

Minutes
SPECIAL MEETING OF COUNCIL
Held in Town Hall Council Chambers
100 Central Avenue, Hammonton, N.J.
Monday, March 12, 2007 at 7:00 P.M.
Minutes can be viewed at www.townofhammonton.org

MEETING CALLED TO ORDER BY MAYOR DIDONATO 7:00 p.m.

ROLL CALL

Mayor DiDonato - P
Councilpersons:
Bertino - P
Colasurdo - P
Marino - P
Massarelli - P
Vitalo - P
Wuillermin - P

PRESENT ALSO

Brian Howell, Town Solicitor
Bob Vettese, Town Engineer
Rob Scharle, CFO

PLEDGE OF ALLEGIANCE

PUBLIC NOTICE

This meeting has been posted on the Town Hall bulletin board reserved for such notices and mailed to two newspapers pursuant to law. Please familiarize yourselves with the fire exit drawing to the rear of the Council Chambers. Also, there is to be no smoking in the Town Hall at any time.

APPROVAL OF MINUTES

Motion by Councilperson Marino, seconded by Councilperson Vitalo, approve the minutes of the Regular Meeting of 2/26/07 as recorded by the Clerk. Motion carried.

SOUTH JERSEY GAS PRESENTATION

Solicitor gave an overview of the matter of S.J. Gas contamination cleaning on Hammonton Water Department Property located at the main plant at Lincoln and 12th Street. He advised mutual agreement has now been negotiated. Outline of agreement presented to Mayor and Council this evening for their review and approval at the March 26 council meeting.

Mr. Joseph Pantalone was present and advised everyone on the need for a new well which was bid and to be placed at the Hammonton Water Department on 12th Street. SJ Gas was aware of the potential project. However, they were not aware that in the interim the town opted to move the location of the new well which was directly at the site of the former coal to gas production facility in which SJ Gas is in the process of cleaning. The contract before Mayor and Council this evening states the town will now move the project to Well 5 located on 14th Street for same cost. Additionally agreement sets forth funding to develop a new well in the near future.

Councilperson Wuillermin summarized the town wants to get out of the way of SJ Gas Co. until remediation is complete. The Gas Co. will provide funding for the new well and council will review agreement and enter into deed restriction which allows council to maintain Hammonton Water Department Lincoln Avenue site as such. The diversion rights the town has on that property in the long term he feels will be far more valuable.

Mr. Rick Walker and Mr. Mike Halter of SJ Gas Co. were present.

Mr. Halter advised the site has been investigated for some time and have researched potential remedies that SJ Gas will present to DEP in near future. They've also been monitoring aquifer and sampling the two wells on site for past 10 years with favorable results.

Councilperson Bertino requested Mr. Halter explain to the public the length of the plume and contamination.

Mr. Halter advised it goes as far as Maple Ave. and approximately 170 feet deep. They have researched potential wells in area and closed 2-3 in accordance with DEP regulations. Mr. Halter advised SJ Gas is in touch with various property owners.

Mr. Walker advised SJ Gas Co. is proposing a settlement agreement to obtain a deed restriction allowing SJ Gas to perform a different style of remediation and allows future commercial use of property. SJ Gas will pay town 2.5 million dollars for deed restriction.

Councilperson Wuillermin stated the town wants to be able to continue to use the water department as such in the future.

Councilperson Bertino questioned existing use of water tower and standby pumping station. Any discussion about abandonment of site.

Councilperson Wuillermin stated this is the portion of contract that needs to be revised.

Solicitor well 1 & 3 emergency backup, commercial use of property sustained, contract generates money to move to another site.

Mayor advised for the public watching the meeting at home that the site will be used as Hammonton Water Dept in the future and the agreement will allow SJ Gas to perform their remediation and allow town to continue with the current well project.

Public Heard for Agenda Action Items

No one desired to be heard.

Town Hall Project

Mr. Steve DiDonato passed out quotes for Mayor and Council's approval. Cedar siding and interior trim work.

