

Special Meeting of Mayor and Council – March 12, 2012 at 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

PUBLIC HEARD FOR AGENDA ACTION ITEMS

Anthony Mortellite – Broadway

Mr. Mortellite stated he is opposed to the Public Works/Business Administrator position as he feels there are existing employees that already perform the jobs described in the advertisement and does not believe the salary is justifiable.

Larry Delaney – Broadway

Mr. Delaney stated he is opposed to the Public Works/Business Administrator position for the same reasons as Mr. Mortellite previously stated. He further stated that he does not feel it is justifiable to lay off employees and then create a new position with a salary and benefits.

Mayor DiDonato clarified that the salary would not be new as the Road Superintendent is retiring which opens a position and salary there.

Chief Robert Jones Presentation

Chief Jones advised Mayor and Council on staffing issues as it affects overtime and requested the hiring of 2 full time and 1 part time police officer to replace the 3 police officers who retired this year 2012. He advised he has already conducted interviews and those recommended for hiring have also been interviewed by the Law and Order Committee. He asked Mayor and Council for direction and a time line on processing the new hires?

After a discussion of Mayor and Council, Mayor DiDonato advised he would discuss this with Council further and get back to the Police Chief prior to the following council meeting.

APPROVAL OF MINUTES

Executive Session – February 27, 2012  
Regular Meeting – February 27, 2012

Motion by Councilperson Torrissi, seconded by Councilperson Carpo, the minutes 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

Hammonton Airport Through the Fence Issue

Motion by Councilperson Rodio, seconded by Councilperson Esposito, authorize Solicitor to prepare airport agreement that effective 7/1/12 airplane ownership must match property ownership.

ROLL CALL

Councilpersons:

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

TOWN CLERK REPORT

1. Approve Permanent NJ Civil Service Appointment Nicholas Salvatore to Police Captain

Motion by Councilperson Carpo, seconded by Councilperson Pullia, Town Clerk Report item(s) 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.

NEW BUSINESS-ORDINANCES

Bond Ordinance #004A-2012 Water Radium

Ordinance #004A-2012

BOND ORDINANCE PROVIDING FOR WELL 5/7 FACILITY PROJECT IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$2,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,100,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town"). For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$2,100,000. No down payment is required pursuant to N.J.S.A. 40A:2-11(c), as this bond ordinance authorizes obligations solely for a purpose described in N.J.S.A. 40A:2-7(d) as more fully described in Section 6(e) herein and, in the event the Town receives a forgivable loan from New Jersey Environmental Infrastructure Trust ("NJEIT") Financing Program as described in Section 7 herein, such forgivable loan will be treated as a grant for purposes of N.J.S.A. 40A:2-11(c) and therefore no down payment is necessary.

In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,100,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the design, permitting, construction, construction management and the administration of the radium treatment equipment, installation and ancillary building at the Well 5/7 facility located on 14<sup>th</sup> Street, including acquisition and installation of all equipment and materials and all work necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,100,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$380,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Town solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Town. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant,

and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Town or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. If required, the Local Finance Board, in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

The Town hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Town to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

ROLL CALL

Councilpersons:

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Ordinance #004B-2012 Amend Chapter 35 Sections 9 through 12 Clerk/Administrator

Ordinance #004B-2012

AN ORDINANCE AMENDING CHAPTER 35 SECTIONS 9 THROUGH 12  
OF THE CODE OF THE TOWN OF HAMMONTON

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

Chapter 35-9 Legislative findings. N.J.S.A. 40A:9-133 requires every municipality to appoint a Municipal Clerk for a term of 3 years commencing January 1.

Chapter 35-10 Duties. The Municipal Clerk shall perform all duties of the Clerk of the Town of Hammonton, as may be prescribed by the statutes of the State of New Jersey and particularly N.J.S.A. 40A:9-133.

