

Regular Meeting of Mayor and Council July 23, 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 – Arrived 10 minutes Late

Rodio- Present

Sacco - Present

Torrissi – Present

Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor

Jerry Barberio, PWM/Business Administrator

EXECUTIVE SESSION Resolution # 085-2018

Motion by Council Person Giralo Second Furgione

Enter into Executive Session

Motion by Council Person Giralo Second Furgione

Close Executive session return to regular session, Resolution #085-2018 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

Bob Vettese of ARH, Town Engineer

Jerry Barberio, PWM/Business Administrator

PUBLIC NOTICE

Notice of this meeting has been posted and given to official newspapers.

Please familiarize yourselves with the fire exits to the right and rear of the Council Chambers.

Please do not proceed beyond the front benches without invitation from the Mayor to do so.

Also, each person who wishes to address Council will be allotted 5 minutes.

PLEDGE OF ALLEGIANCE

PUBLIC HEARD FOR AGENDA ACTION ITEMS

Joe Dissisini 897 10th St. Noise Ordinance  
Kristin Ezzi 662 N. 3rd St. Noise Ordinance  
Dawn Bova 236 Grape St. Noise Ordinance  
Susan Danson 220 S. 3<sup>rd</sup> St. Noise Ordinance  
Craig Danson 220 S. 3<sup>rd</sup> St. Noise Ordinance  
Shelly Calletta 442 Elm St. Noise Ordinance

Mayor put Noise Ordinance in Quality of Life Committee

Presentations

2 Proclamations for Eagle Scouts Josiah Bailey and Tray Margumen  
Presented by Deputy Mayor Thomas Gribbin and Councilperson Brooke Sacco.

Mary Young of Hammonton Drug Alliance presented Comfort Bags for children to the Hammonton Police Dept. and Hammonton Fire Dept.  
Keep Hammonton Safe.

Officer Sbarra, Reustle, and Chief Jones made Chris Sacco an honorary member of the Hammonton Police Department and presented his family with a badge number and plaque.

David Colofransen introduced the 104<sup>th</sup> Combat Engineering Division change in command. Captain Gounaris, Sergeant Wilson and Sergeant Powell asked for escort from Hammonton Police Dept. for deployment.

Mary Joan Wyatt, Tax Assessor, updated council and public on upcoming due date for Farmland Assessment, Tax Bills, and PTR Forms.

Mark Hermann updated public on 2<sup>nd</sup> Road Project and gave handouts.

Fire Chief Macrie gave update on progress of Fire Department.

Chief Jones gave update on projects and purchases in Police Department.

APPROVAL OF MINUTES

Executive Minutes June 25, 2018  
Council Minutes June 25, 2018

Motion by Council Person Gribbin Second Giraldo  
Minutes are approved

Roll Call

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

Deputy Mayor Gribbin declares motion is carried

DISPENSE WITH REGULAR ORDER OF BUSINESS

**Public Hearing Ordinance #026-2018 Update Airport Master Plan**

BOND ORDINANCE PROVIDING FOR THE UPDATE TO THE HAMMONTON MUNICIPAL AIRPORT MASTER PLAN STUDY IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$232,034 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$23,581 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") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$232,034 including the sum of \$208,453 expected to be received as a Federal Aviation Administration grant. No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance involves a project funded with grant funds from the Federal Aviation Administration as described herein.

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 \$23,581 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 the update to the Hammonton Municipal Airport Master Plan Study, including all related costs and expenditures necessary therefor and 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, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. 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 or other applicable 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 general improvement, 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 15 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 \$23,581, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$232,034 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.

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 obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Town to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 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(a) 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 "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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 Furgione  
The Ordinance is taken up for 2<sup>nd</sup> reading and public Hearing

Motion by Council Person Giraldo Second Rodio  
The Public hearing is closed; the ordinance has passed 2<sup>nd</sup> 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

## COMMITTEE REPORTS

### Administration - Councilman Torrissi

Discussed social media policy and letter to county about roads in Hammonton.

### Business & Industry - Councilman Gribbin

Thanked all the volunteers for Feast of Lady of Mt. Carmel and Hammonton 4<sup>th</sup> of July. Updated public on upcoming events in Hammonton such as the Peach Party, Fringe Festival, Fiesta Latino and Touch a Truck Event.

### Education - Councilman Gribbin

Updated public on Board of Education Meeting and the State Aid awarded by Governor Murphy.

