

Regular Meeting of Mayor and Council October 30, 2023
Town Hall Council Chambers, 100 Central Avenue
Executive Session 6:00 P.M.
Public Session 7:00 P.M.

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilperson:
Furgione - Present
Gribbin – Entered at 6:15
Oliva - Present
R.Rodio- Present
S. Rodio – Present
Wuillermin - Present
Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor
Bob Vettese, Public Works Manager

EXECUTIVE SESSION Resolution #135-2023

Motion by Council Person S. Rodio Second Oliva
Enter into Executive Session

Motion by Council Person Oliva Second Wuillermin
Close Executive Session

RESUME REGULAR MEETING-ROLL CALL

Councilperson:
Furgione - Present
Gribbin – Present
Oliva - Present
R.Rodio- Present
S. 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

Regular Minutes September 25, 2023

Executive Minutes September 25, 2023

Motion by Council Person Gribbin Second Wuillermin
Minutes are approved

Roll Call:

Councilperson:

Furgione - Yes

Gribbin - Yes

Oliva - Yes

R.Rodio - Yes

S. Rodio – Yes

Wuillermin – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

PRESENTATION

DISPENSE WITH REGULAR ORDER OF BUSINESS

Resolution #136-2023- Capital Budget Amendment for Airport Improvements

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2023 was adopted on the 26th day of June, 2023; and

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

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

General Capital Fund

1) <u>Purpose</u>	<u>Total</u>	<u>Debt Authorized</u>	<u>Grants</u>	<u>CIF Down payment</u>
Municipal Airport Improvements Rehabilitation Taxiway A - Phase III	\$ 530,861	\$ 47,700	\$477,775 (a)	\$ 5,386
Municipal Airport Improvements Rehabilitation Taxiway A - Phase IV	<u>90,049</u>	<u>8,100</u>	<u>81,044 (b)</u>	<u>905</u>
	<u>\$ 620,910</u>	<u>\$ 55,800</u>	<u>\$558,819</u>	<u>\$ 6,291</u>

(a) FAA Grant \$477,775

(b) FAA Grant \$ 81,044

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

Motion by Council Person Wuillermin Second Rodio

Capital Budget Resolution is adopted

Roll Call:

Councilperson:

Furgione - Yes

Gribbin - Yes

Oliva - Yes

R.Rodio - Yes

S. Rodio – Yes

Wuillermin – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

COMMITTEE REPORTS

Administration - Councilman Gribbin

- Court System is making process
- The Town received the final payments from FEMA regarding the reimbursement for Access Hammonton
- Halloween will be 5:30 to 8
-

Business & Industry – Councilman Wuillermin

- Mainstreet Energy defenders moved to a new location at 11 S. 3rd Street
- Economic Vitality Events. – November 1st at Stockton and December 6th at Tail of the Olive. Call Mica for info. 609-567-9014
- Donation to mainstreet are always appreciated and helps with the Down Town Events
- Joint Land Use Board met with 3's brewery regarding there now location on West End Ave
- Harbor Freight Company has an application in for their proposed location on the white horse pike.

Quality of Life – Councilman Oliva

- McDonalds upgrade has begun. Dual drive-thru is under construction.
- Trick or Treat set for 5 :30 to 8
- Upcoming events: 11/4 Green Day Event from 12 to 4 at Vets Park, Down Town open House 11/11, Small Business Saturday is 11/25 and 3rd Thursday 11/16
- Fund Raiser at Sons of Italy on 11/4 from 2 to 6 for the Good Samaritan Organization.

Education - Councilwoman Renee Rodio

- School Board Meeting was 10/12. They appointed Michelle Kennedy to search for a new superintendent
- Approved the purchase of new Lacrosse Equipment

Public Works & Transportation Councilman Sam Rodio

- No Action Items

Law & Order - Mayor DiDonato- Given by Chief Friel

- Trick or Treat is scheduled for the 31st from 5:30 to 8. Please be safe and wear something bright.
- We are hiring a class II officer to replace Gerhing
- HPD will have a food and toy drive in November
- Dec 9th there will be toy run collection at the police dept.
- Safety seat inspections are available at the police dept. Just call ahead to make sure officers is on duty.
- Medication collection was last week; we collected over 76 pounds of medication.