Chapter 35-11 Qualifications. The Mayor and Council shall appoint a Municipal Clerk to a three year term effective January 1<sup>st</sup> and expiring December 31<sup>st</sup>. However, no person shall be re-appointed unless they hold the required Registered Municipal Clerk Certificate issued pursuant to Section 3 or Section 4 of P.L. 1985,c.174.

Chapter 35-12 Term. The term of office for a municipal clerk shall be three years and upon re-appointment the Municipal Clerk shall become tenured upon completion of his/her fifth year in office.

BE IT FURTHER ORDAINED All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED This ordinance shall take effect after final passage and publication according to law.

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

ROLL CALL

Councilpersons:

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Ordinance #004C-2012 Create Public Works/Business Administrator Position

ORDINANCE 004C-2012

AN ORDINANCE OF THE MAYOR AND THE COUNCIL OF THE TOWN OF  
HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY  
ESTABLISHING THE DUTIES AND RESPONSIBILITIES OF THE  
PUBLIC WORKS/BUSINESS ADMINISTRATOR

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

A. **Establishment.** There shall be an office of the Public Works/Business Administrator. The Public Works/Business Administrator shall be a person qualified by education, training and experience to perform the duties of his or her office. He or she shall devote his or her entire time to the duties of the office and shall hold no other office nor engage in any other employment, except with the permission of the Mayor and Council. He or she shall be under the direct supervision of the Mayor and Council.

B. **Term; absence; removal; compensation.**

- (1) **Term.** The term of office of the Public Works/Business Administrator shall be at the pleasure of the Mayor and Council. The first six months of any such appointment to the position of Public Works/Business Administrator shall be for a probationary period. Prior to the completion of the six-month probationary period, the appointee to the position of Public Works/Business Administrator may be removed from office by a vote of a majority of the full membership of the Mayor and Council.
- (2) **Removal from office.** After the probationary period, the Public Works/Business Administrator may be removed by a two-thirds vote of the Mayor and Council. The resolution of removal shall become effective three months after its adoption by the Mayor and Council. The Mayor and Council may provide that the resolution shall have immediate effect; provided, however, that the Mayor and Council shall cause to be paid to the Public Works/Business Administrator forthwith any unpaid balance of his or her salary and his or her salary for the next three calendar months following the adoption of the resolution. The Public Works/Business Administrator shall not obtain or be granted any rights of tenure.
- (3) **Absence or disability of the Public Works/Business Administrator.** During the absence or disability of the Public Works/Business Administrator, the Mayor and the Council may, by resolution, appoint an appointed official or employee of the Town to perform the duties of Public Works/Business Administrator during such absence or disability. In the event the Public Works/Business Administrator is unexpectedly absent prior to a regularly scheduled Council meeting, the Mayor may

appoint an appointed official or employee of the Town to serve until the next regularly scheduled Council meeting. The absence or disability of the Public Works/Business Administrator shall be limited to three continuous months, after which time the absence or disability may be deemed a vacancy by the Mayor and Council. Unless otherwise provided herein, no acting Public Works/Business Administrator shall be paid more than his or her regular salary while serving in that capacity, but he or she shall be reimbursed for all necessary expenses incurred in the performance of that office.

- C. **Compensation.** The compensation of the Public Works/Business Administrator shall be as fixed in the Salary Ordinance of the Town.
  
- D. **Duties and responsibilities.** The Public Works/Business Administrator shall be responsible to the Mayor and Council for the proper and efficient administration of the business affairs of the Town. The Public Works/Business Administrator's duties and responsibilities shall relate to the management of all the Town's business, except those duties and responsibilities conferred upon other Town officials by state statute, other applicable laws, rules and regulations promulgated by state, county or Town ordinances or such duties as the Mayor and Council shall reserve or delegate onto itself or to others. The Public Works/Business Administrator shall see that all ordinances, resolutions and policies of the Mayor and Council and all state and federal laws requiring municipal action are faithfully carried out by those persons responsible for doing so. For the purpose of carrying out the responsibilities of his or her office, the Public Works/Business Administrator shall develop and promulgate for adoption by the Mayor and Council sound administrative, personnel and purchasing practices and procedures for all departments, offices, boards, commissions and agencies of the municipality, all for the purpose of increasing the effectiveness and efficiency of Town government. The Public Works/Business Administrator shall perform all of the duties hereinafter enumerated and such other duties as may be assigned by the Mayor and Council. In addition, the Public Works/Business Administrator shall be responsible for the following enumerated duties:

