

Special Meeting of Mayor and Council – February 13, 2012 @ 7:00 p.m.  
Town Hall Council Chambers, 100 Central Avenue  
**Minutes can be viewed at [www.townofhammonton.org](http://www.townofhammonton.org)**

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilpersons:  
Carpo - Present  
Esposito - Present  
Furgione - Present  
Pullia - Present  
Rodio - Present  
Torrissi - Present  
Mayor DiDonato - Present

PRESENT ALSO

Brian Howell, Town Solicitor

PUBLIC NOTICE

Notice of this meeting has been posted and given to official newspapers. Please familiarize yourselves with the fire exits to the right and rear of the Council Chambers. Please do not proceed beyond the front benches without invitation from the Mayor to do so.

PLEDGE OF ALLEGIANCE

Moment of Silence – David Gulig

PUBLIC HEARD FOR AGENDA ACTION ITEMS

No one desired to be heard.

Mayor Statement

Mayor DiDonato advised the reason for this meeting is to discuss moving the annual School Board Election to the General Election.

Mayor recognized School Board President Joseph Giraldo; Barbara Prettyman, School Business Administrator; Dr.Dan Blachford, School Superintendent; William Donio, School Board Solicitor; as well as several School Board Members seated in the audience. He invited Mr. Giraldo to the podium.

Board of Education Presentation

Mr. Joseph Giraldo, School Board President, read a prepared statement into the record as follows:

Mr. Mayor, Members of Council, you have asked that we come to your meeting and speak on the issue of moving the non-partisan school board member elections to the November partisan political elections and by doing so, remove the public's ability to vote on the proposed general fund tax levy. We have sent you a resolution adopted by the Board at its public meeting on February 9, 2012 where the Board made the determination not to move its elections and which explained at length our reasoning. I'm sure that resolution has been shared with all the members of Council.

I'm not here to give a presentation on our budget, OR our tax rate, which has had a zero increase for the past five years, and will have a zero tax increase for this year. Nor will I discuss the promises made and kept by the

Board about our under budget, on time, audited and open book building projects because I gave an exhaustive presentation at our February 9, 2012 meeting, and that presentation, as we announced at our meeting, has been publicly available on our website since that time.

I am here to reiterate the following point: Partisan Politics have no place in our schools. It's that simple. Ordinary citizens, unaffiliated with any political party, and uninfluenced by the money that is compromising our political process ought to be able to run, independently, for the Board, and subject only to their hard work and desire to volunteer for the students, residents and taxpayers of the community. If candidates have to run in November, do you think they will be heard above all the advertising and campaigning bought for the general election? Just in Hammonton, over the past 5 years, the political parties and their supporters have close to a quarter of a million dollars on the local elections. Do we want that type of influence in our schools? Do we want political parties setting our educational priorities?

As it set forth in our Resolution, we believe that the voters of Hammonton should vote on our general fund tax levy. We believe the public is better served by voting on more public issues, not less. The public votes on our budget. The public votes if we want to issue bonds for construction or renovation. We believe in the public having a say. Our meetings are televised, our agendas published, we have two public comment sessions at every meeting, and our Administration's doors and books are open to everyone. If moved to November, the public will not vote on the general fund tax levy unless it exceeds the statutory cap. You were on the Board Mr. Mayor, you know what that means. At a minimum the tax rate could increase 2% without a public vote. If future Boards, and they won't do this while I'm there, but if future Boards use what's called "Banked Cap" it could go even higher without a public vote. That's why so many boards are moving in this direction. But we are different. Hammonton has always been different, and what works in other places doesn't necessarily work here. What does work is giving the public a say in how we do business.

Mr. Giraldo thanked Mayor and Council and was seated.

Mayor questioned if other board members wished to be heard.

No one further desired to be heard.

Mayor reviewed school budget, surplus, payroll, health care, rates and figures to which Mr. Giraldo concurred. Mayor then stated he anticipated flat funding from Washington to which Mr. Giraldo responded he cannot anticipate funding at this point and time.

A discussion was held concerning the positives and negatives of moving the April School Board Election to the November General Election including the fact that the taxpayers would not be entitled to vote on a budget that does not exceed 2% increase. There was also a lengthy discussion on a previous referendum in where the voters approved a 7 cent expenditure. There was a disagreement on how the previous approval can be utilized in the future.

Councilman Rodio stressed the need to place parameters now as we do not know how future boards may wish to handle budgetary matters.

Councilman Pullia questioned will moving the school board election to November change the 7 cents that the public previously voted on?

