

**Regular Meeting of Mayor and Council December 16, 2024**  
**Town Hall Council Chambers, 100 Central Avenue**  
**Executive Session 6:00 P.M.**  
**Public Session 7:00 P.M.**

**CLOSED SESSION MEETING CALLED TO ORDER**  
**ATTENDANCE ROLL CALL**

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

**PRESENT ALSO**

Michael Malinsky, Town Solicitor

**EXECUTIVE SESSION Resolution #165-2024**

**RESUME REGULAR MEETING-ROLL CALL**

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

**PRESENT ALSO**

Michael Malinsky, Town Solicitor  
Mark Herrmann of ARH, Town Engineer

**PUBLIC NOTICE**

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

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARD FOR AGENDA ACTION ITEMS**

**APPROVAL OF MINUTES**

Regular Minutes November 25, 2024  
Executive Minutes November 25, 2024

**PRESENTATION**

- Police Chief Kevin Friel- Promotions

**DISPENSE WITH REGULAR ORDER OF BUSINESS**

**Public Hearing of Bond Ordinance #022-2024 - Acquisition of 236 Bellevue Ave**

**BOND ORDINANCE PROVIDING FOR PURCHASE OF Property Block 2815 Lot 1 at 236 BELLEVUE AVENUE,**

**BOND ORDINANCE #022-2024**

**BOND ORDINANCE PROVIDING FOR THE PURCHASE OF PROPERTY, BY AND IN THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY; APPROPRIATING \$694,000 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF ECONOMIC DEVELOPMENT AUTHORITY) AND AUTHORIZING THE ISSUANCE OF \$142,500 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 \$694,000, which sum includes a \$544,000 grant expected to be received from the New Jersey Department of Economic Development Authority (Local Property Acquisition Program) (the "Grant"), and \$7,500 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 \$694,000 appropriation not provided for by application hereunder of said down payment and Grant, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$142,500 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 improvement or purpose, negotiable notes of the Town in a principal amount not exceeding \$142,500 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 acquisition of property for municipal purposes located at 236 Bellevue Avenue, known as Block 2815, lot 1 as more fully described on the official tax map of the Town. The improvements and purposes set forth in Section 3(a) shall also include, as applicable, all legal fees, title search fees, closing costs, appraisal fees, advertising fees, survey fees, environmental and soil testing and remediation, bid documents, contract administration, 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 \$142,500.

(c) The estimated cost of said improvement or purpose is \$694,000, 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 \$7,500 for said improvement or purpose and the Grant.

**SECTION 4.** Except for the Grant, 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. Except for the Grant, 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 40 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 \$142,500 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 \$138,000 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 \$142,500. 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 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 Code of 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.

#### **COMMITTEE REPORTS**

**Administration - Councilman Gribbin**

**Business & Industry – Councilman Oliva**

**Quality of Life – Councilwoman R. Rodio**

**Education – Councilman Marino**

**Public Works & Transportation Councilman S. Rodio**

**Law & Order – Councilman S. Rodio**

**Water & Sewer - Councilman Furgione**

#### **ENGINEER REPORT**

#### **ACTION ITEMS:**

1. **NJDOT FY2022/FY2023 Municipal Aid: Old Forks Road (ARH #11-40061):** **Ongoing**  
The Contractor has installed the water main, storm sewer, and sanitary sewer main. Individual services will be installed this week. Curb and sidewalk will be scheduled depending on the weather, while the milling and paving will occur after the utility trenches have had enough time to compact. The Contractor has submitted Payment Application #1. We have requested a quote to install water services for no more than 6 properties,

which were not a part of the original bid. The Contractor has submitted a proposal to install one water service for \$2,184.38, with a maximum total of \$13,106.28 if all 6 are installed.

**Action Item**

Approve Change Order request not to exceed \$13,106.28 to install a maximum of 6 water services along Old Forks Road.

2. **K&K Linens Property / 224 Vine Street (ARH #P2023.0386):** **Ongoing**  
Our office has submitted a proposal to continue the environmental monitoring and testing at the parcel adjacent to Town Hall. The costs incurred by the Town for the remediation activities are reimbursable through the State's Hazardous Discharge Site Remediation Fund (HDSRF) and ARH will file the necessary paperwork and reports to recoup as much money as possible.

**Action Item**

Approve ARH's proposal in the amount of \$125,000 for remediation services at the K&K Linens property.

3. **Route 54 Water Main Replacement Project (ARH #11-30167):** **80% Complete**  
ARH has been working with Triad Associates to obtain funding from the State's Water Bank Financing Program. Our office has submitted a proposal to complete the reporting requirements and continue to progress through the Program.

**Action Item**

Approve ARH's proposal in the amount of \$6,500 for the work associated with the funding application through the NJ Water Bank.

4. **1100 Bel Air Properties Major Subdivision (ARH #11-11006):**  
The Developer has requested a performance guarantee bond reduction for the development at the end of Lincoln Street. The public improvements, except for the final pavement, have been installed and inspected. The recommended new value of the bond is \$8,640.00, which would be sufficient for the Town to complete the work in the event of a default by the Developer.