- (1) **Daily operation.** Implement all policies of the Town necessary to carry out daily operations and activities of the Town by correspondence, review of minutes and personal contact.
- (2) **Information and complaints.** Inform the Mayor and Council and the residents of the municipality on all matters relating to the activities and operations of municipal government; receive and follow up on complaints on all matters and apprise the Mayor and Council thereof.
- (3) **Public information.** Edit and compile public information for distribution to the Mayor and Council.
- (4) **Recommendations.** Continuously study all activities and operations of municipal government and recommend changes for the purpose of increasing efficiency, economy and effectiveness; recommend such rules and regulations as shall be deemed necessary, with the approval of the Mayor and Council, for the conduct of administrative procedures.
- (5) **Advice.** Advise the Mayor and Council with respect to all pertinent information necessary to assist it with the establishment of policies and decisions.
- (6) **Reports.** Prepare and present to the Mayor and Council reports required from time to time on municipal affairs and prepare an annual report of the Public Works/Business Administrator's work for the benefit of the Mayor and Council and the public.
- (7) **Attendance.** Attend all regular meetings of the Mayor and Council with the right to speak, but not to vote, on all agenda items and attend other meetings as directed by the Mayor and Council or as necessary to carry out the duties of Public Works/Business Administrator. The Public Works/Business Administrator shall receive notice of all special meetings of the Mayor and Council and all advisory committees, boards, commissions and other agencies of the Town. Attend all meetings of the Administration Committee.

- (8) **Liaison.** Serve as liaison to all departments, advisory committees, boards, commissions and other agencies of the Town.
- (9) **Labor Relations/Human Resources.** Oversee and assist in the administration and resolution of labor relations and human resources issues involving the employees of the Town of Hammonton.
- (10) **Town Engineer.** Consult with and act as a liaison between the Mayor and Council and the Town Engineer regarding all operations and policy matters.
- (11) **Financial Management.** Be responsible for providing oversight of the Town's daily financial operations, including, but not limited to, providing supervision of the Town accountant.
- (12) **Budgets.** Be responsible for the preparation of the operating and capital improvement budgets for presentation to the Mayor and Council and for administration of the budget approval process by the governing body. In preparing the proposed budget, the Public Works/Business Administrator shall direct department heads to submit their portion thereon and shall request all supporting data he or she deems necessary. The Public Works/Business Administrator shall assist members of the governing body and department heads in preparing their input to the municipal budget. The Public Works/Business Administrator shall thoroughly review all budget requests and submit recommendations with respect thereto to the Mayor and Council in a timely fashion.
- (13) **Purchasing.** Be in charge of reviewing all requisitions from all departments for materials, equipment and supplies and certifying the receipt of the same. He or she shall require the various departments to furnish an adequate inventory of all materials, equipment and supplies in stock and to recommend the sale of any surplus, obsolete or unused equipment when authorized by the Mayor and Council.
- (14) **Examine and inquire.** Have the power to investigate, examine or inquire into the affairs or operations of any department, commission, office,

board or agency of the municipal government, unless prohibited by law.