### Quality of Life - Councilman Sacco

Updated public on Green Committee and Environmental Commission. Discussed upcoming events for Canoe Club, Historic Preservation and National Night Out.

### Public Works & Transportation - Councilman Rodio

Discussed Washington St. Construction, Road Program and letter from county about county roads.

### Water & Sewer - Councilman Furgione

Updated public on gallons of water pumped and urged them to water lawns at night. Discussed equipment upgrades at Utility Department.

## ENGINEER REPORT

### **PUBLIC WORKS ACTION ITEMS:**

#### 1. NJDOT Local Aid, SRTS and TA Funding Applications (ARH #11-40057):

We met last month with representatives from the Town, NJDOT and SJTPO to discuss the NJDOT and Federal Funding Programs available to the Town. After discussion, it was decided that applications for the following projects should be made:

##### 1. Safe Routes to Schools Program (SRTS) (Federal Aid):

This would include curb and sidewalk improvements along the following streets:

- a. Portion of Third Street County Route #724
- b. North Street (east side)
- c. Fourth Street (north side) missing sections
- d. Walnut Street (north side) missing sections
- e. Old Forks Road (southeast side) missing sections

##### 2. Transportation Alternatives Program (TAP) (Federal Aid):

This would include the construction of a bicycle lane along Moss Mill Road from Lakeview Avenue to the Boyer Avenue Recreation Complex. As authorized last meeting, ARH has been working on the two (2) applications noted above. We will need a resolution of endorsement from Mayor and Council for each of the applications to include with the packet.

**Action Requested:** Adoption of support resolutions (copies to be supplied) for the (SRTS) Resolution #095-2018 and (TAP) Resolution #096-2018 Federal Aid programs.

2. **Washington Street Reconstruction 2017/2018 CDBG Funding (ARH #11-40054/2018-0332):** As requested, we have provided cost estimates to the Town's Business Administrator related to the project construction, design and inspection costs for the section of Washington Street extending between 12th Street and Orchard Street. We understand that the Town's Business Administrator has or will be requesting additional funds from the County CDBG program to be able to complete the roadway, drainage, water and sanitary sewer improvements. As requested by the Business Administrator, we have attached a copy of our proposal dated May 8, 2018 for Council's consideration. We will wait for further directed from the Mayor and Council related to the ARH proposal before proceeding further.

**Action Requested:** Authorization from Mayor and Council for ARH to complete the work for all three (3) alternates for a total of \$43,500.00 which includes supplemental survey tasks, design modifications, specifications, bidding and \$25,400.00 for construction management which is reimbursable through the grant. We will await Council's direction on the project

Motion by Council Person Rodio Second Furgione

Approval of Above proposal for Washington Street Reconstruction to ARH

Roll Call

Councilperson:

Furgione – Yes

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

**WATER AND SEWER ACTION ITEMS:**

3. **Hammonton Lake Lowering Permit 2018 (ARH #2018-0482):**

In conjunction with the Hammonton Lake Management plan, this year is the time to lower the lake level between the months of November and March 1, 2019. We have attached a proposal dated 7/12/18 for ARH to prepare the required applications, reports, etc. to secure the permit to the NJ Division of Fish and Wildlife. Normally, it takes two (2) months or so to review and approve the application. Action Requested: Authorize ARH to complete the work required as stipulated in the ARH proposal dated 7/12/18 (copy attached) for a cost not to exceed \$750.00.

Motion by Council Person Furgione Second Giralo

Approval of Purchase Order to ARH for Lake Lower Permit.

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. Route #54 NJDOT Improvements (ARH #11-01000):**

As requested last meeting, we contacted the NJEIT about possible funding (low interest loans) related to the replacement of the old water main within 12th Street extending between 1st Road County Route #688 and 2nd Road. At the same time, we asked about funding for sanitary sewer improvements within a portion of the same roadway. We were advised that possibly both projects would be funded through low interest loans from NJEIT or other programs. The first step in that process would be to send a letter to the NJDEP related to the Town's construction interest for each of the projects. Once they receive the Letters of Interest (one for each project) the next step in the process would be to meet with the NJDEP and file a formal application if deemed eligible by their office. The general time frame for the NJDOT to complete the improvements to Route #54 is about three (3) years.

Action Requested: Authorize ARH to discuss the projects with MUD Superintendent and Committee Chairman, etc. to formulate the Letter of Interest to the NJDEP for funding consideration.

