

REGULAR MEETING OF COUNCIL
Held in Town Hall Council Chambers
100 Central Avenue, Hammonton, N.J.
February 23, 2009 at 6:00 P.M.
Minutes can be viewed at www.townofhammonton.org

MEETING CALLED TO ORDER BY MAYOR DIDONATO

ROLL CALL

Mayor DiDonato - P
Councilpersons:
Barberio - P
Bertino - A
Lewis - P
Petrongolo - P
Rodio - P
Wuillermin - P

PRESENT ALSO

Brian Howell, Town Solicitor

Enter Into Closed Session

#R 21A -2009

BE IT RESOLVED, by the Mayor and Common Council of the Town of Hammonton that, in accordance with the "Open Public Meetings Act," an Executive Session is authorized on this below adopted date, for the purpose of discussing and/or acting upon:

1. Approve Minutes
2. Property Maintenance personnel issue
3. PBA grievance – cell phones
4. Municipal Court Employee – request extension sick leave of absence
5. Kessler Hospital update
6. Airport lease
7. Land Sale
8. Trocki Litigation
9. COAH
10. Opra request-phone records
11. PAFF litigation
12. Rent Control
13. Municipal Court issues
14. Railings town hall

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 Lewis, seconded by Councilperson Barberio, enter into closed session.

ROLL CALL

Councilpersons:
Barberio - Y
Bertino – A
Lewis - Y
Petrongolo - Y

Rodio - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

ROLL CALL - RESUME OPEN SESSION

Mayor DiDonato - P
Councilpersons:
Barberio - P
Bertino - P
Lewis - P
Petrongolo - P
Rodio - P
Wuillermin - P

PRESENT ALSO

Brian Howell, Town Solicitor
Bob Vettese, Town Engineer

PLEDGE OF ALLEGIANCE

PUBLIC NOTICE

This meeting has been posted on Town Hall bulletin board and e mailed to official newspapers. Please familiarize yourselves with the fire exit to the right and rear of the Council Chambers. Also, there is to be no smoking in the Town Hall at any time.

PUBLIC HEARD FOR AGENDA ACTION ITEMS

No one desired to be heard.

APPROVAL OF MINUTES

Motion by Councilperson Lewis, seconded by Councilperson Bertino, approve the minutes of the Regular Meeting January 26, 2009 as recorded by the Clerk. Motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

1. Mr. Ron Ianoale of McManimon and Scotland, Bond Counsel, was present to advise and respond to Mayor and Council's questions concerning the introduction of the Refunding Bond Ordinance, resolution making application to Local Finance Board and resolution appointing financial advisor that appear on the agenda this evening.
2. Mr. Rock Colasurdo, Hammonton Airport Administrator, and Airport Committee were present to update Mayor and Council on status of Hammonton Municipal Airport and advise on quotes for building upgrade and restaurant proposal that will be brought up on agenda this evening as well as current airport revenue.

Councilman Bertino questioned Mr. Colasurdo do you have someone in mind to operate the new restaurant facility?

Mr. Colasurdo responded yes.

Councilman Bertino stated he would like to view the proposed plan including total cost for same prior to approving quotes on upgrades at the airport.

Mr. Colasurdo invited Councilman Bertino to take a personal tour of airport facility.

Mayor DiDonato stated that a restaurant would need to be bid and council would be privy to bid specifications.

Mr. Brian Howell, Town Solicitor, advised he's been advising Mr. Colasurdo.

Approve Quotes – Upgrade Airport Building

Motion by Councilperson Rodio, seconded by Councilperson Barberio, authorize purchase orders to the following vendors for upgrade to airport building.

George Swanfeld	kitchen lobby	\$ 965.00
AR&A Electrical Cont.	electric	\$2,995.00
B&J Home Improvement	sheet rock	\$2,900.00
Vincent J. DiMatteo	plumbing/heating	\$3,100.00

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

3. Ordinance 2-2009 Bond Ordinance Purchase Fire Truck HEARING

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

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

4. Ordinance 3-2009 Vacate Roadways (with technical amendments) HEARING

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

Sam Celona – 317 N. Second Street

Mr. Celona advised he believes closing certain roadways listed on this ordinance would create a hardship to him.

Solicitor advised Mayor and Council to continue hearing to March 23 meeting in order to make necessary amendments to ordinance and re advertise prior to adoption.

