

REGULAR MEETING OF COUNCIL
Held in Town Hall Council Chambers
100 Central Avenue, Hammonton, N.J.
June 22, 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 - P
Lewis - P
Petrongolo - P
Rodio - P
Wuillermin - P

PRESENT ALSO

Brian Howell, Town Solicitor

#R73A-2009 Enter Into Closed Session

#R 073A-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. PBA – PERC Settlement Options – sick leave request
3. Layoff – contract interpretation – severance
4. COAH Settlement

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

ROLL CALL

Councilpersons:
Barberio - Y
Bertino – Y
Lewis - Y
Petrongolo - Y
Rodio - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Moment of Silence for the Loss of Dr. Zwiebel

Mayor DiDonato

Mayor DiDonato spoke on the sad loss of Dr. Zwiebel who was well known at Kessler Hospital Emergency Room and later Atlanticare. He acknowledged the care Dr. Zwiebel had given to many in our community and expressed his sympathy.

Chief Frank Ingemi

Chief Ingemi spoke on the loss of Dr. Zwiebel and what a good friend he had been to the Chief. He asked Mayor and Council to consider naming the new community center after Dr. Zwiebel.

Mr. Don Parker – Atlanticare

Mr. Parker advised it's a sad night for those of us in healthcare and those residents of Hammonton. He compared Dr. Zwiebel's upbeat character to doctors we watch on television shows. Mr. Parker, himself, was saved by Dr. Zwiebel. He stated Bill Zwiebel was the face of Kessler Hospital.

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

Notice of this meeting has been posted on Town Hall bulletin board, mailed 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 Rodio, seconded by Councilperson Barberio, the minutes of the Regular Meeting – May 26, 2009 be approved as recorded by the Clerk. Motion carried. Abstain: Councilwoman Lewis.

DISPENSE WITH REGULAR ORDER OF BUSINESS

1. Hearing Ordinance 13-2009 Repeal Ord 37-05

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

No one desired to be heard.

Motion by Councilperson Bertino, seconded by Councilperson Barberio, 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.

COMMITTEE REPORTS

ADMINISTRATION -Councilperson Barberio

Reported on adding to list of backup inspectors which appears under communications this evening

BUSINESS & INDUSTRY-Councilperson Petrongolo

#R73B-2009 Resolution Approving Art District

RESOLUTION: # 073B-2009

RESOLUTION APPROVING THE AREA BOUNDED BY VINE STREET, CENTRAL AVENUE, HORTON STREET, ORCHARD STREET AND EGG HARBOR ROAD (INCLUDING THOSE PORTIONS OF BELLEVUE AVENUE AND SECOND STREET CONTAINED THEREIN) AS THE ARTS DISTRICT OF THE TOWN OF HAMMONTON

WHEREAS, the arts are critical to the quality of life of the residents of the Town of Hammonton and the surrounding region; and

WHEREAS, the arts constitute a major economic engine; and

WHEREAS, the Town seeks to encourage artists and those engaged in activities which support the arts to live and work in the Town of Hammonton and to help provide the Town with a full complement of arts and cultural activities for the enjoyment of our residents; and

WHEREAS, the Town seeks to provide its support for the growth of the Town's arts, cultural and creative communities by promoting public and private investment in the arts and by encouraging artistic programming and events within the area which will also attract customers to shop and spend time within the district's boundaries and surrounding areas; and

WHEREAS, the creation of an arts district will encourage and create a feeling of pride, sense of place and historic import; and

WHEREAS, the arts district designation can be used in all marketing and promotional materials for the area.

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:

1. The area bounded by Vine Street, Central Avenue, Horton Street, Orchard Street and Egg Harbor Road (including those portions of Bellevue Avenue and Second Street contained therein) and the properties immediately adjacent thereto as further depicted on the attached map be and hereby is designated as the Arts District of the Town of Hammonton; and
2. That the Town Council, the Planning Board, the Zoning Board and MainStreet Hammonton be encouraged to work in cooperation with each other to determine what grants, master plan modifications, tax incentives and/or other supports may be implemented in an effort to fully realize the objectives set forth hereinabove.

Motion by Councilperson Petrongolo, seconded by Councilperson Wuillermin, the resolution 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.

EDUCATION-Councilperson Bertino

Report on pre construction of Warren Sooy School

PUBLIC WORKS & TRANSPORTATION-Councilperson Rodio

Authorize Purchase Orders for Quotes Received – Hammonton Airport

Motion by Councilperson Rodio, seconded by Councilperson Wuillermin, authorize purchase order for \$1526.00 to Don & Craige Urie for appliances and other material at Hammonton Airport restaurant.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Motion by Councilperson Rodio, seconded by Councilperson Wuillermin, authorize purchase order for \$3100 to Jersey Shore for Hammonton Airport air conditioning and parts.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

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

Mayor DiDonato declared the motion carried.

Motion by Councilperson Rodio, seconded by Councilperson Wuillermin, authorize a purchase order in the amount of \$4780.00 to Erco for ceiling panels at Hammonton Airport. (second quote received from SAR in amount of \$5450.00)

ROLL CALL

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

Mayor DiDonato declared the motion carried.

LAW & ORDER-Mayor DiDonato

Report on Sergeant Interviews and Appoint Sergeant

Motion by Councilperson Wuillermin, seconded by Councilperson Petrongolo, appoint Edward Slimm as Sergeant in the Hammonton Police Department effective 7/1/09.

ROLL CALL

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

Mayor DiDonato declared the motion carried, congratulated Sergeant Slimm and advised he will be sworn in at next council meeting.

Councilman Wuillermin stated the selection of the new Sergeant was not easy as all candidates interviewed very well.

Councilwoman Petrongolo congratulated the new sergeant and stated it was a privilege to be part of the interview process.

Mayor Report Continued

Report on receipt of 4 new police vehicles

QUALITY OF LIFE – Councilperson Lewis

Councilwoman Lewis stated she did not have a report, however, she wished to thank all those for their concerns during the loss of her mother Angela Sparacino.

WATER & SEWER – Councilperson Wuillermin
Report on Boyer Avenue Land Application Site study by consultant

ENGINEER REPORT
SEWER AND WATER ACTION ITEMS

1. Moss Mill Road/White Horse Pike Utility Extension (11-50124):

The contractor has been active on site and currently the sanitary sewer has been installed along the White Horse Pike, Boyer Avenue and approximately 50% of Moss Mill Road. It is anticipated the Sanitary Sewer will be complete by the next reporting period. Additional tasks to be completed include some minor storm sewer improvements and roadway restoration efforts.

