

Regular Meeting of Mayor and Council July 25, 2022
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 -
Gribbin -
Oliva -
Olivo -
Rodio -
Wuillermin -
Mayor DiDonato -

PRESENT ALSO

Michael Malinsky, Town Solicitor
Bob Vettese, Public Works Manager

EXECUTIVE SESSION Resolution #098-2022

RESUME REGULAR MEETING-ROLL CALL

Councilperson:
Furgione -
Gribbin -
Oliva -
Olivo -
Rodio -
Wuillermin -
Mayor DiDonato -

PRESENT ALSO

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

PUBLIC NOTICE

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

PLEDGE OF ALLEGIANCE

PUBLIC HEARD FOR AGENDA ACTION ITEMS

APPROVAL OF MINUTES

Executive Minutes June 20, 2022
Council Minutes June 20, 2022
Special Meeting Minutes July 6, 2022

PRESENTATION

- Retirement Presentations

DISPENSE WITH REGULAR ORDER OF BUSINESS

Public Hearing of Ordinance #017-2022 – Establish “Registration of Foreclosure Mortgage Properties”

Public Hearing of Ordinance #018-2022 – Sale of Town Owned Land (Reading Ave)

AN ORDINANCE OF THE TOWN OF HAMMONTON AUTHORIZING THE SALE OF TOWN OWNED LAND

WHEREAS, Lot 9 of Block 4011 is owned by the Town of Hammonton; and

WHEREAS, Lot 9 of Block 4011 is vacant land and not needed for public purposes; and

WHEREAS, it is in the best interest of the Town to sell Lot 9; and

WHEREAS, the Town proposes to sell such land by Open Public Sale to the highest bidder as authorized by N.J.S.A. 40A:12-13(a).

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

1. The Town Clerk is authorized, subject to the conditions set forth herein, to offer for sale by public auction all of the Town’s right, title and interest in and to the following lot pursuant to the provisions of N.J.S.A. 40A:12-13: Block 4011, Lot 9 - at a minimum amount of \$275,000.00
2. The minimum bid for the lot is set forth above. If no bids are received for the minimum amount, the Town may, but is not obligated to consider such bids.
3. The Town Clerk is directed to advertise the sale in a newspaper circulating in the Town by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication to be not earlier than seven (7) days prior to the date of the public sale.
4. The property set forth above is not necessary for public municipal purposes and the best interest of the public shall be served in selling said property by public sale to the highest bidder at or above the minimum price set forth above with Town Council reserving the right to accept or reject or otherwise remove any lot from sale. The public sale shall take place on Monday, September 26, 2022, at 10:00 AM at the municipal building located at 100 Central Avenue, Hammonton, NJ 08037. Bids shall be received by the Town Clerk in accordance with the procedures to be announced by the Town Clerk. A deposit by certified check, bank check or money order made payable to the Town of Hammonton in an amount not less than ten percent (10%) of the bid must be paid by the successful bidder at the time of the sale. The balance of the bid amount shall be paid by certified check, bank check or money order made payable to the Town of Hammonton at closing which shall occur not later than forty-five (45) days following acceptance of the bid by Town Council. The Clerk may by announcement made at the time and place scheduled for the public sale adjourn the sale to another date and time and such announcement shall be deemed adequate notice to all interest parties.
5. Any person bidding on behalf of a corporation or company must submit a copy of a Resolution of the corporation or company authorizing the bidder to bid on the property on behalf of the corporation or company. A person bidding on behalf of a partnership or using a trade name must submit a copy of the certificate of trade name and a letter of authorization from the other partners, if any.
6. All bids shall be referred to Town Council for review and final approval pursuant to N.J.S.A. 40A:12-13 and the Town reserves the right to accept the highest bid or to reject any and all

bids for any property. The deposits with respect to any unsuccessful bid and any rejected bid shall be returned.

7. The successful bidder shall be responsible for the cost of preparation of the deed of conveyance and any related documents for the transfer of title, not to exceed \$250.00. The costs of preparation of the deed of conveyance and related documents for the transfer of title must be paid by certified check, bank check or money order made payable to the Town of Hammonton and provided to the Town of Hammonton within ten (10) days of the date of sale. The successful bidder shall be responsible for the recording of the deed and for the cost of such recording.

8. A bargain and sale deed without covenants shall be delivered at the office of the Town Clerk on or before forty-five (45) days after Council approval of the sale. The Mayor and Town Clerk are hereby authorized to execute said deed and other conveyance documents and the Town Attorney is authorized to prepare such deed and documents.