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, the hearing be closed and extended to March 23 council meeting and authorize solicitor to make appropriate revisions to ordinance and advertise same.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

COMMITTEE REPORTS

ADMINISTRATION -Councilperson Barberio

Thanked Dept Heads for their preparing cost effective budget proposals for year 2009

Reported on some vehicles in need of repair or replacement

Bid Results Certified Tree Consultant

William F. Brash Jr. \$2,975.00

ForesTree Consultants \$4,950.00

Arbor Care Resources \$3,000.00

Refer to New Business for resolution of award.

BUSINESS & INDUSTRY-Councilperson Petrongolo

Report on upcoming events including "Italian Farmers Market" Saturdays during May-Sept, 9-1 pm

Request to repeal current special vendor ordinance

After a lengthy discussion with Mayor and Council, Chief Ingemi and Town Clerk this matter was referred to committee of Councilpersons Wuillermin, Barberio, and Petrongolo.

EDUCATION-Councilperson Bertino

Report on Taste of Town event March 1

Reported on search for Superintendent

Report School budget

PUBLIC WORKS & TRANSPORTATION-Councilperson Rodio

Report of airport quotes taken up under dispense with regular order of business
Report on trash disposal at Camden Incinerator

LAW & ORDER-Mayor DiDonato

Mayor reported on law and order committee meeting

QUALITY OF LIFE – Councilperson Lewis

Request council endorse Green Committee participation in sustainable energy & clean power community at no cost

Motion by Councilperson Lewis, seconded by Councilperson Wuillermin, authorize Green Committee participation in sustainable energy and clean power community. Motion carried.

WATER & SEWER – Councilperson Wuillermin

Report on Moss Mill Road project bid receipt & pending bond ordinance for funding prior to award
Report Pine, Basin, Oak and Union Road project
Water allocation approval update-requires water conservation ordinance

Councilperson Bertino questioned will approval increase allocation just for pumping purposes or also for a new well?

Councilperson Wuillermin responded the increase in allocation would be for pumping purposes only.

ENGINEER REPORT

SEWER AND WATER ACTION ITEMS

Pine, Basin & Oak Road Water Main Extension, Well Contamination (11-30138):

We have received the construction permit from the NJDEP and have provided a response to the County related to their review as authorized last Council meeting. We are waiting for a response of the revised submission from the County. We have also made a submission of the design plans to the NJDOT related to the roadway opening permit. We are in the process of making the final design changes to the plans, specifications, quantities and bid documents for the water main extension. We would hope to make a submission to the NJDEP Spill fund representatives for their review by the end of next month.

As part of the requirements stipulated under the Spill fund program, the twenty nine (29) residential dwellings within the CKE zone must tie into the public water system, abandon their onsite wells, unless a waiver is granted, extend a water service lateral from the street into the house and install the required interior piping, connections, metering, etc., inside their dwelling in order to provide public water service.

In order to get the best price, separate contracts will be awarded for the required well sealing and the lateral extension/interior piping and meter installation for the twenty-nine (29) affected properties within the CKE zone. We will be preparing a proposal to complete the specifications, details and bid documents for these contracts for the PWT Committee's review and hopefully could be considered for Council's approval at Monday's meeting. We would hope to include these bid documents along with the water main extension documents to the NJDEP Spill Fund for their review and approval by the end of next month.

Due to the cost of the project, we are also trying to secure additional funding sources to assist with the project financing over the \$770,000.00 allotted by the NJDEP Spill Fund Program with the Infrastructure Stimulus Package being the main contact.

Motion by Councilperson Wuillermin, seconded by Councilperson Barberio, approve proposal to complete the required specifications details and bid documents for the well sealing, lateral installation, interior pipework and meter installation contracts. A copy of same is attached for consideration totaling \$7,100.00

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Moss Mill Road/White Horse Pike Utility Extension Bid Results(11-50124):

Asphalt Paving Systems	\$ 1,083,158.00
B&B Construction	\$ 1,089,741.15
DeFalco & Bisconti	\$ 953,168.00
Jersey Construction	\$ 1,020,737.50
Mac Rose Construction	\$ 899,635.15
Mount Construction	\$ 939,836.00
P&A Construction	\$ 872,320.00
Pioneer Pipe const.	\$ 739,325.65
RE Pierson	\$ 1,083,588.00
RNR Construction	\$ 1,171,821.60
RTW Construction	\$ 957,672.00
Site Contractors Inc.	\$ 1,187,650.00
Spencer V. Maussner	\$ 993,399.33
WECO Construction	\$ 1,257,741.00

No award of bid made this evening.

Authorize PO ARH-Moss Mill Road/White Horse Pike Project

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, authorize ARH proposal \$17,500.00 for work already completed for this project.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - recused

Deputy Mayor Wuillermin declared the motion carried.

