

Special Meeting of Mayor and Council August 6, 2018
Town Hall Council Chambers, 100 Central Avenue
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

Brian Howell, Conflict Solicitor

Bob Vettese 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

Conflict Solicitor Brian Howell made an opening statement regarding the purchase of Frog Rock Golf course located on Boyer Ave. Explained the legal issues and the options town has. Pro and cons of the purchase

Brian Howell left meeting at 7:19 to attend to personal matter

- **Mayor Stephen DiDonato** made an opening statement regarding the purchase of the golf course. Spoke about the water capacity the current water/sewer system has on the nearby site. How many gallons new site will offer to the water/sewer system? Spoke about Pinelands issues regarding our effluent going into nearby stream
- **Engineer Bob Vettese** of ARH reviewed maps of site and explained the area to be used.
- **Chris Giannini 501 Boyer Ave.** Spoke about the purchase and the issues they had years ago on a moratorium and that drainage is an issue at Boyer this would help.
- **Richard Penza 387 S. Chew Road-** He gave his opinion on the purchase and gave history of the same issue when he was Mayor.
- **Mr. Chew 15 Rocha Court.** How is Town paying for it and the effect it will have on the taxes in Town
- **Gordon Pherribo 23 Magnolia Court.** Inquired about the buffer zone form wetlands, will water drain like it should on this property? Why does the town have to move so fast on this issue?

- **Jovanna De Riggi 45 Jamestown Blvd.** Questioned if there are liens on the property, and who owns them?
- **Sharon Scaltrito 476 14th street.** Questioned what lots were being purchased? Does purchase include golf course or any bldgs.? At all?
- **Scott Santora 250 RT 206-** Questions about purchase and the affluent waster coming from the plant. He has a background in this type of situation. Does Town plan on installing monitoring wells?
- **Dan Bachalis 115 Bachelor Lane-** inquired about the buffer zone in the wetlands. The closing of this acquisition in 60 days is to fast.
- **Mayor Stephen DiDonato** spoke about time line and moratoriums in the past
- **Council Person Steve Furgione** spoke how much water we can spray on the golf course. Also spoke about spraying on golf course if there is any kind of wind you can't spray. Mentioned the time of year you can spray on the course. It will not be 12 months a year.
- **Mayor Steve DiDonato** spoke about the future benefits the Town will get form this project
- **Council Person Furgione** mentioned the cost to lay overland drip. The Town needs to find these things out before moving forward
- **Frank Johnson 106 Birch Drive.** Asked of any other sites for this project have been investigated? Town is moving to fast 60 days is too quick to settle on something with this magnitude. Can drip irrigation be used on Blueberry fields? Kids play on the soccer fields with the affluent treated grass.
- **Patty Palmieri 35 4th Street.** This was from a txt message on the mayor's phone. Who long will this project last if built?
- **Jennifer Scarpato 126 Lincoln Ave** received by txt to mayor's phone. What is the cost to taxpayers for this project?
- **Rock Colasurdo Boyer Ave-** spoke about the negotiations and the price that was talked about with Council Person Furgione.
- **Gina Rullo Peach Street-** By txt to mayor's phone. Will there be a pinelands application? Will a phase one be done? What would cost to put in irrigation lines?
- **Erin Husta 208 S. 2nd Road-** Txt to Mayor. Questioned the 99 year lease on the agreement
- **Steve Carr 115 Grape Street-** Thanks Council for looking into future with this acquisition. He had future concerns about the cost of this project if we don't act now.
- **Councilperson Mike Torrissi** – Commented about the sewer issues that the public may not be aware of. The Timeline is very difficult and we need to make sure we make an educated decision.
- **Mayor Stephen DiDonato** – Also commented on making the correct decision and doing the right thing for the Town.
- **Joanne Johnson 5 Waterfront Way** – Spoke about the timeline and how it is way to fast. If deal is not completed in 60 days what Happens? If the Town purchases the land and pinelands say we can't irrigate on the site, what then? Slow down do the right thing.

- **Councilperson Sam Rodio** – spoke about how the board needs to listen to their professional. The Utility superintendent says he doesn't want homes to be built on the site; this would cause a lot of issues with water in this area.
- **Sharon Scaltrito 476 14th street** – Spoke about the acres on the property and the lot and blocks.
- **Councilperson Tom Gribbin** – Questioned the lots and who owes them to Doug Cody.
- **Gordon Pherribo 23 Magnolia Court.** Ask if the property will still be a golf course? Will it be deed restricted?
- **Council Person Steve Furgione** – Asked if the location can be used as open space?
- **County Committee Chairman James Bertino** – Responded to Open Space question. It can not be used as open space.
- **Councilperson Furgione** – Will the golf course be open or closed? If it remains a golf course, who will be the operator? The Town needs someone at the golf course to work with the Water Superintendent. Questioned whether the town can enter into a lease purchase? When will payment for this acquisition be made?
- **Scott Santora 250 RT 206-** The Town had the opportunity to tie into the Atlantic County Sewer plant 30 years ago and did not. 3
- **Richard Penza 387 S. Chew Road** – Spoke about the ACUA issue and the salt water intrusion.
- **Mr. Chew 38 Rocha Court** – Spoke about purchase price and that this is complex project.
- **Robert Reitmeyer 131 Maple Street** – What is capacity of system now? How many gallons per day? When would a moratorium come into play?

