

Regular Meeting of Mayor and Council August 27, 2018
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 - Present

Giralo - Present

Gribbin - Present

Rodio- Present

Sacco - Present

Torrissi – Present

Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor

Jerry Barberio, PWM/Business Administrator

EXECUTIVE SESSION Resolution #104-2018

Motion by Council Person Rodio Second Gribbin

Enter into Executive Session

Motion by Council Person Furgione Second Torrissi

Close Executive session return to regular session, Resolution #104-2018 is adopted

EXECUTIVE SESSION Resolution #122-A-2018

Motion by Council Person Rodio Second Furgione

Enter into Executive Session

Motion by Council Person Gribbin Second Giralo

Close Executive session return to regular session, Resolution #122-A-2018 is adopted

RESUME REGULAR MEETING-ROLL CALL

Councilperson:

Furgione - Present

Giralo - Present

Gribbin - Present

Rodio- Present

Sacco - Present

Torrissi – Present

Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor

Brian Howell – Conflict Solicitor

Mark Hermann of ARH, Town Engineer

Jerry Barberio, Public Works Manager / 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

APPROVAL OF MINUTES

Executive Minutes July 23, 2018

Executive Minutes August 13, 2018

Council Minutes July 23, 2018

Council minutes August 6, 2018

Council Minutes August 13, 2018

Motion by Council Person Torrissi Second Sacco

Minutes are approved

Roll Call

Councilperson:

Furgione – Yes

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Deputy Mayor DiDonato declares motion is carried

Presentation

COAH – Shirley Bishop gave information to mayor and council on Affordable housing issue.

Discussion on Property Acquisition (Frog Rock)

- Chris Rehmann – gave overview of the acquisition of the property and why ARH and recommends the purchase of the property.

- Council Person Furgione Questioned the issue of the Golf course still be able to be viable. Can't run a gold course if there is drip irritation on the location.

Mayor DiDonato – Commented saying the extra acreage on the golf course would help the water issue the Town faces. This is a great opportunity for the Town. This is a great purchase price for this type of acquisition.

Mayor read his statement about the issue. KMD doesn't want to build on this location; he puts the Town's needs first. Also, stated that this is at least a 60 day process, there are safeguard in the agreement to protect the Town.

- Council Person Torrissi questioned the mayor's business interest in the acquisition. Are we currently at capacity at Boyer Ave site? Also, stated not to rush into this. We need to know all the ramifications.

- Dr. Linda Rehmann informed that Boyer Ave site has 14.24 acres of subsurface drip to be used. 12 Acres of wooded area for overland drip. Gave info. On Pinelands / DEP comments on use of site. Commented on the current site, there is too much water going to site.

- Council Person Rodio We need to look to the future, this purchase is looking for that.

- Council person Furgione can't get past the idea of having a gold course on this site forever. The Town can't give a 99 year lease on the golf course

- Council Person Gribbin this is an opportunity for the Town, we need to take advantage of this situation.
- Conflict Solicitor Brian Howell spoke about the sellers and not using the golf course option. There is a new price for the acquisition and lot 13 is no longer in the price. 1.2 Million Total
- Anthony DeCicco Utility Superintendent, this is a benefit to the Town to make this purchase. To build houses on this location would be a detriment to the Town.
- Council Person Sacco questioned the current irrigation system at gold course.
- Kim Forsman 340 North Chew Road, Questioned of you are running for office can you sell property to the Town? Slow this process down, no need to move so fast.
- Gordon Pheribo 23 Magnolia Court, Questioned what type of system will work there? What does Buena do with their effluent?
- Jean Malcolm 436 Pleasant Mills Road, concerned about water, will it damage the wells currently at Boyer Ave?
- Anthony DeCicco Superintendent, we currently have 9 wells on site to test water.
- Caponi 120 Broadway – Moving to fast slow down, we need info before we move forward.
- Joe Caruso 53 Main Road- If we do not do deal is there more room at Boyer Ave site?
- Mayor DiDonato – If we do not spend the money now, we will spend 3 to 5 million on current site.
- Frank Domencia Dept. head construction – Gave his report on his dept.

Wave See – David Rosen gave presentation on Medical Marijuana

Mike Potter - Read statement for record about medical marijuana
 Brandon Raso of Variety farms gave presentation on cultivation of Medical Marijuana.

Resolution #117-2018 – Rental Rehab Program

RESOLUTION REGARDING APPOINTMENT OF ENTITY TO PREPARE
 Rental Rehabilitation Program Operating Manual

Whereas, the Mayor and Council of the Town of Hammonton wish to authorize the execution of a contract with Triad Associates to prepare an Operating Manual for a Rental Rehabilitation Program in the amount not to exceed of \$2,500.00.

Now, therefore, be it resolved, that the Mayor and Council of the Town of Hammonton, County of Atlantic, authorize execution of this agreement entitled “Operating Manual for a Rental Rehabilitation Program”

Be it further resolved, that copies of the agreement referenced herein shall be kept on file and made available for public inspection at the Municipal Clerk’s office during normal business hours; and

Be it further resolved, that language in chapter 90 of the Code of the Town of Hammonton inconsistent with the language and intent of this contract and Resolution be deemed and declared ineffectual.

Motion by Council Person Rodio Second Gribbin

Resolution #117 is adopted

Roll Call

Councilperson:

Furgione – Yes

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Resolution #118-2018- Appoint Triad Assoc. as Administrative Agent

RESOLUTION REGARDING APPOINTMENT OF
Market to Affordable Program and Administrative Agent Services

Whereas, the Mayor and Council of the Town of Hammonton wish to appoint Triad Associate to provide Market to Affordable Program and Administrative Agent Services per the Settlement with New Jersey Council on Affordable Housing per resolution # 059-2018.

Now, therefore, be it resolved, that the Mayor and Council of the Town of Hammonton, County of Atlantic, authorize execution of this agreement entitled "Market to affordable Program and Administrative Agent Services"

Be it further resolved, that copies of the agreement referenced herein shall be kept on file and made available for public inspection at the Municipal Clerk's office during normal business hours.

Motion by Council Person Giraldo Second Sacco

Resolution #118 is adopted

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodino- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

RESOLUTION # 119-2018 – Affordable Housing Administrator

RESOLUTION APPOINTING AN AFFORDABLE HOUSING ADMINISTRATIVE AGENT IN THE TOWN OF HAMMONTON

WHEREAS, the governing body of the Town of Hammonton filed a Declaratory Judgment Action on July 15, 2015 requesting a Judgment of Compliance and Repeal; and

WHEREAS, the Town of Hammonton's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), the Uniform Housing Affordability Controls (UHAC) and the Council on Affordable Housing (COAH)'s Prior Round Substantive Rules (N.J.A.C. 5:93-1, et seq.) and;

WHEREAS, pursuant to N.J.A.C. 5:80-26.1 et seq., the Town of Hammonton is required to appoint an Administrative Agent for the administration of the Town of Hammonton's affordable housing programs; and

WHEREAS, the Town of Hammonton identifies TRIAD Associates to serve as Administrative Agent and the Conflict Solicitor is authorized to finalize a Contract with TRIAD consistent with TRIAD's previously submitted proposals to the Town which have been executed by the Mayor on behalf of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED by governing body of the Town Hammonton, in the County of Atlantic and the State of New Jersey, that TRIAD Associates is hereby appointed by the Governing Body of the Town of Hammonton as the Administrative Agent for the administration of the affordable housing programs, pursuant to and in accordance with the Municipal Code of the Town of Hammonton and the Housing Element and Fair Share Plan.

Motion by Council Person Giraldo Second Rodino

Resolution #119 is adopted

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodino- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

RESOLUTION #120-2018 – Shortfalls in affordable housing

A RESOLUTION OF THE TOWN OF HAMMONTON REGARDING ANY SHORTFALLS ASSOCIATED WITH THE PROVISION OF AFFORDABLE HOUSING AS SET FORTH IN THE TOWN'S ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Town of Hammonton, Atlantic County, has made application to the Superior Court for a Judgment of Compliance and Repose of its adopted Housing Element and Fair Share Plan; and

WHEREAS, the plan submitted to the Court allocates funds for rehabilitation, a market to affordable program and group home bedrooms; and

WHEREAS, the Town of Hammonton anticipates that funding will come from developer fees collected and projected and from the Atlantic County Improvement Authority (ACIA) Rehabilitation Program; and

WHEREAS, it is the Court's position that the Town of Hammonton must allocate funds for the provision of affordable housing as set forth in the Town's adopted Housing Element and Fair Share Plan; and

WHEREAS, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in the Town of Hammonton's Housing Element and Fair Share Plan, the Town of Hammonton shall take all appropriate actions to secure and make available sufficient funding from all sources to address any shortfalls.

NOW THEREFORE BE IT RESOLVED by the governing body of the Town of Hammonton, Atlantic County, that the governing body does hereby agree to take appropriate actions, consistent with law, to fund any shortfall in its approved affordable housing programs that may arise whether due to inadequate funding from other sources or for any other related reason; and

BE IT FURTHER RESOLVED that any shortfall may also be funded by bonding if there are no other resources, provided, however, that the Town should first utilize all other funding sources available to it, including but not limited to, development fees.

Motion by Council Person Rodio Second Giraldo
Resolution #120 is adopted

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

RESOLUTION # 121-2018 – 2018 Housing Element Fair Share

TOWN OF HAMMONTON
RESOLUTION ENDORSING
THE 2018 HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (the "2015 Case"). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court and established a transitional process for municipalities, like the Town of Hammonton, to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plan ("HEFSP") as being constitutionally compliant, and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and the 2015 Case, the New Jersey Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

WHEREAS, on July 7, 2015, the Town of Hammonton (the "Town") filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (the "Declaratory Judgment Action"); and

WHEREAS, the Superior Court of New Jersey has ordered that municipalities that have filed declaratory judgment actions must adopt an updated HEFSP that addresses their affordable housing obligations; and

WHEREAS, the Town's Planning Consultant, Shirley M. Bishop, PP, has prepared an updated HEFSP dated July 2018 (the "2018 HEFSP") that addresses the Town's affordable housing obligation, which is based on a Settlement Agreement that has been reached between the Town and the Fair Share Housing Center ; and

WHEREAS, the Town has reached agreement as to the Town's obligation for providing affordable housing and the methodology and strategies for meeting that obligation; and

WHEREAS, the Court held a Fairness Hearing on June 1, 2018, at which time the Court determined that the Town's Settlement Agreement satisfies the Town's obligation to provide a realistic opportunity to satisfy its Rehabilitation, Prior Round and Third Round "fair share" of the regional need for housing affordable to low-income and moderate-income households pursuant to the Fair Share Housing Act, N.J.S.A. 52:27d-301, et seq., the substantive, applicable regulations of the New Jersey Council on Affordable Housing ("COAH", Mount Laurel IV and other applicable laws; and

WHEREAS, the Planning Board at its meeting held on August 1, 2018, reviewed the 2018 HEFSP and has determined that implementation of the 2018 HEFSP is in the public interest, would protect public health and safety and would promote the general welfare; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hammonton, Atlantic County, New Jersey, on this 27th day of August 2018, that:

1. The Town Council hereby agrees to implement the 2018 HEFSP that has been adopted by the Planning Board, and which addresses the terms of the Settlement Agreement and the Superior Court of New Jersey by Order dated June 1, 2018; and
2. The Town Council hereby endorses the HEFSP as adopted by the Planning Board as an amendment to the Town's Master Plan and agrees to implement the HEFSP by adopting applicable ordinances; and
3. The Mayor, Town Administrator and Town Clerk, together with all other officers, professionals and employees of the Town of Hammonton are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
4. This Resolution shall take effect immediately.

I do hereby certify that the foregoing is a true and exact copy of a resolution adopted at a meeting of the Governing Body of the Town of Hammonton, held on 27th day of August, 2018.

