

Minutes  
REGULAR MEETING OF COUNCIL  
Held in Town Hall Council Chambers  
100 Central Avenue, Hammonton, N.J.  
Monday, February 25, 2008 at 7:00 P.M.  
Minutes can be viewed at [www.townofhammonton.org](http://www.townofhammonton.org)

MEETING CALLED TO ORDER BY MAYOR DIDONATO 6:00 p.m.

ROLL CALL

Mayor DiDonato - P  
Councilpersons:  
Barberio - P  
Bertino - A  
Marino - P  
Petrongolo - P  
Vitalo - P  
Wuillermin - P

PRESENT ALSO

Brian Howell, Town Solicitor

Resolution 22A-2008 Enter Into Closed Session

BE IT RESOLVED, by the Mayor and Common Council of the Town of Hammonton that, in accordance with the "Open Public Meetings Act," an Executive Session is authorized on this below adopted date, for the purpose of discussing and/or acting upon:

1. Approve Executive Session Minutes
2. Personnel
3. Litigation

BE IT FURTHER RESOLVED, that the minutes of said Executive Session shall be released only after same will have no adverse effect on the matters involved as determined by the Mayor and Common Council.

Motion by Councilperson Wuillermin, seconded by Councilperson Vitalo, the resolution to enter into closed session be adopted.

ROLL CALL

Councilpersons:  
Barberio - Y  
Bertino - A  
Marino - Y  
Petrongolo - Y  
Vitalo - Y  
Wuillermin - Y  
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

RESUME REGULAR ORDER OF BUSINESS AND REGULAR OPEN MEETING at 7:10 p.m.

Motion by Councilperson Bertino, seconded by Councilperson Vitalo, resume open session. Motion carried.

ROLL CALL FOR OPEN SESSION:

Mayor DiDonato - P  
Councilpersons:  
Barberio - P  
Bertino - P  
Marino - P  
Petrongolo - P  
Vitalo - P  
Wuillermin - P

PRESENT ALSO

Brian Howell, Town Solicitor  
Bob Vettese, Town Engineer

PLEDGE OF ALLEGIANCE

PUBLIC NOTICE

This meeting has been posted on Town Hall bulletin board and e mailed to official newspapers pursuant to law. Please familiarize yourselves with the 3 fire exits to the right of the Council Chambers. Also, there is to be no smoking in the Town Hall at any time.

PUBLIC HEARD FOR AGENDA ACTION ITEMS

No one desired to be heard.

APPROVAL OF MINUTES

Motion by Councilperson Vitalo, seconded by Councilperson Bertino, approve the minutes of the Regular Meeting – January 21, 2008, as recorded by the Clerk. Motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

HHS Student Council Request Resolution Honoring Corp. Jon Hicks Jr.

Mayor DiDonato introduced Steve Atwell of Hammonton Student Council who requested Mayor and Council resolution honoring Corp. Jon Hicks Jr. for courage, bravery and love for his country.

#R22B-2008 Resolution Honoring Corp. Jon Hicks Jr.

Motion by Councilperson Bertino, seconded by Councilperson Barberio, the resolution for Corp. Jon Hicks Jr. be adopted.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Marino - Y

Petrongolo - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Mayor DiDonato presented the resolution to the parents of Corp Hicks alongside the leaders of our local veterans organizations.

Town Hall Presentation

Mr. Steve DiDonato updated council on progress of town hall project and requested approval of the following change orders.

Approve PCO No 10 thru 17

#10 HVAC relocate to attic	\$4,800.00
#11 Delete site lighting conduits	\$4,229.37 credit
#12 Add 3 wall packs	\$2,221.25
#13 Attic storage heat	\$1,648.85
#15 ceramic tile	\$5,219.51
#16 heat trace tape	\$2,496.12
#17 extension of 14 construction days (complete 3/31/08)	
Phone service (Verizon)	\$9,824.21
Cable service (comcast)	\$0
Shed for tower donated Barn Bros	\$0
Moving furniture (lemmerman)	\$3,600.00
Interior signage (pro signs)	\$4,070.00

Councilman Marino questioned the change order for tile and questioned what was original spec?

Mr. Steve DiDonato advised it was specified concrete floors.

Motion by Councilperson Vitalo, seconded by Councilperson Petrongolo, approve above listed change orders.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Marino - Y

Petrongolo - Y  
Vitalo - Y  
Wuillermin - Y  
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Mr. Steve DiDonato thanked the entire building committee for their hard work and effort.

Hearing Bond Ordinance #003-2008 Airport Apron

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, bond ordinance 3-2008 be taken up for second reading and public hearing.

Councilman Marino questioned the status of the current airport apron?

Solicitor advised DY will meet with their Engineer this Wednesday and the Contractor is very receptive to taking corrective action with regards to the current paving job which left puddles during rain storms.

Mayor DiDonato advised the public that this bond ordinance is for additional grant funds for new work at airport, and has nothing to do with the current project.

Councilman Vitalo explained his no vote to this ordinance last council meeting and advised public that all funding must come from somewhere, even if it is a grant, the taxpayers are paying for it at some level.

No one from the public desired to be heard.

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, the hearing be closed, the ordinance pass second reading and be adopted and given legal publication.

ROLL CALL

Councilpersons:  
Barberio - Y  
Bertino - Y  
Marino - Y  
Petrongolo - Y  
Vitalo - Y  
Wuillermin - Y  
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Hearing Ordinance #004-2008 Amend Property Maintenance

Motion by Councilperson Wuillermin, seconded by Councilperson Vitalo, ordinance 4-2008 be taken up for second reading and public hearing.

Solicitor suggested the ordinance be adopted with one minor amendment to number of allowable inhabitants (changed from 5 to 4).

No one from public desired to be heard.

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, the hearing be closed, the ordinance pass second reading and be adopted (with amendment) and given legal publication.

ROLL CALL

Councilpersons:  
Barberio - Y  
Bertino - Y  
Marino - Y  
Petrongolo - Y  
Vitalo - Y  
Wuillermin - Y  
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

RESUME REGULAR ORDER OF BUSINESS

COMMITTEE REPORTS

(these reports shall be compiled from the specific meeting of the council members when a council committee meeting is held, and report shall be made by the Committee Chairperson)

ADMINISTRATION (Councilman Barberio)

Review preliminary budgets  
Construction office procedures

QUALITY OF LIFE (Councilman Barberio)

Quality of Life did not meet since last meeting  
Atl Co. Rec Open Space Round 9 (under Engineer report & New Business)  
\$600,000 Open Space Grant – thanked Engineer for another successful job

BUSINESS AND INDUSTRY (Councilwoman Petrongolo)

Report on February 7 meeting – Proposed State Building

Councilman Vitalo requested Mayor to allow him to give his input and commended Mainstreet on their work in our downtown area. He requested Mainstreet promote the uptown areas of Hammonton such as White Horse Pike in future.

EDUCATION (Councilman Bertino)

Meeting scheduled for tomorrow concerning police officers in school and school budget

PUBLIC WORKS (Councilman Wuillermin)

Town to petition DEP to up our water usage  
Appeal discharge permit WWTP  
Lincoln Street/15<sup>th</sup> Street upgrades near completion  
Trash collection schedule review & request Solicitor to draft an ordinance

LAW AND ORDER (Mayor DiDonato)

Ordinance on agenda allows fire department to charge for services  
Authorize Solicitor to modify alarm ordinance  
Award bid communication tower under New Business

ENGINEER REPORT

SEWER & WATER – ACTION ITEMS

1. Well #5-#7 (11-30139.03):

At the last meeting, Change Order #5 was authorized which involved the added changes to the Well #3 building. Inclusive in the change order was the coverage of unforeseen site conditions at the Lincoln Street complex. Although the change order was authorized by Council in the amount of \$19,050.00, an official resolution was not adopted. The running total on change orders to date including Change Order #5 increases the project total by 26% over the original project budget value. As all are aware, there have been many changes due to the influence of SJ Gas issues on the site.

Refer to New Business.

2. Pine, Basin & Oak Road Water Main Extension, Well Contamination (11-30138):

A public hearing with the residents, NJDEP and Town representatives is scheduled for Monday, February 25, 2008 at 4:45 p.m. before the regular Council meeting. A public notice was published in the paper and a general notice of the intent of the project was sent to all property owners within the project area.

The Solicitor is presently reviewing the grant agreement. Once finalized, it must be signed by the Town and NJDEP officials so that funding could be established.

Motion by Councilperson Marino, seconded by Councilperson Bertino, authorize Mayor and Town officials sign the required agreement once approved by the Solicitor.

ROLL CALL

Councilpersons:  
Barberio - Y  
Bertino - Y  
Marino - Y  
Petrongolo - Y  
Vitalo - Y  
Wuillermin - Y  
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

3. **Moss Mill Road/White Horse Pike Utility Extension (11-50124):**

A permit has been obtained from the Pinelands Commission. Since the last reporting period we have made a submission to Cape-Atlantic Soils Conservation District and have recently received their approval. We plan to submit to NJDEP, and discuss the project with the County Engineer in the next couple of weeks so that a formal submission to these agencies could be made. Since the project was placed on hold for a two year period we had to complete additional modifications to the design plans, easement locations, site adjustments where it warrants Council's consideration for a modification to our original proposal. We will be preparing a revised proposal for the Public Works Committee and Council's consideration which will be distributed to Council prior to Monday's meeting.

Motion by Councilperson Marino, seconded by Councilperson Bertino, approve ARH proposal #08-0119 which includes the modifications related to completion of additional work related to project design, easements, site adjustments, etc. along the project route since our original proposal.

**ROLL CALL**

Councilpersons:

Barberio - Y

Bertino - Y

Marino - Y

Petrongolo - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

4. **Hammonton Pyramid LLC (Loews) Shopping Plaza (11-20204):**

We have met with the Water and Sewer Superintendent's to review the design plans and related data and provided a review letter to the design engineer to address certain items of concern. We will review the report of findings with the PWT Committee. It is felt that the majority portions of the project improvements comply with the master plan objectives and the Town's design standards. It is therefore recommended that preliminary water and sanitary sewer approval be considered by the Mayor and Town Council for this project to allow the applicant to proceed to NJDEP to seek approval prior to returning to the Town for final approval consideration.

Refer to New Business for resolution.