Water & Sewer - Councilman Furgione

- The water presentation will be at the November meeting on the 27th
- UV system should be completed very soon, waiting for the final hookup
- Trenches at Boyer Ave are in good shape.
- Bid for Water Tower painting will be opened on November 1st
- Letter for 2nd round of lead issue will be going out over the next 30 days
- Turf field is complete and certified. It will be replaced in February or March. The striping of field was an issue and will be fixed.

ENGINEER REPORT

ACTION ITEMS:

1. Myrtle Street Roadway Improvements (ARH #P2023.0453): In Development

ARH's assistance was requested to prepare construction specifications and supplemental maps and details for the Myrtle Street project. We have submitted a proposal to prepare the documents for the Town.

Action Item

Authorize ARH's proposal for a cost not to exceed \$5,000 to prepare the construction specifications, maps, and figures for the Myrtle Street project.

Motion by Council Person Rodio Second Wuillermin

Approve proposal for Myrtle Street in the amount of \$5,000.00

Roll Call:

Councilperson:

Furgione - Yes

Gribbin - Yes

Oliva - Yes

R.Rodio - Yes

S. Rodio – Yes

Wuillermin – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

SOLICITOR REPORT

- No action items

MAYOR REPORT

- No action items. Be safe trick or treating and shop local this holiday season

PWM REPORT

Tennis/Pickle ball courts

The contractor has completed the work on the project. The final cost for the work completed to date with the approved change orders is \$523,800.11. The final payment (retainage) is on the bill list for payment consideration. Approval of a time extension on the project must also be considered.

Once the final payment is made a reimbursement for 50% of the project cost will be requested from the Hammonton Board of Education.

Lake Lowering Permit

The lake lowering will be started on November 1st, 2023 and must be brought back to normal level by March 1st, 2024. A notice was sent to residents on the lake requesting that they complete any cleaning of the lake bottom abutting their property during the time frame of November 15th to February 12th while the lake is at its lowest level. The Town Municipal Utility Department will also inspect the boards within the dam structure and complete repairs/replacement of boards as needed during this time frame. A notice will also be placed in the Gazette and appear on the Town website.

NJDOT Utility Agreement for Rt. #54 and Rt. #30 Intersection Improvement Program

A resolution for each of the projects is on the agenda for Council's consideration which will allow reimbursement for work required by the MUD if needed on either project.

Myrtle Street Improvement Rt. #206 to Pine Road

Prepare bid specifications, estimate of quantities, details, and plan view and receive bids for the above noted project. The existing hard surface will be milled in place and paved to match the existing varying width of said hard surface.

2023 Road Resurfacing Program

The contractor (Arawak) has completed the resurfacing of the five (5) roadways with the mill and resurfacing contract. They are presently completing driveways, shoulder restoration and roadway striping work.

The contractor (Asphalt Paving System) has completed the RAP, micro surfacing project for the State contract on the section of Peach Street between Packard Street and Central Avenue.

Fourth Street Drainage and Outfall Pipe

The contractor, Mobile Dredging/Video Pipe (MDVP), has recently completed their video inspection of the Fourth Street drainage pipe to Cedar Branch Stream and supplied their video, report, and recommendations for consideration. We will review their report and recommendations with the Public Works and Transportation Committee (PWTC).

Town Public Works Schedule for September

The schedule for Trash, brush, leaf collection and recyclables, etc. for November is as follows:

Bulky waste, curbside pickup will be 11/6 through 11/10.

Curbside brush pickup will be 11/13 through 11/17.

The County Recycling pickup will be 10/30 through 11/3, 11/13 through 11/17, and 11/27 through 12/1.

Trash holiday schedule for November will be as follows:

Tuesday, Election Day, 11/7 will be picked up on Wednesday, 11/8.

