

Regular Meeting of Mayor and Council June 20, 2022
Town Hall Council Chambers, 100 Central Avenue
Executive Session 5:30 P.M.
Public Session 7:00 P.M.

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

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

PRESENT ALSO

Michael Malinsky, Town Solicitor
Bob Vettese, Public Works Manager
Jason Wilson – Resident from Bachelor Lane left closed at 6 pm
Kevin Friel – Police Chief – entered closed at 6
Donald Kunuen – Lieutenant entered close at 6
Numerous Police officers - members of the PBA – entered close at 6

EXECUTIVE SESSION Resolution #079-2022

Motion by Council Person Furgione Second Olivo
Enter into Executive Session started at 5:30

Motion by Council Person Rodio Second Wuillermin
Close Executive Session

RESUME REGULAR MEETING-ROLL CALL

Councilperson:
Furgione - Present
Gribbin - Present
Oliva – Absent
Olivo - Present
Rodio – Present
Wuillermin - Present
Mayor DiDonato - Present

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

No one desired to be heard

APPROVAL OF MINUTES

Executive Minutes May 23, 2022

Council Minutes May 23, 2022

Motion by Council Person Olivo Second Gribbin

Minutes are approved

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva - Absent

Olivo – Yes

Rodio – Yes

Wuillermin – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

PRESENTATION

None

DISPENSE WITH REGULAR ORDER OF BUSINESS

Public Hearing of Ordinance #015-2022- COLA Ordinance Establish CAP Bank

**COUNTY OF ATLANTIC
CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A
CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Town Council of the Town of Hammonton in the County of Atlantic finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Town Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$107,001.87 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Hammonton, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Town of Hammonton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$374,506.54, and that the CY 2022 municipal budget for the Town of Hammonton be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion by Council Person Gribbin Second Wuillermin
Ordinance #015- 2022 is open for public hearing

Motion by Council Person Wuillermin Second Oilvo
Ordinance #015-2022 is adopted and approved for final publication

Roll Call

Councilperson:
Furgione – Yes
Gribbin - Yes
Oliva – Absent
Olivo- Yes
Rodio – Yes
Wuillermin- Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Hearing on Resolution #080-2022- Adopt 2022 Budget

A RESOLUTION ADOPTING THE 2022 BUDGET

Be It Resolved by the Mayor and Council of the Town of Hammonton, County of Atlantic that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$9,991,581.24 (Item 2 below) for municipal purposes, and
- (b) None (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) None (Item 4 below) to be added to the Certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of General revenues and appropriations.
- (d) None (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) None (Item 5 Below) Minimum Library Levy

1. General Revenues		
Surplus Anticipated	08-100	\$ 2,118,000.00
Misc. Revenues Anticipated	40004-10	\$ 3,081,613.37
Receipts from Delinquent Taxes	15-499	\$ 2,700.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6 (a), Sheet 11)	07-190	\$ 9,991,581.24
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY: Item 6, Sheet 42	07-195	0.00
Item 6 (b), Sheet 11 (N.J.S.40A:4-14)	07-191	0.00
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only		0.00
4. TO BE ADDED TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:		
Item 6 (b), Sheet 11 (N.J.S.40A:4-14)	07-191	0.00
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY	07-192	0.00
Total Revenues	40000-10	\$15,193,894.61
6. GENERAL APPROPRIATIONS:		
Within "CAPS"		
(a&b) Operations Including Contingent		\$10,103,340.22
(e) Deferred Charges and Statutory Expenditures – Municipal		\$ 1,241,808.00
(g) Cash Deficit		0.00
Excluded from "CAPS"		
(a) Operations – Total Operations Excluded From "CAPS"		\$ 50,235.95
(c) Capital Improvements		\$ 175,000.00
(d) Municipal Debt Service		\$ 2,461,263.00
(e) Deferred Charges – Municipal		0.00
(f) Judgements		0.00
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.40:48-17.1 & 17.3)		0.00
(g) Cash Deficit		0.00
(k) For Local District School Purposes		0.00
(m) Reserve for Uncollected Taxes (Include Other Reserves if Any)		\$ 1,162,247.44

7.	SCHOOL APPROPRIATIONS-TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40A:4-13)	0.00
	Total Appropriations	\$15,193,894.61

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 20th day of June, 2022. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2022 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Motion by Council Person Gribbin Second Wuillermin
Adopt 2022 Municipal Budget

- Roll Call**
 Councilperson:
 Furgione – Yes
 Gribbin - Yes
 Oliva – Absent
 Olivo- Yes
 Rodio – Yes
 Wuillermin- Yes
 Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Hearing of Ordinance #012 -2022- AMENDMENT TO ARTICLE III, CHAPTER 204

AN ORDINANCE TO AMEND CHAPTER 204, ARTICLE III OF THE GENERAL ORDINANCES OF THE TOWN OF HAMMONTON

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

1. Chapter 204, Article III, the title is changed to read as follows:
Peddlers, Hawkers, Vendors, Solicitors, Canvassers, Food Trucks, Door to Door Vendor, Seasonal Sales Vendors and Special Event Vendor

2. Section 204-15 (Definitions), the following definitions are added:

SPECIAL EVENT

Any special event sanctioned by Resolution of Hammonton Town Council, except the Hammonton Food Truck Festival which shall be governed by those provisions of this Chapter 204 applicable to Food Trucks.

