

9/28/09 Council Meeting

REGULAR MEETING OF COUNCIL
Held in Town Hall Council Chambers
100 Central Avenue, Hammonton, N.J.
September 28, 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

#R107A -2009 Enter Into Closed Session

#R 107A-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 Grievance – (patrolman seeking promotion to sergeant)
3. PBA Grievance- (patrolman seeking removal of items in personnel file)
4. PBA Grievance – (reimbursement of cell phones)
5. Cavuto vs. Town (denial of coverage by JIF/MEL)
6. Investigation – previous town owned property (allegedly used for dump)
7. PBA Contract Negotiations
8. Contract Negotiations - General

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

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

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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

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. Members of the public are reminded that they are not to proceed beyond the front row of the benches without specific invitation from the Mayor to do so.

Moment of Silence in Memory of Officer Frank Lopez

Mayor asked Chief Ingemi to come forward to speak with regards to the untimely demise of Officer Frank Lopez who was a good man and a great police officer in our community.

Chief Ingemi came forward and spoke highly of Corporal Lopez who was a 29 year veteran of the Hammonton Police Department. He spoke of Frank's family and job and stated that he will truly be missed by his fellow police officers. He is convinced Frank Lopez will remain by our sides in our work in protecting this community as he did while he was alive. He asked us to pray for his family.

PUBLIC HEARD FOR AGENDA ACTION ITEMS

No one desired to be heard.

APPROVAL OF MINUTES

Regular Meeting – August 24, 2009

Motion by Councilperson Bertino, seconded by Councilperson Rodio, the minutes be approved. Councilperson Lewis abstained. Motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

1. School Superintendent Presentation

Dr. C. Dan Blachford, Superintendent of Schools, gave a presentation on the 2009/2010 curriculum at the Hammonton Public Schools.

Mayor complimented Dr. Blachford and members of the Board of Education for their work on the school renovation and stated he has already received great reviews from the kids attending the school.

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2. Fiscal Oversight Presentation

Mayor DiDonato reviewed the goals and accomplishments of the Mayor and Council and the Fiscal Oversight Committee, formed by himself. The Mayor then honored the former Chairman, Bill Crescenzo and current Chairman, Don DiDonato, by presenting them with certificates of recognition (and an original town hall brick) and listed all accomplishments over the past 3 years including the new town hall, senior/rec center, AA Bond Rating and more.

Mr. Crescenzo thanked the Mayor and Council as well as the members of the Fiscal Oversight Committee.

Mr. Don DiDonato thanked the members of Fiscal Oversight Committee by name as well as Mayor and Council for making the tough decisions.

3. Hearing Ordinance 15-2009 Amend Chapter 175

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

The Clerk noted she received 2 letters opposing the amendment to Chapter 175 from Al and Lucille Salvatore and Marie Lucca and read the letters in full per Solicitor request.

John Jacobs Sr.

Mr. Jacobs stated he owns property on Washington Street and questioned is this ordinance solely to allow the placement of the skate park in this location?

Solicitor responded yes.

Mr. Jacobs then questioned if the change in zoning would affect his property?

Mr. Robert Bucknam, attorney for the applicant, advised this ordinance will allow for a recreation park in an already mixed use zoning area which should have already been allowed but was formerly overlooked. The amendment of this ordinance will not automatically allow for the skate park nor will it affect Mr. Jacobs property.

Patricia Earhart

Ms. Earhart questioned if there is anything planned for any other MD zones other than the one involving the skate park?

Solicitor responded no.

Motion by Councilperson Bertino, seconded by Councilperson Barberio, the hearing on Ordinance 15 be closed. Motion carried.

Motion by Councilperson Wuillermin, seconded by Councilperson Petrongolo, the ordinance pass second reading and be adopted.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

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

Mayor DiDonato declared the motion carried.

COMMITTEE REPORTS

ADMINISTRATION -Councilperson Barberio

Report on Ordinance amending ABC License fees under New Business
Report on meeting to review proposal for upgrading technology issues

BUSINESS & INDUSTRY-Councilperson Petrongolo

None

EDUCATION-Councilperson Bertino

None

PUBLIC WORKS & TRANSPORTATION-Councilperson Rodio

Report of cleaning of Cedar Branch Stream
Airport upgrade under New Business
Award Quotes Oil Interceptor Unit for Highway Garage under New Business (Clean Comm Funded)
No street sweeping for months of November & December

Hire 4 full time temporary laborers for leaf season (Nov and Dec) from Clean Community Grant

Motion by Councilperson Rodio, seconded by Councilperson Barberio, authorize hire 4 full time temporary laborers beginning November 3 through December 23 to be paid from Clean Community Grant not to exceed \$12,500.00.