Friday, Veteran's Day, 11/10 will be picked up on Friday, 11/10.

Thursday, Thanksgiving Day, 11/23 will be picked up on Friday, 11/24.

Black Friday, 11/24 will be picked up on Saturday, 11/25.

Curbside leaf collection will begin Monday, 10/23 and planned to continue through Saturday, 12/23 as needed (updates to be provided).

Hazardous waste disposal will occur at the ACUA on Saturday, 11/4 between 8 a.m. to 1 p.m.

TOWN CLERK REPORT

1. Approval of Best Practices Inventory for 2023 State Aide Funding.
2. Accept resignation of Kenneth Gehring from his position as a Class II officer with the Police Dept. Effective October 16, 2023.
3. Approval to hire Edward Fuller as a Class II office for the Police Department. Effective October 16, 2023. Hourly rate of \$30.00 per hour 20 hours a week.
4. Accept retirement of Juan Alvarez from his position with the Highway Department effective December 1, 2023.
5. Approval to move Michael Zingrone from the Highway department to the recreation department effective October 1, 2023. He will still be a member of the blue collar union and the covered by the current blue collar contract.
6. Approval to hire Justin Day as a Laborer for the Highway dept. Effective October 30 2023, Single benefits, salary to follow current contract. Contingent upon civil service rules and regulations.

Motion by Council Person Gribbin Second Oliva
Approval of Items 1 to 6

Roll Call:

Councilperson:

Furgione - Yes

Gribbin - Yes

Oliva - Yes

R.Rodio - Yes

S. Rodio – Yes

Wuillermin - Yes

Mayor DiDonato – Yes

Mayor DiDonato declares motion is carried

APPROVAL OF BILL LIST

Motion by Council Person Gribbin Second Oliva
Approval of Bill list

Roll Call:

Councilperson:
Furgione - Yes
Gribbin - Yes
Oliva - Yes
R.Rodio - Yes
S. Rodio – Yes
Wuillermin - Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

NEW BUSINESS

Introduction of Ordinance # 020 -2023- Setting Salaries of the Members Police Department

**AN ORDINANCE FIXING THE SALARIES OF THE MEMBERS OF THE
HAMMONTON POLICE DEPARTMENT**

BE IT ORDAINED BY MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, NEW JERSEY as follows:

Section 1. The Town of Hammonton has employed qualified personnel for purpose of handling the duties in the police department. Pursuant to Town Code and a negotiated contract between the representatives of the Police Department PBA, the salaries, clothing allowance, education stipend, health insurance buyout, cell phone reimbursement, sick time, vacation time, personal time, comp time, holidays and overtime have all been set for the calendar years Starting January 1, 2023 to December 31, 2025. Individuals employed as Police Officers and Sergeants shall be paid pursuant to the contract. Minimums and maximums as per contract are as follows:

	<u>MINIMUM</u>	<u>MAXIMUM</u>
Police Officer	\$ 45,000	\$126,000
Sergeant	\$113,000	\$127,000

Section 2. The appropriate salary that each employee covered under this contract shall be paid will be determined by the language contained in the aforementioned contract. No prior contract language or language contained in the prior salary ordinance shall be applicable for purposes of determining the salary level of any police officer.

Section 3. There shall be added as a longevity increment for each full-time employee as negotiated and set forth in the contract.

Section 4. The method of payment of the salaries to each employee shall be fixed by resolution by Mayor and Council.

Section 5. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect after final passage and publication according to law and its provisions.

