the ability of the tow truck operator to safely and properly perform the services listed in this chapter. If the applicant is already licensed, any conviction for any moving violation which the Town Chief of Police or his designee determines will negatively impact upon the ability of the tow truck operator to

5. safely and properly perform required services will result in the disqualification of the tow truck operator from performing duties associated with this chapter.

6. Each contractor must be able to demonstrate that they are qualified and experienced in the towing and removal of all types of vehicles and that they have the facilities, equipment, expertise and personnel to meet the towing and storage requirements of the Town of Hammonton as set forth herein. Further, each contractor shall possess any and all licensing required by local and state law to perform towing and/or storage services within New Jersey.

7. The municipal towing contractor shall notify the Police Department, in writing, of any criminal charges (including disorderly person's offenses), motor vehicle offenses or ordinance violations that are issued against the municipal towing contractor or its employees during the term of the license. Failure to make the proper notification to the Police Department may result in the revocation of the license.

C. Approval/Denial Process.

1. The Chief of Police shall have a reasonable period of time after the receipt of the completed application to complete the investigation and inspection and submit a written report to the Town Clerk. The report shall include recommendations that the applicant be accepted, denied or accepted with provisions.

2. The Town Council, by a majority vote, shall approve or deny any such applications.

3. The Town Clerk shall issue a license to applicants approved by the Town Council and notify in writing the applications denied by the Town Council.

D. License Issuance.

1. All towing licenses will be issued for a period of one year beginning January 1 of each year and expire on December 31. Applications for license renewals are to be completed and returned to the Town Clerk by September 15 for the following calendar year.

2. Licenses are property of the Town and cannot be assigned, leased, shared, transferred or sold to another person, corporation or proprietorship under any circumstances.

3. The municipal towing contractor shall not represent that he is a servant, agent or employee of the Town with respect to said towing service, but is an independent contractor and shall not hold himself out as an official member of the government of the Town of Hammonton or of its departments.

4. The Town of Hammonton may issue a temporary municipal towing contractor license in the event that any emergent situation arises for the purpose of adding additional towers or replacing a current license, for reasons of revocation or closing of the business. The temporary license may be issued immediately, but the applicant must submit an application within two business days. A temporary license shall be valid for 60 days.

§261-3. Procedure in Event of Denial.

A. In the event that the Chief of Police or a police officer designated by him/her makes a determination of non-issuance of a license to an applicant, the applicant aggrieved thereby may appear to the governing body of the Town of Hammonton by written notice filed with the Town Clerk within 30 days of the date of the denial. Town Council shall, at that time, set a date for the hearing, which shall take place no sooner than 10 days nor later than 30 days from the date the request was presented to Town Council. The governing body shall review the application documents, hear testimony from the applicant, the Chief of Police or a police officer designated by him/her and other witnesses as it deems fit, and thereupon affirm, deny or modify the action taken by the Chief of Police or a police officer designated by him/her.

B. No applicant shall conduct a business without a license or while a denied license is under appeal as aforesaid.

§261-4. Revocation or Suspension of License.

A. Any license issued by the Town may be suspended or revoked by the Chief of Police for any of the following causes:

1. Fraud or misrepresentation in any application for a license.
2. Fraud, misrepresentation or other illegal activity in the conduct of the licensed business.
3. A violation of any provision of this chapter or other Town ordinances.
4. Conviction of the licensee for any felony or a misdemeanor or disorderly person's offense involving moral turpitude.
5. Conduct of the licensed activity, whether by the licensee himself or his agents or employees, in an unlawful manner or in a manner that constitutes a breach of the peace or a menace to the public health, safety or general welfare.
6. A criminal conviction of a towing operator or a principal of the towing operator.
7. Failure to respond to calls reliably and promptly, or any other unsatisfactory performance, which interferes with the operation of the rotating tow system.
8. Failure to utilize safe and adequate equipment as set forth herein.
9. Violations of motor vehicle laws and/or municipal ordinances.
10. Failure or refusal to tow or remove a vehicle when requested to do so by the appropriate municipal official.