Mandatory Connection ~

As Council is aware, the Town has an ordinance that requires a homeowner to connect to the public sewer system within one year from completion of a project when the structure is within 200 feet from the sewer main improvement. All property owners along the route have been notified of this requirement. There are two property owners whose structure are greater than 200 feet from the newly installed sewer main. As a result, these property owners are waived from the mandatory connection ordinance. These two property owners are the Vandervort's at Block 4204, Lot 4 and the Adamucci's at Block 4204, Lot 19.01. This is reported so that their waiver is acknowledged for future purposes by Mayor and Council.

Motion by Councilperson Bertino, seconded by Councilperson Barberio, acknowledge waivers of mandatory connection.

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.

2. Bellevue Avenue, Water Service Lateral, Block 2802, Lot 9 (11-30009.111)

Due to lack of water pressure, a request was received from the owner of the above noted property (formerly Hop-Sing Restaurant) for a new water service. The Water Superintendent has requested price quotes from two contractors to complete the new water service connection. We will be reviewing the price quotes with the PWTC so that a recommendation for completion of the new water service from the old main to the stub left during the downtown sidewalk project could be made. This will also require a NJDOT roadway opening application on behalf of the Town. We will seek authorization from Mayor and Council to complete the work required to obtain the permit.

Quotes for Water Main Installation

Garrison	\$3950
DeFalco & Bisconti	\$5400

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino,

1. Approve purchase order to Garrison Enterprises of Vineland in amount of \$3950.00 to complete the new lateral installation to be charged to System Repairs in Water OE.

ROLL CALL

Councilpersons:

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

Mayor DiDonato declared the motion carried.

Motion by Councilperson Wuillermin, seconded by Councilperson Lewis,

2. Approval of a Purchase Order to ARH in the amount of \$650.00 to complete the required application, plans to obtain an NJDOT Roadway Opening Permit.

And

3. Approval of the issuance of two checks, made out to the NJDOT; one for \$600.00 associated with the application fee and the second for \$200.00 for the permit fee for the State Roadway Opening.

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. **Boyer Avenue Land Application Site – Drip Irrigation/Beneficial Reuse (11-50127):**
Optimization Report -

As previously reported, with regard to the Pinelands Commission’s continued request for an Optimization Report, the Town has met with Omni Environmental to explore how they could assist the Town on addressing the issues raised in the USGS study as well as how the Town could also benefit from drip irrigation/beneficial reuse throughout the Boyer Avenue acreage and potentially on the neighboring golf course. Following the meeting with the PWTC, Omni Environmental has provided a detailed proposal for their role in creating the Optimization Report. The proposal is attached hereto. The PWTC is recommending approval of the Omni Environmental proposal in the amount of \$38,000.00.

Lee Rain – Trial Application -

As previously reported, internal meetings have been held to discuss with Town Representatives to implement the next steps for installing a trial drip irrigation/beneficial reuse process at the Boyer Avenue site. The drip irrigation/beneficial reuse process will be monitored for use in a pure wastewater discharge capacity as well as a method to provide irrigation to the playing fields on the recreation side of the

property. The Town's partner in this endeavor will be Lee Rain of Vineland, NJ. Lee Rain has visited the site and is prepared to start the trial process as described above. A prerequisite of initiating the trial process is to enter into a Memorandum of Understanding (MOU) so that the respective roles of both parties are fully identified. Attached hereto is a copy of the MOU that will be forwarded to Lee Rain, Inc. for their execution. We are seeking Council's consent to have the Mayor execute the MOU per the recommendation of the PWTC.

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino,

1. Authorize the proposal to Omni Environmental in the amount of \$38,000.00.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino,

2. Authorize the Mayor to execute the MOU with Lee Rain, Inc. for the drip irrigation/beneficial reuse trial process.

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. **Request for Lateral Extension - Frank Scanga (11-55000):**

Frank Scanga, owns a rental property at Block 2104, Lot 32 (468 Walnut Street) Said property is connected to the public sewer. Mr. Scanga also owns the adjacent property, Block 2104, Lot 33, also fronting Walnut Street where a sanitary sewer main does not exist. Mr. Scanga has requested permission to extend a long lateral through his rental property to service the vacant lot whereby he is desirous to construct a single family home for his daughter. The PWTC has reviewed this request and is making a recommendation for approval of the long lateral through an easement per the condition set forth in the attached Memorandum of Understanding (MOU).

Motion by Councilperson Wuillermin, seconded by Councilperson Lewis, acknowledge the PWTC's recommendation to allow Mr. Scanga the ability to construct the long lateral under the provisions set forth in the attached MOU.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

5. Patriot Storage Company Sanitary Sewer Mandatory Connection Deferment Request, Block 4005, Lot 1 (11-01000)

We have attached an e-mail dated March 11, 2009 from owners of the above noted property, Ivy Street Partners, LLC, requesting that a waiver be granted by the Mayor and Town Council for the physical hook-up to the sanitary sewer main which extends across the front of their property. They are willing to pay the bill for sanitary sewer service as if they were tied in but request a waiver of the physical tie in at this time. We will be reviewing this request with the members of the PWT Committee on Thursday, June 18th; therefore any recommended action will be predicated on the PWT Committee review. Last month, this was postponed for further clarifications.

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, approve the request from Ivy Street Partners, LLC, Block 4005, Lot 1, for deferment of the mandatory hook up to the Town's public sanitary sewer.

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 ACTION ITEMS

6. Community Development Funds, 2006 ADA Curb/Walk Replacement (11-40026):

We have finalized the design plans and specifications to complete the improvements on the 3rd Street and Walmer Street intersection and received an approval to bid the project from the ACIA. We have advertised to receive bids for the project on Wednesday, July 1, 2009 at 10:00 am. We have prepared a proposal dated 6/11/09, copy attached, for Council's action to complete the various tasks from project bid through construction management.

Motion by Councilperson Rodio, seconded by Councilperson Wuillermin, approve ARH proposal dated 6/11/09 in the amount of \$8,950.00 and issuance of a Purchase Order for the project to be charged to Ord 16-07.

ROLL CALL

Councilpersons:

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

Mayor DiDonato declared the motion carried.

7. SMA/Vacant Land Major Subdivision (11-20157)

A request for release of the project Letter of Credit #6790400-2001, issued by The Bank, has been received from the owner and attorney for the above noted project. We have attached a copy of our letter dated May 29, 2009 recommending release of Letter of Credit noted above subject to compliance with the conditions noted in our May 29, 2009 letter to Susanne Oddo. We will review this request with the PWTC and Town Solicitor to seek their recommendation for Council's consideration.

Motion by Councilperson Wuillermin, seconded by Councilperson Lewis, approve release of the Letter of Credit #6790400-2001 issued by The Bank subject to the conditions noted in the ARH letter dated 05/29/09 (copy attached) and subject to the recommendations of the PWTC.