Motion by Council Person Gribbin Second R. Rodio
Bond Ordinance #020-2023 has passed 1st reading is approved for publication

Roll Call:

Councilperson:
Furgione - Yes
Gribbin - Yes
Oliva - Yes
R.Rodio - Yes
S. Rodio – Yes
Wuillermin - Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Introduction of Ordinance # 021 -2023- Setting Salaries for Utility Department

**AN ORDINANCE FIXING THE SALARIES OF THE MEMBERS OF THE
HAMMONTON UTILITY DEPARTMENT**

BE IT ORDAINED BY MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, NEW JERSEY as follows:

Section 1. The Town of Hammonton has employed qualified personnel for purpose of handling the duties in the police department. Pursuant to Town Code and a negotiated contract between the representatives of the Utility Department the salaries, clothing allowance, education stipend, health insurance buyout, cell phone reimbursement, sick time, vacation time, personal time, comp time, holidays and overtime have all been set for the calendar years Starting January 1, 2023 to December 31, 2025. Individuals employed as Sewer Repairer 1/Water Repairer 1 with Sewer Treatment 2 License shall be paid pursuant to the contract. Minimums and maximums as per contract are as follows:

	MINIMUM	MAXIMUM
Sewer Repairer 1/Water Repairer 1 with Sewer Treatment 2 License	\$ 45,000	\$ 80,000

Section 2. The appropriate salary that each employee covered under this contract shall be paid will be determined by the language contained in the aforementioned contract. No prior contract language or language contained in the prior salary ordinance shall be applicable for purposes of determining the salary level of any police officer.

Section 3. There shall be added as a longevity increment for each full-time employee as negotiated and set forth in the contract.

Section 4. The method of payment of the salaries to each employee shall be fixed by resolution by Mayor and Council.

Section 5. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect after final passage and publication according to law and its provisions.

Motion by Council Person Forgone Second S. Rodio

Bond Ordinance #021-2023 has passed 1st reading is approved for publication

Roll Call:

Councilperson:

Furgione - Yes

Gribbin - Yes

Oliva - Yes

R.Rodio - Yes

S. Rodio – Yes

Wuillermin - Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Introduction of Bond Ordinance #022-2023- Various Airport Improvements

BOND ORDINANCE PROVIDING FOR VARIOUS 2023 CAPITAL ACQUISITIONS AND IMPROVEMENTS, BY AND IN THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, APPROPRIATING \$620,910 THEREFOR (INCLUDING AIRPORT IMPROVEMENT PROGRAM GRANTS TOTALING \$558,819 EXPECTED TO BE RECEIVED FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION) AND AUTHORIZING THE ISSUANCE OF \$55,800 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 \$620,910, which sum includes Airport Improvement Program grants in the amounts of \$477,775 and \$81,044, respectively, expected to be received from the United States Department of Transportation Federal Aviation Administration (the "AIP Grants"), and \$6,291 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 \$620,910 appropriation not provided for by application hereunder of the AIP Grants and said down payments, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$55,800 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 \$55,800 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 are including, but not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Improvements to the Hammonton Municipal Airport, including, but not limited to, rehabilitation of Taxiway A (Phase III); and	\$530,861 (including a \$477,775 AIP Grant)	\$47,700	\$5,386	15 years
(ii) Improvements to the Hammonton Municipal Airport, including, but not limited to, rehabilitation of Taxiway A (Phase IV).	\$90,049 (including a \$81,044 AIP Grant)	\$8,100	905	15 years
TOTALS	\$620,910	\$55,800	\$6,291	

(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 \$55,800.

(d) The aggregate estimated cost of said improvements or purposes is \$620,910, the excess amount thereof over the said AIP Grants and the estimated maximum amount of bonds or notes to be issued therefor, is the aggregate down payments for said purposes in the amount of \$6,291.

SECTION 4. Except for the AIP Grants, 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. Except for the AIP Grants, 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 15 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 \$55,800 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 \$125,000 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 \$55,800. 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, of 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.