B. In the event that the Chief of Police revokes or suspends a license issued pursuant to this Chapter, the applicant aggrieved thereby may appeal to the governing body of the Town of Hammonton by written notice filed with the Town Clerk within 30 days of the date of the revocation or suspension. Town Council shall, at that time, set a date for the hearing, which shall take place no sooner than 10 days nor later than 30 days from the date the request was presented to Town Council. The governing body shall hear testimony from the applicant, the Chief of Police or a police officer designated by him/her

and other witnesses as it deems fit and receive documents and evidence as it deems fit, and thereupon affirm, deny or modify the action taken by the Chief of Police.

§261-5. Tow/Storage Requirements; Towing and Storage of Vehicles; and Fee Schedule

A. Tow Requirements

1. The contractor shall provide, at a minimum, one or both of the following pieces of equipment to be used to meet the terms of this chapter:

(a) One light-duty wrecker. These shall have commercially manufactured chassis certified by the manufacturer for light-duty towing. Each shall be equipped with commercially manufactured lifting apparatus with dual rear wheels, safety chains, proper safety lights, rear floodlights and amber rotation emergency flashing lights.

(b) One car carrier vehicle. These shall have commercially manufactured chassis certified by the manufacturer. Each shall be equipped with a hydraulically powered winch. The tilt bed or slid-back shall be hydraulically operated. Each shall also be equipped with tiedown chains, proper safety lights and amber rotation emergency flashing lights.

2. Each tow vehicle shall be equipped with or contain equipment for providing two-way communications via radio or cell phone with the contractor's office facilities. These communications shall be available 24 hours a day, seven days a week. Tow vehicles shall also be equipped at all times with safety vests for operators, first aid kits, hand tools, a flashlight, broom, and work gloves. The contractor shall not apply any additional charge for using this equipment.

3. The following equipment shall be carried on all tow vehicles:

- (a) Push broom.
- (b) Shovel.
- (c) Fire extinguisher.
- (d) Jumper cables or jump box.
- (e) Tire changing equipment.
- (f) Pry bar and hammer.
- (g) Absorbent.

4. All tow vehicles must comply with all applicable laws and safety standards.

5. The municipal towing contractor must maintain one (1) phone number that acts as a twenty-four-hour telephone service for police contact.

B. Storage Requirements.

1. The municipal towing contractor shall designate one (1) storage facility located in Hammonton, or if the municipal towing contractor does not have a storage facility in Hammonton then within five (5) miles of Hammonton, that it shall store all cars towed pursuant to this Chapter.

2. All vehicles stored under this chapter shall be stored and protected with ordinary care to protect the vehicle from further damage.

3. There shall be no unescorted access to the storage area by the general public. Storage areas shall be posted against unauthorized entry.

4. The Police Department shall have access to any part of the storage area, 24 hours a day, seven days a week, for the purpose of inspection or investigation. Under this provision, access means a contact person must be available to provide entry.

5. No vehicles towed by the municipal towing contractor shall be stored outside of the storage facility.

6. The municipal towing contractor shall maintain regular hours for the release of vehicle from storage; a minimum of eight hours a day, Monday through Friday (excluding New Jersey state holidays) and four hours on Saturdays. Hours shall be conspicuously posted at the municipal towing contractor's principal location and the storage facility.

C. Towing and Storage of Vehicles

1. Towing services must be available 24 hours a day, seven days a week. The municipal towing contractor must provide a tow vehicle to the designated site within 20 minutes of being notified by the Hammonton Police Department. Repeated late arrivals without satisfactory cause shall constitute grounds in which the Chief of Police may consider the municipal towing contractor in violation of this Chapter and may be grounds for immediate suspension or revocation of said license.

