

Minutes  
REGULAR MEETING OF COUNCIL  
Held in Town Hall Council Chambers  
100 Central Avenue, Hammonton, N.J.  
Monday, September 25, 2006 at 7:00 P.M.  
**Minutes can be viewed at [www.townofhammonton.org](http://www.townofhammonton.org)**

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

ROLL CALL

Mayor DiDonato - Present  
Councilpersons:  
Bertino - Present  
Colasurdo - Present  
Falcone - Present  
Massarelli - Absent  
S. Lewis - Present  
Wuillermin - Present

PRESENT ALSO

Brian Howell, Town Solicitor  
Bob Vettese, Town Engineer

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 Colasurdo, seconded by Councilperson S. Lewis, the minutes of the Regular Meeting of 8/28/06 be approved as recorded by the Clerk. Motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

1. Historic Building Relocation

Mayor DiDonato advised on the historic building relocation that took place on 9/22/06.

2. Kessler Hospital Presentation

Dr. Zwiebel, Emergency Room Physician for many years, advised the public on the status of health care given by Kessler Hospital. He assured Town Council and the community that Kessler is a full service hospital with an excellent staff of board certified physicians.

Ms. Maria Brita, Assistant Clinical Coordinator of Emergency Room at Kessler for many years advised that it's a great feeling to see people who arrive at the hospital ill, leaving the hospital healthy. She assured the public that the people she knows and loves most in her life, her own family, receive their care at Kessler Hospital.

Councilperson Bertino questioned with bankruptcy pending, have the Kessler Hospital Board of Directors determined a plan to keep Kessler a working hospital in Hammonton as he believes this is definitely needed?

Dr. Zwiebel did not answer Councilperson Bertino's question but advised Kessler is in full State compliance and the main issue is the quality of health care that Kessler can offer this community. He stated he does not feel that another hospital taking over Kessler would be in the best interest of this community.

Councilperson S. Lewis questioned with the financial situation Kessler Hospital is facing, are most doctors and nurses staying on with Kessler?

Ms. Brita stated they have not had a mass exodus of doctors and nurses. The staff genuinely care about what they do.

3. Ordinance 19-2006 Landlord Registration

Ordinance #19-2006 entitled "LANDLORD REGISTRATION" was read by title only.

Motion by Councilperson Wuillermin, seconded by Councilperson S. Lewis, the ordinance be taken up for second reading and public hearing. Motion carried.

Anthony Marino - Walnut Street

Mr. Marino requested clarification as to what exactly this Mayor and Council intend to accomplish with Ordinance 19-2006?

Solicitor advised this ordinance is proposed to bring all apartment owners into compliance by imposing regulations and requiring annual inspections. Solicitor believes this ordinance will benefit property owners, tenants and landlords. Ordinance also advances safety issues in that a floor plan must be kept on file.

Mr. Marino advised that some of the issues that the Solicitor has brought up this evening are already on the books and questioned is this not already the code officers job? He believes if the current laws are upheld, this ordinance would not be necessary.

Councilperson Wuillermin advised this Mayor and Council are attempting to gain compliance without the harshness of having to issue a summons to court. He further advised the compliance issue is a burden to the general taxpayer, therefore, those generating the need should pay for the service.

Mr. Marino questioned if the implied annual fee is going to pay for the code enforcement salary?

Councilperson Wuillermin advised the fee will offset the salary for the required code enforcement official.

Mr. Marino stated in closing he is against an additional fee imposed on landlords especially since the state law leans toward the renters rights.

#### Don Gibase - Fairview Avenue

Mr. Gibase stated he does not agree with Councilperson Wuillermin's views concerning this ordinance as he already pays a \$40 CCO for his rental properties to the Town. He feels all landlords would agree that they take care of their facilities properly as they own them and do not want them to be damaged and also do not want their renters to be injured. What Mayor and Council are proposing to accomplish with this ordinance is virtually impossible. If a renter is unruly the police department is called in. Further, a landlord cannot routinely be in and out of the renter's facility. He questioned why this Mayor and Council are even getting involved in this? Where did this come from? This is what you are paying your code enforcement officials to handle in the first place. He does not agree with Councilperson Wuillermin wanting to handle the abusive renters gently. When renters are bringing in additional renters to live with them in their rental units without the landlords knowledge, then he does not want to be nice. Furthermore, as the landlord he handles the problem in whatever legal manner is necessary. He believes the police or code officials should be called upon for certain issues that this ordinance is placing in the responsibility of the landlord. It is not in the landlords power to approach renters during misconduct such as partying. Nonetheless, he will certainly try to have an unruly renter removed. He believes the problem is understaffing in the Town of Hammonton. The current officials are already loaded with too much work and too many problems. And if this Mayor and Council give this additional job to Mr. Cramer, then you are taking him away from another department that needs him. He questioned how does this Mayor and Council know there are problems that require an ordinance such as this to be implemented?

Mayor DiDonato stated while campaigning he saw many code violations such as smoke alarms hanging off the ceilings etc. He questioned what ordinances give us the right to enter the building?

Councilperson Bertino stated the code official most certainly has the right to go into an apartment at any time and issue a summons.

Councilperson Falcone questioned did Mayor DiDonato report the violators he alluded to while campaigning?

Councilperson Colasurdo stated they did report violators during their campaigning.

Councilperson Falcone suggested that maybe an amendment is needed to the current ordinances, however, he is against Mayor and Council making the landlord responsible for the tenants behavior.

Councilperson Wuillermin stated the existing code enforcement officials are overwhelmed and this Mayor and Council are trying to hire an employee who would handle this job. However, we need to impose a fee to pay for the hiring of additional staff. He feels the code official can handle enforcement but they must be made aware of the problem first by imposing an annual inspection of premises.

Councilperson Bertino believes that imposing an additional fee will cause the landlord a hardship when they are already paying municipal and state fees for their rental units.

Mr. Gibase strongly suggested Mayor and Council table this ordinance and Investigate, maybe by advertisement in newspaper, for people to anonymously report on abusive landlords to try to determine how many actually exist. He offered to volunteer in any way he can to help Mayor and Council in this endeavor. If this ordinance is found to be needed, it can be adopted at a later date. Furthermore, why write up new laws before you even try to enforce existing laws on the books. Maybe together he and other landlords can help Mayor and Council to make this ordinance better for everyone involved.

Councilperson Falcone suggested expanding the scope of the rent control board to better enforce some of the issues highlighted in this ordinance.

Mayor DiDonato questioned if Mr. Gibase would be willing to add 1-3 rental units to be included in the rent control requirements?

Mr. Gibase responded no. He stated rent control always exists because if a landlord asks too high of a monthly rent, he will not ascertain a renter.

Frank Gibase - Packard Street

Mr. Gibase stated he strongly objects to the \$35.00 landlord registration fee. He already pays the cost for filing CCO application and wanted to clarify the cost being \$45.00 not \$40.00. He cannot begin to tell Mayor and Council the thousands of dollars it cost him to remove an unruly tenants. It also costs him money to upkeep his premise. And now Mayor and Council want to impose another fee? He is not a big apartment owner and does not make a lot of money. He also advised he pays taxes, water and sewer at these properties. He begged of Mayor and Council not to impose an additional fee.

Mayor DiDonato questioned is Mr. Gibase for the ordinance but opposed to the fee?

Mr. Gibase advised he is not opposed to some additional control but is definitely opposed to the fee.

Councilperson Bertino questioned if Mr. Gibase has read the ordinance?

Mr. Gibase responded no.

Councilperson Bertino then read the first paragraph of the ordinance to Mr. Gibase.

Mr. Gibase advised after hearing a portion of the ordinance that he is not in favor of same.

Councilperson S. Lewis suggested the ordinance be modified so that if CCO fee is paid, landlord does not have to pay the additional landlord registration fee.