Motion by Council Person S. Rodio Second Wuillermin

Bond Ordinance #022-2023 has passed 1st reading is approved for publication

Roll Call:

Councilperson:

Furgione - Yes

Gribbin - Yes

Oliva - Yes

R.Rodio - Yes

S. Rodio – Yes

Wuillermin - Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Introduction Ordinance #023-2023- Vacating Hillman Ave

AN ORDINANCE VACATING HILLMAN AVENUE IN THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON IN THE COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AS FOLLOWS:

WHEREAS, in the Town of Hammonton, within the Highway Business (“HB”) Zoning District, there exists, on the Tax Map, a municipal roadway, known as Hillman Avenue; and

WHEREAS, in order to accommodate the development of, and access to, properties within the HB Zoning District, it would be advantageous and beneficial to the Town of Hammonton to vacate the Hillman Avenue right of way to facilitate that development; and

WHEREAS, the right of way of Hillman Avenue desired to be vacated is shown on a plan titled, “Parcel Map (Street Vacation)” prepared by Schaeffer Nasser Shadegg, dated June 27, 2023, attached hereto as Exhibit “A,” and more particularly described in the metes and bounds description prepared by Schaeffer Nasser Shadegg, dated July 10, 2023, attached hereto as Exhibit “B”; and

WHEREAS, Mayor and Council have determined, pursuant to N.J.S.A. 40:67-1(b), that it is in the public interest to vacate Hillman Avenue in its entirety; and

WHEREAS, pursuant to N.J.S.A. 40:67-1(b), the Town of Hammonton expressly reserves and excepts from vacation all rights and privileges possessed by municipal utilities and public utilities, as defined in N.J.S.A. 48:2-13, and any cable television company, as defined in the "Cable Television Act," (N.J.S.A. 48:5A-1 et seq.) to maintain, repair and replace their existing facilities in, adjacent to, over or under vacated Hillman Avenue; and

WHEREAS, the Town of Hammonton Municipal Engineer has reviewed the proposed vacation of the Hillman Avenue right of way and finds that same is consistent with the public interest, and that it is in the best interest of the municipality;

WHEREAS, Hillman Avenue is to be vacated in its entirety; and

WHEREAS, the interests of the public will be served by this vacation, since Hillman Avenue is unnecessary for public transportation or any other municipal purposes and the vacation will lead to the improvement of the property in the surrounding areas without any detriment to the interests of the public.

NOW, THEREFORE BE IT ORDAINED by Mayor and Council of the Town of Hammonton as follows:

Pursuant to N.J.S.A. 40:67-1(b), Hillman Avenue as set forth in Exhibit "A" and Exhibit "B" is hereby vacated, subject only to the express reservation by the Town from the vacation, all rights and privileges possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," (N.J.S.A. 48:5A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof to be vacated.

In addition, the Town of Hammonton expressly reserves for itself, the right to inspect, replace and maintain storm water facilities to facilitate and improve over and under ground flow and drainage of storm water.

Title to the Land under the Hillman Avenue right of way shall be apportioned to adjacent property owners in accordance with the laws.

The property owners adjacent to Hillman Avenue shall record as soon as possible deeds with new legal descriptions that include the land apportioned to the adjacent property owner by law as a result of the vacation of Hillman Avenue at the sole cost and expense of the respective adjacent property owner.

Pursuant to N.J.S.A. 40:49-2 and N.J.S.A. 40:49-6, the Town Clerk shall cause this Ordinance to be published, together with notice of its introduction in a newspaper published and circulated within the Town of Hammonton, if there be one, and if not, in a newspaper printed in Atlantic County and circulating in the Town of Hammonton, once, not less than (10) ten days prior to the time fixed for Second Reading and final passage.

The Town Clerk shall, at least one (1) week prior to the time fixed for final passage of such Ordinance, mail a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the Ordinance will be further considered for final passage, to every person whose lands may be affected by the Ordinance or any assessment which may be made in pursuance thereof, pursuant to N.J.S.A. 40:49-6.

Upon final passage after Second Reading, the Town Clerk shall forthwith file a certified copy of the Ordinance in the office of the Town Clerk.

The Town Clerk shall, within sixty (60) days after this Ordinance becomes effective, file a certified copy of this Ordinance vacating the portion of Commerce Way, together with a copy of the proof of publication thereof, with the Office of the Atlantic County Clerk pursuant to N.J.S.A. 40:67-21.