SPECIAL EVENT VENDOR

Any person, whether or not a resident of the Town of Hammonton, either by foot, by vehicle, or by any matter, means or method, who shall convey or transport goods, products, wares, merchandise, food or drink, or any product thereof, offering or exposing the same for sale, or making sales and delivering goods to purchasers, or who engages in any of the foregoing activities from a stationary location at a Town Special Event.

3. Section 204-17 is amended to read as follows:

§204-17. License required.

It shall be unlawful for any hawker, peddler, vendor, solicitor, canvasser, food truck vendor, door to door vendor, seasonal sales vendor, or special event vendor, as defined herein, to engage in activity within the Town of Hammonton without first obtaining a license in accordance with the provisions of this Article.

4. Section 204-19, the title is changed to the following:

§204-19. Application for peddler, hawker, vendor, solicitor, food truck vendor, door to door vendor, canvasser and special event vendor license.

5. Section 204-19, first paragraph is changed to read as follows:

Applicants for a license for a peddler, hawker, vendor, solicitor, food truck vendor, door to door vendor, canvasser and special event vendor under this Article shall file with the Town Clerk/Administrator an application, in duplicate, on forms to be provided by the Town Clerk/Administrator, that shall provide the following information, all of which shall be sworn to:

6. Section 204-19, a Sub-section (R) is added which states as follows:

R. Detailed description of the location where sales shall be conducted by Special Event Vendor, including street names, address(es) (if applicable), block and lot location where Special Event Vendor will be located.

7. Section 204-21, Sub-section (B), a new paragraph (3) is added which states as follows:

(3) Special Event Vendor: \$25.00

8. Section 204-22 (Duration of license), the first paragraph shall be listed as Sub-section (A) and a Sub-section (B) shall be added which states as follows:

B. A special event vendor license shall only be for the period of the Special Event. A separate license shall be applied for each Special Event. Special event vendor licenses shall not be transferable and must be surrendered after expiration before a new special event license can be issued for a separate/new Special Event.

9. Section 204-27 (Exceptions), Sub-section (D), the first sentence is deleted.

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

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

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

Motion by Council Person Gribbin Second Olivo
Ordinance #012- 2022 is open for public hearing

Motion by Council Person Gribbin Second Wuillermin
Ordinance #012-2022 is adopted and approved for final publication

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Absent

Olivo- Yes

Rodio – Yes

Wuillermin- Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Hearing of Bond Ordinance #013-2022- 224 Vine Street / Municipal Building Improvements

BOND ORDINANCE PROVIDING FOR VARIOUS 2022 CAPITAL IMPROVEMENTS, BY AND IN THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, APPROPRIATING \$350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$332,500 IN BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Town of Hammonton, in the County of Atlantic, State of New Jersey (the "Town"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$350,000, which sum includes \$17,500 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payments are now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Town for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$350,000 appropriation not provided for by said down payments, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$332,500 pursuant to and within the limitations prescribed by the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Town in a principal amount not exceeding \$332,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued, include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Demolition of Town-Owned Buildings to construct a new parking lot to be located on 224 Vine Street in the Town; and	\$175,000	\$166,250	\$8,750	15 years
(ii) Various improvements to the Municipal Building.	\$175,000	\$166,250	\$8,750	20 years
TOTALS	\$350,000	\$332,500	\$17,500	

(b) The above improvements and purposes set forth in Section 3(a) shall also include, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$332,500.

(d) The aggregate estimated cost of said improvements or purposes is \$350,000, the excess amount thereof over the estimated maximum amount of bonds or notes to be issued therefor, is the aggregate down payments for said purposes in the amount of \$17,500.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Atlantic make a contribution or grant in aid to the Town for the improvements and purposes authorized hereby

and the same shall be received by the Town prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Atlantic. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Atlantic shall be received by the Town after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Town as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Town (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The 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 the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable, for the Town. 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 of the Town, a revised capital or temporary capital budget for the Town has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Town may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is 17.50 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Town and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and 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 or notes provided for in this bond ordinance by \$332,500 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$70,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

SECTION 8. 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

property within the Town for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Town reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Town's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the Town for costs of the improvement or purpose described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the Town, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Town for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$332,500. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

SECTION 10. The Town covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended, the interest on all bonds and notes issued under this ordinance.