PUBLIC WORKS ACTION ITEMS

Vacant Land Analysis – COAH Calculation (P#09-0079)

We were requested to prepare a proposal to complete an analysis of the remaining vacant land available for development within the Pinelands Town District. The analysis would also include environmental constraints, zoning and various other factors to provide the COAH consultant with a document which could be used to ultimately evaluate the number of required low and moderate residential units that could be constructed within the Town. We have discussed the proposal with the PWT Committee and have attached a copy for Council's consideration.

Motion by Councilperson Wuillermin, seconded by Councilperson Rodio, approve proposal #09-0079 for the Vacant Land Analysis totaling \$7,675.00 and provide a P.O. for the service authorized contingent upon release of COAH funds.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Hammonton Lake Park (11-90028):

Approvals have been obtained from both Pinelands and the Cape-Atlantic SCD. In order to move to the next stage in the project, our office is currently preparing a proposal, which should be ready for Council's consideration on Monday. If authorized to proceed we will work to put out for bid phase I portion of the project, utilizing the \$400,000 grant from Atlantic County. Our proposal will include Final Design, Public Bidding and Construction Management (Phase I only).

The Final Design will include providing a plan to stage/phase the construction activities. There will be a base bid and select alternatives. We will be discussing the contents of our proposal with the Recreation Committee and Public Works Committee prior to the Council meeting. We are submitting a cost for Construction Management of phase I only. Additional phases will require additional contract time. If additional phases are chosen to be awarded we will submit a revised proposal including the additional time needed for construction oversight by our office.

Councilperson Bertino questioned parking?

Mr. Bob Vettese of ARH advised additional parking has been added.

Councilperson Bertino requested Mr. Vettese forward a copy of the parking plan to him.

Motion by Councilperson Barberio, seconded by Councilperson Wuillermin, authorize ARH proposal for Hammonton Lake Park project in amount of \$13,500.00.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

Lewis - Y

Petrongolo - Y

Rodio - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Former Octagon Oil – Town Parking Lot Site Remediation (11-01060):

As you are aware, the last quarter of monitoring well test results for the Vine Street, Town Hall parking lot and former Octagon Oil Gas Station property were forwarded to the NJDEP for review. As discussed with the State's Case Manager, it was the hope that the NJDEP would agree that a natural attenuation process for site remediation would be accepted. On December 17, 2008, the NJDEP issued a Notice of Deficiency indicating that the natural attenuation process would not be accepted due to the elevated BTEX concentrations and the length of time that it would take for the attenuation process to come into compliance with applicable standards. Therefore, they have provided their comments on other possible methods that could be considered to complete the site remediation which would probably include some type of active remediation process. The Town has been directed to provide a response to the NJDEP with 180 days from December 17, 2008, or June 18, 2009 indicating a revised remediation action work plan for the site. We will provide the PWT Committee with a proposal for ARH to complete their work along with an estimate of cost to complete testing, reports, well installation, etc. required to be accomplished by outside Contractors which must be considered in order to provide a response to the NJDEP within the 180 day time frame and avoid an ACO. We could also try to apply to the State to seek a partial reimbursement on monies expended to complete the required remediation if authorized. We will provide a copy of the proposal for the Mayor and Council's consideration for Monday night if acceptable to the PWT Committee.

Motion by Councilperson Barberio, seconded by Councilperson Bertino, authorize check in amount of \$500 to NJ EDA for application fee for this project.

ROLL CALL

Councilpersons:

Barberio - Y
Bertino - Y
Lewis - Y
Petrongolo - Y
Rodio - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

PUBLIC WORKS INFORMATION ITEMS

Central Avenue Roadway Reconstruction Project (11-40027):

The Contractor is substantially complete, however there are punch list items remaining. Previously we have walked the site with the County and were given a few items of work that will be required by the County. We have forwarded the County's comments to the Contractor and the Contractor has provided additional costs (where warranted). We have reviewed the costs with the County and requested that the Contractor proceed with the work at the Third Street/Central Avenue intersection along with the punchlist items. Once the weather breaks, the remaining items should be completed and the contract finalized along with the appropriate change orders. We will keep Council apprised of further updates.

Boyer Avenue Recreation - Phase III (11-75003):

We recently received a second review letter from the Pinelands Commission. We will be discussing the issues raised with the Pinelands Commission review staff. Once we have this discussion and obtain an agreement on same, we will address the letter, and resubmit back to the Commission.

Atlantic County Open Space Trust Funds – Round 7 (11-01068):

The Mayor and Town Council must decide as to whether the funds allocated by the County for purchase of the two properties involved in the Round #7 County funding allotment will be used or withdrawn.

