

Regular Meeting of Mayor and Council – October 24, 2011
Town Hall Council Chambers, 100 Central Avenue
Executive Session 6:00 P.M.
Public Session 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 – Absent
Pullia - Present
Rodio - Present
Torrissi - Present
Mayor DiDonato - Present

PRESENT ALSO

Brian Howell, Town Solicitor

#R103A-2011 Executive Session

#R 103A-2011

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. Pulte/Traditions and Royce Run
2. Tekton Bid
3. Harper
4. Revaluation Appeal
5. Berenato/Town Dump. Mediation Session:
Authorize ARH to provide scope of work and quote
6. Mr. Salvatore
7. Joseph Ingemi (OPRA complaint)
8. Universal Unpaid Bill re: water department

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 Rodio, seconded by Councilperson Esposito, the resolution is adopted.

ROLL CALL

Councilpersons:

Barberio - Yes
Esposito - Yes
Gribbin - Absent
Pullia - Yes
Rodio - Yes

Torrissi - Yes
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

RESUME REGULAR MEETING-ROLL CALL

Councilpersons:
Barberio - Present
Esposito - Present
Gribbin – Entered late as noted below
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

Dan Bachalis – Chairman Hammonton Green Committee

Mr. Bachalis thanked Mayor and Council for the transfer of \$1000.00 to appear on agenda this evening and stated this funding represents a grant that the Hammonton Green Committee was able to acquire. He further updated Mayor and Council on joint projects of the Hammonton Green Committee and the Hammonton High School Green Club.

Joseph Ingemi – Pleasant Street

Mr. Ingemi questioned Engineer Action Item #1 to which Mr. Bob Vettese responded.

Mr. Ingemi questioned Engineer Item #7 asking for explanation as well as posting of reports on town website to which Mr. Bob Vettese responded.

Mayor DiDonato advised for the record that Engineer Item #7 is not an action item and this portion of public heard is only for agenda action items.

Mr. Ingemi questioned Engineer Item #9 to which Mr. Vettese responded briefly though #9 is also non action item.

Councilman Gribbin entered here.

Mr. Ingemi questioned Ordinance #21-2011 Consolidating Water & Sewer Funds to which Mayor DiDonato responded.

Mr. Ingemi questioned Ordinance #22-2011 Water Allocation to which Mayor DiDonato and Councilman Pullia responded.

Mr. Ingemi questioned Ordinance #23-2011 Form Based Code to which Mayor DiDonato responded.

Both water allocation and form based code ordinances to be placed on townofhammonton.org.

APPROVAL OF MINUTES

Executive Session –September 26, 2011

Regular Session – September 26, 2011

Motion by Councilperson Barberio, seconded by Councilperson Gribbin, the minutes be approved.

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. Hearing Ordinance #018-2011 Amend Chapter 247 street opening application fees
*placed in full in the minutes of September 26, 2011

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

No one desired to be heard.

Motion by Councilperson Barberio, seconded by Councilperson Rodio, 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.

2. Hearing Ordinance #019-2011 Repeal Certain Sections Chapter 202-3
*placed in full in the minutes of September 26, 2011

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

No one desired to be heard.

Motion by Councilperson Gribbin, seconded by Councilperson Torrissi, 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.

COMMITTEE REPORTS

Administration -Councilperson Barberio

No Administration Committee Meeting this past month

Administrative agenda items already heard this evening

Deferred remainder of report to Engineer report

Business & Industry-Councilperson Gribbin

Welcome another new business set to open their doors in Downtown Hammonton: GorJess and LoveLee. Mayor and Council thank them for their investment in our community and wishes them all the best.

The Greater Hammonton Chamber of Commerce's annual John W. Mazzeo Memorial Golf Tournament has been rescheduled again for October 25th.

Thank you to Ocean City Home Bank for their generous donation to the Hammonton Revitalization Corporation for the Downtown Halloween decorations.

Downtown Trick-or-Treat was a huge success and this year's attendance broke the record.

This Wednesday, October 26th, the Kiwanis Club of Hammonton will host its Annual Halloween Parade. The parade will start at 7 PM.

The Town Tree Lighting ceremony and carriage rides will take place on Friday, December 2nd from 6 PM to 9 PM.

Our Police Department, working in conjunction with our Channel 9 intern, Alex Baldwin, has created a safety PSA video that is now running on Channel 9 and can also be seen on YouTube. The short video highlights the dangers of text messaging while driving. Thank you to Chief Jones, Sgt. Maimone, Lindsay Giannini, Alex Baldwin, Nick DeSTEFANO, and our Solicitor, Brian Howell, for their efforts in putting this video together. The video runs everyday on the 55 minute mark of every hour.

Education-Councilperson Gribbin

On Thursday, October 13th, Councilman Gribbin attended the Hammonton Board of Education's Regular School Board Meeting. Hammonton High School Principal Tom Ramsay gave a presentation on the progress of our high school over the past year. He informed the Board that our high school ranks 4th out of 40 Class "B" high schools in the State of New Jersey. Also, under No Child Left Behind mandates, the Hammonton High School has achieved adequate yearly progress meeting all 40 indicators for passing. No Child Left Behind is a federal law that governs our school district's federal funding. A letter regarding Hammonton's NCLB status was sent to all parents with students in the district, and for more information, please go to our School District's website: HammontonPS.org or contact Assistant Superintendent Janet Holloway at (609) 567-7000 ext. 374.

Finally, negotiations between the School District and the NJEA are continuing and both parties are scheduled to meet with a mediator on November 28th.

Public Works & Transportation-Councilperson Rodio

Defer informational items to Engineer Report

Action items to hire 4 FT laborers for leaf season will appear under Town Clerk Report

Brush pickup to continue the next couple weeks and will cease in the months of November and December

No bulky pickup in the months of November and December

One trash truck being repaired-thanked public for their patience during this time

*will repair in house saving the town approx \$5,000-\$6,000

Reported on Ordinance under New Business temporary cdl truck drivers in preparation of winter storms

Law & Order-Mayor DiDonato

No action items this evening

Quality of Life – Councilperson Esposito

Complimented Mr. Bachalis and Green Committee on clean up

Water & Sewer – Councilperson Pullia

Defer action items to Engineer report

Report on ordinance introduction to combine water & sewer funds

Radium Bid to be awarded under Engineer Report

Water has passed in radium testing-water is 100 percent safe at this time

Water conservation ordinance to appear later on agenda

Accept Resignation of Michael Maimone eff 12/1/11 and authorize payment of \$3,391.31 75% accumulated sick time

Motion by Councilperson Pullia, seconded by Councilperson Rodio, accept resignation of Michael Maimone effective 12/1/11 and authorize payment of 75% accumulated sick time in the total amount of \$3,391.31 per town ordinance and contract.

ROLL CALL

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes
 Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

ENGINEER REPORT

SEWER & WATER ACTION ITEMS

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

At our recommendation, the one bid received last month was rejected and a re-bid with altering arrangements was authorized. Bids were received on October 19, 2011. Again, only one bid was received and that was from Water Remediation Technologies LLC (WRT). The results of the bid are as follows:

<u>ITEM</u>	<u>DESCRIPTION</u>	
1.	<u>BASE BID</u>	
	Furnishing & Disposal of Media (10 years)	<u>\$0.35</u> p/1000 gallons treated
	<u>ADJUSTMENTS</u>	
2.	Decrease in unit cost above for raw water quality below 6 pic/L	<u>\$0.07</u> p/1000 gallons treated pic/L outside range
3.	Increase in unit cost above for raw water quality above 6 pic/L	<u>\$0.07</u> p/1000 gallons treated pic/L outside range

As a comparison, the original summary is as follows:

- WRT’s price on the base bid (0-5 years) was \$0.48 per 1000 gallons treated.
- They did not bid the alternate which was requesting pricing for 6-10 years.
- Their pricing for the adjustment associated with the ranges specified was \$0.07 per 1000 gallons treated.