SECTION 11. 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 an 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 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Motion by Council Person Wuillermin Second Gribbin
Ordinance #013- 2022 is open for public hearing

Motion by Council Person Olivo Second Gribbin
Ordinance #013-2022 is adopted and approved for final publication

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Absent

Olivo- Yes

Rodio – Yes

Wuillermin- Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Hearing of bond Ordinance #014-2022- Utility Asset Management Plan

BOND ORDINANCE PROVIDING FOR THE PLANNING AND DESIGN OF AN ASSET MANAGEMENT PLAN, BY AND IN THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY; APPROPRIATING \$40,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$38,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Town of Hammonton, in the County of Atlantic, State of New Jersey (the "Town"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$40,000, which sum includes \$2,000 as the amount of down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of an appropriation in a previously adopted budget or budgets of the Town for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$40,000 appropriation not provided for by said down payment, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$38,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Town in a principal amount not exceeding \$38,000 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 purpose for the financing of which said bonds or notes are to be issued is for the planning and design of an asset management plan for utility equipment purchases for the Utility Department. The improvements and purposes set forth in Section 3(a) shall also include, as applicable, all engineering and design work related thereto, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$38,000.

(c) The estimated cost of said improvement or purpose is \$40,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, is the down payment in the amount of \$2,000 for said improvement or purpose.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Atlantic or any other source makes a contribution or grant in aid to the Town, for the improvement and purpose authorized hereby and the same shall be received by the Town prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Atlantic or any other source. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Atlantic or any other source, shall be received by the Town after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Town as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Town, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The 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 the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be

renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. 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 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which 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 average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Town and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and 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 or notes provided for in this bond ordinance by \$38,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$8,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes 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 bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Town reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Town's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2 . No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the Town for costs of the improvement or purpose described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the Town, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Town for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$38,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

SECTION 10. 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 11. The Town covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended, the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Motion by Council Person Furgione Second Wuillermin
Ordinance #014- 2022 is open for public hearing

Motion by Council Person Furgione Second Wuillermin
Ordinance #014-2022 is adopted and approved for final publication

Roll Call

Councilperson:
Furgione – Yes
Gribbin - Yes
Oliva – Absent
Olivo- Yes
Rodio – Yes
Wuillermin- Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

COMMITTEE REPORTS

Administration - Councilman Gribbin

- Action items are under the clerk's report
- Thanked everyone for the tri-vets memorial parade

Business & Industry – Councilman Olivo

- 2 ribbon cutting this week, Loder Travel and Sundeck Pools
- June 11th was the food truck event. Great turnout over 25 trucks
- The coming Sunday is the Red white and blueberry festival
- The 4th July parade is scheduled hope that people can come and enjoy the festivities
- Mt Carmel Festival will be held July 11th to the 16th.
- July 21st will be 3rd Thursday, will slo feature the Green Market on Horton Street

Quality of Life – Councilman Oliva Given by Wuillermin

- Environmental Commission meet on June 18th regarding he plastic bag monster at the lake. Guess how many bags were used.
- Mater plan meeting will be on June 23rd
- Historical Commission obtained a grant from the County to update the walking tour in Hammonton
- Angela Donio spoke about the grant. They received a total of \$3,600.00

Education - Councilman Oliva

- Board of Ed Meeting was June 2nd. The Town will use the School playground while we construct Lake Park.
- June 11th was the cancer walk at the School

Public Works & Transportation

- No action items to report

Law & Order - Mayor DiDonato

- no action items

Water & Sewer - Councilman Furgione

- Working on the lead service lines survey
- 400 meters to install in the Town. Please schedule your appoint for replacement
- Centrifuse parts are ordered and still waiting for delivery

ENGINEER REPORT

ACTION ITEMS:

1. **NJDOT FY2023 Local Aid Applications (ARH #11-40041.23):** **In Progress**
NJDOT has issued a grant solicitation for the Municipal Aid, Bikeways, and Safe Street to Transit programs. Applications will be 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

The Town must adopt resolutions authorizing ARH to prepare and submit the applications on its behalf. Our office has prepared sample resolutions for your use.

Action Requested:

Adopt resolutions authorizing ARH to prepare and submit the grant applications for the Municipal Aid, Bikeways, and Safe Street to Transit programs.

LATER IN MEETING RESOLUTION # 091, 092 & 093 UNDER CLERKS REPORT

SOLICITOR REPORT

Motion by Council Person Gribbin Second Wuillermin
Approve agreement for Jones Settlement

Roll Call

Councilperson:
Furgione – Yes
Gribbin - Yes
Oliva – Absent
Olivo- Yes
Rodio – Yes
Wuillermin- Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Introduction 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.

Motion by Council Person Olivo Second Wuillermin
Introduction of Ordinance #019-2022, Passed 1st reading and may be advertised

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Absent

Olivo- Yes

Rodio – Yes

Wuillermin- Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

MAYOR REPORT

- Spoke about Sewer Utility and the mailing form Pinelands Preservation Committee. This was not from the Town.