Myrtle Street Survey/ (11-40036):

We are continuing with the application for Discretionary Aid assistance for the section of Myrtle Street extending between Route 206 and Pine Road and the section of Pine Road presently unpaved.

Central Avenue Walkway (11-40027.04):

We are nearing completion of the preliminary design plans. We are currently working towards making a formal submission to Atlantic County. Once the preliminary plans are complete the submission will be reviewed with the PWT Committee and then forwarded to the County.

Celona Property Site Remediation Railroad Avenue NJEDA Grant (11-01054.02):

As discussed with the PWT Committee and the Town Solicitor, we directed a letter to the NJEDA regarding the possible redevelopment of the Celona parcel in order to secure the project funding offered by the NJEDA. The NJEDA has verbally indicated that the letter of intent recently submitted appeared satisfactory; however we are waiting for their formal response.

11th Street/Washington Street NJDEP Site Evaluation, Block 2608, Lot 1 (11-01000):

The NJDEP Case Manager has completed his evaluation of the site and provided the report to the Pinelands Commission for review. Once the Pinelands complete their comments, the Case Manager will finalize the report and provide a letter of findings to the Town. We will keep Council informed of further progress.

Fourth Street Reconstruction (11-40034):

The Town has received an announcement of funding from NJDOT in the amount of \$145,000 (FY2008) and \$160,000 (FY2009) for a total of \$305,000.00 from NJDOT. We are currently evaluating additional options to convey storm water from the Bellevue Avenue and Fourth Street intersection to the down stream storm system along Pleasant Street.

Community Development Funds, 2006 ADA Curb/Walk Replacement, Washington Street Phase I Reconstruction (11-40026):

As authorized last meeting, we have begun work on finalizing the design plans and specifications to complete the improvements on the 3rd Street and Walmer Street intersection. We also directed a letter to John Lamey at the ACIA to keep them informed of the project status.

Atlantic County Open Space Trust Funds – Round 8 (11-01070):

As stipulated last meeting, the Town will need to provide Ranae Fehr from Atlantic County a letter indicating the progress accomplished by the Town to date related to completing the work on the properties involved in the round #8 funding. It is our understanding that the Solicitor is drafting an agreement to be sent to the affected property owners to ensure there is still an interest in executing a contract of sale for their property. There are a number of tasks that must be completed before the 11/20/09 deadline date for closure on the properties. If the Town wants to use the funds, it is imperative that progress is indicated.

SEWER & WATER INFORMATION ITEMS

Well #5-#7 (11-30139.03):

Progress continues toward contract closeout. Our final report is pending due to an exchange of correspondence between our office and the contractor. There remains a dispute between the contractor and the Town associated with close out. The matter will be referred to the Solicitor.

Boyer Avenue Land Application Site – Drip Irrigation (11-50127):

A meeting between the Town, Pinelands, NJDEP and USGS will be held on February 25, 2008 at Town Hall.

Water Allocation (11-30088):

Major Modification Application:

Findings are due in February 2009. Our attempt to obtain this information early was unsuccessful. We requested that the Mayor provide a follow-up on behalf of the Town.

Future Well:

As previously reported, a meeting was held with NJMIC representatives to discuss the placement of a new well along Chew Road on property currently owned by them. We are awaiting comments back from NJMIC on the conceptual site plan for the desired property location. Conclusion on this matter will allow the Town to pursue the testwell program. ARH will reach out to NJMIC attempting to provide response to items we think may be of concern.

Route 54/Bellevue Avenue Utilities (11-50120.04):

Since the last reporting period we have received an approval on the NJDEP-BSDW application. Additionally we have received comments from Atlantic County related to a road opening permit for the Third Street intersection. We will have a resubmission back to the County shortly.

Related to project funding, we have reached out to USRD to determine if additional funds are available since the cost estimates from 2006 no longer apply. We are currently waiting for a response. It is our intent to have the plans and specifications forwarded to USRD seeking permission to bid the project once revisions have been made per the County's comments. We are also discussing with the NJDOT about providing some additional drainage improvements within Route #54.

Southwest Hammonton – Sanitary Sewer Service (11-50130.01):

We are continuing with the process of revising the design plans for Phase I portion of the project to allow for the installation of the sanitary sewer within existing or proposed public right-of-ways, pump station design and contributory flow.

The Town Solicitor has prepared revisions to the initial agreement between the Town and the applicant which must be executed by all parties associated with cost sharing of Master Plan improvement to the project area. We will keep Council informed of further progress.