**Action Item**

Approve the Developer's request for a bond reduction to the amount of \$8,640 for the Lincoln Street development.

**PUBLIC WORKS INFORMATION ITEMS:**

**Roadway & Transportation Projects:**

5. **NJDOT FY2023 Safe Streets to Transit: Front Street (ARH#P2024-0371):** **Ongoing**  
The field work and base map are complete. We are working on the plans and specifications to submit to the NJDOT for review this month.
6. **NJDOT FY2024 Municipal Aid: Old Forks Road Phase 3 (ARH #11-40061):** **Ongoing**  
Design for the final section of Old Forks Road has begun.

7. **11<sup>th</sup> Street Sidewalk Improvements (ARH #11-40062):** **95% Complete**  
Our office has completed the design of the 11<sup>th</sup> Street Sidewalk project. We are awaiting approval from the NJDOT to advertise for bidding.
8. **Hammonton Bike Path Connector – Phase II (ARH #11-40052.07):** **90% Complete**  
The plans, specifications, and estimate package have been submitted to the NJDOT for review and approval to bid. The NJDOT requested a site meeting at the railroad crossing, which was originally scheduled for November 19, 2024, but the PM canceled and will reschedule.
9. **MS4 Program Compliance (ARH #91-00199.14):** **Ongoing**  
Our staff continues with the data collection and mapping of the Town's storm sewer infrastructure.

**Environmental Projects:**

10. **Mazza Muffler Site / 104 S. Egg Harbor Road (ARH #P2024.0340):** **Ongoing**  
We continue to work with the site LSRP performing site investigation and monitoring.
11. **Octagon Oil/Vine Street Parking Lot (ARH #11-01060):** **Ongoing**  
The Remedial Action Permit (RAP) remains under review by the NJDEP.
12. **Skinner Property / 317 N. Egg Harbor Road (ARH #11-01074.06):** **Ongoing**  
We will be preparing a new grant application to the State's Hazardous Discharge Site Remediation Program to continue funding our investigation and monitoring efforts. A proposal will be presented to the Town in the future to perform that work.
13. **Celona Site Remediation - 130 Railroad Avenue (ARH #11-01054):** **Ongoing**  
We will be preparing a new grant application to the State's Hazardous Discharge Site Remediation Program to continue funding our investigation and monitoring efforts. A proposal will be presented to the Town in the future to perform that work.

**SEWER/WATER INFORMATION ITEMS:**

14. **Boyer Avenue Pump Station (ARH #11-50058):** **90% Complete**  
Plans and specifications are being finalized to advertise the project for public bidding. We supplied an Engineer's Estimate to the Business Administrator. We are soliciting estimates from pump manufacturers to specify the most cost-effective products for the Town. Once complete, we will advertise for bid.
15. **Lakeview Gardens Water Main Extension (ARH #11-30172)** **80% Complete**  
We have obtained the Pinelands letter of no interest. We await final review and approval by the NJDEP Bureau of Safe Drinking Water. A meeting with the neighborhood residents will be scheduled after the New Year.
16. **Water Quality Accountability Act Compliance (ARH #11-30166):** **Ongoing**  
Our office has received approximately 30% of the expected responses to the lead service line survey we created. We continue to draft policy, notification, prioritization, funding, and implementation documents, which will also include annual LSL reporting to the state and GIS updates.
17. **Sanitary Sewer Study & Rehabilitation Program (ARH #P2023.0270):** **Ongoing**  
We are investigating the potential to perform pipe rehabilitation without a completed study, focusing on areas with known issues and failures.



**GENERAL SITE AND RECREATION INFORMATION ITEMS:**

**17. Lake Park ADA Playground/Small Cities (ARH #11-90032):**

**Submitted**

We have received our first review letter from the Pinelands Commission and are working towards satisfying outstanding items. We will be discussing the changes with the Taylor Design Group to formalize a resubmission.

**SOLICITOR REPORT**

**MAYOR REPORT**

**Public Works Report**

- **Airport Taxiway Project**  
Swale and grading work complete. The markings on Taxiway will be completed on Wednesday December 18<sup>th</sup>. Runaway will be closed for the day.
  
- **Old Forks Rd. Construction** – The water main, storm sewer, and sanitary sewer main have been installed. The service for the individuals will be installed this week. Curb and sidewalk will be scheduled. The milling and paving will occur after the utility trenches have had enough time to compact.
  
- **USDOT SS4 Project**- Met with NJDOT, Triad Associates and Taylor Designs on Monday December 9<sup>th</sup> to provide additional clarification on budget line items for the project. We submitted the additional information requested on Friday the 13<sup>th</sup>.
  