9. In addition to the terms and conditions set forth herein, the successful bidder agrees to the imposition of the following conditions by the Town:

(a) In the event that the successful bidder fails to close title, the bidder agrees to forfeit to the Town any and all monies deposited with the Town.

(b) The Town does not warrant or certify title to the property and in no event shall the Town be liable for any damages to the successful bidder if title is found defective or marketable for any reason, and the bidder waives any and all rights and damages or by way of liens against the Town, the sole remedy of the bidder being the right to receive a refund prior to closing of title of the deposit paid. It is the right of the successful bidder to examine title prior to closing. In the event of closing and a later finding of a defect of title, the Town shall not be required to refund any money or correct any defect in title and shall not be held liable for damages. Acceptance of an offer to purchase shall constitute a binding agreement by the bidder and the successful bidder shall be deemed obligated to comply with the terms and conditions contained herein.

(c) The deed of conveyance shall be subject to all matters of record which may affect title, what an accurate survey would reveal, the Ordinances of the Town of Hammonton, and the reservation of an easement for all natural constructive drainage systems, swales, pipes, drains, inlets, waterways and other easements, if any, on the land and a continued right of maintenance and flow thereof. The Town shall be without obligation to provide access, public or private, or to provide any improvements.

(d) The deed will also contain a covenant that neither the purchaser nor any future owner or potential developer of the lot may ever in any manner, directly or indirectly, assert a claim against the Town of Hammonton based upon the inability to develop or use the lot including, but not limited to, a claim for inverse condemnation or damages of any kind.

(e) The Town makes no warranties whatsoever regarding said lands and assumes no responsibility for environmental conditions, known or unknown, regarding said lands. The bidder shall be responsible for the exercise of due diligence in determining the condition of the land, including but not limited to, the determination of any title conditions, environmental conditions, zoning and development restrictions and any other condition or restriction that might impact the use of the land.

10. 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.

11. The Town Clerk shall file with the Director of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of the advertisements required by N.J.S.A. 40A:12-13(a).

12. Bidding may be made by an individual, corporation or other entity. Bids may also be submitted by a prospective purchaser's attorney, real estate agent or broker or other duly authorized representative. However, no commission shall be paid by the Town of Hammonton to any real estate agent or broker or other representative in connection with any sale.

13. The sale of such lands is subject to applicable New Jersey Law concerning the disposition of municipal real estate and all other applicable laws and ordinances of the State of New Jersey and the Town of Hammonton.
14. All potential sales are subject to final approval by Town Council. This includes the right of Town Council to remove a property from the sale list at any time and to terminate any sale up to the time of the issuance of a deed to the purchaser. If terminated, any monies paid by a successful bidder will be refunded.
15. The Town reserves the right to waive any and all defects, informalities and irregularities in any bid. The Town further reserves the right to reject all bids in each instance where the highest bid is not accepted and to, in its discretion, re-advertise the property for sale. No bid shall be considered finally accepted until confirmed by Town Council.

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

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

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

Public Hearing of Ordinance #019- 2022- Amend Chapter 267

AN ORDINANCE TO AMEND CHAPTER 267; ARTICLE II OF THE GENERAL ORDINANCES OF THE TOWN OF HAMMONTON

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

1. Section 267-18 (Enforcement; violations and penalties), Sub-section (E), is deleted in its entirety.
2. Section 267-12(A)(2) is deleted in its entirety.
3. Section 267-12(A)(3) is deleted in its entirety.
4. Section 267-12(A)(5) is now Section 267-12(A)(3) and after the colon is changed to read as follows:
\$150.
5. Section 267-12(A)(6) is now Section 267-12(A)(4) and after the colon is changed to read as follows:
\$500.

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

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

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

COMMITTEE REPORTS

Administration - Councilman Gribbin

Business & Industry – Councilman Olivo

Quality of Life – Councilman Oliva

Education - Councilman Oliva

Public Works & Transportation

Law & Order - Mayor DiDonato

Water & Sewer - Councilman Furgione

ENGINEER REPORT

ACTION ITEMS:

1. NJDOT FY2022 Municipal Aid: Old Forks Road (ARH #11-40061): In Progress
We have prepared a proposal to complete the roadway design and project specifications and provide bidding services for the first phase of this project. The first phase is from the Winslow Township boundary to Lahn Lane and is approximately 2,000 linear feet. Included in this project is the submission to the NJDOT for approval and authorization. Our fee for these services will be \$16,000.

Action Requested:

Authorize ARH to prepare the construction documents and provide bidding services for Phase I of the Old Forks Road project, for \$16,000.