Motion by Council Person Furgione Second Giraldo
Resolution #121 is adopted

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Hearing Ordinance #028-2018 Fixing Salaries of Certain Employees

AN ORDINANCE FIXING THE SALARIES OF
Certain Employees in the Town of Hammonton

BE IT ORDAINED by Mayor and Common Council of the Town of Hammonton, County of Atlantic, New Jersey the salaries, clothing allowance, education stipend, health insurance buyout, sick time, vacation time, personal time, comp time, holidays and overtime shall apply to members for contract terms commencing January 1, 2018 per Town Code and per individual contracts and individual bargaining unit Contracts. Individuals shall be paid pursuant to the contract minimums and maximum salaries / Hourly Rates as per contract are as follows:

| <u>TITLE</u> | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|-----------------|----------------|----------------|
| Police Officers | 40,000 | 100,000 |

BE IT FURTHER ORDAINED the appropriate level that each employee covered under their individual or bargaining unit contract shall be paid determined by the language contained in the aforementioned contract. No prior contract language or language contained in the prior salary ordinance shall be applicable for purposes of determining the salary level of any personnel, and

BE IT FURTHER ORDAINED there shall be added as a longevity increment for each full-time employee as negotiated and set forth in the contract, and

BE IT FURTHER ORDAINED the method of payment of the salaries to each employee shall be fixed by resolution by Mayor and Council, and

BE IT FURTHER ORDAINED this ordinance shall take effect after final passage and publication according to law and its provisions shall be retroactive to January 1, 2018.

Motion by Council Person Furgione Second Torrissi

The Ordinance is taken up for 2nd reading and public Hearing

Motion by Council Person Torrissi Second Gribbin

The Public hearing is closed; the ordinance has passed 2nd reading and is adopted

Roll Call

Councilperson:

Furgione – Yes

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Hearing Ordinance 29-2018 Amending Chapter 147 Flood Zone

Ordinance #029-2018
AN ORDINANCE AMENDING CHAPTER 147
OF THE GENERAL ORDINANCES OF THE TOWN OF HAMMONTON SECTION I

1. Section 147-3(B), the following definitions are added:

AO Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

Base Flood Elevation (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1- percent or greater chance of being equaled or exceeded in any given year.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Existing Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood proofing — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Freeboard — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 2 §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

2. Section 147-3(B), the following definitions are amended:

Area of Special Flood Hazard —Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Highest Adjacent Grade — the highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Lowest Floor — the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Substantial Improvement — any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term

includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions;
Or

b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

3. Section 147-5 is amended to read as follows:

The areas of special flood hazard for the Town of Hammonton, Community No. 340010, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

a) A scientific and engineering report "Flood Insurance Study, Atlantic County, New Jersey (All Jurisdictions)" dated August 28, 2018. 3

b) "Flood Insurance Rate Map for Atlantic County, New Jersey (All Jurisdictions)" as shown on Index and panel(s) 34001C0010F, 34001C0015F, 34001C0016F, 34001C0017F, 34001C0018F, 34001C0019F, 34001C0030F, 34001C0033F, 34001C0040F, 34001C0041F, 34001C0101F, 34001C0102F, 34001C0104F, 34001C0108F, and 34001C0110F, whose effective date is (August 28, 2018).

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at Hammonton Town Hall, 100 E. Central Avenue, Hammonton New Jersey.

4. Section 147-6, first sentence, the term "located" is changed to "re-located in".

5. Section 147-10, first sentence is changed to read as follows:

A development permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in §147-5.

6. Section 147-13(C)(1) is changed to read as follows:

Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

7. A Section 147-13(D) is added, which reads as follows:

D. Upon the occurrence of substantial damage, the Construction Official should:

(1) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
(2) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.

(3) Ensure substantial improvements meet the requirements of sections 147-17(F)(1), SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 147-17(F)(2), SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 147-17(F)(3), SPECIFIC STANDARDS, MANUFACTURED HOMES.

8. Section 147-17, first sentence is changed to read as follows:

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, are required:

9. Section 147-17(C)(4) is changed to read as follows:

For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

10. Section 147-17(D)(1) through (D)(3) are changed to read as follows:

- (1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and

11. Section 147-17(E)(1) is changed to read as follows: (1) A minimum of two openings in at least two exterior walls of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

12. Section 147-17(F)(1) and (F)(2) are changed to read as follows:

(1) Residential construction.

(a) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

(b) Require within any AO or AH zone on the municipality's DFIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(2) Non-residential construction. New construction and substantial improvement of any Commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

Either

(a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and

(b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

Or

(c) Be flood proofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;

(d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

(e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in §147-13(B)(2).

13. A Section 147-17(F)(3) is added which states as follows:

(3) Manufactured homes.

(a) Manufactured homes shall be anchored in accordance with §147-17(A)(2).

(b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:

- i. Be consistent with the need to minimize flood damage,

- ii. Be constructed to minimize flood damage,

- iii. Have adequate drainage provided to
Reduce exposure to flood damage,
- iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
- v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

SECTION III

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION IV

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION V

This Ordinance shall take effect upon passage and publication as provided by law.

Motion by Council Person Giraldo Second Rodio

The Ordinance is taken up for 2nd reading and public Hearing

Motion by Council Person Rodio Second Torrissi

The Public hearing is closed; the ordinance has passed 2nd reading and is adopted

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Hearing Ordinance #030-2018- Amend Chapter 271 Section 24 Four-Way Stop Intersections

AN ORDINANCE AMENDING Chapter 271 Vehicles and Traffic

Section 24 Four-Way Stop Intersections Designated

BE IT ORDAINED by the Mayor and Common Council of the Town of Hammonton, County of Atlantic, State of New Jersey that Chapter 271-24 be amended to add:

| <u>Intersection</u> | <u>Location of Stop Sign</u> |
|-------------------------|------------------------------|
| Oak Road and Union Road | All Intersection Corners |

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 Council Person Gribbin Second Giraldo

The Ordinance is taken up for 2nd reading and public Hearing

Motion by Council Person Giraldo Second Gribbin

The Public hearing is closed; the ordinance has passed 2nd reading and is adopted

Roll Call

Councilperson:

Furgione – Yes

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Hearing Ordinance#031-2018- Amending Chapter 175 Fair Share Housing

AN ORDINANCE AMENDING CHAPTER 175, ARTICLES VII AND XIII OF THE GENERAL ORDINANCES OF THE TOWN OF HAMMONTON TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWN'S AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the governing body of the Town of Hammonton, Atlantic County, New Jersey, that the Code of the Town of Hammonton is hereby amended to include provisions addressing Hammonton's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

The Town of Hammonton Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan have been endorsed by the governing body. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

On the first anniversary of the entry of the Order granting Hammonton a Final Judgment of Compliance and Repose in IMO Application of the Town of Hammonton, Docket No. ATL-L-1573-15, and every anniversary thereafter through the end of the Repose period, the Town shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

On the first anniversary of the entry of the Order granting Hammonton a Final Judgment of Compliance and Repose in IMO Application of the Town of Hammonton, Docket No.: ATL-L-1573-15, and every anniversary thereafter through the end of the Repose period, the Town shall provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with copies provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Court-appointed Special Master and Fair Share Housing Center.

For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Town shall post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with copies provided to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the Court regarding these issues.

For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Order granting Hammonton a Final Judgment of Compliance and Repose in IMO Application of the Town of Hammonton, Docket No.: ATL-L-1573-15, and every third year thereafter, the Town will post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality, with copies provided to Fair Share Housing Center, on the issue of whether the municipality has complied with its very low income housing obligation.

SECTION I

§175-162 Purpose.

The purpose of this ordinance is to provide for and regulate affordable housing in the Town.

A. Definitions.

The following terms when used in this Ordinance shall have the meanings given in this Section:

ACT

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

ADAPTABLE

Constructed in compliance with the technical design standards of the Barrier Free Sub code, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT

The entity designated by the Town to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

AFFIRMATIVE MARKETING

A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE

The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE

A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE HOUSING DEVELOPMENT

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Town's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development, group homes, residential health care facility, extending controls and a Market to Affordable Program.

AFFORDABLE HOUSING PROGRAM(S)

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

AGENCY

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.)

AGE-RESTRICTED UNIT

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

ALTERNATIVE LIVING ARRANGEMENTS

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled

and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

CERTIFIED HOUSEHOLD

A household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

DCA

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

A housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

INCLUSIONARY DEVELOPMENT

A development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

LOW-INCOME UNIT

A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM

The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

MARKET-RATE UNITS

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

The median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

MODERATE-INCOME UNIT

A restricted unit that is affordable to a moderate-income household.

MULTIFAMILY UNIT

A structure containing five or more dwelling units.

NON-EXEMPT SALE

Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

RANDOM SELECTION PROCESS

A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

REGIONAL ASSET LIMIT

The maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

REHABILITATION

The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Sub code, N.J.A.C. 5:23-6.

RENT

The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

RESTRICTED UNIT

A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHROP or MONI.

UHAC

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

VERY LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

VERY LOW-INCOME UNIT

A restricted unit that is affordable to a very low-income household.

WEATHERIZATION

Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

B. Applicability.

The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Town of Hammonton pursuant to the Town's most recently adopted Housing Element and Fair Share Plan.

C. Alternative Living Arrangements.

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 - i. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court.
 - ii. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
 - i. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

D. Zoning:

1. All Downtown Districts [§175-154.4(DT-1), §175-154.5(DT-2), §175-154.6(DT-3), §175-154.7(DT-4)]

- a. Any new multifamily unit development (including mixed-use development) in the Downtown Zoning Districts (§175-154.4-§175-154.7) shall comply with the following:
 - i. A minimum of fifteen percent (15%) of the total number of units shall be set aside as affordable housing units if the affordable units will be for rent. If the calculation of the total number of affordable units required yields a fraction of less than 0.5 then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.
 - ii. A minimum of twenty percent (20%) of the total number of units shall be set aside as affordable housing units if the affordable units will be for sale. If the calculation of the total number of affordable units required yields a fraction of less than 0.5, then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction of greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.
 - iii. The provisions of this Ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.
 - iv. At least half of all affordable units shall be affordable to low income households, and the remainder may be affordable to moderate income households. Within rental developments, at least thirteen percent (13%) of the affordable units shall be affordable to very low income households, with the very low income units counted as part of the low income requirement.
 - v. The above provisions shall not be construed to require residential or mixed-use development in a Downtown Zoning District other than where it is already permitted.
2. All Zoning Districts of the Town of Hammonton except the Gateway Zoning Districts (§175-154.1-§175-154.3) and Downtown Zoning Districts (§175-154.4-§175-154.7).
 - a. All new multifamily unit development which includes the development of units defined in §175-10 as multifamily and mixed use, that contain five (5) or more dwelling units; and all new multifamily unit development that consists of single family attached units as defined in §175-10, that contain more than ten (10) dwelling units shall comply with the following:
 - i. A minimum of fifteen percent (15%) of the total number of units shall be set aside as affordable housing units if the affordable units will be for rent. If the calculation of the total number of affordable units required yields a fraction of less than 0.5 then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.
 - ii. A minimum of twenty percent (20%) of the total number of units shall be set aside as affordable housing units if the affordable units will be for sale. If the calculation of the total number of affordable units required yields a fraction of less than 0.5, then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction of greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.
 - iii. The provisions of this Ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of: 1) single family attached development that does not result in a net increase of more than ten (10) dwelling units; or 2) residential development, other than single family attached, that does not result in a net increase in the number of dwellings of five (5) or more.
 - iv. At least half of all affordable units shall be affordable to low income households, and the remainder may be affordable to moderate income households. Within rental developments, at least thirteen percent (13%) of the affordable units shall be affordable to very low income households, with the very low income units counted as part of the low income requirement.
 - v. The above provisions shall not apply to single family detached developments of up to ten (10) dwelling units which shall be subject to the residential development fee set forth in §175-50.1; and to single family detached developments of more than ten (10) dwelling units which shall be subject to the provisions of N.J.S. 52:27D-329.9.

- vi. The above provisions shall not be construed to require residential or mixed-use development in a Zoning District other than where it is already permitted.
- vii. The above provisions shall only be applicable to those parcels served by a centralized wastewater treatment plant.

E. Phasing Schedule for Inclusionary Zoning.

1. In inclusionary developments the following schedule shall be followed:

| Maximum Percentage of Market-Rate Units Completed | Minimum Percentage of Low- and Moderate-Income Units Completed |
|--|---|
| 25 | 0 |
| 25+1 | 10 |
| 50 | 50 |
| 75 | 75 |
| 90 | 100 |

F. New Construction.

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

- a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of median income). The very low income units shall be counted as part of the required number of low income units within the development.
- b. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families.
- c. A maximum of 25 percent of the Town's obligation may be met with age restricted units. At least half of all affordable units in the Town's plan shall be available to families.
- d. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
- e. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
- f. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2. Accessibility Requirements:

- a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Sub Code, N.J.A.C. 5:23-7 and the following:

- b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
- i. An adaptable toilet and bathing facility on the first floor; and
 - ii. An adaptable kitchen on the first floor; and
 - iii. An interior accessible route of travel on the first floor; and
 - iv. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - v. If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free Sub Code, N.J.A.C. 5:23-7, or evidence that Hammonton has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - a. Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - b. To this end, the builder of restricted units shall deposit funds within the Town of Hammonton's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - c. The funds deposited under paragraph 2(b)(vi)(b) above shall be used by the Town of Hammonton for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - d. The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Town of Hammonton for the conversion of adaptable to accessible entrances.
 - e. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Sub Code, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Town's Affordable Housing Trust Fund in care of the Town Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
 - f. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Sub Code, N.J.A.C. 5:23-7.