Motion by Council Person Furgione Second Rodio  
Approval for ARH to discuss and formulate letter to NJDEP for funding

Roll Call

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

Mayor DiDonato declares motion is carried

**SOLICITOR REPORT**

**Ordinance #031-2018**

**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 Subcode, 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 Subcode, 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 UHARP 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 SubCode, 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 SubCode, 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 SubCode, 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 SubCode, 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 resales, 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 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, Mizpah, 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 rerentals. 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 Sacco

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried



**Introduction Ordinance 29-2018 Amending Chapter 147**

**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.

**Floodproofing** - 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 5 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

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 99-2018 3904-39&40 Redevelopment**

RESOLUTION #R 99-2018

RESOLUTION DETERMINING THAT THE PREMISES IDENTIFIED ON THE MUNICIPAL TAX MAP AS BLOCK 3904, LOTS 39 & 40 CONSTITUTE A REDEVELOPMENT AREA AS SPECIFIED IN N.J.S.A. 40A:12A-6(b)(5)(b)

WHEREAS, Mayor and Council approved Resolution #061-2018 authorizing the Planning Board to conduct an investigation to determine, pursuant to N.J.S.A. 40A:12A-6, whether the area in question comprised of Block 3904, Lots 39 and 40 is an area in need of redevelopment without the municipality's use of its eminent domain power; and

WHEREAS, the Planning Board at its meeting of July 18, 2018 conducted a hearing, the result of which was that the area in question be determined by the municipal governing body to be a redevelopment area; and

WHEREAS, following receipt of the Planning Board's recommendation, Mayor and Council are to determine whether to adopt or reject that recommendation; and

WHEREAS, Mayor and Council have given careful consideration to the Planning Board's recommendation, and the Area In Need of Redevelopment Report prepared by Kevin J. Dixon, P.E., P.P., C.M.E., P.T.O.E., dated July 13, 2018.

NOW THEREFORE IT IS ON THIS 23<sup>RD</sup> DAY OF JULY, 2018 resolved that:

1. The property referenced above (Block 3904, Lot 39 and 40 on the Town of Hammonton Tax Map) is a redevelopment area; and
2. The Municipal Clerk is hereby directed to forward a copy of this Resolution to the Commissioner of Community Affairs for his/her review and to take any other action required by the statute in question.

Motion by Council Person Furgione Second Giraldo

Roll Call

Councilperson:  
Furgione – Yes  
Giraldo – Yes  
Gribbin - No  
Rodio- Yes  
Sacco - Yes  
Torrissi – Yes  
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

**Resolution 100-2018 Police Dept Policy**

**RESOLUTION #100-2018  
TOWN OF HAMMONTON POLICE DEPARTMENT  
AGREEMENT FOR REIMBURSEMENT OF TRAINING AND EXAMINATION COSTS  
OF CLASS II SPECIAL LAW ENFORCEMENT OFFICERS**

This AGREEMENT FOR REIMBURSEMENT OF TRAINING AND EXAMINATION COSTS (this "Agreement"), is made this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ by and between the Town of Hammonton and \_\_\_\_\_ (herein, the "Applicant").

WHEREAS, the Town of Hammonton utilizes the services of Class II Special Law Enforcement Officers within the Police Department to satisfy personnel requirements in the Department and to properly ensure the public safety needs of the Town of Hammonton are met; and,

WHEREAS, pursuant to N.J.S.A. 40A:14-146.11 Class II Special Law Enforcement Officers must be properly trained in accordance with the regulations as promulgated by the State Statute and the Administrative Code of the State of New Jersey at N.J.A.C. 13:1-1.1 et seq.; and,

WHEREAS, the Applicant has made application to serve the Town of Hammonton as a Class II Special Law Enforcement Officer; and,

WHEREAS, the Applicant has not been previously certified by the State of New Jersey as a Class II Special Law Enforcement Officer, and is not entitled to a waiver from basic training requirements of such officers, and therefore must undergo the training that is a prerequisite to such certification; and,

WHEREAS, the Town of Hammonton has agreed to sponsor the Applicant's enrollment at the Atlantic County Police Academy for the Class II Special Law Enforcement Officer program which, upon successful completion, will provide the necessary certification for the Applicant to engage as a Class II Special Law Enforcement Officer in the State of New Jersey; and,

WHEREAS, the Town of Hammonton, as a prerequisite to such Applicant's admission and continuing enrollment in the program, must expend monetary sums on behalf of the Applicant for medical and psychological examinations, uniforms, ammunition, and other equipment; and