PWM REPORT

SRTS

We met with representatives from the school regarding the conceptual plans prepared by GPI for the North/4th and Road to Excellence intersection. We supplied these comments to GPI. They are revising the preliminary design plans and are ready to hold a public information meeting on the entire project. They are requesting to hold the meeting in early July. A direction on a few dates and times for the meeting is needed.

Historical Society Railing and Front Step Repairs

We met again with the Historical Society to discuss the following.

- Repair front step brick work and stucco repair as required.
- Railing replacement front step and ADA ramp in rear of building.

We are preparing the plans and specifications to request price quotes on this project.

Sanitary Sewer Slip Lining Candidates

We will meet with the MUD Superintendent and Committee members to review and prioritize the list and proceed further with this project so we could use the funds and ask for more once the priority list is established and the slip lining work completed on a few of the pipe sections. We will need a proposal from ARH to conduct a study as part of the grant allocation.

Princeton Hydro Report

Clay Emerson from Princeton Hydro presented the report completed in conjunction with the NJLCV grant. There is the potential for additional funds to provide subsequent investigations, studies and reports, etc. that would assist the Town Council in evaluating the potential for establishing a Stormwater Utility or a version thereof that could benefit the Town and its residents in complying with State stormwater standards and stormwater projects completed on a yearly basis. NJ Futures and the NJLCV voters will be providing the Town with additional information regarding the benefits of the participating in the program for Councils & PWTC consideration.

Lakeview Gardens Well Testing and Potential for Public Water Extension

Letters were sent out to 54 property owners in the Lakeview Gardens section of the Town requesting they complete water tests of the private wells and provide those results to the Town. We have received a few water test results back. If you have not completed the well water tests at this point, we ask for your cooperation in completing that request.

We have also been in contact with the Atlantic County Health Department and the NJDEP Spill Fund on this matter. It was indicated once the results are recorded; they will review and discuss the next steps in the process if necessary.

Boyer Avenue Land Application Site Overland Drip Irrigation Pinelands Application

We have been in discussion with the Pinelands Commission regarding the submission of a Public Development application for the installation/expansion of the overland drip irrigation area to an area formally approved for underground drip. The public notice for the Pinelands application will be sent out to the property owners located with 200 feet of the proposed project improvements and publish in the local newspaper later this month.

Rt. #54 Resurfacing

We will be meeting with NJDOT representatives to discuss and review the resurfacing of Rt. #54 from the Atlantic City Expressway through downtown to the White Horse Pike, State Rt. #30.

Town Public Works Schedule

July schedule (all items must be out prior to 6 am on the day of collection)

- Bulky curbside collection will be 7/5 through 7/8
- Curbside brush pickup will be 7/11 through 7/15
- The Town has off on Monday, July 4th. Trash and bulky waste pickup for Monday will occur on Tuesday, the 5th.

County Recycling Schedule

- 6/27 through 7/1
- 7/11 through 7/15
- 7/25 through 7/29

TOWN CLERK REPORT

- 1) Accept resignation of Pedro Benitez from his position as Police Officer effective July 1, 2022.
- 2) Approval of payment of accrued benefits balance to Angelica Fontanez in the amount of \$2,36.10
- 3) Approval to transfer Catherine Lawrence to Senior Public Safety telecommunicator, Full Time yearly salary of \$35,380.00, single benefits, 40 hours a week. Retroactive to June 1, 2022. Contingent upon civil service rule and regulations.
- 4) Approval to transfer Jacqueline Martinez to Police records. Fulltime, yearly salary of \$30,420.00, single benefits, 32.5 hours a week retroactive to June 1, 2022. Contingent upon all civil services rules and regulations.
- 5) Approval to transfer Mildred Collazo to Key Board Clerk 1 in the Municipal Court. Fulltime, yearly salary \$30,420.00, single benefits, 32.5 hours per week effective July 1, 2022. Contingent upon all civil services rules and regulations.
- 6) Accept Daniel Sulzner as a junior member in Fire Company number 2. Approved at Fire Company meeting on June 8, 2022.
- 7) Approval for Police officers in the step guide to move 2 steps in July 2022 and an additional step in January 2023. Total of 4 steps.

Motion by Council Gribbin Second Rodio

Approval of items 1 to 7

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Absent

Olivo- Yes

Rodio – Yes

Wuillermin- Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

APPROVAL OF BILL LIST

Motion by Council Gribbin Second Olivo
Approval of Bill list

Roll Call

Councilperson:
Furgione – Yes
Gribbin - Yes
Oliva – Absent
Olivo- Yes
Rodio – Yes
Wuillermin- Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

NEW BUSINESS
ORDINANCES FOR INTRODUCTION

Introduction 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.