Michael Ricca and Maria Ricca - Third Street

Mr. Ricca advised that what Mr. Gibase stated earlier has a lot of merit. The landlord process to remove a tenant is by eviction. Why impose a fee and a fine to the landlord when it is not the landlords fault? Furthermore, it's already costing the landlord for the eviction process. He has personally spent thousands of dollars renovating properties in town. And he is selective in tenants he chooses. Even though the renter may have a great credit check and police background check you really cannot anticipate what they will do. Why subject the landlord to these stringent rules and responsibilities in addition to what they already have to go through. If a certain landlord does not correct violations then that landlord should be held accountable. Also, the imposed fee is for every single rental unit which is costly. He further disagrees that if landlord is sent to court, landlords license gets revoked. The problem is that if the landlord does not follow procedures they can be sued by tenant. The Town cannot impose fines and make landlord handle situations with renters in the wrong manner. He questioned tenants throwing trash on landlord property?

Solicitor responded this can fall under this ordinance. Solicitor also noted this ordinance is referencing repeated misconduct. Landlord will not be penalized for a one time incident. He would ask Mr. Ricca is it fair to his neighbors if this conduct continues to exist?

Mr. Ricca gave an example of owning Medical offices on Vine Street but the

trash container is shared. People are throwing mattresses etc in this area and he does not have control over same. He is attempting to correct the problem. He referenced the proposed ordinance which states once landlord is given a notice of violation they can be sent directly to court. He feels each and every violation can stand on its own.

Solicitor responded that the clarification Mr. Ricca needs already exists in the proposed ordinance.

Mr. Ricca stated he feels this ordinance is too severe and agrees with Mr. Gibase requesting it be tabled for further investigation and requested to be part of the investigation also.

Ms. Ricca questioned who proposed this ordinance?

Mayor DiDonato stated this has been an ongoing issue and Mayor and Council looked at another Municipality (Collingswood) and used their ordinance for Hammonton. Mayor DiDonato stated he requested the Solicitor to draw up the ordinance.

Ms. Ricca questioned if a committee was formed to investigate the necessity of this ordinance?

Mayor DiDonato responded no. He stated he received calls from many tenants who are afraid if they come forward their landlords will put them on the street.

Ms. Ricca advised Mayor and Council of the various tenant options including contacting their landlord with safety problems. The tenants have more rights than the landlords. She also clarified CCO for apartments is \$45.00 but rental homes are \$60.00. She questioned if there are existing problems?

Councilperson Wuillermin stated he is aware of certain problem areas in Hammonton. It's not an easy problem to resolve.

Ms. Ricca stated she still does not see the failure in the current system statistically. She further stated if so then the violators should be cited.

Councilperson Falcone stated Mayor and Council do receive calls from tenants at which time he has taken the time to contact the Code Official who has gone out and remedied the problem. That is the system as it exists now and there is no need for additional legislation. In the past couple weeks he has been contacted by several landlords as well as tenants and he feels the process as it exists now is working. However, Mayor and Council need to aid enforcement by hiring additional staff. He also agrees that the landlords are now paying many different fees.

Ms. Ricca referenced a number of sections of Ordinance 19-2006 which are already addressed by other laws or are unreasonable at best. What is not clear in this ordinance is what is considered a violation. It only refers to disorderly conduct which is too broad. She feels it's poorly written as it referenced chapters that don't even exist in the Town of Hammonton code.

Mike Lolio - Rachel Court

Mr. Lolio questioned ordinance fees. Every year he sends to tax assessor how many apartments he owns by state statute so he advised Mayor and Council that the tax assessor should have these figures already.

John Woods - Messina Avenue (Director MainStreet Program)

Dr. Woods confirmed both in his neighborhood and as Director of Mainstreet, he deals with merchants and residents concerning maintenance of rental units and feels this is something that needs to be addressed even though it does not pertain to all landlords. He also sensed from complainants frustration in the town not having all necessary tools in resolving rental problems. He encourages the details to be addressed and some type of property maintenance ordinance which would give the town the ability to enforce those issues be implemented. One issue he recently heard was of 12 single men living in a 2 bedroom home and the neighboring property owner was afraid to have their daughter walk around outside their home because of this. He hopes this ordinance will be able to answer the needs of residents such as these.

Clarence Mattioli

Mr. Mattioli, a local attorney and landlord, advised he has rented apartments for better than 60 years. He stated he will not repeat what has already been stated but agreed with the comments made by various speakers

opposing this proposed ordinance. He will not recapitulate those statements but wanted to go on record as being opposed to Ordinance 19-2006.

Motion by Councilperson Wuillermin, seconded by Councilperson Colasurdo, the hearing be closed. Motion carried.

Motion by Councilperson Wuillermin, seconded by Councilperson S. Lewis, the ordinance be adopted.

On the Question

Councilperson Falcone stated he feels there have been enough valid points made here this evening including the Town now having sufficient laws to control rental problems. He is opposed to placing the burden on the landlord when there are professionals to handle situations that may arise. He requests Mayor and Council to table this ordinance this evening for further investigation. He feels it deserves attention but does not see any need in adopting this ordinance this evening.

Councilperson Bertino stated after listening to the public this evening he also feels Mayor and Council cannot place the burden on the landlord and the ordinance needs to be revised prior to adoption.

Mayor DiDonato questioned what items Councilperson Bertino wishes to modify in the ordinance?

Councilperson Bertino advised for one thing the ordinance should be consistent with State guidelines. He has a problem with people coming to Mayor and Council to judge the situation. If there is a summons issued it should go through the municipal court. The residents that own the properties also feel there are some habitual issues that do need to be addresses. He does not feel presenting an ordinance that does not solve the issues is necessary. In his opinion, this ordinance will be just another ordinance.

Councilperson S. Lewis questioned Solicitor to point out some major issues that need to be addressed in ordinance.

Solicitor pointed out the annual inspection.

Councilperson S. Lewis questioned can we amend current ordinance to better accommodate everyone involved?

Mayor DiDonato questioned the Solicitor do we have a current ordinance?

Solicitor would have to investigate same.

Mayor DiDonato stated he did speak to the State concerning this proposed ordinance and was advised that more municipalities are adopting ordinances such as this one. He advised this is more to make sure the tenants are living in a safe environment. We do have very good landlords. But we do have violators and the current ordinance does not allow the building inspector to impose fines without having probable cause. We have no ability to have fire official investigations in rental apartments.

Councilperson Falcone stated the point is there is obviously more questions than answers here and we should look into same before adopting this ordinance.

Councilperson Wuillermin advised that he feels the ordinance does provide for due process as pointed out by the Solicitor. He is not convinced that the landlord is being made responsible for violations of the tenants. The analogy has been made to charge the user (the landlord) for the service we are providing. This should not be the obligation of the general taxpayer as a whole. He mentioned two council members who have overlooked this need for some time.

Councilperson Bertino has a third owner in rental unit that is to be sold. He question can he vote on this ordinance?

Solicitor advised Councilperson Bertino may vote on this ordinance.

ROLL CALL

Councilpersons:

Bertino - No

Colasurdo - Recused

Falcone - No

Massarelli - Absent

S. Lewis - Yes  
Wuillermin - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Motion by Councilperson Wuillermin, seconded by Councilperson S. Lewis, authorize Clerk to advertise ordinance. Motion carried.

RESUME REGULAR ORDER OF BUSINESS

PUBLIC HEARD FOR AGENDA ACTION ITEMS

Michael Ricca - Third Street

Mr. Ricca questioned the downtown parking area problems/issue that appears on the Engineer report this evening. He read a letter from one of the tenants, Monica Wuillermin, concerning parking issues and requesting a resolution to this problem.

After a brief conversation this was referred to Engineer Report at which time Dr. John Woods was to make a presentation concerning downtown parking investigation.

Larry Delaney - Broadway

Mr. Delaney stated he has been reading about this parking for several years. He once again informed Mayor and Council of his previous parking survey and found that most of the time the parking lots were not full. The only parking lot that was usually full was the one on Egg Harbor Road and Vine that Mr. Ricca just spoke of.

COMMITTEE REPORTS

COUNCILPERSON COLASURDO

Chief Frank Ingemi

Chief Frank Ingemi was present to discuss with Mayor and Council the following:

Grant Application US Dept of Justice denied

Reported on immigration raid and will receive \$2000 and a vehicle to sell

\$1000 donation received from Walmart for purchase of digital cameras

DARE vehicle to be used for patrol

Truck Masters, Jonco & Crescent Tire donated fund for acquisition of this vehicle

Motion by Councilperson Colasurdo, seconded by Councilperson Falcone, approval be given to take necessary measures to secure the Dare Vehicle at no cost to Town of Hammonton except for insurance and gas.