WHEREAS, applicants, in the past, have voluntarily separated from the Town of Hammonton once they have received their certifications as Class II Special Law Enforcement Officers; and,

WHEREAS, the resignation or refusal of reappointment by Class II Special Law Enforcement Officers having served less than two years with the Town of Hammonton causes the Town of Hammonton to suffer financial loss resulting from the expenditures required to train such officers in accordance with State requirements; and

WHEREAS, the resignation or refusal of reappointment by Class II Special Law Enforcement Officers having served less than two years with the Town of Hammonton further causes the Town of Hammonton to sustain personnel loss and staffing deficiencies within the Police Department; and

WHEREAS, it is the intention of the Town of Hammonton to establish an agreement with the Applicant setting forth those circumstances that shall require the Applicant to reimburse the Town of Hammonton for such expenses and losses as hereinbefore described;

NOW, THEREFORE, WITNESSETH, that for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration each to the other in hand paid and the keeping of the mutual covenants and agreements set forth in this Agreement, it is mutually agreed by the Town of Hammonton and Applicant as follows:

1. The Town of Hammonton shall provide funding for the Applicant to attend the Atlantic County Police Academy in the course prescribed for certification as a Class II Special Law Enforcement Officer.
2. During the certification program, should the Applicant voluntarily separate, or be forced to leave or resign, for any reason other than due to illness or injury, or should the Applicant voluntarily separate from employment, FOR ANY REASON, at any time after serving thirty (30) days or less with the Town of Hammonton after certification has been obtained, the Applicant shall be responsible to repay the total amount of Examination Costs and Training Costs, as those terms are defined pursuant to N.J.S.A. 40A:14-178.1, incurred by the Town of Hammonton, both prior to and during the certification program. Such reimbursement, which, for the Applicant shall be the sum of \_\_\_\_\_, shall be made to the Town of Hammonton before an Applicant is considered resigned in good standing but, in any event, shall be made no later than thirty (30) days after separation, unless otherwise modified by the Town of Hammonton.
3. Should the Applicant voluntarily separate from employment, FOR ANY REASON, at any time after serving more than thirty (30) days but less than two (2) years with the Town of Hammonton after certification has been obtained, the Applicant shall be responsible to repay one-half of Examination Costs and Training Costs, as those terms are defined pursuant to N.J.S.A. 40A:14-178.1 incurred by the Town of Hammonton, both prior to and during the certification program. Such reimbursement, which, for the Applicant shall be the sum of \_\_\_\_\_, shall be made to the Town of Hammonton before an Applicant is considered resigned in good standing but, in any event, shall be made no later than thirty (30) days after separation, unless otherwise modified by the Town of Hammonton.
4. This Agreement shall not limit, prevent or in any way hinder the Town of Hammonton from also seeking reimbursement from another municipal law enforcement agency in accordance with N.J.S.A. 40A:14-128.1. Should the Applicant be employed by a subsequent municipal law enforcement agency within one hundred twenty (120) days after separating from the Town of Hammonton, and the Town of Hammonton is reimbursed by the subsequently employing municipal law enforcement agency in accordance with N.J.S.A. 40A:14-178.1, Applicant shall not be entitled to reimbursement for Examination Costs and Training Costs paid by Applicant pursuant to this Agreement. Notwithstanding the previous sentence, the Town of Hammonton shall not be entitled to receive more than its Examination Costs, Training Costs, and all costs and expenses incurred to enforce this Agreement and collect any monies due the Town of Hammonton pursuant to this Agreement and N.J.S.A. 40A:14-178.1, including, but not limited to, reasonable attorneys' fees.



5. Should it become necessary for the Town of Hammonton, or someone on their behalf, to incur costs and expenses to retain the services of an attorney to enforce this Agreement and collect any monies due the Town of Hammonton pursuant to this Agreement, the Applicant agrees to pay those reasonable costs and attorneys' fees thereby expended.
6. This Agreement shall be construed in accordance with the laws of the State of New Jersey and shall be enforceable in the Superior Court of New Jersey located in Atlantic County. The Town of Hammonton and Applicant agree that the Superior Court of New Jersey, Atlantic County vicinage, located at 1201 Bacharach Boulevard, Atlantic City, New Jersey, shall have exclusive venue and jurisdiction to hear matters arising under this Agreement.
7. This Agreement constitutes the entire understanding of the parties concerning the subject matter herein. No modification of any provision shall be valid and the same may not be terminated or abandoned except by an agreement signed by the parties to this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day first written above.