ROLL CALL

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

Mayor DiDonato declared the motion carried.

Councilperson Rodio reported that the Clean Community Funds will cover the purchase of oil interceptor unit at Highway as well as the temporary help during leaf season. He also advised that ACUA may be limited on street sweeping during the months of November and December due to leaf season.

The Clerk questioned whether ACUA should be pro rated and deducted pay for months not swept?

Councilperson Rodio to contact ACUA concerning street sweeping schedule for November and December and to advise the Clerk office if their payment for those months should be reduced.

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LAW & ORDER-Mayor DiDonato

None

QUALITY OF LIFE – Councilperson Lewis

Environmental Commission Ordinance Amendments are forthcoming

Reported on Green Day event and congratulated Green Committee on their work

Reported on park house completion and open house event held last Saturday

Councilman Barberio reminded everyone that the October Park and Rec meeting will be held at Hammonton Canoe Club. He also reminded everyone that October 21st from 11:30 – 2:00 there will be a Senior Lunch and round table Discussion concerning outdoor recreation activities. He thanked department heads for bringing equipment to open house on Saturday.

WATER & SEWER – Councilperson Wuillermin

Report on Bellevue Avenue utility extension and funding for same

ENGINEER REPORT

SEWER AND WATER ACTION ITEMS

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

General:

Council authorized ARH to advertise the project for bid at the last meeting. Although we were prepared to advertise the project, further clarification from USRD indicated that the Town must have completed the draft closing document and authorize the other professional service contracts. In anticipation of receiving authorization for their role in the project, Ron Ianole, Bond Counsel prepared the draft closing document and submitted same to USRD during the past month. The document is under review.

Understanding the pre-requisites of USRD, we are requesting that the three other professional service contracts be authorized as presented below. With the authorization of the professional service contracts, ARH will forward the resolutions of contract award to USRD as soon as it is available. Since authorization was previously granted for advertisement, once USRD acknowledges receipt of the pending contract awards, ARH will advertise the project for bid which is expected to occur by October 2, 2009.

Funding:

As previously reported, the Town received a denial of funding eligibility on Round 2. Round 2 involved a loan request at an interest rate of 2.75% and a request for consideration for a grant. Upon receipt of the denial, we requested a meeting for reconsideration. This meeting was held on September 1, 2009. Essentially, the Town must demonstrate that there are mitigating circumstances to overcome the current financial situation of the two utilities which demonstrate a positive position thus negating the need for USRD to provide any additional funding toward this project. As a result of the meeting, the CFO has attempted to explain to USRD staff that certain fund balances in the utility accounts were pledged to committed projects. ARH, in concert with PWTC, will place construction time frames on the committed projects as to verify what the CFO has outlined in his overview that committed projects will have an ultimate affect on the fund balances and further support the need for government assistance. We expect to send our formal reply by the end of next week.

The remaining action required before advertisement of bid can occur is as follows:

- Authorization of professional services contracts as follows:
 - ❖ Bond Counsel (\$12,000.00)
 - ❖ Auditor (\$3,000.00)
 - ❖ Solicitor (\$15,000.00)

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Since Bond Counsel has prepared the draft closing documents, prior to award of contract, the following action is necessary:

- Preparation of a bond ordinance in the amount of \$2,340,000.00 unless other projects are to be added (Bond Counsel needs authorization)
- First reading and second reading of the above ordinance.

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, authorize professional service contracts as follows:

- ~ Bond Counsel (\$12,000.00)
- ~ Auditor (\$3,000.00)
- ~ Solicitor (\$15,000.00)

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

PUBLIC WORKS ACTION ITEMS

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

In order to make the sanitary sewer extension request for the Boyer Avenue Recreation site to the NJDEP, a Resolution of Endorsement authorizing the Mayor to sign the appropriate forms must be adopted by the Mayor and Council. Normally, a typical resolution is adopted in the beginning of each year to cover this endorsement for any public utility extension projects that would occur during that year.

Refer to New Business for resolution.