Mayor responded no.

Councilman Furgione questioned if the school makes 5 years of payments does the 7 cents drop?

Mayor responded no.

Councilman Furgione then questioned the commitment on the 7 cent bond?

Councilman Torrissi clarified the 7 cents is irrelevant in the discussion to move the School Board Election to the General Election this evening.

Mayor agreed but stated he wanted the taxpayers to be aware that the 7 cents is out there.

Mrs. Prettyman was then invited to approach the podium to advise Mayor and Council. She stated that every district was able to raise their tax levy 2 percent. Ratables in Hammonton were flat and the district did not raise taxes. If you did not raise your tax levy, the amount of unused money goes into a cap bank. She also mentioned a big factor in future budgeting that needs to be considered is that employees will be contributing to their health benefits which will offset other increases. Therefore, the 7.1 cents will most likely phase in.

Mayor suggested a more conservative approach is to let go of the cap each year.

Councilman Torrissi questioned if we move the election to November and not raise 2 percent can the following year be increased by 4 percent?

Mrs. Prettyman responded moving the election to November will allow a school district to increase their tax levy by 2 percent plus whatever is banked in their cap.

Mayor stated that he would like to see the board let go of the banked cap as the town does.

Mayor opened the discussion for public input.

Anthony Mortellite – Broadway

Mr. Mortellite questioned what 2.5% of tax levy equals?

Mayor responded approximately 4 cents.

Mr. Mortellite questioned what would be the tax increase for a \$200,000 home?

Mayor responded approximately \$80.00 per year.

Mr. Mortellite questioned does the budget have to be raised 2% each year?

Councilperson Carpo stated if the election is moved to November the taxes could be increased by \$80.00 per year without the voter approving same.

Mr. Mortellite questioned will an increase of over 2% be on the ballot?

Solicitor responded yes.

Mayor stated that county officials have advised that the cost for an April school election will increase with more schools moving their elections to November.

The Clerk concurred.

Mr. Byrne

Mr. Byrne questioned if the school election is moved to November could the board put the 7 cents on the voter and the only recourse the voter has is to vote out the board members after the fact?

Mayor stated the board can raise the budget and not place the 7 cents on same.

Councilman Pullia stated he doubts the 7 cents will go unnoticed by the voters.

Mrs. Prettyman advised the tax levy for the debt does not get voted on in April or November. However, the entire budget is published in the paper and she credits the taxpayers in being able to review and understand the publication.

Mr. Byrne stated the Governors original plan was to move all school elections to November and this bill differs from that. He advised on some negative points in the bill. He urged council to adopt a resolution urging our legislature to take the loop hole out of the bill allowing for moving school election to November.

Dr. Joanna Johnson

Dr. Johnson questioned if the numbers the Mayor is putting out there are accurate? She stated she is no longer a board member but she always hated April elections and she would hate them more in November. She feels leaving the election in April is the right thing to do in the best interest of the children.

Mayor responded his numbers are correct and his thoughts are with the children.

Joe Ingemi

Mr. Ingemi pointed out conflicting dialogue in two different statements the Mayor made to different newspapers.

Mayor clarified his statements as being responses to two different questions.

Mr. Ingemi questioned school contractual increases during the time the Mayor was on the school board?

Mayor responded yes he recalled negotiating for an entire evening with a mediator involved.

Mr. Ingemi questioned was the settlement 4 percent?

Mayor did not think so.

Mr. Bours of the school board responded yes it was.

Mr. Ingemi continued to question the meaning of the Mayor's statements and presentations.

Mayor respectfully disagreed with Mr. Ingemi as the statements he was referring to were two different issues.

Mayor advised that he will not answer any more questions for Mr. Ingemi as Mr. Ingemi made a derogatory comment.

John Rodio

Mr. Rodio questioned if council moves the election is it permanent?

Mayor advised no, it's for four years.

Mr. Rodio, former school board member, originally agreed with moving school election but not with strings attached. He feels the people should be able to vote on the budget.

Mayor stated he felt there is a poor voter turnout in April.

Councilman Rodio advised on potential cost increases to schools that do not move their elections. He also noted several school districts that have moved their elections. He stated he cannot believe that those who moved their elections could be so wrong.

Councilman Torrissi questioned how many governing bodies moved school elections?

Councilman Pullia stated only one.

Councilman Furgione stated it costs less than 1 percent of the budget to run a school election. Councilman Furgione also stated this would be the first case in New Jersey where the Mayor and Council would overrule a Board of Education.