Motion by Council Person Giraldo Second Torrissi

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 97-2018 Kathedral replace one you had**

Resolution #097-2018

RESOLUTION OF THE TOWN OF HAMMONTON,  
ATLANTIC COUNTY, NEW JERSEY,  
AUTHORIZING A APPLICATION FOR A CONSUMPTION LIQUOR LICENSE

WHEREAS, it is a requirement of NJ ABC that in the matter of the authorization of an application for Consumption License to a Theater for the sale of Alcoholic Beverages, a resolution must be adopted, which resolution shall specifically determine and name, the person, firm or corporation adjudged by such resolution to be entitled to such license, and further such resolution must also fix the name and the licensed premises.

WHEREAS, the Municipal Clerk has received a request from NJ ABC to certify the governing body is in agreement to approve the application of an alcoholic beverage consumption theater license to Kathedral Inc. for premises located at 499 South Egg Harbor Road, Hammonton, NJ 08037.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC AND THE STATE OF NEW JERSEY that it is hereby specifically determined and declared that the following named persons and corporation, if any, be and they are hereby adjudged to be entitled to apply for a consumption theater Liquor license to sell alcoholic beverages at or on the premises located at Kathedral Inc. 499 South Egg Harbor Road, Hammonton, NJ 08037

Motion by Council Person Gribbin Second Giraldo

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

MAYOR REPORT

ORDINANCE # 032- 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 19 of Block 4302 is owned by Mission Rock, LLC, through Deed dated March 3, 2005, and recorded in the Atlantic County Clerk's Office on April 7, 2005, in Book 11991 at Instrument No. 2005036575;
2. Lot 20 of Block 4302 is owned by Mission Rock, LLC, through Deed dated March 3, 2005, and recorded in the Atlantic County Clerk's Office on April 7, 2005, in Book 11991 at Instrument No. 2005036573;
3. Lot 21 of Block 4302 is owned by Mission Rock, LLC, through Deed dated March 3, 2005, and recorded in the Atlantic County Clerk's Office on April 7, 2005, in Book 11991 at Instrument No. 2005036576;
4. Lot 22 of Block 4302 is owned by Rocco F. Colasurdo, Jr.;
5. Lot 23 of Block 4302 is owned by Rocco F. Colasurdo and Gloria J. Colasurdo;
6. Lot 25 of Block 4302 is owned by Rocco Colasurdo, Jr., and Gloria J. Colasurdo;
7. Lot 13 of Block 4303 is owned by Rocco Colasurdo and Gloria Colasurdo;
8. 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;
9. 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;

10. 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

11. 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 and ("Town");

**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 then Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000.00), which is \$164,800.00 less than the current assessed value of the Property.

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 July 23, 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 6, 2018, at 7:00 PM or as soon thereafter as the matter may be reached.

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

**PWM/BUSINESS ADMINISTRATOR REPORT**

1. Road Program Approval no action required.
2. Approve Mayor to sign MOA's through July 31st.

Motion by Council Person Torrissi 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. PW Bulky August 6 – August 10
4. PW Brush August 13 – August 17
5. Approve \$8,000.00 purchase order for Phiscon Enterprises for Bid Specs for Fire Suppression System.

Motion by Council Person Rodio Second Giralo

Roll Call

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

Mayor DiDonato declares motion is carried

6. Approve to go out to bid for Water Tower Painting.

Motion by Council Person Furgione 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

7. Approve MOA's PBA, Utility, White Collar and Blue Collar.

Motion by Council Person Torrissi 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

**TOWN CLERK REPORT**

1. Approval to Hire Eric Atkinson as Truck Driver Heavy for the Utility Department. 40 hours a week, yearly salary of \$26,645.00, single benefits, start date of August 5, 2018. Contingent upon any civil services requirements.
2. Accept resignation from Anthony Sirolli from his position of dispatcher with the Hammonton Police Department effective July 10, 2018. Pay accrued vacation time in the amount of \$345.00.
3. Approve the following new members to Fire Company #1: Thomas Busch, Michael Fitzgerald, and Katelynn Atkinson. Approved by Fire Company in June 2018. Approve following members to Fire Company #2 William Off, Paul Parzanese, Juan Guzman, Brodie Wentzell, Joe Monzo III and Sal Giorno. Approved by Fire Company.
4. Approval of Termination of Part Time Clerk 1 effective date of July 6, 2018, Municipal Court Office.
5. Approval of amended contract for Town Clerk, Accountant, Deputy Registrar.