DISPENSE WITH REGULAR ORDER OF BUSINESS

RESOLUTION #101-2018 – Capital Budget Amendment Purchase Property

WHEREAS, the local capital budget for the year 2018 was adopted on the 25th day of June, 2018; and

WHEREAS, it is the desire to amend said adopted capital budget;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Town of Hammonton, County of Atlantic, that the following modification to the adopted capital budget of the Town of Hammonton be made:

<u>Utility Capital Fund</u>	<u>Debt</u>	
<u>Purpose</u>	<u>Total</u>	<u>Authorized</u>
Purchase of Property for Distribution of Excess Effluent from Utility System	<u>\$ 1,450,000</u>	<u>\$ 1,450,000</u>

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services.

Motion by Council Person Rodio Second Gribbin
Resolution #101-2018 Capital Budget Amendment is approved

Roll Call

Councilperson:

Furgione – No

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – No

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Withdraw Ordinance 32-2018 introduced on July 23, 2018

Motion by Council Person Gribbin Second Torrissi

Withdraw Ordinance #32-2018 for July 23rd is 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

- **Councilperson Joe Giralo** - Spoke about people questioning this issue. We need to explain in more detail and answer more questions from the public. Requested additional meetings of Mayor and council to be held on the purchase of this property
- **Councilperson Brooke Sacco**- Spoke about the timeline and moving so fast.
- **Mayor Stephen DiDonato** – Suggested posting information on Channel and maps of the area in question.

Approval of special council meetings and to have professional attend at their hourly cost

Motion by Council Person Rodio Second Giraldo

Special meeting of Council set for August 13, 20, and 22 from 7pm to 9 pm approved.

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Deputy Mayor DiDonato declares motion is carried

Introduce Ordinance #034-2018 – Purchase of Property

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, Lots 13, 14, 15, 16 and 20, on Boyer Avenue in the Town,

Including all related work and the acquisition of all materials necessary therefor 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 therefor.

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.

- **Councilperson Gribbin** Commented on the motivation factor for doing this ordinance. They are elected to do what's best for the Town, not because of who you know.
- **Mayor Stephen DiDonato** – commented on who wanted to be sitting in the Mayors chair during election time. This is the correct decision for Hammonton.
- **Councilperson Brooke Sacco** commented about the election between Mr. Colusurdo and herself. This is no way a favor for anyone. We need to be transparent.
- **Councilperson Steve Furgione** – Researched the project can't get there on 1st reading. He wants Jerry Barberio to test the irrigation system at Frog Rock.
- **Councilperson Torrissi** – That is a very important issue for the Town and we need to vote and make the right decision.
- **Councilperson Giraldo** – Supports this first reading of the Ordinance, but needs to hear more form the public before making a final decision. We have to plan for tomorrow

Motion by Council Person Rodio Second Gribbin

Ordinance has passed 1st reading and is given legal publication for 2nd reading.

Roll Call

Councilperson:

Furgione – No

Giraldo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – No

Mayor DiDonato - Yes

Deputy Mayor DiDonato declares motion is carried

Introduce Ordinance #035-2018 – Agreement to Purchase Property

ORDINANCE #035- 2018

**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 13 of Block 4303 is owned by Rocco Colasurdo and Gloria Colasurdo;

2. 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;

3. 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;

4. 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

5. 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"); and

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.

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. 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; and

(d) Such other documents as the Town's Title Company may reasonably require.

6. 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.

7. The Town shall not pay any more for the Property than One Million Four Hundred Thousand Dollars (\$1,400,000.00) (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.

8. 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 Rodio Second Sacco

Ordinance has passed 1st reading and is given legal publication for 2nd reading.

Roll Call

Councilperson:

Furgione – No

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – No

Mayor DiDonato - Yes

Deputy Mayor DiDonato declares motion is carried

TOWN CLERK REPORT

1. Accept irrevocable letter of retirement from Lt. Joe Maimone effective retirement date of Sept. 1, 2018 as per approved SOA Memorandum of Agreement dated July 31, 2018.
2. Approve MOA's for SOA's, Sergeants and Department Heads.

Motion by Council Person Gribbin Second Rodio

Items 1 and 2 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

Approval to amend Airport Fence Agreement

Motion by Council Person Torrissi Second Sacco

Approval to amend airport Fence Agreement

Roll Call

Councilperson:

Furgione – No

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Approval to close Berwyn Ave September 2nd with 2 police officers

Motion by Council Person Rodio Second Furgione

Approve Closing of Berwyn Ave September 2, 2018

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 HEARD

- Scott Santora 250 RT 206 – Very important issue. Remember be part of the solution.
- Angela Donio – 101 Tilton Street- Commented “no guts no glory”
- Dan Bachalis 115 Bachelor Lane – When will COAH agreement be discussed?

MEETING ADJOURNED

Motion by Council Person Torrissi Second Giraldo