Councilman Torrissi stated he feels the school board's resolution to leave their election in April should be taken into consideration.

James McClain

Mr. McClain stated the move to November is right for some school boards but not for all. That's why the decision was given to the local school boards. He also pointed out that when the issue was originally brought up it was a surprise to some members of council. He feels an adversarily process was started from the very beginning.

James Fitzpatrick

Mr. Fitzpatrick stated he feels this will be politicized as there will be people entering voting booth and voting straight down partisan lines. He feels it is a significant thing for council to override the school. He feels if we are worried about spending then 2% should not be desirable. He feels we should wait and see what other towns learn from moving their school elections first.

Yuli Chew

Mr. Chew gave his opinion on the bill as well as the 2% allowable increase.

Carol Orsi

Mrs. Orsi, former school board member, agreed with keeping the School Board Election in April this year to allow time to examine the ramifications on those who moved their elections to November.

Frank LaSassa

Mr. LaSassa is for waiting to move election.

Tony Sceia

Mr. Sceia is opposed to moving the school election.

Close Hearing

Mayor closed the public portion.

Councilman Esposito agreed we have a great school board but the moving of the school board election is the future. 50% of tax dollars collected goes to the school and only 10 % of the people vote at the school election in April.

#R026-2012 Move School Board Election

#R 026 -2012  
A RESOLUTION ESTABLISHING THE ELECTION OF MEMBERS OF THE  
HAMMONTON BOARD OF EDUCATION  
AS THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER

WHEREAS, P.L. 2011, c. 202 authorizes changing the election date of school board members from the third Tuesday in April to the first Tuesday after the first Monday in November (the General Election); and

WHEREAS, Such action requires the adoption of a resolution by a school district or the municipality or municipalities constituting such district, as set forth in P.L. 2011, c. 202; and

WHEREAS, P.L. 2011, c. 202 requires that the change to a November election remain in effect for four years; and

WHEREAS, P.L. 2011, c. 202 eliminates the annual voter referendum on the proposed general fund tax levy (i.e., the base budget which is at or below the statutory tax levy cap) in school districts where board of education members are elected at the General Elections; and

WHEREAS, P.L. 2011, c. 202 requires that an additional general fund tax levy proposal (i.e. for an expenditure in excess of the tax levy cap) be presented to voters as a separate question at the General Election; and

WHEREAS, the Mayor and Council of the Town of Hammonton believes that the financial interest of its constituents is safeguarded by the state's tax levy cap and the thorough review of the proposed school budget by the Executive County Superintendent and the Executive County School Business Administrator; and

WHEREAS, the Mayor and Council of the Town of Hammonton believes that more citizens will participate in the selection of the school board members at the General Election than on the third Tuesday in April and that the higher level of participation will foster positive interest in our public schools; and

WHEREAS, the Mayor and Council of the Town of Hammonton is committed to the non-partisan status of school board membership and the non-partisan conduct of school elections, and believes this principle will not be compromised by conducting board member elections in November.

NOW, THEREFORE, BE IT RESOLVED, that , pursuant to P.L. 2011, c. 202, the Mayor and Council of the Town of Hammonton changes the annual election date for school board members from the third Tuesday in April to the November General Election, beginning in 2012; and

BE IT FURTHER RESOLVED, that, pursuant to P.L. 2011, c. 202, the annual organization meeting of the Hammonton Board of Education will take place in the first week of January following the November General Election and that the board of education's next organization meeting will take place in the first week of January 2013; and

BE IT FURTHER RESOLVED, that, pursuant to P.L. 2011, c. 202, member of the Hammonton Board of Education whose terms would have expired by May 2012 will continue to serve in office until the January 2013 organization meeting; and

BE IT FURTHER RESOLVED, that, this resolution be transmitted to the Atlantic County Clerk; the Atlantic County Board of Election and/or Superintendent of Elections; and the Hammonton Municipal Clerk, the school board secretary or secretaries; the Department of State, Division of Elections; the Department of Education's Executive County Superintendent; and the Department of Community Affairs, Division of Local Government Services; and

BE IT FURTHER RESOLVED, that a copy of this resolution also be provided to the New Jersey School Boards Association and New Jersey State League of Municipalities.

Motion by Councilperson Esposito, seconded by Councilperson Rodio, the resolution to move school board election to November election be adopted.

Councilman Rodio explained why he seconded the motion.

Mrs. Prettyman was once again invited to the podium to advise council before the vote. She stated the voters approved the bond referendum the school borrowed and used the money. We are now paying the debt service. It has nothing to do with bonds or referendum but it's now time to pay the bill. We are using those reserves that can be used for capital projects or to repay the debt.