ROLL CALL

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

Mayor DiDonato declared the motion carried.

SEWER & WATER INFORMATION ITEMS

8. Metro Communications, Lincoln Street Water Tank (11-12016.01):

As requested by Council, we have met with the Water Superintendant related to the plans, revised dated 3/24/09, and data submitted by Metro PCS associated with a co-location of their communications antennas at the Lincoln Street Water Tank. All items appear to be satisfactorily addressed from an emergency standpoint. We will review same with the PWTC. If satisfactory, the applicant could then proceed to discuss a formal agreement for co-location with the Solicitor and proceed to the Planning Board for site plan approval.

9. Route 54/Bellevue Avenue Utilities (11-50120):

Permitting:

Atlantic County Roadway Opening – this has been resubmitted to the County addressing their review comments. We are still waiting for a response.

NJDOT (storm water) – The application has been submitted and a permit has been approved. We submitted the permit fee, along with a signed permit and we are currently waiting for the executed permits from NJDOT.

Funding:

The PWTC met two weeks ago to review a report provided by ARH with regard to funding. The PWTC decided on the total project value for which to resubmit to USRD for a modification of their existing funding request. ARH has contacted USRD with this determination and is awaiting a reply to obtain what exactly is required in the resubmission package. Once this information is obtained, ARH will immediately provide the resubmission documentation.

The other pending decision regarding funding is whether the Town will be including any other utility project within the ordinance that will be necessary to cover the Route 54 project. The PWTC members were to reach out to Bond Counsel to determine whether there would be any economies of scale to consolidate a borrowing.

10. **Water Allocation (11-30088):**

Major Modification Application:

As previously reported, the release of the draft findings associated with the aquifer study is contingent upon the Town clarifying the status of three irrigation wells under its ownership. This has been accomplished to the satisfaction of the NJDEP. According to the NJDEP, their preliminary assessment of the aquifer study reveals no adversary impacts. It is our understanding that the NJDEP will grant an increase in allocation to meet the 10 year demand as opposed to the 15 year projection originally requested.

However, during the past month ARH has received feedback from the NJDEP regarding municipality the consumption values per capita. Hammonton's values are greater than the State's average. This observation by the NJDEP may affect the ultimate determination with regard to an increase in diversion. It appears that Hammonton will need to strengthen their water conservation ordinance which is currently under review by the Solicitor. ARH will be preparing a proposal to address ongoing issues that NJDEP is raising regarding water consumption, diversion and, ultimately, water conservation.

Future Well:

Although ARH has not received a formal reply from NJMIC regarding their concerns with sitting Well #8 on NJMIC property fronting Chew Road. In an effort to expedite this matter, ARH has prepared a letter of what could possibly be of concern to NJMIC. It is our hope that this letter predicting their issues will assist on moving this matter forward. We will report our findings.

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

We have received approvals from the various agencies including the agreement from the NJDEP Spill Fund. We are in the process of reviewing the conditions of same with the Solicitor and PWTC. We are finalizing the bid documents for submission to the Spill Fund in order to seek an approval for bid.

As authorized, we are also proceeding with the specifications and bid documents for the well sealing and lateral installation portion of the project. We will keep Council informed of further progress. As requested, we are evaluating roadway and trench restoration options for consideration to offset construction costs. The Solicitor is working on the two agreements with the property owners where well sealing waiver requests were made to the NJDEP.

12. **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 Solicitor is finalizing the agreement between the applicant and the Town.

13. **Getty Gas Station Site Remediation (11-50128):**

The Contractor is continuing the site restoration work to allow for reopening of the gas station facility at this site. The agreement has been executed between the Town and Getty related to the conditions for

discharge. The consultant is in the process of testing the effluent, again related to certain items. Once the treatment process is deemed to be operating satisfactorily and the appropriate connection fees and inspection are paid to the Town, discharge of treated groundwater will be directed to the Town's system as per the agreement.

PUBLIC WORKS INFORMATION ITEMS

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

Since the previous meeting, we were requested by the Solicitor to proceed with the Vacant Land Analysis Map. We have completed an initial and subsequent plotting of the maps and reviewed same with the PWT Committee, Shirley Bishop, the Town Planner and the Tax Assessor. Shirley Bishop has requested that two additional maps be provided which would include all projects where preliminary and final development approval was obtained. We are continuing to work on this project even though no commitment has been received from the courts related to the use of the COAH funds for this purpose. We will be guided by the Solicitor's and Council's direction.

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

As a result of the authorization received by Council at the last meeting, ARH is proceeding with the scope of work for the site. The well driller has completed the observation well installation at the Vine Street site. We will keep Council informed of further progress.

16. Fourth Street Reconstruction (11-40034):

Previously it was decided to include the replacement and upgrade of the water main to 12" DIP into the project scope. We have received a letter from the Pinelands Commission indicating we do not need to submit an application to their staff. We are currently working on the application and submittal to NJDEP BSDW to obtain the required permit.

It should be noted an application for additional funding was submitted to NJDOT. The limits of the project now include a portion of Pleasant Street to allow for the installation of storm sewer main from Bellevue Avenue to help alleviate the drainage conditions that exist on Route 54.

As approved last meeting, we have also directed a letter to the NJDOT requesting a time extension for receipt of bids and included the Resolution adopted by the Mayor and Council at the last meeting.

17. Pratt Street Drainage Pipe Repair (11-06002.01)

The Town forces have been working on the repair of a third failed section of the deteriorated corrugated metal storm sewer pipe within Pratt Street. As noted in our prior engineer's report, the Town should consider budgeting funds to complete the replacement of the pipe within the Pratt Street where the corrugated metal pipe exists. Since permits, approvals and possible funding for such an endeavor could take some time, we would advise the Town that steps to complete the required survey, locating, permitting, budgeting, etc., be considered now. We will be directed by Council's action.

The Highway Superintendant has requested price quotes to complete the roadway restoration work in the sections of pipe repair which will be discussed in further detail with the PWTC. The Highway Superintendant will also evaluate whether his Department, with help from the other Departments, could complete the temporary and permanent repair of the trench areas.

18. Boat House Demolition, Hammonton Lake Park (Proposal 09-0308)

As authorized last meeting, ARH has gathered data related to the building demolition and completed the application to the Pinelands Commission in order to obtain the requested permit.