Motion by Council Person Gribbin Second Olivo

Ordinance #018-2022 passed 1st reading and is approved for advertisement

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Absent

Olivo- Yes

Rodio – Yes

Wuillermin- Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

RESOLUTIONS

Resolution #081-2022 – Authorize Hispanic Heritage Month

Authorizing "Fiesta" Hispanic Heritage Month with the collaboration of Allies in caring 10th Anniversary "Fiesta" Hispanic Heritage Month and 10th Anniversary of Allies in caring EVENT

WHEREAS, MainStreet Hammonton and Hammonton Health Coalition and Allies in caring have and continues to promote the Town of Hammonton with scheduled events in the downtown business district, and help under-served individuals with emotional and behavioral problems move toward recovery through culturally affirmative and linguistically appropriate services, including counseling, education, and community support

WHEREAS, Mayor and Council has and continues to support the efforts of MainStreet Hammonton; and Hammonton Health Coalition By continuing support in raising the flags during September.

WHEREAS, Thursday, September 15, 2022 is the scheduled date for the MainStreet Hammonton Annual "Fiesta" event and where the 10th anniversary celebration of Allies in caring will happen during the hours of 10:00 a.m. to 9:00 p.m.; During this celebration, we are creating an atmosphere of inclusion and culture sharing with our community we hope to offer traditions, history, art and different cultures from all Latin America. Will also be sharing the work and history of Allies in caring.

WHEREAS, Main Street Hammonton and Hammonton Coalition and Allies in Caring have requested the following street closures for this event between the hours of 10:00 a.m. to 9:00 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 9:00 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 September 15, 2022 and the "Fiesta" event, including the above requests for street closures, and posting of "NO PARKING" signs are acknowledged, approved and endorsed;

Resolution #082-2022 – 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>
2301/8/C0022	Wells Fargo	22 Toni Lynn Ct	\$309.13	refund/Over Payment

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 # 083-2022- Authorize Religious Procession

**RESOLUTION AUTHORIZING A "RELIGIOUS PROCESSION"
FOR THE KNIGHT'S OF COLUMBUS
ST. VINCENT PALLOTTI COUNCIL**

WHEREAS, The Knight's of Columbus St. Vincent Pallotti Council promotes the Town of Hammonton with their "Religious Processions"; and

WHEREAS, Thursday June 23, 2022 at 7:30 p.m. is the scheduled date for the "Religious Procession"; and

WHEREAS, The Knight's of Columbus St. Vincent Pallotti Council has requested assistance of the Town of Hammonton Police Department for this scheduled event and closure of the following streets in the Town of Hammonton for the procession starting at Lady of Mt. Carmel Church/ St Joseph's Church:

To Pratt Street
To Mt. Carmel Lane
To Pleasant
To N. Third St.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, that the Religious Procession is approved by the Town of Hammonton; and

BE IT FURTHER RESOLVED that the necessary certificate of insurance has been filed with the Town Clerk.

Resolution #084-2022- Approval of Amusement Games for MT. Carmel Festival

Amusement Games for Mt Carmel Festival

WHEREAS, the individual(s) designated hereunder applied for a license for Amusement Games for the stipulated period set forth in said application; and

WHEREAS, the police have conducted the necessary investigation and approved issuance of license(s); and

WHEREAS, the Mayor and Common Council of the Town of Hammonton have found that the application is in order and that the proper fees have been duly paid to the Town of Hammonton.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, ATLANTIC COUNTY, NEW JERSEY, that the following license(s) are issued to the individual(s) designated herein to operate the specific amusement game set forth herein and the issuance of said license be and the same are hereby approved for the individual and Amusement Game as hereinafter designated contingent upon police background check:

<u>Name</u>	<u>Address</u>	<u>Town Fee</u>	<u>Game</u>
James Synder	Hollywood Blvd, Fl	\$50.00	Break A Plate
		\$50.00	Basketball
		\$100.00	Break a Bottle
		\$50.00	Hangman
		\$50.00	Balloon Bust
Richard Collins	Little Rock, AR	\$50.00	Balloon #1
		\$50.00	Water Game
		\$50.00	Balloon #2
		\$50.00	Basket Ball
		\$50.00	Ring a Bottle
David Stukart	Wesley Chapel, FL	\$50.00	Block Buster
		\$50.00	Basketball
Dale Bush	Kershaw, SC	\$50.00	Water Game
		\$50.00	Balloons

BE IT FURTHER RESOLVED that the Mayor and Council approve additions to this resolution up to the week of Our Lady of Mt. Carmel Event contingent upon police background investigation and authorization.

Resolution # 085-2022- Authorize Duplicate Tax Sale Certificate

**RESOLUTION AUTHORIZING THE ISSUANCE OF A
DUPLICATE TAX SALE CERTIFICATE PURSUANT TO
CHAPTER 99 OF THE PUBLIC LAWS OF 1997**

WHEREAS, the Tax Collector of this municipality has previously issued tax sale certificates, as set out on the municipal tax map.