Motion by Council Person Torrissi Second Gribbin

Items 1 to 5 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

**APPROVE BILL LIST**

Motion by Council Person Giralo Second Gribbin

Bill List approved for payment

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

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 Torrissi Second Giraldo

Ordinance has passed 1<sup>st</sup> reading and is given legal publication for 2<sup>nd</sup> reading.

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

**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:

**Intersection**

Oak Road and Union Road

**Location of Stop Sign**

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 Torrissi

Ordinance has passed 1<sup>st</sup> reading and is given legal publication for 2<sup>nd</sup> reading.

**Roll Call**

Councilperson:

Furgione – Yes

Giralo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

**RESOLUTIONS**

**Resolution #086-Accept Annual Audit**

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Findings and Questioned Costs" or "Findings and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Questioned Costs" or "Findings and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and



WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Hammonton, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**Resolution #087-2018- Approval of Audit Corrective Action Plan**

CORRECTIVE ACTION PLAN

Corrective Action Plan of the Town of Hammonton, County of Atlantic, State of New Jersey, for the year 2017.

WHEREAS, in accordance with the requirements of the Division of Local Government Services, at the completion of the audit, the local government unit shall prepare a Corrective Action Plan to address each audit finding in the current year audit report; and

WHEREAS, the Corrective Action Plan of the Town of Hammonton for the 2017 Report of Audit is as follows:

Finding No. 2017-001:

Condition:

A calculation of the actuarially calculated Other Post Employment Benefits (OPEB) obligation for the future cost of dental and vision insurance coverage to be paid by the Town for retired employees was not obtained.

Recommendation: That the Town obtain the actuarially calculated Other Post Employment Benefits (OPEB) obligation for the future cost of dental and vision insurance coverage to be paid by the Town for retired employees.

Corrective Action: This required disclosure is mandated by an accounting disclosure standard adopted by the Governmental Accounting Standards Board (GASB) Statement No. 45. In New Jersey, municipalities and counties report and budget under regulatory accounting practices and therefore are not required to “book” OPEB future obligations. The Town carries its medical health insurance with the State Health Benefits Program (SHBP). The required disclosure, with which the Town complies, only references where information can be found on the SHBP and is not required to include any future obligation. The dental and vision insurance coverage is contracted through a private carrier and only represents less than 10% of the Town’s total annual SHBP obligation. The Chief Financial Officer and the Town Accountant have exhausted numerous possibilities to have these calculations prepared at no cost to the taxpayers without success. Therefore, since there is no financial impact on the Town for not obtaining the actuarially calculated obligation for its future cost of dental and vision insurance coverage for retired employees, the Town will continue to evaluate the cost/benefit of budgeting taxpayer funds in future budget years in order to solely comply with a financial disclosure requirement that has no financial impact on the Town’s current operations.

BE IT RESOLVED, that the Corrective Action Plan for the 2017 Report of Audit of the Town of Hammonton be approved by the Governing Body of the Town of Hammonton; and

BE IT FURTHER RESOLVED, that one certified copy of this resolution be filed with the Division of Local Government Services.

**Resolution #088-2018- Approve Green Day Festival**

HAMMONTON GREEN DAY FESTIVAL AND GREEN WEEKEND

WHEREAS, Hammonton's Green Committee and Main Street Hammonton have promoted and continue 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 these organizations to promote the Town of Hammonton and particularly their efforts at ensuring the environmental, economic, and cultural sustainability of the Town,

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY that the Town of Hammonton authorizes and endorses the Hammonton Green Day Festival and associated Green Weekend activities scheduled to take place as follows:

Recycling Central to take place at Mt. Carmel Society Carnival Grounds from 9:00 a.m. till 12:00 noon on 9/22  
Green Day Festival to take place from 12:00 noon till 4:00 p.m. at the Hammonton Lake Park on 9/23

BE IT FURTHER RESOLVED that the Town of Hammonton will provide municipal services required for this event including police assistance contingent upon contacting Police Chief and Public Works Manager 2 months prior to event.