- **Safe Routes to School**- the Engineer has to perform additional wetlands delineation and surveys. They will notify the property owners. The additional survey will require crews to enter their properties. The survey will not involve any disturbance to their property. They will be surveying the ditch behind the homes around mid-block of North Street, wetlands behind properties on North 4<sup>th</sup> Street and the proposed basin locations on the school property. This is part of the Safe Routes to school permuting.

**Town Public works Schedule January 2025**

**Trash collection:**

- **Christmas Day Wednesday December 25<sup>th</sup>** – Collection will be on Thursday December 26<sup>th</sup>
- **New Years Day Wednesday January 1<sup>st</sup>**- Collection will be on Thursday January 2<sup>nd</sup>

**Bulky waste pickup for January 2025** - will be January 6<sup>th</sup> to the 10<sup>th</sup>. The Holiday will delay removal services. Please place items curbside the day before your trash day.

**Brush pickup for January 2025**- will be the 13<sup>th</sup> through 17<sup>th</sup>.

**Leaf Collection** - will run until December 23<sup>rd</sup>

**The County Recycling pickup** for January 2025 will be 6<sup>th</sup> through the 10<sup>th</sup>, and December 20<sup>th</sup> to the 24<sup>th</sup>.

**TOWN CLERK REPORT**

1. Accept Michael McCabe as regular members to Fire Company # 1, police background check completed. Approved at Fire Company meeting on November 20, 2024.

**APPROVAL OF BILL LIST**

**NEW BUSINESS**

**RESOLUTIONS**

**Resolution #166-2024- Approve amendment to the redevelopment Agreement with West End Associates**

**RESOLUTION APPROVING AN ADDENDUM TO THE REDEVELOPMENT AGREEMENT BETWEEN THE TOWN OF HAMMONTON AND WEST END DEVELOPMENT ASSOCIATES, LLC IN ORDER TO ADD A BUILDER/ TRANSFEREE TO THOSE REFERENCED IN PARAGRAPH 5.3(d) OF THE AGREEMENT BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON IN THE COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AS FOLLOWS**

**WHEREAS**, the Town of Hammonton entered into a Redevelopment Agreement with West End Development Associates, LLC dated on October 28, 2022 for the development of certain parcels in the vicinity of West End Avenue, Pleasant Street and Orchard Street in the Town of Hammonton more particularly known as:

- Block 2413, Lots 13 & 16 and at Redeveloper’s option Lots 10-12
- Block 2416, Lots 1& 19
- Block 2417, Lot 1
- Block 2418, Lots 1, 2, 3, 4, 7 & 8
- Block 2418, Lot 7 is to be acquired by the Town and then transferred to the Redeveloper.

**WHEREAS**, in paragraph 5.3(d) of said Agreement certain builders are referenced (namely NVR, Inc. d/b/a Ryan Homes and DR Horton Inc.); and

**WHEREAS**, the parties to that agreement now wish to add U.S. Home, LLC, a wholly owned subsidiary of the Lennar Corporation as an eligible builder/transferee to that paragraph; and

**NOW THEREFORE IT IS ON THIS 16<sup>th</sup> DAY OF DECEMBER, 2024 that:**

1. Paragraph 5.3(d) of the Redevelopment Agreement dated October 28, 2022 is hereby revised to include U.S. Home, LLC as an eligible builder/transferee.
2. The Mayor is authorized to execute an Addendum to the Redevelopment Agreement incorporating this modification on behalf of the Town of Hammonton.
3. Upon signature by the Mayor and an authorized representative of West End Development Associates, LLC, the Redevelopment Agreement shall be considered appropriately amended.

**Resolution #167-2024- Approval of Person to Person Liquor License Transfer**

**Transfer Person to Person Liquor License**

**WHEREAS**, an application has been filed for a person to person transfer of Plenary Retail Distribution License 0113-44-004-014;

**WHEREAS**, the submitted application form is complete in all respects, transfer fees have been paid, and the license has been properly renewed for the current license term;

**WHEREAS**, a police background check was not needed due to the background check previously completed on original application. The applicants are qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33;

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Town of Hammonton do hereby approve the transfer of the aforesaid Plenary Retail Distribution License owned by Williamstown Liquors, LLC, 240 S. White Horse Pike Hammonton, NJ 08037, to Williamstown Buy Rite, LLC, 240 S. White Horse Pike Hammonton, NJ or its assignee, and does hereby direct the Town Clerk to endorse the license certificate as follows: "this license, subject to all its terms and conditions, is hereby transferred from Williamstown Liquors LLC, to Williamstown Buy Rite LLC, 240 S. White Horse Pike Hammonton, NJ 08037 or its assignee.

**Resolution #168-2024- Approval of Budget Transfer**

**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 from the 2024 Budget appropriations:

<b><u>CURRENT FUND</u></b>	
From: Police Salary & Wages	\$ 12,400
To: Police Operating Expense	\$10,000
To: Airport Operating Expense	\$ 2,000
To: DCRP Operating Expense	\$ 200
To: Admin Salary & Wages	\$ 200

**PUBLIC HEARD**

**MEETING ADJOURNED**