The changes made in scope from the original bid to the rebid resulted in a reduction of the product value from \$.48 p/1000 gallons treated to \$.35 p/1000 gallons treated. The prices received with the modifications made to the re-bid format were within the expectations that we discussed with PWTC prior to the original bid solicitation. Therefore, it is our recommendation to award the contract per the pricing stipulated above subject to the review of the bid by the Solicitor.

At our request, the ACO schedule has been modified to allow for more time. The revised schedule is as follows:

- 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 January 1, 2012;
- b) Begin Construction of treatment facilities: no later than April 1, 2012;
- c) Complete construction and commence operation of treatment facilities: no later than April 1, 2013;
- d) Comply with Gross Alpha and Radium 226 & 228 MCLs: no later than May 1, 2013.

Due to the revised schedule, NJDEP-Southern Enforcement is requesting that we conduct a public hearing to update the residents. This public hearing will be scheduled for the November 28, 2011.

#R103B-2011 Award Contract Filter Media System

RESOLUTION # 103B- 2011
RESOLUTION AWARDING THE PURCHASE OF FILTER MEDIA CONTRACT

WHEREAS, the Town of Hammonton is under an Administrative Consent Order (ACO) to treat the radium contamination at Wells #5 & #7; and

WHEREAS, the Town of Hammonton has adopted a strategy to initially purchase the filter media so that they can more accurately define the method of treatment to be employed in an effort to control the long term costs associated with this process; and

WHEREAS, the bids were originally received on August 31, 2011 and the results of the bid were not satisfactory to the Town and ultimately rejected at the September 26, 2011 Council meeting; and

WHEREAS, the bids associated with the re-bid for this product were received on October 19, 2011; and

WHEREAS, only one bid was again received from Water Remediation Technology, LLC (WRT); and

WHEREAS, the one bid received did provide a more favorable cost on the long term pricing alternative; and

WHEREAS, the bidder again set forth conditions that were associated with their pricing arrangement which will need to be fully evaluated prior to formal execution of the contract; and

WHEREAS, the pricing is within the Town's budgetary expectations; and

WHEREAS, the Town Engineer has evaluated the pricing and is hereby recommending that the Town accept the contract pricing subject to the further evaluation of the terms and conditions accompanying the bid; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council of the Town of Hammonton accept the WRT bid as received on October 19, 2011 in accordance with the Town Engineer's recommendation with the condition that the terms and conditions be fully evaluated by the Solicitor and other applicable representatives of the Town before execution of the contract.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Town Council of the Town of Hammonton that the Town Clerk is hereby authorized to return the certified check to the bidder presented as the bid security once the official contract documents have been executed.

Motion by Councilperson Pullia, seconded by Councilperson Esposito, the resolution to award the contract for the furnishing and disposal of radium adsorption media for a 10 year period at a cost of \$.35 p/1000 gallons treated be adopted and authorize release of Bid Cashier's Check #0479710187 in the amount of \$20,000.00 subject to Solicitor review.

Councilman Torrissi questioned cost in comparison to what other municipalities are paying for this service and also questioned will the remediation take 10 years or will it be ongoing treatment be for 10 years?

Mr. Vettese responded that yes we are confident we are getting the best price and service.

Mayor DiDonato responded, remediation will not take 10 years, however, the treatment will be ongoing for 10 years.

Councilman Torrissi questioned does the bid include the removal of the contamination?

Solicitor responded yes.

ROLL CALL

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

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

The Town has received authorization to advertise since all program requirements have been fulfilled. To retain eligibility in this funding cycle, the project must be awarded by March 2012. It is our understanding that the PWTC will be recommending to Council to establish a funding ordinance sufficient to complete this project with the exception of full width restoration of the affected roadways even though it will be bid as an alternate. Therefore, the total projected ordinance value is \$3.35 million.

A condition of retaining funding eligibility requires that the Town enter into a Professional Service Contract with the Engineer, Auditor, Solicitor and Bond Counsel prior to the award of contract. However, in order to maintain eligibility, the Bond Counsel must complete financial addendum documentation associated with the NJEIT program by November 18, 2011. It is our recommendation to authorize Bond Counsel to proceed with compliance to the NJEIT program requirements, therefore authorizing their contract in the amount of \$25,000.00 as per the attached.

Motion by Councilperson Pullia, seconded by Councilperson Rodio, authorize Bond Counsel to complete the NJEIT financial addendum and in so doing, award their total contract for USDA services in the amount of \$25,000.00.

Councilman Torrissi questioned can a resident keep their well?

Mr. Vettese responded, depending on other factors as well, residents would have to apply to and receive approval from DEP to keep their current well. However, Mayor and Council must also give their approval after DEP approval is received.

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

- NO ACTION ITEMS AT THIS TIME

SEWER & WATER INFORMATIONAL ITEMS:

3. Water Diversion Permit (ARH #11-30088):

There are two remaining conditions associated with the increase of monthly and annual diversion rights regarding the Town's allocation. One of the conditions is the passage of a more restrictive water conservation ordinance. First reading of the amended ordinance is scheduled for this Council meeting. The second condition involves a modification of a rate schedule which will be introduced shortly.

4. Route 54/Bellevue Avenue Utilities (ARH #11-50120): - no status change

At present time we have issued a punch list and close out requirements to the Contractor. We are currently waiting for all items to be addressed. Until the Contractor produces the required documentation and finishes the remaining outstanding items we are unable to close out this Contract.

5. 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 in time for the November meeting.

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

We are preparing a project construction cost estimate to complete portions of the utility extension as requested by the PWTC. If the cost estimates and scope are deemed acceptable to the PWTC, we will be providing a report to Council and then prepare a proposal to proceed to the next step which would include preparing a design plan, report and application to the various agencies, such as Pinelands, NJDEP, Treatment Works, SCD, etc. related to the utility extension.

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

Omni Environmental has completed a draft report and it will be presented to PWTC before submission to the Pinelands. The report outlines the status of max loading of the trenches over the past two years as well as the projection for drip irrigation on the balance of the site including the recreational fields. We anticipate filing a report by the end of the month.

PUBLIC WORKS INFORMATION ITEMS

8. Multimodal Grant Applications (ARH #11-01053):

As previously reported, the NJDOT has announced they will be receiving applications for the Multimodal Grant program. As authorized, our office worked with L.R. Kimball to submit an application for a new taxiway and runway lighting system.

It is anticipated NJDOT will announce award allotments in early 2012.

9. Municipal Aid Applications (ARH #11-40041):

As previously reported, the NJDOT has announced they will be receiving applications for Municipal Aid, Bikeway and Safe Streets to Transit programs. As authorized we have applied for the following projects:

Municipal Aid – Pratt Street from Egg Harbor Road to Tilton Street

Bikeways – Phase I to provide a link from NJTRANSIT Train Station to the Lake Park. Phase I would utilize existing ROW and easements to extend from Eleventh Street to the Veterans Place rail road crossing.

Safe Streets to Transit – This would extend decorative sidewalk from Historic Train Station to Peach Street. Along with sidewalk along Front Street between Passmore Avenue and Line Street on the Fire Station side.

It is anticipated NJDOT will announce award allotments in 2012.

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

We have finalized the bid specifications to include the revisions as requested by the ACIA. The project was advertised and bids will be received on Friday, September 21st. We will review same with the PWTC before reporting to Council. We are also waiting for final report from the ACIA related to the Grant allotment. Once that is received, a project award could be made by Council. We have prepared a proposal to complete the Construction Management for the project which we will review with the PWTC. At the appropriate time, we will request Council's approval and authorization to proceed with project construction. We will be discussing with the Police Chief what may be required for project traffic control once an award is made. We will keep Council informed as work progresses.