2. Municipal towing contractors will be placed on call on a rotating basis as determined by the Chief of Police.

3. Municipal towing contractors shall be responsible for the towing of vehicles from the public streets, public alleys, public rights-of-way, public easements, avenues, thoroughfares, public or quasi-public places, including parks and playgrounds, or any other Town, county or state owned facility, as directed by the Town police.

4. The municipal towing contractor shall remove vehicles for storage to either the municipal towing contractor's storage facility or the Town storage facility, as directed by the Police Department.

5. Vehicles towed to the municipal towing contractor's storage facility will incur charges as set forth in this Chapter.

6. Vehicles removed to the Town storage facility will incur only applicable towing fees, not storage charges.

7. Prior to release of a vehicle from the Town storage facility, the Town will require the owner to satisfy his obligations to the municipal towing contractor.

8. In the event the police direct the municipal towing contractor to move the vehicle from the Town storage facility to contractor's storage facility, the owner of the vehicle will incur the cost of the additional tow and storage fees commencing the date the vehicle is moved. The municipal towing contractor that provided the original service will be requested to provide the secondary service, as long as the contractor still holds a municipal towing license from the Town of Hammonton.

9. The owner of any vehicle towed shall have the right to remove his personal belongings from the stored vehicle during normal business hours, unless the vehicle is being held as evidence.

10. The owner or agent of the owner shall have the right to photograph the stored vehicle during normal business hours.

11. When the municipal towing contractor has been contacted by the Police Department to remove a disabled vehicle that is not impeding the flow of traffic or a safety concern and then the owner or operator of that vehicle appears prior to the municipal towing contractor's arrival and requests his own towing service, the municipal towing contractor cannot charge for the response.

12. The municipal towing contractor shall be responsible to clean up and remove all broken glass and debris at the scene of accidents as per N.J.S.A. 39:4-56.8b and any amendments thereto.

13. The municipal towing contractor will also be responsible for basic environmental cleanup.

14. In the event that an emergency arises and the on-call municipal towing contractor cannot provide adequate service when requested by the Police Department, another municipal towing contractor will be contacted to respond.

15. If no municipal towing contractor can perform the required service, the Police Department may contact any available towing contractor with the proper equipment to perform the activity. The fees for vehicles that require this extraordinary service shall be reasonable and customary, based upon the prevailing rate in the industry. Whenever applicable, it shall be the responsibility of the towing contractor to first inform the owner or operator of the estimated total cost prior to the performance of any towing service.

16. Municipal towing contractors may not charge any owner for any damage to his tow equipment or storage facilities resulting from any towing operation.

17. Prior to towing any vehicle, the municipal towing contractor shall remove or secure anything that may fall from the disabled vehicle while being towed.

18. No municipal towing contractor shall release a vehicle until a Town of Hammonton Police Department vehicle release form is completed, signed and filed with the Hammonton Police Department. An administrative fee of \$25 shall be charged for the processing of the Hammonton Police Department vehicle release form. Such fee is to be paid by the owner of the vehicle and collected by the Town of Hammonton prior to a release being issued.

19. Pursuant to N.J.S.A. 39:4-56.6, the municipal towing contractor shall be responsible for the public sale or auction of any vehicle abandoned at the municipal towing contractor's storage facility. The Town of Hammonton shall only be responsible pursuant to N.J.S.A. 39:10A-1 et seq., for abandoned and unclaimed vehicles at a Town-owned storage facility.

20. Vehicles that are legally eligible shall be put up for public auction according to law by the Town of Hammonton. These vehicles are to be grouped for sale. Groups are to be determined based on their location and the length of time each vehicle has been eligible for public sale. Groupings are to be made at the sole discretion of the Town of Hammonton Police Department. Each group of vehicles shall compose a lot. Said lots are to be auctioned off according to law. The minimum acceptable bid for each lot shall not be less than the aggregate charges for towing and storage accrued by each vehicle in said lot. All proceeds from the public auction of these vehicles shall remain with the Town of Hammonton and shall be used to satisfy any claims for towing and storage.