Infrastructure Funding Assistance Program 2009 (11-01078):

As requested by the Mayor and in conjunction with a possible Economic Stimulus or Recovery Program Funding Package to be considered by the Federal Government, we have directed a letter to our area legislators expressing the Town's interest in receiving funding consideration for various ready to bid projects. The letter of transmittal included both a letter from the Town listing various projects and a letter and resolution from Hammonton Public Schools noting the projects for which funding assistance is requested and ready to bid. As requested, we will also be forwarding the request for funding consideration to some additional area legislators to seek their assistance in securing the funds requested. We will keep Council informed of further progress or requirements of the program as they are formulated.

Getty Gas Station Site Remediation (11-50128):

The Contractor has begun the process for the removal of the existing underground storage tanks at this site. The Solicitor is in the process of finalizing the Remediation and Hold Harmless Agreement with the

representatives from Getty Corporation for the site. Once the agreement is executed and the connection fees are paid, the final testing of the remediation system could be conducted and if deemed satisfactory the treated water could be discharged to the Town's system.

SOLICITOR REPORT

Kessler Memorial Hospital

ATV Ordinance

Dam repair

Airport

Land sale (Councilman Wuillermin reminded everyone he has recused himself and not to correspond him in this matter)

Authorize Solicitor prepare airport bids

Motion by Councilperson Rodio, seconded by Councilperson Lewis, authorize solicitor to bid for lease of east hangar and bid for restaurant at south hangar. Motion carried.

Solicitor report continued

Street vacation ordinance

Pulte update

MAYOR REPORT

Report-Kessler Hospital status and petition and stressed the importance of signing the petition to keep Kessler open

TOWN CLERK/ADMINISTRATOR REPORT

Authorize Extended Leave of Absence Lorelei Alden

Motion by Councilperson Bertino, seconded by Councilperson Barberio, authorize extension of leave of absence Lorelei Alden 3 additional months (12 weeks) until 6/1/09 contingent upon receiving monthly updates from physician.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Authorize Purchase Order for New Railings – Town Hall

Motion by Councilperson Bertino, seconded by Councilperson Rodio, authorize a purchase order to Burelli Steal for purchase of replacement railings in new town hall in the amount of \$4,800.00 due to safety health and welfare reasons and due to Dolan Mechanical not responding to nor rectifying the hazardous condition upon Mayor and Council's request. And authorize the \$4,800.00 to be deducted from Dolan Mechanical's purchase order.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y
Petrongolo - Y
Rodio - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Approval of Bills and Purchase Orders

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, approve bill list and purchase orders for ordinances and grants.

ROLL CALL

Councilpersons:
Barberio – recused on Triad bills only
Bertino – Y
Lewis - Y
Petrongolo - Y
Rodio – recused on White Star bills only
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

COMMUNICATIONS

1. From Anthony Melora request to purchase Block 901, Lots 2,3,4 (refer to Solicitor & ARH)
2. From Historical Society request Skinner Glassworks be placed under their auspices

Councilman Bertino advised that the Historical Society would like to save a portion of Skinner Building before it deteriorates and need Mayor and Council to endorse same so that they can make necessary applications.

Solicitor to investigate. Referred to Business and Industry.

NEW BUSINESS-ORDINANCES

Ordinance #004-2009 Amending DCRP to exclude Municipal Court Administrator position

Ordinance # 4-2009

An Ordinance Amending Ordinance 24-08 DCRP

WHEREAS, the Mayor and Council of the Town of Hammonton, County of Atlantic and State of New Jersey on 8/25/08 adopted Ordinance 24-2008 defining which positions would be eligible and which positions would be exempt from Defined Contribution Retirement Program per State Legislature Chapter 92 of the Laws of 2007; and

Whereas the Mayor and Council of the Town of Hammonton have now considered the recommendation of the Town Solicitor to include the position of Municipal Court Administrator in the positions exempt from Defined Contribution Retirement Program pursuant to N.J.S. 43:15C-2.

Therefore, be it resolved by the Mayor and Council of the Town of Hammonton that Ordinance 24-2008 be amended and the position of Municipal Court Administrator be added to the list of positions deemed exempt from Defined Contribution Retirement Program membership.

Be it further resolved that should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.

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

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Ordinance #005-2009 Refunding Bond Ordinance

Ordinance # 005-2009

REFUNDING BOND ORDINANCE OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING BONDS OF THE TOWN, DATED JULY 1, 2001 ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$8,576,000, APPROPRIATING \$6,650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,650,000 REFUNDING BONDS OF THE TOWN FOR FINANCING THE COST THEREOF.