11. Boyer Avenue Recreation Complex (ARH #11-75003):

Contract #1: Soccer fields, utilities, and parking will be bid as part of Contract #1. As of this writing it is our understanding Green Acres will be providing an authorization to bid the project very soon. It is our anticipation that this project will be advertised for bid any day and that bids will be opened on or about November 16, 2011.

As previously reported; please note items that we have prepared for Green Acres are currently not part of our contracted work. We have proceeded with these tasks, in an effort to keep the \$1.05 million grant available to the Town and the project moving forward. However we will be providing a proposal to cover our cost for the work completed to date as well as for the construction management phase. This proposal has been drafted and will be discussed at the next PWTC meeting.

Contract #2: Irrigation will be bid as part of Contract #2. Our office is preparing a design/build approach to this contract. Irrigation originally was not part of our contract. We will prepare a proposal for the preparation of plans and specifications for the public bid and construction management of Contract #2. Once prepared, this will be discussed with PWTC.

Our office has been working to submit to the following agencies:

- Pinelands for approval to drip irrigate- to be submitted by the beginning of November
- TWA for approval to drip irrigate - to be submitted by the beginning of November

We are also waiting for the Green Acres Staff review of the information related to the revised ROSI documents and map.

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

We have submitted to the NJDOT for final reimbursement. The Town should anticipate receiving a final reimbursement of \$121,250.00.

13. Drainage Projects: Anderson Avenue (ARH #11-60208.01), Lakeshore and White Horse Pike (ARH #11-60202.03), Jacobs Street/First Road Intersection (ARH #11-60207.01):

As authorized last meeting, our field crews have begun to gather information in each of the three (3) areas designated by Council. They will be plotting base plans for the Lakeshore Drive/White Horse Pike and the Jacobs Street/First Road areas. We will then review possible options for remedy with the PWTC. We will keep Council up to date as the work progresses.

14. Berenato/Cioffi Second Road Property (ARH #11-01083.02):

After meeting with the Town Officials, the property owner and various legal representatives, ARH was instructed to prepare a summary of tasks that would need to be completed under the *State's Technical Requirements for Site Remediation* (NJAC 7:26E) as related to the site investigation phase of work. We are also preparing a cost estimate to complete these tasks for Council's consideration. The cost to complete these tasks, and other similar tasks related to the lawsuit, are being tracked as extra work and will be invoiced as such.

15. Myrtle Street Pinelands Application (ARH #11-01000):

We will be requesting the Commission to allow the Town to consider a postponement on submission of a formal application to them related to this matter until later this year or earlier next year. We will also be preparing a proposal for Council's consideration to make the required submission to the Pinelands. We will keep Council informed of further developments.

16. Atlantic County Recreation and Open Space Funds (ARH #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 still may wish to purchase, in order to maintain the funding allotment. There have been some general discussions about possibly requesting a reallocation of the present acquisition 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.

17. Stockton College Parcel Property Remedial Investigation/ Action – Front Street (ARH #11-40042):

As authorized by Council, ARH is continuing work onsite in conjunction with our original proposal. As requested, ARH also prepared a proposal to the Town on October 6th for completion of the additional tasks for consideration by the PWTC. Most recently, excavation/removal of contaminated soils was conducted on October 11th.

SOLICITOR REPORT

1.Revaluation Appeal

Motion by Councilperson Barberio, seconded by Councilperson Esposito, authorize Solicitor to enter into settlement agreement with Atlantic County for a one year extension of re-valuation with a new effective date of 1/1/15.

ROLL CALL

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Referred matter to PWT Committee and ARH.

2.Pulte/Traditions Borings to occur 10/25 & 10/26 Authorize Solicitor to litigate with bond company

Motion by Councilperson Pullia, seconded by Councilperson Torrissi, authorize Solicitor to litigate with bond company.

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. Harry Harper Settlement now resolved

4. Royce Run Authorize Solicitor to litigate with developer

Motion by Councilperson Esposito, seconded by Councilperson Gribbin, authorize Solicitor to litigate with Royce Run Developer and/or Bond Company.

ROLL CALL

Councilpersons:

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

Mayor DiDonato declared the motion carried.

Authorize Cost Share with Town of Hammonton and Residents of Royce Run

Motion by Councilperson Barberio, seconded by Councilperson Gribbin, authorize Town of Hammonton to provide maintenance of the common areas of Royce Run for the remainder of year 2011 and through year 2012. Continue Town services in year 2013 with Royce Run homeowners contributing 25% of the cost for same. Continue Town services in year 2014 with Royce Run homeowners contributing 50% of the cost for same.

Councilman Torrissi questioned, just for everyone's understanding, Town Council already approved the Town performing maintenance of Royce Run Common Grounds, however, we are now extending the time period on that previous approval?

Mayor responded yes.

ROLL CALL

Councilpersons:

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

Mayor DiDonato declared the motion carried.

5.Award Contract-Air Monitoring Services-Stockton Project

Motion by Councilperson Barberio, seconded by Councilperson Rodio, award 3rd party air monitoring services for Stockton Project to Health & Safety Services Inc. in the amount of \$5,350.00 to be funded by Stockton.

ROLL CALL

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

6.Berenato former dump-authorize payment to mediator \$100.00

Motion by Councilperson Gribbin, seconded by Councilperson Esposito, authorize mediation payment of \$100.00.

ROLL CALL

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

7.Salvatore vs. HPD/Town/Rescue Squad

Motion by Councilperson Esposito, seconded by Councilperson Rodio, accept donation of \$628.00 for settlement of Salvatore vs. HPD/Town/Rescue Squad and authorize Solicitor to settle claim.

ROLL CALL

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

8.Solar RFP revised bid opening date of 11/10/11

9.Refer Property Maintenance Ordinance (foreclosures) (abandonment) to Councilman Barberio for review

10.COAH:

Court approved settlement agreement

First Reading of MD Zone Modification per COAH settlement (refer to New Business for introduction)

Authorize ARH to update zoning map for form based code and for COAH settlement \$2100.00

Motion by Councilperson Rodio, seconded by Councilperson Barberio, authorize ARH to update zoning map for form based code and for COAH settlement in an amount not to exceed \$2,100.00.

ROLL CALL

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

MAYOR REPORT

Mayor Appointment-Chris Jage-Alt Rep Great Egg Harbor Watershed Assoc.

TOWN CLERK REPORT

1. Hire 4 f.t. temp laborers highway department \$10.00 hr. no benefits eff 10/26/11 thru 12/31/11
2. Accept resignations of Fire Co. #1 members: Barton Gelles, Matthew Wescoat, Robert Hewitt Jr.
3. Approve transfer of Barton Gelles to Fire Co. #2
4. Authorize advertise temporary truck drivers \$25.00 hour on “as needed” basis

Motion by Councilperson Rodio, seconded by Councilperson Pullia, approve town clerk report items 1-4.

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 bill list and purchase orders for the month of October, 2011.

ROLL CALL

Councilpersons:

Barberio – Yes (recused on Triad only)
Esposito - Yes
Gribbin - Yes
Pullia - Yes
Rodio – Yes (recused on White Star only)
Torrissi - Yes
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

NEW BUSINESS-ORDINANCES

Ordinance #020-2011 Setting Salaries of Certain Employees in the Town of Hammonton

Ordinance # 020-2011

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
Temporary Appointment Truck Driver	\$ 25.00 hour	\$ 25.00 hour
Secretary (to Board/Commission)	\$1,200.00 annual	\$1,200.00 annual

SECTION 2. The specific salary or wage for any municipal official or employee shall be determined and set forth in salary contracts or collective bargaining agreements provided they are within the minimum and maximum amounts as set forth hereinabove. No salary or wage for any municipal official or employee shall be effective or intended unless by official action of the Governing Body and incorporated in a Resolution fixing the specific wage or salary.