- (15) **Public information.** Implement and enforce the policies of the Mayor and Council with respect to the compiling and release of public information.
- (16) **Coordination of information.** Integrate and coordinate the functions of all departments, commissions, boards, agencies, offices and officials and maintain liaison with the local school systems. The Public Works/Business Administrator shall be responsible for continuously improving communications among the various Town personnel, departments, commissions, agencies, boards and governing bodies.
- (17) **Recommendation of experts and consultants.** Recommend the employment of experts and consultants to perform work and render advice in connection with Town projects.
- (18) **Supervision of personnel.** Subject to law, supervise all personnel of the Town through the respective department heads and direct the business activities of all Town departments, recommending to the Mayor and Council or its designated committees the employment and replacement of personnel as may be required in said departments within the limits prescribed by the budget. The Public Works/Business Administrator shall have no authority over the operations of the Police Department delegated by law to the Chief of Police.
- (19) **Enforcement of law and contracts.** Determine that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise or other contract regulation or ordinance are faithfully kept and performed and, upon learning of any violation thereof, apprise the Mayor and Council.
- (20) **Public improvements.** Recommend the need for, the nature of and the location of all public improvements and coordinate and expedite the execution of those public improvements authorized by the Mayor and Council.

- (21) **Public works.** Take charge of and be responsible for the construction, operation and maintenance of all public buildings, grounds, streets, roads and other facilities, including general administrative responsibilities for the Town sewer and water systems, the cutting of brush, mowing of grass and removal of snow, the cleaning of ditches, the maintenance of parks and the care of other public works in the Town, subject to the orders and directions of the Council. In addition, he or she shall:
- (a) Continue/complete current development projects and initiatives.
  - (b) Analyze construction and infrastructure redevelopment needs and provide recommendations and reports to Mayor and Council.
  - (c) Interact with the residents and taxpayers of the Town of Hammonton and be available to supervise employees during emergencies in consultation and cooperation with the Emergency Management Coordinator.
  - (d) Set up and maintain adequate inventory and control thereof of all materials and supplies needed for the maintenance and repair of all public works under his or her supervision.
  - (e) Submit to the Mayor and Council a monthly report of all work performed, services furnished and inspections made during the previous month.
  - (f) Submit to the Mayor and Council and the Town Engineer his or her recommendations for budget appropriations for the ensuing year.
  - (g) Recommend for approval the expenditure of all funds by voucher chargeable against the public works budget.
  - (h) Inspect or be responsible for the inspection and maintenance of all storm sewer lines in the Town individually or in conjunction with other designated officials.

- (i) Receive and investigate all complaints from residents and taxpayers of the Town relating to the operations under his or her jurisdiction, take appropriate action and report results to the Mayor and Council.
  - (j) Attend all Public Works Committee meetings, including, those pertaining to road, sewer, water and parks and playgrounds.
  - (k) Supervise the operation, maintenance and repair of municipally owned equipment used in the performance of the work assigned to him or her.
  - (l) Set up, keep and maintain all the necessary books, records, field notes, maps, surveys and similar records necessary to perform the duties of his or her office and turn over all such reports to his or her successor or the Town Council upon the termination of his or her employment by the Town.
  - (m) Recommend to the appropriate committee chairperson the need for repairs and replacements to municipally owned equipment, structures, buildings and grounds.
  - (n) Supervise the performance of the work of personnel assigned to his or her jurisdiction.
- (22) **Safety responsibilities.** Develop and implement all necessary safety instructions and training for employees, Town personnel and Town officials.
- (23) **Recycling.** Serve as recycling coordinator for the Town and oversee all actions necessary to fill the Town's recycling requirements.
- (24) **Grants.** Investigate the availability of and report to the Mayor and Council the feasibility of obtaining grants from federal, state and private sources and apply for and administer such grants as are authorized by the Mayor and Council.
- (25) **Other duties.** The Public Works/Business Administrator shall perform such additional

administrative duties and functions as may be from time to time assigned by the Mayor and Council.

- E. **Authority of the Mayor and Council.** Nothing herein shall derogate or reduce the powers and duties of the Mayor and Council or authorize the Public Works/Business Administrator to exercise the power and duties thereof except as authorized.