ROLL CALL

Councilpersons:  
Bertino - Yes  
Colasurdo - Yes  
Falcone - Yes  
Massarelli - Absent  
S. Lewis - Yes  
Wuillermin - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

\$5000 donation to purchase K9 received from Sons & Daughters

Pen and dog food to be donated also. Requesting permission for officer to attend 8 weeks of school which will secure the \$5000 donation. The school is beginning the 1<sup>st</sup> week of January which is a good time of year to re schedule shifts to accommodate this officers absence.

Councilperson Wuillermin questioned the conflicting letter from Chief Ingemi concerning need for additional staffing of police department and requested the Chief to respond to that request as well as this recent request to send an officer away to school during this understaffing?

Chief Ingemi stated he does feel there is a need for additional police personnel. However, he does not believe we are jeopardizing the Town of Hammonton by allowing this officer to attend this particular class which will be beneficial to the Town. Furthermore, the class is in the month of January which does not fall during the height of summer season. He can carry on duties during this officers brief absence. Should an emergency arise he may need to call on the overtime budget.

Councilperson Falcone re iterated that for this short period of time the Chief feels the department can handle the absence of the officer who will be attending school.

Chief also clarified the additional dog would be the third patrol dog.

Councilperson Bertino commended the Chief for his well planning in sending the officer to school at the down time in that agricultural season heightens the need for officers as the population in Hammonton increases.

Chief also advised that with the addition of the DARE vehicle, he can free up another vehicle for this K9 officer to use.

Motion by Councilperson Colasurdo, seconded by Councilperson Falcone, authorize police officer to attend necessary training beginning January 2007 and to obtain grant for K9 dog, food and fencing.

#### ROLL CALL

Councilpersons:

Bertino - Yes

Colasurdo - Yes

Falcone - Yes

Massarelli - Absent

S. Lewis - Yes

Wuillermin - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

#### Enforsys Polisys CAD & RMS Project

Chief advised on the new computer system for patrol cars. He advised at least one hour is spent in the office for each accident that occurs. With this system the officer will now be able to spend more time on the street and less time in the office.

#### Parking Problem

Chief advised he placed a notice in local newspapers concerning parking on the wrong side of the street and advised that the Hammonton Police Department will be enforcing this law.

#### Officers Uniforms

Chief Ingemi advised for the record the uniform you see our officers where is a Class A uniform worn during daily duties. There is a Class B uniform used at shooting range or for special events. There is also a yellow shirt worn only by bicycle patrol for safety. If the weather changes the officer is immediately shifted to a patrol car but will not change his shirt. There is another emergency response team uniform. Chief will be integrating a uniform for himself so that residents recognize him as the police chief.

Councilperson Colasurdo stated he wants the perception that he is the Police Chief wearing his official uniform showing he is on duty and doing police business.

Chief Ingemi stated he respects Mayor and Council's opinion. He has been worked with the community for over 30 years. In that he has sacrificed his family many times for his job and takes his duties very seriously. He is an active Chief. However, if this council believes he needs to wear a uniform, he will wear same proudly.

#### Fire Awareness Week Exercise

Councilperson Colasurdo encouraged people to attend Fire Awareness Week Exercise on October 1<sup>st</sup> at 10:30 am at Hammonton Airport.

#### COUNCILPERSON MASSARELLI

In the absence of Councilperson Massarelli, the Deputy Clerk read her report which contained the following items:

Authorize Plaque for Atlantic County Library System

Motion by Councilperson Bertino, seconded by Councilperson Falcone, authorize recognition plaque for Atlantic County Library.

ROLL CALL

Councilpersons:  
Bertino - Yes  
Colasurdo - Yes  
Falcone - Yes  
Massarelli - Absent  
S. Lewis - Yes  
Wuillermin - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Donate Town Hall Surplus Computer Items to Lions Club

Authorize Nextel Telephone Upgrade to State Contract

Motion by Councilperson Bertino, seconded by Councilperson Colasurdo, authorize upgrade to Nextel State Contract.

ROLL CALL

Councilpersons:  
Bertino - Yes  
Colasurdo - Yes  
Falcone - Yes  
Massarelli - Absent  
S. Lewis - Yes  
Wuillermin - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Endorse Confirmation Promotion Pam DiGerolamo Sr. Clerk Typist

Thank you John Berenato for repairing leak in tax office roof

COUNCILPERSON WUILLERMIN

Lost Well #3 during hurricane  
Reported on loss corrected in amount of \$5985.00

Updated officials on various upcoming projects

Advised residents of hydrant flushing next 2 weeks

Reported on Downtown Home Show and thanked those involved

COUNCILPERSON FALCONE

None.

COUNCILPERSON S. LEWIS

Lakewater Quality Sub Committee

Lake lowering application filed

Request Engineer review boat ramp

Request beach excavation 2007 budget

Problem - Geese at Lake

Clean Flow Vote to take place and report back at October CM

Reminder alcohol beverages are prohibited at park

Advised on potential Open Space Sites

Report on Wizard of Oz play

Recreation and Open Space Review

Environmental Grant Demonstration Garden at Water Department

Motion by Councilperson S. Lewis, seconded by Councilperson Colasurdo, authorize Mayor sign letter requesting grant for demonstration garden (necessary backup information to be supplied by Councilperson S. Lewis upon receipt of same). Motion carried.

Senior Citizen Discount Card Update

Cards to be mailed with pertinent information month of Sept & Oct.

COUNCILPERSON BERTINO

Report of the Road Superintendent

Report on storm damage

Request residents patience in storm cleanup

Metrovic Field project complete. Thanked those involved.

Street cleanup, litter patrol, town park cleanup.

Leaf pickup schedule planned for your regular trash day.

Caution residents on Egg Harbor Road construction. Use alternate routes.

ENGINEER REPORT

SEWER & WATER - ACTION ITEMS

1. Atlantic County Department of Public Works Sanitary Sewer and Water Service Request (11-50111):

We have attached a copy of a letter dated August 24, 2006 from Glen Mawby, Directory of Facilities Management for the County. They are requesting water and sanitary sewer service for their Public Works facility on Egg Harbor Road. At the time the NJDEP permit was issued to the Town for the water main extension project, it was conditioned that no new conditions be allowed under the permit and the installation of the water main line be allowed for interconnection purposes only. Due to the notice contained in the County's letter relating to the condition of their existing well we would request Council's approval to direct a letter to the NJDEP to allow for this water service connection during the water main construction process. The anticipated water use for the feasibility would be approximately 600 gpd or an equivalent of 2 edu's. At the same time, the County is also requesting sanitary sewer connection to the Town's system which extends along their westerly property line. Since the County has been cooperative in granting the Town an easement across their property for water main installation and have also waived the roadway opening permit fee to the Town on this and prior applications, we are suggesting the Town waive the water and sanitary sewer connection fees with their utility service request. The connection fee waiver would be as follows:

Sanitary Sewer Service - \$4,000.00  
Water Service - \$3,000.00

Motion by Councilperson Wuillermin, seconded by Councilperson Colasurdo, as follows:

1. Authorize the Engineer to direct a letter to the NJDEP allowing the water service connection for the Atlantic County Public Works Facility.

ROLL CALL

Councilpersons:

Bertino - Yes

Colasurdo - Yes

Falcone - Yes

Massarelli - Absent

S. Lewis - Yes

Wuillermin - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Motion by Councilperson Wuillermin, seconded by Councilperson Colasurdo, as follows:

2. Authorize the waiver for the payment of both the water and sanitary sewer connection fees to the Town for the Atlantic County Public Works Complex on Egg Harbor Road.

ROLL CALL

Councilpersons:

Bertino - Yes  
Colasurdo - Yes  
Falcone - Yes  
Massarelli - Absent  
S. Lewis - Yes  
Wuillermin - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

**2. MRE Fire Service Connection (11-20207):**

We had a recent request from Mr. Mario Massarelli of MRE-LLC to install a fire service connection to their new building at their facility located on Egg Harbor Road. The fire service connection would be located approximately 300 feet east of the Park Avenue intersection. The installation would require an open cut across the existing roadway surface which falls within the Phase II section of the County's Roadway Resurfacing project. Upon checking with the County Engineer's office, they advised that if this fire service line is to be installed it must be completed immediately. We would recommend Council's approval of the fire service line installation subject to compliance with the following conditions.