SECTION 3. 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 4. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect after final passage and publication according to law and its provisions shall be retroactive to January 1, 2011.

Motion by Councilperson Barberio, seconded by Councilperson Esposito, 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.

Ordinance #021-2011 Consolidate Water and Sewer Funds and Accounts

ORDINANCE #021-2011

AN ORDINANCE OF THE TOWN OF HAMMONTON
CONSOLIDATING WATER AND SEWER FUNDS AND ACCOUNTS

WHEREAS, the Town of Hammonton has determined that consolidation of its various water and sewer funds is prudent toward the purpose of realizing economies and efficiencies in the administration of such funds.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Hammonton, County of Atlantic and State of New Jersey that the water fund, water operating fund, water trust other fund, water assessment fund and water capital fund, together with the sewer fund, sewer operating fund, sewer trust other fund, sewer assessment fund and sewer capital fund all be consolidated, effective January 1, 2012, respectively, a consolidated group of funds to be known as the water-sewer fund, water-sewer operating fund, water-sewer trust other fund, water-sewer assessment fund and the water-sewer capital fund;

BE IT FURTHER ORDAINED that the Chief Financial Officer shall forward a certified copy of this ordinance to the New Jersey Department of Community Affairs upon final passage and adoption hereof;

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon final passage, publication and in accordance with the applicable laws of the State of New Jersey.

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

Councilman Torrissi questioned will this ordinance change the current water/sewer bills?

Councilman Pullia responded this ordinance is only combing water and sewer funds. The bills have not been addressed yet.

ROLL CALL

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

Mayor DiDonato declared the motion carried.

Ordinance #022-2011 Amend Article IV, Chapter 275 Entitled Water Conservation

Ordinance #022-2011

AN ORDINANCE AMENDING ARTICLE IV, CHAPTER 275
OF THE CODE OF THE TOWN OF HAMMONTON ENTITLED "WATER CONSERVATION"

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

SECTION I. PURPOSE AND INTENT

It is hereby declared that the public health, safety and welfare require that the Town of Hammonton maximize the beneficial use of its available natural resources and that the waste or unreasonable use or unreasonable method of use of water be prevented. The conservation of such potable water resource is to be extended with a view to the reasonable and beneficial use thereof as is necessary for sanitary, domestic and firefighting purposes in the interests of the people of the Town of Hammonton. Each resident and business within the Town of Hammonton connected to the public water supply is encouraged to support and use water conservation measures throughout the year in order to preserve and protect this valuable commodity. The Superintendent of the Town of Hammonton will provide public notice during the year listing various methods that the general public and business sector can use to conserve water use for the benefit of all.

Listed below are some of the measures that shall be used to conserve water:

1. Check regularly to make sure all pipes, faucets, toilets and other systems and equipment are free of leaks and drips.
2. Water lawn no more frequently than three times a week and limit irrigation time to 15 or 30 minutes within each zone. (See the specific section in this Ordinance concerning irrigation).
3. Install rain sensor gauges to lawn sprinkler systems to prevent irrigation during rain events.
4. Install drip irrigation where possible within landscaped areas to avoid excessive water use.
5. Install low volume toilets. (Max 1.6 gpm)
6. Install low flow shower heads. (Max 2.0 gpm)
7. All faucets should be equipped with aerators. Aerator screens should be cleaned on a regular basis.
8. Use water intermittently when brushing teeth and washing dishes and utensils.
9. Run dishwashers and washing machines only with full loads.

SECTION II. APPLICABILITY

All properties located within the Town of Hammonton, whether they be served by the public water system or a private well, shall be subject to compliance with this ordinance.

SECTION III. IRRIGATION CATEGORIES

A. Lawn Watering with a hose or hose end sprinkler

1. May only be done three days per week. Properties with even number addresses may only water on Monday, Wednesday and Friday, properties with odd number addresses may only water on Tuesday, Thursday and Saturday;
 2. No irrigation to occur on Sundays.
 3. Watering shall only be conducted between the hours of 6:00AM and 9:00AM or between 5:00PM and 8:00PM; and
 4. The watering of any single zone shall not exceed thirty minutes per day.
 5. Flowers and shrubs may be watered as needed with a hand held hose equipped with an automatic shut-off nozzle;
 6. No hose or hose end watering shall be permitted when it is raining.
- B. Irrigating lawns and landscapes with automatic irrigation systems equipped with a conventional irrigation controller (this includes all systems that do not have a "smart" controller as defined in section III.C)
1. May only be done three days per week. Properties with even number addresses may only water on Monday, Wednesday and Friday, properties with odd number addresses may only water on Tuesday, Thursday and Saturday;
 2. Watering shall only be conducted between the hours of 6:00AM and 9:00AM or between 5:00PM and 8:00PM; and
 3. Operation of any irrigation zone equipped with spray (mist) heads shall not exceed 15 minutes per zone. Operation of any irrigation zone equipped with rotary sprinkler heads shall not exceed 30 minutes per zone.
- C. Irrigating with systems equipped with a SMART Controller
1. To qualify for this provision as a SMART Controller, the SMART Controller must have successfully completed IA-SWAT protocol testing. Lists of climate-based and sensor based controllers that have successfully completed the protocol testing can be found at <http://www.irrigation.org/SWAT/swat.aspx?id=298>.
 2. The property owner must register the SMART Controller with the municipality.
 - a. The municipality will issue a yard placard which the homeowner must display signifying that the property is irrigated with a SMART Controller.
 3. The SMART Controller must be programmed by an EPA Water Sense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
 - a. The SMART Controller must be programmed to irrigate between the hours of 12:00AM (midnight) and 9:00AM.
 - b. Proper sprinkler head data and accurate soil/plant/irrigation information must be entered.
 - c. The SMART Controller programming data shall be posted at the controller.
 - d. The Water Sense Partner must make a minimum of two site visits after the initial programming to adjust and fine tune the irrigation schedule.
- D. Irrigation systems programmed by an irrigation manager
1. The property owner must designate a qualified person who will be the irrigation manager and register that person with the municipality with defining qualifications.
 2. The irrigation manager must be an EPA Water Sense Partner or show evidence of successfully completing a class on irrigation scheduling.
 3. A property specific irrigation program shall be developed by the irrigation manager based on plant variety, soil type, precipitation rate, and irrigation efficiency.

4. Weekly adjustments shall be made to the irrigation schedule based on current evapotranspiration (ET) rates or weather conditions.

SECTION IV. EQUIPMENT COMPLIANCE

A. All automatic irrigation systems

1. Per NJ PL 2000, c. 107 (see NJSA 52:27D-123.13), operational automatic rain sensor devices are required for all sprinkler/irrigation systems to ensure that watering does not occur during periods of rain. In addition, all sprinkler / irrigation systems must be equipped with an operational automatic rain sensor device.
2. Any work performed on a system as a result of any inspection made by the homeowner or a professional must be in compliance with Landscape Irrigation Contractor Certification Act of 1991 (NJSA 45:5AA-3).
3. Flowers and shrubs irrigated with drip or micro irrigation may be watered as needed.
4. Must have a functional rain sensor that interrupts the automatic irrigation cycle when ¼-inch of rain has fallen.

