

Regular Meeting of Mayor and Council
Town Hall Council Chambers
100 Central Avenue, Hammonton, N.J.
Regular Public Session July 25, 2011 at 7:00 P.M.
Minutes can be viewed at www.townofhammonton.org

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilpersons:
Barberio - Present
Esposito - Present
Gribbin - Present
Pullia - Present
Rodio - Present
Torrissi - Present
Mayor DiDonato - Present

PRESENT ALSO

Brian Howell, Town Solicitor
Bob Vettese of ARH, Town Engineer

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

No one desired to be heard.

APPROVAL OF MINUTES

Executive Session of June 27, 2011 at 6:00 p.m.
Executive Session of June 27, 2011 at 9:30 p.m.
Regular Meeting of June 27, 2011

Motion by Councilperson Barberio, seconded by Councilperson Gribbin, the minutes are approved as recorded by the clerk.

ROLL CALL:

Councilpersons:
Barberio - Yes
Esposito - Yes
Gribbin - Yes
Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

1. Councilman Gribbin presented certificates honoring the following former Council Members:

Charles Gazzara
Frank Weiss
Anthony DeMarco
Richard Penza
Robert Schenk
Anthony Falcone
Jeanne Sparacino Lewis
Anthony Barresi

2. Hearing Ordinance #015-2011 Prohibit Parking Farmers Market
*place in full in the minutes of June 27, 2011

Motion by Councilperson Torrissi, seconded by Councilperson Barberio, the ordinance be taken up for second reading and public hearing. Motion carried.

No one desired to be heard.

Motion by Councilperson Esposito, seconded by Councilperson Barberio, the hearing be closed, the ordinance pass second reading and be adopted.

ROLL CALL:

Councilpersons:
Barberio - Yes
Esposito - Yes
Gribbin - Yes
Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

3. Hearing Ordinance #016-2011 Firefighter's Auxiliary
*placed in full in the minutes of June 27, 2011

Motion by Councilperson Pullia, seconded by Councilperson Rodio, the ordinance be taken up for second reading and public hearing. Motion carried.

No one desired to be heard.

Motion by Councilperson Pullia, seconded by Councilperson Gribbin, the hearing be closed, the ordinance pass second reading and be adopted.

ROLL CALL:

Councilpersons:
Barberio - Yes
Esposito - Yes

Gribbin - Yes
Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Three Minute Recess

COMMITTEE REPORTS

Administration -Councilperson Barberio

Report on Employee Handbook Updates for approval under New Business this evening

Business & Industry-Councilperson Gribbin

Motion by Councilperson Gribbin, seconded by Councilperson Barberio, authorize one year internship with Alex Baldwin, a media production student, who will help enhance local Channel 9, at no cost to the Town, under the supervision of Mr. Nick DeStefano, Information Technology Specialist.

ROLL CALL:

Councilpersons:

Barberio - Yes
Esposito - Yes
Gribbin - Yes
Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Business & Industry Report Continued

Reported on Ricca's Italian Bakery setting the world record for the longest lien of cakes at 1875 feet, using over 1,000 lbs of locally grown blueberries donated by Hammonton farmers, and thanking them for their 50 years of baking in Hammonton.

Education-Councilperson Gribbin

Report on Board of Education receiving an additional \$409,000.00 in state aid funding, with the potential for an additional increase in state aid of over \$260,000.00 in state aid funding

Public Works & Transportation-Councilperson Rodio

Reported on Youth County Workforce Program comprised of individuals ages 18-21 working for Town of Hammonton

*program funded by grant money

Thanked highway department for hard work during extreme heat

August 1-5 bulky pickup, August 8-12 brush pickup

Stressed recycling to taxpayers

Law & Order-Mayor DiDonato

No Law and Order Committee meeting this past month due to numerous special events

Quality of Life – Councilperson Esposito

Encouraged citizens to view Planning Board Meeting presentation on Stockton College

Water & Sewer – Councilperson Pullia

Rt. 54 project completed with final project cost of \$47,000 under budget

Update on 4th Street project which is anticipated to come in under budget as well

Reminder of water restrictions as follows:

1. During the months of June, July, August and September, the following lawn irrigation practices (manual and automatic) shall apply:
 - a. House numbers ending in an even number: lawns may be irrigated on Monday, Wednesday and Friday.
 - b. House numbers ending in an odd number: lawns may be irrigated on Tuesday, Thursday and Saturday.
 - c. Lawn irrigation systems shall not be used on Sundays.
 - d. In the event of a rain event producing precipitation in excess of 0.75 inches within a 24 hour period preceding the designated irrigation day, lawn irrigation systems shall not be utilized.
 - e. Installation of all new automatic lawn irrigation systems must include the installation of a rain sensor gauge in order to conserve public water.
 - f. Lawn irrigation systems should be periodically checked to ensure that excess watering does not result in the flow of water into the street, gutterline or onto adjacent properties.

Public Utilities Department visiting addresses of those who are not following water restrictions

Reported ACO is signed with DEP

Authorization for ARH to perform work for radium control under Engineer Report this evening

ENGINEER REPORT

SEWER & WATER ACTION ITEMS

1. Route 54/Bellevue Avenue Utilities (ARH #11-50120):

The Contractor, our office and the Town had a meeting to go over the final project monetary values. The main two items that remain unencumbered against the Town's Ordinance are the Contractor's claims resolution and extra costs incurred by ARH as a result of the extended contract duration.

With regards to the Contractor, it should be noted there is a long list of claims for unforeseen conditions encountered during construction, during the meeting we collectively came to terms with the Contractor on these claims. While we did not agree on each individual item and are not recommending payment on a number of the items, at the end of the discussion a final Contract value of \$1,965,000.00 was decided. This is \$8,729.21 over the current Contract value. Therefore we have prepared a change order in that value for final quantities and claims adjustment to the Contract. A draft version of the change order is attached hereto for reference.

Regarding ARH; we have in good faith continued with the oversight of this Contract. Originally, we received a new authorization to cover our cost until October 1, 2010. As of October 1, we had enough value remaining in our contract to cover close out costs. Unfortunately, the Contractor was working well into December and returned in the spring to complete final restoration. To date ARH has incurred approximately \$70,000.00 in cost with inspection services, coordination with USDA, meetings with the Contractor, and related services. We have agreed to donate \$15,000.00 of our services to date. Additionally, we anticipate having additional incurred costs between now and actual final close out of this contract. We will donate the additional time required to achieve final close out. Therefore we are requesting to have an additional \$55,000.00 be authorized for compensation of services to date.

The overall project ordinance has a current unencumbered balance of \$83,163.71, which will have an additional \$27,627.00 from the Capital Bank escrow reimbursement, yielding a total balance of \$110,790.71. With the two costs described above, \$8,729.21 (Paramount) + \$55,000.00 (ARH) = \$63,729.21 (total

unencumbered cost); the ordinance balance pending Council's authorization, will be \$47,061.50 or (\$110,790.71 - \$63,729.21). This balance ultimately illustrates this project was completed within the original estimated total project cost.

While, we are asking for the following action to be taken, it should be noted, the Contractor still needs to complete a few of the punch list items and provide close out documentation. We will be holding retainage until all items have been addressed.

Motion by Councilperson Pullia, seconded by Councilperson Rodio, authorize Change Order #14 to Paramount Enterprises Inc., for the purpose of final quantities adjustment and claims resolution in the amount of \$8,729.21.

ROLL CALL:

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Motion by Councilperson Pullia, seconded by Councilperson Rodio, authorize an additional \$55,000.00 (\$70,000.00 cost incurred to date - \$15,000.00 donation and any additional time for closeout) for services rendered by ARH on the Rt. 54 Project.

ROLL CALL:

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Radium System Filter Media Supply Maintenance Phase 2

Motion by Councilperson Pullia, seconded by Councilperson Rodio, approve ARH proposal in an amount not to exceed \$3,200.00.

After Mr. Vettese of ARH advised Mayor and Council on the specifics of the requested action, Councilman Torrissi questioned what is actually due by September 1st?

Mr. Vettese responded that the design plan must be submitted by September 1st.

Councilman Torrissi then requested a copy of the progress report.