Emmons Construction	\$11,900.00
Tri State	17,716.84
Ron Sirolli	10,932.85

Motion by Councilperson Wuillermin, seconded by Councilperson Massarelli, authorize purchase order to Emmons Construction in the amount of \$11,900 for interior/exterior work to historic building.

On the Question:

Councilperson Vitalo once again questioned if the Solicitor can advise Mayor and Council on the funding issue raised concerning this project?

Solicitor advised he has been in touch with the proper agency and the grant has not been completed as of this date and requested Mayor and Council to appoint an official to complete this grant application this evening. He stated the gentleman he spoke with did not foresee a problem with this project.

Councilperson Bertino stated the original grant application became void when this council changed the course of the original project which had the funding approved for historic building and community center to remain at this location. He stated the use of funds were not specific to application and that this is the reason he has been abstaining. He stated he does want this project to move forward but does not want to use the amount wrong. He stated we just need to have a plan in place.

Councilperson Vitalo stated he too wants the project to move forward and questioned funding for community center at lake?

Mayor stated the lake community center and the veteran park community center are two different projects.

ROLL CALL

- Councilpersons:
- Bertino - Abstain
- Colasurdo - Recused
- Marino - Y
- Massarelli - Y
- Vitalo - Y
- Wuillermin - Y
- Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Egg Harbor Road Project - Millings

Motion by Councilperson Bertino, seconded by Councilperson Colasurdo, authorize millings to be placed at Egg Harbor Road project site by Arawak Paving at a cost of \$9,500.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Central Avenue Project

Motion by Councilperson Colasurdo, seconded by Councilperson Marino, authorize \$ 8,600 for additional police traffic control necessary due to project extension.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Eleventh Street Soil Deposit

Mr. Vettese explained someone contacted DEP regarding possible soil contamination at 11th Street Recreation fields. DEP investigated the soil had a distinct smell and requested Mr. Schiernbeck, Road Sup't, to cover same with plastic. They are now requesting town to test soil. Mr. Vettese advised he does not believe the soil was from Central Avenue project.

Councilperson Wuillermin confirmed this is not the soil from the town hall project which is being stored on 11th Street behind the Highway Dept.

Mr. Vettese agreed.

Councilperson Wuillermin suggested a change in location for soil storage and not accepting soil from contractors working in the town in the future.

Councilperson Vitalo asked how can we stop others from dumping at these locations?

Mayor DiDonato requested the Clerk look into the JIF reimbursing for illegal dumping.

Motion by Councilperson Bertino, seconded by Councilperson Vitalo, approve ARH to solicit price quotes and perform soil testing in amount of \$2560.

ROLL CALL

Councilpersons:
Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Approve Change Order – DY Consultants – Airport Apron

Motion by Councilperson Bertino, seconded by Councilperson Wuillermin, authorize change order for DY Consultants regarding Airport Apron project as follows: "change in project name and reduction in Design cost".

ROLL CALL

Councilpersons:

Bertino - Y
Colasurdo - Y
Marino - Y
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Budget Overview – Rob Scharle CFO

2006 successful year, increase in fund balance
99.80 tax collection rate providing increase in taxes
(includes utilities)
business licensing and construction code increases \$68,000
Utilities surplus increased substantially

Mayor DiDonato Budget Overview (Attached)

FOC proposing a balanced budget with –0- increase
include 2 full time Hwy Laborers
1 FT Property Maintenance/Zoning Off'l
1 PT electrical inspector
1 PT plumbing inspector
1 FT police officer
1 FT Wastewater Laborer

Discussion and review of existing and proposed capital projects.

Discussion on need for Parks/Rec employees/equipment and maintenance of various parks and school grounds.

Five Minute Break

Resume Regular Order of Business

Continue Budget Review

Councilperson Bertino questioned is the Smart Growth Planning Grant anticipated in this budget?

Mr. Scharle advised with the change in accountants last year there were charges made to this line item and the money was not appropriated in the 2006 budget so we need to appropriate same this year in the 2007 budget.

Councilperson Bertino questioned the transfer of \$700,000 to school board?