5. **Sanitary Sewer Connection Block 3906, Lots 14.01 & 14.02 Broadway (11-13004.01):**

The Hammonton Planning Board granted the approval of a minor subdivision subject to the applicant and their design consultants showing design proof that each new lot could be serviced by public sanitary sewer. We have reviewed the design plans with the PWT Committee. It appears that the only way each of the new properties could be serviced by public sanitary sewer would be through the use of grinder pumps. It would be recommended that the Mayor and Council favorably consider the use of grinder pumps to service Lots 14.01 and 14.02, Block 3906 subject to various conditions as established by the PWT Committee.

Motion by Councilperson Wuillermin, seconded by Councilperson Barberio, approve the use of grinder pumps to service Lots 14.01 and 14.02 within Block 3906 subject to various conditions established by the PWT Committee and Sewer Superintendent and entering into an agreement stipulating the approval conditions.

**ROLL CALL**

Councilpersons:

Barberio - Y

Bertino - Y

Marino - Y

Petrongolo - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

**PUBLIC WORKS – ACTION ITEMS**

6. **Transportation Enhancements, Bellevue Ave-12<sup>th</sup> Street Improvements (11-40011):**

Our office has been working with the Contractor to close out this project. The Contractor has submitted a final payment request and a maintenance bond. The payment should appear on this month's bill list. The payment is contingent upon approval of the final quantities change order.

The final quantities change order for this project has produced a decrease from the original contract value in the amount of \$76,674.70. Note the original contract was \$1,261,910.00 and the final contract value is \$1,185,235.30 (-6.08% change).

Motion by Councilperson Wuillermin, seconded by Councilperson Vitalo, authorize the final quantities change order, allowing the Mayor to sign the forms.

**ROLL CALL**

Councilpersons:

Barberio - Y

Bertino - Y

Marino - Y

Petrongolo - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

**7. Atlantic County Recreation and Open Space Funding Request Round 9 (11-01073)**

As authorized by Mayor and Council we have requested input from the Parks and Recreation Committee regarding possible projects and priorities. We are in the process of preparing the funding application for submission to the County prior to the deadline date of Friday, February 29, 2008. We have also provided the Town Recreation Committee Chairman with a copy of a sample letter of support which should be completed by each of the affected recreation organizations to include with the application packet. We have met with the representatives from the County and conducted an onsite visit at the Hammonton Lake Park and Boyer Avenue Recreation Site.

As required by the Atlantic County Recreation and Open Space Program, a public hearing has been scheduled for Monday, February 25, 2008 at 4:30 p.m. to receive public comment related to the program that would benefit the application process. We have attached a sample resolution which must be adopted at the Monday evening Council meeting that would be submitted with the application. Since we are still completing the project costs for the various priorities we have left the dollar amounts blank at this time. An updated resolution will be supplied to each Council person prior to the Monday, January 25 meeting.

Councilperson Bertino requested a list of all affected properties.

Councilperson Barberio read the complete list of affected properties to Mayor and Council.

Refer to New Business for resolution.

**SEWER & WATER INFORMATION ITEMS**

**8. Water Allocation (11-30088):**

**Major Modification Application:**

As previously reported, the step draw down test has been completed on Wells #3, #4 & #5. Likewise, the 72-hour pump test has been completed on Wells #3, #4 & #5. We have received the submission of results of the test from the contractor for each of the wells. There are minor problems with some of the test results that we have discussed with NJDEP. They are in concurrence that they can accept the data we have obtained thus far and therefore it is our goal to submit the report to the NJDEP by March 1, 2008. Approval of our report is a prerequisite for the desired increases in diversion request.

**Future Well:**

As previously reported, following the collection of data regarding the three pilot well locations from the Aquifer Testing Program, we will submit to the Town a proposal for siting the test well for Well #8.

**9. Boyer Avenue Land Application Site – Drip Irrigation (11-50127):**

As reported last meeting the meeting with Pinelands, USGS, NJDEP, Lee Rain and the Drip Irrigation Manufacturer was held on December 18, 2007. Also within last months report we provided a summary of the USGS presentation. The next step is to prepare a report to the Pinelands that will address each of the observations generated by USGS and include the other strategies the Town is currently working on which involves drip irrigation and adaptive reuse. ARH will prepare a preliminary outline to discuss with the PWT Committee.

**10. Southwest Hammonton – Sanitary Sewer Service (11-50130.01):**

As authorized last meeting, our survey and environmental staff have begun research of available data within the project area. We have also requested information from Schaffer, Nasir and Scheidegg which could be of assistance in the design process. We discussed the initial contents of an agreement for cost sharing of project improvements with the Solicitor which will need to be executed by the developer and the Town.

11. **11<sup>th</sup>Washington Street NJDEP Site Evaluation Block 2608, Lot 1 (11-01065.09):**  
As authorized last meeting, we have begun the process to conduct the evaluation and complete the testing required by NJDEP for the 11<sup>th</sup> Street site. We are also completing the application to try and secure Hazardous Discharge Site Remediation Funds to assist the Town in seeking reimbursement expended for this work. An initial letter of intent was directed to the NJDEP for this site. We would hope to receive a response for the NJDEP early this summer.
12. **1.5 Million Gallon Water Storage Tank Painting (11-30136):**  
As authorized we met with the painting consultant and Water Superintendent to discuss the tank painting specifications. We have completed the initial draft of the bid specifications for review by the Superintendent.

#### **PUBLIC WORKS – INFORMATION ITEMS**

13. **NJDEP Environmental Services Grant – Recreation (11-01000)**  
As authorized by the Mayor and Council we have prepared the report as required by the NJDEP associated with the Recreational Inventory and Needs Analysis for the Town. An initial report of findings and recommendations was submitted to the NJDEP for review and comment. We are awaiting the NJDEP review comments related to the initial submission. Once we receive comments we will meet with the Environmental Commission representatives to review same.
14. **Public Works Building (11-10100.108)**  
As authorized by Mayor and Council we received price quotes from various architectural firms to complete a needs analysis and the development of conceptual plans for a possible new Public Works Building. After review of the price quotes with the PWT Committee, it was decided not to consider an award at this time and to pursue other options that may be more cost effective to the Town. The PWT Committee is presently reviewing a number of options and possible sites. We have requested a meeting with the Pinelands Commission to discuss the possibilities. We will keep Council informed of further progress.
15. **Vine Street / Second Street (11-40033)**  
Since the last reporting period it has been determined that additional field information is needed. In order to complete our field investigation there will be a need to clean portions of the existing storm sewer system. Our office will be working with the Sewer Department to complete this task so that project design could continue.
16. **Central Avenue – Walkways (11-40027):**  
The preliminary design is nearly complete. It is believed the walkway should be placed on the left side when traveling towards the White Horse Pike. It appears there are less physical constraints on the left side of the roadway. Our office will be meeting with the County on a number of projects and plan to discuss the preliminary design plans with both the County and the Pinelands Commission in the near future.
17. **Route 54/Bellevue Avenue Utilities (11-50120):**  
As previously authorized our office has begun final design work on this project. We plan to meet with the Downtown Advocate and Main Street Director to discuss the aesthetic options for this project particularly in the area extending between Third Street and Tilton Street.
18. **Central Avenue Roadway Reconstruction Project (11-40027):**  
As previously discussed this project has been placed on a winter work stoppage. It is anticipated we will hold a project meeting with the Contractor in the next few weeks, and barring unforeseen conditions we will notice the Contractor to proceed and complete the Contract. We are also trying to schedule a meeting with the County to possibly agree to provide for the installation of additional curb at specific locations which would benefit the installation of future sidewalk.
19. **Boyer Avenue Recreation (11-50099):**  
*Phase III*  
As authorized our office has begun work on the design of the phase III facility. Preliminary grading efforts have been completed, and drainage calculations have been started. We will be pushing to make a submission to the Pinelands Commission, subject to review of some design elements by the Recreation Committee. We have also been in contact with representatives from the County regarding the potential to acquire future funding of site improvements.
20. **Eleventh Street Park Diversion (11-75002):**

We are currently working to summarize the land value that will be exchanged. Utilizing our GIS Database we obtained land values for the properties involved. We have confirmed the values in the database are consistent with the Tax Assessor's files. The next step should be a public hearing. We will confirm with Green Acres and begin compiling presentation materials.

21. **Hammonton Lake Park (11-90028):**  
The Pinelands Commission has provided a review letter with a list of conditions that we must provide additional information and/or clarification on some items. Once a full review of these conditions has been completed, we will provide a response to the letter. There may be a need to make some minor modifications to the design plans to accurately respond to the letter. Any changes will be discussed with the appropriate Town representatives. We are also trying to establish a meeting with representatives from the Pinelands Commission and Atlantic County to discuss their review comments.
  
22. **Fourth Street Reconstruction (11-40034):**  
A majority of the roadway survey is complete; however there is a need to gather additional information in adjacent drainage easement areas. We have begun the roadway design and have completed a rough grading plan. We will need to clarify some of the existing storm sewer information prior to completing the design.
  
23. **Redistribution of Atlantic County Open Space Trust Funds (11-01064):**  
We have recently received a letter from the manager of the Harborwood Condominium complex indicating their association has approved the possible sale of the portion of the property fronting Walmer Street. If the Town is still interested in pursuing this parcel, funds should be set aside in this years municipal budget to allow the survey, subdivision, appraisal, environmental assessment, etc. required by the County to proceed. If so desired, we will provide a proposal for ARH to complete a portion of this work which we could prepare.
  
24. **Myrtle Street Survey/Pinelands Inquiries (11-40025.02):**  
As authorized last meeting, our survey crews have begun to research available data and begin location of survey control points, roadway and wetlands points within the project area. We are in the process of preparing a base plan for the information gathered thus far. We have also sent a letter to the Pinelands Commission to request an on-site meeting in order to obtain their comments related to stormwater storage, existing ditches, wetlands, impervious cover, etc. that would aid our office in making design decisions.
  
25. **Route #54/Front Street Stop Bar Location (11-01000):**  
We are waiting for the report from the NJDOT investigator related to their findings and recommendations for the stop bar placement in the area of the above noted intersection.
  
26. **Hammonton Lake Pesticide Treatment (11-90027-03):**  
We are waiting for results of the NJDEP investigation of the pesticide application completed by Great Blue at the Hammonton Lake. It is our understanding that a recommendation for fine assessment has been established by the NJDEP. We will meet with the Hammonton Lake Water Quality Committee once we receive the report from the NJDEP.
  