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

Section 1. The Town of Hammonton, in the County of Atlantic, New Jersey (the "Town") is hereby authorized to refund all or a portion of the outstanding bonds of the Town originally issued in the principal amount of \$8,576,000 General Obligation Bonds, Consisting of \$3,067,000 General Improvement Bonds, \$1,159,000 Water Utility Bonds and \$4,350,000 Sewer Utility Bonds, dated July 1, 2001 (the "2001 Bonds"). The 2001 Bonds maturing on or after July 1, 2010 (the "Refunded Bonds") may be redeemed at the option of the Town in whole or in part on any date on or after July 1, 2009 (the "Redemption Date") at par, plus in each case accrued interest, if any, to the Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$6,650,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the refunding bonds and notes provided in this refunding bond ordinance by \$6,650,000 and that an amount representing the obligations to be refunded will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 5. The purpose of the refunding is to effect an interest cost savings for the Town.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption.

Section 7. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

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

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Ordinance #006-2009 reappropriation Bond Ordinance – Moss Mill Road Project

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

Councilman Wuillermin advised that each ordinance being reappropriated had a fund balance leftover from a project that has already been completed and the funds are no longer needed.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - recused

Deputy Mayor Wuillermin declared the motion carried.

RESOLUTIONS

#R22-2009 Authorize Recycling Tonnage Grant Application

RESOLUTION # 22 -2009

**RESOLUTION AUTHORIZING GRANT APPLICATION
FOR RECYCLING TONNAGE GRANT FOR YEAR 2008**

- WHEREAS,* The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and
- WHEREAS,* It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and
- WHEREAS,* The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and
- WHEREAS,* The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and
- WHEREAS,* A resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of the municipality to recycling and to indicate the assent of the Town of Hammonton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and
- WHEREAS,* Lance Schiernbeck is herein designated as the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton in the County of Atlantic and State of New Jersey that the Town of Hammonton hereby endorses this submission of the Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and therefore designates Lance Schiernbeck to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the Recycling Tonnage Grant be deposited in a dedicated Recycling Trust Fund to be used solely for the purpose of recycling; and

BE IT FUTHER RESOLVED that the Mayor, Town Clerk/Administrator and Lance Schiernbeck, Recycling Coordinator are hereby authorized to execute any and all documents in furtherance of this Resolution.

#R23-2009 Appoint Tax Assessor to Handle Tax Appeals

RESOLUTION #023-2009

RESOLUTION APPOINTING ASSESSOR AS AGENT FOR TOWN OF HAMMONTON

WHEREAS, from time to time the Assessor discovers an error in calculation, transposing, measurement, computer of typographical errors in the Tax Assessments on the Tax List after the time the County Board of Taxation has certified the tax rate for the tax year; and

WHEREAS, the governing body of the Taxing District of the Town of Hammonton is desirous that every taxpayer pays his fair share of taxes; and

WHEREAS, if the above discovered errors are not corrected the taxpayers affected would be paying more than their fair share of taxes; and

WHEREAS, the method of correcting such errors is to file a Petition of appeal for the current year with the Atlantic County Board of Taxation; and

WHEREAS, the error was not caused by the taxpayer.

THEREFORE BE IT RESOLVED, by the governing body of the Town of Hammonton that the Assessor is hereby authorized to act as an agent for the Taxing District and file a Petition of Appeal or Appeals for the year 2009 with the Atlantic County Board of Taxation to correct such errors and lower such assessments to the current value; and

That a certified copy of this Resolution be forwarded to the Hammonton Tax Assessor to forward to Atlantic County Board of Taxation with any such Petition of Appeal.

#R24-2009 Renew Double U Mineral Liquor License 2008-2009

R# 24 -2009

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON,
ATLANTIC COUNTY, NEW JERSEY,
AUTHORIZING THE ISSUANCE OF ABC LICENSES
BEGINNING JULY 1, 2008 AND EXPIRING JUNE 30, 2009

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

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 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:

	<u>License Number</u>	<u>Plenary Retail Consumption License</u>
C-21	0113 33 022 013	Double U Mineral Trading Inc. t/a Tommy B main Street Liquor Former Location: 20-12 th St. Currently being amended to: pocket

BE IT FURTHER RESOLVED that each and everyone of the foregoing hereinbefore named persons and corporations be and the same are hereby granted a License of the class specified for the sale of Alcoholic Beverages at retail at and on the premises as hereinbefore in connection with each licensee described. Such license shall be for the term of one year.