Mr. Scharle advised where this item is indicated in the budget. Mr. Scharle advised that 81,652 of this budget represents 1 cent.

Clerk authorized to schedule April 4 at 3 pm for next budget meeting.

Mayor questioned CFO best way of funding the 2.5 from SJ Gas?

Mr. Scharle stated he must review this.

Councilperson Vitalo requested to reinstate senior citizen food commodity and Christmas party allocation.

Mayor advised Councilperson Vitalo he can put in for a new appropriation but he must deduct from another area to maintain a zero percent increase.

Mayor asked Mr. Scharle CFO to explain surplus.

Mr. Scharle advised you need surplus money for cash flow because revenue does not begin until February 1st each year and you have bills to pay.

Councilperson Vitalo questioned can we take a portion of the surplus and place same in a special account for a particular event?

Mr. Scharle advised yes that is entirely up to Mayor and Council. He further explained the benefits of an index rate ordinance.

2007 BUDGET PREPARATION/ADDITIONAL ITEMS FOR CONSIDERATION:

Authorize Advertise:

Field Rep/Property Maint FT, Zoning Off'l PT

Plumbing Sub Code Off'l PT

Electrical Sub Code Official PT

FT Laborers

Motion by Councilperson Colasurdo, seconded by Councilperson Wuillermin, authorize the Clerk to advertise for Electrical Sub Code Official PT, Plumbing Sub Code Off'l PT, Field Rep/Property Maint. FT, Zoning Off'l PT, FT Laborers.

ROLL CALL

Councilpersons:

Bertino - Y

Colasurdo - Y

Marino - Y

Massarelli - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Authorize Salary Increase Rob Scharle CFO

Motion by Councilperson Colasurdo, seconded by Councilperson Wuillermin, authorize contract with salary of \$20,800.00 for Rob Scharle CFO.

ROLL CALL

Councilpersons:

Bertino - Y

Colasurdo - Y

Marino - Y

Massarelli - Y

Vitalo - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Ordinance #004-2007 Repeal Landlord Registration

ORDINANCE # 4-2007

REPEAL ORDINANCE 19-2006
LANDLORD REGISTRATION

WHEREAS, Ordinance #19-2006 which created a Landlord Registration requirement in the Town of Hammonton was adopted by Mayor and Council; and

WHEREAS, Mayor and Council have directed the Solicitor to revise said ordinance; and

WHEREAS, the Solicitor has recommended that due to the nature of the revisions, it would be prudent to repeal the former ordinance (19-2006) upon approval of the new Landlord Registration Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE TOWN OF HAMMONTON, that, conditioned upon adoption of the replacement ordinance, Ordinance 19-2006 be and hereby is repealed.

Motion by Councilperson Wuillermin, seconded by Councilperson Massarelli, the ordinance be taken up for and pass first reading and the Clerk advertise legal.

ROLL CALL

Councilpersons:

Bertino - Y

Colasurdo - Y

Marino - Y

Massarelli - Y

Vitalo - Y

Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Ordinance #005-2007 Landlord Registration

Ordinance #005-2007

RENTAL PROPERTY

ARTICLE I Regulation of Residential Rental Properties

1-1 Responsibilities of occupants and owners/landlords.

A. The intention of this Ordinance is to regulate the behavior of occupants of residential rental premises within the Town of Hammonton. All owners/landlords of residential leased property within the Town of Hammonton shall comply with the procedures set forth in Section 2B below in the event that their tenant or the tenant's invitees guests and/or their pets engage in any disorderly conduct, nuisance, offensive language or other behaviors or conduct which is a violation of any state or federal statute, regulation or any provision of the Town of Hammonton Municipal Code.

In no event shall Landlord be responsible for conduct of a Tenant occurring at a location unrelated to the
B. leased premises.

1-2 Notice of violation; Subsequent violations.