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the tax collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, be it resolved by the Mayor and Governing Body of the Municipality of Hammonton that the Tax collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$100.00 per certificate, to issue and appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

Resolution #086-2022- Waiving Business Registration Fees for 2023

A Resolution Waving the Business Registration Fees for the Year 2022

WHEREAS, Mayor and Council of the Town of Hammonton, due to COVID19 and the closing of local business for an extended period, per executive orders enacted by the Governor of the State of New Jersey, hereby waive all business registration fees the year 2022 only: and

FURTHERMORE, all businesses are still obligated to complete the application without the designated fee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Hammonton that the Business Registration fees for the period of August 1, 2022 to July 31, 2023 are waived.

Resolution #087-2022- 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/close out of accounts are authorized as approved by the respective Department Heads of the Town of Hammonton:

Ronaldson Electrical	\$ 3,323.70	Inspection Fee
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Resolution #088-2022 – Approve Contract Triad Associates

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES
CONTRACT WITH TRIAD ASSOCIATES INC.**

Whereas, the Mayor and Council of the Town of Hammonton wish to authorize the execution of a contract with Triad Associates Inc., 1301 W. Forest Grove Road, Vineland, NJ 08360 for ADA Improvements to Recreation Facilities in the amount of \$20,000.00.

Now, therefore, be it resolved, that the Mayor and Council of the Town of Hammonton, County of Atlantic, authorize execution of said contract; and

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

Be it further resolved, that the contract referenced herein shall take effect June 20, 2022 and remain in effect until completion;

Resolution #089-2022 – Fee for mailing of Tax Notices

Resolution establishing the fee for the mailing of tax notices

WHEREAS, N.J.S.A. 54:5-26 permits that notwithstanding anything to the contrary, when holding a tax sale, in lieu of any two publications, notice the property owner and to any person or entity entitled to notice of foreclosure pursuant to section 20 of P.L.1948, c.96 (C. 54:5-104.48) may be given by regular or certified mail, the costs of which shall be added to the cost of sale in addition to those provided in R.S.54:5-38, not to exceed \$25 for each notice for a particular property;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Hammonton, County of Atlantic and State of New Jersey that in the Tax Collector is hereby authorized to charge \$25.00 for the mailing of the first tax sale notice for a particular property.

Resolution #090-2022- Recognize July as Blueberry Month in the Town of Hammonton

Recognizing "July as the Blueberry Month in the Town of Hammonton

WHEREAS, Hammonton is considered the Blueberry Capital of the world and July being the prime month of harvesting and shipping Blueberries to all parts of the globe:

WHEREAS, Mayor and Council recognize this important part of the Agricultural Infrastructure and culture of the Town:

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 month of July will be Blueberry Month in the Town of Hammonton.

Resolution #091-2022 – Approve Bike Path Application

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FY2023 BIKEWAYS APPLICATION FOR SERVICES ASSOCIATED WITH THE HAMMONTON BIKE PATH EXTENSION PHASE 2 PROJECT

WHEREAS, the Town of Hammonton is desirous of requesting funding consideration from the State of New Jersey Department of Transportation (hereinafter "NJDOT") under the Transportation Trust Fund (FY2023 Bikeways Application) for the Veterans Place Bicycle Connector Phase II project within the Town of Hammonton; and

WHEREAS, the Town of Hammonton is an eligible recipient for funding under said program; and

WHEREAS, the Town Engineer has been authorized to prepare the required application and agreement;
and

WHEREAS, in furtherance of same, it is necessary for the Town Council of the Town of Hammonton to authorize the Mayor to execute said application agreement to allow the Township to be eligible for the NJDOT Transportation Trust Fund (FY2023 Bikeways Application) for the Veterans Place Bicycle Connector Phase II project; and

WHEREAS, in furtherance of same, it is necessary for the Town Council of the Town of Hammonton to authorize the Town Engineer to provide all required reports, narratives, estimates and maps required for said funding consideration.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Hammonton that the Mayor is hereby authorized to execute the attached application with the NJDOT Transportation Trust Fund (FY2023 Bikeways Application) for services associated with the project entitled Veterans Place Bicycle Connector Phase II project; and

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Hammonton that the Town Engineer is hereby authorized to provide all required reports, narratives, estimates and maps required for the NJDOT Transportation Trust Fund (FY2023 Bikeways Application).

Resolution #092-2022- Approve Bikeways Application

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FY2023 BIKEWAYS APPLICATION FOR SERVICES ASSOCIATED WITH THE HAMMONTON BIKE PATH EXTENSION PHASE 2 PROJECT

WHEREAS, the Town of Hammonton is desirous of requesting funding consideration from the State of New Jersey Department of Transportation (hereinafter "NJDOT") under the Transportation Trust Fund (FY2023 Bikeways Application) for the Veterans Place Bicycle Connector Phase II project within the Town of Hammonton; and

WHEREAS, the Town of Hammonton is an eligible recipient for funding under said program; and

WHEREAS, the Town Engineer has been authorized to prepare the required application and agreement;
and