19. Green Acres Funding (11-75001):

The Green Acres Program has allocated funding in the form of a low interest loan in the amount of \$1,050,000.00 from prior year's funding. The Program Coordinator is eager to have the funds dispersed

and taken off of their books. A timeline was previously given to Green Acres, which would have had the development of Phase III at Boyer Avenue under construction by now. Unfortunately, the Pinelands approval wasn't received until this month and there are additional permits and items to be obtained on the project which will require additional time. On behalf of the Town we directed a letter to Green Acres Program Coordinator indicating a need to modify the project schedule. As a result, the Program Coordinator has requested a commitment in the form of a resolution from the Town that indicates the funds will be used on the Boyer Avenue phase III project construction. The resolution related to the use of the Green Acres funds was passed last meeting and will be forwarded to their staff, along with the request for a time extension for use of the funds.

In addition to the commitment resolution, there has been an ongoing effort to rectify the ROSI and issues related to the Eleventh Street parcel. Our office was authorized to proceed with the coordination efforts for the diversion/decommission of the parcel from the ROSI on a time & materials based contract. The original proposal is attached to this report. We formally request an additional \$7,500.00 to continue on this process. Again, the steps are not clearly defined and we may need to request additional funds in the future. Unfortunately, decommission of the property could have an effect on the release of the \$1,050,000.00. We will be discussing this issue with the PWTC as directed last meeting to determine how to proceed on this issue.

20. Central Avenue Roadway Reconstruction Project (11-40027):

Previously it was reported the County has approved the asphalt price adjustment. The Contractor has supplied an invoice for this item and it has been forwarded accordingly to the County. Once this payment has been conveyed to the Contractor, we will address with the Contractor a schedule for remaining work and completion of this project allowing final close out to occur.

21. Central Avenue – Walkways (11-40027):

We are nearing completion of the preliminary design plans. Once the preliminary plans are complete and reviewed with the PWT Committee, the submission will be made to the County for their review and comment.

22. NJDOT Transportation Enhancement Applications:

Applications have been prepared and submitted via the NJDOT SAGE System, as authorized. The Town is requesting \$180,000 to install a parking lot and related site improvements next to the historic train station on Egg Harbor Road.

23. Hammonton Lake Park (11-90028):

Since the last reporting period the contractor has been active on site with clearing operations. Activities that should be completed by the next reporting period include sanitary sewer installation, removal of existing asphalt, along with roadway & parking area paving.

24. ACIA 2009 Funding Request (11-40038):

As requested, we directed a letter to the ACIA about possibly receiving funds to assist in a portion of the costs for the construction of the Senior Center at the Hammonton Lake Park and supplied them with additional back-up information as requested. We will keep the Council informed of further progress or requests for additional information in order to satisfy the funding request review process. As noted, much of the work being completed is in excess of our original proposal. Once we obtain a formal response from the ACIA on the information submitted. We will provide the Mayor and Council with a revised proposal so that a new P.O. could be issued for the additional work completed to keep this project active for funding consideration.

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

The project has received approval for public development of the Phase III activities; which was approved at the May 8, 2009 Pinelands Commission Meeting.

Efforts can now be focused on obtaining the following permits:

Atlantic County Planning – The site fronts Moss Mill Road and we will be creating a new access on Moss Mill.

Cape-Atlantic SCD – This is required for disturbances of 5000 SF or more.

NJDEP BSDW – This is to complete the water main loop thru the park to Boyer Avenue.

NJDEP TWA – This is to install on-site sanitary sewer main to service the proposed facilities.

Additionally, we are still investigating the water supply options for providing irrigation to the site. There will be additional permitting requirements related to irrigation; however which permit is needed still must be determined, which is dependent on the irrigation process.

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

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. 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.

SOLICITOR REPORT

Arts District Designation

COAH Update

Downtown Parking

Condominiums

Bus Shelter (to report back at next council meeting)

Skate Park: MD Zone Ordinance Amendment to be taken up under New Business

The Clerk reminded the Solicitor that the town's insurance company needs to be a part of the creation of this skate park.

Solicitor responded the JIF has been involved.

Solicitor report continued

Lee Rain Agreement

Great Blue Settlement

Speed Issue at Old Forks Road

#R73C-2009 Resolution To Atlantic County Regarding Traffic Conditions on N. 3rd and Old Forks Road

Motion by Councilperson Bertino, seconded by Councilperson Rodio, the resolution 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.

Solicitor Report continued

Police Car Lease

Water Conservation Ordinance under New Business this evening

PULTE: Status of June 4th Meeting; continued involvement of R&V in Topsoil Issues

Airport lease

Wescott/Celona Properties – EDA Funding

Motion by Councilperson Wuillermin, seconded by Councilperson Rodio, authorize Mayor to sign EDA grant application subject to funding.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

MAYOR REPORT

Mayor to brief 3 Mayoral candidates & issue public records

Motion by Councilperson Wuillermin, seconded by Councilperson Barberio, authorize Mayor to disburse public records to Mayoral candidates and include them in committee meetings. Motion carried.

Mayor Committee/Commission Appointments

Environmental Commission

Sandra Templeton to unexpired term Peggy Doyle

Dan Bachahlis to unexpired term Sandra Templeton

Mayor Airport Committee

Add Norton Davis Jr., 131 Pine Road

Historic Preservation Committee

Jack Mazzeo to unexpired term Grace Pitera

Angela Donio to unexpired term Peggy Doyle

Authorize Purchase Order – Community Center Signs

Motion by Councilperson Barberio, seconded by Councilperson Rodio, authorize a purchase order to Graphics Signs for sandblasted sign \$1375.00 and bronze plaque \$1456.00 for community center.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

Lewis - Y

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

Mayor DiDonato declared the motion carried.

TOWN CLERK/ADMINISTRATOR REPORT

Sergeant Promotion – appointment made under Law and Order Committee report

APPROVAL BILLS & PURCHASE ORDERS

Bill List, Revenue & Budget Balance Report in Agenda Packets and given to Dept Heads

Motion by Councilperson Wuillermin, seconded by Councilperson Lewis, approve bill list and purchase orders.

ROLL CALL

Councilpersons:

Barberio – abstain on Triad bills only
Bertino – abstain on photo lab bills only
Lewis - Y
Petrongolo - Y
Rodio - Y
Wuillermin - Y
Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

COMMUNICATIONS

1. Accept resignation Dennis LaSassa and pay time due \$781.20
2. Hire Michael DePalma Sr. (substitute plumbing inspection) \$30.00 when needed
3. Hire Robert Tassone (substitute electrical inspection) \$30.00 when needed

Motion by Councilperson Bertino, seconded by Councilperson Barberio, approve communications action items 1-3.

ROLL CALL

Councilpersons:

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

Mayor DiDonato declared the motion carried.

NEW BUSINESS-ORDINANCES

Ordinance 14-2009 Repeal Chapter 202-3(b)

ORDINANCE # 14-2009

AN ORDINANCE REPEALING CHAPTER 202-3 (b)
ENTITLED "PEACE AND GOOD ORDER"

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, that Chapter 202-3 (b) entitled "Peace and Good Order" be repealed.