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

A preconstruction meeting was held with the Contractor, Charles Marandino, LLC, along with Town and ACIA officials. Work should be started by the time of the Council meeting and be completed by mid to late October, weather permitting.

As part of the preconstruction meeting, due to the traffic safety concerns with the intersection and sight distances and residential traffic along Third Street, the Chief recommended that Traffic Control Officers be present onsite. The funds to pay for the Officers must be established by the Town. If the Police are needed for a three (3) week period, a \$12,000.00 allotment will need to be established. Upon checking with the Town's Finance Department, the required funds could be obtained from the following accounts:

- Ordinance #7.04 – ADA Improvements C-04-44-449-205, \$4,722.19
- Ordinance #16.07 Various Sidewalk Improvements C-04-44-461-207, \$7,277.81

Upon checking with the ACIA, there may be the possibility that a portion of the cost for traffic control, approximately \$2,000, would be eligible for reimbursement through the grant. We will direct a letter to the ACIA formally requesting their approval for assistance.

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Motion by Councilperson Rodio, seconded by Councilperson Wuillermin, approve \$12,000.00 for the Traffic Control Officers as noted above and authorize ARH to direct a letter to ACIA requesting funding assistance for cost of same.

Councilperson Lewis questioned if County will partially fund this project?

Mr. Vettese, Engineer, stated this portion of Third Street is not County owned.

Councilperson Lewis questioned if placement of cones would suffice?

Mr. Vettese responded no, as certain motorists will go beyond any cones or signage.

Councilperson Lewis stated she is concerned about the police officer being taken away from his normal duties to perform road detail for this project.

The Clerk responded that the police officer is performing the road detail on their own time and not during their regular scheduled shift for the Hammonton Police Department.

Councilman Barberio questioned Chief Ingemi if we could detour traffic to eliminate traffic concerns at Third and Walmer?

Chief Ingemi responded no, because most motorists will not follow the detour and with the amount of children in this particular area, he felt the police presence was necessary during this project.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - N

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - N

Mayor DiDonato declared the motion carried.

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

We directed a letter to the County Administrator to request the possibility of cost participation. We have met with the County representatives to discuss the repairs completed and review possible options for assistance. They are requesting additional detail before making a decision which we are in the process of providing.

As discussed with the PWTC, the NJDOT is interesting in completing stream cleaning within two sections of the Town. In order to complete this task, easements or a right-of-entry will be required from the effected property owners. If authorized by Council, ARH will proceed with the preparation of these letters and provide follow-up contacts to seek a response from the effected property owners as the first step in the process. We would also need to keep the Town, PWTC and NJDOT informed of the progress. We would estimate the cost to complete the task to be \$1,350.00.

Motion by Councilperson Rodio, seconded by Councilperson Bertino, authorize a purchase order to ARH in the amount of \$1350.00 to draft a sample letter to be directed to the affected property owners requesting a

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response to the possibility of supplying an easement or right-of-entry onto their property for stream cleaning purposes.

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. **Wescoat Property Site Sampling – Block 3001, Lot 42 (11-01064)**

We have prepared a proposal for Council's consideration which is attached to our Engineer's Report to complete the required sampling and analysis to determine the classification of the debris on the Wescoat parcel. Last month, the Town did receive notice from the State Hazardous Discharge Site Remediation Fund (HDSRF) that they would receive a grant amount of \$13,848 for the project. The cost for ARH and outside laboratories to complete the sampling, soil tests, analysis, review and provide a report of findings and recommendations is \$7,050.00. Once this work is completed, we will be able to direct the Mayor and Council as to what the next step would be related to site remediation, clean-up or request for a No Further Action letter from the NJDEP.

6. **Celona Property, Preliminary Site Assessment and Site Investigation, Block 2421, Lot 2.03 – Railroad Avenue (11-01054)**

We have prepared a proposal for Council's consideration which is attached to our Engineer's Report to complete the required tasks as noted associated with the above noted site. Last month, the Town did receive notice from the State's Hazardous Discharge Site remediation Fund (HDSRF) that they would receive a grant amount of \$33,044 for the site to complete the required Preliminary Site Assessment and Investigation tasks. The cost for ARH, outside laboratories and well drillers to complete the various tasks noted in our proposal dated 8/25/09 is \$29,540.00. Once this work is completed, we would be able to advise the Mayor and Council as to what the next step would be related to further site remediation and clean-up.