**Resolution #089-2018-159 Budget Addition for Clean Communities Grant**

Clean Communities 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 Environmental Protection, Clean Communities Program \$34,602.54 and wishes to amend its 2018 Current Fund Budget to include this amount as a 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 \$34,602.54 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:

Clean Communities Program

BE IT FURTHER RESOLVED that a like sum of \$34,602.54 be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations - Excluded from "CAPS":

Public and Private Programs Offset by Revenues:

Clean Communities Program

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

**Resolution #090 -2018- Approving Lease of Police Vehicles**

A RESOLUTION APPROVING A LEASE / PURCHASE CONTRACT FOR PURCHASE OF THREE POLICE VEHICLES AND EQUIPMENT FOR EACH

WHEREAS, there exists a need for lease/purchase of (3) vehicles for the Hammonton Police Department, 2 Ford Explorers and 1 Ford F-150 Pickup and equipment for each vehicle; and

WHEREAS, funds are available under the Operating Expenses in the Police Department, budget appropriations; and

WHEREAS, N.J.S.A. 40A:11-1-et seq. requires that the resolution authorizing the awarding of the contract for professional services without competitive bidding and the contract itself must be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL FOR THE TOWN OF HAMMONTON, ATLANTIC COUNTY, NEW JERSEY that the Mayor and Town Clerk of the Town of Hammonton are hereby authorized and directed to enter into a 4 year lease agreement with Bank Capital Services LLC, DBA as F.N.B. Equipment Finance for (2) Ford Explorers and (1) Ford F-150 Pickup purchased from Winner Ford and Equipment from Major Police Supply in the amount not to exceed \$130,000.00, and

BE IT FURTHER RESOLVED, that the contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law and as a State Approved Contractor #A88726/T2100 and T0106.

**Resolution #091-2018 – Authorizing Various Refunds**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON AUTHORIZING VARIOUS REFUNDS

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY that the following refunds of accounts are authorized as approved by the respective Department Heads of the Town of Hammonton:

Capital Bank		\$ 27,773.63	Developer Escrow
Angelo Grincer, Jr.	\$	455.00	Outside Detail Escrow
Charles Dispoto	\$	1,228.00	Refund Tax Payment

**Resolution #092-2018 – Authorizing Cruisin Main Street Event**

RESOLUTION AUTHORIZING AND ENDORSING CRUISIN MAINSTREET-REMEMBER FRIDAY NIGHTS EVENT

WHEREAS, Main Street Hammonton Organization 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 Main Street Hammonton; and

WHEREAS, Numerous Town residents have requested two Cruisin' Main Street events each year; and

WHEREAS, Friday, Sept. 7, 2018 (rain date Sept 8) is the scheduled date for the Main Street Hammonton Annual "Cruisin' Main Street-Remember Friday Nights" event during the hours of 5:30 p.m. to 9:30 p.m.; and

WHEREAS, Main Street Hammonton has requested the following street closures for this event between the hours of 3:00 p.m. to 10:00 p.m.:

- Central Avenue (Rt. 542) from Bellevue Avenue to Vine Street;
- N. Egg Harbor Road between Rt. 54 and Pleasant Street;
- Orchard Street Railroad Crossing;
- Front Street from Twelfth Street to Passmore Avenue; and

WHEREAS, Main Street Hammonton has requested the reservation of the following parking spaces:

West side of Rt. 54 between Third Street and West End Avenue;  
East side of Rt. 54 between Third Street and Egg Harbor Road;  
Both sides of Railroad Avenue between 12<sup>th</sup> Street and Orchard St;  
Both sides of Egg Harbor Road between Bellevue Ave. and Pleasant St; and

WHEREAS, Main Street Hammonton has requested appropriate Police Parking Control signs to be posted early in the day noting NO PARKING AFTER 4:00 p.m.; and

WHEREAS, Main Street Hammonton has requested 2 Police Officers to direct traffic at the intersections of Bellevue Avenue at Central Avenue and Bellevue Avenue at Egg Harbor Road due to increased event related pedestrian and vehicular traffic on State Route 54;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, that the Sept 7, 2018 (rain date Sept 8) and the "Cruisin' Main Street" event, including the above requests for street closures, reservation of parking spaces, posting of "NO PARKING" signs and two police officers are acknowledged, approved and endorsed;

**Resolution # 093 -2018- Extend Due Date for Property Tax 3rd Qrt 2018**

Extening Due Date for 3rd Qrt Property

WHEREAS, the 2018-2019 preliminary tax bills will be mailed late due to a delay in receiving the established tax rate from county;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Hammonton to authorize and direct the tax collector to extend the due date for the third quarter taxes to be due on August 25, 2018 or 25 days from date of mailing (certification to follow);

BE IT FURTHER RESOLVED that payments received after August 25, 2018 will be with interest;

BE IT FURTHER RESOLVED that this extension does not affect payment due date of Utility Billings which will remain August 1, 2018 with a ten day grace period.