Mr. Vettese advised that once the report is finalized he will provide a copy to council.

ROLL CALL:

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

PUBLIC WORKS ACTION ITEMS

None at this time

SEWER & WATER INFORMATIONAL ITEMS:

2. Mandatory Sanitary Sewer Connection Waiver Ordinance Modifications (ARH #11-01000):

We will be meeting with the Solicitor to discuss the recommended changes to the present Ordinance so that it may be reviewed with the PWTC and presented to Council for introduction.

3. Hammonton Water System - Radium (ARH #11-30150):

At the last Council meeting, a resolution was passed authorizing the Mayor to execute the Administrative Consent Order (ACO). Also, at the last meeting, Council authorized ARH to perform the Feasibility Analysis related to the selection of the method of treatment to address the matter. ARH has initiated this study and will brief the PWTC members shortly on our findings. Once there is a consensus on the method of treatment to be employed, ARH will submit a proposal for the design.

We have contacted the New Jersey Environmental Infrastructure Trust (NJEIT) regarding a Planning and Design Loan. The NJEIT's Board passed a resolution on July 8, 2011 authorizing the Program which will become effective upon expiration of the Governor's veto period (on or about July 25). The NJEIT should be in a position to close on the P&D Loan within 30 days of receipt of the application. As part of this process and inclusive in our upcoming proposal, ARH will complete the loan application to seek P&D funding.

As a reminder, the ACO schedule presents the following timeframes:

- a) Submit to the Department's Bureau of Water Systems and Well Permitting an administratively complete permit application for construction of treatment facilities: no later than September 1, 2011;
- b) Begin Construction of treatment facilities: no later than December 1, 2011;
- c) Complete construction and commence operation of treatment facilities: no later than December 1, 2012;
- d) Comply with Gross Alpha and Radium 226 & 228 MCLs: no later than January 1, 2013.

Also under the ACO, the Town must complete a monthly progress report by the 15th of each month. ARH completed the first progress report and it was submitted to NJDEP. There is a possibility that a design and permitting proposal may be presented to Council depending on the review process performed by the PWTC.

4. **Papa Laundromat, Raspberry Run Shopping Plaza (P2011.0315)**

A request was made by Mr. Frank Papa to convert an existing store at the Raspberry Run Shopping Plaza to a Laundromat facility. The store conversion to a use that will require additional water consumption and discharge must be reviewed by the PUD Superintendent and the PWTC. We have reviewed same with them and recommend approval subject to compliance with the following conditions:

- Payment of the appropriate water and sewer connection fees.
- Payment of all permits and costs to upgrade the existing water service lateral and meter to 2" if required.
- Agreement that the amount water use be evaluated over the next two years and should the water use exceed the estimated volume, the applicant will be required to pay the additional connection fee amount.
- The applicant will be responsible to satisfy all outstanding bills associated with the review and approval of the application.

5. **Pine, Basin & Oak Road Water Main Extension, Well Contamination, Cultural Resource Quotes (ARH #11-30138):**

At this writing, we are awaiting the final report from the technical reviewer on behalf of the NJEIT.

6. **John Bee – COAH Project (ARH # 11-20189.03)**

At the request of the Court Master and after discussions with the Town Solicitor, we have drafted a letter regarding the supply of public water and sanitary sewer for the above noted project. We have reviewed same with the Solicitor to ensure that it does not conflict with the agreement. The letter was then sent to Mary Beth Lonergan as requested.

7. **Old Forks Road Sanitary Sewer Extension – Phase II (ARH #11-50141):**

As authorized by Council, our survey crew has completed the elevations and general locations of the portion of Old Forks Road and Leah Court in the area of the Blueberry Ridge Development. The information has been plotted and we are transferring the data to a base plan. Once that is completed, we will review the options for the supply of sanitary sewer and public water to the properties along Old Forks Road extending between Lahn Lane and the storm sewer pipe crossing the roadway adjacent to the Puerto Rican Civic Association parcel. We will review same with the PWTC before bringing the conceptual design plans to full Council.