WHEREAS, in furtherance of same, it is necessary for the Town Council of the Town of Hammonton to authorize the Mayor to execute said application agreement to allow the Township to be eligible for the NJDOT Transportation Trust Fund (FY2023 Bikeways Application) for the Veterans Place Bicycle Connector Phase II project; and

WHEREAS, in furtherance of same, it is necessary for the Town Council of the Town of Hammonton to authorize the Town Engineer to provide all required reports, narratives, estimates and maps required for said funding consideration.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Hammonton that the Mayor is hereby authorized to execute the attached application with the NJDOT Transportation Trust Fund (FY2023 Bikeways Application) for services associated with the project entitled Veterans Place Bicycle Connector Phase II project; and

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Hammonton that the Town Engineer is hereby authorized to provide all required reports, narratives, estimates and maps required for the NJDOT Transportation Trust Fund (FY2023 Bikeways Application).

Resolution #093- 2022 - Approve Front Street Pedestrian Application

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FRONT STREET PEDESTRIAN CONNECTOR PROJECT

WHEREAS, the Town of Hammonton is desirous of requesting funding consideration from the State of New Jersey Department of Transportation (hereinafter "NJDOT") under the Transportation Trust Fund (FY2023 Safe Streets to Transit Aid) for the Front Street Pedestrian Connector project within the Town of Hammonton; and

WHEREAS, the Town of Hammonton is an eligible recipient for funding under said program; and

WHEREAS, the Town Engineer has been authorized to prepare the required application and agreement and

WHEREAS, in furtherance of same, it is necessary for the Town Council of the Town of Hammonton to authorize the Mayor to execute said application to allow the Town to be eligible for the NJDOT Transportation Trust Fund (FY2023 Safe Streets to Transit Program) for the Front Street Pedestrian Connector project; and

WHEREAS, in furtherance of same, it is necessary for the Town Council of the Town of Hammonton to authorize the Town Engineer to provide all required reports, narratives, estimates and maps required for said funding consideration

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hammonton that the Mayor is hereby authorized to execute the attached application with the NJDOT Transportation Trust Fund (FY2023 Safe Streets to Transit Program) for services associated with the project entitled Front Street Pedestrian Connector project; and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Town Council of the Town of Hammonton that the Town Engineer is hereby authorized to provide all reports, narratives, estimates, and maps required by the New Jersey Department of Transportation, Transportation Trust Fund (FY2023 Safe Streets to Transit Program).

Resolution- #094-2022- Variance Relief or Food Truck

This application for variance relief to permit a food truck to operate for a period of one (1) year upon property known and designated as Lot 11 of Block 2805 on the tax map of the Town of Hammonton and commonly known as 107 Peach Street and 119 South Egg Harbor Road, Hammonton, New Jersey, having come before Hammonton Town Council pursuant to Ordinance No. 7-2018 and Ordinance §204-30 at its regularly scheduled meeting held on May 23, 2022, in the Town Hall of the Town of Hammonton, and a hearing having been conducted with a quorum being present; and

WHEREAS, Town Council has received the following documents and submissions of the Applicant:

(a) Completed Town of Hammonton Application for Peddlers, Hawkers, Vendors, Solicitors, Canvassers, Food Trucks, Door to Door Vendor and Seasonal Sales Vendors License dated April 20, 2022;

(b) State of New Jersey Business Registration Certificate for Tacos Al Carbon Limited Liability Company issued on April 15, 2016;

(c) Undated Long Form Standing Certificate for Tacos Al Carbon Limited Liability Company;

(d) Atlantic County Division of Public Health Sanitary Inspection Report dated April 18, 2022, for Tacos Al Carbon Food Truck License No. XFHLG4 located at 1080 North Chew Road, Hammonton, New Jersey;

(e) Atlantic County Division of Public Health Sanitary Inspection Report dated April 18, 2022, for Tacos Al Carbon Food Truck License No. XHDS73 located at 1080 North Chew Road, Hammonton, New Jersey;

(f) Atlantic County Division of Public Health Sanitary Inspection Report dated April 18, 2022, for Tacos Al Carbon Food Truck License No. XHDS74 located at 1080 North Chew Road, Hammonton, New Jersey;

(g) Atlantic County Division of Public Health Sanitary Inspection Report dated April 18, 2022, for Tacos Al Carbon Commissary located at 1080 North Chew Road, Hammonton, New Jersey;

(h) Hammonton Fire Department Bureau of Fire Prevention Fire Safety Permit dated March 21, 2022 for Tacos Al Carbon Mobile Food Truck;

(i) ServSafe National Restaurant Association Certification issued to Tacos Al Carbon LLC for the period of 4/25/22 to 4/25/23;

(j) Associated Fire Protection Certificate of Inspection for Tacos Al Carbon dated February 17, 2022;

(k) Certificate of Liability Insurance for Tacos Al Carbon, LLC, dated May 23, 2022, with Felix and Juana Ramirez listed as additional insureds;

(l) Certificate of Liability Insurance for Tacos Al Carbon, LLC, dated May 23, 2022, with the Town of Hammonton listed as an additional insured;

(m) Certificate of Liability Insurance for Tacos Al Carbon, LLC, dated May 23, 2022, with the Town of Hammonton and Hammonton Revitalization Corporation listed as an additional insured;

(n) Proof of Insurance and Vehicle Registration for Tacos Al Carbon Food Truck License No. XFHLG4;

(o) Proof of Insurance and Vehicle Registration for Tacos Al Carbon Food Truck License No. XHDS74;

(p) Proof of Insurance and Vehicle Registration for Tacos Al Carbon Food Truck License No. XHDS73;

(q) Six 8 ½ x 11 sheets of paper with various recognitions; and

(r) 8 ½ x 11 sketch of layout.