A. Upon the occurrence of any violation of this article which results in the issuance of a written warning or summons to any individual identified in the preceding section, the landlord or owner of the property shall be placed on notice by receiving written notification of said violation via certified mail, return receipt requested, from the person so designated by the Town Councilpersons to forward said notice. Said notice shall generally inform the landlord and/or owner of the nature of the violation and the date upon which said violation occurred. Said notice shall also require Landlord to provide the tenant with notice via certified mail, return receipt requested to cease said behavior and to provide the designated municipal official with proof that it has done so. Said notice shall also state that a third violation of this article may result in said landlord and/or owner being cited and otherwise charged with a violation of this article, which may result in a hearing on said violation to be heard in the Town of Hammonton Municipal Court.

B. Upon a tenant receiving a third warning/summons (notice of which shall also be provided via certified mail, return receipt requested to landlord) then said landlord and/or owner may be cited for violation of this article and noticed for a hearing to be held in the Town of Hammonton Municipal Court unless Landlord provides proof within thirty (30) days that it has commenced an action, consistent with the provisions of N.J.S.A. 2A:18-61.1 The Anti-Eviction Statute, for eviction in Landlord/Tenant Court. The Municipal Court action shall be stayed pending conclusion of the eviction action, the results of which shall be provided to the Town's designated representative within five (5) days of conclusion by the landlord/owner providing a written certification to the Town of the final resolution. Landlord's provision of such proof (which shall be on forms provided by the Town and which shall include the Docket Number) shall result in a dismissal of the action hereunder but shall not relieve landlord of its obligation to file a future eviction action in the event of a subsequent violation of paragraph 1 A above by same tenant.

1-3 Violations and Penalties.

Any landlord/owner who shall violate the provisions of this article shall, upon conviction, be subject to a fine not to exceed \$750.00 for a first offense and up to \$1,000.00 for any subsequent conviction.

ARTICLE II Registration and Licensing of Rental Property

2-1 Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this chapter, shall have the following meaning:

AGENT — The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner of this article. The term does not necessarily mean a licensed real estate broker or salesperson of the State of New Jersey, as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesperson of the State of New Jersey, if such person designated by the owner as his agent is so licensed.

APARTMENT or DWELLING — Any apartment, cottage, bungalow, any room or rooms in a rooming/boarding house or other dwelling unit, consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for residence, for office or the operation of any

industry or business or for any other type of independent use. Each dwelling unit shall contain no more than one kitchen or cooking facility.

DWELLING UNIT — Any room or rooms or suite or apartment, including any room or rooms in a rooming/boarding house, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvement connected with use or occupancy thereof. Each dwelling unit shall contain no more than one kitchen or cooking facility.

LICENSE — The license issued by the Town Clerk or designee attesting that the rental unit has been properly registered in accordance with this article.

LICENSEE — The person to whom the license is issued pursuant to this article. The term licensee includes within its definition the term agent, where applicable.

OWNER — Any person or group of persons, firm, corporation or officer thereof, partnership association or trust who owns, operates, exercises control over, or is in charge of a rental facility.

OWNER-OCCUPIED — A portion of a rental facility, dwelling or dwelling unit shall be considered owner-occupied if the owner makes his primary residence therein. A person may have only one primary residence in the Town.

PERSON — An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

RENTAL FACILITY — Every building, group of buildings or a portion thereof consisting of less than three dwelling units which has sleeping facilities for less than 25 occupants, kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals.

RENTAL UNIT — A dwelling unit which is available by lease, rental or otherwise, to persons other than the owner. Rental unit shall not include that portion of a rental facility, dwelling or dwelling unit that is owner-occupied.

RENT or RENTED — Occupied by any person or persons other than the owner, regardless of whether there is a written or oral agreement and regardless of whether the owner receives consideration for the occupancy.

TENANCY — Occupancy of the unit by one or more tenants.

TENANT — Occupant in a unit by other than the owner.

2-2 Registration.

All rental units shall hereafter be registered with the Town Clerk or designee of the Town of Hammonton, or such other person as designated by the Town Council, on forms which shall be provided for that purpose, and which shall be obtained from the Town Clerk or designee. Such registration shall occur on an annual basis, as provided herein.