8. **Boyer Avenue Land Application and Surface Water Permit Appeal (ARH #11-50058):**

As previously reported, work continues on the contents of the proposals that were authorized to Omni and ARH.

Please review the following status:

Task #1: Assist Omni Environmental who will take the lead on charting and analyzing the trench loading activity.

We believe that Omni will shortly be in position to submit the compiled data that will consist of information on max loading and the drip irrigation results to be extrapolated to the balance of the site. The report is expected to be filed shortly.

Task #2: Assist Omni Environmental who will take the lead on charting and analyzing the drip irrigation trial activity.

See response to Task 1.

Task #6: Respond to Pinelands request for submission of an implementation plan by October 1, 2013.

See response to Task 1.

Task #7: Water Diversion Permit activity.

The status at the last meeting has not changed with regard to this task. It is hereby repeated. *At an upcoming PWTC meeting we will review with them the recommended changes to the Water Conservation Ordinance and review the progress made on rate changes. Also with the latest issue involving the presence of radium in our wells. We hope to have a draft revision to the current conservation Ordinance incorporating the NJDEP recommendations by next meeting.*

Task #7A: GIS evaluation consisting of a data overlay from Edmunds and Associates of all accounts on the system presented on a map.

Work is ongoing on this task.

Task #8: Facilitate the placement of the drip irrigation layout to the balance of the wooded area.

The Pinelands submission and TWA approval process is ongoing and has relevance to the corresponding and concurrent Boyer Avenue Recreation project.

Task #8A: Drip irrigation TWA submission.

See response to Task 8.

The other tasks have either not been authorized at this time or it is not yet time for them to be scheduled.

PUBLIC WORKS INFORMATION ITEMS

9. Boyer Avenue Recreation Complex (11-75003):

As requested, we did make the revisions to the ROSI which were forwarded to the Green Acres Program representatives for review. We are waiting for their comments on the revisions.

Our office is in the process of completing the final documents for submission to the following agencies:

- Pinelands for approval to drip irrigate
- TWA for approval to drip irrigate
- Cape-Atlantic SCD
- Atlantic County Planning

We have review comments currently from SCD and Atlantic County that we are addressing. As soon as we are comfortable with the irrigation specifications we will submit for the TWA and Pinelands approvals.

As previously reported; please note items that we have prepared and are in the process of preparing for Green Acres are currently not part of our contracted work. We will be proceeding with these tasks, in an effort to keep the \$1.05 million grant available. However we will be providing a proposal to cover our cost for this work.

10. Community Development Block Grant (CDBG) Funding (11-40044)

As authorized last meeting, we have conducted a field inspection of the original roadway list provided. We have made a few minor revisions and sent a copy to the ACIA for inclusion in their request for funding consideration. We are in the process of completing a rough construction estimate for each of the roadways. Once completed, we will review the estimates with the PWTC and finalize the list of roadways to be considered for a base and alternate bid package to send to the ACIA. Hopefully, bids could be received this call once the funding is secured.

11. Myrtle Street Pinelands Application

We received a letter from the Pinelands Commission related to their request for the Town to make a formal application to them as related to the improvements of Myrtle Street. We will be reviewing this letter with the

PWTC and also request the Commission to allow the Town to consider a postponement on submission of an application until later this year. We will keep Council informed of further developments.

12. AtlantiCare (11-10018):

On Saturday, July 16th, the Quality of Life Committee conducted an onsite inspection of the general site improvements as related to their request to receive a Certificate of Occupancy for their new facility. The majority of the site improvements have been completed and the contractor is addressing the punchlist items. The Committee felt that the site improvements have been satisfactorily addressed to allow for opening and safe access to the general public. The grand opening of AtlantiCare's Health Park is scheduled for Tuesday, July 26th with the facility opening to the public shortly thereafter.

At the present time, they are not requesting a release of their project Performance Bond. The Bond will remain in effect until all the punchlist items are complete and a follow-up inspection conducted by our office and the Quality of Life Committee. We will keep Council informed of further progress.