**Resolution #094-2018 – Approve Main Street Touch A Truck Event**

TOUCH A TRUCK EVENT

WHEREAS, Main Street Hammonton Organization 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 Main Street Hammonton; and

WHEREAS, Sunday, August 26, 2018 is the scheduled date for the Main Street Hammonton Annual "Touch a Truck" event during the hours of 12:00 p.m. to 4:00 p.m.; and

WHEREAS, Main Street Hammonton has requested the following street closures for this event between the hours of 8:00 a.m. to 5:00 p.m to parking and traffic:

S. 2<sup>nd</sup> from Bellevue Avenue to Vine Street; and

WHEREAS, Main Street Hammonton has requested appropriate Police Parking Control signs to be posted noting NO PARKING AFTER 8:00 a.m.; and

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, that the August 26, 2018 and the "Touch a Truck" event, including the above requests for street closures, posting of "NO PARKING" signs is approved and endorsed;

**RESOLUTION #095-2018 Approval of Application for NJDOT Safe Routes to School**

**SUPPORT SUBMISSION OF APPLICATION FOR  
NEW JERSEY DEPARTMENT OF TRANSPORTATION PROGRAM**

**WHEREAS**, the Mayor and Town Council, for the Town of Hammonton, County of Atlantic, State of New Jersey is applying for funding to allow for the construction of concrete curb and sidewalk within the R.O.W. limits for portions of various streets along the school route for the following schools within the Town of Hammonton – Hammonton Early Childhood Education Center, Hammonton Elementary School and Hammonton Middle School; and

**WHEREAS**, the project will help to continue and improve the promotion and encouragement of pedestrian and bicycle access and safety for school children, residents, senior citizens, etc.; and

**WHEREAS**, maintenance of the facility, once constructed, will be assumed by the Town of Hammonton for the curb, sidewalk and cross walks that fall within the municipal public R.O.W. with the exception of a 300'± section of curb, sidewalk and cross walk that extends within the R.O.W. limits of Third Street County Route #724 unless otherwise stipulated; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Town Council of the Town of Hammonton that it hereby supports the submission of a grant application within the State of New Jersey Department of Transportation and authorizes the Mayor and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

**RESOLUTION #096-2018 – Approval of Application to NJDOT for Bike Path**

**SUPPORT SUBMISSION OF APPLICATION FOR  
NEW JERSEY DEPARTMENT OF TRANSPORTATION PROGRAM**

**WHEREAS**, the Mayor and Town Council, for the Town of Hammonton, County of Atlantic, State of New Jersey is applying for funding to allow for the construction of bicycle safe lanes along Moss Mill Road County Route #561. The construction will extend from the end of the existing Bike Path at Lakeview Avenue and continue in an easterly direction to the Boyer Avenue Recreation Complex site within the Town of Hammonton; and

**WHEREAS**, the project will help to continue and improve the promotion and encouragement of pedestrian and bicycle access and safety for school children, residents, sports enthusiasts, etc.; and

**WHEREAS**, maintenance of the facility, once constructed, will be assumed by the Town of Hammonton for work within the municipal R.O.W., the County of Atlantic for improvements with the County R.O.W. of Moss Mill Road County Route #561 and the State of New Jersey for improvements completed within the White Horse Pike State Route #30 R.O.W. unless otherwise stipulated or agreed upon; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Town Council of the Town of Hammonton that it hereby supports the submission of a grant application within the State of New Jersey Department of Transportation and authorizes the Mayor and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

**RESOLUTION #098-2018- Award Bid Road Improvement Program to Arawak**

RESOLUTION AWARDING BID VARIOUS ROAD IMPROVEMENTS

WHEREAS, the Town of Hammonton received bids for Various Road Improvements on July 13, 2018 as follows;

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

CONTRACTOR	TOTAL	Base bid	ALT 1	ALT 2	ALT 3	ALT 4
Arawak	836,700.00	743,300.00	9,400.00	7,600.00	30,000.00	45,900.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Hammonton that an award of the contract for the bids for Various Road Improvements to Arawak Paving for base bid and Alternate 1, 2, 3 and 4.

Motion by Council Person Furgione Second Rodio

Resolutions 86 to 98 are adopted. Except resolution 97 approved under solicitor report

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**

Representative Ryan Peters

**MEETING ADJOURNED**

Motion by Council Person Furgione Second Giralo