All Ordinances or parts of Ordinances in conflict with this Ordinance or any part of it are hereby repealed as to the conflicting portion or portions, and this Ordinance shall take effect after final passage and publication with notice of the date of passage, according to law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced in and passed the first reading at a meeting of Town Council of the Town of Hammonton, County of Atlantic and State of New Jersey held on October 30, 2023, and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Building located at 100 Central Avenue, Hammonton, NJ 08037, on November 27, 2023, at 7:00 PM or as soon thereafter as the matter may be reached.

Motion by Council Person S. Rodio Second Forgone

Bond Ordinance #023-2023 has passed 1st reading is approved for publication

Roll Call:

Councilperson:

Forgone - Yes

Gribbin - Yes

Oliva - Yes

R.Rodio - Yes

S. Rodio – Yes

Wuillermin - Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

RESOLUTIONS

Resolution #137-2023 – Authorizing method for Payment of Delinquent Taxes

Resolution Authorizing Method of Payment for Delinquent Taxes

WHEREAS, the Town of Hammonton conducts an accelerated tax sale each year; and

WHEREAS, any taxpayer who is delinquent as of November 22nd of the current year shall be included in the accelerated sale; and

WHEREAS, to ensure full payment prior to the date of the accelerated tax sale, the Town must know that taxes have been paid in full;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Hammonton, County of Atlantic and State of New Jersey that all delinquent tax payments tendered on or after November 14, 2023, must be paid either by cashier's check, money order or cash.

Resolution #138-2023- Accept Annual Audit

ACCEPT ANNUAL AUDIT

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

WHEREAS, the Annual Report of Audit for the year ending December 31, 2022 has been filed by a Registered Municipal Accountant with the Town Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

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

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

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

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

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

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

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

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

Resolution #139-2023- Approve Audit Corrective Action Plan

CORRECTIVE ACTION PLAN

Corrective Action Plan of the Town of Hammonton, County of Atlantic, State of New Jersey, for the year 2022.

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

WHEREAS, the Corrective Action Plan of the Town of Hammonton for the 2022 Report of Audit is as follows:

Finding No. 2022-001:

Condition:

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

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

Corrective Action: This required disclosure is mandated by an accounting disclosure standard adopted by the Governmental Accounting Standards Board (GASB) Statement No. 75. In New Jersey, municipalities and counties report and budget under regulatory accounting practices and therefore are not required to "book" OPEB future obligations. The Town carries its medical health insurance with the State Health Benefits Program (SHBP). The required disclosure, with which the Town complies, only references where information can be found on the SHBP and is not required to include any future obligation. The dental and vision insurance coverage is contracted through a private carrier and only represents less than 10% of the Town's total annual SHBP obligation. The Chief Financial Officer and the Town Accountant have exhausted numerous possibilities to have these calculations prepared at no cost to the taxpayers without success.

Therefore, since there is no financial impact on the Town for not obtaining the actuarially calculated obligation for its future cost of dental and vision insurance coverage for retired employees, the Town will continue to evaluate the cost/benefit of budgeting taxpayer funds in future budget years in order to solely comply with a financial disclosure requirement that has no financial impact on the Town's current operations.

BE IT RESOLVED, that the Corrective Action Plan for the 2022 Report of Audit of the Town of Hammonton be approved by the Governing Body of the Town of Hammonton; and

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

Resolution #140-2023- Approve Downtown Teen Arts Festival

**RESOLUTION AUTHORIZING
THE ANNUAL DOWNTOWN HAMMONTON
ATLANTIC COUNTY TEEN ARTS FESTIVAL 2024**

WHEREAS, The Atlantic County Teen Arts is a statewide multidisciplinary program in the fine arts and performing arts and has been available to young people in Atlantic County in varying forms since 1969; and

WHEREAS, The one-day Teen Arts Festival has been held in Downtown Hammonton since 2012 and is returning to Downtown Hammonton for 2024; and

WHEREAS, The Teen Arts Festival is held in the Arts District which aligns with the towns commitment to celebrating the arts; and

WHEREAS, The Teen Arts is a widely popular event attracting many people to the town and therefore generates increased exposure for the entire town, and