1. The request for the County roadway opening permit, fire service lateral installation and roadway restoration standards must all be completed by the applicant at their own expense to the satisfaction of the County.
2. The work must be completed in a time frame agreeable with the County so as to not cause any disruption to their present roadway resurfacing schedule.
3. The applicant must provide a letter to the Town from their fire service underwriter indicating the size and location of the fire service line required to service their new building.
4. All work must be completed in a manner acceptable to the County, the Town and the Water Superintendent.
5. The work shall be completed at no cost to the Town with the applicant responsible to pay all applicable fees to the County and Town.

Motion by Councilperson Wuillermin, seconded by Councilperson Colasurdo, approval of the request for the installation of a fire service line for the property in question subject to compliance with the conditions noted above.

On the question

Councilperson Bertino questioned where the line will be installed?

Mr. Vettese advised where the loop tie in will be placed.

ROLL CALL

Councilpersons:  
Bertino - Yes  
Colasurdo - Yes  
Falcone - Yes  
Massarelli - Absent  
S. Lewis - Yes  
Wuillermin - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

**PUBLIC WORKS - ACTION ITEMS**

**3. 2005 Road Program (11-40023):**

The Project and punchlist items have been substantially completed by the Contractor. Final Payment is on this month's bill list for review and approval by Mayor and Council. Any approval should be contingent upon the Contractor providing an acceptable Maintenance Guaranty. Therefore, payment may be approved, but not released until an acceptable Guaranty has been supplied.

*Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, as follows:*

1. Approve Final Payment to the Contractor, Asphalt Paving Systems which constitutes an overall deduction to the Contract in the amount of \$52,086.00. This approval shall be contingent upon the

Contractor providing an approved Maintenance Guaranty for the project.

- 2. If and only if #1 above is approved, the Town may release the Performance Bond (#6343453) currently held by the Contractor. Again, this is contingent upon the Contractor providing an approved Maintenance Guaranty.

ROLL CALL

Councilpersons:

- Bertino - Yes
- Colasurdo - Yes
- Falcone - Abstain
- Massarelli - Absent
- S. Lewis - Yes
- Wuillermin - Yes
- Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

**4. Transportation Enhancements, Bellevue Ave-12th Street Improvements (11-40011):**

We have been notified by the Downtown Advocate and confirmed with the NJDOT that this project may be approved for Construction by the FHWA within the next 30 to 60 days. A letter from the Mayor has been provided to the NJDOT requesting advance construction approval with the understanding that the Municipality will fund the project from its inception, and will be reimbursed through the NJDOT/FHWA once the federal funds are officially allocated.

We have been requested by Mayor and Council to provide the Municipality with a proposal to complete Construction Management and Inspection services for this project in order to keep the process moving in case a formal project approval and authorization is obtained by the NJDOT and Federal Highway between meetings. Therefore we have included within this package Proposal #06-0486 for the required services for Council's consideration. We have also been in contact with the Town Auditor to obtain his findings regarding the overall availability of project funding and are awaiting his response prior to completing the plans and specifications for bid.

*Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, approval of ARH Proposal #06-0486 in the amount of \$65,360.00, subject to the availability of funds.*

ROLL CALL

Councilpersons:

- Bertino - Yes
- Colasurdo - Yes
- Falcone - Yes
- Massarelli - Absent
- S. Lewis - Yes
- Wuillermin - Yes
- Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

**5. Downtown Parking Areas (11-01000-92):**

The Mayor, Downtown Advocate, and the Main Street Hammonton Coordinator have been researching the feasibility of constructing Municipally owned parking areas adjacent to the rear of buildings fronting both Bellevue Avenue and 12<sup>th</sup> Street. They have been in contact with a number of the individual property owners along the route and gained a general consensus for this project. Therefore, they have requested ARH provide the Council with a proposal to complete a field survey, the preliminary concept designs, and environmental assessments of the affected areas. We have prepared a proposal which has been split into two principal areas, those lots contained within block 2802 as well as block 2522 and 2525. We would request that Council approve our proposal (ARH# 06-0512) in the capacity that best suits the Municipality's needs. We have structured the proposal such that it can be awarded in its entirety or any portion thereof. The scope of our services will be guided by Council's decision and direction.

Dr. John Woods, Mainstreet Coordinator, who was present this evening was invited to advise the public on the status of this project. He advised letters were forwarded to property owners of those blocks and lots affected. He is in contact with various property owners in investigating alternative parking lots. He advised of lots that were

investigated and found not to be in best interest of town. In response to Michael Ricca's question earlier this evening, it was felt that having parking across the street from the Vine Street parking lot near the Doctors offices was found to be hazardous in that one would have to cross Egg Harbor Road in heavy traffic. Therefore, the focus is now being placed on other lots which will be determined in the future. They are also looking for additional employee parking. They are going to need to look at hard survey data to better determine parking.

Councilperson Falcone questioned Domino parking lot access?

Dr. Woods advised of 3 potential accesses.

Councilperson Bertino questioned will people be able to enter from the rear of the buildings?

Dr. Woods responded that they are working with property owners on a resolution to this matter but have not come up with a detailed design as of yet.

Mayor DiDonato stated what we need are surveys. Mayor and Council can approve Phase I environmental and survey this evening.

*Motion by Councilperson Bertino, seconded by Councilperson Falcone, as follows:*

Approval of ARH Proposal #06-0512 in the scope as determined by Mayor and Town Council subject to the availability of funds for survey and base plans and meet with Dr. Woods for a total not to exceed \$20,000.00.

ROLL CALL

Councilpersons:

- Bertino - Yes
- Colasurdo - Yes
- Falcone - Yes
- Massarelli - Absent
- S. Lewis - Yes
- Wuillermin - Yes
- Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

**6. Boyer Avenue Recreation (11-50099):**

Phase II

Construction:

At this juncture the majority of the outstanding work relates to the ongoing maintenance of the fields. There are punch list items that will be addressed by the Contractor. The fall seeding season is upon us and the Contractor will be completing a second seeding application. A final inspection, including a walk thru with the Recreation Committee, will be taking place once work is complete.

Funding

Atlantic County Recreation & Open Space Grant:

The Town has a \$60,000.00 grant that was previously allotted by the County for use on the Boyer Avenue site. In an effort to receive these funds the Town must sign an agreement with the Atlantic County Open Space Trust. Additionally a resolution authorizing the execution of the agreement needs to be adopted, a sample resolution has been attached to this report. It should be noted the \$60,000.00 was previously earmarked for the phase II activities. Now that the construction is nearing completion, reimbursement from the County can take place.

1. Adopt a resolution authorizing the execution of the agreement to request the \$60,000.00 reimbursement of monies expended.

Refer to New Business for resolution.

**7. Atlantic County Recreation & Open Space Round 8 (11-01070):**

The County has announced the request for filing of applications for the eighth funding cycle. Applications once again this year are only for property acquisition. Our office met with representatives of the Park Commission on Thursday, September 14, 2006 and discussed potential properties to put in this year's application. Based on the discussion and the County's deadline of October 11, 2006; we've provided a proposal to complete the required work for Council's consideration, which is attached to this report. Additionally we've provided a sample

resolution, which would allow the mayor and/or the appropriate Town official to sign the application.

Mr. Jerome Barberio was present and advised the public on this project in which the town was approved for 100 percent funding. He feels this is an excellent project that will benefit the town.

Motion by Councilperson S. Lewis, seconded by Councilperson Colasurdo, as follows:

Authorize ARH proposal #06-0459 in the amount of \$4500.00 to complete the application for Round 8 funding consideration.

1. Adopt a resolution authorizing the execution of the application by the Town Officials.

ROLL CALL

Councilpersons:

- Bertino - Yes
- Colasurdo - Yes
- Falcone - Yes
- Massarelli - Absent
- S. Lewis - Yes
- Wuillermin - Yes
- Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Also, refer to New Business for resolution.