3. Design:

- a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

4. Maximum Rents and Sales Prices:

- a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.

- b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
- c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income, with such very low income units counting toward the low income housing requirement.
- d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.
- f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
- j. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

G. Utilities.

1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for its Section 8 program.

H. Occupancy Standards.

1. In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
 - a. Provide an occupant for each bedroom;
 - b. Provide children of different sexes with separate bedrooms;
 - c. Provide separate bedrooms for parents and children; and
 - d. Prevent more than two persons from occupying a single bedroom.

I. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Hammonton takes action to release the unit from such requirements; prior to such action, a restricted ownership unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

J. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
 - a. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
 - b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

- c. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
 - d. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.
- K. Buyer Income Eligibility.
- 1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
 - 2. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Town Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
 - 3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
 - 4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.
- L. Limitations on Indebtedness Secured by Ownership Unit; Subordination.
- 1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
 - 2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).
- M. Capital Improvements To Ownership Units.
- 1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
 - 2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.
- N. Control Periods for Restricted Rental Units.
- 1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at

least 30 years, until Hammonton takes action to release the unit from such requirements. Prior to such action, a restricted rental unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Atlantic. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very low, low or moderate income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit; or
 - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

O. Rent Restrictions for Rental Units; Leases.

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

P. Tenant Income Eligibility.

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

- b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Q. Municipal Housing Liaison.

- 1. The Town of Hammonton shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Hammonton shall adopt an Ordinance creating the position of Municipal Housing Liaison. Hammonton shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
- 2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Hammonton, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - a. Serving as Hammonton's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - b. Monitoring the status of all restricted units in Hammonton's Fair Share Plan;
 - c. Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
 - d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- 3. Subject to the approval of the Court, the Town of Hammonton shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Town Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

R. Administrative Agent.

The Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. For new sale and rental developments, all of the fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. For resale's, single family homeowners and condominium homeowners shall be required to pay three percent of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which include:

- 1. Affirmative Marketing:
 - a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Town of Hammonton and the provisions of N.J.A.C. 5:80-26.15; and

- b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
2. Household Certification:
 - a. Soliciting, scheduling, conducting and following up on interviews with interested households;
 - b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
 - e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Town of Hammonton when referring households for certification to affordable units.
3. Affordability Controls:
 - a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Atlantic County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
 - d. Communicating with lenders regarding foreclosures; and
 - e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
4. Resale's and Re-rentals:
 - a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
 - b. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
5. Processing Requests from Unit Owners:
 - a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
 - b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
 - c. Notifying the municipality of an owner's intent to sell a restricted unit; and
 - d. Making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement:

- a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- c. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
- d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
- f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Town Council and the Court, setting forth procedures for administering the affordability controls.

7. Additional Responsibilities:

- a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.
- c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

S. Affirmative Marketing Requirements.

1. The Town of Hammonton shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, as a result of the Settlement Agreement with FSHC, the Affirmative Marketing Plan shall require the notification of the New Jersey State NAACP, Mishap, the NAACP Atlantic City and Cape May Branches, FSHC, and the Latino Action Network of affordable housing opportunities. It is a continuing program that directs marketing activities toward Housing Region 6 and is required to be followed throughout the period of restriction.
3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 6, comprised of Atlantic Cape May, Cumberland and Salem Counties.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Town of Hammonton shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.
9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

T. Enforcement of Affordable Housing Regulations.

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - i. A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense; In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the City of Linwood Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - ii. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
 - b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
 - i. The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - ii. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality

in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- iii. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- iv. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- v. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- vi. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

U. Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

SECTION II

A. Chapter 175, Article VII, Section 175.50.1 is amended as set forth below.

1. §175-50.1(C) is changed to read as follows:

C. Non-residential development fees. Notwithstanding any other provision of this §175-50.1, developers shall pay development fees on non-residential development in accordance with the Statewide Non-residential Development Fee Act, N.J.S. 40:55D-8.1 through 40:55D-8.7, as amended and supplemented.

SECTION III

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION IV

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION V

This Ordinance shall take effect upon passage and publication as provided by law.

Motion by Council Person Giraldo Second Gribbin
The Ordinance is taken up for 2nd reading and public Hearing

Motion by Council Person Giraldo Second Gribbin
The Public hearing is closed; the ordinance has passed 2nd reading and is adopted

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Hearing Ordinance #034-2018- Bond Ordinance Purchase of Property Boyer Ave

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF PROPERTY IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$1,450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,450,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,450,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Town, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,450,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the purchase of property known on the Town tax map as Block 4303, 14, 15, 16 and 20, on Boyer Avenue in the Town,

including all related work and the acquisition of all materials necessary therefore or incidental thereto.

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

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

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

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any

inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a self-liquidating purpose of a municipal public utility, 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 bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,450,000, but that the net debt of the

Town determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$290,000 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 purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

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

purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

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

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

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable real property within the Town

for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

Motion by Council Person Rodio Second Sacco
The Ordinance is taken up for 2nd reading and public Hearing

Motion by Council Person Rodio Second Sacco
The Public hearing is closed; the ordinance has passed 2nd reading and is adopted

Roll Call

Councilperson:

Furgione – no

Giralo – no

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – no

Mayor DiDonato - Yes

Mayor DiDonato declares motion to pass Ordinance is denied, need full majority vote. Ordinance is denied.

Public Hearing Ordinance #035-2018 – Agreement to Purchase Property

AN ORDINANCE OF THE TOWN OF HAMMONTON AUTHORIZING THE ACQUISITION OF PRIVATE LAND FOR MUNICIPAL PURPOSES

WHEREAS, the following Lots and Blocks (hereinafter collectively referred to as the (“Property”) are owned by the following entities (hereinafter collectively referred to as “Seller”):

1. Lot 14 of Block 4303 is owned by Kerri E. Cody, Kristin B. Keating, Kelli E. Fallon and Rock J. Colasurdo, through Deed dated December 30, 2009, and recorded in the Atlantic County Clerk’s Office on December 30, 2009, in Book 13093 at Instrument No. 2009088635;
2. Lot 15 of Block 4303 is owned by Kerri E. Cody, Kristin B. Keating, Kelli E. Fallon and Rock J. Colasurdo, through Deed dated December 30, 2009, and recorded in the Atlantic County Clerk’s Office on December 30, 2009, in Book 13093 at Instrument No. 2009088633;
3. Lot 16 of Block 4303 is owned by Mission Rock, LLC, through Deed dated August 4, 2005, and recorded in the Atlantic County Clerk’s Office on September 6, 2005, in Book 12128 at Instrument No. 2005094254; and
4. Lot 20 of Block 4303 is owned by Rocco Colasurdo and Gloria Colasurdo through Deed dated December 9, 1991, and recorded in the Atlantic County Clerk’s Office on December 12, 1991, in Book 5307 at Page 300, et seq.

WHEREAS, Seller desires to sell the Property to the Town of Hammonton (“Town”) subject to the following conditions:

1. With regard to Block 4303, Lot 16, the Town shall authorize Seller to make application for a subdivision of 3.2 (+/-) acres which Seller shall retain; and
2. With regard to Block 4303, Lot 20, the Town shall grant to Seller a perpetual easement to permit Seller to continue golfing operations thereon.

WHEREAS, it is in the best interest of the Town to acquire such land for public purposes; and

WHEREAS, N.J.S.A. 40A:12-5 allows the Town to acquire lands and buildings by purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement; and

WHEREAS, the Town proposes to perform a due diligence investigation of the Property and if the Town, in its sole discretion, finds the property acceptable to acquire the Property.

WHEREAS, Seller also owns Block 4303, Lot 13 on which the Town seeks a perpetual easement to permit the deposit of treated sewer effluent thereon.

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

1. The Business Administrator is authorized to inspect and review, at the Town’s cost and expense, matters related to the Property, including the physical conditions and any other matters of concern to Town Council, in order to satisfy Town Council, in its sole discretion, that the Property is suitable to the Town. The Town and its agents shall have the right to enter onto the Property for the purposes of surveying, testing and examining the Property.

2. Title to the Property shall be good, marketable and insurable at regular rates by the Town's Title Company and the Seller shall effectively vest in the Town good and marketable title to the Property, free and clear of all mortgages, liens, security interest, pledges, charges or encumbrances other than the rights granted to utility companies to serve the Property. The Business Administrator shall be authorized to obtain title insurance on the Property.
3. The Seller represents that no buildings or improvements on adjoining properties extend across the boundary lines of the Property.
4. The Property can be utilized for public municipal purposes and the best interest of the public shall be served by acquiring said Property.
5. Seller and the Town agree that the conditions referenced above with reference to Lot 13 (easement granted to Town), Lot 16 (subdivision of 3.2 +/- acres) and Lot 20 (perpetual easement granted by Town to Seller) are critical to the parties' respective motivations in entering into this transaction.
6. At closing, the Seller shall provide in a form and substance satisfactory to the Town:
 - a. Bargain and Sale Deed with Covenants Against Grantor's Acts in recordable form for the Property;
 - b. Cancellation of mortgage lien, if any;
 - c. Affidavit of Title;
 - d. Such other documents as the Town's Title Company may reasonably require; and
 - e. The easement documents referenced above.
7. The Town Clerk, the Mayor and the Town Attorney are authorized to prepare and execute any and all documents necessary and to take any and all such actions as may be required to effect the transaction set forth herein.
8. The Town shall not pay any more for the Property then One Million Two Hundred Thousand Dollars (\$1,200,000.00) (the "Purchase Price"), which price may be decreased if the fair market value of the Property is determined to be less than the Purchase Price.
9. The purchase of such lands is subject to applicable New Jersey Law concerning the acquisition of municipal real estate and all other applicable laws and ordinances of the State of New Jersey and the Town of Hammonton.

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.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced in and passed the first reading at a meeting of Town Council of the Town of Hammonton, County of Atlantic and State of New Jersey held on August 6, 2018, and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Building located at 100 Central Avenue, Hammonton, NJ 08037, on August 27, 2018, at 7:00 PM or as soon thereafter as the matter may be reached.

Motion by Council Person Gribbin Second Torrissi

The Ordinance is tabled and not taken up for 2nd reading and public Hearing

Roll Call

Councilperson:

Furgione – Yes

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - No

Mayor DiDonato declares motion is carried

COMMITTEE REPORTS

Administration - Councilman Torrissi

- No action items to report

Business & Industry - Councilman Gribbin

- Update on Town events no action items

Education - Councilman Gribbin

- School opens September 4th.

Quality of Life - Councilman Sacco

- Town wide yard sale contact Chatters Baskets. It will be on Sept 22nd.

Support for Brewery in Town to NJB

Motion by Council Person Gribbin Second Giralo

Roll Call

Councilperson:

Furgione – Yes

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Recuse

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Works & Transportation - Councilman Rodio

- No action items

Water & Sewer - Councilman Furgione

- No action items

ENGINEER REPORT

Public Works Action Items

1. Hammonton Bike Path Extension (ARH #11-40052):

As a result of the on-site meeting, the NJDOT Railroad Division Representative, Dwayne Sneed provided a summary of the items discussed along with a cost estimate to complete the signal and other required upgrades at the Veterans Place Rail Crossing. The estimated cost provided was approximately \$35,000.00 for the materials and labor. In late June, we met with representatives from the NJDOT, SJTPO and Council to discuss possible additional funding for the project that would include the above noted improvements, extension of the path to Egg Harbor Road (Hammonton Lake Park) and some general design modifications adjacent to 11th Street and the old railroad bed. It was suggested that the Town should make an application for additional Municipal Aid funds for the fiscal year 2019. Applications for fiscal year 2019 are due October 8, 2018. If interested, ARH could prepare that application for \$1,900.00.

Action Requested:

Authorize ARH to prepare the applications for fiscal year 2019 Municipal Aid funding consideration for the Bicycle Path extension as described above for a figure not to exceed \$1,900.00.