27. **Gypsy Moth (11-01000):**  
In our recent discussions with the State and Town officials, it is our understanding that only one spraying for gypsy moths will occur and that the Town Public Works and Clerk's office will administer the program on behalf of the Town. The contact person for the NJDEP will be an individual from the Town's Public Works Department.

**SOLICITOR REPORT**

- Fire dept ordinance (refer New Business)
- Park commission ordinance (refer to New Business)
- Rent control ordinance proposed revision – existing tenancies grandfathered in
- Property maintenance ordinances-previously addressed
- Rutgers training program for coaches-Lou Rodio to perform training
- Recreation ordinance (authorize retention of planner)

Motion by Councilperson Barberio, seconded by Councilperson Marino, retain Melissa Howell Baker of Peter Karabashian's office as town planner at a cost not to exceed \$5000.00.

**ROLL CALL**

- Councilpersons:
- Barberio - Y
- Bertino - Y
- Marino - Y
- Petrongolo - Y
- Vitalo - Y
- Wuillermin - Y
- Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Discussion review of proposed MUAC creation

Motion by Councilperson Vitalo, seconded by Councilperson Marino, the ordinance prepared by Councilman Vitalo re creating the MUAC be taken up for introduction and pass first reading.

On the question:

Councilman Vitalo stated he feels the previous MUAC board should be re created for the purpose of review of sewer and water project applications as this would allow the public to have a place to go to listen to discussions on various applications, rather than just the council committee, Engineer and applicant being present.

Mayor DiDonato and Councilman Barberio both suggested that the public can come to Mayor and Council with questions concerning water/sewer related issues and reminded Councilman Vitalo that all final authorizations of sewer/water projects come before Mayor and Council at open/televised meetings whether a separate board (such as MUAC) exists or not.

Councilman Bertino stated he is in favor of the re creation of MUAC as he feels the prior board challenged him as a council member in that he would have to explain actions taken by council to the board.

Mayor DiDonato explained to the public, in response to their questions to him since last council meeting, that this council is currently the body that makes decisions concerning water/sewer matters at open public meetings and what Councilman Vitalo is requesting is to re create a separate board to discuss and recommend actions to be taken by Mayor and Council. However, it is his opinion that the council committee and engineer's for the Town of Hammonton are capable of accomplishing the review and recommendation to Mayor and Council for action to be taken by Mayor and Council at opened public meetings.

Councilperson Barberio questioned who created this proposed ordinance?

Solicitor responded that Councilman Vitalo created same and requested it be taken up for introduction this evening.

Councilperson Barberio then questioned the purpose of this proposed committee since we have council committee and also Mayor and Council to act on water/sewer issues? He stated he did not feel 3 levels of government were required to make water/sewer decisions.

Councilperson Wuillermin stated he feels the MUAC was necessary in the past when the Town did not have a plan. However, referring to the map on the wall in the council chambers, he pointed out that all developable areas fall in water/sewer areas. He also advised that timing is important to the applicants of water/sewer service and he feels another board would extend the time frame in that the application would have to be processed through 3 boards rather than approved by Mayor and Council on committee recommendation. He further advised the other current adhoc committees operate on a time frame that is not time sensitive, as water/sewer applications are.

Councilperson Bertino disagreed with Councilperson Wuillermin in that the Engineer and Council Committee sit side by side with the MUAC during the application review.

Mayor DiDonato stated 2 years ago projects were not being accomplished. Therefore, he feels this council has streamlined the process and has enabled multiple projects to be finalized. He feels the system is moving along fine with council committee reporting to Mayor and Council. He feels that in light of the fact that this committee (and current procedure) has enabled multiple water/sewer projects to be finalized that he would be concerned by anyone wanting to change the current process.

Councilman Bertino stated he still felt that the more people involved in the process, the better.

Councilman Barberio questioned why is this re creation of MUAC being brought up at this point and time?

Councilman Bertino advised that he was against the disbanding of MUAC.

ROLL CALL

Councilpersons:

Barberio - N

Bertino - Y

Marino - Y

Petrongolo - N

Vitalo - Y

Wuillermin - N

Mayor DiDonato - N

Mayor DiDonato declared the motion **defeated**.

NJ Manufacturers agreement

Motion by Councilperson Wuillermin, seconded by Councilperson Barberio, authorize Mayor and Clerk to sign NJ Manufacture agreement.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Marino - Y

Petrongolo - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Wastewater permit litigation

Mortellite agreement

Downtown parking appraisals

Pulte update – R&V Engineer letter to bonding company

Bid specs for lease of Master Wire property & South Hangar

Motion by Councilperson Bertino, seconded by Councilperson Wuillermin, authorize Solicitor to prepare bid specs.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Marino - Y

Petrongolo - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Authorize conflict solicitor handle Mardor Avenue basin

Motion by Councilperson Bertino, seconded by Councilperson Vitalo, authorize Solicitor to forward paperwork onto conflict solicitor.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Marino - Y

Petrongolo - Y

Vitalo - Y

Deputy Mayor Wuillermin - Y

Mayor DiDonato – Recused

Deputy Mayor Wuillermin declared the motion carried.

Skinner/Celona property ARH authorization

Motion by Councilperson Marino, seconded by Councilperson Wuillermin, authorize ARH to perform necessary work at a cost not to exceed \$1500.00.

Councilperson Marino questioned Solicitor that he thought there were interested parties in purchasing these properties.

Solicitor advised he will speak with Councilman Marino in private concerning this matter.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y  
Marino - Y  
Petrongolo - Y  
Vitalo - Y  
Wuillermin - Y  
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Mayor and Council decline health benefits and buyout per Solicitor interpretation of law

Motion by Councilperson Wuillermin, seconded by Councilperson Barberio, per Solicitor interpretation of law Mayor and Council are restricted from taking health benefit buyout effective 1/1/08 and restricted from taking health benefits effective 1/1/09.

ROLL CALL

Councilpersons:  
Barberio - Y  
Bertino - Y  
Marino - Y  
Petrongolo - Y  
Vitalo - Y  
Wuillermin - Y  
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

MAYOR REPORT

Asked for support of property owners to secure easement downtown parking for placement of lighting for safety August 23 officials from San Gregorio Italy will parade our streets and visit our town hall

Motion by Councilperson Bertino, seconded by Councilperson Barberio, approve August 23 visit of officials of San Gregorio Italy and authorize ARH to prioritize finalization of our town hall demolition and parking completion.

ROLL CALL

Councilpersons:  
Barberio - Y  
Bertino - Y  
Marino - Y  
Petrongolo - Y  
Vitalo - Y  
Wuillermin - Y  
Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Radio Dispatcher union contract settlement

TOWN CLERK/ADMINISTRATOR REPORT ACTION ITEMS

1. Certification of Eligibles – Accountant – Frank Zuber
2. Certification of Eligibles – Field Rep/Property Imp. – John Warren
3. Approve Pending Promotions from 2007 (effective next payroll)
  - Sandy Long – Sr. Clerk Typist
  - Lorelei Alden – Sr. Clerk Typist
  - Lori Faisst – Principle Clerk Typist
  - Pam DiGerolamo – Principle Clerk Typist
  - Patty Berenato – Principle Clerk Typist
  - Sam Cannistra – Truck Driver
  - Doel Moreno – Truck Driver
4. Authorize RFP phone & voice mail upgrade \$12,380.00
5. Authorize Computer Systems for You \$5110.00
6. New Antennas (Connor) \$3100.00
7. Upgrade antenna's not to exceed \$15,000.00
8. Hire Joseph Piccari-Urban Init. Coord. Housing Auth. \$25,000 per year with benefits

Motion by Councilperson Wuillermin, seconded by Councilperson Barberio, approve Town Clerk action items.

ROLL CALL

Councilpersons:  
Barberio - Y

Bertino - Y  
Marino - Y  
Petrongolo - Y  
Vitalo - Y  
Wuillermin - Y  
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

APPROVE BILL LIST-ATTACHED

(Revenue Report & Budget Balance Report in Agenda Packets and given to Dept Heads)

Motion by Councilperson Wuillermin, seconded by Councilperson Petrongolo, approve bill list for month of February, 2008.

Councilman Bertino noted error to Garden State Color Lab bill being charged wrong.

ROLL CALL

Councilpersons:

Barberio - Y  
Bertino - Y (abstain on film processing only)  
Marino - Y  
Petrongolo - Y  
Vitalo - Y  
Wuillermin - Y  
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

COMMUNICATIONS

1. Authorize PO to ARH-General, Water, Sewer \$3000 each
2. From Steven Rubin B3503, L2 request sewer refund (Rosemarie Jacobs req. council review)
3. Request school Jim Massara @ \$250.00 & Frank Domenico (no cost)
4. Accept resignation Dawn Gottardi, Shade Tree Secretary (advertise for position)
5. Accept resignations Rent Control (Mayor appt with confirm council)  
Norman LaFreda (Apt owner) 3 yr to expire 12/31/08  
Warren Johnson (tenant) 2 yr to expire 12/31/08  
Trina Scipione (tenant) 2 yr to expire 12/31/08  
Miguel Juan (Alt 2) 2 yr to expire 12/31/09
6. Award quotes for 2 banners to Display Sales -total \$8300

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, authorize communication action items numbered 1 thru 6 and refer communication action item request number 2 to council committee to review with Rosemarie Jacobs, Tax Collector.

Councilman Marino questioned request for award of quotes for 2 display banners number 6?

Councilman Vitalo questioned life expectancy, 3 years, versus price?

Councilman Wuillermin advised the banners are seasonal.

ROLL CALL

Councilpersons:

Barberio - Y  
Bertino - Y  
Marino - Y  
Petrongolo - Y  
Vitalo - Y  
Wuillermin - Y  
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

REPORTS-January 2008

Town Clerk  
Registrar  
Construction Official

UNFINISHED BUSINESS

None

NEW BUSINESS-ORDINANCES

Ordinance 005-2008 Fire Department Fees

Mayor DiDonato invited Fire Chief Michael Ruberton to answer Mayor and Council questions before introduction of ordinance 5. He thanked the fire officials for bringing this matter to this board as to allow alternative source of funding to the Town of Hammonton.

Fire Chief Michael Ruberton explained they basically modeled their ordinance after Glassboro's. He further requested Mayor and Council's support in adopting this proposed ordinance as it allows the Town to recoup funds for use of equipment. For information he advised the fire department does not respond to minor motor vehicle accidents. Response is necessary under extreme circumstances only. It's during these times that clothing is soiled and in need of replacement as well as vehicles being used or damaged. He further advised that they are also requesting, in addition to this ordinance, that the recouped funding be placed into a trust account set up for fire department to utilize for certain purchase and off set costs of new fire trucks, etc. for example. Chief Ruberton also advised of the number of emergency and also non emergency responses from 2007. He confirmed that they do not plan to charge for accidental alarms, unless the false alarm requires a correction that is not made by the property owner. He also advised on several malicious, intentional fire alarms.