Approval For Engineer Items 5 and 6

Motion by Councilperson Barberio, seconded by Councilperson Lewis, approve ARH proposals for items 5 and 6 on Engineer report and authorize a purchase order for each (#5 Wescoat property total \$7,050.00 and #6 Celona property total \$29,540.00).

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

SEWER & WATER INFORMATION ITEMS

7. **Water Conservation Ordinance (11-30088)**

At the last Council meeting, an Ordinance was adopted to provide for the establishment of Water Conservation measures throughout the Town. The NJDEP advises that the Town must be diligent in its efforts to encourage and enforce the adopted Ordinance standards since the per capita water use in Hammonton is higher than the State average.

8. **Wastewater Management Plan (11-01000):**

At the July meeting, Mayor and Council accepted our proposal in the amount of \$19,420.00 to provide a formal response to the County on WMP issues related to the Town. The initial step was to overview of the Sanitary Sewer Assessment (SSA) proposed by the NJDEP and compare the proposed NJDEP SSA to the existing SSA. We have completed the mapping exercise which will serve as the basis of addressing all of the other parameters within the proposal and part of the submission process to the NJDEP. Currently, we are reviewing the values of sewer generation per existing SSA, the minimal connections necessary to the SSA and the desired inclusions to the SSA. Shortly, a report will be prepared to identify the mapping changes and their corresponding impact on sewer demand. Following conclusion of the report, PWTC will be apprised of our findings and a subsequent meeting with the County will be held. Ultimately, the Town's modifications will be presented through the County to NJDEP for consideration and hopeful acceptance. This process may conclude by the first of the year. As a reminder, this exercise will be important to the concurrent work on the Optimization Report related to the Boyer Avenue project in that a revised total build-out projection of sewer demand will be calculated.

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

Optimization Report -

A draft of the Optimization Report was completed last week by Ray Ferrara of Omni Environmental. The report was circulated to the PWTC for comment. It is probable that after discussion of this issue at the PWTC meeting scheduled for September 24, 2009, the report will be released to the Pinelands Commission. It is expected that the Pinelands Commission staff will take at least two months to review the report. In the interim, the PWTC and the consultants will discuss the cost of implementing the suggestions contained in the report. One of the strategies contained in the report is the continuous loading of the trenches. This procedure has never been attempted in the past due to a permit constraint which required the operator to load for seven days and not load again until the trenches were completely dry. The continual loading procedure/alternative has been ongoing for approximately one month now. Its successes and impacts are being measured. This trial was implemented immediately since it had no financial impact on the Town's operation.

Lee Rain – Trial Application -

On September 16, 2009, Lee Rain forwarded to us their scheduling and cost of materials. The Sewer Superintendent and his staff were in the process of preparing the site so that Lee Rain could initiate installation of the piping beginning September 23, 2009. It is anticipated that the installation will take approximately 2 weeks. We will report on the start-up, however, the affect of the trial will not be known for at least two months. As all are aware, the drip irrigation application on the forested area as well as the recreation fields, is one of the elements of the optimization strategy.

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

The contractor is substantially complete with the exception of roadway restoration. Remaining tasks to be completed include roadway restoration and punch list completion. We are currently in discussion with the County related to the potential to have a cost sharing for resurfacing Moss Mill Road. Ultimately we are attempting to have the County split the cost of the surface course pavement 50/50.

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We will be drafting a letter under the Mayor's signature to request the County's consideration to provide additional assistance to allow for the full width of the roadway surface of Moss Mill Road be repaved. The section of Moss Mill Road under consideration would extend between the White Horse Pike and Seventh Street. We will be requesting an amendment to the original interlocal services agreement provided by the County, but not yet signed by the Town, to participate in the cost of proposed drainage improvements to also include a portion of the repaving cost.

11. Water Allocation (11-30088):

Major Modification Application:

As previously reported, the public notice from NJDEP regarding the request for an increase in water allocation for the Town was released. According to the public notice, a public hearing will only take place if significant comments are received by the NJDEP by September 16, 2009. ARH issued a memo to the PWTC covering our review of the NJDEP report. In essence, we could not recommend that the Town take any exception to the findings since it appears that our water consumption is excessive as it relates to State standards. This was based on a peak month experienced in July 2008, of 81.61 million gallons per month. This peak exceeded the previous 5 year peak by approximately 11 million gallons. All indications are that NJDEP will be monitoring Hammonton's consumption.