Motion by Council Person Rodio Second Giraldo

Approval of PO for ARH in the amount of \$1,900.00 for Bike Path Extension

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

2. Fiscal Year 2019 Municipal Aid Funding (Roadways) (ARH #11-01000):

The Mayor and Town Council along with the Public Works Committee should discuss and decide what roadway would be best to submit for funding consideration for 2019. Last year, the Town applied for 14th Street which was partially funded and Old Forks Road which was not funded. The Town has been very successful in obtaining Municipal Aid funds in the past. If desired, we would suggest that the Town seek additional funds for the construction of 14th Street resurfacing from the present point of termination to a point at least to the Pinelands Town boundary (3,000'±) which ends 1,600'± south of the 1st Road intersection. Another option would be to complete the section of 14th Street from Egg Harbor Road to a point just short of the First Road intersection (2,200'±) or both. ARH could complete that application for \$1,800.00 or any other application for \$2,200.00. We will be guided by Mayor and Council's direction.

Action Requested:

Authorize ARH to meet with the Public Works Committee to decide which roadway would be best to submit to the NJDOT fiscal year 2019 for funding consideration for an amount not to exceed \$2,200.00.

Motion by Council Person Giraldo Second Gribbin

Approval of PO for ARH in the amount of \$2,200.00 for Municipal Aid application 14th street

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Utility Action Items

3. Boyer Avenue, Possible Frog Rock Golf Course Acquisition (ARH #2018.0564):
ARH has been working with the Town Conflict Solicitor along with the Mayor and Town Council to provide maps, complete research as needed, attend meetings, etc. to assistance Council in their evaluation for the possible purchase of portion of Block 4303, Lot 13, 14, 15, 16 & 20. We have also prepared a proposal for Councils consideration to complete various survey, environmental (wetlands delineation and mapping) and engineering tasks as defined in the attached proposal dated August 13, 2018 for an amount not to exceed \$53,115.00 which would be the responsibility of the seller to pay for.

Action Requested:

Approve the ARH proposal #2018.0564 (copy attached) for a cost not to exceed \$53,115.00 for the work described.

NO THIS WAS TABLED NOT APPROVED

4. Boyer Avenue Land Application Site Sampling (ARH #2018.0572):
As part of the general public meeting that Mayor and Council had related to the above noted site, one item discussed was evaluating the health of the existing trees and soil conditions within the overland drip irrigation area. Attached is a proposal to complete that evaluation and compare the results with existing adjacent wooded areas. The cost estimate to complete that work is \$4,570.00.

Action Requested:

Authorize ARH to complete the work as described in the attached proposal totaling \$4,570.00 and issue a Purchase Order for same.

NO THIS WAS TABLED NOT APPROVED

SOLICITOR REPORT

RESOLUTION # 122-2018

A RESOLUTION AMENDING #R42-2010

ADOPTING A POLICY FOR THE OPERATIONS AND PROGRAMMING OF THE GOVERNMENT
ACCESS CHANNEL OF THE TOWN OF HAMMONTON

WHEREAS, the Town of Hammonton has been provided with a Government Access Channel currently known as Channel 9 by Comcast Cable Provider;

WHEREAS, the Government Access Channel is the property of the Town of Hammonton and jurisdiction over its usage is vested in the Town Clerk/Administrator as designated by the Governing Body of the Town of Hammonton; and

WHEREAS, the Governing Body wishes to adopt the established policy for access to the Channel as follows:

The town access channel shall operate on Comcast Channel 9 (or such alternate channel which replaces Channel 9 in the future). It shall be the goal of the town access channel to provide governmental programming to the citizens of the Town of Hammonton. Live and recorded programming will be utilized when available. Network programming or an Alpha-Numeric Information Service will run during all other hours.

I. PURPOSE

The fundamental purposes of the town access channel are as follows:

1. To promote the education of the Town's citizens concerning local government by broadcasting meetings of the Governing Body of the Town of Hammonton, and their sub-committees, commissions, boards and live call-in shows with the Mayor.
2. To contain informational programming regarding local schools having grades K-12, including, but not limited to, school cancellations due to inclement weather, event calendars, sporting events in which school teams participate, productions of plays and musicals, scholastic contests and any other event involving students sponsored by the school.
3. To inform the citizenry at large about programs and public services provided by Town departments and Town-sponsored entities.
4. To promote the education of citizens by presenting educational and cultural programs beneficial to the Town's citizens.
5. To explain the opportunities for citizen participation in programs and services.
6. To provide information on public health, safety and welfare issues.

II. POLICIES AND RESPONSIBILITIES

1. The use of the town access channel and its facilities shall be reserved solely for informational and educational programming created by the Governing Body of the Town of Hammonton, Mayor, town departments, boards, commissions, town-sponsored entities, local schools having grades K-12 and non-profit local organizations that promote art, cultural, educational, athletic health and safety interests.
2. All programming submitted by town departments, boards, commissions and town-sponsored entities shall be first approved by the appropriate Department Head or Board Chairperson and be submitted to the Town Clerk/Administrator by such Department Head or Board Chairperson only.
3. All programming submitted by the local schools shall be first approved by the school's written designee and be submitted to the Town Clerk/Administrator by such designee only.
4. The Town of Hammonton reserves the right to limit the total amount of programming.
5. The Town of Hammonton through the Town Clerk/Administrator shall have the authority to deny approval of materials if any submission is contrary to the within policy or if it is deemed not to be in the public interest.
6. When material is determined to be unsuitable for use on the channel, the submitting agency may be notified.
7. The Governing Body of the Town of Hammonton shall review any appeal of the Town Clerk/Administrator's decision to deny materials submitted for broadcasting.
8. The Town shall be held harmless from any and all claims and demands, which arise as a result of programming.
9. The views and opinions expressed on the town access channel may not necessarily reflect those of the Town.
10. All town access channel productions (i.e. public meeting coverage and town produced programs) produced by the town access channel will be under the copyright control of the Town of Hammonton unless one or more of the following apply:
 - a. Pre-existing copyright work within a production (i.e. school musical performance) pre-exists the production of the work, establishes a different, related entity as the copyright holder.
 - b. An agreement is signed, prior to production of the work, granting ownership of copyright to a different, related entity, such as the content creator or the host or the moderator of the program.

Nothing in the above paragraph, as regards to public meetings, is intended to excuse the Town of Hammonton from the requirements of the State of New Jersey's Open Public Records Act (P.L. 2001, c.404).

III. PROHIBITIONS

The following is a list of content not allowed on the town access channel:

1. Any advertising messages on behalf of a political candidate or measure on a ballot. EXCEPT THAT: This shall not preclude the presentation of official materials of programming by the town access channel which includes the opportunity for all candidates for a particular elective position or proponents of all sides of any issue to appear in an equitable manner.
2. Programming policy shall be to provide direct non-editorial information to the citizens of the Town of Hammonton concerning the operations and deliberations of their town government. The town access channel is not intended as a political forum, or as a mechanism for building support for a particular policy, program or issue.
3. Programming containing content advancing one religion over another (or otherwise violating the Establishment Clause of the U.S. Constitution).
4. Unsolicited programming from source not affiliated with the parties described herein.
5. Any sponsorship or promotion by a commercial entity, vendor or organization.
6. Any product or service advertising or promotional material.
7. Any material which may be considered obscene or offensive to community standards.
8. Any information concerning an illegal lottery.
9. Any material which constitutes libel, slander, invasion of privacy, violation of trademark, or copyright, or which might violate any local, state or federal law, including FCC regulations.

IV. EDITING POLICY

1. Public Meetings - Any public meeting cable-cast shall not be edited, except that periods of recess may be edited out, as to content or subjected to editorial comment. Meeting coverage shall be from gavel to gavel. Insertion of character generator, computer graphic information, and visual aids pertaining directly to Council or other meeting agenda is allowed.
2. Departmental Programs - Any programming prepared by or provided by an individual town department may be modified or edited as

appropriate to the policies governing channel use, or as dictated by scheduling and manpower requirements.

3. Video Bulletin Board - Informational messages programmed for use on the character generated bulletin board shall be edited for clarity and to maximize the capacity of the system.

V. PROGRAM SOURCES Town access

channel programming will come from the following sources:

1. Live Coverage - Live coverage of public meetings and events will be provided (whenever possible). This will consist of cable-casts of Town Council meetings and other public meetings, live call-in shows with the Mayor and events of community interest.
2. Tape Delayed Broadcasting - Some public meetings, town functions, and special events will be taped for broadcasting later. Repeat presentation at times more convenient to the public will be given for Town Council and other public meetings and events.
3. Character Generated Programming - Town information, messages and press releases for inclusion on the Town Video Bulletin Board will be edited to conform to the space and technical limitations of the character generated system.
4. Town Produced Programming - Programs will be produced by the town access channel staff, illustrating the functions or operations of some unit of Town government. Any Town department may submit requests for programming development. Such programming must be consistent with the intent of this policy statement and will be integrated into the overall public information purposes of the municipal access channel. Programming of this type is subject to the approval of the Town Clerk/Administrator.
5. School Produced Programming - Programs may be produced by local schools having grades K-12.

VI. PROGRAM Priorities AND SCHEDULING

Scheduling the use of the town access channel time shall be the responsibility of the Cable Television Coordinator. A programming schedule/guide of the town access channel will be done in advance as practical. The schedule/guide will be publicized on the Town Video Bulletin Board. Scheduling shall be performed on an equitable and non-discriminatory basis. Scheduling will be in accordance with channel use priorities (listed below) and the availability of equipment and resources.

1. Emergency Override Notification - To provide citizens with information and procedures in the event of emergency situations (severe weather, civil emergencies, failure of town service or systems, hazardous waste et al).
2. Public Meetings - To help increase and encourage citizen awareness and participation in public policy decision making. Town Council meetings and work sessions will be given first priority.
3. Function and Operation of Town Services - To illustrate and describe the functions, operations, and services of some unit of the Town government in order to increase citizen understanding of their government and its services.
4. Topics of interest to Hammonton - To provide an outlet for discussion from a town viewpoint of issues that bear upon the Hammonton community or upon specific audiences or neighborhoods, including the impact of Atlantic County, regional, state and federal policies on the Town and its residents.

VII. VIDEO BULLETIN BOARD

1. To provide calendar or information messages to citizens about programs and public services offered by the Town and its departments.
2. Character generated information and messages in the form of a Video Bulletin Board (herein VBB) shall be programmed in the town access channel at predetermined times and intervals designated by the Cable Television Coordinator.
3. The objective of providing these VBB messages is identical to those stated in the PURCHASE section of this policy.
4. Information submitted to the town access channel is subject to the editing as defined in the EDITING section of this policy.

An approved entity seeking to have its material aired shall be required to submit same to the Town Clerk/Administrator at least ten (10) days prior to the desired airing date, except in cases of emergency. This provision is intended to regulate Video Bulletin Board submissions only and does not pertain to live broadcasts.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Hammonton in the County of Atlantic and State of New Jersey that this policy shall be adopted by the Town of Hammonton; and

BE IT FURTHER RESOLVED that any entity requesting access must comply with said policy as a condition to access.

Motion by Council Person Gribbin Second Rodio

Roll Call

Councilperson:

Furgione – NO

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – obtain

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Motion on the floor to table Resolution #122-2018

Motion by Council Person Furgione Second Giralo

Roll Call

Councilperson:

Furgione – Yes

Giralo – Yes

Gribbin - No

Rodio- No

Sacco - No

Torrissi – Yes

Mayor DiDonato - No

Mayor DiDonato declares motion is not carried, motion is denied to table Resolution #122-2018

PWM/BUSINESS ADMINISTRATOR REPORT

1. Approval to go out to bid for Hammonton WWTF Clarifier Tanks Concrete Rehab/Trough Project

Motion by Council Person Furgione Second Rodio

Roll Call

Councilperson:

Furgione – Yes

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

2. Approval to go out to bid for a new Fire Suppression System Town Owned Building based on specs provided by consultant

Motion by Council Person Furgione Second Rodio

Roll Call

Councilperson:

Furgione – Yes

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

3. Advertise for interviews for four (4) Short-Term Temporary Laborers and hire in-between meetings:

(10/9/2018 – 12/28/2018) Leaf Season at \$12.00 per hour for 38.75 hours/week.

Motion by Council Person Rodio Second Gribbin

Roll Call

Councilperson:

Furgione – Yes

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

4. Bulky Week is Sept. 3 – Sept. 7

5. Brush Week is Sept. 10 – Sept. 14

6. Trash Pick up for Monday Sept. 3 will occur on Sept. 4 in observance of Labor Day

TOWN CLERK REPORT

1) Accept regular membership to Fire Company #2 for Evan Mattle and Dylan Lelyo. Approved by Fire Company at their meeting held on August 8, 2018.