2-3 Registration and licensing; term; initial registration provisions.

Landlord/owner shall inform the Town in writing upon any change in occupancy of the premises and shall supply at that time the information required by Section 2-16 below. The initial license term shall commence on May 1, 2007, and shall be valid for one (1) year, at which time it shall expire and a new registration shall be required. The initial registration shall occur on May 1, 2007. Any lease which has been executed prior to the adoption of this article shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this article. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this article.

2-4 Registration forms; filing; contents.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered and licensed, as provided herein. Every owner shall file with the Town Clerk or designee of the Town of Hammonton, or such other person as designated by the Town Council, a registration form for each unit contained within a building or structure, which shall include the following information:

- A. The name and address of the record owner or owners of the premises and the record owner or owners of the rental business, if not the same persons. In the case of a partnership, the name and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, where such individual may be reached both during the day and evening hours.
- B. If the address of any record owner is not located in the Town of Hammonton or in Atlantic County the name and address of a person who resides in Atlantic County and who is authorized to accept notices from a tenant and to issue receipts therefore and to accept service of process on behalf of the record owner.

- C. The name and address of the agent of the premises, if any.
- D. The name and address, including the dwelling unit number of the superintendent, janitor, custodian or other individual, employed by the owner or agent to provide regular maintenance service, if any.
- E. The name, address and telephone number of an individual representative of the owner or agent or the owner, if domiciled in Atlantic County, who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies, as the future of any essential service or system and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.
- F. The name and address of every holder of a recorded mortgage on the premises.
- G. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.
- H. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan, which shall become part of the application and which shall be attached to the registration form when filed by the Town Clerk or designee.
- I. Such other information as may be prescribed by the Town of Hammonton.
- J. The information referenced in subparagraphs A through G hereof may be provided by attaching the landlord registration statement mandated by N.J.S.A. 46:8-28 certifying that the information contained therein remains true and accurate or, in the event of any change, amending said registration certificate accordingly.

2-5 Registration form; indexing and filing; public inspection; fee.

The Town Clerk or designee shall index and file the registration forms. In doing so, the Town Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this article. The owner shall post the license, once received, in a conspicuous location in the dwelling.

2-6 Registration form; amendments; filing.

Every person required to file a registration form pursuant to this article shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, except where the ownership of the premises is changed.

2-7 Periodic inspections.

- A. Each rental unit shall be inspected once every twelve-month period.
- B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Town of Hammonton and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Town of Hammonton shall not be used as a valid substitute.
- C. Such inspection shall be for the purpose of determining zoning ordinance compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Building Code and/or Uniform Fire Safety Act.
- D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, such property shall not thereafter be registered, nor shall a license issue, and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary corrections have been made, so as to bring the property and rental unit into compliance with the applicable code, and the property is thereafter subsequently inspected, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, and, if not made within that time period, the owner shall be deemed in violation of this article, and, every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of this article. The owner, however, shall be permitted to apply for extension of time to make repairs or corrections so as to comply with this article, for good cause shown.

2-8 Access for inspections; repairs.

- A. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities, rental units and rooming/boarding houses, in order that they may promote the purposes of this article to safeguard the health, safety and welfare of the occupants of rental facilities, rental units and rooming/boarding houses and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities, rental units and rooming/boarding houses at all reasonable times. The owner or occupant of every rental facility, rental unit and rooming/boarding house shall give the inspecting officer free access to the rental facility, rental unit and rooming/boarding house at all reasonable times, for the purpose of such inspections, examinations and surveys.
- B. Every occupant shall give the owner of the rental facility, rental unit and rooming/boarding house access to any part of such rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of making such repairs or alterations, as are necessary, to effect compliance with the provisions of this article or any lawful order issued pursuant thereto.
- C. Complaints. Within 10 days of receipt of a bona fide complaint alleging a reported violation of this article,

an inspecting officer shall conduct an inspection as hereinbefore provided.

- D. Nothing contained within this subsection shall relieve the said inspector from providing the landlord/owner and tenant/occupant with such prior notice, if any, as required by current laws and/or regulations of the State of New Jersey.