B. All new irrigation systems must comply with the following:

1. The system must be installed by an EPA Water Sense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
2. The system must comply with New Jersey Irrigation Best Management Practices including:
 - a. Be designed to insure sufficient operating pressure at the sprinkler head
 - b. Divide irrigation areas into hydro-zones of turf and plants with similar water requirements
 - c. Zone the system according to exposure
 - d. Consider the soil type so the sprinkler precipitation rate is compatible with the soil infiltration rate or the irrigation schedule is to be modified to multiple, short cycles to prevent runoff
 - e. Provide separate control of sloped areas
 - f. Prevent sprinkler heads from overthrowing onto driveways, roads, and sidewalks
 - g. Provide for separate irrigation for parkway strips between curbs and sidewalks that minimizes overthrow onto concrete walks and pavement
 - h. Include pressure regulating technology as necessary to insure sprinkler heads operate within the manufacturer's recommended range. The pressure regulation may be:
 - i. A pressure regulation device at the point of connection
 - ii. Pressure regulation at each remote control valve
 - iii. Pressure regulation at the sprinkler head
 - iv. A combination of the above
 - i. Irrigate all flowers and shrubs with a drip and/or micro-irrigation
 - j. Include check valves in low sprinkler heads to prevent low-point drainage
 - k. Have a pressure regulating device and wye strainer on each drip/micro control valve
3. The system must have a SMART Controller capable of providing the optimum schedule for the turf and landscape.
 - a. The SMART Controller must have undergone SWAT testing and be listed on the Irrigation Association website www.swatirrigation.org (*This section will be*

replaced by a Water Sense labeling requirement once the EPA releases the labeling of SMART Controllers anticipated in 2010).

- b. The SMART Controller must be programmed by an EPA Water Sense Partner who holds a New Jersey Landscape Contractor Certificate pursuant to NJSA 45:5AA-3.
 - i. Proper sprinkler head data and accurate soil/plant/irrigation information must be entered.
 - ii. The SMART Controller programming data shall be posted at the controller.
 - iii. The Water Sense Partner must make a minimum of two site visits after the initial programming to adjust and fine tune the irrigation schedule.
- C. Vehicles may be washed any day with a hand-held hose equipped with an automatic shut-off nozzle.
- D. Restrictions identified in Section IX shall supersede those identified in this Section when the Town of Hammonton declares a Declaration of Water Emergency.
- E. State of New Jersey requirements shall supersede those identified in this Section when more stringent than the Town of Hammonton Water Conservation Guidelines.

SECTION V. NEW CONSTRUCTION COMPLIANCE

- A. All new construction shall be equipped with water conservation fixtures. All new shower heads to be installed shall have a maximum flow rate of two (2.0) gallons per minute and all new toilets shall have a maximum flow rate of one and six-tenths (1.6) gallons per flush.
- B. All new construction shall be encouraged to use xeriscape landscaping to eliminate the need for over-irrigation.
- C. All new construction shall be encouraged to use gray water collectors and rain water collectors to limit the amount of potable water used for irrigation. The use of gray water and rain water for irrigation purposes shall be unlimited and shall not be subject to the restrictions of this ordinance. Property owners are responsible for obtaining any permits required for the reuse of gray water.

SECTION VI. EXISTING CONSTRUCTION COMPLIANCE

- A. Prior to the issuance of a C.O. for any building addition, expansion, and/or change in use, the Owner of said structure shall install water conservation fixtures throughout the structure. These fixtures include installing new shower heads which shall have a maximum flow rate of two (2.0) gallons per minute and installing new toilets which shall have a maximum flow rate of one and six-tenths (1.6) gallons per flush (also faucets and aerators).
- B. Exceptions to this section shall be made for historically significant structures of which the installation of historical fixtures is in keeping with the historical nature of the structure. Exceptions to this section shall also be made for the installation of fixtures in facilities which provide for a public education benefit whose benefit is solely towards Water Conservation Education.

SECTION VII. EXEMPTIONS

The restrictions in this ordinance do not apply to the following:

- A. Outdoor water use from rain water harvesting, gray water, or reclaimed water is exempt from the provisions of this ordinance.
- B. Outdoor water use for harvestable crops or commercial nurseries, sod farms, and golf courses are exempt from the provisions of this ordinance.
- C. Outdoor irrigation necessary for one day only where treatment with an application of chemicals require immediate watering to preserve an existing landscape or to establish a new landscape (a permit shall be obtained).
- D. Outdoor irrigation necessary for the establishment of newly sodded lawns or landscaping within the first 21 consecutive days of planting (a permit shall be obtained from the Construction Code Office).
- E. Visually supervised operation of watering systems by a State of New Jersey Licensed Irrigation Contractor for short periods of time to check system condition and effectiveness.

SECTION VIII. AUTHORIZATION TO DECLARE A STATE OF WATER SUPPLY CONSERVATION

The Mayor and Council of the Town of Hammonton, by and through the Town of Hammonton Municipal Utility Department, may declare a State of Water Supply Conservation upon a recommendation by the Superintendent and by a majority vote of the Water Subcommittee of the Public Works and Transportation Committee, or its successor, that conservation measures are necessary and appropriate to ensure an adequate supply of water to all water customers of the Town of Hammonton.

In case of an emergency in which, in the opinion of the Municipal Utility Department's superintendent, the available supply of water becomes dangerously low, the Town of Hammonton Municipal Utility Department through the Water Subcommittee of the Public Works and Transportation Committee, or its successor, is hereby authorized to recommend to the full Mayor and Council to declare by Resolution the existence of a Water Emergency.

The resolution (hereinafter referred to as the "Declaration") by the Town of Hammonton shall state that an emergency exists requiring the implementation of such measures for the conservation of water for domestic and sanitary purposes and fire protection as are specified in Section 3.

SECTION IX. WATER CONSERVATION STAGES

It is unlawful for any customer of the Town of Hammonton to make, cause, use or permit the use of water from the Town of Hammonton for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision herein, or in an amount in excess of that use permitted by the following conservation stages which shall be placed into effect pursuant to action taken by the Town of Hammonton, or its designees, in accordance with these provisions.

Uses of water in violation of the standards set forth herein shall include, but shall not be limited to, the following practices:

- A. A customer shall not let water leave the customer's property by drainage onto adjacent properties or public or private roadways, streets or storm sewer systems due to excessive irrigation and/or uncorrected leaks.
- B. A customer will not fail to repair a water leak upon notice by the Superintendent or his authorized designee to repair said leak.

The following stages shall take effect upon issuance of a Declaration as herein provided.

SECTION IX.i STAGE I: WATER ALERT MANDATORY COMPLIANCE

Upon implementation by the Town of Hammonton and publication of notice in one or more of the Town's official newspapers, the following Stage 1 water conservation measures shall apply:

- A. Lawn watering and landscape irrigation, including construction irrigation, is permitted only during designated hours on designated days, regardless of the particular month. Watering is permitted at any time if:
 - 1. A hand-held hose equipped with a positive shut-off nozzle is used, or
 - 2. A hand-held container is used, or
 - 3. A drip irrigation system is used.
- B. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is prohibited at any time. Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station, or by a mobile car wash or on-site car wash using high pressure washing equipment. Further, such washings are exempted from those regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.
- C. The overfilling of swimming pools and spas is prohibited. The filling or refilling of ponds and artificial lakes is prohibited.
- D. Use of water from fire hydrants shall be limited to firefighting, related activities or other activities necessary to maintain the health, safety and welfare of the citizens of Hammonton.
- E. All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.
- F. Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire or sanitation hazards. High pressure washing of such surfaces will be permitted.
- G. Ornamental fountains and garden ponds may operate if they re-circulate water. Ornamental fountains and garden ponds that do not recycle water are prohibited.
- H. Construction operations receiving water from a construction meter or water truck shall not use water unnecessarily for any purposes other than those required by regulatory agencies. Construction projects requiring watering for new landscaping materials should adhere to the designated irrigation hours associated with subsection A of Section III.
- I. Commercial nurseries, commercial sod farms and similarly-situated establishments are exempt from Stage 1 irrigation restrictions but will be required to curtail all nonessential water use.