2) Approve accrued benefit payment for Joseph Maimone not to exceed \$38,385.12. \$10,000.00 to be paid in September of 2018 and remaining balance paid in January 2019. Accrued Benefit payment breakdown as follows:

Accrued Sick - \$12,000.00

Accrued Vacation - \$17,528.76

Accrued Personal - \$1,576.80

Accrued Birthday - \$420.48

Accrued Comp Time - \$5,729.04

Accrued Holiday - \$1,130.04

3) Accept Resignation of Gloria Fiorentino effective as of August 28, 2018. Approval of payment of accrued vacation not To Exceed \$205.08

4) Approval to Hire Jessica O'Kane as Keyboard Clerk 1 part time, for the Municipal Court Office. Effective August 27, 2018. 20 to 26 hours a week, \$12.98 per hour, no Benefits, Contingent upon any civil service rules or regulations.

5) Approval to Hire Jessica DeRose as Keyboard Clerk 1 part time, for the Tax Collectors Office. Effective September 4, 2018. 20 to 26 hours a week, \$12.98 per hour, no Benefits, Contingent upon any civil service rules or regulations.

6) Approval of Employment Contracts for all Bargaining Units and individual Department heads with changes from associated MOA agreements and salary worksheets.

7) Authorization of appraisal Boyer Ave Land Only Block 4303 Lots 13,14,15,16 and 20.

Town received 3 quotes:

1) Appraisal One, Inc. \$3,500.00.

2) Curini Appraisal \$3,900.00

3) William Kennedy \$6,000.00

#7 Not voted on Tabled

Motion by Council Person Torrissi Second Gribbin
Approval of Items 1 to 6 listed above. **Number Seven is tabled not approved.**

Roll Call

Councilperson:
Furgione – Yes
Giralo – Yes
Gribbin - Yes
Rodio- Yes
Sacco - Yes
Torrissi – Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

APPROVE BILL LIST & PURCHASE ORDERS

Motion by Council Person Gribbin Second Giralo
Bill list and purchases orders are approved

Roll Call

Councilperson:
Furgione – Yes
Giralo – Yes
Gribbin - Yes
Rodio- Yes
Sacco - Yes
Torrissi – Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

NEW BUSINESS

ORDINANCES FOR INTRODUCTION

Introduction of Ordinance #036-2018 – Fixing Salaries of Certain Employees

AN ORDINANCE FIXING THE SALARIES OF
Certain Employees in the Town of Hammonton

BE IT ORDAINED by Mayor and Common Council of the Town of Hammonton, County of Atlantic, New Jersey the salaries, clothing allowance, education stipend, health insurance buyout, sick time, vacation time, personal time, comp time, holidays and overtime shall apply to members for contract terms commencing January 1, 2018 per Town Code and per individual bargaining unit Contracts. Individuals shall be paid pursuant to the contract minimums and maximum salaries / Hourly Rates as per contract are as follows:

| <u>TITLE</u> | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|--|----------------|----------------|
| Chief/Senior Public Safety Telecommunication Op. | 20,000 | 65,000 |
| Laborer | 20,000 | 60,000 |
| Mechanic | 20,000 | 52,100 |
| Mechanic Helper | 20,000 | 50,000 |
| Truck Driver/ Truck Driver Heavy | 20,000 | 55,000 |
| Equipment Operator | 20,000 | 63,000 |
| Assistant Supervisor Public Works | 20,000 | 60,000 |
| Keyboard Clerk 1 | 20,000 | 28,000 |
| Technical Assistant | 20,000 | 65,000 |
| Deputy Mun. Court Admin. | 20,000 | 35,000 |
| Sr.SewerRep2/WaterRep2/Sr.WaterTrtPtlOper | 40,000 | 80,000 |
| SewerRep1/WaterRep1/WaterPtlOper | 40,000 | 80,000 |
| Town Clerk/Accountant /Deputy Registrar | 45,000 | 98,000 |
| Purchasing Agent /Registrar / Deputy Town Clerk | 45,000 | 85,000 |
| Police Sergeants | 80,000 | 110,000 |

| | | |
|---|----------|----------|
| Construction/Bldg/Fire/Code Enf. Offl /Zoning | 45,000 | 89,000 |
| Dept. Head of Public Works | 45,000 | 93,000 |
| Municipal Utilities Superintendent | 75,000 | 124,000 |
| Communications System Tech | 45,000 | 68,000 |
| Keyboard Clerk 1 Part time | 10.00 Hr | 17.00 Hr |

BE IT FURTHER ORDAINED the appropriate level that each employee covered under their individual or bargaining unit contract shall be paid determined by the language contained in the aforementioned contract. No prior contract language or language contained in the prior salary ordinance shall be applicable for purposes of determining the salary level of any personnel, and

BE IT FURTHER ORDAINED there shall be added as a longevity increment for each full-time employee as negotiated and set forth in the contract, and

BE IT FURTHER ORDAINED the method of payment of the salaries to each employee shall be fixed by resolution by Mayor and Council, and

BE IT FURTHER ORDAINED this ordinance shall take effect after final passage and publication according to law and its provisions shall be retroactive to January 1, 2018.

Motion by Council Person Gribbin Second Giraldo
Ordinance has passed first reading and is approved for Publication.

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodino- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Introduction of Ordinance #37-2018- FILM MAKING ORDINANCE

AN ORDINANCE OF THE TOWN OF HAMMONTON, ATLANTIC COUNTY, STATE OF NEW JERSEY,
ENTITLED “FILM MAKING”

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

This chapter shall be known and may be cited as the “Film Making”

ordinance of the Town of Hammonton.

SECTION 1. Definitions:

A. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

MAYOR AND COUNCIL - Mayor and Council of the Town of Hammonton.

ADMINISTRATOR - the Town of Hammonton Administrator

APPLICANT - the individual applying for a permit, who is legally authorized to bind the producer.

APPLICATION - the document created by the Administrator that must be completed and submitted to the Administrator by a producer or the producer's authorized representative, in order to request a permit.

TOWN - the Town of Hammonton.

BROADCASTING - transmitting or distributing a program or other information by television, radio, the Internet or other medium.

CHANGE REQUEST - the document created by the Administrator that must be completed and submitted to the Administrator by a producer or the producer's authorized representative, in order to request a material change to a permit.

ENTERTAINMENT INDUSTRY WORK - the production of motion pictures, television series, commercials, music videos, interactive games and animation, where the final product is intended to be commercially or publicly released and/or commercially or publicly distributed or broadcast.

EQUIPMENT - shall include, but is not limited to, television, photographic, film or video cameras or transmitting television and radio equipment, including radio remotes, props, sets, lights, electric and grip equipment, dolly tracks, screens, or microphone devices, and any and all production related materials. "Equipment" shall not include (a) "hand-held devices," as defined below, and (b) vehicles that are used solely to transport a person or persons while engaged in the activity of filming or broadcasting from within such vehicle, operated in compliance with relevant traffic laws and rules.

FILMING - taking or creating still or motion picture images, either on film, videotape, webcam, or digital recording medium, or the use and operation of television cameras or transmitting television equipment, including radio remotes and any preparatory activity associated therewith, where the final product is intended to be commercially or publicly released and/or commercially or publicly distributed for viewing on television, in movie theatres, on the Internet, or for institutional use. Filming includes the on site/on-location pre-production activities associated therewith. Filming does not include activities performed as part of 1) documenting current affairs; 2) producing newscasts; or location scouting.

HAND-HELD DEVICES - film, still or television cameras, video cameras or other equipment which are held in the photographer's or filmmaker's hand and carried at all times with the photographer or filmmaker during the course of filming. Hand-held devices shall not include cables or any other item or

equipment not carried by the photographer or filmmaker at all times during the course of photography, filming or transmission.

PERMIT - a document validly issued by the Administrator that authorizes filming or broadcasting and the elements contained therein, if any.

PRODUCER - an individual, organization, corporation or any other entity that is ultimately responsible for the filming or broadcasting that is the subject of the application and the permit.

PUBLIC PROPERTY - real property and structures owned by the Town of Hammonton or for which the town is a lessee, including, without limitation, parks, playgrounds, streets, sidewalks, other rights of way, buildings, docks, boardwalks, beaches. Public property shall also include real property and structures which are being leased by the town to a lessee.

RESIDENTIAL AREA - areas zoned as Residential, Low-Density Residential, or Single-Family

SCOUTING - the act of viewing, assessing and photographing locations for filming or broadcasting during pre-production or production.

SPECIAL EVENT - any activity including, without limitation, any walkathon, bikeathon, racing competition, biathlon, triathlon, block party, concert, parade, festival, art exhibition, or other organized group of 25 or more people having a common purpose or goal, proceeding upon any public property in the Town of Hammonton. Special events shall include any event which will require use of a portion of town property for sole use by a person, people or an organized group to the exclusion of the general public.

TRAFFIC CONTROL PLAN - a drawing that is submitted with a request for a sidewalk, street-end, lane, and street closure that details the location of the closures, the alternative routes that will be utilized for the detoured vehicular and/or pedestrian traffic, and the mechanisms (including, without limitation, barricades and signage and the locations thereof) for implementing the closures and alternatives.

B. Determination of Special Events Coordinator. In the event that an application is received by the Special Events Coordinator, which in the judgment of the Special Events Coordinator may not be required pursuant to this chapter, the Special Events Coordinator shall then consult with the Town of Hammonton Administrator to determine whether the application must be completed or returned to the applicant unprocessed.

C. Additional Police Protection. If the Town of Hammonton Chief of Police determines that additional police protection/manpower is necessary to maintain peace and good order and control traffic and spectators at the site of a special event or filming event, the cost thereof determined by the Chief of Police (Resolution #121-2002) shall be paid by the applicant. The applicant shall execute an agreement with the town setting forth the terms and conditions of the arrangement.

SECTION 2. Purpose and Intent:

The intent of the Town of Hammonton in adopting this filming and broadcasting ordinance is to facilitate entertainment industry work performed in the town while safeguarding the interests of the residents and businesses. The ordinance delegates responsibility for processing applications and permits within the Department of Administration under the direction and supervision of the Administrator, which will be dedicated to responding to the needs and issues pertaining to entertainment industry work. The ordinance simplifies the permitting requirements associated with filming and broadcasting by enabling entertainment industry professionals to obtain required town approvals through the Department of Administration rather than through numerous individual departments. It strengthens the town's ability to anticipate and provide adequate services for single or multiple filming or broadcasting projects throughout the town. It also enhances the town's ability to accommodate unanticipated circumstances and requested changes.

The Town of Hammonton Administrator will respond to the needs of town residents and businesses regarding entertainment industry work. Although filming and broadcasting can bring positive exposure and economic benefits to a community, in many instances these activities can have negative side effects, unrelated to the subject matter or expressive content of the film or broadcast, that can seriously disrupt peace and good order or impose unanticipated costs on the town, particularly the additional police protection, emergency medical services, and public works department services and resources often required.

Some of these negative side effects include: the presence of trucks and trailers to store equipment and house cast, creating traffic and parking problems; the attractive nuisance created by the filming, which can attract crowds of onlookers; excessive noise and lighting; the erection and placement of filming equipment, which can obstruct public rights-of-way and other areas; activities extending well into the late

nighttime or early morning hours, disturbing neighbors' peace and quiet enjoyment; the necessity of a constant police presence to keep the site secure and maintain order; and disorderly activities committed by either crew or cast members, or visitors to the site.

These undesirable effects are particularly acute in residential neighborhoods, where residents have a legitimate and legally protectable right to be free from unwanted and unnecessary intrusions into the peace and sanctity of their homes.

Both the Federal and State judiciaries have repeatedly reaffirmed that the protection of the well-being, tranquility, and privacy of the home, and the quality of life and aesthetic character of neighborhoods, is a legitimate governmental interest justifying reasonable time, place, and manner restrictions on expressive activities, including filmmaking and broadcasting.

This ordinance is intended to advance that interest and control the undesirable effects of filmmaking and broadcasting while advancing the town's commitment to being a community to work, live, and visit.

SECTION 3. The Town of Hammonton as a Resource and Liaison:

A. The Town of Hammonton shall be responsible for responding to the needs and issues pertaining to entertainment industry work. It is hereby established that all matters relating to film making in the Town of Hammonton be heard, approved, waived and/or denied by the Mayor and Council of the Town of Hammonton.