2-9 Prohibitions on occupancy.

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Town of Hammonton which is not registered and licensed in accordance with this article.

2-10 License.

Upon the filing of a completed registration form and payment of the prescribed fee, the owner shall be entitled to the issuance of a license renewable on May 1st of the next calendar year. Such license may be revoked upon receipt of an unsatisfactory inspection not corrected in accordance hereinabove. A registration form shall be required for each rental unit, and a license shall issue to the owner for each rental unit, even if more than one rental unit is contained in the property.

2-11 Fees.

At the time of the filing of the registration form, and, prior to the issuance of a license, the owner or agent of the owner must pay a fee in accordance with the following:

- A. An annual registration fee as follows:
 - (1) For one to seven non-owner occupied units at one location: \$35.00 per unit (for units 1-7)
 - (2)
 - (3) For eight to 25 non-owner occupied units at that same location: \$30.00 per unit (for units 8-25)
For twenty-six or more non-owner occupied units at the same location: \$25 per unit (for units 26 and higher)
- B. A reinspection fee as follows:
 - (1) First reinspection, no charge;
 - (2) Second reinspection, \$15 per unit;
 - (3) Third reinspection, \$30 per unit; and
 - (4) Fourth or subsequent reinspection, \$50 per unit.
- C. If the owner of the property is a senior citizen who resides in a unit of the property and rents out the remaining unit and would otherwise qualify under the State of New Jersey property tax deduction under N.J.S.A. 54:4-8.41, there shall be no fee.
- D. If any fee is not paid within 30 days of its due date, a late fee surcharge of \$30 will be assessed.

2-12 Providing registration form to occupants and tenants.

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this article. This particular provision shall not apply to any hotel, motel or guesthouse registered with the State of New Jersey, pursuant to the Hotel and Multiple Dwelling Act, as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the license in a conspicuous place within the rental unit(s).

2-13 Maximum number of occupants; posting.

- A. The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent, tenant to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding 21 days. Any person violating this provision shall be subject to the penalty provisions hereof.

In the event the Town's authorized representatives have a reasonable basis to conclude that the occupancy limit for a particular unit is being exceeded, it shall provide notice of that fact to landlord who shall investigate and thereafter certify by its sworn signature, on forms to be supplied by the Town, that it has corrected any violation and that, to the best of this knowledge, no current violation exists.
- B.

2-14 Taxes and other municipal charges; payment precondition for registration and license.

No rental unit may be registered and no license shall issue for any property, containing a rental unit, whose taxes, water, sewer or other municipal assessments are more than two quarters in arrears. If landlord/owner provides the Town with a repayment plan, in writing, certifying its intention to eliminate said arrearages, the Town may issue a conditional license revocable upon landlord/owner's failure to comply with said plan.

2-15 Other rental unit standards.

All dwelling units shall be maintained in accordance with the Uniform Construction Code and the BOCA National Property Maintenance Code.

2-16 Occupant(s) standards.

- A. In the event the Town continues to have a reasonable basis to believe that the occupancy limit is being exceeded, the landlord shall identify the occupants of the premises by utilizing its best efforts to obtain and provide to the Town the last four digits of the social security number of each permitted occupant. Only those occupants whose partial social security numbers are on file with the Town Clerk, as provided in this article, may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, subject to Article I paragraphs 1 and 2 above, tenant or other person residing in said premises.
- B. Nuisance prohibited. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or of the public in general, such that it shall constitute a nuisance, as defined in the ordinances of the Town of Hammonton .
- C. Compliance with other laws. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Town of Hammonton, and with all applicable state and federal laws. However, any landlord licensed in accordance with this article shall not be subject to the Hammonton certificate of occupancy ordinance as annual compliance with this ordinance shall waive the need for a CCO.
- D. Penalties. Any landlord, subject to Article I paragraphs 1 and 2 above, tenant or other person violating the provisions of this section shall be subject to the penalty provisions hereof. Each day the violation remains uncorrected after the thirtieth (30th) day (or such agreed upon extension per paragraph 7) of receiving notice shall be deemed as separate and distinct violations subject to the penalty provisions of this Article.