SECTION IX.ii

STAGE II: WATER EMERGENCY

- A. Lawn watering and landscape irrigation performed with a hand-held hose equipped with a positive shut-off nozzle is not permitted. Watering is permitted only during designated hours on designated days, regardless of the months of the year, if a hand-held container or drip irrigation system is used.
- B. Commercial nurseries shall reduce water by an amount to be determined by the Town of Hammonton Municipal Utility Department Superintendent. Water use is permitted only for commercially grown food crops, sod at commercial farms and golf courses, and nursery stock at nurseries and retail outlets.
- C. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited. Washing is permitted at any time on the immediate premises of a commercial car wash provided the facility uses reclaimed water. The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be prohibited. Further, such washings are exempt from these regulations where the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.
- D. The overfilling of swimming pools and spas is prohibited. The filling or refilling of ponds and artificial lakes is prohibited.
- E. Watering golf courses, parks, school grounds and recreation fields is permitted only during designated hours on designated days, except for golf course greens which may be irrigated to remain viable.
- F. Use of water from fire hydrants shall be limited to firefighting or other activities immediately necessary to maintaining the health, safety, and welfare of the citizens of Hammonton. The use of hydrants by municipal road departments, contractors, and all others shall be prohibited.
- G. All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.
- H. Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire and/or sanitation hazards.
- I. The operation of any ornamental fountain or similar structure is prohibited except for short periods of time to prevent damage and to support fish and aquatic life.
- J. The use of water for all outdoor recreational purposes is prohibited.
- K. The washing of the outsides of dwellings, buildings, or other structures, except for windows, is prohibited.

SECTION IX.iii

STAGE III: SEVERE WATER EMERGENCY

- A. All outdoor irrigation of turf and ground covers is prohibited with the exception of plant materials classified to be rare, exceptionally valuable or essential to the well-being of the public at-large or rare animals. Irrigation of only trees and shrubs is permitted only by a hand-held container or drip irrigation system. Gray water may be used in accordance with the appropriate regulatory agency guidelines and regulations to irrigate fruit trees, ground covers, and ornamental trees and shrubs. Gray water is defined as household wastewater other than toilet waste.
- B. Commercial nurseries shall reduce water by an amount to be determined by the Town of Hammonton Municipal Utility Department Superintendent. Water use is permitted only for commercially grown food crops, sod at commercial farms and golf courses, and nursery stock at nurseries and retail outlets. Gray water may be used in accordance with the appropriate regulatory agencies to irrigate fruit trees, ground covers, and ornamental trees and shrubs.
- C. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited. Washing is permitted at any time on the immediate premises of a commercial car wash provided the facility uses reclaimed water. The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be prohibited. Further, such washings are exempt from these regulations where the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.
- D. The overfilling of swimming pools and spas is prohibited. The filling or refilling of ponds and artificial lakes is prohibited.
- E. Watering golf courses, parks, school grounds and recreation fields is permitted only during designated hours on designated days, except for golf course greens.
- F. Use of water from fire hydrants shall be limited to firefighting or other activities immediately necessary to maintaining the health, safety, and welfare of the citizens of Hammonton. The use of hydrants by municipal road departments, contractors, and all others shall be prohibited.
- G. All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.
- H. Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire and/or sanitation hazards.
- I. The operation of any ornamental fountain or similar structure is prohibited except for short periods of time to prevent damage and to support fish and aquatic life.
- J. The use of water for all outdoor recreational purposes is prohibited.
- K. The washing of the outsides of dwellings, buildings, or other structures, except for windows, is prohibited.
- L. The use of water for commercial, manufacturing, or processing purposes shall be reduced in volume by an amount determined by the Town of Hammonton Municipal Utility Department.

- M. All sales of non-reclaimed water outside of the Town's limits shall be discontinued, with the exception of sales previously approved by the Town of Hammonton.
- N. No new construction meters will be issued. Construction water shall not be used for earthwork or road construction purposes. Construction projects necessary to maintaining the health, safety, and welfare of the public are exempt from these regulations.
- O. Except as to property for which a building permit has been previously issued, no new building permit(s) shall be provided, except in the following circumstances:
 - 1. For projects necessary to protect the public's health, safety, and welfare;
 - 2. When using reclaimed water;
 - 3. When the recipient of the building permit can demonstrate that no net increase in water use will occur.
 - 4. In the case of an emergency declaration as is described herein, the terms of the curtailment may be modified by amendment from time to time based on any changes in emergent conditions.

SECTION X. NOTICE OF DECLARATION

Immediately following the passage of any of the Water Supply Conservation Declarations hereinbefore described, a copy of the declaration shall be published in one or more of the Town's official newspapers and posted in the municipal building, police headquarters, construction office and the office of the Town of Hammonton Municipal Utility Department.

SECTION XI. EFFECT OF DECLARATION

The Declaration of a State of Water Supply Conservation shall be conclusive of the fact of the existence of such stage of Water Supply Conservation and shall be binding upon all persons and users upon the filing of the same in the office of the Town Clerk and the publication thereof in one or more of official Town newspapers.

SECTION XII. TERMINATION OF DECLARATION

The Declaration shall continue in full force and effect, except as amended, until terminated by a resolution of termination adopted by the Council of the Town of Hammonton.

SECTION XIII. INSPECTIONS

All premises receiving service from the Town of Hammonton water and sewer system as well as those with private wells shall be subject to an exterior inspection of the unoccupied portion of the premise by the Town of Hammonton's employees or any other person duly authorized and appointed by the Town or Authority to perform inspections to oversee compliance during each stage of Water Supply Conservation. It shall be a violation of this chapter for any person to hinder, obstruct, delay, resist or prevent any such inspection as is described herein.

SECTION XIV. USE TO BE A VIOLATION

It shall be a violation of this Chapter for any person to use water from the Town of Hammonton's water system at any time in a manner prohibited by any declaration issued pursuant to this Chapter.

SECTION XV. CONTINUED USAGE DEEMED A VIOLATION OF THIS SECTION AND THE AUTHORITY RULES AND REGULATIONS

In the event that there is on any premises a continuing usage of water from the Town of Hammonton water system by any person in a manner prohibited by any declaration issued pursuant to this chapter, such continuing usage is hereby declared to be a violation of this section and the Authority Rules and Regulations. The owner, occupant, and/or operator of the premises whereon the violation is occurring shall be served with written notice of the violation by the delivery to any such owner, occupant, and/or operator or the agent or employee of any of same actually on the premises. If no such person is present the notice shall be posted on the premises. If, after the passage of one (1) hour from the delivery or posting of such notice, the violation has not been abated, any employee of the Town of Hammonton is hereby authorized to enter upon the premises to abate the violation and discontinue water service. Thereafter, the Town or the Municipal Utility Department, as the case may be, shall assess the costs of such abatement against the owner, operator and/or occupant of the premises.

SECTION XVI. VIOLATION AND PENALTIES

Any person found guilty of violating any portion of this Ordinance shall be subject to a fine according to the following schedule:

First Offense:	Written Warning;
Second Offense:	One Hundred dollars (\$100.00) fine;
Third Offense:	Two Hundred dollars (\$200.00) to Four Hundred dollars (\$400.00) fine; and
Fourth or Multiple Offense:	a fine not to exceed Seven Hundred & Fifty dollars (\$750.00) and up to Thirty (30) days Community Service.

Any person found guilty of violating Section 9 shall be subject to a fine of Seven Hundred & Fifty dollars (\$750.00) for each twenty-four (24) hour period or part thereof for which it can be proven that the violation occurred.

Any violation occurring within twenty-four (24) hours of any Declaration issued pursuant to this Ordinance shall result in a warning and shall not be considered an offense.

This Ordinance shall take effect immediately upon final passage and publication according to law.

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

Councilman Torrissi stated he feels certain portions of this ordinance are a bit excessive and pointed out the sections he was referring to.