Councilperson Bertino stated he wanted clarity that billing the property owner be taken out.

Chief Ruberton and Solicitor stated that the next line in the ordinance clarifies that they will not bill the homeowner what the insurance does not pay, however, they may have to send the bill to the homeowner so that the homeowner can in turn forward bill to their insurance carrier, if they do not have the address.

Councilperson Vitalo stressed that the fire department clarify this process to the senior citizens so that they are not afraid to call the fire department when they need them. He also mentioned that the uninsured may get away with not paying.

Assistant Chief Pullia advised the laws concerning the uninsured are the same in every circumstance in that the insured pay for the uninsured. This happens in motor vehicle accidents as well.

Councilperson Marino stated residents were concerned about their insurance rates going up and/or that they may be dropped from their insurance carrier should the carrier receive a bill for fire department services.

Assistant Fire Chief Michael Pullia, who is also insurance savvy, stated the homeowner would only be billed for major fires and did not feel this would be a reason to be dropped by their carrier.

Chief Ruberton also stated for the record that all billing will be conducted by volunteer firemen and no cost will be incurred for same.

Chief Ruberton also requested council's aid in a matter concerning placement of mulch in parking lot entrances to stores due to the fact that drivers often throw cigarettes out their windows while waiting for traffic light to change, causing the mulch to catch fire. He advised the fire department has responded to various redundant calls of this nature.

Mayor and Council to advise Planning Board of placement of river rock as an alternative at time of planning board authorization to new business.

Chief Ruberton to supply names of store owners to Solicitor for review.

**ORDINANCE #005-2008**

AN ORDINANCE AUTHORIZING THE TOWN OF HAMMONTON FIRE DEPARTMENT TO OBTAIN REIMBURSEMENT FOR THE COST OF MATERIALS AND EQUIPMENT UTILIZED AND SERVICES RENDERED IN RESPONDING TO DISPATCHED INCIDENTS WITHIN THE TOWN OF HAMMONTON

**WHEREAS**, the governing body of the Town of Hammonton has designated the Town of Hammonton Fire Department, (hereinafter referred to as " Hammonton Fire Department, HFD or Hammonton Fire Dept.") as the authorized Fire Department for the Town of Hammonton; and

**WHEREAS**, the Hammonton Fire Department incurs significant expense while providing its services within the Town of Hammonton such as purchasing materials used in fire suppression, providing emergency and rescue services as required, rescue services as requested, and maintaining equipment used in the performance of these duties within the Town of Hammonton for both its residents and non-residents; and

**WHEREAS**, the Fire Department desires the governing body of the Town of Hammonton to authorize it to obtain reimbursement in certain circumstances for the rendering of its emergency services; and

NOW, THEREFORE, BE IT ORDERED AND ENACTED by the governing body of the Town of Hammonton, County of Atlantic, State of New Jersey, as follows:

**Section 1. Definitions.**

- (a) Fire Department: The Town of Hammonton Fire Department.
- (b) Person: A natural person or persons, partnership, corporation, association, or firm or other legal entity.

**Section 2. Authorization to Recover Costs and Expenses.**

The governing body of the Town of Hammonton hereby authorizes the Hammonton Fire Department to recover certain costs associated with its emergency responses within the Town of Hammonton including, but not limited to the following: fire apparatus, firefighters and other personnel costs, materials, equipment, and all other material, labor and equipment expenditures necessary to resolve an emergency situation.

**Section 3. Schedule of Fees and Costs.**

Attached hereto, incorporated herein and made a part hereof as Exhibit "A" is a schedule of fees and costs which have been authorized by the governing body of the Town of Hammonton to be charged by the Hammonton Fire Department. These fees and costs may be charged or invoiced to any person, entity (or their respective insurance carrier) to whom emergency services were rendered. It shall be the stated policy of the Town of Hammonton to refrain from seeking reimbursement from individuals in the event that their insurance carriers fail to provide reimbursement. In that case, the debt will be deemed uncollectible. Exhibit "A" shall be permissible to increase the costs of the line items set forth in Exhibit "A" by application of the annual Philadelphia-based Consumer Price Index.

**Section 4. Collection of Costs.**

Costs and fees as outlined above and in Exhibit "A" will be recovered by the Town of Hammonton Fire Department Administrator or his/her designee.

**Section 5. Interest and Administrative Fees.**

In addition to the aforementioned fees and costs, the Hammonton Fire Department will assess interest at a rate of 7.00% per annum together with reasonable administrative fees for the cost of collection of any debt outstanding for more than sixty (60) days.

**Section 6. Disposition of Funds Received.**

Funds received by the Hammonton Fire Department will be deposited in the "HAMMONTON FIRE DEPARTMENT EQUIPMENT TRUST FUND". This fund will be held in trust by the Town of Hammonton and funds will be expended through use of purchase orders through the Town of Hammonton. Under no circumstances shall these funds be utilized for operating expenses. It is the intention of this Ordinance to designate these funds for capital expenditures only. The trust fund in question shall be for the exclusive use of Hammonton Fire Company # 1 and # 2 and shall not be utilized by any other Town Department or outside entity.

**Section 7. Effective Date.**

The Fire Department shall have the discretion to forward any unpaid bill (outstanding for more than sixty (60) days) to the Town Solicitor for appropriate collection action including, if necessary, judicial enforcement in a court of competent jurisdiction within the State of New Jersey. The Hammonton Fire Department reserves the right to collect costs incurred through collection enforcement.

This ordinance shall take effect after the first publication thereof after final adoption.

**EXHIBIT "A" FEE SCHEDULE**

The fee schedule for Hammonton Fire Department response is shown below. The Hammonton Fire Department will make all determination on type of response. The Hammonton Fire Department also reserves the right to waive any and all charges at its discretion for any reason. After the first hour of billed response, additional time will be billed in ½ hour increments. All charges are for first hour of response. Additional hours will be billed at regular cost. Incidents lasting more than 3 hours will be billed the Command Post surcharge of \$500.00.

**Motor Vehicle Fire.** Defined as a fire or reported fire in, on or around any motor vehicle or other means of transportation. Motor vehicle for purposes of the Hammonton Fire Department is any mode of transportation that

requires registration with the New Jersey Division of Motor Vehicles or its corresponding agency in another state. Cost for response shall be \$350.00 per fire apparatus per hour.

**Motor Vehicle Accident.** Defined as an actual or reported motor vehicle accident. Motor Vehicle Accident for the purposes of the Hammonton Fire Department shall be an incident involving one or more motor vehicles striking another object. Cost for this response will be \$250.00 per apparatus per hour.

**Motor Vehicle Accident with Fire.** Defined as an actual or reported motor vehicle accident where a fire or suspected fire ensues. This will include fires resulting from mechanical malfunction as well as a motor vehicle accident. For the purposes of the Hammonton Fire Department a fire consists of a reported or actual burning in, on or around the motor vehicle. Motor Vehicle Accident for the purposes of the Hammonton Fire Department shall be an incident involving one or more motor vehicles striking another object. Cost will be \$450.00 per apparatus per hour.

**Helicopter Landing Assignment.** Defined as any and all emergencies where the Hammonton Fire Department is required to land one or more helicopters. Each landing will be billed at \$250.00 per zone. Helicopter landings that are cancelled by EMS or the helicopter pilot shall be billed at \$125.00 if a landing zone is established prior to the cancellation.

**Traffic Control Assignments.** Defined as any and all requested traffic control assignments. These can result from any type of incident occurring in the Town of Hammonton. The cost for this response will be \$400.00 per hour. This charge is all inclusive and billed hourly.

**Structure Fires.** The Hammonton Fire Department will respond to any and all reported or actual structure fires in the town of Hammonton. For purposes of the Hammonton Fire Department a structure fire will be a reported or actual fire in any residential, commercial or industrial structure in the town of Hammonton. The cost for this response will be \$500.00 per hour. This charge is all inclusive and billed hourly.

**Alarm Malfunctions.** Defined as all reported fire or other alarm activations in the Town of Hammonton where the Fire Department is dispatched to respond. In the event that this response is determined to be a malfunctioning alarm or an accidental activation, fines will be levied via the following schedule. First offense – written warning. Second Offense - \$25.00 fine, Third Offense - \$50.00 fine, Fourth Offense - \$50.00 fine. Billable alarm malfunctions are defined as repeat activations of an alarm based on failure of the alarm system or the acts of individuals which cause said alarm system to activate incorrectly. These above offenses must occur within a 12 month period.

**Mulch, Grass, Bush, Tree or Agricultural Products.** The Hammonton Fire Department will respond to all dispatched calls for the above type of fire or suspected fire. In the event that the Hammonton Fire Department responds twice or more to the same location or general location for a same or similar incident within a calendar year a fee of \$250.00 will be imposed for additional offenses. This fee is applicable to tenants, management companies and/or building owners. The Hammonton Fire Department reserves the right to determine who is the billable entity.

**Turn-out-Gear.** In the event that Hammonton Fire Department Turn-Out-Gear is damaged or destroyed as a result of responding to any incident its replacement costs will be billed as follows:

Helmet	\$200.00
Nomex Hood	\$ 50.00
Nomex Jacket	\$700.00
Nomex Pants	\$700.00
Suspenders	\$ 75.00
Gloves	\$ 50.00
Boots	\$125.00

Motion by Councilperson Wuillermin, seconded by Councilperson Barberio, the ordinance be taken up for and pass first reading and given legal publication as amended.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Marino - Y

Petrongolo - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Ordinance #006-2008 Radio Salaries

ORDINANCE # 6 -2008

AN ORDINANCE FIXING THE SALARIES OF THE  
PUBLIC SAFETY TELECOMMUNICATOR  
EMPLOYEES FOR THE TOWN OF HAMMONTON

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

SECTION I. There is hereby adopted the following salaries for employees and officials of the Town of Hammonton, in those classifications which are hereinbelow set forth:

<u>TITLE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Sr. Public Safety Telecommunication Oper	45,435.	49,935.
Public Safety Telecommunication Oper.	42,435.	46,935.

