

Minutes
SPECIAL MEETING OF COUNCIL
Held in Town Hall Council Chambers
100 Central Avenue, Hammonton, N.J.
Wednesday, November 19, 2008 at 4:00 P.M.
Minutes can be viewed at www.townofhammonton.org

MEETING CALLED TO ORDER BY MAYOR DIDONATO

ROLL CALL

Mayor DiDonato - P

Councilpersons:

Barberio - P

Bertino - P

Marino - P

Petrongolo - P

Vitalo - P

Wuillermin - P

PRESENT ALSO

Brian Howell, Town Solicitor

Bob Vettese, ARH Engineer

PLEDGE OF ALLEGIANCE

PUBLIC NOTICE

This meeting has been posted on Town Hall bulletin board and e mailed to official newspapers. Please familiarize yourselves with the fire exit to the right and 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 Bertino, seconded by Councilperson Barberio, approve the minutes of the Regular Meeting October 27, 2008 as recorded by the Clerk. Motion carried.

NEW BUSINESS-ORDINANCES

Ordinance #039-2008 Land Swap Kramer Beverage

ORDINANCE #39- 2008

AN ORDINANCE AUTHORIZING THE EXCHANGE OF A PART OF LOT 44 OF BLOCK 1201 WHICH IS OWNED BY THE TOWN OF HAMMONTON IN RETURN FOR A PART OF LOT 45 OF BLOCK 1201

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

WHEREAS, Block 1201, Lot 44 is owned by the Town of Hammonton (the "Town");
and

WHEREAS, Block 1201, Lot 45 is owned by Kramer Beverage Real Estate, LLC ("Kramer"); and

WHEREAS, the Town is desirous of acquiring a 0.78± acre portion of Block 1201, Lot 45 as shown on a plan entitled, "Plan of Major Subdivision, Block 1201, Lots 44, 45, & 46, Town of Hammonton, Atlantic County, NJ," prepared by Vargo Associates, dated January 30, 2008, and last revised September 12, 2008, attached hereto as Exhibit "A" (the "Kramer Parcel") for public use, namely, the extension of the municipal roadway, known as Commerce Way along a straight line, for the purpose of serving adjacent properties in the vicinity of the Kramer Parcel;
and

WHEREAS, the Town is desirous of acquiring the Kramer Parcel by way of an exchange with Kramer of a 0.80± acre portion of Block 1201, Lot 44 as shown on Exhibit "A" (the "Town Parcel") in return for the Kramer Parcel, as authorized by N.J.S.A. 40A:12-16; and

WHEREAS, the acquisition of the Kramer Parcel for the purpose of the extension of Commerce Way is beneficial to the Town, and is more advantageous to the Town for public use, than the retention of the Town Parcel, by virtue of the improved access to, and allowing development of, adjacent properties; and

WHEREAS, the extension of Commerce Way, and therefore, this exchange of land, serves the public interest; and

WHEREAS, the Town Parcel is not currently used as a public highway or public place;
and

WHEREAS, upon the proposed exchange of land, the Town Parcel shall be subject to a twenty live (25) foot wide utility easement in favor of the Town, which diminishes the value of the Town Parcel to Kramer; and

WHEREAS, the value of the Kramer Parcel, as determined by the Town Tax Assessor, is at least as valuable as the land being conveyed by the Town, particularly in light of the encumbrance for the benefit of the Town to which the Town Parcel shall be subject; and

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

Section 1. Ownership of the Town Parcel shall be exchanged for ownership of the Kramer Parcel pursuant to the requirements and procedures set forth in the Local Lands and Buildings Law (N.J.S.A. 40A: 12-16), subject to the following conditions:

A. The value of the Town Parcel being equal to (or greater than) the value of the Kramer Parcel, there shall be no cash consideration.

B. New Jersey Manufacturers Insurance Company has obtained major subdivision and variance approvals from the Town of Hammonton Planning Board, and other required governmental approvals (the "Major Subdivision") in connection with the subdivision of Block 1201, Lots 44, 45 & 46, in order to allow the extension of Commerce Way, and the creation of Proposed Lots 44, 45 & 46, all as shown on Exhibit "A".

C. Upon the perfection of the Major Subdivision, The Town will convey the Town Parcel, which will then be a part of Block 1201, Proposed Lot 46, to Kramer. Proposed Lot 46 will be entirely owned by Kramer.

D. Upon the perfection of the Major Subdivision, Kramer will convey the Kramer Parcel, which will then be a part of Block 1201, Proposed Lot 45, to the Town. Proposed Lot 45 will be entirely owned by the Town and will be used for the public purpose of the extension of the Commerce Way, municipal roadway.

E. The metes and bounds descriptions of Proposed Lots 44, 45 & 46, are subject to the approval of the Town and its Professional Engineers.

F. The Town Parcel shall be subject to a twenty five (25) foot wide utility easement in favor of the Town.

G. Upon the effective date of this Ordinance, the Mayor of the Town of Hammonton is hereby authorized to sign an agreement to exchange property as set forth herein (the "Agreement").

Section 2. Pursuant to N.J.S.A. 40:49-2 and N.J.S.A. 40:49-6, the Town Clerk shall cause this Ordinance to be published verbatim, together with notice of its introduction in a newspaper published and circulated within the Town of Hammonton, if there be one, and if not, in a newspaper printed in Atlantic County and circulating in the Town of Hammonton, once, not less than one (1) week prior to the time fixed for second reading and final passage.

Section 3. All Ordinances or parts of Ordinances in conflict with this Ordinance or any part of it are hereby repealed as to the conflicting portion or portions, and this Ordinance shall take effect after final passage and publication according to law.