SEWER & WATER INFORMATION ITEMS

**8. Egg Harbor Road Utility Extension Phase II and IIA (11-50111):**

A preconstruction Meeting was held for this project on September 11, 2006. The Contractor and pertinent individuals were in attendance. While awaiting shop drawings for the project, a Notice to Proceed will be issued commencing the contract. The start date is anticipated for October 2. We will keep Council apprised of work progress.

**9. Central Avenue Water Main Extension (11-30130):**

A preconstruction Meeting was held for this project on August 30, 2006. The Contractor and pertinent individuals were in attendance. A Notice to Proceed has been issued to begin the Contract on or before October 2, 2006. We have also been in contact with Atlantic County, HPD Chief, and Gas Company regarding this Contract. We will keep Council apprised of work progress.

**10. Elm & Cottage Sewer Replacement (11-50125):**

The Contractor has substantially completed the Project and has Payment #1 on this month's Bill List. Once as-built plans and a Maintenance Guaranty have been provided, we will request Final Payment and closeout of the project. This is anticipated for the October meeting of Mayor and Council.

**11. Well #7 (11-30131):**

As previously reported, the Sub-Committee met on several occasions regarding the draft Memorandum of Understanding (MOU) submitted by SJG for review on May 16, 2006. A letter stipulating the Town's concerns was sent to SJG representatives on August 3, 2006. On September 12, 2006, the Sub-Committee and Representatives again met to review the latest issues. There is progress made on the alternatives that are available to SJG and the Town. The goal is to promote a situation that is mutually beneficial to the parties. Following the meeting, SJG Representatives were to review the current issues and provide their feedback. We expect to hear from SJG Representatives prior to the meeting.

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

Firm Source Calculation

Prior to the last meeting, we reconciled with the NJDEP regarding firm source and monthly allocation. We reported that a slight discrepancy as it relates to the annual diversion calculation appeared to exist. NJDEP remains firm in their calculation regarding the degree of the exceedence in this category. Notwithstanding the annual exceedence, we appealed to the NJDEP with regard to a project that can be serviced under the firm source and monthly calculation, but not under the annual category. We are awaiting a formal response from NJDEP on this last project. All other projects following this last application will be denied until the efforts as authorized earlier (increase in

monthly/annual diversion and increase in firm source) can be approved by the NJDEP.

Major Modification Application:

As a reminder, ARH was authorized to initiate the request for an increase in the monthly allocation from 77.5 MG to approximately 113 MG which can possibly be achieved by operating our wells within the range of 14 to 16 hours per day. Additionally, our application would include a request to increase to the annual allocation of 603 MG to some projected factor that parallels the monthly request for increase.

The well search required from NJDEP has been requested and will serve as the basis of our report that needs to be filed. NJDEP originally reported that due to a backlog, the release of the well search information would not be available for several months. We convinced the NJDEP of the urgency of this matter and they consented to provide the information within a few weeks time period. We are awaiting this report before proceeding further in the analysis.

It is reminded that subsequent to the filing of the impact report, we will need to perform certain testing on the existing wells that will assure the NJDEP of our ability to meet the desired increase in diversion for each of the wells.

A impact report can only be filed once the well search data from the State is received. Obviously, this matter is critical to the Town's ability to accommodate future development plans.

Minor Modification Application:

As a reminder, we incorporated in the documentation to NJDEP an application for an increase to the firm source capacity limitation by requesting the construction of a standby well at Well #5 located on 14<sup>th</sup> Street resulting in a net increase of 500 gpm in firm source capacity. An increase of 500 gpm will allow for approximately 720 EDU's. This report will be incorporated into the submission to be filed with NJDEP in the above referenced timeframe.

**13. NJDEP Surface Water Permit (11-50047):**

During the past month, the Sub-Committee and TRC Omni, who was authorized to assist on the appeal of the final NJDEP Discharge to Surface Permit, met to discuss the current status of the study and the appeal. Inclusive in the appeal was the authorization for TRC Omni to perform a study of the Hammonton Creek in an attempt to overcome the stringent lead and phosphorus requirements that were incorporated in the new permit. Following our strategy meeting, the Solicitor contacted the NJDEP Deputy General Attorney and achieved a postponement since the stream studies did not reach conclusion and it was agreed that a hearing would be premature at this point. As previously reported, the NJDEP is contemplating a modification to recently promulgated regulations that would affect our appeal. The postponement of the hearing will also allow for additional time for the change in the regulation which may have a positive impact on the current appeal.

A conference with representatives of NJDEP, Pinelands, Deputy Attorney General and Hammonton Representatives is proposed for October 3, 2006. The conference is intended to provide updates on the stream study and further discuss the elements within the appeal with attempts to avoid a hearing if possible.

**14. Old Forks Road Sanitary Sewer Service (11-01000-81):**

The draft of the revised agreement was provided to the Solicitor for final configuration before the execution by the Triad and Town Officials.

**15. Home Depot Water and Sanitary Sewer Service (11-20194):**

We will be meeting with the Sewer and Water Committee between now and the next Council meeting along with representatives from Home Depot related to their plans for water service and sanitary sewer extension for the project. If they receive a favorable review from the Committee, we would request that the applicant make a formal presentation before the Mayor and Council at the October Council meeting.

**16. Well #4 Window and Door Replacement (Proposal #06-0482):**

We have discussed this project with the Sewer and Water Committee and they are presently reviewing various options related to this work that would save the Town money while still completing the objective to upgrade and increase the facility's safety. The Committee will update the Council on their findings and recommendations for consideration.

Therefore, the ARH proposal dated September 5, 2006 is withdrawn at this time.

**PUBLIC WORKS - INFORMATION ITEMS**

**17. Pleasant Street Reconstruction State Aid (11-40017):75001):**

A preconstruction meeting was held with the contractor on September 11, 2006. Various items related to the project were discussed. A Notice to Proceed was issued for the project subject to NJDOT approval of the documents. The work associated with the sanitary sewer installation should begin in early October with the remaining drainage, curb, sidewalk and roadway work to follow. A meeting has been scheduled with the Shade Tree Commission to review the trees scheduled for removal. We also met with the representatives from St. Joseph School to review their traffic concerns and children pick-up locations and schedule so as to cause as little disturbance as possible to the school operation.

G-Boys Excavating will shortly begin the water main installation work between Horton and Third Street ahead of the Mount Construction contract. We will be completing the NJDOT forms for the request for initial funding reimbursement.

**18. Recreation & Open Space Master Plan ANJEC Grant (11-75001):**

A meeting was held on Thursday, September 14, 2006 with representative from the Park Commission. The meeting was geared towards the introduction of the project to members of the Park Commission. At this time the project is in preliminary stages, and we will be looking to progress through the project with participation from the Parks Commission, Environmental Commission and Council. At this time we've provided a questionnaire to get a feel for the Town's goals as relates to recreation and open space. Participation with items like the questionnaire will be vital to producing a master plan that conforms to the desires of the Town. The Environmental Commission is also in the process of preparing a news release regarding this project, as required.

**19. New Town Hall and Historic Town Hall Building Relocation (11-01060):**

*Bidding:*

The site plans are ready for bidding purposes. In July, our office completed the specifications for the site work, and transferred the specification documents to the Architect for bidding. It is our understanding that the Project Clerk of the Works/Construction manager is presently in receipt and reviewing the bid documents prior to advertisement.

*USRD Funding Application:*

The funding negotiations have been delegated to the Project Counsel. ARH facilitated the submission of bidding documents to assure that the USRD reviewed and approved the plans and specifications prior to bid. Their pre-approval is necessary in the event the Town decides to use this program as opposed to conventional financing. The Town is eligible for a \$7.0 million loan from USRD. There is no obligation towards this loan until such time as the Town moves towards closing. Closing cannot occur until after the project is completed. The loan program is a 30 year term at 4.5% interest.

**20. Kramer Beverage Retention Basin (11-01000):**

As previously reported, the remediation of the Kramer Beverage basin, which the Town and the Owner jointly use, will be the subject of a trial program. Among the following alternatives, it was decided to select alternative 2.