B. The Town of Hammonton Administration will serve as a resource for the town's residents and businesses, providing information upon request about current or scheduled filming, helping to resolve problems that arise from entertainment industry work, and acting as a liaison between residents, businesses and the entertainment industry to address inconvenience experienced generally and with regard to a specific project. The Administrator will also serve as an ambassador to the entertainment industry, providing information, answering questions, helping to resolve challenges and facilitating the industry's work in the town. The town will implement other mechanisms that enhance the experience of all people performing and effected by entertainment industry work, which may

include an informational web-page and on-line permitting. While permits are required for entertainment industry work that occurs on public property only, the Administrator will be a resource and liaison for all entertainment industry work, including work that occurs on private property. The Mayor and Council shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purpose of this chapter.

SECTION 4. Applications and Permits for Filming and Broadcasting:

A. Any producer that wishes to perform entertainment industry work, including filming or broadcasting, on public property or in a residential area under a waiver must first obtain a permit.

B. Permits are issued under the authority of the Administrator on behalf of the Mayor and Council.

C. Permits are issued to the producer.

D. A permit is required for each location where filming or broadcasting will take place. All permit applications will be processed on a "first come, first serve" basis. If two or more permit applicants request the same date and the same location, the filming or broadcasting application that was received first shall be first eligible for approval. Application for final approval shall be granted or denied "within 60 days of the submission of a complete application or within such further time as may be considered by the applicant.

E. Duration of Permits. Permits shall be valid for a minimum of one (1) day and a maximum of thirty (30) days calculated from the date of issuance. Longer filming or broadcasting periods require additional permits and payment of the established application and permit fees.

F. Where the application includes a request to close all or any portion of a town street, lane and/or sidewalk, dock, beach or boardwalk, the request shall be evaluated under and the closure must comply with all pertinent sections and subsections of this Chapter applicable to the filming or broadcasting at issue.

G. A producer that receives a permit is responsible for knowing and complying with all other laws, including other ordinances and regulations that establish prerequisites, authorizations and other required permissions applicable to the filming.

H. Where permitted filming or broadcasting includes advertising signs or other displays of commercial speech, the signs and/or displays must be removed upon the expiration of the permit.

I. Notice. Applicants are required to provide written notice to any residents, businesses, and merchants located within a three-block radius of the site. The notice shall state the location and approximate duration, and describe the nature and extent, of the filming or broadcasting. The notice shall be provided no later than the date and time contained in the permit. The applicant shall provide the Administrator proof that notice was provided within 24 hours of the notice date and time.

J. Hold Harmless/Indemnification. Applicants must agree in writing to hold harmless and indemnify the town and its officials, employees, and agents for any and all claims, liabilities, judgments, and damages, including reasonable attorneys' fees and costs of suit, resulting from death, bodily injury, or property damage arising out of or in any way connected with their filming or broadcasting activities.

K. Additional Police Protection. If the Town of Hammonton Chief of Police determines that additional police protection/manpower is necessary to maintain peace and good order and control traffic and spectators at the site of a special event or filming event, the cost thereof determined by the Chief of Police (Resolution #121-2002) shall be paid by the applicant. The applicant shall execute an agreement with the town setting forth the terms and conditions of the arrangement.

L. The Town of Hammonton shall compile and maintain rules and guidelines applicable to the use of public property for filming or broadcasting, including the elements that are part of the filming or broadcasting, and shall apply those rules and guidelines equally regardless of

the subject matter of the filming or broadcasting and/or the content of the speech therein.

M. While it is the intent of the town to honor each permit, the issuance of such permit shall not grant the producer a constitutionally protected property interest.

SECTION 5. Exemption from Filming or Broadcasting Permit Requirement:

A. The following types of filming and broadcasting are exempt from the permitting requirement of above. This provision does not exempt a producer from complying with other applicable Code provisions, laws, ordinances or regulations that require elements or other activities included in the filming or broadcasting to be permitted or approved by the appropriate governmental entity.

(1) First Amendment activity.

(a) Filming or broadcasting associated with any permitted or unpermitted parade, rally, protest or demonstration, except when the same is staged for the sole purpose of being included in the filming's final product.

(b) Filming or broadcasting associated with any permitted or unpermitted parade, rally, protest or demonstration, except when using vehicles or equipment.

(c) Filming or broadcasting associated with an outdoor event that is authorized by a town-issued outdoor special event permit, as defined in this Chapter, except when the same is staged for the sole purpose of being included in the film's or broadcast's final product.

(2) Other than First Amendment activity.

(a) Coverage of news or matters of public importance by print, broadcast, or electronic media.

(b) Filming of limited duration intended primarily for personal, documentary, or promotional purposes that does not involve a movie studio or production company.

(c) Filming or broadcasting occurring on public property involving the use of handheld devices.

1. If such activity does not involve the assertion by any means of exclusive use of all or any section of the public property.
2. For purposes of this subsection, standing on public property while using a handheld device and not otherwise asserting exclusive use by any means is not activity that requires a permit.

SECTION 6. Press Passes:

The use of a press pass issued by the Town of Hammonton Police Department or Department of Administration where an individual is acting in furtherance of the activity authorized by such press pass, and is engaged in filming or broadcasting as defined in these rules, does not require that a permit be obtained pursuant to this ordinance.

SECTION 7. Location Restrictions:

A. Residential Areas. Filming and/or broadcasting is prohibited in any residential area unless the Administrator grants a waiver.

B. Exceptions. The prohibition in paragraph A above does not apply to:

- (1) Coverage of news or events of public importance by print, broadcast, or electronic media.
- (2) Filming or broadcasting of limited duration, intended for personal, documentary, or promotional purposes, conducted primarily or exclusively in the interior or immediate exterior of a residential dwelling, that does not involve a movie studio or production company.

SECTION 8. Filming and Broadcasting Elements:

A. An applicant shall indicate on the application each of the elements listed below that will be included in the filming or broadcasting. The final decision of whether to allow the element shall be made by the Administrator. Prior to denying permission to perform an element, the Administrator shall consult with the producer in an attempt to find alternative ways to accommodate the producer's filming needs.

B. This section applies to the activities listed below only when they occur on public property. Where the element requires approval from an additional governmental jurisdiction, the producer must obtain that approval as well.

The elements are as follows:

- (1) Night-time filming or broadcasting with the use of outdoor lighting where a residence exists within 150 feet from the location of an outdoor light;
- (2) Filming or broadcasting in buildings that are owned by the town or leased to a third party by the town, or in buildings of which the town is a lessee;
- (3) Use of public property that is owned, leased to or maintained by the town;
- (4) Use of a temporary structure that requires permitting by any local, county, state or federal agency;
- (5) Use of intellectual property belonging to the Town of Hammonton;
- (6) Closure of all or any section of a street, lane and/or sidewalk, dock, beach or boardwalk;
- (7) Use of pyrotechnics or other explosives;
- (8) Use of smoke effects, water effects, or flame effects;
- (9) Display of real or artificial fire arms, grenades, or other weapons that would cause the public to fear violence;
- (10) Vehicle chases and/or vehicle crashes;
- (11) Dangerous stunts that have a reasonable likelihood of causing substantial personal injury;
- (12) Use of large or any other equipment that has a reasonable likelihood of causing damage to public property;
- (13) Filming or broadcasting in a town park or from a town beach or boardwalk; and
- (14) Use of wild animals controlled under federal, state, or county law and/or ordinances.

SECTION 9. Processing of Permit Applications:

A. A producer that wishes to perform filming or broadcasting must submit to the Town of Hammonton a completed application and the application fee set forth. Where the producer is an organization, corporation or other entity, the application must be signed and submitted by an individual authorized to bind the producer.

B. The application shall include, but not be limited to, the following:

- (1) The filming or broadcasting project name;
- (2) The name and contact information of the applicant, including postal address, email address, and telephone number;
- (3) A valid photo identification of the applicant;
- (4) The name and contact information of the producer (if the applicant is not the producer);
- (5) The dates, times and locations of the filming or broadcasting for which a permit is being requested, and a general description of the filming or broadcasting activity that will occur at each location;
- (6) A description of any elements that may be performed during the filming or broadcasting, including the dates, times and locations of each;
- (7) A description of any aspects of the filming or broadcasting, other than the elements, that may require town services;
- (8) A description of any assistance the producer may need from the Administrator, and/or concerns that the producer wants the Administrator to be aware of; and
- (9) Where the producer is a student, an official letter or document from her/his school confirming that s/he is currently enrolled there. In addition, the student must appear in person at the Department of Administration and present her/his current student identification card and a valid driver's license. Where the student does not have a driver's license, s/he may present a different form of identification that includes her/his photo.

C. There is no deadline by which a permit application must be submitted to the Administrator; however, where a permit application includes a request for a street closure, the closure portion of the application will not be approved unless it is received at least ten business days prior to the closure.

SECTION 10. Permit Denials:

A. The Administrator may deny an application if the Administrator reasonably determines that one or more of the below-listed conditions exists. Prior to denial, the Administrator shall make reasonable efforts to consult with the producer in an attempt to resolve issues of concern and/or find alternative ways to accommodate the producer's filming or broadcasting needs.

- (1) The filming or broadcasting poses an unreasonable risk of personal injury or property damage to people or property not associated with the filming or broadcasting;
- (2) The filming or broadcasting poses an unreasonable risk of damage to public property;
- (3) Filming or broadcasting would unreasonably interfere with the use and enjoyment of adjoining properties;
- (4) Filming or broadcasting would unreasonably impede the free flow of vehicular or pedestrian traffic;
- (5) The location sought is not suitable because the proposed use cannot reasonably be accommodated in the proposed location;
- (6) The applicant is unlikely to comply with the material terms of the requested permit;
- (7) Filming or broadcasting would endanger the public's health, safety, or welfare, or otherwise create a public nuisance;
- (8) Filming or broadcasting would negatively affect residents' quality of life;
- (9) Filming or broadcasting would negatively impact local businesses;
- (10) Filming or broadcasting would unduly strain town resources;
- (11) Noncompliance with the provisions of this ordinance;
- (12) Other municipalities' experience with the applicant's activities;

(13) The cast or crew's prior criminality;

(14) The date and time requested for a particular location conflicts with previously-issued permits or permissions for filming, broadcasting, outdoor events, or other activities;

(15) Use of the location, or use of the location during the date or time requested, would unreasonably interfere with the operation of town functions, especially between Memorial Day weekend and Labor Day weekend;

(16) Use of the location or the proposed activity at the location would violate a law, ordinance, statute or regulation, regardless of whether the illegal activity is part of the message or content of the filming. A permit shall not be denied based upon simulation of an illegal activity where the actual illegal activity is not being performed;

(17) The producer owes an outstanding debt to the town;

(18) The producer previously caused significant damage to public property and, at the time of submitting the application under consideration, failed to adequately repair the damage or pay in full the town's invoice for damage repair and restoration of services;

(19) The producer previously violated this ordinance, including without limitation by violating a material condition and/or restriction of a permit;

(20) The applicant made a material misrepresentation or gave incorrect material information on the application.

B. Where the Administrator reasonably determines that one or more of the conditions set forth above exists and that the application should therefore be denied, the Administrator shall issue a written communication to the applicant that includes an explanation for the denial.

C. In the event that permission to perform an element is denied, the Administrator will process the remainder of the application and grant all other aspects of the filming or broadcasting for which the requirements have been met.

D. In no event shall the Administrator's or any town employee's evaluation of whether to grant or deny the application, including any of the elements, include consideration of: a) the race, color, creed, religion, gender, age, disability, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, political affiliation or

associational relationships of the applicant, producer or any person associated with the filming; or b) the message or content of the filming.

SECTION 11. Appeal:

A. Grounds for Appeal. An aggrieved applicant may appeal the denial of a permit, or the imposition of any conditions imposed thereon, in accordance with the procedures set forth below.

B. Time for Appeal. The appeal must be submitted in want to the Administrator no later than seven (7) business days following the decision denying or conditionally approving the permit.

C. Appeal Panel. The appeal will be reviewed by the Town of Hammonton Mayor and Council. The appeal will be adjudicated based on the written submission of the applicant.

D. Standard of Review.

(1) The denial of a permit, or the imposition of any conditions thereon, may be overturned only upon a showing by clear and convincing evidence that the filming or broadcasting will not produce any of the negative effects upon which the original denial was based.

(2) The denial of a permit may be overturned only upon a showing by clear and convincing evidence that the filming or broadcasting:

(a) will not result in the negative effects identified in _____ and/or _____;

(b) will be completed in less than three days;

(c) will take place largely in the interior of a residential dwelling;

(d) will not violate any applicable town zoning ordinance; and

(e) will comply with all other provisions of this section.

E. Decision on Appeal. The Town of Hammonton Mayor and Council shall issue a written decision affirming, reversing, or modifying the original determination no later than thirty (30) days following the filing of the appeal.