13. Atlantic County Recreation and Open Space Funds (11-01070):

As stipulated in the letter to the County late last year, the Town must proceed on completing the property appraisals, survey, legal descriptions, and environmental assessment, etc. for the properties they wish to purchase. The County has provided the Town with a grant to assist in this endeavor for purchase. There have been some general discussions about possibly requesting a reallocation of the present funds for use in construction of the fields at the Boyer Avenue site rather than the purchase of additional ground. We will await Council's direction and be available to discuss this project with the PWTC and Solicitor as directed.

14. Egg Harbor Road Parking Lot (ARH #11-40029):

Submission of the design plans has now been forwarded to Atlantic County Planning Board and the Cape Atlantic Soils Conservation District for their review and we have received some general comments and requests for additional information.

15. Stockton College Parcel Property Remedial Investigation Work plan – Front Street (ARH #10-0477):

We have been working with the Solicitor to try and obtain the necessary site information from Wallace Realty and their former Site Environmental Consultant (React Environmental) but still have not received any response to date related to the request for additional site information. This information is critical to the site evaluation, onsite soil contamination, excavation, disposal, etc. and must be supplied in order for the authorized work to move forward. We would request Council's or the Downtown Advocate's help to secure this information. The Solicitor has contacted the NJDEP regarding their request to collect prior Environmental Oversight Review fees which should be addressed by the prior owner or realtor.

16. Fourth Street Reconstruction (ARH #11-40034):

The Contractor is complete with the punch list items. We have prepared a final quantities change order that will be presented to Council next meeting. Please note this is for a \$91,605.33 deduction to the current Contract value. Barring any unforeseen issues we should be closed out with the Contractor by the August meeting. In turn we will be able to complete the project close out documents with NJDOT who is providing partial funding for this project.

SOLICITOR REPORT

1. Approve COAH Settlement Resolution and Agreement

#R082A-2011

RESOLUTION AUTHORIZING THE EXECUTION OF THE SETTLEMENT AGREEMENT

NIBR, L.L.C. v. Town of Hammonton, et als, Docket No ATL-L-7378-06

WHEREAS the COAH committee of Mayor and Council and the Town Solicitor and Planning Board Solicitor have negotiated the terms of a final Settlement Agreement of the builder's remedy lawsuit brought by NIBR L.L.C. v. Town of Hammonton, et als, Docket No ATL-L-7378-06; and

WHEREAS, minor changes have been made to the agreement in order render same satisfactory to both Plaintiff and the Town of Hammonton; and

WHEREAS, execution of the agreement by the Mayor on behalf of the governing body and by the developer will commence the process of bringing this matter to a conclusion; and

WHEREAS, good cause exists for the recommendation to execute the agreement.

NOW THEREFORE it is on this 25th day of July, 2011 resolved that Mayor and Council do hereby authorize Mayor Stephen DiDonato, on behalf of the governing body, to execute the Settlement Agreement conditioned upon the Plaintiff having agreed to executive an actually executing same.

Councilman Gribbin advised he wanted to disclose that his wife previously worked for the firm representing Mr. Bee, however, he and the Solicitor do not feel this is a conflict since she departed the firm 3 years prior to their representing Mr. Bee.

Motion by Councilperson Pullia, seconded by Councilperson Barberio, approve COAH Settlement Agreement and Resolution #082A-2011.

ROLL CALL:

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Approve Non-Residential COAH Fees

Motion by Councilperson Esposito, second Councilperson Barberio, approve proposed non-residential COAH fees that will be forwarded to COAH for their review with a 2.5% fee being imposed per Stated mandate. In addition, if at any point there is as many as one municipality deemed exempt from imposing the development fees then Hammonton will repeal this motion.

A discussion was held concerning the motion.

ROLL CALL:

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - No

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Approve Residential COAH Fees

Motion by Councilperson Gribbin, seconded by Councilperson Barberio, approve a 0 percent residential housing unit fee effective immediately.

A discussion was held concerning the motion.

ROLL CALL:

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Deputy Mayor Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Recused

Deputy Mayor Pullia declared the motion carried.

Clarify 0 Percent Fee

Motion by Councilperson Barberio, seconded by Councilperson Gribbin, that the 0 percent fee is for any residential dwelling.

ROLL CALL:

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Deputy Mayor Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Recused

Deputy Mayor Pullia declared the motion carried.