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, 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 #040-2008 Vacate Commerce Way

ORDINANCE# 40 - 2008

AN ORDINANCE VACATING A PORTION OF COMMERCE WAY IN THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC (WITHIN SAID BOUNDS 0.07± ACRES)

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

WHEREAS, in the Town of Hammonton, within the Industrial Park ("M-1") Zoning District, there exists a municipal roadway, known as Commerce Way, which terminates at property that is owned by the Town of Hammonton, known as Block 1201, Lot 44; and

WHEREAS, in order to accommodate the development of, and access to, properties within the M-1 Zoning District lying near or along, but currently without access to, Commerce Way, it would be advantageous and beneficial to the Town of Hammonton to extend the Commerce Way right of way; and

WHEREAS, in order to extend the Commerce Way right of way, a portion of Commerce Way must be vacated and realigned as shown on a plan entitled, "Plan of Major Subdivision, Block 1201, Lots 44, 45, & 46, Town of Hammonton, Atlantic County, NJ," prepared by Vargo Associates, dated January 30, 2008, and last revised September 12, 2008, attached hereto as Exhibit "A"; and

WHEREAS, the Mayor and Common Council have determined, pursuant to N.J.S.A. 40:67 -1 (b), that it is in the public interest to vacate a portion of Commerce Way as it currently exists and for ownership of the underlying land to revert to the current owner of Block 1201, Lot 54 as detailed in Exhibit "A"; and

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

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

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

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

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

Section 2. In addition, the Town of Hammonton expressly reserves for itself, the right to inspect, replace and maintain storm water facilities to facilitate and improve over and under ground flow and drainage of stormwater.

Section 3. Pursuant to N.J.S.A. 40:49-2 and N.J.S.A. 40:49-6, the Town Clerk shall cause this Ordinance to be published verbatim, together with notice of its introduction in a newspaper published and circulated within the Town of Hammonton, if there be one, and if not, in a newspaper printed in Atlantic County and circulating in the Town of Hammonton, once, not less than (10) ten days prior to the time fixed for second reading and final passage.

Section 4. The Town Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof: pursuant to N.J.S.A. 40:49-6.

Section 5. Upon final passage after second reading, the Town Clerk shall forthwith file a certified copy of the Ordinance in the office of the Town Clerk.

Section 6. The Town Clerk shall, within sixty (60) days after this Ordinance becomes effective, file a certified copy of this Ordinance vacating the portion of Commerce Way, together with a copy of the proof of publication thereof, with the Office of the Atlantic County Clerk pursuant to N.J.S.A. 40:67-21.

Section 7. All Ordinances or parts of Ordinances in conflict with this Ordinance or any part of it are hereby repealed as to the conflicting portion or portions, and this Ordinance shall take effect after final passage and publication with notice of the date of passage, according to law.

Motion by Councilperson Wuillermin, seconded by Councilperson Vitalo, 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.

RESOLUTION

#R 145A-2008 Preliminary Approval NJ Manufacturers

**RESOLUTION # 145A-2008
RESOLUTION ENDORSING PRELIMINARY APPROVAL
TO NEW JERSEY MANUFACTURERS INSURANCE COMPANY (NJMIC)
FOR EXTENSION OF SANITARY SEWER TO SERVICE THEIR PROPOSED OFFICE COMPLEX.**

WHEREAS, New Jersey Manufacturers Insurance Company (NJMIC), from West Trenton, NJ, made application to the Town of Hammonton for sanitary sewer and public water main extensions for a project located on Lot 11 in Block 1201 on the Tax Map of the Town of Hammonton; and

WHEREAS, the proposed project consists of the construction of approximately 670± linear feet of 8", 650± linear feet of 6" and 620± linear feet of 4" sanitary sewer main in order to service the Phase I and Phase II portions of the proposed office complex totaling 252,020 SF±, and

WHEREAS, New Jersey Manufacturers Insurance Company has received a permit #WPC040002 from the NJ Department of Environmental Protection, Bureau of Safe Drinking Water to service their proposed office complex with public water in 2004 which was extended until March 14, 2009; and

WHEREAS, the Town of Hammonton Planning Board has granted preliminary major site plan approval for both the Phase I and Phase II portions of the project along with final major site plan approval for the Phase I portion of the project subject to compliance with a number of conditions noted at their meeting held on August 6, 2008 and memorialized in an approval resolution on September 3, 2008; 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 New Jersey Manufacturers Insurance Company 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 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 Sewer Superintendent and Town's Public Works and Transportation Committee; and

WHEREAS, the proposed sanitary sewer extension 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 documents that are associated with the endorsement of the application for sanitary sewer extension to the NJDEP associated with the construction of both the Phase I and Phase II portions of the proposed office complex; 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 sanitary sewer extension improvements prior to the start of any onsite or offsite sanitary sewer installation.

Motion by Councilperson Wuillermin, seconded by Councilperson Marino, the resolution 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.

Solicitor Report – Jack Trocki Development

Solicitor reported that ARH is not in conflict and may perform Town Engineer duties for same.

ARH wanted to bring this matter to Mayor and Council and public attention.

Mayor Report - Kessler Hospital

Mayor reported Kessler Hospital requested to hold meeting at town hall December 1, 2008 and requested to use Nick DeStefano's services to tape meeting.

Referred to November 24th council meeting for action.

#R 145B -2008 Closed Session

#R 145B -2008

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 any matters discussed in Executive Session shall be released to the public as soon as reasonably possible after Mayor and Council conclude that the basis for exclusion of the public ceases to exist.

Motion by Councilperson Bertino, seconded by Councilperson Barberio, the resolution 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.

RESUME REGULAR ORDER OF BUSINESS

PUBLIC HEARD

Solicitor advised the sink holes are Pulte have been repaired.

No one else desired to be heard.

MEETING ADJOURNED

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

Susanne Oddo, Town Clerk/Adm.