Councilman Rodio stressed we have an excellent school system but he feels the citizens want the election moved to November.

Councilman Torrissi stated he wished to wait to ascertain the ramifications of those who have moved their elections to November.

Councilman Furgione agreed with Councilman Torrissi and further stated he wants the voters to have the opportunity to vote. He wants to see some tests cases first.

ROLL CALL

Councilpersons:

Carpo - No

Esposito - Yes

Furgione - No

Pullia - No

Rodio - Yes

Torrissi - No

Mayor DiDonato - Yes

Mayor DiDonato declared the resolution defeated.

#R025-2012 Enter Executive Session

#R025-2012

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. Discussion Termination-Highway Department Employee
2. DEP Radium

3. Retention of expert for landfill case
4. Revaluation

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 Furgione, seconded by Councilperson Torrissi, enter into executive session.

ROLL CALL

Councilpersons:

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

RESUME REGULAR MEETING-ROLL CALL

Councilpersons:

Carpo - Present

Esposito - Present

Furgione - Present

Pullia - Present

Rodio - Present

Torrissi - Present

Mayor DiDonato - Present

PRESENT ALSO

Brian Howell, Town Solicitor

TOWN CLERK REPORT

1. Authorize payment to Brian Grasso \$13,409.52 for time off balances due eff 1/1/12
2. Accept retirement Russell Milazzo eff 6/1/12 and payment of time off balances due \$4927.04
3. Renew Aetna Dental eff 3/1/12 as follows:

Employee	\$24.44
Employee plus 1	\$40.80
Employee plus 2 or more	\$79.27

\*Annual increase of \$4,517.00

Motion by Councilperson Torrissi, seconded by Councilperson Pullia, Town Clerk Report items 1-3 are approved.

ROLL CALL

Councilpersons:

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

SOLICITOR REPORT

Authorize RFP Environmental Expert-Landfill Case

Motion by Councilperson Furgione, seconded by Councilperson Carpo, authorize Solicitor to prepare rfp for environmental expert Landfill lawsuit as well as request quote from ARH to critique the report received from plaintiff's environmental expert.

ROLL CALL

Councilpersons:  
Carpo - Yes  
Esposito - Yes  
Furgione - Yes  
Pullia - Yes  
Rodio - Yes  
Torrissi - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Authorize Payment \$2500 DEP Fine-Radium Mailings

Motion by Councilperson Pullia, seconded by Councilperson Esposito, authorize payment of \$2500 DEP fine for non mailing of radium notices.

ROLL CALL

Councilpersons:  
Carpo - Yes  
Esposito - Yes  
Furgione - Yes  
Pullia - Yes  
Rodio - Yes  
Torrissi - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

#R027-2012 Authorize Refund Tax Sale Certificate

#R027-2012

AUTHORIZING TAX COLLECTOR TO REIMBURSE PURCHASER  
OF TAX SALE CERTIFICATE THE SUM OF \$29.11

WHEREAS, the property identified as 215 French Street, (Block 2707, Lot 13) on the Town of Hammonton Tax Map, State of New Jersey was listed on the annual tax sale list; and

WHEREAS, the property owner paid the outstanding tax obligation (\$38.44) prior to the tax sale; and

WHEREAS, the property in question was not removed from the tax sale list prior to the date and time of the tax sale; and

WHEREAS, the property tax certificate was purchased for a total redemption price of \$67.55; and

WHEREAS, when the error was discovered, the Tax Collector reimbursed the tax sale certificate purchaser in the aforesaid amount (\$67.55) thereby leaving a deficit of \$29.11 (the difference between the redemption amount and the outstanding tax obligation).

NOW THEREFORE, it is resolved that on this 13th day of February, 2012 by the Mayor and Council of the Town of Hammonton, County of Atlantic and State of New Jersey as follows;

1. That the Tax Collector is authorized to transfer from the Treasurer's Clearing Account the sum of \$29.11 to the Tax Title Lien Redemption Account in order to eliminate the aforesaid deficit of \$29.11.

Motion by Councilperson Esposito, seconded by Councilperson Carpo, the resolution is adopted.

ROLL CALL

Councilpersons:

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

PUBLIC HEARD

No one desired to be heard.

MEETING ADJOURNED

Motion by Councilperson Rodio, seconded by Councilperson Furgione, the meeting is adjourned.  
Motion carried.

April Boyer Maimone, Municipal Clerk