Part-time Public Safety Telecommunication Oper-Trainee up to \$10.00 pr. hr.  
Part-time Public Safety Telecommunication Oper - \$12.00 - \$15.00 pr. hr  
(at the discretion of the Police Chief)

Employees Hired Effective 1/1/99 Only

<u>TITLE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Public Safety Telecommunication Oper.	28,000.	33,935.

Part-time Public Safety Telecommunication Oper.-Trainee up to \$10.00 pr. hr.  
Part-time Public Safety Telecommunication Oper. - \$12.00 - \$15.00 pr. hr  
(at the discretion of the Police Chief)

SECTION II. The appropriate level that each employee covered under this contract shall be paid on shall 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 Radio personnel.

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

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

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

SECTION VI. This ordinance shall take effect after final passage and publication according to law and its provisions shall be retroactive to April 8, 2006.

Motion by Councilperson Wuillermin, seconded by Councilperson Petrongolo, the ordinance be taken up for and pass first reading and given legal publication.

ROLL CALL

Councilpersons:

- Barberio - Y
- Bertino - Y
- Marino - Y
- Petrongolo - Y
- Vitalo - Y
- Wuillermin - Y
- Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Ordinance #007-2008 Salary Urban Init. Coord. Housing Auth.

ORDINANCE # 7 -2008

AN ORDINANCE FIXING THE SALARY OF THE  
URBAN INITIATIVES COORDINATOR HOUSING AUTHORITY  
FOR THE TOWN OF HAMMONTON

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

SECTION I. There is hereby adopted the following salaries for employees and officials of the Town of Hammonton, in those classifications which are hereinbelow set forth:

<u>TITLE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Urban Initiatives Coordinator Housing Authority	20,000.00	40,000.00

SECTION II. The appropriate level that each employee covered under this contract shall be paid on shall 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 Urban Initiatives Coordinator Housing Authority personnel.

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

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

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

SECTION VI. This ordinance shall take effect after final passage and publication according to law and its provisions shall be retroactive to February 25, 2008.

Motion by Councilperson Bertino, seconded by Councilperson Barberio, the ordinance be taken up for and pass first reading and given legal publication.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Marino - Y

Petrongolo - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Ordinance #008-2008 Amend Chapter 6-6 Park Commission

Ordinance #008-2008

AN ORDINANCE AMENDING CHAPTER 6,  
ARTICLE II BOARD OF PARK COMMISSIONERS  
OF THE CODE OF THE TOWN OF HAMMONTON

6-6. Composition; Terms of Office; Alternate Members.

- A. The Board of Park Commissioners shall be composed of two (2) members of the Council and five (5) residents, all to be appointed by the Council upon the nomination of the Mayor. The two (2) members of the Board appointed from Council shall hold office for one (1) year . The five (5) resident members shall serve terms of two (2) years with three (3) of the members terms expiring in one year and the remaining two (2) members terms expiring in the alternate year. Vacancies in the board occurring by resignation or otherwise shall be filled for the unexpired term only.

Motion by Councilperson Barberio, seconded by Councilperson Wuillermin, the ordinance be taken up for and pass first reading and given legal publication.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Marino - Y

Petrongolo - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

RESOLUTIONS

#R023-2008 Refund Worker Comp Carrier Scibal Ins. Group for Overpayment to Town

RESOLUTION # 23-2008

RESOLUTION AUTHORIZING A REFUND  
FOR OVERPAYMENT OF TEMPORARY TOTAL DISABILITY  
TO SCIBAL ASSOCIATES

WHEREAS, Kim DeLaurentis of Scibal Associates, Town of Hammonton Worker Comp Carrier, did submit a request on 1/23/08 for refund of overpayment for temporary total disability; and

WHEREAS, Susanne Oddo, Town Clerk/Administrator, has reviewed and authorized said refund to Scibal Assoc;

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 Susanne Oddo, Town Clerk/Administrator, is hereby authorized to cause a refund of \$507.85 to Scibal Assoc, PO Box 500, Somers Point, NJ 08244 Attention Kim DeLaurentis from Water S&W for overpayment of temporary total disability.

#R024-2008 Professional Service Contract DY Consultants Aircraft Parking Apron

RESOLUTION # 24-2008

RESOLUTION AWARDING A PROFESSIONAL SERVICES  
CONTRACT TO DY CONSULTANTS

WHEREAS, the Town of Hammonton desires to retain the services of a consultant to provide professional services for **Aircraft Parking Apron Rehabilitation** at the **Hammonton Municipal Airport**; and

WHEREAS, **DY Consultants of One Expressway Plaza, Suite 208, Roslyn Heights, New York 11577** qualifies as a professional providing the services requested by the Town of Hammonton; and

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

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton in the County of Atlantic and State of New Jersey that a Professional Services contract be entered into with DY Consultants consistent with the form of contract which is annexed hereto and made a part hereof for a total compensation not to exceed **\$ 58,523.51**; and

BE IT FURTHER RESOLVED that the contract is awarded without competitive bidding as a professional services contract in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contract Laws, as DY Consultants does maintain the required knowledge and expertise as required under the Statutes of the State of New Jersey; and

BE IT FURTHER RESOLVED that the Mayor of the Town of Hammonton is authorized to execute a contract with DY Consultants on behalf of the Town of Hammonton; and

BE IT FURTHER RESOLVED that a notice of this action taken by Mayor and Council shall be printed once in the designated newspaper for legal publications for the Town of Hammonton;

BE IT FURTHER RESOLVED that the action of the Town of Hammonton in awarding this contract is subject to the approval of the New Jersey Department of Transportation, Division of Aeronautics.

#R025-2008 Recycling Tonnage Grant for year 2007

RESOLUTION # 25 -2008

RESOLUTION AUTHORIZING GRANT APPLICATION  
FOR **RECYCLING TONNAGE GRANT FOR YEAR 2007**

*WHEREAS,* The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

*WHEREAS,* It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

*WHEREAS,* The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

*WHEREAS,* The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

*WHEREAS,* A resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of the municipality to recycling and to indicate the assent of the Town of Hammonton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

*WHEREAS,* Lance Schiernbeck is herein designated as the individual authorized to ensure that the application is properly completed and timely filed.

*NOW, THEREFORE BE IT RESOLVED* by the Mayor and Common Council of the Town of Hammonton in the County of Atlantic and State of New Jersey that the Town of Hammonton hereby endorses this submission of the Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and therefore designates Lance Schiernbeck to ensure that the application is properly filed; and

*BE IT FURTHER RESOLVED* that the monies received from the Recycling Tonnage Grant be deposited in a dedicated Recycling Trust Fund to be used solely for the purpose of recycling; and

*BE IT FUTHER RESOLVED* that the Mayor, Town Clerk/Administrator and Lance Schiernbeck, Recycling Coordinator are hereby authorized to execute any and all documents in furtherance of this Resolution.

#R026-2008 Professional Service VFD Repairs – Sewer Department

#R 26-2008

RESOLUTION AUTHORIZING A **PROFESSIONAL SERVICES** AGREEMENT WITH EMF CONTROL SERVICES FOR **VFD REPAIRS** FOR THE TOWN OF HAMMONTON, ATLANTIC COUNTY, NEW JERSEY FOR THE YEAR **2008**

WHEREAS, there exists a need for VFD repairs at the Hammonton Wastewater Treatment Plant;

WHEREAS, N.J.S.A. 19:44A-20.4 provides for an Open and Fair Process through requests for proposals; and

WHEREAS, the Wastewater Treatment Plant Superintendent has recommended that a professional services contract be awarded to EMF Control Services in a total amount of **\$17,400.00** and;

WHEREAS, funds are available under the appropriate budget appropriations; 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 Mayor and Town Clerk are hereby authorized to enter into an agreement with **EMF Control Services, 2546 Faust Road, Gilbertsville, PA 19525**, to do all necessary VFD repairs at the Wastewater Treatment Plant.

#R027-2008 Authorize Our Lady of Mt. Carmel Procession and Carnival

RESOLUTION # 27 -2008

RESOLUTION AUTHORIZING AND ENDORSING THE ANNUAL "FEAST OF OUR LADY OF MT. CARMEL" PROCESSION AND CARNIVAL **July 14<sup>th</sup> through July 20<sup>th</sup>**

WHEREAS, the Mt. Carmel Society continues to promote the Town of Hammonton with their annual "Feast of Our Lady of Mt. Carmel" procession and carnival; and

WHEREAS, Mayor and Council has and continues to support the efforts of the Mt. Carmel Society; and

WHEREAS, the above listed week is the scheduled date for the Lady of Mt. Carmel carnival and events in the Town of Hammonton; and

WHEREAS, the Mt. Carmel Society has requested assistance of the Town of Hammonton Police Department, the closing of Mt. Carmel Lane (from French to Pratt) and holding the Mt. Carmel event for the week above listed week; and

WHEREAS, July 16<sup>th</sup> is the scheduled date for processions, one at 9:00 A.M. and one at 4:00 P.M., (times may vary at discretion of Hammonton Police Chief) and the Mt. Carmel Society requests police protection and road closures of the following streets in the Town of Hammonton for said procession:

9:00 a.m. procession

From Mt. Carmel Hall (Tilton St. to Bellevue Ave.)  
Right on Bellevue proceed to Washington St.  
Left onto Bellevue and proceed to Central Ave.  
Left onto Third St. and proceed to Pratt St.  
Right onto Pratt St. and back to Tilton St.

4:00 p.m. procession

From St. Joseph Church west (S 3<sup>rd</sup> Street to intersection of 3<sup>rd</sup> & Fairview)  
Continue south to the (intersection of Fairview & Egg Harbor Road)  
Continue east to the (intersection Egg Harbor Rd./Railroad Ave & Bellevue)  
Continue north on Bellevue to (intersection of Bellevue & 3<sup>rd</sup> St.)  
Conclude parade at place of origin traveling west to (St. Joseph Church)

WHEREAS, the Mt. Carmel Society is also requesting the closing of Tilton Street (from French St. to Pratt St.) for the above listed week inclusive to sponsor carnival which will be situated on Mt. Carmel grounds bound by Third, Pratt and French streets, Tilton to be used as part of the midway;

WHEREAS, the Mt. Carmel Society is also requesting the closing of Third Street (from Pratt to Pleasant) for the above listed week;

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 July 16<sup>th</sup> week of carnival and events and the July 16<sup>th</sup> Our Lady of Mount Carmel Society procession of streets is acknowledged and endorsed by the Town of Hammonton contingent upon the following:

1. Filing of necessary insurance certificate by Mt. Carmel Society.
2. Filing of required State and County written approvals for street closures with the Town Clerk's office and the Chief of Police at least two weeks prior to event.