#R25-2009 Authorize Application Local Finance Board – Refunding Bonds

#R 25-2009

RESOLUTION OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-26(e) FOR A NON-CONFORMING MATURITY SCHEDULE AND N.J.S.A. 40A:2-51 FOR THE ISSUANCE OF REFUNDING BONDS

WHEREAS, the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town") desires to make application to the Local Finance Board pursuant to N.J.S.A. 40A:2-26(e) for its approval of a non-complying maturity schedule for the proposed \$9,435,000 General Obligation Bonds, consisting of \$7,450,000 General Improvement Bonds, \$840,000 Water Utility Bonds, and \$1,145,000 Sewer Utility Bonds, of the Town; and

WHEREAS, in conjunction with the issuance of the aforementioned bonds, the Town also wants to issue refunding bonds and is therefore making application to the Local Finance Board pursuant to N.J.S.A. 40A:2-51 for its review and approval of a proposed bond ordinance authorizing the issuance of not to exceed \$6,650,000 in refunding bonds for the purpose of refunding certain outstanding bonds of the Town;

WHEREAS, the Town believes that:

- (a) it is in the public interest to accomplish such purposes;
- (b) the purposes are for the health, the welfare, the convenience or the betterment of the inhabitants of the Town;
- (c) the amounts to be expended for the purposes and the improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Town and will not create an undue financial burden to be placed upon the Town;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Town's Bond Counsel, Town's Financial Advisor, and the Town's auditor, along with other representatives of the Town, are hereby authorized to prepare such application and to represent the Town in matters pertaining thereto.

Section 2. The Clerk of the Town is hereby directed to prepare and to file a certified copy of the resolution authorizing the Bonds with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings and approval as provided by the applicable New Jersey Statute.

#R26-2009 Authorize Professional Service Contract Phoenix Advisors-Refunding Bonds

Resolution #026-2009

RESOLUTION AUTHORIZING PROPOSAL FOR CERTAIN FINANCIAL ADVISORY SERVICES ADOPTED BY THE TOWN OF HAMMONTON IN THE COUNTY OF ATLANTIC, NEW JERSEY

WHEREAS, there exists a need for specialized financial advisory services in connection with the authorization and the issuance of General Obligation Bonds and Refunding Bonds (collectively, the "Bonds") by The Town of Hammonton in the County of Atlantic, New Jersey (the "Town"), a body corporate of the State of New Jersey, including the review and compilation of financial and demographic information of the Town; obtaining the appropriate credit enhancements for the Bonds; structuring the various terms and conditions associated with the Bonds; and general advice to the Town about the various financial aspects of the Bonds; and

WHEREAS, such financial advisory services can be provided only by a recognized firm specializing in public finance, and the firm of Phoenix Advisors, LLC, Bordentown, New Jersey is so recognized by the financial community; and

WHEREAS, funds are or will be available for this purpose;

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

1. The firm of Phoenix Advisors, LLC, Bordentown, New Jersey is hereby retained to provide specialized financial advisory services necessary in connection with the authorization and the issuance of refunding bonds by the Town in accordance with a Proposal submitted to the Town (the "Proposal"). In accordance with the Proposal, the fee for such services will not exceed \$15,000.00.
2. The Proposal is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) because such services are considered extraordinary and unspcifiable in their nature.
3. A copy of this resolution as well as the Proposal shall be placed on file with the Clerk of the Town.

#R27-2009 Tax Resolution February

#R 27-2009

WHEREAS, Rosemarie Jacobs, Tax Collector, has approved the following credits, transfers, cancellations, refunds, and/or changes to the accounts listed below:

B&L	NAME	ADDRESS	AMOUNT	ACCT.	REASON	PER
3603-15	Berenato	134 Berwyn	331.60	Sewer	Remove excess meter est	Jim
4301-2c208	Buddy	208 Yorktown	331.60	Sewer	Remove excess meter est	Jim
2006-16	Silipigni	540 N 3rd	265.40	Sewer	Remove excess wrong read	Jim
3919-65	Garden	855 Central	331.60	Sewer	Remove excess meter est	Jim
2523-5	Puleo	21 S Washington	96.57 & 202.58	W/S	Remove excess meter est	Jim
2813-2	Mattioli	232 E Pleasant	351.20	Sewer	Remove excess meter est	Jim
2711-8	Soto	332 French	156.60 & 331.60	W/S	Remove excess meter est	Jim
3714-9	Lucca	391 S 1st	104.40	Water	Remove excess meter est	Jim
3714-9.1	Lucca	391 S 1st	190.07	Water	Trans excess to 3714-9	Jim
2709-29	Marano	408 Fairview	169.65 & 290.00	W/S	Remove excess meter est	Jim
2713-16	Chiu	403 E Pleasant	339.30 & 279.60	W/S	Remove excess meter broken	Jim
1103-8	Illiano	50 N 1st	18.31	Tax	trans to 1103-11/1103-8 is	