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, 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 15-2009 Amend Chapter XIII 175

ORDINANCE # 15 - 2009

AN ORDINANCE TO AMEND CHAPTER XIII OF CHAPTER 175 OF THE GENERAL ORDINANCE 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:

Findings. The Mayor and Council for the Town of Hammonton hereby make the following findings: Parks, conservation areas, public playgrounds, public buildings, farms and churches, which are permitted as non-residential uses in the Residential-1 (R-1) Zoning District, are consistent with the currently permitted uses in the Mixed Use (MD) Zoning District.

Parks, conservation areas and public playgrounds would create green space in an otherwise generally urban district, which is consistent with the purposes of the Municipal Land Use Law which encourages municipalities to both provide for open space and to promote conservation and open space, all as set forth in N.J.S.A. 40:55D-2.

The actual development of properties in the MD Zoning District has occurred in a way that is consistent with permitting parks, conservation areas, public playgrounds, public buildings, farms and churches; and this development creates strong probabilities that potential development would require and be entitled to variance relief from the restrictions of the MD District.

The Planning Board of the Town of Hammonton has recommended that parks, conservation areas, public playgrounds, public buildings, farms and churches be permitted within the MD District; and that it is appropriate to change the permitted uses within the MD District, rather than have the potential for continuous changes made by zoning variance.

Section 175-158 of the Ordinance is amended to read as follows: 175-158.A.(1) Single Family Detached/Two Family Dwellings and Non-Residential Uses as permitted in the R-1 Zoning District.

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

If any section, sentence, or other part of this Ordinance is adjudged unconstitutional or invalid, that Judgment shall not effect, 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.

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

Motion by Councilperson Bertino, seconded by Councilperson Wuillermin, 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 16-2009 Water Conservation

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

SECTION 1. PURPOSE, 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 Water Superintendant of the Town of Hammonton will provide public notice during the year listing variance methods that the general public and business sector could use to conserve water use for the benefit of all.

Listed below are some of the measures that could be used on a daily basis by everyone in order to conserve water:

1. Check regularly to make sure all pipes, faucets, toilets, etc. are free of leaks and drips.
2. Water lawn every other day and limit irrigation time within each zone to 30 minutes.
3. Install rain sensor gauges to lawn sprinkler system to avoid irrigation during rain events.
4. Install drip irrigation where possible within landscaped areas to avoid excessive water use.
5. Install low volume toilets.
6. Install low flow shower heads.
7. All faucets should be equipped with aerators. Aerator screens should be cleaned on a regular basis.
8. Use less water when brushing your teeth, washing dishes, pots and pans, etc.
9. Run dishwashers and washing machines only with full loads.

Even the smallest effort to conserve water can add up to big savings for the Town, its residents, business community and the neighboring environment.

SECTION 2. AUTHORIZATION TO DECLARE A STATE OF WATER SUPPLY CONSERVATION.

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

In case of an emergency where the available supply of water becomes dangerously low, the Town of Hammonton-Water Department through the Water Sub-Committee of the Public Works and Transportation Committee 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 3. 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 are in effect pursuant to action taken by the Town of Hammonton, or its designees, in accordance with these provisions. It is unlawful for any person to waste water or to use it unreasonably.

Unreasonable uses of water shall include, but are not 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 Declaration as herein provided.

3.1 STAGE 1, WATER ALERT MANDATORY COMPLIANCE.

Upon implementation by the Town of Hammonton and publication of notice, the following water conservation measures shall apply, except when reclaimed water is used:

- 1. Lawn watering and landscape irrigation, including construction irrigation, is permitted only during designated hours on designated days. Watering is permitted at any time if:
 - a. a hand-held hose equipped with a positive shut-off nozzle is used, or
 - b. a hand-held container is used, or
 - c. a drip irrigation system is used.

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.

- 2. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is permitted at any time with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Washing may be done at any time of 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.

3. Irrigation of golf courses, parks, school grounds and recreation fields is permitted only during designated hours on designated days, except golf course greens.
4. The overfilling of swimming pools and spas is prohibited. The filling or refilling of ponds and artificial lakes is prohibited.
5. Use of water from fire hydrants shall be limited to fire fighting, related activities or other activities necessary to maintain the health, safety and welfare of the citizens of Hammonton.
6. All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.
7. 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.
8. Ornamental fountains and garden ponds may operate if they re-circulate water. Ornamental fountains and garden ponds that do not recycle water are prohibited.
9. 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 (l) of Stage 1.

(3.2) STAGE 2. WATER WARNING

Mandatory Compliance-Stage 2 applies during periods when the Town of Hammonton will not be able to meet all of the water demands of its customers. Upon implementation by the Town of Hammonton and publication of notice, the following water conservation measures shall apply except when reclaimed water is used:

1. Lawn watering and landscape irrigation, including with a hand-held hose equipped with a positive shut-off nozzle, is permitted only during designated hours on designated days. Watering is permitted at any hour, on any day, if a hand-held container or drip irrigation system is used.
2. Commercial nurseries shall reduce water by an amount to be determined by the Town of Hammonton Water.
3. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is permitted only during designated hours on designated days with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Washing is permitted at any time on the immediate premises of a commercial car wash. The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be reduced in volume by an amount determined by the Town of Hammonton Water Department. 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.
4. The overfilling of swimming pools and spas is prohibited. The filling or refilling of ponds and artificial lakes is prohibited.
5. Watering golf courses, parks, school grounds and recreation fields is permitted only during designated hours on designated days, except golf course greens.
6. Use of water from fire hydrants shall be limited to fire fighting or other activities immediately necessary to maintaining the health, safety and welfare of the citizens of Hammonton.
7. All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.
8. 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.
9. The operation of any ornamental fountain or similar structure is prohibited except for short periods of time to prevent damage.