21. In the event that no bids are received for any lot, the contractor agrees to accept title to each vehicle comprising said lot as payment in full for any towing and/or storage claims against said vehicles. In no event shall the Town of Hammonton be liable for any charges or claims associated with the towing and/or storage of any vehicles towed or stored under the terms of this chapter unless said vehicle is owned by the Town of Hammonton and sold at public auction.

D. Fee Schedule

1. Basic Towing. Basic Towing Service shall be defined as: The removal and transportation of an automobile from the incident scene to the contractor's storage lot at the request or call of authorized personnel or members of the Town of Hammonton Police Department as may be required when said automobile is abandoned, disabled, damaged in accidents, illegally parked, recovered after being stolen or, in the case of emergency, from a highway, street or other public or private road, or from a parking area or from a storage facility, basic clean up (including glass, debris and fluid), gate fee after hours, yard fee, additional cost for second tow truck, if needed, and recovery of a vehicle not in an upright position in the right-of-way only. It does not include recovery of an automobile from a position beyond the right-of-way or berm, being impaled upon any other object within the right-of-way or berm, or any further services provided by the contractor.

2. The maximum fees municipal towing contractors shall charge for Basic Towing Service shall be as follows:

- (a) Basic towing service (two axles).
 - i. Under 10,000 pounds gross vehicle weight: \$140.
 - ii. Additional axle: \$25.
 - iii. Rate per mile out of Town: \$3.
- (b) Basic towing service (two axles).
 - i. Between 10,001 pounds and 16,000 pounds gross vehicle weight: \$215.
 - ii. Additional axle: \$35.
 - iii. Rate per mile out of Town: \$4.
- (c) Basic towing service, over 16,001 pounds gross vehicle weight (heavy duty): \$300.
 - i. Rate per mile out of Town: \$5.
- (d) Basic towing service, motorcycle/motorized bicycle: \$100.
 - i. Rate per mile out of Town: \$3
- (e) Recovery of vehicle not in an upright position within the right-of-way.
 - i. Vehicle under 8,000 pounds gross vehicle weight: \$75.
 - ii. Vehicle between 8,000 pounds and 16,000 pounds gross vehicle weight: \$100.
 - iii. Fees for vehicles over 16,000 pounds gross vehicle weight shall be reasonable and customary, based on prevailing rates in the industry.
- (f) Cost for a second tow truck if needed: \$75 per hour.
- (g) Basic cleanup, including glass, debris and fluid: \$35, plus \$10 per bag of absorbent used.
- (h) Storage fees per calendar day (commencing 12 hours after the request for tow).
 - i. Outside building secured.
 - [1] Under 8,000 pounds gross vehicle weight: \$25.
 - [2] Up to 16,000 pounds gross vehicle weight: \$30.

ii. Inside building secured.

- [1] Under 8,000 pounds gross vehicle weight: \$30.
- [2] Up to 16,000 pounds gross vehicle weight: \$40.
- [3] Fees for vehicles over 16,000 pounds gross vehicle weight shall be reasonable and customary, based on prevailing rates in the industry.

(i) Where a vehicle is stored as a result of having been involved in a fatal motor vehicle accident or incident, the permitted storage fees shall not start to be incurred until the 8th calendar day after the owner or owner's representative is notified by the Police Department that the vehicle can be released.

(j) Owner access to vehicle. Any owner requesting access to the owner's vehicle at the storage facility to retrieve items from the vehicle may be charged a fee of \$35 per hour prorated in increments of 15 minutes.

(k) After-hours release fee (Gate Fee): \$35.

(l) Yard fee: \$40

3. Non-basic towing.

(a) Non-basic towing shall be defined as: All towing services that are not basic towing services or private passenger automobiles.

(b) This chapter is not intended to regulate or set fees for non-basic towing services or the towing and storage of trucks and buses. Such service, if required, shall be billed at reasonable prevailing rates. The towing contractor shall submit a list of fees in advance for non-basic towing services to the Chief of Police, who shall have the sole discretion in determining the maximum fees permitted.