Councilman Pullia advised this is the wording the DEP is requesting the Town adopt.

Mr. Vettese advised he believes the current water conservation ordinance has the same wording.

Councilman Torrissi stated he agrees with water conservation but feels this ordinance puts in place too much government control, referring to DEP having to program the smart system.

Solicitor reiterated that these are DEP conditions that Hammonton must adopt in order to increase our current water allocation.

Councilman Gribbin stated that Hammonton’s water allocation has already been increased due to Council’s actions in promoting water conservation thus far. This ordinance will allow a greater increase to Hammonton’s water allocation.

Mayor DiDonato advised that Hammonton does not have a choice. We have to adopt this ordinance. If we do not conserve and hopefully achieve a greater allocation, we may have stage 2 or 3 water restrictions imposed on us by the DEP.

Councilman Pullia read through the fines stipulated in the ordinance which begin with verbal warnings and slowly progress into greater fines. He assured the public that only habitual offenders will receive the harsher fines that Councilman Torrissi is concerned with.

Mr. Vettese pointed out the ordinance does give you the option of going to a commercial facility with reclaimed water should anyone wish to wash their boat or vehicle during a DEP mandated water restriction.

ROLL CALL

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Ordinance #023-2011 Adopt Form Based Code

Ordinance #023-2011

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 175
TO INCLUDE “FORM BASED CODE”

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

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON that the amendments to Chapter 175 to include form based code be adopted; and

BE IT FURTHER RESOLVED that should any sections of this ordinance be deemed invalid by a court of law, the remaining sections will remain in full force and effect; and

BE IT FURTHER REVOLSED that this Ordinance shall take effect immediately upon final passage and publication according to law.

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

Councilman Torrissi confirmed that this will be posted on town website.

All agreed.

Councilman Gribbin stated this project began in 2007 and has been to countless public meetings. He feels this ordinance will aid in preservation of character in the Town of Hammonton. He thanked the Mayor for allowing him to be a part of this ordinance creation along with Councilman Torrissi. He felt each and every concern was addressed and he's happy with the final product.

Councilman Rodio stated for the record that Planning/Zoning Boards voted to move forward with this ordinance as well.

ROLL CALL

Councilpersons:

Barberio - Yes

Esposito - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - No

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Ordinance #024-2011 Amending Redevelopment Plan

AN ORDINANCE TO AMEND THE REDEVELOPMENT PLAN
OF THE TOWN OF HAMMONTON

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

Section 1. Findings. The Mayor and Council for the Town of Hammonton hereby make the following findings:

- a. The Town of Hammonton adopted a Redevelopment Plan in accordance with NJSA 40A:12A-7 on March 22, 2004. The Redevelopment Plan constituted an overlay zoning district within the redevelopment area as described by NJSA 40A:12A-7.
- b. The Redevelopment Plan consisted of both a Strategic Redevelopment and Smart Growth Plan and a Redevelopment Area Analysis and Redevelopment Area Plan.
- c. Section IX of the Town of Hammonton Strategic Redevelopment and smart Growth Plan recommended, in order to revitalize and redevelop Hammonton into an economically vibrant and dynamic community, the establishment of a critical mass of high quality residential in direct proximity with retail and public use in the downtown area. Section IX further recommends that the Mixed Use (MD) Zoning District permit moderate density residential uses directly around the existing downtown area to encourage and support downtown activity.

- d. Section XII of the Redevelopment Area Plan provides that the standards established in the Redevelopment Plan in reference to permitted uses, bulk regulations and other standards applicable to designated redevelopment areas, of the Redevelopment Plan may be modified or changed by the Planning Board at the time of site plan review and approval or by formal amendment to the Redevelopment Plan in accordance with law.
- e. Section VI, Figure 3 of the Redevelopment Plan which sets forth the permitted uses, bulk regulations and other standards applicable to designated redevelopment areas does not permit single family attached dwelling units in redevelopment areas B and C which are located in direct proximity to the downtown area.
- f. The Planning Board of the Town of Hammonton has recommended that it is appropriate and consistent with the Town of Hammonton Redevelopment Plan and with the Town of Hammonton Master Plan to amend Section VI, Figure 3 of the Town of Hammonton Redevelopment Plan in order to permit single family attached dwelling units and establish bulk regulations in accordance with same.
- g. In addition to furthering the recommendations and purposes of the Redevelopment Plan, this Ordinance will implement a Settlement Agreement between the Town of Hammonton, Town of Hammonton Planning Board and National Institute for Brownsfield Development (NIBR, LLC) in the matter of NIBR, LLC v. Town of Hammonton et al, Docket Number ATL-L-7378-06.

Section 2. Section VI, Figure 3 of the Redevelopment Area Plan of the Town of Hammonton is amended to provide the following at the end of Figure 3 on Page 18:

- I. In addition to the permitted uses, bulk regulations and other standards set forth above in redevelopment areas B and C, the following additional use shall be permitted within redevelopment areas B and C:
 - A. Single family attached dwelling units, but only if public sewage and water are available at the site and subject to the following bulk regulations:
 - 1. Minimum project area within redevelopment areas B and C shall be 5 acres.
 - 2. Minimum front yard setback of 20 feet.
 - 3. Minimum secondary front yard setback of 15 feet.
 - 4. Minimum side yard setback of 15 feet.
 - 5. Minimum rear yard setback of 20 feet.
 - 6. Maximum coverage 60%.
 - 7. Maximum height 35 feet.
 - 8. Maximum density for single family attached units shall be ten units per acre.
 - 9. The single family attached development shall reflect superior features of design and layout and shall conform to the following building design criteria:
 - a. Each structure shall contain not more than eight single family attached units, and in no case shall any structure exceed 175 feet in length. However, an exception may be made to permit no more than two of the structures to contain up to twelve single family units, at a maximum length of 290 feet, if at least five of the remaining structure contain fewer than eight single family attached units and the entire project complies with the maximum density allowed under this section.
 - b. The following minimum building spacing shall be maintained for all structures:
 - (1) End-wall to End-wall separation shall be maintained at a minimum distance of 30 feet.
 - B. Definitions.
 - a. Secondary Front Yard- on any lot having frontage on more than one street, the orientation of the front or main door(s) of the principal structure, shall establish a primary front yard and all other front yards shall be considered secondary front yards.

Section 3. In accordance with the Redevelopment Plan, this Amendment to the Redevelopment Plan shall constitute an overlay zoning district within the redevelopment area as described by NJSA 40A:12A-7.

Section 4. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of the inconsistency.

Section 5. If any section, sentence, or other part of this Ordinance is adjudged unconstitutional or invalid, that judgment shall not affect, impair, or invalidate the remainder of this Ordinance, but shall be limited in its effect to the specific section, sentence or other part of this Ordinance directly involved in the controversy in which the judgment shall have been rendered.

Section 6. This Ordinance shall take effect immediately upon final adoption and publication as required by law.

Motion by Councilperson Barberio, seconded by Councilperson Gribbin, 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

#R104-2011 Refund Street Opening Application Fee-County Roadway

RESOLUTION #104-2011

RESOLUTION AUTHORIZING REFUND FOR
ROAD OPENING APPLICATION FEE

WHEREAS, SJ Gas has paid \$50.00 for roadway opening application for Railroad Avenue; and

WHEREAS, it has been determined by the Town Engineer that the portion of Railroad Avenue to be opened is under the jurisdiction of Atlantic County;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY that SJ Gas be refunded \$50.00 for roadway opening application #ST00037-11.

#R105-2011 Renew 2011-12 Liquor License – Mikado Inc.