2-17 Revocation of license; procedure.

- A. Grounds. In addition to any other penalty prescribed herein, an owner, subject to Article I paragraphs 1 and 2 above, may be subject to the revocation or suspension of the license issued hereunder upon the happening of one or more of the following:
 - (1) Conviction of a violation of this article in the Municipal Court or any other court of competent jurisdiction.
 - (2) Determination of a violation of this article at a hearing held.
 - (3) Continuously renting the unit or units to a tenant or tenants who are convicted of a violation of the Noise Ordinance of the Town.
 - (4) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this article.
 - (5) Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.
- B. Procedure; written complaint; notice; hearing.
 - (1)
 - (2) Prior to a complaint being filed pursuant to the terms of this paragraph, the Town's designated representative shall provide a written warning to the Landlord that a revocation complaint shall be issued unless the issues forming the basis for same are addressed and corrected within thirty (30) days of issuance of the warning notice.

A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Director of Public Safety, Chief of Police, Construction Code Official, Housing Inspector, the Zoning Enforcement Officer or any other persons or office authorized to file such complaint. Such complaint shall be in writing and filed with the Town Clerk or designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges, so as to permit the licensee to present a defense. The individual(s) filing the complaint may do so the basis of information and belief, and need not rely on personal information.

(3)
Upon the filing of such written complaint, the Town Clerk or designee shall immediately inform the Town Council, and a date for a hearing shall be scheduled, which shall not be sooner than 10 nor more than 30 days thereafter. The Town Clerk or designee shall forward a copy of the complaint and a notice, as to the date of the hearing, to the licensee and the agent, if any, at the address indicated on the registration form. Service upon the agent shall be sufficient.

(4)
The hearing required by this section shall be held before the Town Council, unless, in its discretion, the Town Council determines that the matter should be heard by a Hearing Officer, who shall be appointed by the Town Council. If the matter is referred to a Hearing Officer, such officer shall transmit his findings of fact and conclusions of law to the Town Council within 30 days of the conclusion of the hearing. The Town Council shall then review the matter and may accept, reject or modify the recommendations of the Hearing Officer based on the record before such Hearing Officer. In the event that the matter is not referred to a Hearing Officer and is heard by Town Council, then the Town Council shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the license, or determining that the license shall not be renewed or reissued for one or more subsequent license years.

(5)
A stenographic transcript shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.

(6)
The Town Solicitor or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

- C. Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental license by demonstrating that the owner has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises, eviction of the tenant(s) or otherwise.

2-18 Violations and penalties.

Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Town of Hammonton, or such other court having jurisdiction, be liable for a fine not exceeding \$750.00 for a first offense and not exceeding \$1,000 for any subsequent violation.

Motion by Councilperson Wuillermin, seconded by Councilperson Massarelli, the ordinance be taken up for and pass first reading and the Clerk advertise legal.

On the question:

Councilperson Bertino stated he has a problem voting on an ordinance that he just received this evening.

Solicitor advised he did e mail potential changes as they were negotiated to entire governing body and minor changes can still be made to this ordinance and the ordinance can be still be heard and adopted at the next regular meeting of March 26 if this Mayor and Council so desire to introduce same in its present form this evening.

Mayor DiDonato stated that the Deputy Clerk did e mail the revised ordinance to Mayor and Council today.

Councilperson Bertino then advised the Solicitor that he did receive an e mail with a change to this ordinance from Solicitor but it did not include all changes the Solicitor is alluding to this evening and he hasn't had time to review same as he just received another final version this evening at 7:00 p.m. in addition to the earlier e mailed final version.

ROLL CALL

Councilpersons:
Bertino - Abstain
Colasurdo - Recused
Marino - Abstain
Massarelli - Y
Vitalo - Y
Wuillermin - Y
Mayor DiDonato - Recused

Per Solicitor opinion Mayor DiDonato declared the motion carried.