4. Municipal vehicles. The maximum charge for towing Hammonton municipal vehicles, for both basic and non-basic towing, whether from within the Town of Hammonton or outside the Town of Hammonton to any designated municipal impound lot or other location shall be \$100.00.

§261-6. Insurance Requirements

A. Towing contractors shall be required to purchase, maintain and provide during the time of service on the rotary list proof of insurance furnished by a reputable insurance company licensed to do business in the State of New Jersey, containing the following coverages with liability limits as set forth below:

1. Garage liability/comprehensive general liability insurance policy in an amount not less than \$1,000,000 combined single limit coverage bodily injury and property damage liability, including but not limited to personal injury, products liability (where applicable), independent contractor and completed operation coverage.
2. Garagekeepers legal liability "direct primary" insurance policy in an amount not less than \$100,000. Said policy must include both comprehensive and collision and an endorsement to include on hook.
3. Automobile liability insurance policy in an amount not less than \$1,000,000 combined single limit covering bodily injury and property damage liability including but not limited to owned, nonowned and hired vehicles.
4. Workers' compensation insurance as required by law, including, but not limited to, statutory New Jersey Workers' Compensation benefits, and employers liability of at least \$100,000.

5. Excess/umbrella liability. In the event that a garage liability and/or automobile liability cannot be purchased up to the required limit of \$1,000,000, an excess liability or umbrella liability policy must be purchased to affect a total liability limit of \$1,000,000. Excess or umbrella liability policies will not be required for garage or automobile policies that meet or exceed the minimum limit of \$1,000,000.

6. The garage liability policy shall name the Town of Hammonton as additional insured and certificate holder.

§261-7. Recordkeeping

A. The municipal towing contractor shall prepare and issue to the owner/operator a written invoice for services rendered under this chapter. The invoice shall reflect the date, time, location of service, the employee that performed the service and that the service was performed at the direction of the Police Department. A copy of the invoice shall be retained by the municipal towing contractor and filed in a manner that coincides with his normal business practice and will allow immediate access to such records when requested by the Police Department.

B. The municipal towing contractor has discretion to establish the method of payment and forfeits all mechanic lien rights once he physically releases a vehicle from his custody. The Town will not be held liable for or assist the municipal towing contractor to collect any unpaid fees that were incurred under the provisions of this chapter.

C. The municipal towing contractor shall incur the cost of and shall post the rate schedule listed in this chapter in a conspicuous location at the municipal towing contractor's principal location where payment of fees are transacted.

D. The municipal towing contractor shall incur the cost of preparing a payment rate circular for fees listed under this chapter and shall distribute this rate circular to all customers, at no cost.

E. The municipal towing contractor shall not release any vehicle impounded under this chapter without written release from the Police Department. The release form must be attached and filed with the invoice.

F. All records, payment invoices and other documentation resulting from the municipal towing contractor's compliance with this chapter must be kept by the municipal towing contractor for a period of two years.

3. Chapter 261, the following Sections shall be renumbered:

<u>Old Section</u>	<u>New Section</u>
§261-6	§261-8
§261-8	§261-9

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any Ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

Public Hearing of Ordinance #010- 2020 – By Title only Amending Chapter 211 Section 1 of the Code of the Town

AN ORDINANCE TO AMEND CHAPTER 211 OF THE GENERAL ORDINANCES OF THE TOWN OF
HAMMONTON

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

1. Chapter 211, Section 211-2(A) is amended to read as follows:

A. No owner or his/her agent shall occupy, sell, rent, transfer, grant, lease, let, mortgage with right of occupancy or otherwise dispose of the ownership or occupancy, whether or not for a consideration and whether such disposal of ownership or occupancy is temporary or permanent, of any dwelling, apartment unit, condominium, duplex or triplex unit, hotel, motel, rooming house, rooming unit, boardinghouse or premises on which the building is located and is used for human occupancy, unless a certificate of occupancy, certifying that the building and premises are in compliance with all other ordinances of the Town of Hammonton, shall first be obtained from the Code Enforcement Officer of the town. Such certificate of occupancy shall be granted or denied within 10 days from the date of the application for the same. However, nothing in this Section 211-2(A) shall require an owner to obtain a certificate of continued occupancy when selling, renting or otherwise disposing of ownership or occupancy of any residential dwelling.