R#105 -2011

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON,
ATLANTIC COUNTY, NEW JERSEY,
AUTHORIZING THE ISSUANCE OF ABC LICENSE
For 2011/12 License Term

WHEREAS, it is a requirement of NJ ABC that in the matter of the authorization and issuance of license of the sale of Alcoholic Beverages, a resolution must be adopted, which resolution shall specifically determine

and name the person, firm or corporation adjudged by such resolution to be entitled to such license as adjudged to be issued, and further such resolution must also fix the name and the licensed premises; and

WHEREAS, it is hereby specifically determined and declared that the following named persons and corporation, if any, be and they are hereby adjudged to be entitled to a license of the class hereinafter specified to sell alcoholic beverages at or on the premises as herein fixed and described to wit:

0113 33 018 007 Mikado Inc.
t/a Mikado Japanese Cuisine
Location: (pocket)

BE IT FURTHER RESOLVED that the petitioner or licensee has filed a verified petition requesting authorization for the local issuing authority to consider a renewal application for License 0113-33-018-007 for the 2011-12 license term(s) pursuant to the provisions of N.J.S.A. 33:1-12.39; and

BE IT FURTHER RESOLVED that the Director of ABC has reviewed the petition for special ruling and considered all facts and circumstances related to the inactive status of this license and found that the licensee has established good cause in accordance with the statutory requirements to warrant an application for renewal of the license for the 2011-12 license term; and

BE IT FURTHER RESOLVED that the Director of ABC notes that the license has been inactive since 1/7/98 and this petition concerns the tenth license term for which relief is being sought pursuant to N.J.S.A. 33:1-12.39; and

BE IT FURTHER RESOLVED that the Director of ABC has required the Governing Body of the Town of Hammonton to renew said license for 2011-12 license term subject to a special condition that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before 6/30/12, except if good cause for reconsideration is shown; and

BE IT FURTHER RESOLVED that the municipal issuing authority is hereby authorized to consider the application for renewal of the subject license for the 2011-12 license term; and

BE IT FURTHER RESOLVED that the subject license has filed the application for renewal with required fee and has received the required tax clearance;

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC AND THE STATE OF NEW JERSEY that the subject license be renewed for 2011-12 license term subject to all of the above conditions.

#R106-2011 Authorize Transfer of Funds

#R 106-2011

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 **with an effective date of November 1, 2011:**

FROM: IN CAP
Administration S&W (1-01-20-101-100) \$2,465.12

TO: IN CAP Health Benefit OE(1-01-23-117-100)	\$1,000.00
TO: IN CAP Construction S&W (1-01-22-126-100)	\$236.39
TO: IN CAP Planning Brd S&W (1-01-21-109-100)	\$19.70
TO: IN CAP Assessment of Tax (1-01-20-104-100)	\$190.95
TO: IN CAP Collection of Tax (1-01-20-105-100)	\$709.61
TO: IN CAP DCRP (1-01-36-149-200)	\$308.47
FROM: IN CAP Police S&W (1-01-25-119-100)	\$32,000.00
TO: IN CAP Highway OE(1-01-26-123-200)	\$10,000.00
TO: IN CAP Legal OE(1-01-20-106-200)	\$ 7,000.00
TO: IN CAP Engineering OE(1-01-20-107-200)	\$15,000.00
FROM: IN CAP Sewer Social Security(1-07-55-709-200)	\$67.19
TO: IN CAP Sewer Disability (1-07-55-709-23E)	\$67.19
FROM: IN CAP Water Social Security(1-05-55-609-200)	\$64.88
TO: IN CAP Water Disability (1-05-55-609-23E)	\$64.88

#R107-2011 Designate Public Agency Compliance Officer

#R 107-2011
Resolution Designating P.A.C.O. Public Agency Compliance Officer

WHEREAS, the N.J.A.C. 17:27-3.2 requires each public agency to designate a Public Agency Compliance Officer to act as liason between the public agency (the municipality) and the New Jersey Division of Contract Compliance; and

WHEREAS, the New Jersey Division of Contract Compliance must receive the updated P.A.C.O. on Attachment 2 Form no later than January 10th each year.

NOW, THEREFORE, BE IT RESOLVED that Audrey Boyer, shall be designated as the Public Agency Compliance Officer for the Town of Hammonton in accordance with N.J.A.C. 17:27-3.2; and

BE IT FURTHER RESOLVED that the Municipal Clerk shall notify the New Jersey Division of Contract Compliance of this designation on Attachment 2 immediately and then each year before January 10th.

#R108-2011 Authorizing Amendments to Tax and Utility Accounts

#R 108-2011

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
4601-19.01	Ismael Flores	75 Rt. 206	780.75	Tax	Refund to Corelogic	Rosie
3301-79	Loomis	313 Central Ave	177.86	Sewer	Refund to Trident Land Transfer	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.

Motion by Councilperson Gribbin, seconded by Councilperson Barberio, resolutions 104-108 are 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.

PUBLIC HEARD

Thank you Fire Company Members

Councilman Pullia commended all fire company members who have been busy fighting several fires the last couple weeks.

Fred Melendez – Old Forks Road

Mr. Melendez handed out a flyer to Mayor and Council inviting them to attend a PR Civic Assoc. fundraiser this Saturday October 29, 2011 from 5-10 pm to benefit Max Guzman and his son Max Jr. who was paralyzed during a recent accident. Admission fee is \$20.00.

Yuli Chew – Royce Run

Mr. Chew stated he does not like that Mayor and Council are still speaking to the affect of a homeowners association at Royce Run. He advised that to his understanding a certain percentage of the homeowners must agree to the establishment of homeowners association. He referred Mayor and Council to recent article concerning same. He mentioned different alternatives to establishing a homeowners association.

Joseph Ingemi – Pleasant Street

Mr. Ingemi posed questions concerning ACO to which Mayor and Council, Mr. Vettese and the Solicitor responded.

Mr. Ingemi questioned soil samples for Stockton site to which the Solicitor responded.

Rick Sepe – Passmore Avenue

Mr. Sepe posed a question concerning proposed form base code ordinance to which Mayor responded..

Mr. Sepe posed a question concerning radium and closure of water system wells to which Councilman Pullia responded.

Mr. Sepe advised he believes since the paving of Bellevue Avenue there is an increased amount of water laying at the intersection of Third and Bellevue and questioned what is town council doing to correct this problem to which Mr. Vettese responded.

Mr. Sepe posed questions concerning Skinner Building to which Mayor DiDonato responded.

Mr. Sepe thanked Mayor and Council for their dedication of fire truck to Mr. Tom Elvins.

Councilman Pullia advised for the public that at 6:30 pm this evening Mayor and Council dedicated a fire truck to Mr. Tom Elvins.

Joe Litterman – Royce Run

Mr. Litterman posed questions concerning Royce Run Development to which the Solicitor and Mayor and Council responded.

Steven Furgione – Pine Road

Mr. Furgione posed a question concerning water contamination in Pine Road area to which Mr. Vettese responded.

Bud Paynter – Traditions at Blueberry Ridge

Mr. Paynter offered his help in the establishment of a homeowners association at Royce Run should the homeowners wish to establish one.

Charles Perna – Washington Street

Mr. Perna posed several questions concerning drainage basin and road opening permit for Pulte/Blueberry Ridge and surrounding Developments to which the Solicitor, Mr. Vettese and Mayor and Council responded.

Mr. Perna commended Hammonton Fire Companies for tremendous job on recent fire at Skinner Building.

Mark Santora – Old Forks Road

Mr. Santora posed a question concerning water conservation ordinance to which Solicitor responded.

Mr. Santora posed several questions concerning bonds and drainage at Pulte to which Mayor and Council and Solicitor responded.

Bud Paynter – Traditions at Blueberry

Mr. Paynter, approached the podium once again to advise on what he believes might have been vandalism at the Pulte drainage basin.

MEETING ADJOURNED

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

April Boyer Maimone, Municipal Clerk