#R028-2008 Appoint Tax Assessor MaryJoan Wyatt as agent for Town of Hammonton

RESOLUTION #028-2008

RESOLUTION APPOINTING ASSESSOR AS AGENT FOR TOWN OF HAMMONTON

WHEREAS, from time to time the Assessor discovers an error in calculation, transposing, measurement, computer of typographical errors in the Tax Assessments on the Tax List after the time the County Board of Taxation has certified the tax rate for the tax year; and

WHEREAS, the governing body of the Taxing District of the Town of Hammonton is desirous that every taxpayer pays his fair share of taxes; and

WHEREAS, if the above discovered errors are not corrected the taxpayers affected would be paying more than their fair share of taxes; and

WHEREAS, the method of correcting such errors is to file a Petition of appeal for the current year with the Atlantic County Board of Taxation; and

WHEREAS, the error was not caused by the taxpayer.

THEREFORE BE IT RESOLVED, by the governing body of the Town of Hammonton that the Assessor is hereby authorized to act as an agent for the Taxing District and file a Petition of Appeal or Appeals for the **year 2008** with the Atlantic County Board of Taxation to correct such errors and lower such assessments to the current value; and

That a copy of any Petition of Appeal filed with the Atlantic County Board of Taxation under this RESOLUTION be filed with the municipal clerk; and

That a certified copy of this Resolution be forwarded to the Atlantic County Board of Taxation with any such Petition of Appeal.

#R029-2008 Professional Service Contract – Peter Karabashian Town Planner

#R 29-2008

RESOLUTION AUTHORIZING A **PROFESSIONAL SERVICES AGREEMENT WITH PETER KARABASHIAN FOR TOWN PLANNER SERVICES**  
FOR THE TOWN OF HAMMONTON, ATLANTIC COUNTY, NEW JERSEY FOR THE YEAR 2008

WHEREAS, there exists a need for a town planner;

WHEREAS, N.J.S.A. 19:44A-20.4 provides for a Open and Fair Process through requests for proposals; and

WHEREAS, the Hammonton Planning Board has recommended that a professional services contract be awarded to Peter Karabashian as follows:

<b>Position</b>	<b>Hourly Rate</b>
Principal Planner	115.00
Planner	95.00
Landscape Designer	75.00
Design & Graphics	75.00
Secretary	40.00

Fees for special studies, master plans, etc. will be established on a case by case basis.  
Reimbursement for printing, reproduction, photography, aerial photography 15%

WHEREAS, funds are available under the appropriate escrow accounts as well as budget appropriations when necessary; 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 Mayor and Town Clerk are hereby authorized to enter into an agreement with **Peter Karabashian, 27 Gordon's Alley, Atlantic City, New Jersey 08401**, to perform all services consistent with contract for town planner.

Motion by Councilperson Barberio, seconded by Councilperson Wuillermin, resolutions 23-29 be adopted.

Councilman Marino questioned DY resolution funding?

Mr. Frank Zuber, Accountant, responded this resolution is for work already done.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Marino - Y

Petrongolo - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

#R030-2008 Gypsy Moth Spray Participation

#R 30-2008

WHEREAS, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Town of Hammonton; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Mayor and Council of the Town of Hammonton has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Council of the Town of Hammonton that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

After a discussion concerning the recent findings that one application only will be made, it was on motion by Councilperson Vitalo, seconded by Councilperson Marino, rescind Gypsy Moth Spray Program pending Solicitor findings.

ROLL CALL

Councilpersons:  
 Barberio - recused  
 Bertino - Y  
 Marino - Y  
 Petrongolo - Y  
 Vitalo - Y  
 Wuillermin - recused  
 Mayor DiDonato – recused

Councilman Bertino declared the motion carried.

#R031-2008 Authorize Change in Dependent Coverage (employee pays 5% dependent cost benefits)  
 (resolution actually advises State that Town will pay 95% for employee dependent health coverage)

#R 31 - 2008

A RESOLUTION TO AUTHORIZE A CHANGE  
 IN THE PERCENTAGE OF DEPENDENT COVERAGE  
 TO BE PAID BY THE TOWN OF HAMMONTON

BE IT RESOLVED The Town of Hammonton, County of Atlantic, a participating employer under the New Jersey State Health Benefits Program hereby elects to authorize a change in the percent of dependent coverage to be paid by the employer. We authorize 95% percent of dependent coverage to be paid.

In accordance with N.J.S.A. 52:14-17.38, we shall remit to the State Treasury all contributions to premiums on account of employee and dependent coverage and periodic charges.

We shall resolicit all eligible employees for completion of health benefit enrolment applications to be submitted to the New Jersey Health Benefits Bureau within the prescribed time limit.

This resolution shall take effect immediately and the change in percent of dependent premium paid by the employer shall be effective as of May 1, 2008 or as soon thereafter as it may be effectuated pursuant to the statutes and regulations.

#R032-2008 Authorize Retirees (not grandfathered) to Pay 5% of Dependent Coverage

R# 32 -2008

A RESOLUTION TO ADOPT THE PROVISIONS OF N.J.S.A.52:14-17.38 UNDER WHICH A PUBLIC EMPLOYER MAY AGREE TO PAY FOR THE STATE HEALTH BENEFITS PROGRAM (SHBP) COVERAGE OF CERTAIN RETIREES.

BE IT RESOLVED, THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, hereby elects to adopt the provisions of NJSA 52:14-17.38 and adhere to the rules and regulations promulgated by the State Health Benefits Commission to implement the provisions of that law. This resolution affects employees as shown on the attached Chapter 48 Resolution Addendum. It is effective on the 1<sup>st</sup> day of May, 2008.

We are aware that adoption of this resolution does not free us of the obligation to pay for post-retirement medical benefits of retirees or employees who qualified for those payments under any Chapter 88 or Chapter 48 Resolution adopted previously by this governing body.

We agree that this Resolution will remain in effect until properly amended or revoked with the State Health Benefits Program. We recognize that, while we remain in the State Health Benefits Program, we are responsible for providing the payment for post-retirement medical coverage as listed in the attached Chapter 48 Resolution Addendum for all employees who qualify for this coverage while this Resolution is in force.

We understand that we are required to provide the Division of Pensions and Benefits complete copies of all contracts, ordinances, and resolutions that detail post-retirement medical payment obligations we undertake. We also recognize that we may be required to provide the Division with information needed to carry out the terms of this Resolution.

#R033-2008 Tax Resolution – February 2008

#R 33-2008

WHEREAS, Rosemarie Jacobs, Tax Collector, has approved the following credits, transfers, cancellations, refunds, and/or changes to the accounts listed below:

BLOCK & LOT	NAME	PER	AMOUNT	ACCT.	REASON
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2416-15	Mendez	Rosie	\$ 2,214.00	Sewer	Remove excess due to broken water meter
3001-20	Attard	Jim	\$ 1,464.59	Water	Remove excess incorrect water reading
3001-20	Attard	Jim	\$ 263.61	Water	Correct excess/put on billing
2003-2	Baglivo	Rosie	\$ 400.00	Sewer	Remove billing no sewer/unit never removed
2606 1-C0102	Heggan	Rosie	\$ 979.70	Tax	Tr from 2007 to 2008 due to cty bd jud
3919-9	Muits	Rosie	\$ 263.47	Tax	Tr from 2007 to 2008 due to cty bd jud
2403-4	DiGenova	Rosie/MM	\$ 2,281.77	Water	Remove excess due to broken water meter
3503-2	Rubin	Rosie	\$ 345.70	Sewer	Remove billing no sewer
3504-10	Colasurdo	Rosie	\$ 800.00	Sewer	Remove minimum sewer off
3504-10	Colasurdo	Rosie	\$ 138.00	Water	Remove minimum water off
2701-3	Melora	Jim/Rosie	\$ 507.65	Water	Remove excess due to house vacant
2701-3	Melora	Jim/Rosie	\$ 877.60	Sewer	Remove excess due to house vacant
1202-3	St. Joe's	Rosie	\$ 23.50	Water	Tran credit to 2008
1709-29	Curcio	Rosie	\$ 20.50	Water	Tran credit to 2008
3604-5	Hmtn Rec	Rosie	\$ 23.50	Water	Tran credit to 2008
3902-5	Zachmar	Rosie	\$ 19.00	Water	Tran credit to 2008
3902-5	Zachmar	Rosie	\$ 250.00	Sewer	Tran credit to 2008
4604-21	B & D	Rosie	\$ 70.50	Water	Remove billing water off
4604-26	B & D	Rosie	\$ 443.26	Sewer	Remove billing sewer off
4604-26	B & D	Rosie	\$ 69.00	Water	Remove billing water off
3904-91	Crescenzo	Perna	\$ 858.69	Water	Remove excess meter reading error
3904-82	Presti	Rosie	\$ 306.54	Sewer	Consumption error
3904-82	Presti	Rosie	\$ 16.97	Water	Consumption error
2509-22	Malaspina	Perna	\$ 776.20	Sewer	Remove excess meter reading error
2509-22	Malaspina	Perna	\$ 327.56	Water	Remove excess 2007 meter reading error
2509-22	Malaspina	Perna	\$ 83.52	Water	Correct excess/put on billing
2509-22	Malaspina	Rosie	\$ 327.56	Water	Tran credit to 2008
2803-7.1	Flores	Ruberton	\$ 79.00	Sewer	Remove excess water meter broken
2710-2	Benedetto	Ruberton	\$ 167.04	Water	Remove excess meter reading error
2708-12	Pitera	Rosie	\$ 0.18	Sewer	Remove sewer off
2708-12	Pitera	Rosie	\$ 0.11	Water	Remove water off
2601-38.01	Sarno	Jimmy	\$ 516.20	Sewer	Remove excess meter reading error
1201-28	Ruiz	Rosie	\$ 659.03	Water	Remove excess meter reading error/broken
3101-23	McAviney	Perna	\$ 348.44	Water	Remove excess meter reading error
3101-23	McAviney	Perna	\$ 110.93	Water	Correct excess/put on billing
3003-14	Gietka	Rosie/Anthony	\$ 1,103.80	Sewer	Remove excess meter reading error
4901-21.09	Rigby	Rosie	\$ 101.69	Tax/Sewer	Tran payment from sewer to taxes
2505-16	Sec Housing	Rosie	\$ 9.50	Water	Refund
2505-16	Sec Housing	Rosie	\$ 100.60	Sewer	Refund
2001-20	Sabato	Jim	\$ 356.27	Water	Remove excess meter reading error
2001-20	Sabato	Jim	\$ 140.94	Water	Correct excess/put on billing
3919-106	Tzaferos	Perna	\$ 5,036.01	Water	Remove excess meter reading error
3919-106	Tzaferos	Perna	\$ 270.14	Water	Correct excess/put on billing
3104-3	Vegas	Perna	\$ 799.60	Sewer	Remove excess meter broken
1708-2	Curcio	Perna	\$ 154.80	Sewer	Remove excess meter broken
2713-14	O'Shea	Rosie	\$ 563.00	Sewer	Remove excess meter reading error
3504-5	Heffentrager	Rosie	\$ 154.41	Sewer	Remove excess meter on wrong lot
3504-5.1	Heffentrager	Rosie	\$ 500.60	Sewer	Remove excess meter on wrong lot
3504-5	Heffentrager	Rosie	\$ 9.33	Water	Remove excess meter on wrong lot
1301-26	Franchetti	Rosie/Maryjo	\$ 1,263.55	Tax	Remove billing tax exempt
1102-41	Onsite Stor	Rosie/Maryjo	\$ 18,383.85	Tax	Remove due to abatement
403-1	Vision	Rosie/Maryjo	\$ 13,595.08	Tax	Remove due to abatement
2526-1	Berenato	Rosie/Maryjo	\$ 1,808.94	Tax	Remove due to abatement
2519-5	Cornelius	Rosie/Maryjo	\$ 1,555.95	Tax	Remove due to abatement