2.Junior Firefighter Auxiliary Ordinance Adoption

Taken up under Dispense with Regular Order of Business

3.Stockton Bid Specifications

4.Traditions at Blueberry Ridge/Pulte Update

5.Tax Abatement Reminder

6.Form Based Code Hearing Wed., August 3, at 7:30 p.m.

7.RoyceRun Update

MAYOR REPORT

Congratulated Hammonton Arts Center on 15th Anniversary

Thanked Mt. Carmel, St. Joseph Church, Lady of Assumption, Sons of Italy for our annual festival

TOWN CLERK REPORT

1. Authorize Letter to County Reduce Speed Limit on the following roadways:
North Chew Road
South Chew Road
North Third Street
Broadway Avenue
Fairview Avenue
2. From Fire Co. 2 Accept Removal Jr. Firefighter Joseph Kendell
3. The Town has received the tax rate as of today. There will be an extension on property tax payment due date which will be reflected on your bill which we are hoping to mail out next week. However, your water and sewer bills are still due by August 10th. Thank you for your patience in this matter.

Motion by Councilperson Gribbin, seconded by Councilperson Torrissi, approve Town Clerk Report items 1 and 2.

ROLL CALL:

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

APPROVE BILL LIST & PURCHASE ORDERS

Motion by Councilperson Barberio, seconded by Councilperson Gribbin, approve July, 2011, bill list and purchase orders.

ROLL CALL:

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

NEW BUSINESS ORDINANCES

Capital Ordinance #017-2011 Municipal Utility Equipment

Ordinance #017-2011

CAPITAL ORDINANCE APPROPRIATING \$8,885 FOR THE ACQUISITION OF A DISK HARROW IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY AS FOLLOWS:

Section 1. The Town of Hammonton, in the County of Atlantic, New Jersey (the "Town") hereby appropriates \$8,885 from its Sewer Utility Capital Improvement Fund for the acquisition of a disk harrow.

Section 2. 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 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Councilman Pullia noted this capital ordinance does not appropriate new funding but is utilizing existing funds.

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:

Barberio - Yes
Esposito - Yes
Gribbin - Yes
Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

RESOLUTIONS

#R082-2011 Approve Updates to Employee Handbook

RESOLUTION #082 -2011

AN RESOLUTION APPROVING UPDATES TO THE
TOWN OF HAMMONTON EMPLOYEE HANDBOOK

WHEREAS, the Town of Hammonton desires that all it's employees recognize that polices and procedures are adopted to insure an efficient, fair, safe, and enjoyable work environment; and

WHEREAS, written rules are important to create that environment; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY that the Town of Hammonton Employee Handbook attached hereto is the official policies, procedures, rules and regulations which employees must adhere to; and

BE IT FURTHER RESOLVED that the Handbook is not intended to be construed actually or by implication as an employee contract and does not supersede NJ CSC rules and regulations or any other State Authority; and

BE IT FURTHER RESOLVED that the updates to the Town of Hammonton Employee Handbook are approved.

#083-2011 Approve Amendments to Tax Bills

#R 083-2011

WHEREAS, Rosemarie Jacobs, Tax Collector, has approved the following cancellations and refunds to the accounts listed below:

B & L	NAME	ADDRESS	AMOUNT	ACCT.	REASON	PER
2504-6	525 12TH LLC	525 12th St.	0.02	Sewer	Cancel Small Balance	Rosie
4601-19.01	Flores	75 Rt. 206	737.78	Tax	Refund to CoreLogic overpaid	Rosie

WHEREAS, the above amounts have been corrected in the utilities screen's and or tax screen to show the correct amount due. However, a requisition form will not be presented for any refunds until approval by Mayor and Council; and

WHEREAS, if any of above referenced are not approved by Mayor and Council a retraction of same will take place.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Hammonton authorize and direct the tax collector to take the above said action.