SECTION 12. Responsibilities of a Producer Once a Permit is Obtained:

A. A producer or producer's designee must have the permit on site at the time and location of the filming or broadcasting, and must also have on site any other permits required for that location by the town or any other governmental agency.

B. A producer must confine filming to the locations, times, guidelines and conditions specified in the permit and must abide by all other material terms of the permit.

C. Permits are not transferable.

D. A producer must clean and repair the filming location, and restore it to the condition it was in immediately prior to the filming, unless otherwise agreed upon in writing by the Administrator and the producer. The Administrator will inspect the filming location after the filming is completed to ascertain whether this requirement has been met. Where a producer fails to fulfill this requirement, the Administrator will bill the producer for the cleaning, repair and/or restoration costs borne by the town, and the producer must pay the invoice in full within 30 days of receipt.

E. Permits shall require the producer to notify the Administrator immediately upon learning of any emergency event regarding or arising from the filming or broadcasting that involves the media, the police or fire departments or emergency medical services.

F. Vehicle Parking. Only vehicles with permits issued by the Town of Hammonton Police Department will be allowed to park in areas designated for the rigging or shooting activity at the time(s) and location(s) described in the applicable permit.

G. Dolly track or other equipment. No dolly track or other equipment may be laid across a street or block a fire lane without prior approval of the Administrator and the Town of Hammonton Police Department.

H. Pyrotechnics. The use of pyrotechnics, fire effects and explosions, including simulated smoke and smoke effects, shall be conducted only upon authorization by the New Jersey Division of Fire Safety or other approval agencies and subsequent approval shall be obtained from the Administrator prior to shooting.

I. Animals. The use of wild animals shall be used only upon authorization by the appropriate New Jersey department or agency, and subsequent approval shall be obtained from the Administrator prior to shooting.

J. Potentially dangerous activities. Conduct or activities associated with rigging or shooting permits which are determined by the Administrator to cause a potential danger to persons or property will be referred by the Administrator for approval by the Town of Hammonton Police Department or other governmental agency having jurisdiction over such activity. Such activities shall include, but not be limited to, the use of stunts, helicopters, firearms or simulated firearms.

K. Trees and plantings. Trimming, damaging, removing or cutting trees or vegetation on public property is prohibited without the prior approval of the Administrator.

L. Street structures. No street signs, lights, postal boxes, parking meters or any other permanent street structure may be removed or altered without the prior approval of the Administrator and/or local, state or federal agencies charged with maintaining such structures.

M. Production location access. If determined by the Administrator to be appropriate, permittees shall submit a mitigation plan for minimizing the potential inconvenience to residents and/or businesses caused by rigging or shooting activities.

N. Food services. There shall be no sit-down catered meals permitted on public streets or sidewalks.

O. Code of Conduct. The Administrator shall issue a location Code of Conduct that addresses the importance of considerate behavior on the set of all rigging and shooting activities. The permittee is responsible for providing a copy of the Code of Conduct to the cast and crew of each permitted rigging or shooting activity. Permittees shall be required to encourage participants in the permitted event to act in accordance with such code

P. A producer is responsible for:

(1) Knowing and complying with all town ordinances and other laws applicable to the filming or broadcasting and to the other activities arising from the producer's permit; and

(2) Requiring and using commercially reasonable efforts to enforce the requirement that any person working for or at the direction of the producer (including without limitation contractors) complies with all town ordinances and other laws applicable to the filming or broadcasting and to the other activities arising from the permit.

Q. The requirements above shall include without limitation that the producer is responsible for obtaining any and all permissions, licenses or other required authorizations for use of intellectual property, including intellectual property which is on public property but is not owned by the town.

R. Notwithstanding issuance of permit pursuant to this article, a producer is prohibited from acting or claiming to act as a representative or agent of the town or Administrator and from indicating town endorsement of the filming or broadcasting, except as otherwise agreed to in writing by the Administrator. This provision shall not prohibit the producer's use of the town logo in the filming credits.

S. The Administrator shall require that notification be given to residents and businesses within a three-block radius of a location for which a permit has been issued. The Administrator may provide the notification, may require the producer to provide the notification, or may utilize a different mechanism for providing notification. The notification must state that a filming or broadcasting permit has been issued, and must include the date(s), time(s), location(s) and activities that are authorized by the permit. The Administrator shall determine the most effective means and timing of notification based upon factors such as the type of impact that the filming or broadcasting will have on the neighborhood, the time between receipt of the application and commencement of the filming or broadcasting, the producer's budget and previous communications from a neighborhood regarding notification preferences.

SECTION 13. Other Permit Requirements:

After a permit has been approved by the Administrator, it will be issued once the following have occurred:

A. The producer signs an indemnification provision on the permit whereby the producer agrees to indemnify the town and its officials and employees from all claims, losses and expenses, including attorneys' fees and costs, that may arise from the permit and any of the activities performed pursuant to the permit by, on behalf of, or at the direction of the producer, except to the extent that the claims, losses and/or expenses are caused by the negligence or intentional misconduct of the town, its officials and/or employees;

B. The producer signs a provision agreeing to comply with all applicable environmental laws, including an agreement not to allow legally-prohibited contaminants from entering the sewage and storm water drainage systems serving the area where the filming or broadcasting will occur. The producer must sign a separate indemnification clause, such as the one described in paragraph A immediately above, that pertains specifically to environmental breaches and includes without limitation the fines and clean-up costs associated therewith;

C. The producer obtains insurance coverage in an amount determined by the town's risk manager, covers the town as an additional insured on the policy, and provides proof of the coverage in a manner established by the town's risk manager;

D. The producer pays the permit fee and any other applicable fees.

SECTION 14. Fee Schedule:

A. The Town of Hammonton shall collect all applicable fees arising pursuant to this article. These fees are set forth below, and in other sections of the Code pertaining to the cost of services or goods provided by other town departments.

(1) Nonrefundable application fee. A filming or broadcasting permit application must be accompanied

in the amount set forth below. An application shall not be deemed complete until the application fee is received by the town.

(a) \$300.00, except for students.

(b) \$25.00 for students.

(2) Filming or broadcasting permit fee. A permit authorizes all filming or broadcasting for a particular project during a calendar month, regardless of the number of filming or broadcasting locations. A permit is valid through the last day of the calendar month and may be renewed for additional calendar months.

(3) Standard Permit Fee. The following fees apply when the completed permit application is submitted to the Administrator more than three business days prior to the effective date of the permit:

(a) \$300.00 for original filming or broadcasting permit, except for students.

(b) \$300.00 for each renewal permit, except for students.

(c) \$25.00 for students, valid for length of filming project. Monthly renewals not required.

(4) Rush permit fee. Where a completed filming or broadcasting permit application is submitted to the Administrator three or fewer business days prior to the intended effective date of the permit, the producer must pay the standard permit fee plus the rush fee set forth below in this subsection. Additionally, where a producer submits an application more than three business days prior to the intended effective date of the permit, the producer voluntarily may pay the standard permit fee plus the rush fee in order to have the application processed within three or fewer business days.

(a) \$300.00, except for students.

(b) \$25.00 for students.

(5) Cancellation fee. Except as set forth below, a filming or broadcasting permit fee is nonrefundable.

(6) A filming or broadcasting permit fee is refundable if cancellation is required because of extraordinary circumstances for which the producer is not responsible and which are not within the producer's control. Inclement weather, except for declared states of emergency, and common illness shall not be deemed extraordinary circumstances.

(7) Traffic control plans. Entertainment industry work performed at certain locations will require a traffic control plan. The Administrator is authorized but not required to offer the service of preparing traffic control plans associated with entertainment industry work. The cost of having the Administrator or Chief of Police prepare a traffic control plan is as follows:

(a) For non-students:

1. Traffic control plan for lane and/or sidewalk closure(s) only: \$250.00

2. Traffic control plan for street closure(s) only: \$400.00

3. Traffic control plan for street closure(s) plus lane and/or sidewalk closure(s) (where the lane and/or sidewalk is not part of or abutting the street being closed): \$600.00

(b) For students: Any type of traffic control plan: \$25.00

B. The Administrator's preparation of a traffic control plan will include submitting the plan to the Town of Hammonton Police Department for review, and editing the plan as needed to meet the requirements of the Police Department.

C. The producer is not required to have the Administrator prepare the traffic control plan, and there will be no penalty against or differential treatment of any producer who has the plan created by a person or entity other than the Administrator.

D. Street closures permits-minimum notice. A full street closure will not be permitted unless the application or change request is submitted at least five business days prior to the closure.

E. Rush fees may not be utilized for full street closure requests.

SECTION 15. Violations and Penalties:

A. Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of no less than \$100 and no more than \$1,250, by imprisonment not to exceed 90 days or by community service of no more than 90 days or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

B. The violation of any provision of this chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 16. Hearings:

A. Rules. The Mayor and Council shall make rules governing the conduct of the hearings before it. A hearing shall be held for each application submitted.

B. Testimony. The testimony of all witnesses relating to the application for film making shall be taken by the Town of Hammonton Attorney, and the right of

cross examination shall be permitted to all interested parties through their attorney's, if represented, or directly if not represented subject to the discretion of the Town of Hammonton Attorney and to reasonable limitations as to time and number of witnesses.

C. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Mayor and Council may exclude irrelevant, immaterial, or unduly evidence.

D. Notice of hearing. Public notice shall be given by the publication in the official newspaper of the Town of Hammonton at least ten (10) days prior to the date of the hearing. Notice shall be given to the owners of all real property located within 500 feet in all directions of the property which is the subject of such hearing and whether located within or without the Town of Hammonton in which the applicant wishes to conduct film making in accordance with this chapter. Such notice shall be given by serving a copy of the application on the owner as shown on said current tax duplicate, or his agent in charge of the property, or by mailing a copy thereof by certified mail to the property owner at the address as shown on said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, vice president, secretary, or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice shall be given by personal service or by certified mail to the County Executive and the New Jersey Motion Picture and Television Commission.

E. Form of notice. All notices required to be given pursuant to the

terms of this chapter shall state the date, time and place of the hearing, nature of the matter to be considered and identification of the property proposed to conduct film making by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by this chapter.

SECTION 17. Decisions:

A. Each decision on any application for film making shall be set forth in writing as a Resolution of the Mayor and Council.

B. A copy of the decision shall be mailed by the Town of Hammonton within ten (10) days of the date of decision to the applicant or, if represented, then to the attorney of record without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee of \$5 to the Town of Hammonton in advance of the decision. A copy of the decision shall also be filed with the County Executive and the New Jersey Motion Picture and Television Commission.

SECTION 18. Enforcement:

A. The requirements of this chapter shall be enforced by the Town of Hammonton Police Department. If the Police Department finds filmmaking being conducted in the Town of Hammonton without the appropriate approval by the Mayor and Council, all activities relating to and in support of film making will cease immediately and summonses will be issued to the property owner and the film making company. Both the property owner and the film making company shall appear in the Town of Hammonton Municipal Court.

B. Upon notice to cease, from the Town of Hammonton Police Department, should film making continue both the property owner and the film making company shall be subject to per diem fines.

SECTION 19. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 20. This ordinance shall take effect after second reading and publication as required by law.

Motion by Council Person Gribbin Second Torrissi
Ordinance is tabled no publication.

Roll Call

Councilperson:

Furgione – Yes

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Introduction of Ordinance #038-2018- Amending Chapter 271 Section 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:

| Name of Road | Zone Description | Maximum Speed Limit (mph) |
|----------------------------|---|--|
| North 1 st Road | Between 14 th and 15 th Streets | 25 |

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 Council Person Furgione Second Giralo
Ordinance has passed first reading and is approved for Publication.

Roll Call

Councilperson:

Furgione – Yes

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

ORDINANCE #039-2018- Amending Chapter 48-3 Sick Leave

ORDINANCE AMENDING CHAPTER 48-3 OF THE CODE OF THE TOWN OF
HAMMONTON ENTITLED
“SICK LEAVE”

WHEREAS, the Mayor and Council of the Town of Hammonton desire to amend Chapter 48-3 of the Code of the Town of Hammonton by adding “A sick certificate must also be obtained at the employee’s own expense from a licensed practicing physician every 14 days during an extended period (30 Days or more) of sick leave”;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY that Chapter 48-3 of the Code of the Town of Hammonton entitled “Sick Leave” be amended as follows:

"A sick certificate must also be obtained at the employee's own expense from a licensed practicing physician every 14 days during an extended period (30 Days or more) of sick leave";

BE IT FURTHER RESOLVED THAT all other provisions of Chapter 48 shall remain in full force and affect.