PUBLIC WORKS INFORMATION ITEMS:

Roadway & Transportation Projects:

2. Valley Avenue – Broadway to Central (ARH #11-30159): In Progress
The Contractor has completed the installation of the water main and is currently constructing the drainage improvements. The Contractor anticipates completing the remainder of the utility work within the next three weeks. The Contractor has submitted Application for Payment #1, in the amount of \$181,447.00. We have reviewed and submitted to the Business Administrator for payment.
3. School House Lane – 3rd Street to Rt. 54 (ARH #11-40060): In Progress
The removal of trees has been performed. Construction is anticipated to start in about three weeks, when the Contractor has completed the utility work on Valley Avenue. The Contractor has submitted Application for Payment #1, in the amount of \$19,835.20. We have reviewed and submitted to the Business Administrator for payment.
4. Hammonton Bike Path Connector – Phase II (ARH #11-40052.07): In Progress
Our field work is complete. Our office will submit a proposal for the design of the project, for consideration at the August Meeting.
5. 11th Street Sidewalk Improvements (ARH #11-40062): In Progress
Our field work is complete. Our office will submit a proposal for the design of the project, for consideration at the August Meeting.
6. 2021/2022 Water Capital Projects (ARH #11-30167): In Progress
The design along each roadway has been completed. ARH is coordinating with the Director of Public Works to finalize the scope of the options under consideration.

Rt 54 -

S. First Road -

WHP & Seagrove -

First Road to Second Road

Tenth Street to dead end (in the vicinity of Birch Drive)

A portion of main at the WHP & extension along Seagrove

The Director of Public Works has been in contact with the property owners along Rt. 54, to obtain utility easements to allow the proposed water main to be relocated outside of the road. Our office has completed the field work and base maps and have prepared the legal descriptions and exhibits. Once reviewed internally, we will set up a meeting with the Director for discussion.

7. NJDOT FY2023 Local Aid Applications (ARH #11-40041.23): Complete
 Applications have been submitted for the following projects:
- Municipal Aid: Old Forks Road
 - Bikeways: Veterans Place Bike Path Connector Phase III
 - Safe Street to Transit: 11th Street to Front Street, through Train Station

Environmental Projects:

8. Octagon Oil/Vine Street Parking Lot (ARH #11-01060): In Progress
 The lab results have been received and reviewed by our office. The Remedial Action Permit (RAP) has been submitted to NJDEP. No additional action is necessary at this time.
9. K&K Linens Property / 224 Vine Street (ARH #11-01094.01): In Progress
 The Contractor has obtained the necessary utility disconnections and completed the asbestos abatement. The Contractor anticipates completing the building demolition within the next few weeks. ARH has received approval for the parking lot project from the NJ Pinelands.
10. Mazza Muffler Site / 104 S. Egg Harbor Road (ARH #11-01102): In Progress
 Project plans and specifications for the demolition of the building have been completed. Once confirmation of the grant funding has been received, we will coordinate the public bidding of the project with the Town.
11. Skinner Property / 317 N. Egg Harbor Road (ARH #11-01074.01): In Progress
 The Town has been notified that they have received a grant from the Hazardous Discharge Site Remediation Fund for the remedial investigation of the Skinner property. Our office will prepare a proposal for this work.
12. Celona Site Remediation - 130 Railroad Avenue (ARH #11-01054): In Progress
 ARH completed the receptor evaluation at the site and completed the remedial investigation report.

SEWER/WATER INFORMATION ITEMS:

13. Water Quality Accountability Act Compliance (ARH #11-30166): In Progress
 All site visits were conducted, and assessments of conditions were performed at the well sites. The Asset Management Plan has been drafted including Asset Management Plan Inventory, criticality rating of water mains, hydrants and valves, and updates to the GIS system. We met with Anthony DeCicco to address some outstanding questions to review the status of the project and establish next steps.
14. Boyer Avenue Pump Station (ARH #11-50144): In progress
 Our office has met with the Director of Public Works, and we have made minor design changes to the layout for discussion with the residents.

GENERAL SITE AND RECREATION INFORMATION ITEMS:

15. Lake Park ADA Playground/Small Cities (ARH #11-01100): In Progress
 Clearing, grading, and paving have been performed. The playground equipment has been ordered and is scheduled to be delivered by the end of July. The retaining wall is being constructed. The Contractor has submitted Application for Payment #1, in the amount of \$71,236.20. We have reviewed and submitted to the Business Administrator for payment.

The Town received additional funding for Phase II of the project. We have met with the Town and Architect representatives and are scheduling the survey work.

- 16. Hammonton Middle School Tennis Courts (ARH #P2022-0202): In Progress
Our office has prepared a revised layout of the tennis courts based on additional input. We are scheduling a meeting with the Board of Education to discuss the project prior to completing the plans and specifications.
- 17. Batchelor Lane/Central Ave (ARH #11-60211): Complete
We have located the wetlands and created the base plan, which has been sent to the Director of Public Works for his use.