					deleted from tax screen	MJ
1707-16.01	Torrissi	905 N Egg harbor	487.60	Tax	trans to 1707-16.02/1707-16.01	
					is deleted from tax screen	MJ
2701-10	Miller	412 N 2nd	104.40 & 331.60	W/S	Remove excess meter est	Jim
3101-37	Vigna	600 Fairview	331.60	Sewer	Remove excess meter est	Jim
3505-14	Doyle	767 Virginia	456.75	Water	Remove excess meter est	Jim
4912-1C163	Cioffi	163 Yorktown	156.60 & 331.60	W/S	Remove excess meter est	Jim
3401-15	Ortiz	605 Peach	129.98 & 371.12	W/S	Remove excess meter est	Jim
2508-11	Cassano	411 Passmore	331.60	Sewer	Remove excess meter est	Jim
2413-13	Brownfield	250 West End	201.00	Water	Remvoe excess & min off	Jim
1201-43	NJ Manuf	703 11th st	0.01	Tax	lot combined with 1201-11	Jim
2709-2	Oncay	445 N 3rd	130.50 & 331.60	W/S	Remove excess meter est	Jim
2711-4	Bellace	320 French	351.20	Sewer	Remove excess meter est	Jim
3106-11	Donio	517 Bellevue	351.20	Sewer	Remove excess meter est	Jim
2401-6	Colucci	345 N. 1st	601.35	Sewer	Remove excess	Jim
3608-5	Serechia	39 Mardor	6,242.33	Tax	Refund due to overpayment	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 Wuillermin, seconded by Councilperson Lewis, resolutions 22-27 be adopted.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

#R28-2009 Appoint Certified Tree Consultant

RESOLUTION #R 028 - 2009

RESOLUTION AWARDING CONTRACT CERTIFIED TREE CONSULTANT
FOR THE TOWN OF HAMMONTON

WHEREAS, N.J.S.A. 19:44A-20.4 provides for an Open and Fair Process through Requests for Proposals, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) requires that the Resolution authorizing the award of contracts for "Professional Services", must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Hammonton, County of Atlantic and State of New Jersey, as follows:

1. That Arbor Care Resources is hereby appointed as a Certified Tree Consultant for the Town of Hammonton at a cost not to exceed \$3,000.00.
2. That the Certified Tree Consultant shall be available as consultant to the Officials of the Town of Hammonton and render such assistance as may be necessary during contract term.
3. That this contract is awarded as a "Professional Service", under the provisions of the Local Public Contracts Laws and the New Jersey Local Unit Pay to Play Law.
5. That the attached certification showing availability of funds and specifying the exact line item appropriations which shall be charged is incorporated herein and attached hereto as though set forth herein in verbatim.

Motion by Councilperson Barberio, seconded by Councilperson Rodio, resolution 28 be adopted.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

LICENSE APPROVAL

Kiwanis Club raffle 3/17/09

St. Joseph Church raffle 4/24/09

The Sunshine Foundation raffle 7/19/09

Motion by Councilperson Bertino, seconded by Councilperson Barberio, the licenses be approved.
Motion carried.

PUBLIC HEARD

Steve Zoyac – Town of Hammonton Employee

Mr. Zoyac brought to council's attention that a PBA grievance has been filed today and presented to the Police Chief. He advised that the grievance will be brought to Mayor and Council as the next step in the grievance process. He asked Mayor and Council to carefully handle this grievance and stated that he has seen retaliation taken against officers who have filed grievances in the past. He noted that he has never filed a grievance until now.

Ed Burner – Resident of Blueberry Ridge

Mr. Burner requested the speed limit be lowered on Third Street and noted there are several accidents at the intersection of Third and Old Forks Road. He also stated that the law restricting the use of jake breaks by truck drivers in this area be upheld.

Mayor advised we did contact the county and after their investigation they concluded that the current speed limit on Third Street is correct. The Town does not have any recourse in this matter.

Mr. Burner advised that vehicles are exceeding the current speed limit as well.

Mayor responded that Chief Ingemi has responded to resident complaints by adding officers to this area.

Matter referred to committee.

Councilperson Lewis added that a traffic light at the intersection may prove helpful.

MEETING ADJOURNED

Motion by Councilperson Barberio, seconded by Councilperson Rodio, the meeting be adjourned.
Motion carried.

Minutes recorded by April Boyer Maimone, Deputy Clerk

Minutes Approved by Susanne Oddo, Town Clerk/Adm.