3. Chapter 211, Section 211-2(D) (3) is deleted.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any Ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

COMMITTEE REPORTS

Administration - Councilman Gribbin

Business & Industry – Councilman Oliva

Quality of Life – Councilman Oliva

Education - Councilman Torrisi

Public Works & Transportation - Councilman Rodio

Law & Order - Mayor DiDonato

ENGINEER REPORT

PUBLIC WORKS ACTION ITEMS:

1. **NJDOT Local Aid FY 2020 – 14th Street Roadway Improvements, Phase III (ARH #11-40058):**

Bids were received on Wednesday August 19, 2020. There was one (1) bidder, Arawak Paving, with a low bid of \$478,900.00. The scope of the project is the repaving of approximately 7,500 linear feet of road. A recommendation of award has been provided to Administration and Council for consideration.

Our office has submitted a proposal to perform the construction inspection and material testing for this project. The cost of the proposal is in the amount of \$50,000.00. We note that the inspection testing and fees are reimbursable through the grant, so the Town has no obligation to fund the work.

We note that there is approximately \$86,000.00 remaining in the grant after the award of the base bid and construction management contract. There are opportunities to install additional paving, curbing, sidewalk, and drainage to maximize the use of the grant funds.

Actions Requested:

Award a contract to Arawak Paving in the amount of \$478,900.00 for the 14th Street Roadway Improvements Phase III project.

Authorize ARH to perform the construction management and materials testing for the project, in the amount of \$50,000.00.

2. **Hammonton Bike Path Connector (ARH #11-40052):**

Bids were received on Wednesday August 19, 2020. There were eight (8) bidders. A recommendation of award has been provided to Administration for consideration. Our recommendation is to award the Base Bid plus Alternate A, which will allow for the paving of the bike path as opposed to providing just a dense graded aggregate path.

Please note if the Town chooses to not award this project then they will lose the NJDOT funds.

Our office previously submitted a proposal to perform the construction inspection and material testing for this project. The cost of the proposal is in the amount of \$18,500.00. We note that since the award the of construction contract will be in excess of the grant funding, the costs associated with our services will be the responsibility of the Town.

Actions Requested:

Award a contract to Landberg Construction in the amount of \$279,448.44 for the Base Bid + Alternate A + Alternate B for the Hammonton Bike Path project.

Authorize ARH to perform the construction management and materials testing for the project, in the amount of \$18,500.00.

MISCELLANEOUS ACTION ITEM:

3. **Main Road Apartments (ARH #11-20188)**

The developer of Main Road Apartments is seeking a performance bond reduction. Our office has confirmed the installed improvements and quantities to date and find the improvements acceptable. The posted performance bond amount is \$914,412.00. Since the value of the improvements is greater than 70%, the Town may retain 30% of the original bond amount as a guaranty that the remaining improvements will be installed. Therefore, the recommended amount of the new performance bond is \$274,323.60.

Action Requested:

Approve Main Road Apartment's request for a performance bond reduction, to the amount of \$274,323.60, conditioned upon all fees have been paid and escrow balances are adequate.

PUBLIC WORKS INFORMATION ITEMS:

4. **Washington and Somerby Streets Utility As-built (ARH #P2020-0372):**

ARH was authorized to perform an as-built survey of the utilities along Somerby Street and at the intersections with Washington Street and Railroad Avenue. The scope of the project will be to locate the sanitary sewer mains, manholes, and cleanouts, the storm sewer system, water mains and gas mains. Our office is performing the work this week. Once completed, a base map will be prepared and supplied.