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

Councilman Furgione stated he will vote to move this ordinance to public hearing next meeting but he wants to go on record that he still has not completed all research as to the necessity of this position.

ROLL CALL

Councilpersons:

Carpo - No

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Ordinance #004D-2012 Salary Ordinance Public Works/Business Administrator  
Ordinance #004D-2012

AN ORDINANCE FIXING THE SALARIES OF CERTAIN  
EMPLOYEES OF THE TOWN OF HAMMONTON

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

SECTION 1. There is hereby adopted the following salaries for employees of the Town of Hammonton.

TITLE	MINIMUM	MAXIMUM
Public Works/Business Administrator	85,000.00	95,000.00

SECTION 2. The amount to be paid to each official or employee within the salary range shall be fixed from time to time by Resolution of the Mayor and Council.

SECTION 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect after final passage and publication.

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

ROLL CALL

Councilpersons:

Carpo - No

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Ordinance #004E-2012 Various Road and Drainage Improvements

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF ROADS IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$30,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$28,500 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$30,000, including the sum of \$1,500 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$28,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the upgrade and repairs (including drainage work) to Union Road, Laurel Avenue, Orchard Street, West End Avenue, Jacobs Street, Pleasant Street, Allen Lane, Greenwood Drive, Madison Avenue, Grand Street, Anderson Avenue, Lakeview Drive, 1st Road and Chew Road, including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$28,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$6,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Town to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

Council Furgione questioned the breakdown of funding?

Mayor DiDonato advised \$22,500.00 for engineering fees to ARH, \$1000.00 for asphalt and diesel and the remainder is for police traffic patrol if necessary.

Councilman Furgione stated that we need to get the engineering costs down in future projects.

Mayor DiDonato advised that when the Town implements the new Public Works/Manager position, he feels this person will be able to handle much of the engineer aspects of the projects and the town will realize a significant savings.

ROLL CALL

Councilpersons:

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

**RESOLUTIONS**

**#R040B-2012 Amend Capital Budget Radium/Various Road Improvements**  
 Resolution #040B-2012  
 TOWN OF HAMMONTON  
 TEMPORARY CAPITAL BUDGET

**WHEREAS**, the need has arisen to introduce a bond ordinance to provide funds for Various Road and Drainage Improvements from the General Capital Fund and the Well 5/7 Facility Project from the Water/Sewer Utility Capital Fund, including all appurtenances necessary and related thereto, and;

**WHEREAS**, the regulations of the Local Finance board (N.J.A.C. 5:30-4.3(b)) of the Division of Local Government Services, Department of Community Services requires that the municipality adopt a temporary capital budget if a bond ordinance is to be passed prior to the adoption of the Annual Capital Budget, and;

**WHEREAS**, the ordinance provides a total appropriation as follows:

<u>Purpose</u>	<u>Total Amount</u>	<u>Debt Authorized</u>	<u>CIF Downpayment</u>
<b><u>General Capital Fund</u></b>			
Various Road & Drainage Improvements	<u>\$ 30,000.00</u>	<u>\$ 28,500.00</u>	<u>\$ 1,500.00</u>
<b><u>Water/Sewer Utility Capital Fund</u></b>			
Well 5/7 Facility Project	<u>\$ 2,100,000.00</u>	<u>\$ 2,100,000.00</u>	

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Town of Hammonton, County of Atlantic that:

- (1) a Temporary Capital Budget is hereby created for the following:

<b><u>General Capital Fund</u></b>	
Various Road and Drainage Improvements	\$ 30,000.00
<b><u>Water/Sewer Utility Capital Fund</u></b>	
Well 5/7 Facility Project	\$2,100,000.00

- (2) the project will be included in the Annual Capital Budget, and
- (3) one certified copy shall be forwarded to the Director of the Division of Local Government Services immediately after passage.