#084-2011 Authorize COAH Review of Town's Development Fees

Resolution # 084 2011

COAH's Review of the Town's Development Fee Ordinance

WHEREAS, the Governing Body of The Town of Hammonton/Atlantic County is under the jurisdiction of the Superior Court and adopted Amendment to Fair Share Plan on January 24, 2011; and

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d) ;
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, Hammonton has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED that the Governing Body of The Town of Hammonton /Atlantic County requests that COAH review and approve Hammonton's development fee ordinance.

#085-2011 Setting Salaries of Superintendent and Sr. Water Operator/Repairer

#R 085 -2011

WHEREAS, the Mayor and Common Council of the Town of Hammonton, by Ordinance fixed a salary range for the employment of certain Town Officials of the Town of Hammonton, County of Atlantic, New Jersey; and

WHEREAS, said ordinance provides that the amount to be paid to such official or employee within the salary range shall be fixed from time to time by Resolution of the Mayor and Council; and

WHEREAS, the time of service of any employee shall be computed as commencing in January of the year when the employee was hired.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton, Atlantic County, New Jersey that the salaries shall be set forth as follows:

<u>NAME OF EMPLOYEE</u>	<u>CLASSIFICATION</u>	<u>2011</u>	<u>NOTATIONS</u>
Anthony DeCicco	WWTP Supt'd.	86,800.00	
Michael Perna	Sr/Princ Water Oper/Rep	68,978.00	
<u>NAME OF EMPLOYEE</u>	<u>CLASSIFICATION</u>	<u>2012</u>	<u>NOTATIONS</u>
Anthony DeCicco	WWTP Supt'd.	88,932.50	
Michael Perna	Sr/Princ Water Oper/Rep	65,517.00	
<u>NAME OF EMPLOYEE</u>	<u>CLASSIFICATION</u>	<u>2013</u>	<u>NOTATIONS</u>

Anthony DeCicco	WWTP Supt'd.	91,118.00
Michael Perna	Sr/Princ Water Oper/Rep	67,095.00

#R086-2011 Approve COAH Spending Plan

#R 086 –2011
COAH SPENDING PLAN

WHEREAS, the Governing Body of The Town of Hammonton, Atlantic County is under the jurisdiction of the Superior Court and adopted an Amendment to the Fair Share Plan on January 24, 2011; and

WHEREAS, Hammonton received approval from COAH on August 23, 2004 of its development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or funds from a Settlement Agreement; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. Projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;

9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, The Town of Hammonton has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of Hammonton/Atlantic County requests that COAH review and approve Hammonton's spending plan.

Motion by Councilperson Barberio, seconded by Councilperson Esposito, resolutions 82 through 86 are adopted.

Councilman Barberio questioned the two titles of Senior and Principal on resolution 85?

The Clerk responded Senior is a civil service title and Principal is a locally created title for the same employee.

Councilman Torrissi questioned does resolution 84 coincide with the previous COAH actions this evening?

Solicitor responded yes.

A discussion was held with the Mayor advising that if council took no action this evening on coah fees, the state would mandate same anyway.

Councilman Torrissi advised, explaining his previous vote on coah fees, that he felt municipalities need to take a stand against the state imposed fees by voting no.

ROLL CALL:

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

PUBLIC HEARD

Yuli Chew – Rocha Court

Mr. Chew appearing before Mayor and Council to once again comment on the Royce Run/Meadows Development, handed out a typewritten letter containing his assessment of bonds, engineer reports, homeowners association fees, etc. along with a map depicting areas that need immediate attention for Council's review.

A discussion of Mayor and Council along with Mr. Chew and some attendees seated in the audience pursued.

Richard Byrne – Jamestown Blvd.

Mr. Byrne questioned the extent of the radium contamination?

Councilman Pullia assured Mr. Burn that no radium was found at locations of taps.

Mr. Byrne questioned will the ACO be made available to the public?

Mayor advised the information has been posted on local channel 9 and townofhammonton.org and those interested may also contact the Municipal Clerk office to acquire same.

Mr. Byrne, who is employed by NJ DCA, stated the DCA did not technically approve the Royce Run project as Mr. Chew believes.

MEETING ADJOURNED

Motion by Councilperson Barberio, seconded by Councilperson Torrissi, the meeting is adjourned. Motion carried.

April Boyer Maimone, Municipal Clerk