3101-7	Chiofalo	Anthony	\$ 400.00	Sewer	Remove due to unit change
3101-7	Chiofalo	Anthony	\$ 203.94	Sewer	Remove due to excess change
3101-7	Chiofalo	Anthony	\$ 209.40	Sewer	Add correct excess
3101-7	Chiofalo	Jim	\$ 69.00	Water	Remove due to unit change
3101-7	Chiofalo	Jim	\$ 285.80	Water	Remove due to excess change
3101-7	Chiofalo	Jim	\$ 338.00	Water	Add correct excess
4104-6	Theriac Ent.	Rosie	\$ 0.27	Tax	Lot combined, tr to 4104-1
1101-5QFARM	Mortellite	Joann/Rosie	\$ 66.60	Tax	Tr to 1101-5 lots combined
4602-2	Penza	Rosie	\$ 2,553.67	Tax	Error #R133-2007 tax book removed
3504-12	Gabriel	Jim	\$ 241.43	Water	Reading error correct excess added
3919-105	Arena	Mike R	\$ 5.22	Water	Reading error remove excess
3919-108	Arena	Mike R	\$ 110.93	Water	Correct excess/put on billing
2905-32	Saia	Jim/Rosie	\$ 339.30	Water	Reading error remove excess

WHEREAS, the above amounts have been corrected in the utilities screen's and or tax screen to show the correct amount due. However, a requisition form will not be presented for any refunds until approval by Mayor and Council; and

WHEREAS, if any of above referenced are not approved by Mayor and Council a retraction of same will take place.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Hammonton authorize and direct the tax collector to take the above said action.

#R034-2008 Award Bid Communication Tower

#R 34-2008

WHEREAS, there has been advertised for bids for the erection of a communication tower as required by the Public Contracts Law of the State of New Jersey; and

WHEREAS, Morrison Tower Co. Inc., PO Box 202, 1 Main Street, Fairton, NJ 08320, is the only bidder who submitted a conforming bid to meet the Town's requirements at a cost of \$24,260.00.

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 bid for the erection of communication tower be awarded to Morrison Tower Co. Inc. in the amount of \$24,260.00; and

BE IT FURTHER RESOLVED that bid bond check # 1338 in the amount of \$2,426.00 is authorized to be released.

#R035-2008 Change Order 5 and 7 JPS

**RESOLUTION # 035-2008  
CHANGE ORDER #5  
TO THE JPS CONSTRUCTION, INC.  
CONCERNING THE WELL #5/#7 PROJECT  
WELL #3 STRUCTURAL UPGRADES**

WHEREAS, the Mayor and Town Council of the Town of Hammonton, County of Atlantic, State of New Jersey authorized a construction contract to JPS Construction on February 27, 2006 in the amount of \$671,000.00; and

WHEREAS, after the contract was awarded, issues regarding the placement of said well were discussed with SJ Gas Company who have the responsibility of performing a site remediation project; and

WHEREAS, the discussions between the Town and SJ Gas resulted in a mutually agreeable decision to relocate the proposed Well #7 from the Lincoln Avenue site to that of the Well #5 site located on 14<sup>th</sup> Street; and

WHEREAS, the purpose of agreeing to relocating the well involved the practicality of avoiding the Town's construction effort from becoming in conflict with SJ Gas's future remediation activity; and

WHEREAS, due to the change of location regarding the placement of Well #7 from the Lincoln Street Complex to the 14<sup>th</sup> Street site, the Town authorized Change Order #1 on April 23, 2007 in the net amount of \$68,891.10, to increase the project from \$671,000.00 to \$739,891.10; and

WHEREAS, with the relocation of Well #7 from the Lincoln Street Complex to the 14<sup>th</sup> Street site, the Town still remain desirous of improving certain facilities and equipment at the Lincoln Street complex that was part of the original contract and remained so with Change Order #1; and

WHEREAS, on July 9, 2007, the Town issued Change Order #2 to JPS Construction in the amount of \$7,000.00 to address additional roof repairs to the operations building at the Lincoln Street Complex; and

WHEREAS, on July 23, 2007, the Town issued Change Order #3 to JPS Construction in the amount of \$48,732.00 to address electrical upgrades at the Well #5 site; and

WHEREAS, on November 19, 2007, the Town issued Change Order #4 to JPS Construction in the amount of \$30,537.00 to address various structural upgrades at the Lincoln Street complex; and

WHEREAS, due to the several scope changes regarding this complex, certain misunderstandings concerning the ultimate approved scope arose; and

WHEREAS, following implementation of Change Order #4 which involved installation a new roof at the Well #3 facility, the expectations of the Town officials regarding Change Order #4 were different than what was approved as it relates to the roof line, windows, ceiling and doors; and

WHEREAS, in addition to the desire to fully address the needs of the water operations as it relates to Well #3, including aesthetics and structural enhancements not covered under Change Order #4, other unforeseen site conditions arose during the negotiations on the Well #3 facility; and

WHEREAS, the unforeseen site conditions are listed fully outlined in the attached change order form; and

WHEREAS, to offset the expense of said unforeseen site conditions, certain improvements not yet constructed at the Well #7 site, also a part of this overall project, were reviewed for the practicality of elimination to minimize added expense; and

WHEREAS, the Well #3 structural modifications (A frame roof, ceiling, door and windows) at the Lincoln Street complex will involve an increase to the existing JPS Construction contract, notwithstanding the net change order evaluation of the unforeseen site conditions offset by the Well #7 scope reduction; and

WHEREAS, the net structural changes also as detailed in the change order form attached hereto are in the net amount of \$19,050.00; and

WHEREAS, these changes are presented as Change Order #5, entitled Well #3 Structural Upgrades at the Lincoln Street complex; and

WHEREAS, after reviewing the issues and expense of proposed Change Order #5, the Public Works and Transportation Committee is recommending to the General Council approval of same; and

WHEREAS, the issuance of this change order will prove beneficial to the reliability of the Town's Water System operations and promote the health of safety of its residents; and

WHEREAS, JPS Construction has been previously awarded Change Orders #1 - #4 throughout the contract that surpassed the 20% maximum threshold; and

WHEREAS, the issuance of the previous Change Orders #1 - #4 coupled with Change Order #5 places the contract at 26% above the original bid; and

WHEREAS, the Public Contracts Law requires a procedure to be followed in the event the 20% is exceeded; and

WHEREAS, in accordance with N.J.A.C. 5:30-11.9 Provisions for Change Orders Which Exceed 20% Limitations, the law requires that the 20% threshold could be exceeded when unforeseen conditions are combined with a situation that renders an execution of a new contract as an unreasonable interference with the efficient completion of the work; and

NOW THEREFORE BE IT RESOLVED THAT the Town of Hammonton will be issuing JPS Construction Change Order #5 in the amount of \$19,050.00 and when added together with the previously issued Change Orders #1 - #4 (\$155,160.00) will exceed the 20% limit raising the total change order value above the original bid to \$174,210.00 for the following reasons:

- The Contractor is currently mobilized and to address these items outside the scope of this project will ultimately cost the Town of Hammonton additional funds.
- Avoids the need to issue a new contract that will consequently increase the cost of the structural repairs contemplated under Change Order #5.
  - In the case of the Lincoln Street complex, the existing structures to be modified and reconstructed are in excess of 80 years old.
  - Although a new roof was proposed for the Well #3 pump house, the type of roof, the windows, doors and ceiling warranted a reconsideration of the repairs to said facilities contemplated under Change Order #4.
  - It was determined that the existing structures will most likely require attention at some point in the near future.
  - After further review of the necessary structural repairs, it became apparent that a comprehensive upgrade of the Well #3 facility would be more economical for the long term operation of the Water Department.
  - The unforeseen conditions at the Lincoln Street complex would have resulted in a higher change order value if not offset by scope reduction at the Well #5/#7 complex, thus minimizing the overall value of Change Order #5; and

BE IT FURTHER RESOLVED THAT the Town of Hammonton has performed the following legal requirements:

1. By the adoption of this resolution, the Town has assured that the issuance of the composite value of Change Orders #1-#5 is under Public Contracts Subchapter and is proper and allowable.
2. This resolution is passed prior to execution of the change order.

- 3. Print in the authorized newspaper a copy of the resolution including the amount to be expended, the original contract price and the need for the additional work.
- 4. Said actions must be reported in the annual audit. On or before the last day of February, the Clerk shall report to the Division of Local Government Services all changes from the preceding year that exceeded the 20% limitation. This report shall be made on a form provided by the Division of Local Government Services.

BE IT FURTHER RESOLVED THAT the Town of Hammonton has authorized Change Order #5 in the total amount of \$19,050.00 subject to the certificate of availability of funds from the CFO.