WHEREAS, the following Exhibit was submitted by the Applicant during the hearing:

A-1 – Twenty-Four (24) page booklet titled 24 Year Anniversary Tacos Al Carbon.

WHEREAS, Hammonton Town Council based on the Exhibits submitted, the testimony of the Board Consultants, and the testimony presented on behalf of the Applicant makes the following findings of fact and conclusions:

1. The Applicant is Tacos Al Carbon with an address of 1080 North Chew Road, Hammonton, New Jersey 08037. Felix and Juana Ramirez are the owners of the subject property and have consented to this application.
2. Testifying on behalf of the application was Dominga Garcia, a member of the Applicant. There were no public comments or questions.
3. The Applicant proposes to operate a food truck on Lot 11 of Block 2805 for a period of one (1) year.
4. The property is located in the DT3-In Town Downtown Zoning District. Food trucks are prohibited in the DT3 Zoning District pursuant to Ordinance §204-28.
5. The proposed food truck requires variance relief in accordance with Hammonton Ordinance §204-30 to permit the food truck to operate on Lot 11 of Block 2805.
6. The Applicant produced testimony on May 23, 2022, before Town Council sufficient to meet the criteria of Ordinance §204-30(B).
7. For the reasons set forth in detail in the testimony presented on behalf of the application and the documents submitted in support of the application the variance pursuant to Ordinance §204-30 is justified.

8. The Applicant shall be issued a food truck license and allowed to operate on Lot 11 of Block 2805 for a period of one (1) year pursuant to Ordinance §204-22. The one (1) year period commenced on May 23, 2022.

9. The Applicant shall comply with all outstanding conditions of Town Council set forth in their testimony, unless modified, and will submit any revised documents for the review and approval of Town Council. These include, but are not limited to the following:

(a) This approval is conditioned upon the payment of all taxes and assessments on Lot 11 of Block 2805 and the payment of all application fees.

(b) The Applicant shall have no on-site parking.

(c) The Applicant shall have no permanent or temporary structure on the property and shall have no seating on-site.

(d) The Applicant shall make sure to locate the food truck on the property so as to not block any site triangles.

(e) The Applicant shall not allow its customers to park on or use any portion of Lot 10 of Block 2805 for its food truck operation.

10. This approval is based upon the full and diligent adherence by the Applicant to all representations made to Town Council. Any failure of the Applicant or the Applicant's successors or assigns to fully adhere to all of the provisions of this approval and all representations made by or on behalf of the Applicant, directly or indirectly, in the hearing or in the application documents, may be deemed to be a material breach of this approval. Such a breach will constitute a violation of the Town of Hammonton Ordinances and the Town may remedy such violation by the revocation of any license issued and/or through Ordinance §204-26, titled violations and penalties. In addition, the Town may pursue any other remedy available to it at law or in equity, including an action in the Superior Court to enjoin such violation or to compel performance or compliance.

11. The Applicant shall comply with all federal, state and local laws, rules and regulations and shall obtain any and all other necessary government approvals required for this approval. If as a result of the review by any other governmental agency there is any change in the approval by Town Council or any modification of any statement or representation made by or on behalf of the Applicant, the Applicant must notify Town Council and Town Council shall have the right to review that issue as it may relate to or impact this approval and Town Council may modify or amend this approval as appropriate. Approvals which may be required include, but are not necessarily limited to, the Atlantic County Division of Public Health.

12. All references in this Resolution to the Applicant shall, where appropriate for the context, also mean the Applicant's successors or assigns. If any provision of this Resolution or the application thereof shall be held to be invalid or unenforceable to any extent, the remainder of this Resolution shall not be effected thereby and shall remain enforceable to the full extent of the law.

**Motion by Council Person Olivo Second Rodio
Resolutions #81 to #94 are approved.**

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Absnet

Olivo- Yes

Rodio – Yes

Wuillermin - Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

PUBLIC HEARD

No one desired to be heard

2nd closed session

EXECUTIVE SESSION Resolution #095-2022

Motion by Council Person Rodio Second Gribbin
Enter into Executive Session

Motion by Council Person Rodio Second Furgione
Close Executive Session

MEETING ADJOURNED

Motion by Council Person Furgione Second Gribbin