5. **NJDOT FY2021 State Aid Applications (ARH #11-40041):**

Our office completed and submitted the following NJDOT FY2021 State Aid Applications for the Town:

- Municipal Aid – Valley Avenue Roadway Improvements
- Bikeways – Hammonton Bike Path Extension Phase II

Typically, the NJDOT announces the grant awards towards the end of the year or beginning of next year.

6. **Mazza Muffler Site (ARH #11-01102):**

The HDSRF grant is under internal review.

7. **K&K Linens Property (ARH #11-01094.01):**

The HDSRF grant has been submitted and is under State review.

8. **Octagon Oil/Vine Street Parking Lot (ARH #11-01060):**

No status change. ARH prepared the Remedial Action Report and submitted same to NJDEP. The Town must pay NJDEP invoices before the Response Action Outcome (RAO) letter can be issued. Once the RAO is received, the application for a remedial action permit (RAP) for the remaining groundwater impacts can be prepared.

9. **Celona Site Remediation - 130 Railroad Avenue (ARH #11-01054):**

Three (3) permanent wells were installed and tested. We are currently reviewing results.

10. **Skinner Property (ARH #11-01074.01):**

The grant to the State and been submitted and is under State review.

11. **Policastro Property (ARH #11-01101.01):**

No status change. We are waiting for the Town to make a decision on pursuing a grant.

SEWER/WATER INFORMATION ITEMS:

12. **Boyer Avenue Pump Station Design (ARH #11-50144):**

The Pinelands has requested an alternatives analysis, which is required to justify the proposed location of the pump station. Our office has prepared the analysis for resubmission. The analysis may impact the design of the station if the Pinelands requires us to relocate the system. We continue to work with the NJDEP to complete the Treatment Works Approval application.

13. **NJ Water Quality Accountability Act – Valve & Hydrant Mapping (ARH #11-30166):**

Final rollout of the app and dashboard are complete. The Water Department has been using the app in its work exercising valves, and the app is now also being used to record hydrant flushing activities. Users will be meeting with ARH personnel as needed to work through any bugs.

14. **NJ Water Quality Accountability Act – Asset Management Plan (ARH #11-30166.03):**
ARH provided Anthony DeCicco with a proposal to complete the remaining elements of the Asset Management Plan. The cost to complete the plan for the three (3) well sites is \$18,300.00, which includes performing a complete asset inventory, creating the Asset Management Plan database with maintenance and replacement schedules and performing a water loss audit. The proposal has been deferred to a later date.
15. **Frog Rock Golf Course (ARH #11-01000):**
ARH has been performing ongoing work with the Conflict Solicitor and Attorney regarding the litigation pertaining to the Frog Rock Golf Course. Requested documents were provided to the attorney prior to the 2/14/2020 litigation deadline.

MISCELLANEOUS ITEMS:

16. **ROSI Map Update (ARH #11-75002.02):**
As authorized, we have met internally along with the Recreation Committee and Bicycle Committee representatives. We have completed a portion of the update the ROSI map.

SOLICITOR REPORT

MAYOR REPORT

PWM REPORT

TOWN CLERK REPORT

- 1) Approval of 6 Months leave of Absents for Michael Kerbowski for his duties at the Highway Dept.

APPROVE BILL LIST & PURCHASE ORDERS

NEW BUSINESS

ORDINANCES FOR INTRODUCTION

RESOLUTIONS

Resolution #092-2020- 159 Budget Addition FAA Grant

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

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

WHEREAS, the Town has received notice of an amount of \$168,765.00 from the U.S Department of Transportation, Federal Aviation Administration and wishes to amend its 2020 Current Fund Budget to include this amount as a revenue.