#R036-2008 Authorize Preliminary Sewer Water Pyramid

**RESOLUTION # 036-2008  
RESOLUTION ENDORSING PRELIMINARY APPROVAL  
TO HAMMONTON PYRAMID, LLC  
FOR EXTENSION OF SANITARY SEWER AND PUBLIC WATER.**

WHEREAS, Hammonton Pyramid, LLC, from Woodbridge, NJ, made application to the Town of Hammonton for sanitary sewer and public water main extensions for a project located on Lots 15, 21, 26, 27 and 28 in Block 4604 on the Tax Map of the Town of Hammonton; and

WHEREAS, the proposed project consists of the construction of approximately 3000 linear feet of sanitary sewer main and 4100 linear feet of public water main to service three (3) retail sales buildings totaling 157,700 SF± and one (1) 22,000 SF office facility; and

WHEREAS, the Town of Hammonton Planning Board has granted preliminary major site plan approval for the project subject to compliance with a number of conditions noted at their meeting held on August 29, 2007 and memorialized in an approval resolution on September 5, 2007; and

WHEREAS, the applicant is desirous to obtain the necessary approvals from other outside reviewing agencies as noted in the Planning Board's conditions of approval; and

WHEREAS, the design consultant for Hammonton Pyramid, LLC has made application to the Town of Hammonton to seek an endorsement from the Mayor and Town Council for the submission to the NJ Department of Environmental Protection for the proposed sanitary sewer and water main extension improvements required by the project as noted on the design plans, specifications and NJDEP forms; and

WHEREAS, the design information and plans have been reviewed by the Town Engineer, along with the Water and Sewer Superintendents noting requested modifications to the project design plans through the generation of a report dated February 19, 2008; and

WHEREAS, the above noted Town Engineer's report has been reviewed with the Town's Public Works and Transportation Committee; and

WHEREAS, the applicant is aware of the existing water allocation restriction for major development imposed by the NJDEP in the Town of Hammonton; and

WHEREAS, the applicant is aware that the Mayor and Town Council have installed a new backup well at the Fourteenth Street well site and have completed various flow tests on their existing wells in order to complete a report to the NJDEP for review that would hopefully result in the lifting of the water allocation restriction on major developments later this year; and

WHEREAS, the proposed sanitary sewer and water main extensions remain consistent with the Town's Utility Master Plan; and

WHEREAS, the applicant is desirous to continue with the review and approval process of other outside agencies;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Hammonton of the County of Atlantic, State of New Jersey that the Mayor is hereby authorized to execute the NJDEP, TWA and BSDW documents that are associated with the endorsement of the application for sanitary sewer and water main extension to the NJDEP subject to compliance with the conditions noted in the Town Engineer's Report dated 2/19/08 and the items noted by the Town's Public Works and Transportation Committee, the Utility Superintendent, and the Town Solicitor; and

BE IT FURTHER RESOLVED that the applicant's design consultant must complete all plan revisions as noted in the Town Engineer's report prior to completing the formal submission to the NJDEP; and that a copy of the completed revised submission to NJDEP must be provided to the Town Engineer; and

That once all permits and approvals are obtained from the NJDEP that the applicant will be required to return to the Mayor and Town Council of the Town of Hammonton to seek final of the proposed utility improvements prior to the start of any onsite or offsite utility installation.

#R037-2008 Atlantic County Open Space Trust

#R 37-2008

**WHEREAS**, the County of Atlantic has established a "County Open Space, Recreation and Farmland and Historic Preservation Trust Fund" through voter approval in 1990 and provides a source of funds for the acquisition and development of open space in Atlantic County; and

**WHEREAS**, the County of Atlantic has established a Municipal Open Space Financial Assistance Program to provide grants to municipalities for the acquisition and development of open space; and

**WHEREAS**, the County of Atlantic has established general criteria along with an application format for applying for grant funds;

**WHEREAS**, the Town of Hammonton has identified the following project(s) which meet the goals and objectives of the County Municipal Open Space Financial Assistance Program:

**WHEREAS**, Development of various Active Recreational Amenities at the Hammonton Lake Park facility and the Boyer Avenue Recreational Complex (cost and descriptions to be included with Engineer's Report that accompanies the application).

**WHEREAS**, the projects listed above are consistent with the goals and objectives of the Municipal Master Plan or Municipal Open Space Plan; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF HAMMONTON THAT:**

1. The Town of Hammonton Council has reviewed the application package and authorizes the submission of the grant application to the County.
2. The Town of Hammonton is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-County funds as required; and
3. The Municipality is willing to use the approved County Open Space Trust Funds in accordance with such policies and procedures, and applicable Federal, State, and local government rules, regulations, and statutes thereto; and
4. Mayor DiDonato is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Atlantic for the approved County Open Space Trust Funds; and
5. This Resolution shall take effect immediately.

#R038-2008 Request Atlantic County place blinking red light stop signs

**RESOLUTION # 038-2008**

**RESOLUTION REQUESTING THE ATLANTIC COUNTY BOARD OF CHOSEN FREEHOLDERS TO PLACE BLINKING RED LIGHT STOP SIGNS AT CERTAIN INTERSECTIONS**

WHEREAS, Town of Hammonton Police Chief Frank Ingemi is recommending the placement of "Blinking Red Light Stop Signs" at the following intersections due to the number of motor vehicle accidents:

Route 54 and Chew Road  
9<sup>th</sup> Street and Egg Harbor Road

WHEREAS, jurisdiction of intersections is within the Atlantic County Board of Chosen Freeholders; and

WHEREAS, it has been determined by Police Chief Frank Ingemi that his recommendation is in the best interests of the public's safety and welfare.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton in the County of Atlantic and State of New Jersey that the Atlantic County Board of Chosen Freeholders is hereby petitioned to adopt appropriate legislation establishing the placement of "Blinking Red Light Stop Signs" at the intersections of Rt. 54 and Chew Road; and 9<sup>th</sup> Street and Egg Harbor Road, located in the Town of Hammonton.

#R039-2008 Dedication by Ryder Fire Safety Moneys  
(must adopt along with introduction of fire safety ordinance)

**RESOLUTION 39-2008**

A RESOLUTION REQUESTING DEDICATION BY RIDER  
APPROVAL FOR FIRE SAFETY MONEYS  
PURSUANT TO N.J.S.A. 52:27D-192 et seq.

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

**WHEREAS**, N.J.S.A. 52:27D-202 allows municipalities to adopt an ordinance providing for local enforcement of this act. The ordinance shall designate the municipal fire department...as the local enforcement agency.

**WHEREAS**, N.J.S.A. 40 A-39 provides the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

**WHEREAS**, the governing body of the Town of Hammonton, County of Atlantic has by ordinance established a fee schedule for the use to purchase fire safety equipment as needed for the materials expended for the same purpose; and

**NOW, THEREFORE BE IT RESOLVED** by the governing body of the Town of Hammonton in the County of Atlantic, State of New Jersey, hereby requests approval for the Director of the Division of Local Government Services to maintain a dedicated fund for the purpose of purchasing fire safety equipment as needed for the materials expended for the same purpose; and

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services.

Motion by Councilperson Wuillermin, seconded by Councilperson Barberio, resolution 31 thru 39, excluding 33 & 35 be adopted.

ROLL CALL

- Councilpersons:
- Barberio - Y
- Bertino - Y
- Marino - Y
- Petrongolo - Y
- Vitalo - Y
- Wuillermin - Y
- Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

Motion by Councilperson Bertino, seconded by Councilperson Vitalo, resolution 33 be adopted.

ROLL CALL

- Councilpersons:
- Barberio - Y
- Bertino - Y
- Marino - Y
- Petrongolo - Y
- Vitalo - Y
- Deputy Mayor Wuillermin - Y
- Mayor DiDonato – recused

Deputy Mayor Wuillermin declared the motion carried.

Motion by Councilperson Wuillermin, seconded by Councilperson Barberio, resolution 35 be adopted.

Councilperson Marino questioned the number of change orders at this project site?

Mr. Bob Vettese of ARH responded that this is the change order from last meetings presentation.

Councilperson Wuillermin further responded by explaining the project process and changes and each individual change order and reason for same.

ROLL CALL

- Councilpersons:
- Barberio - Y
- Bertino - Y
- Marino - N
- Petrongolo - Y
- Vitalo - N
- Wuillermin - Y
- Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

#R040-2008 Establish Town of Hammonton Promotional Procedure

# R 040-2008

WHEREAS, there exists a need to establish a policy for Town of Hammonton Employee promotions that is fair and consistent; and

WHEREAS, the Town of Hammonton Promotion Policy is intended to work in conjunction with all New Jersey Department of Personnel policies and promotional procedures;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, that the following be adopted as the official promotional procedure for the Town of Hammonton:

All requests for promotions must be submitted to the Town Clerk/Administrator by the Department Head no later than January 15 along with the necessary employee evaluation form marked "promotional evaluation".

The Town Clerk/Business Administrator is the designated official to review employee qualifications based on NJ DOP regulations, past employee evaluations, letters of discipline or commendation in employees file, and department head recommendation.

The Mayor and Council will then review the Town Clerk/Administrator's recommendation as well as budgetary restrictions.

If the promotion is granted, it will take effect the first payroll of July of that year.

Motion by Councilperson Wuillermin, seconded by Councilperson Barberio, resolution 40 be adopted.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Marino - Y

Petrongolo - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

#R041-2008 Homeowner Reimbursement Central Ave.

Motion by Councilperson Wuillermin, seconded by Councilperson Barberio, resolution 41 be adopted.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Marino - Y

Petrongolo - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato – Y

Mayor DiDonato declared the motion carried.

LICENSE APPROVAL

Independent Fire Co. 2 raffle 7/16/08

Leigh Fucetola Scholarship Fund raffle 3/15/08

St. Martin de Porres Church raffle 3/16/08

St. Martin de Porres Church raffle 5/1, 6/1, 7/1, 8/1

Motion by Councilperson Bertino, seconded by Councilperson Barberio, approve license applications. Motion carried.

PUBLIC HEARD

Dr. Streitfeld

Dr. Streitfeld passed around a picture of the dedication of Reagan Rock and reminisced about President Ronald Reagan's visit to the Town of Hammonton and described in detail the splendid time he had purchasing the Reagan Rock.

MEETING ADJOURNED

Motion by Councilperson Barberio, seconded by Councilperson Vitalo, the meeting be adjourned. Motion carried.

Minute Recorded by April Boyer Maimone, Assistant Clerk

Minutes Approved by Susanne Oddo, Town Clerk/Adm.