Resolution #R053-2007 Authorize Spanish Community Good Friday Procession

RESOLUTION # 53-2007

RESOLUTION AUTHORIZING AND ENDORSING
THE ANNUAL "SPANISH COMMUNITY GOOD FRIDAY PROCESSION"

WHEREAS, St. Joseph's Church continues to promote the Town of Hammonton with their annual "Spanish Community Good Friday Procession" procession; and

WHEREAS, Mayor and Council has and continues to support the efforts of St. Joseph Church; and

WHEREAS, Friday, April 6, 2007 is the scheduled date for the Spanish Community Good Friday Procession; and

WHEREAS, St. Joseph Church has requested assistance of the Town of Hammonton Police Department for this scheduled event and closure of the following streets in the Town of Hammonton for stations of the cross and procession:

Spanish Community Good Friday Procession April 6, 2007 at 4:00 p.m.

From St. Joseph Church (N. Third St.) to French Street
Right onto Packard Street
Right onto Pleasant Street
Right onto N. Third Street
Return to Church (N. Third Street)

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 Spanish Community Good Friday Procession as listed above is acknowledged and endorsed by the Town of Hammonton contingent upon the following:

1. Filing of necessary insurance certificates by St. Joseph Church as required by the Town of Hammonton.
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.

BID RESULTS - STREET SWEEPING SERVICES

C & L Sweeper Services	No Bid	
TCM Sweeping Inc.	93,200	87.50 emergency call out
Pieco Services Property Maintenance	62,700	175.00 emergency call out

Resolution #R054-2007 Reject Bids Street Sweeping Services

RESOLUTION # 54-2007

RESOLUTION REJECTING BIDS FOR STREET SWEEPING SERVICES

WHEREAS, the Town of Hammonton did advertise for competitive bids for Street Sweeping Services on January 31, 2007; and

WHEREAS, bids were received on March 6, 2007; and

WHEREAS, the low bid was non compliant as per Town of Hammonton specifications; and

WHEREAS, the second lowest bid substantially exceeds the Town of Hammonton's appropriation for the services per NJSA 40A:11-13.2;

WHEREAS, the Town of Hammonton did reserve the right to reject all bids;

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 bids received for Street Sweeping Services on March 6, 2007 are rejected;

BE IT FURTHER RESOLVED that the bidder shall be returned bid bonds or other forms of security submitted and the Clerk is authorized to re advertise for same.

Motion by Councilperson Wuillermin, seconded by Councilperson Massarelli , resolutions 53 and 54 be adopted.

ROLL CALL

Councilpersons:

- Bertino - Y
- Colasurdo - Y
- Marino - Y
- Massarelli - Y
- Vitalo - Y
- Wuillermin - Y
- Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

PUBLIC HEARD

No one desired to be heard.

Memorandum of Understanding – State Office Building

Solicitor advised council on amendments to Memorandum of Understanding and requested council authorization for Mayor to sign same.

Motion by Councilperson Massarelli, seconded by Councilperson Bertino, authorize Mayor DiDonato to execute Memorandum of Understanding with State of New Jersey for new office building.

ROLL CALL

Councilpersons:

- Bertino - Y
- Colasurdo - Y
- Marino - Y
- Massarelli - Y
- Vitalo - Y
- Wuillermin - Y
- Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

#R 55 -2007 Resolution Enter Into Executive 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. Personnel
2. 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 Bertino, seconded by Councilperson Wuillermin, the resolution be adopted.

ROLL CALL

Councilpersons:

- Bertino - Y
- Colasurdo - Y
- Marino - Y
- Massarelli - Y
- Vitalo - Y
- Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Resume Regular Order of Business

MEETING ADJOURNED 11:00 pm

Motion by Councilperson Wuillermin, seconded by Councilperson Colasurdo, the meeting be adjourned.
Motion carried.

Minutes recorded by April Boyer Maimone, Assistant Municipal Clerk

Minutes approved by Susanne Oddo, Town Clerk/Adm.