WHEREAS, Wednesday, May 8, 2024 is the scheduled date for the Teen Arts event during the hours of 6 a.m. to 4:00 p.m.; and

WHEREAS, MainStreet Hammonton is partnering with Atlantic County to plan this event and requests the following street closure for this event between the hours of 6 a.m. to 4:00 p.m.:

North Second Street between Bellevue Ave and Orchard Street; and
Front Street between 12th St and Passmore Avenue; and

WHEREAS, MainStreet Hammonton has requested police assistance at crosswalks along Rt 54 and 12th Street at major crosswalks;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, that May 8, 2024 is approved for the Atlantic County Teen Arts event, including the above requests for street closure and police assistance, are acknowledged, approved and endorsed;

Resolution #141-2023- Authorizing Various Refunds

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

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

Vision Property Group	\$ 1,200.00	Refund Escrow
Brian Mchale	\$ 2,000.00	Refund Escrow
Helen LoSasso	\$ 847.50	Refund Escrow
Joseph Porretta Builders	\$ 1,086.25	Refund Escrow
Joseph Continisio	\$ 2,603.22	Refund Escrow
Evelyn Lopez	\$ 100.00	Refund Escrow
Nick Cashan	\$ 522.50	Refund Escrow
Nelson Johnson	\$ 107.50	Refund Escrow
Hammonton Fire Co. #1	\$ 395.00	Refund Escrow
Taco Bell	\$ 1,957.50	Refund Escrow

Resolution #142-2023- Approve Various 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>
2803/13	Hammonton 2 nd St Prop	20 S 2 nd Street	\$307.39	utility over bill

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 #143-2023- Approve Budget Transfers

TRANSFER OF BUDGET APPROPRIATIONS

BE IT RESOLVED, by the Mayor and Common Council of the Town of Hammonton, County of Atlantic, and State of New Jersey, that there be and hereby is authorized the following transfer to be made on or after November 1, 2023 from the 2023 Budget appropriations:

CURRENT FUND

From: Engineering Operating	\$ 5,000.00
From: Computer Operating Expense	\$10,000.00
From: Planning Board Salary & Wages	\$10,000.00
From: Construction Operating Expense	\$ 2,000.00
From: Police Radio Operating Expense	\$ 3,500.00
From: Highway Salary & Wages	\$ 8,000.00
From: Recreation Operating Expense	\$10,000.00
From: Holiday Observance Operating Expense	\$ 6,543.00
From: Airport Operating Expense	\$ 4,000.00
From: Municipal Court Salary & Wages	\$ 5,000.00
To: Administration Salary & Wages	\$ 2,000.00
To: Police Radio Salary & Wages	\$52,000.00
To: Social Security Operating Expense	\$ 7,000.00
To: Other Code Salary & Wages	\$ 3,043.00

UTILITY FUND

From: Utility Salary & Wages	\$ 15,000.00
To: Utility Operating Expense	\$ 15,000.00

Resolution #144-2023- Issuance of Theater License to Eagle Theatre per ABC Approval

**ISSUANCE OF A SPECIAL PLENARY
RETAIL CONSUMPTION THEATER LICENSE**

Resolution of the Mayor and Common Council of the Town of Hammonton, Atlantic County, New Jersey, relating to “Issuing a Special Plenary Retail Consumption Theater License Pursuant to N.J.S. 33:1-19.8 and N.J.A.C. 13:2-41.2 (b)”, to Eagle Theatre, Inc. in the State of New Jersey , Town of Hammonton, Atlantic County, .