Motion by Council Person Torrissi Second Giraldo
Ordinance has passed first reading and is approved for Publication.

Roll Call

Councilperson:
Furgione – Yes
Giraldo – Yes
Gribbin - Yes
Rodio- Yes
Sacco - Yes
Torrissi – Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

RESOLUTIONS

Resolution #106-2018 – Adopting COAH Spending Plan

RESOLUTION OF THE TOWN OF HAMMONTON, ATLANTIC COUNTY, STATE OF NEW JERSEY, ADOPTING 2018 SPENDING PLAN

WHEREAS, on August 1, 2018, the Town of Hammonton Planning Board adopted a Housing Element and Fair Share Plan in furtherance of its Settlement Agreement with Fair Share Housing Center, regarding the Town's Third-Round Affordable Housing Obligation; and

WHEREAS, the Hammonton Town Planner has prepared a Spending Plan, which is consistent with the Housing Element and Fair Share Plan and provides for the use of Affordable Housing Trust Funds in furtherance of the provision of affordable housing in the Town of Hammonton.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hammonton, Atlantic County, as follows:

1. The Town of Hammonton hereby adopts and approves the Spending Plan of August 2018. Said Spending Plan is attached hereto and made a part hereof.
2. The Town requests that the Court review and approve the Spending Plan.
3. A certified true copy of the Resolution shall be filed by the municipal clerk with Fair Share Housing Center and the Court Master.

Motion by Council Person Rodio Second Gribbin
Ordinance has passed first reading and is approved for Publication.

Roll Call

Councilperson:
Furgione – Yes
Giraldo – Yes
Gribbin - Yes
Rodio- Yes
Sacco - Yes
Torrissi – Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Resolution #107-2018 – 159 Budget ANJEC Grant

159 Budget Addition for Association,
of New Jersey Environmental Commissions 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 from the Association of New Jersey Environmental Commissions \$1,500.00 and wishes to amend its 2018 Current Fund Budget to include this amount as revenue.

NOW, THEREFORE, 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 2018 in the sum of \$1,500.00 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:

ANJEC Grant 2018

BE IT FURTHER RESOLVED that a like sum of \$1,500.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations - Excluded from "CAPS":

Public and Private Programs Offset by Revenues:

ANJEC Grant 2018

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

Resolution #108-2018 Approve Annual Tree Lighting Event

RESOLUTION AUTHORIZING AND ENDORSING
MAINSTREET HAMMONTON TOWN TREE LIGHTING EVENT

WHEREAS, Saturday, December 1st(rain date, Dec 2nd) is the scheduled date for the Main Street Hammonton Town Tree Lighting Event from 5 pm- 9pm. at the intersection of Bellevue and Central and we request the road closure of Central Avenue between Bellevue and Vine from 9am-10 pm; and

WHEREAS, Saturday, December 1st, has been scheduled as the date for the Main Street Hammonton carriage rides from 6:00 to 9:00 pm with the request of permitting the carriage route to begin at 310 Bellevue Ave and to then turn right onto School House Lane and permit us on this presently one way route and agree to the route listed below:

Carriage Route

Rides will begin in front of 310 Bellevue Avenue.
Proceed down Bellevue and turn right onto School House Lane
Proceed down School House Lane and turn right onto Vine Street
Proceed down Vine Street and turn right onto 3rd Street.
Proceed down 3rd Street and turn right onto Bellevue Avenue and return to 310 Bellevue.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, STATE OF NEW JERSEY, that the Main Street Hammonton Town Tree Lighting Event and Carriage Ride Event is acknowledged and endorsed with road closures, no parking, and police assistance contingent upon contacting Police Chief and Public Works Manager 2 months prior to event;

Resolution #109- 2018- Approval Annual Halloween Parade

RESOLUTION AUTHORIZING AND ENDORSING
KIWANIS CLUB HALLOWEEN PARADE

WHEREAS, Kiwanis Club of Hammonton has and continues to promote the Town of Hammonton with scheduled events in the downtown business district; and

WHEREAS, Mayor and Council has and continues to support the efforts of Kiwanis Club of Hammonton; and

WHEREAS, October 24, 2018 is the scheduled date for the Annual Kiwanis Club Halloween Parade (rain date to be October 25, 2018);

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, STATE OF NEW JERSEY, that the Kiwanis Club Halloween Parade is acknowledged and endorsed with the following streets being closed:

N. Egg Harbor Road from Rt. 54 to Fairview Avenue from 6:00 – 7:00 pm
Rt. 54 (Bellevue) from N. Egg Harbor Road to Third St. from 7:00 – 9:00 pm

Resolution #110-2018 – Authorizing Downtown Trick or Treat

RESOLUTION AUTHORIZING AND ENDORSING
MAINSTREET HAMMONTON DOWNTOWN TRICK OR TREAT EVENT
WITH ROAD CLOSURES

WHEREAS, Saturday, October 20(rain date October 27) is the scheduled date for the Main Street Hammonton Downtown Trick or Treat Event from 2:00pm – 4:00 p.m.; and

WHEREAS, Downtown Businesses will be distributing treats and organizing activities from their stores for children throughout the event; and

WHEREAS, Main street Hammonton is requesting the following road closures and police assistance for this event during the hours of 11am- 5pm at

Central Avenue between Bellevue Ave. (Rt. 54) and Vine Street

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, STATE OF NEW JERSEY, that the Main Street Hammonton Downtown Trick or Treat Event is approved with road closures and police assistance specifically crossing assistance at intersections on Bellevue Avenue contingent upon contacting Police Chief and Public Works Manager 2 months prior to event;

Resolution #111-2018- Support of Energy Receipt Tax

Resolution of support for Energy Receipts
Tax to be fully Funded to Municipalities

Whereas, the time has come to restore to local budgets the millions in property tax relief that have been annually diverted to meet State needs; now therefore be it

RESOLVED, the Mayor and Town Council of the Town of Hammonton, County of Atlantic, salutes the sponsors for listing to the Mayors in their districts and all around New Jersey and for advancing this legislation; and be it further

RESOLVED, that we enthusiastically support and urge our State Legislators to pass ACR-176; and be it finally Resolved, that certified copies of this resolution be forwarded to Governor Phil Murphy, Lieutenant Governor Sheila Oliver, New Jersey Senate President Steve Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Craig Coughlin, New Jersey Assembly Republican Leader Jon Bramnick, our State Senator, and to the New Jersey League of Municipalities.

RESOLUTION #112- 2018- Social Media Platform

RESOLUTION ADOPTING A SOCIAL MEDIA POLICY
FOR THE OPERATIONS AND USE OF GOVERNMENT
SOCIAL MEDIA PLATFORMS

WHEREAS, the Council of the Town of Hammonton desires to adopt a Social Media Policy to establish enforcement rules and guidelines for the use of Social Media (as defined herein); and

WHEREAS, the Council of the Town of Hammonton finds that the Public seeks information about the community through Social Media, and Social Media provides an informative and accessible method of relaying information to the Town about emergencies. Local events, proposed resolutions, ordinances and any other information available; and

WHEREAS, the Council of the Town of Hammonton finds that a Social Media Policy is necessary to expand and facilitate the dissemination of information from the Town to its residents, taxpayers and the general public, while at the same time assuring that communications made on behalf of the Town are properly authorized and in correct form; and

WHEREAS, the Council of the Town of Hammonton finds that it is in the best interest of the community to have a Social Media Policy in place to authorize designated employees of the Town to post information on Social Media on behalf of the Town and to regulate the content posted to Social Media accounts in the name of the Town;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Hammonton hereby adopts the Social Media Policy annexed hereto and made a part hereof as the official Social Media Policy of the Town of Hammonton; and

BE IT FURTHER RESOLVED, that all agencies, departments, and employees of the Town of Hammonton shall be subject to the terms and conditions of the Social Media Policy; and

BE IT FURTHER RESOLVED, that certified copies of this resolution shall be provided to: (i) all departments and agencies of the Town of Hammonton; (ii) affiliated government of non-government organizations of the Town of Hammonton; and (iii) the Municipal Solicitor.

NO ADJUSTMENTS TO BE MADE Not VOTED ON OR APPROVED.

Resolution #113-2018-159 Budget Addition Safety Grant

159 Budget Addition for
Pedestrian Safety Education 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 from the State of New Jersey Department of Law and Public Safety \$9,950.00 in grant funds, and wishes to amend its 2018 Current Fund Budget to include this amount as revenue.

NOW, THEREFORE, 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 2018 in the sum of \$9,950.00 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:

Pedestrian Safety Education Grant 2018

BE IT FURTHER RESOLVED that a like sum of \$9,950.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations - Excluded from "CAPS":

Public and Private Programs Offset by Revenues:

Pedestrian Safety Education Grant 2018

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

Resolution #114-2018- Police outside Detail Agreement

A RESOLUTION ADOPTING A FORM AGREEMENT
TO BE UTILIZED BY THE TOWN OF HAMMONTON
AND THE HAMMONTON POLICE DEPARTMENT

WHEREAS, Police Officers of the Town of Hammonton are periodically employed by private industry and other public agencies to conduct traffic control and security work or such other services as may be requested; and

WHEREAS, in order to set forth the terms and conditions of this "detail work" the Town has adopted a form agreement to be used for those occasions when Police Officers are so employed; and

WHEREAS, Mayor and Council has determined that the Agreement shall set forth the rates of compensation as well as insurance coverage and other requirements.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton in the County of Atlantic and State of New Jersey that the form agreement attached hereto shall be used in all occasions when Police Officers of the Town of Hammonton are hired by private industry to do "detail work".

| | <u>Hourly Rate</u> | <u>Number of Officer(s) & Vehicle(s) Requested</u> | <u>Total Amount Deposit</u> |
|-----------------|--------------------|--|-----------------------------|
| Regular Officer | \$65.00 | _____ | _____ |
| School Officer | \$55.00 | _____ | _____ |
| Police Vehicle | \$10.00 | _____ | _____ |

Resolution #115 -2018- Authorizing sale of Surplus Property

RESOLUTION OF THE MAYOR AND COUNCIL
OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC,
STATE OF NEW JERSEY, AUTHORIZING SALE OF SURPLUS PROPERTY

WHEREAS, the Town of Hammonton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town of Hammonton is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

NOW THEREFORE, be it resolved by the Mayor and Council of the Town of Hammonton, County of Atlantic, State of New Jersey as follows:

1. The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967 / T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com.
2. The sale will be conducted online over a period of time to be set in the legal advertisement and the address of the auction site is govdeals.com.
3. The sale is being conducted pursuant to Local Finance Notice 2008-9.
4. Below is a list of surplus property to be sold:

| <u>Year</u> | <u>Make/Model</u> | <u>Serial Number</u> | | | |
|-------------|-----------------------------|----------------------|--------|----|--|
| 1998 | Chevrolet Express Cargo Van | 1GBHG 35F5 | W10418 | 26 | |

| | | | | | |
|------|--------------------|-------|------|--------|----|
| 2013 | Nissan Altima 2.5S | 1N4AL | 3AP7 | DC2332 | 29 |
| 1998 | Ford Explorer | 1FMYU | 24E7 | WUD005 | 75 |
| 1998 | Chevrolet Venture | 1GNDX | 03E5 | WD1727 | 64 |

RESOLUTION # 116-2018 – Letter of Support Variety Farms Medical Marijuana Growing Facility

RESOLUTION ENDORSING APPROVAL
TO VARIETY FARMS, INC. AND AFFILIATES
FOR A MEDICAL MARIJUANA GROWING FACILITY

WHEREAS, Variety Farms, Inc. and affiliates, at 548 Pleasant Mills Road in Hammonton, is requesting approval from the Town of Hammonton's Mayor and Council to approve a Medical Marijuana Growing Facility by issuing a letter of support for this project; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Hammonton of the County of Atlantic, State of New Jersey that the Mayor is hereby authorized to execute a letter of support for Medical Marijuana Growing Facility operated by Variety Farms, Inc. and affiliates located at 548 Pleasant Mills Road Hammonton.

Motion by Council Person Gribbin Second Giraldo
Resolutions #107 to 111 and 113 to 115 are adopted. Resolution #112 and 116 are tabled not voted on.

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodino- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

PUBLIC HEARD

Joe Caruso 53 Main Road Fire Co# 2 when is curbing project going to be completed

Steve Hertz 770 Virginia Ave- When is the paving for the street going to begin?

Councilperson Giraldo – Spoke about former Mayor Clarke.

MEETING ADJOURNED

Motion by Council Person Furgione Second Radio