(3.3) STAGE 3. WATER EMERGENCY-MANDATORY COMPLIANCE

Stage 3 applies when a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the Town of Hammonton water and sewer facilities. Upon implementation by the Town of Hammonton and publication of notice, the following measures shall apply except when reclaimed water is used:

1. 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 trees and shrubs is permitted only by handheld hose equipped with a positive shut-off nozzle, hand-held container, or drip irrigation system. Greywater may be used in accordance with appropriate regulatory agency guidelines and regulations to irrigate fruit trees, ground covers and ornamental trees and shrubs. Greywater is defined as household wastewater other than toilet waste.
2. The use of water at commercial nurseries, commercial sod farmers and similarly situated establishments shall be reduced in volume by an amount determined by the Town of Hammonton Water Department. Greywater may be used in accordance with the appropriate regulatory agencies to irrigate fruit trees, ground covers and ornamental trees and shrubs.
3. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited. The use of water by all types of commercial car washes or commercial vehicle service stations and not in the immediate interest of the public health, safety and welfare shall be reduced in volume by an amount determined by the Town of Hammonton Water Department. 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 used to transport food and perishables.
4. The filling, refilling or adding of water to swimming pools, spas, ponds and artificial lakes is prohibited.
5. The watering of all golf course areas, except greens, is prohibited.
6. Use of water from fire hydrants shall be limited to fire fighting or other activities immediately necessary to maintain the health, safety and welfare of the citizens of Hammonton.
7. All Restaurants are prohibited from serving water to their customers except when specifically requested by the customers.
8. 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.
9. The operation of any ornamental fountain or similar structure is prohibited except for short periods of time to prevent damage.
10. The use of water for commercial, manufacturing or processing purposes shall be reduced in volume by an amount determined by the Town of Hammonton Water Department.
11. All sales of non-reclaimed water outside of the Towns limits shall be discontinued, with the exception of sales previously approved by the Town of Hammonton.
12. No new construction meters will be issued. Construction water shall not be used for earth work or road construction purposes. Construction projects necessary to maintaining the health, safety and welfare of the public are exempt from these regulations.
13. Except as to property for which a building permit has been heretofore issued, no new building permit(s) shall be provided, except in the following circumstances:
 - a. For projects necessary to protect the public's health, safety, and welfare;
 - b. When using reclaimed water;
 - c. When the recipient of the building permit can demonstrate that no net increase in water use will occur.

SECTION 3.4. In the case of any emergency declaration as is described herein, the terms of the curtailment may be modified by amendment from time to time based on any change in emergent conditions.

SECTION 4. NOTICE OF DECLARATION.

Immediately following the passage of any of the Water Supply Conservation Declarations herein before described, a copy of the declaration shall be published in official Town newspapers circulated in the Town and posted throughout the Town in the municipal building, police headquarters, construction office and the office of the Town of Hammonton Water and Sewer Department.

SECTION 5. 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 the official Town newspapers.

SECTION 6. 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 7. INSPECTIONS.

During each stage of Water Supply Conservation all premises receiving water from the Town of Hammonton water and sewer system shall be subject to inspection between sunrise and sunset 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 8. 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 9. 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 Water and Sewer Department, as the case may be, shall assess the costs of such abatement against the owner, operator and/or occupant of the premises.

SECTION 10. VIOLATION AND PENALTIES.

Any person found guilty of violating Section 8 shall be subject to a fine according to the following schedule:

Warning of Fifty dollars (\$50.00) for the first offense;

One Hundred dollars (\$100.00) to Three Hundred dollars (\$300.00) for the second offense;

Three Hundred dollars (\$300.00) to Five Hundred dollars (\$500.00) for the third offense and Thirty (30) days imprisonment or Community Service.

Any person found guilty of violating Section 9 shall be subject to a fine of Five Hundred dollars (\$500.00) for each twenty-four (24) hour period or part thereof for which it can be proven that the violation occurred.

Any person found guilty of renewing a continuing violation after it has been abated shall be subject to up to ninety (90) days imprisonment.

No person shall be fined for any violation of any declaration issued pursuant to this section if such violation occurs less than forty-eight (48) hours after passage of the declaration.

It shall be a complete defense to any charge of violating this section if it can be shown that the defendant could not reasonably have known the violation was occurring because it was due to a latent defect in plumbing or other water conduits.

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

Motion by Councilperson Wuillermin, 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.

RESOLUTIONS

#R74-2009 Renew 2009-10 Liquor Licenses and authorize add ons until 7/1/09

R# 74 -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, 2009 AND EXPIRING JUNE 30, 2010

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:

- 0113 32 014 011 Intermex Inc.
 t/a Fiesta Mexicana Restaurant
 Location: 327-12th St.

- 0113 33 011 004 Hammonton Discount Liquor
 t/a same
 Location: 18 Railroad Ave.

- 0113 32 005 006 GK of Palana Inc.
 t/a Pike Wines & Liquors
 Location: 111 N. White Horse Pike

- 0113 33 024 006 Café San Rocco, Inc.
 t/a Rocco's Town House
 Location: 21 N. Third St.

0113 33 010 002 Hammonton Joey Corp.
t/a Maplewood Inn
Location: 470 S. White Horse Pike

0113 33 020 003 Hammonton Fortunas Inc.
t/a Illiano's Restaurant
Location: 705 - 12th St.

0113 33 007 003 Filomena Bocella
t/a The Olde Central
Location: 19 N. Egg Harbor Road

0113 33 001 006 Kerri Brooke Caterers Inc.
t/a Kerri Brooke Caterers Inc.
Location: 755 S. White Horse Pike

0113 33 003 012 Apple New Jersey LLC
t/a Applebees Neighborhood Grill
Location: White Horse Pike

0113 33 006 002 DiDonato's Bowling Center
t/a DiDonato's Bowling Center
Location: 1151 White Horse Pike

0113 32 002 003 Tomar Assoc. Inc.
t/a Caldini's Fine Wine, Luqours & Deli
Location: 101 E. 15th St.

0113 32 012 006 Westwind Assoc Inc.
t/a Joe Canal's Discount Liquor
Location: 240 S. White Horse Pike

0113 33 021 003 Silver Coin Diner Inc.
t/a Silver Coin Diner
Location: Rt 30 & 206

0113 33 008 003 Frog Rock Golf & Country Club
t/a same
Location: 755 S White Horse Pike

0113 44 004 006 Est. of Cosimo Ricca Sr.
t/a Fairview Liquor & Deli

Location: (pocket)

0113 44 015 010 Aryan Liquors
 t/a Town Food & Liquor
 Location: 333 S. Egg Harbor Rd.

0113 44 016 011 Superior Inc.
 t/a Westside Discount Liquors
 Location: 730 - 12th St. Pit Stop

0113 31 026 001 Guiseppe Garibaldi Lodge
 t/a Sons of Italy
 Location: 427 N. Third St.

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.

Motion by Councilperson Lewis, seconded by Councilperson Barberio, resolution 74 be adopted.

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.

#R75-2009 Refund Overpayment Scibal Associates for Worker Comp Benefits

RESOLUTION # 75-2009

RESOLUTION AUTHORIZING A REFUND
FOR OVERPAYMENT OF TEMPORARY TOTAL DISABILITY
TO SCIBAL ASSOCIATES

WHEREAS, Debbie DeGeorge of Scibal Associates, Town of Hammonton Worker Comp Carrier, did submit a request on 6/3/09 for refund of overpayment for temporary total disability; and

WHEREAS, Susanne Oddo, Town Clerk/Administrator, has reviewed and authorized said refund to Scibal Assoc;

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 Susanne Oddo, Town Clerk/Administrator, is hereby authorized to cause a refund of \$ 711.00 to Scibal Assoc, PO Box 500, Somers Point, NJ 08244 Attention Debbie DeGeorge from Police S&W for overpayment of temporary total disability.