WHEREAS, in accordance with N.J.S. 33:1-19.8, the Town of Hammonton desires to issue a special plenary retail consumption theater license to a nonprofit corporation incorporated as of January 21, 2020 exempt from federal income tax under Section 501(C)(3) of the Internal Revenue Code which regularly conduct musical or theatrical performances or concerts for which admission is charged at a premises primarily used to conduct musical or theatrical performances or concerts with a seating capacity of 50 persons or more, but less than 1,000 persons; and

WHEREAS, it is a requirement of the State of New Jersey Division of Alcoholic Beverage Control, that the Town of Hammonton adopt a Resolution regarding the “**Issuance of a Special Plenary Retail Consumption Theater License Pursuant to N.J.S. 33:1-19.8 and N.J.A.C. 13:2-41.2(b)”;**

WHEREAS, the Town followed the Historical Method Guidelines outlined in the Alcoholic Beverage Control Handbook for Municipal Issuing Authorities (“ABC Municipal Handbook”) in the “**Issuance of a Special Plenary Retail Consumption Theater License** pursuant to N.J.S. 33:1-19.8.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC AND THE STATE OF NEW JERSEY:

The Town of Hammonton hereby approves the “**Issuance of a New Special Plenary Retail Consumption Theatre License Pursuant to N.J.S. 33:1-19.8 and N.J.A.C. 13:2-41.2(b)**” in the State of New Jersey, Town of Hammonton, Atlantic County, to **Eagle Theater, LLC**.

Resolution #145-2023- Authorize agreement with NJDOT for Route 54 to Route 30 Improvement project

AUTHORING THE EXECUTION OF AN AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 54 ATLANTIC CITY EXPRESS TO ROUTE 30 (WHITE HORSE) IMPORVEMENT PROJECT

WHEREAS the New Jersey Department of Transportation desires to perform ROUTE 54 ATLANTIC CITY EXPRESS TO ROUTE 30 (WHITE HORSE) IMPORVEMENT PROJECT Improvements within the Town of Hammonton

NOW, THEREFORE BE IS RESOLVED that the Mayor and Council of the Town of Hammonton, formally approves the execution of an Agreement with the New Jersey Department of Transportation for the above stated project; and

BE IF FURTHER RESOLVED that Anthony DeCicco, licensed Municipal Utility Department Superintendent is hereby authorized to sign the Agreement on behalf of the Town of Hammonton, and that his signature constitutes acceptance of the terms and conditions of the Agreement and approve the execution of the Agreement.

Resolution #146-2023- Authorize agreement with NJDOT for Intersection Improvement program

AUTHORING THE EXECUTION OF AN AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE NEW JERSEY DEPARTMENT OF TRANSPORTATION, INTERSECTION IMPROVEMENT PROGRAM & SAFETY CORRIDOR PROGRAM WITH RIGHT OF WAY SOUTH -2017

WHEREAS the New Jersey Department of Transportation desires to perform INTERSECTION IMPROVEMENT PROGRAM & SAFETY CORRIDOR PROGRAM WITH RIGHT OF WAY SOUTH -2017 within the Town of Hammonton

NOW, THEREFORE BE IS RESOLVED that the Mayor and Council of the Town of Hammonton, formally approves the execution of an Agreement with the New Jersey Department of Transportation for the above stated project; and

BE IF FURTHER RESOLVED that Anthony DeCicco, licensed Municipal Utility Department Superintendent is hereby authorized to sign the Agreement on behalf of the Town of Hammonton, and that his signature constitutes acceptance of the terms and conditions of the Agreement and approve the execution of the Agreement.

Motion by Council Person Wuillermin Second Oliva
Resolutions #137 to #146 are approved.

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Yes

R. Rodio- Yes

S. Rodio – Yes

Wuillermin - Yes

Mayor DiDonato – Yes, but recused on resolution #141.2023

Mayor DiDonato declares motion is carried

PUBLIC HEARD

- **Mayor DiDonato** - gave update on the Wells Fargo building. We asked for an extension on the purchase of the bldg. That extension is until early December. If the Town does not receive the grant we will not purchase the building. The mayor will forgo his salary the last 2 years to pay for any fees incurred.
- **Joe Caruso – Main Road Hammonton-** Will the temperature outside effect the installation of new turf field at Boyer Ave. Had a question regarding the Theater Liquor license awarded to Eagle. Can they sell anything on premises? They can as long as it is within the license that was issued.

MEETING ADJOURNED

Motion by Council Person Gribbin Second Oliva