Complete the task during the fall of 2006 using non-composted leaves during the collection period (mid October through mid November).

Complete the task during spring of 2007 using stockpiled (composted) leaves.

Complete the task in the summer 2007 without the use of any leaf (composted) materials.

In so doing, a permit from NJDEP to stockpile leaves adjacent to the 11<sup>th</sup> Street ball fields for use at the applicable time must be secured. We are in pursuit of this permit. We need to further discuss this matter with the Public Works Sub-Committee to assure that all parties are on board with the selected plan. to review the recommended protocol.

**21. Hammonton Lake Management (11-90026):**

ARH Environmental staff has made the inquiries to the various review agencies and offer the following update to Council:

1. Lake Lowering Permit - NJDEP - We have completed and forwarded a Lake Lowering Permit to NJDEP's Bureau of Freshwater Fisheries, inclusive of recent depth measurements. This permit, once received, will authorize lowering of the lake beginning in November with a return to normal water surface elevation by March 1, 2007.
2. Chemical Treatment - We are currently soliciting costs until September 29, 2006 for the chemical treatment of the lake from qualified lake management consultants. This treatment would be utilized primarily to control bladderwort infestation and would be applied during May of 2007.

**PENDING ISSUES:**

- Boyer Avenue Land Application - Pinelands/USGS Study
- Storm Water Management Plan and Ordinance Revisions
- Sludge Management

**SOLICITOR REPORT**

Condominium Assoc. Reimbursement Lenore, Hammonton Park, Harborwood (Solicitor opinion they are entitled to reimbursement for what it would cost us to provide the service)

DEP Litigation

Land Auction - New Business Resolution

Master Wire - New Business Resolution

**MAYOR REPORT**

Street sweeping demonstration - will provide services during leaf season

Fiscal Oversight Committee Meeting with Road Sup't-recommend outsource trash

Recommend changes purchasing procedures

Meeting with Ron Ianoale, Bond Counsel re: town bonds

**TOWN CLERK/ADMINISTRATOR REPORT**

For Information Only: M&C supplied balances as of 9/25/06

**2006 BUDGET APPROPRIATIONS/BALANCES AS OF AUGUST 31, 2006**

BUDGET ACCOUNT	APPROPRIATIONS	EXPENDED	BALANCE
Administration SW	362,315.11	212,283.61	150,031.50
Administration OE	37,850.00	33,676.93	4,173.07
Elections	2,800.00	2,800.00	.00
Finance SW	167,635.85	95,539.09	72,096.76
Finance OE	12,000.00	9,125.03	2,874.97
Assessment Tax SW	97,900.00	63,357.81	34,542.19
Assessment Tax OE	15,735.00	7,077.60	8,657.40
Collection Tax OE	15,100.00	13,323.00	1,777.00
Legal Services SW	65,000.00	42,500.00	22,500.00
Legal Services OE	34,050.00	32,272.52	1,777.48
Engineer	17,500.00	8,885.83	8,614.17
Historical Soc. SW	700.00	.00	700.00
Historical Soc. OE	800.00	.00	800.00
Economic Development	64,000.00	.00	64,000.00
Computer SW	45,400.00	29,488.54	15,911.46
Computer OE	7,200.00	6,326.02	873.98
Planning Board SW	42,160.00	27,400.61	14,759.39
Planning Board OE	3,200.00	2,959.75	240.25
Bd. of Adjustment SW	3,700.00	2,419.27	1,280.73
Bd. of Adjustment OE	1,300.00	543.29	756.71
Rent Control SW	1,200.00	784.55	415.45
Rent Control OE	200.00	86.27	113.73
Shade Tree SW	1,200.00	800.00	400.00
Shade Tree OE	400.00	86.27	313.73
Construction SW	199,540.00	118,016.80	81,523.20
Construction OE	9,275.00	5,445.19	3,829.81
Other Code Enforce SW	8,800.00	8,596.93	203.07
Other Code Enforce OE	1,000.00	728.09	271.91
Group Insurance	1,145,569.03	825,316.85	320,252.18
Insurance	32,000.00	26,549.60	5,450.40
Fire	75,000.00	61,753.86	13,246.14
Uniform Fire SW	23,700.00	14,522.47	9,177.53
Uniform Fire OE	15,691.20	5,166.55	10,524.65
Police SW	2,446,564.81	1514,354.68	932,210.13
Police OE	233,400.00	153,933.70	79,466.30
Spec. Services OE	5,500.00	.00	5,500.00
Radio SW	240,900.00	154,718.46	86,181.54
Radio OE	9,075.00	7,250.68	1,824.32

Rescue Squad	4,500.00	.00	4,500.00
Bldgs. & Grounds SW	39,189.66	17,882.64	21,307.02
Bldgs. & Grounds OE	36,050.00	20,988.30	15,061.70
Highway SW	779,493.81	491,151.96	288,341.85
Highway OE	779,797.00	719,036.61	60,760.39
Environmental SW	1,200.00	800.00	400.00
Environmental OE	1,040.00	711.00	329.00
Dog Regulations OE	7,140.00	5,692.74	1,447.26
Registrar	3,100.00	1,140.51	1,959.49
Parks SW	1,200.00	600.00	600.00
Parks OE	1,000.00	909.12	90.88
Recreation SW	50,875.00	34,567.26	16,307.74
Recreation OE	8,100.00	4,820.99	3,279.01
Holiday Observance	1,000.00	.00	1,000.00
Advertising	55,000.00	41,050.31	13,949.69
Airport SW	3,000.00	1,961.63	1,038.37
Airport OE	3,100.00	1,257.71	1,842.29
Gasoline	140,000.00	69,153.75	70,846.25
Natural Gas	28,000.00	23,564.97	4,435.03
Electric	65,000.00	40,243.83	24,756.17
Street Lighting	299,500.00	201,907.20	97,592.80
Telephone & Telegraph	64,500.00	30,313.66	34,186.34
Municipal Court SW	189,391.81	117,590.36	74,801.45
Municipal Court OE	13,750.00	10,912.29	2,837.71
Water SW	281,094.00	178,608.49	102,485.51
Water OE	698,500.00	480,957.15	217,542.85
Sewer SW	326,530.00	195,336.21	131,193.79
Sewer OE	1,235,952.00	854,859.67	381,092.33

Business Registration Licenses

Approx 420 sold to date, summons will go out beginning 10/2

Add on: Letter Police Chief dated 9/20/06

Request replacement of officer and replacement of school crossing guard

Motion by Councilperson Colasurdo, seconded by Councilperson Bertino, authorize advertise for crossing guard to replace retiree.

ROLL CALL

Councilpersons:

- Bertino - Yes
- Colasurdo - Yes
- Falcone - Yes
- Massarelli - Absent
- S. Lewis - Yes
- Wuillermin - Yes
- Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Town Clerk Action Items:

Confirm Appt Pam DiGerolamo

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, confirm appointment of Pam DiGerolamo to Sr. Clerk Typist.

ROLL CALL

Councilpersons:

- Bertino - Yes
- Colasurdo - Yes
- Falcone - Yes
- Massarelli - Absent
- S. Lewis - Yes
- Wuillermin - Yes
- Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Set Trick or Treat Oct 31 from 6-9 pm

Motion by Councilperson Wuillermin, seconded by Councilperson Colasurdo, approve trick or treat for the Town of Hammonton Oct 31 6-9 pm. Motion carried.

Tri County Clerk Assoc.

Motion by Councilperson Colasurdo, seconded by Councilperson S. Lewis, authorize Susanne Oddo, April Maimone and Kathy Velardi to attend Tri County Clerks Assoc. on October 4, 2006 at a cost of \$28.00 for CEU's.

ROLL CALL

Councilpersons:  
Bertino - Yes  
Colasurdo - Yes  
Falcone - Yes  
Massarelli - Absent  
S. Lewis - Yes  
Wuillermin - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Highway Department

The Clerk advised that the Highway Department employees have joined the union and she has completed necessary paperwork with PERC.