#R76-2009 Amend 2009 Budget to Accept "click it or ticket" grant

#R 76-2009

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Town has received **\$4,000.00 from National Highway Traffic Safety "Click it or Ticket"**, and wishes to amend its Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Hammonton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the **2009 Budget in the sum of \$4,000.00** which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

National Highway Traffic Safety "Click it or Ticket"

BE IT FURTHER RESOLVED, that the Town Clerk forward a certified copy of this resolution to the Director of Local Government Services.

#R77-2009 Refund Pioneer Pipe for Police Traffic Detail Prepaid-Town Project

RESOLUTION # 77-2009

RESOLUTION AUTHORIZING A REFUND
FOR PREPAYMENT OF POLICE OUTSIDE DETAIL

WHEREAS, Pioneer Pipe Contractors did submit a pre payment for hiring police officers for outside detail for Moss Mill Road Project; and

WHEREAS, due to the town funding the project they would like their funds returned for the police detail;

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 \$ 1,760.00 is hereby authorized to be refunded to Pioneer Pipe.

#R78-2009 Authorize Participation in HUD

#R 78-2009

RESOLUTION AUTHORIZING PARTICIPATION IN
THE ATLANTIC COUNTY HOME CONSORTIUM PROGRAM
(HUD HOME INVESTMENT PARTNERSHIP PROGRAM)
FOR FY 2010, FY 2011, AND FY 2012

WHEREAS, the Town of Hammonton desires to participate HOME INVESTMENT PARTNERSHIP PROGRAM by joining the Atlantic County HOME Consortium pursuant to the National Affordable Housing Act of 1990, in order to become eligible for certain Federal funds; and

WHEREAS, the County of Atlantic supports the Consortium and has agreed to assume responsibility for the activities of the consortium; and

WHEREAS, the Town of Hammonton is not among the 19 of Atlantic County municipalities participating in the Atlantic County Urban County CDBG Program who consented through that agreement to participate in the HOME Consortium through FY 2012; and

WHEREAS, the County Executive is authorized to execute the agreement on behalf of those 19 municipalities participating in the Atlantic County Urban County; and

WHEREAS, the attached Consortium Agreement does not provide for the expenditure of any funds by the municipality; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Town of Hammonton as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached consortium agreement.
2. The Municipal Clerk is hereby directed to provide a certified copy of this Resolution to the County Executive.

#R79-2009 Amend Chapter 48 (PBA Retirement Benefits)

Resolution #R079-2009

STATE OF NEW JERSEY
DEPARTMENT OF TREASURERY – DIVISION OF PENSIONS AND BENEFITS

New Jersey State Health Benefits Program
PO Box 299
Trenton, NJ 08625-0299

A Resolution to adopt the provisions of N.J.S.A. 52:14.17.38 under which a public employer may agree to pay for the State Health Benefits Program (SHBP) coverage of certain retirees

BE IT RESOLVED, the Town of Hammonton, County of Atlantic, ID # 0045-00, hereby elects to adopt the provisions of N.J.S.A. 52:14-17.38 and adhere to the rules and regulations promulgated by the State Health Benefits Commission to implement the provisions of that law. This resolution affects employees as shown on the attached Chapter 48 Resolution Addendum. It is effective on the 1st day of January, 2006 (PBA contract settlement date); and

BE IR FURTHER RESOLVED, that we are aware that adoption of this resolution does not free us of the obligation to pay for post-retirement benefits of retirees or employees who qualified for those payments under any Chapter 88 or Chapter 48 Resolution adopted previously by this governing body; and

BE IT FURTHER RESOLVED, that we agree this Resolution will remain in effect until properly amended or revoked with the State Health Benefits Program. We recognize that, while we remain in the State Health Benefits Program, we are responsible for providing the payment for post-retirement medical coverage as listed in the attached Chapter 48 Resolution Addendum for all employees who qualify for this coverage while this Resolution is in force; and

BE IT FURTHER RESOLVED, that we understand we are required to provide the Division of Pensions and Benefits complete copies of all contracts, ordinances and resolutions that detail post-retirement medical payment obligations we undertake. We also recognize that we may be required to provide the Division with information needed to carry out the terms of this Resolution.

#R80-2009 Authorize Carnival Licenses (and additions approved by Legalized Games & Police)

R# 80-2009
R E S O L U T I O N

WHEREAS, the individual(s) designated hereunder has applied for a license for Amusement Games for the stipulated period set forth in said application; and

WHEREAS, the police have conducted the necessary investigation and approved issuance of license; and

WHEREAS, the Mayor and Common Council of the Town of Hammonton have found that the application is in order and that the proper fee has been duly paid to the Town Clerk.

NOW, THEREFORE, BE IT RESOLED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, ATLANTIC COUNTY, NEW JERSEY, that the following license is issued to the individual(s) designated herein to operate the specific amusement game set forth herein and the issuance of said license be and the same is hereby approved for the individual and Amusement Game as hereinafter designated:

<u>Name</u>	<u>Address</u>	<u>Town Fee</u>	<u>Game</u>
George Goetz	Allentown, PA	\$50.00	Cork gun
		\$50.00	balloon mirror
		\$50.00	balloon dart

BE IT FURTHER RESOLVED that the Mayor and Council approve additions of applicants and games to this resolution up to the week of Our Lady of Mt. Carmel Event contingent upon police background investigation and authorization.

#R81-2009 Tax Resolution June

#R 81-2009

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
3503-10	Bellevue Prop	2 Sindoni	6857.07	Tax	Refund processing error	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.

#R82-2009 Amend 2009 Budget to Accept AERE grant

#R 82-2009

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Town has received **\$1,067.42 from NJ AERE**, and wishes to amend its Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Hammonton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the **2009 Budget in the sum of \$1,067.42** which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

NJ AERE

BE IT FURTHER RESOLVED, that the Town Clerk forward a certified copy of this resolution to the Director of Local Government Services.

#R83-2009 Amend 2009 Budget to Accept Clean Communities grant

#R 83-2009

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Town has received **\$25,718.18 from NJ Clean Communities**, and wishes to amend its Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Hammonton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the **2009 Budget in the sum of \$25,718.18** which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

NJ Clean Communities

BE IT FURTHER RESOLVED, that the Town Clerk forward a certified copy of this resolution to the Director of Local Government Services.