NOW, THERFORE, BE IT RESOLVED that the Governing Body of the Town of Hammonton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund Budget of the year 2020 in the sum of \$168,765.00 which has been awarded and is available as a revenue from:

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

U.S. DOT, FAA Grant

BE IT FURTHER RESOLVED that a like sum of \$168,765.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations - Excluded from "CAPS":

Public and Private Programs Offset by Revenues:

U.S. DOT, FAA Grant

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

Resolution #093-2020- Tax / Water / Sewer Refunds

A RESOLUTION OF THE MAYOR AND COUNCIL
OF THE TOWN OF HAMMONTON
AUTHORIZING TAX / WATER / SEWER REFUNDS

Whereas, the following accounts need to have amounts credited, transferred, cancelled, refunded or changed

<u>Block / Lot</u>	<u>Name</u>	<u>Address</u>	<u>Amount</u>	<u>Reason</u>
1807/1	Ingemi, Frank	30 Leah Ct.	\$1,602.01	refund/overpayment
2709/26	Scanga, Francesco	390 Fairview Ave	\$1,182.16	refund/overpayment
3102/15	Wells Fargo	601 Bellevue Ave	\$1,263.04	refund/overpayment
3919/65	Wells Fargo	855 Central Ave	\$ 500.00	refund/overpayment
1202/14	Corelogic	567 11 th St	\$1,117.47	refund/overpayment
1202/29	Corelogic	35 S Chew Rd	\$1,316.48	refund/overpayment
2302/1/C022	Corelogic	22 Deborah Ln	\$ 735.60	refund/overpayment
2302/1/C021U	Corelogic	21U Debora Ln	\$ 752.48	refund/overpayment
2413/18	Corelogic	215 Messina Ave	\$1,099.88	refund/overpayment
2527/7	Corelogic	142 Front St	\$ 829.13	refund/overpayment
3004/29	Corelogic	251 Park Ave	\$1,417.05	refund/overpayment
3106/19	Corelogic	45 N Packard St	\$1,316.48	refund/overpayment
3207/16	Corelogic	557 Grape St	\$1,661.78	refund/overpayment
3606/19	Corelogic	786 Bellevue Ave	\$1,304.53	refund/overpayment
4115/3	Corelogic	12 Queens Ln	\$2,179.99	refund/overpayment
4301/3.09	Corelogic	35 Dogwood Ln	\$2,038.72	refund/overpayment
4801/22	Corelogic	132 Plymouth Rd	\$1,035.18	refund/overpayment
4908/2/C0024	Corelogic	24 Jamestown Blvd	\$ 898.05	refund/overpayment
4501/5	Canich, Ian & Kaitlin	142 Pine Rd	\$1,101.65	cancel/exempt veteran

Whereas, the above amounts have been corrected in the Edmunds Billing system for the Utilities and or tax module showing the correct amounts.

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY that the above refunds are authorized, as approved by the Tax Collector of the Town of Hammonton:

Resolution #094-2021 – Approval to Participate in the Defense Logistics 1033 Program for 2020

**RESOLUTION AUTHORIZING THE TOWN OF HAMMONTON THROUGH THE
HAMMONTON POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS
AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE
HAMMONTON POLICE
DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE
EQUIPMENT**

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Hammonton that the Hammonton Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from

January 1, 2020 to December 31, 2020; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Hammonton Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Hammonton Police Department, without restriction; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Hammonton Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the period of time for which this resolution authorizes: (1) utility truck, (1) light utility vehicle, or (1) MRAP, ; and

BE IT FURTHER RESOLVED that the Hammonton Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Hammonton Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the current calendar year from January 1, 2020 to December 31, 2020.

Resolution #095-2021- Approval to Participate in the Defense Logistics 1033 Program for 2021

RESOLUTION AUTHORIZING THE TOWN OF HAMMONTON THROUGH THE HAMMONTON POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE HAMMONTON POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

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BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the current calendar year from January 1, 2021 to December 31, 2021.

PUBLIC HEARD

MEETING ADJOURNED