APPROVAL BILL LIST/PAYROLL/OVERTIME-ATTACHED

Motion by Councilperson S. Lewis, seconded by Councilperson Wuillermin, approval of bill list, payroll and overtime as recorded by the Clerk and with additions of:

Landis Title \$358,006.00

and the following add on bills from Historic Building move:

Paul Reber	\$1360.00
J. Daunoras Inc.	\$1625.00
Transformation Ent.	\$1250.00
Health & Safety Services	\$2531.00
Abate Tech	\$5975.00
Historic Bldg Move total:	\$12,741.00

ON THE QUESTION

Councilperson Bertino questioned the total of all bills from Historic Building move?

The Clerk advised \$12741.00.

ROLL CALL

Councilpersons:  
Bertino - Yes (abstain on photo lab bills)  
Colasurdo - Yes  
Falcone - Yes  
Massarelli - Absent  
S. Lewis - Yes  
Wuillermin - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

COMMUNICATIONS

Action Items:

1. Approve School Requests for CEU's  
M Wyatt, R Jacobs, K Velardi, S Oddo, A Maimone Nov 14-17  
Danielle Noto & Robin Ripa 9/29  
Susanne Oddo, April Maimone, Kathy Velardi Oct 13
2. Accept resignation Tara Russo
3. Request M&C approval temporary heliport Fire Prevention Week

Motion by Councilperson Colasurdo, seconded by Councilperson S. Lewis, authorize Communications Action Items as listed by the Clerk.

ROLL CALL

Councilpersons:  
Bertino - Yes  
Colasurdo - Yes  
Falcone - Yes  
Massarelli - Absent  
S. Lewis - Yes  
Wuillermin - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Informational Items:

1. From residents of Traditions of Blueberry Ridge Homeowners Assoc. petition and pictures of detention basin corner of Old Forks Road and 3<sup>rd</sup> St.

Sam Giordano - Blueberry Lane

Mr. Giordano was present and advised Mayor and Council on the ongoing problem per their petition. He questioned the amount of the bond being held?

The Deputy Clerk advised that Mr. Giordano was in to review the file and she gave him a copy of what she believes is the original bond and the latest bond being held. In addition Mr. Cantwell, Engineer handling this project, is coming in to review the file.

Councilperson Bertino suggested Mayor and Council request an additional bond be submitted and held to protect the residents in this area?

Councilperson Wuillermin questioned if Mayor and Council should prohibit the builder from receiving additional approvals until this bond is posted?

Solicitor to review towns ability to request additional bond for this project.

Mayor questioned what is inhibiting the builder to correct the detention pond problem now?

Councilperson Colasurdo responded the builder has advised he cannot remedy this detention pond until the project is complete.

Mr. Giordano advised the detention basin is not supposed to hold water, the retention basin is. Also, he wants to be certain that the town is holding enough money on the builder to be sure that he corrects the detention pond problem when this project is complete. He also reviewed the problem with Mayor and Council who have received his petition as well as copies of his pictures concerning this problem. He confirmed that Mr. Cantwell of R&V is the Engineer handling this project. Mr. Giordano requested that he be allowed to read his letter to Mayor and Council even though they all received a copy of same and the letter is made part of the official minutes.

Mayor DiDonato allowed Mr. Giordano to read his letter.

Mr. Giordano was excused.

Extend Meeting Passed 11:00 p.m.

Motion by Councilperson Colasurdo, seconded by Councilperson Falcone, extend meeting passed 11:00 p.m. Motion carried.

REPORTS-August 2006

- Town Clerk
- Registrar
- Construction Official

UNFINISHED BUSINESS

NEW BUSINESS-ORDINANCES

RESOLUTIONS

#R129-2006 Halloween Parade

RESOLUTION # 129-2006

RESOLUTION AUTHORIZING AND ENDORSING  
KIWANIS CLUB HALLOWEEN PARADE

WHEREAS, Kiwanis Club of Hammonton has and continues to promote the Town of Hammonton with scheduled events in the downtown business district; and

WHEREAS, Mayor and Council has and continues to support the efforts of Kiwanis Club of Hammonton; and

WHEREAS, October 25, 2006 is the scheduled date for the Annual Kiwanis Club Halloween Parade (rain date to be October 26, 2006);

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, STATE OF NEW JERSEY, that the Kiwanis Club Halloween Parade is acknowledged and endorsed with the following streets being closed:

N. Egg Harbor Road from Rt. 54 to Fairview Avenue from 6:00 - 7:00 pm  
Rt. 54 (Bellevue) from N. Egg Harbor Road to Third St. from 7:00 - 9:00 pm

#R130-2006 Mainstreet Tree Lighting Event

RESOLUTION # 130-2006

RESOLUTION AUTHORIZING AND ENDORSING  
MAINSTREET HAMMONTON TOWN TREE LIGHTING EVENT

WHEREAS, MainStreet Hammonton Organization has and continues to promote the Town of Hammonton with scheduled events in the downtown business district; and

WHEREAS, Mayor and Council has and continues to support the efforts of MainStreet Hammonton; and

WHEREAS, Friday, December 1, 2006 is the scheduled date for the MainStreet Hammonton Town Tree Lighting Event from 7:00 to 9:00 p.m. at the intersection of Bellevue and Central Avenues.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, STATE OF NEW JERSEY, that the town tree lighting event is acknowledged and endorsed with the following street being closed:

Central Avenue (between Bellevue & Vine Street) from 6:30 to 9:30 PM

BE IT FURTHER RESOLVED, that the Town of Hammonton will provide police assistance for this event; and

#R131-2006 Confirm Sale Block 1201, Lot 44

**Resolution #131-2006**

**RESOLUTION CONFIRMING SALE OF MUNICIPALLY OWNED PROPERTY  
Block 1201, Part of Lot 44**

**WHEREAS**, the Town of Hammonton did conduct a sale of municipally owned property no longer needed for public use on September 6, 2006; and

**WHEREAS**, the Town of Hammonton did properly adopt an ordinance (#14-2006) and publish a Notice of Sale pursuant to the Laws of the State of New Jersey; and

**WHEREAS**, the sole bid was received from New Jersey Manufacturers Insurance Co. in the amount of \$498,000.00 representing an amount in excess of the established minimum bid; and

**WHEREAS**, the property is being sold with the understanding that all provisions detailed in the aforesaid ordinance (#14-2006) authorizing the sale are hereby made part of this acceptance; and

**WHEREAS**, New Jersey Manufacturers tendered certified funds in excess of 10% of their bid;

**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 property known and designated as Block 1201, part of Lot 44 be sold to New Jersey Manufacturers Insurance Co. subject to their satisfaction of all conditions of sale.

**BE IT FURTHER RESOLVED** that a contract be prepared by the successful bidder incorporating all provisions and conditions of the ordinance; and

**BE IT FURTHER RESOLVED** that a Deed conveying the subject property be delivered to New Jersey Manufacturers Insurance Co. upon satisfaction of all conditions and payment of the balance due in cash or certified funds; and

**BE IT FURTHER RESOLVED**, that the Mayor and Town Clerk/Administrator are hereby authorized to execute the Deed and any and all other documents necessary to effectuate the sale.

#R132-2006 Tax Resolution September

#R132-2006  
R E S O L U T I O N

WHEREAS, the following accounts need to have amounts credited, transferred, canceled, refunded, or changed.

Block	Lot	INCORRECT	CORRECTION	NAME	PER	ACCT/REASON
2817	8	<2,248.62>		ADAMUCCI	ROSIE	TAX/REFUND OVERPAYMENT
5002	12.01	<3,190.52>		BETTY SIMON	ROSIE	TAX/REFUND OVERPAYMENT

ALL CORRECT BILLS ARE DUE TO READING ERRORS.

NOW THEREFORE BE IT RESOLVED by mayor and council to authorize and direct the tax collector to credit, transfer, cancel, refund, or change the above accounts.

#R133-2006 Extend Contract Exxon Mobile

#R 133-2006  
RESOLUTION EXTENDING CONTRACT  
FOR EXXON MOBILE

WHEREAS, the Town of Hammonton did approve a connection and discharge for a former Exxon Service Station located at Route 30 and Route 206 in the Town of Hammonton and incorporated the same in Resolution #41-1996; and

WHEREAS, said resolution was modified by establishing additional discharge conditions by Resolution #68-2000; and

WHEREAS, it has now been determined that the contract with Exxon Mobile requires a two year extension;

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 contract with Exxon Mobile including those amendments made by Resolution 68-2000 be extended for an additional two years;

BE IT FURTHER RESOLVED that all previous conditions and approvals not specifically amended shall remain in full force and effect.