SOLICITOR REPORT
MAYOR REPORT

PWM REPORT

TOWN CLERK REPORT

- 1) Accept resignation of Hardik Patel from his position as police officer effective July 16, 2022.
- 2) Approval to hire David DeStefano as a part time Recycling Program Aide (Convenient Station Attendant) Effective July 25, 2022. \$15.00 per hour, no benefits. Pending civil services rules and regulations.
- 3) Approve payment of accrued benefits balance to Hardik Patel in the amount of \$415.49
- 4) Approve payment of accrued benefits balance to Pedro Benitez in the amount of \$553.50
- 5) Approve payment of accrued benefits balance to Paul Sacco in the amount of \$8,246.89
- 6) Accept retirement of Mark Fiorentino from his position as Captain from the Hammonton Police Department effective August 1, 2022.
- 7) Approval to hire Eric Adirzone in the Highway department as a truck driver, fulltime, 40 hours a week, Yearly salary of \$33,280.00, single benefits, contingent upon all civil services rules and regulations.
- 8) Approve the 2 step advancements in the salary guide for the 3 full time Police Dispatchers, effective August 1, 2022.
- 9) Approve payment of the **equipment** (\$1,000.00 2 Employees) **and CDL** (\$2,500.00 1 Employee) **stipends** to Highway department. Retroactive to January 1, 2022.

APPROVAL OF BILL LIST

NEW BUSINESS
ORDINANCES FOR INTRODUCTION

RESOLUTIONS

- Resolution #099-2022- Tax-Water- Sewer Refunds

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

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

<u>Block / Lot</u>	<u>Name</u>	<u>Address</u>	<u>Amount</u>	<u>Reason</u>
4601/9	Collins, Christopher	100 Basin Rd	\$1,143.89	Refund/Over charge (meter,setter,tap)

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

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

- Resolution #100-2022- 159 Budget addition for 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 \$37,865.70 and wishes to amend its 2022 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 2022 in the sum of \$37,865.70 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 \$37,865.70 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 forward a certified copy of this resolution to the Director of Local Government Services.

Resolution #101-2022- Approve Touch A Truck Event

**RESOLUTION AUTHORIZING AND ENDORSING
TOUCH A TRUCK EVENT**

WHEREAS, MainStreet 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 MainStreet Hammonton; and

WHEREAS, Sunday, August 28, 2022 is the scheduled date for the MainStreet 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. 2nd 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 28, 2022 and the “Touch a Truck” event, including the above requests for street closures, and posting of “NO PARKING” signs are acknowledged, approved and endorsed;

Resolution #102-2022 - 159 Budget addition for History Partnership Program 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 Atlantic County History Partnership Program \$3,600.00 and wishes to amend its 2022 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 2022 in the sum of \$3,600.00 which has been awarded and is available as a revenue from:

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

History Partnership Program

BE IT FURTHER RESOLVED that a like sum of \$3,600.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations - Excluded from “CAPS”:

Public and Private Programs Offset by Revenues:

History Partnership Program

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

Resolution #103-2022 – 159 Budget Addition Neighborhood Preservation

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 Community Affairs Neighborhood Preservation \$125,000 and wishes to amend its 2022 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 2022 in the sum of \$125,000 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:

Neighborhood Preservation

BE IT FURTHER RESOLVED that a like sum of \$125,000 be and the same is hereby appropriated under the caption of:

General Appropriations:
Operations - Excluded from "CAPS":
Public and Private Programs Offset by Revenues:

Neighborhood Preservation

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

Resolution #104-2022 – Approve Shared Services Agreement Atlantic County Improvement Authority

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT FOR
PROPERTY REGISTRATION WITH THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY**

WHEREAS, the Town of Hammonton is statutorily authorized to enter into Shared Services Agreements with State, County and Local Governments; and

WHEREAS, the Town of Hammonton has determined that there exists a need for the elimination of, and the prevention of, community decay or spread of blighted , deteriorated or deteriorating properties and areas; and

WHEREAS, the Atlantic County Improvement Authority will oversee the County wide registration system administered by Property Registration Champions, LLC cataloging each Abandoned Property within the Town.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton in the County of Atlantic and State of New Jersey as follows:

1. The Agreement which is annexed hereto and made a part hereof with Atlantic County Improvement Authority is approved.
2. That the Mayor and Town Clerk/Administrator are hereby authorized to execute an Agreement with the Atlantic County Improvement Authority for property registration.

PUBLIC HEARD

MEETING ADJOURNED