#R84-2009 Refund Prepaid Police Traffic Detail to WECO Construction

#R 084-2009

RESOLUTION AUTHORIZE REFUND TO WECO CONSTRUCTION
FOR PREPAID POLICE TRAFFIC DETAIL

WHEREAS, Weco Construction has finished all construction and no longer needs officers for traffic detail;

WHEREAS, Weco Construction is requesting the balance of their escrow account be refunded in the amount of \$1,430.00

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 approval will be granted to the applicant for the request to be refunded the balance in their escrow account.

#R85-2009 Authorize 16th of July Fireworks

RESOLUTION # 85-2009

RESOLUTION AUTHORIZING FIREWORKS DISPLAY
16th OF JULY Mt. Carmel Event

WHEREAS, the Mt. Carmel Society is holding their Annual 16th of July Event;

WHEREAS, a Fireworks Display will be conducted at sundown;

WHEREAS, it is necessary for Mt. Carmel Society to enter into contract with Vineland Fireworks Company Inc., 1640 Garden Road, Vineland, NJ;

WHEREAS, it is necessary for the Town of Hammonton to approve said contract;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, authorize 16th of July Event and Fireworks Display;

Motion by Councilperson Wuillermin, seconded by Councilperson Lewis, resolutions 75 – 85 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.

PUBLIC HEARDJohn Adolph – Executive Board at Traditions At Blueberry Ridge

Mr. Adolph read the following statement from residents of Traditions of Blueberry Ridge:

The Community of Traditions at Blueberry ridge has an increased level of concern and disappointment with our local town governments ability to solve the problem of completing our community's infrastructure per local construction regulations and processes. Our streets, side walks, aprons, curbing, landscaping and drainage system continue to fail to meet final town building requirements. At this time, after several years and many attempts, the town officials have no clear and understandable action plan or schedule to assure completion.

Our community contributes much to the Town of Hammonton and expects support from our local officials who are responsible for correct and efficient control of project construction. To our best knowledge of the situation we are no closer to a solution then we were two years ago.

We recognize the considerable efforts of town solicitor Brian Howell and we felt confident when Mayor DiDonato pledged his support in 2008. The difficulties in having the land developers bankrupt are recognized by our community.

Here is a short list of our concerns and requests.

1. The latest status from town solicitor has us back to the same position as in early 2008. We need a detailed current status with a clear action plan. A meeting between town officials and our executive board to go over the status is preferred.
2. We need to understand why the bond companies cannot be required to do the work within a reasonable time frame acceptable to all local parties. Does this problem point to a major problem with Hammonton's building regulatory organizations and a general lack of enforcing rules on builders and bond companies?
3. We need to know why Pulte, not bankrupt, is not required to finish their punch list. Their work includes addressing on lot drainage problems that create unsafe side walk conditions and decreases in property values. Our community bought homes from Pulte in good faith, assured all infrastructure work would be completed by the developer. The developer being Pulte per documents given to buys. Today Pulte refuses to assist our community with these issues and is not completing their assigned punch list. In our opinion this is a tarnished spot on their quality and integrity as main stream home builders.
4. The unfinished streets with high manhole covers and uneven surfaces expose the community to safety problems. Why cant the streets be finished separate from other work?
5. When town engineering created punch lists go unresolved many new problems develop that are not on the punch lists. Will the town have the engineers create new up to date punch lists?
6. Since all required state and local authorities, example the state Pinelands commission, were required to review and approve certain aspects of this development during the planning approval process why can't those same agencies OK pond repair procedures such as emptying the pond?

We request the Town Council review and reinvigorate the efforts to bring this situation to an acceptable resolution.

The Traditions at Blueberry Ridge Community Association

Councilman Barberio questioned what was Mr. Adolph's sense of accomplishment, if any, at the last meeting?

Mr. Adolph advised he was not able to attend the meetings.

Solicitor once again summarized current status and problems at Pulte Development and stated for the record that the Mayor and Council have been very supportive with this matter.

Councilman Rodio questioned why can't the residents attend the meetings?

Solicitor responded that it would become chaotic if all residents were to attend the meetings.

Councilman Wuillermin stated this Mayor and Council are 1000 percent behind the residents at Pulte community and have backed the Solicitor. He agreed with Mr. Adolph that those who originally entered into agreements with residents at Pulte should be held accountable.

Mr. Adolph stated the residents at Pulte are appealing to the governing body to require their engineers and planners to be more strict with their punch list items.

Solicitor suggested a committee of council and Pulte residents be made to attend future meetings and negotiations on resolutions to the problems. He also advised that he believed much came out of the last meeting, however, he is not happy with the terms of the agreement and that is what is holding up the resolution.

Councilman Bertino stated we need to begin the process and start pushing harder for results. If council needs to go along with the Solicitor to meet with Pulte representatives so that they feel the support, then that's what we will do.

Councilman Wuillermin stated the Solicitor has done an excellent job at bringing this matter to a resolution, if the council pushes too hard and this matter goes into litigation, the time line for a resolution will only become longer.

Mayor DiDonato summarized that the Solicitor is close to an agreement that will have everything paved and an empty basin. The problem is that the Solicitor is not happy with the wording of the agreement. Mayor DiDonato stated that he feels a quick fix may not be in the best long term interest of the residents at Pulte and requested they give the Solicitor more time to come to a complete agreement.

Bud Painer – Traditions At Blueberry Ridge

Mr. Painer advised he feels the problem is that the residents at Blueberry Ridge are not being advised of the status of negotiations so they do not realize that there is a resolution to this matter forthcoming. He realizes when contracts and legalities are negotiated it cannot be discussed with the residents. He does agree that Mayor and Council need to get tough. He advised the streets are in poor condition. He mentioned the homes currently up for sale will not sell due to the poor conditions. He suggested that our government write to other community governments to let them know what Pulte has done here. Residents would also like to let other potential Pulte clients know what they are in store for should they enter into contract with Pulte.

Mr. Painer stated he is very proud to say that their community donated \$2200 to the Officer Peter Hagerty fund which proves that we want to be part of this community.

Mark Santora – Old Forks Road

Mr. Santora questioned the time line of the proving period for the drainage basin? He wanted to go on record that anything less than one year would be a disservice to everyone.

Solicitor stated that this is still being negotiated. The town asked for a lengthy proving period and the contractor asked for a shorter one.

Mr. Santora asked if both parties could not come to an agreement what happens, is there another government agency to oversee same?

Solicitor responded, no government agency would intervene, the matter would then go to litigation.

MEETING ADJOURNED

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

Minutes recorded by April Boyer Maimone, Deputy Clerk

Minutes approved by Susanne Oddo, Town Clerk/Adm.