#R134-2006 Agreement Open Space

#R134-2006

RESOLUTION OF AUTHORIZATION  
FOR THE TOWN OF HAMMONTON  
TO ENTER INTO AN AGREEMENT WITH  
ATLANTIC COUNTY OPEN SPACE TRUST

WHEREAS, the Mayor and Township Council of the Town of Hammonton, County of Atlantic, State of New Jersey obtained a \$60,000 grant allotment from Atlantic County Open Space Trust; and

WHEREAS, the \$60,000 grant is allocated towards the construction of athletic fields at the Boyer Avenue Recreation Complex; and

WHEREAS, the agreement with Atlantic County Open Space Trust must be signed by the Town's authorized representative; and

WHEREAS, the funds will be utilized on the Phase II activities recently constructed; and

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

1. The Mayor is authorized to sign the agreement.
2. The Clerk is authorized to sign the agreement and/or acknowledgements.

#R135-2006 Open Space and Recreation

**RESOLUTION #135-2006**

WHEREAS, Mayor and Council of the Town of Hammonton wish to apply for a grant from the State of New Jersey and County of Atlantic for open space and development of recreation; and

WHEREAS, an application needs to be submitted to the State of New Jersey and County of Atlantic on behalf of the Town; and

WHEREAS, it is for the health, welfare and public good of the citizens of the Town of Hammonton, that open space preserved where applicable and that areas be set aside for recreational purposes where needed; and

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

The Town Engineer shall submit an application for grant funds for the acquisition of property for the establishment of recreation and open space, to the County of the Atlantic and the State of New Jersey.

Also be it further resolved that the Mayor and Town Clerk are authorized to sign all application forms and documents on behalf of the Town to seek funding consideration.

#R136-2006 Confirm Sale Master Wire

**Resolution #136-2006**

**WHEREAS**, Mayor and Council of the Town of Hammonton at its regularly scheduled meeting of April 24, 2006 (see attached certified copy of Minutes) authorized the Mayor to enter into a Contract pursuant to N.J.S.A. 40:56-7 for the acquisition of the real property known as 309 Columbia Road, Hammonton, New Jersey (Block 5702, Lot 15.01) for the purchase price of \$350,000.00; and

**WHEREAS**, Mayor and Council by Ordinance #7-2004 authorized the expenditure of Town funds for this purpose subject to the anticipated reimbursement of a portion thereof through a Federal FAA Grant accepted by the Town on August 30, 2004 in the amount of \$331,645.00; and

**WHEREAS**, Mayor and Council have concluded that acquisition of the property in question is in the best interest of the Town of Hammonton.

**NOW, THEREFORE, BE IT RESOLVED** on this 24th day of April, 2006 that the property known as 309 Columbia Road (Block 5702, Lot 15.01) be acquired by the Town of Hammonton for the purchase price of \$350,000.00 plus expenses of testing, inspection, title, survey and such other reasonable and incidental expenses necessary for the acquisition thereof; and

**BE IT FURTHER RESOLVED** that the Municipal Solicitor, Brian G. Howell, Esquire be authorized to execute any and all documents necessary to effectuate the above purposes.

Motion by Councilperson Wuillermin, seconded by Councilperson S. Lewis, resolutions 129 through 136 be adopted.

ROLL CALL

- Councilpersons:
- Bertino - Yes
- Colasurdo - Yes
- Falcone - Yes
- Massarelli - Absent
- S. Lewis - Yes
- Wuillermin - Yes
- Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

LICENSE APPROVAL

- ABC PR Civic Assoc. Sept 1, 2, 3
- Raffle Buena Regional Education Foundation 11/18/06
- Raffle Buena Regional Education Foundation 11/18/06
- Raffle Hammonton Education Foundation 10/20/06

Motion by Councilperson S. Lewis, seconded by Councilperson Bertino, licenses be approved as recorded by the Clerk. Motion carried.

PUBLIC HEARDJose Diaz - Oak Road

Mr. Diaz stated he was angered by what he witnessed in Mayor and Council's decision to adopt the Landlord Ordinance this evening even though there were three members of council who had additional questions and several citizens stated they were opposed to the ordinance. In his opinion, he hopes this does not become a trend where peoples ideas are urgently pushed. You should not impose an ordinance just because other towns do so. Further open public meetings involve more than just televising same for public view, it also means listening to those citizens opinions.

Michael Roe - Rachel Court

Mr. Roe stated in Kessler Hospital's presentation this evening they talked about the positive things but did not advise on the full extent of their bankruptcy which has affected many people including vendors who are going unpaid.

Mark Santora - Old Forks Road

Mr. Santora referenced the petition and pictures submitted by residents on Old Forks Road concerning the detention basin which he has come before council in the past and again this evening. Prior council's assured residents that this problem would be corrected and as of today it has not. Even though prior council knew that problems existed, they authorized Bowman to continue construction of Phase III. Mr. Santora believed in the past and now believes that Bowman will not be able to make this detention basin work. He encourages this Mayor and Council to bring someone from the Engineering firm before them and hold that person accountable for their error in determining the detention basin to be workable. Releasing Phase III enabled Bowman to develop the remainder of their project. Now, if the water cannot be held on site, where will the extra water go and on who's land will it flood? We appreciate whatever this Mayor and Council can do to remedy this problem.

Freeholder James Curcio - French Street (Atlantic Co. Dist. 5)

Freeholder Curcio thanked Mayor and Council for the work that has been done to implement the Egg Harbor Road project that commenced today. He mentioned other projects the Town and County have worked together to bring to fruition. This is a very good example of the Town and County cooperating and achieving a common goal. He then went on to make an accusation against Councilperson Falcone.

Councilperson Falcone denied the accusation.

An argument ensued.

Solicitor advised both parties this is not the place or time for their argument and they discontinued same.

Authorize Curb/Sidewalk Egg Harbor Road

Motion by Councilperson Colasurdo, seconded by Councilperson Bertino, authorize ARH to obtain estimate and then proceed with work concerning curb/sidewalk Egg Harbor Road project not to exceed \$21,500.00. This is contingent upon approval of Public Works Committee.

ROLL CALL

Councilpersons:

Bertino - Yes

Colasurdo - Yes

Falcone - Yes

Massarelli - Absent

S. Lewis - Yes

Wuillermin - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

#R137-2006 Resolution Enter Into Executive Session at 11:30 pm

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 S. Lewis, seconded by Councilperson Falcone, the resolution be adopted.

ROLL CALL

Councilpersons:  
 Bertino - Yes  
 Colasurdo - Yes  
 Falcone - Yes  
 Massarelli - Absent  
 S. Lewis - Yes  
 Wuillermin - Yes  
 Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Resume Regular Order of Business

Motion by Councilperson Falcone, seconded by Councilperson Colasurdo, resume regular order of business. Motion carried.

#R138-2006 Amend Retirement John Aloisio

RESOLUTION #R 138-2006  
 Resolution Amending Resolution #58-2006  
 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 that the Town of Hammonton, County of Atlantic (#0045-00) 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 June, 2007.

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.

ROLL CALL

Councilpersons:  
 Bertino - Yes  
 Colasurdo - Yes  
 Falcone - Yes  
 Massarelli - Absent  
 S. Lewis - Yes  
 Wuillermin - Yes  
 Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Authorize Advertise for PT Laborer

Motion by Councilperson Bertino, seconded by Councilperson S. Lewis, authorize Clerk to advertise for PT Laborer at Landfill during employees sick leave of absence.

ROLL CALL

Councilpersons:

Bertino - Yes

Colasurdo - Yes

Falcone - Yes

Massarelli - Absent

S. Lewis - Yes

Wuillermin - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

MEETING ADJOURNED at 12:15

Motion by Councilperson S. Lewis, seconded by Councilperson Falcone, the meeting be adjourned. Motion carried.

Minutes Prepare by April Boyer Maimone, Deputy Clerk

Minutes Approved by Susanne Oddo, Town Clerk/Adm.