**#R040C-2012 Transfer Resolution**

#R 040C-2012

RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS  
 IN TOWN OF HAMMONTON MUNICIPAL BUDGET

BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton, County of Atlantic, and State of New Jersey, that there be and hereby is authorized the following transfers from the budget appropriations reserves:

FROM: In CAP

CM 3/12/12

Assessment of Tax OE (1-01-20-104-200)	\$300.00
TO: In CAP	
Highway OE (1-01-26-123-200)	\$300.00
FROM: In CAP	
Street Lighting OE (1-01-31-138-200)	\$3,000.00
TO: In CAP	
Airport OE (1-01-30-137-200)	\$3,000.00

#R040D-2012 Temporary Emergency Appropriations

RESOLUTION # 040D-2012

Resolution of the Mayor and Common Council of the Town of Hammonton,  
County of Atlantic, State of New Jersey, making temporary emergency appropriations  
for the Current Fund, and Municipal Utilities Department

Whereas, N.J.S.A. 40A:4-20 provides that temporary emergency appropriations may be made for the period between the beginning of the fiscal year and the date of adoption of the budget for said year; and

Whereas, the date of this resolution is not within the first thirty days of January; and

Now, Therefore Be It Resolved by the Mayor and Common Council of the Town of Hammonton, New Jersey, that the following temporary emergency appropriations are hereby made:

<b>PERS</b>	
PERS OE (2-01-36-144-200)	\$190,556.97
<b>PFRS</b>	
PFRS OE (2-01-36-147-200)	\$397,798.82
<b>Insurance</b>	
Insurance OE (2-01-23-115-200)	\$14,720.42
<b>PERS Utility OE</b>	
PERS Utility (2-05-55-609-200)	\$42,861.13

#R040E-2012 Open Space Financial Assistance Program

RESOLUTION #040E-2012  
ATLANTIC COUNTY RECREATION AND OPEN SPACE  
FINANCIAL ASSISTANCE PROGRAM

**WHEREAS**, the Atlantic County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Financial Assistance Program to provide funding in connection with municipal acquisition and development of lands for open space, recreation, conservation and historic preservation purposes; and

**WHEREAS**, the governing body of the Town of Hammonton was previously awarded County Open Space Trust funds in the amount not to exceed \$915,750.00 to fund the acquisition of land located in the Town Of Hammonton at various blocks and lots; and,

**WHEREAS**, The Town of Hammonton has been unable to complete the project(s), and desires to redirect the previously awarded \$915,750.00 to Upgrade the Boyer Ave Recreational Facility and Lake Park Facility at Various blocks and lots in the Town of Hammonton.

**WHEREAS**, the Town of Hammonton desires to extend the term of the Financial Assistance Agreement for County Open Space Trust Funds to complete the improvements.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Hammonton that:

- 1) The Town of Hammonton is committed to this project and will  
Provide the balance of funding necessary to complete the project in the form of non-County funds as required; and
- 2) The Town of Hammonton is willing to use the approved County Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state and local government rules, regulations, and statutes thereto; and
- 3) The Town of Hammonton is authorized to submit a request to the County of Atlantic to reallocate previously awarded acquisition Funds toward development projects at the Boyer Ave Recreation Facility and Lake Park Facility; and
- 4) The Town of Hammonton is authorized to submit a request to  
Extend the term of the Financial Agreement; and
- 5) Mayor Stephen DiDonato is hereby authorized to execute any required documents, agreements, and amendments thereto with the County  
of Atlantic for the approved County Open Space Trust Funds; and
- 6) This Resolution shall take effect immediately.

Motion by Councilperson Torrissi, seconded by Councilperson Rodio, resolutions 40B-40E are 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.

#R040A -2012 Enter Into Executive Session-Interviews Public Works/Business Administrator  
#R040A-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. Interview Applicants Public Works/Business Administrator

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 Esposito, seconded by Councilperson Furgione, the resolution to enter executive session 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.

RESUME OPEN PORTION OF MEETING

MEETING ADJOURNED

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

April Boyer Maimone, Municipal Clerk