The increase in diversion suggested by NJDEP is expected to address the Town's 5 year growth projections which increases are as follows:

- Existing monthly – 77.5 mgm – increased to 89.326 mgm
- Existing yearly – 603 mgy – increased to 648.996 mgy

After September 16, 2009, we emailed the NJDEP reviewer to obtain status regarding any comments that were submitted. At present, we are only aware of one commenting entity, that being the Pinelands Commission. The crux of the Pinelands' comments was to advise NJDEP of the problems the Town is having in achieving a discharge to groundwater that would allow for growth to meet the values that NJDEP is allowing as it relates to an increase in diversion rights. They also cautioned the NJDEP that the increase in withdraw may have an impact on the Kirkwood-Cohansey formation especially during low flow events. They do not go as far as recommending denial of the diversion increase, but suggest that the NJDEP carefully analyze the impacts before granting the approval. We have not yet responded to this letter. It is safe to say that our aquifer study that was performed and submitted over and a half years ago, fully addressed these issues. If the NJDEP reviewers were not satisfied with the content of our findings then, they would not have suggested the increases. A formal response will be made to address the Pinelands Commission observations.

Notwithstanding, the adoption of strengthened water conservation measures, we will be discussing with the PWTC what alternative billing methods can be employed to encourage conservation. Historically, billing trends have provided benefits when customers use significant amounts of water. Current trends are to increase the price per gallon with the greater uses. Hammonton's current billing method reflects the first situation. Discussions with the PWTC will occur in the upcoming months to review various options to promote conservation.

Future Well:

The latest report advised of a August 10, 2009 letter sent by ARH to NJMIC that attempted to further obtain thresholds on what would be of concern to them preventing the siting of the well on their property. The response to that letter was issued on September 17, 2009. We used the term "catch 22" in that in order for all NJMIC concerns to be identified, the Town would have to drill the testwell and provide the findings with regard to water quality and quantity. In the event that the testwell is drilled and the findings do not meet with the satisfaction of NJMIC, the investment in the testwell which is normally converted to the production well, will be lost.

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Alternatives to this site are currently being explored. However, the closer the well moves to the delineated wetlands, there may be a reduction in yield from the new facility due to regulatory constraints. The NJMIC site offers the greatest opportunity according to preliminary studies for maximizing the yield and minimizing the affect on the surrounding wetlands. A full review of the NJMIC letter with the PWTC, along with other options, will occur prior to the next Council meeting.

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

We are finalizing the bid documents for submission to the Spill Fund in order to seek an approval for bid. We will review the cost estimate and various bid and roadway restoration options with the PWT Committee before sending same to the NJDEP.

The Solicitor is working on the two agreements with the property owners where well sealing waiver requests were made to the NJDEP.

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

We are continuing with the process of designing the 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.

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

The Environmental Consultant and Getty have met all the conditions of the discharge agreement and have then been allowed to proceed with the recovery, collection, treatment and discharge of the groundwater obtained from their onsite wells to the Town's sanitary sewer system on a limited basis. The volume of collection and discharge to the Town's system will be gradually increased as the results of the treated effluent are monitored, reviewed and deemed acceptable for discharge by the Sewer Superintendent.

PUBLIC WORKS INFORMATION ITEMS

15. **First Road Resurfacing, County Route # 688 (11-01000)**

In discussion with the County Engineer's office, it was indicated that they applied for funding assistance to resurface First Road, County Route #688, possibly extending from Twelfth Street, Route #54 to Weymouth Road, County Route #640. We requested that he direct a letter to the Town informing the Mayor and Council of their possible roadway resurfacing project and time frame for same. If the resurfacing project moves forward, it would be important for the Town to install whatever water and sanitary sewer extensions and/or replacements as quickly as possible. Once this roadway is resurfaced, there will be a five (5) year moratorium for any street opening permits and it would be a great deal more expensive to complete the required roadway restoration. The PWTC should discuss this matter in further detail now, and provide budgetary appropriations as necessary.

16. **Recreation Master Plan, ANJEC Report (11-01000)**

ARH has been working with the Environmental Commission to finalize the report and to obtain funding reimbursement from the State Program Representative. A presentation will be made before the Planning Board on October 7, 2009 to seek an endorsement of the plan as required before submitting to the State for final review and request for funding reimbursement.

17. **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. We are currently working on the application and submittal to NJDEP BSDW. This submission was previously made; and we have received a review letter. We plan to address the comments in the review letter and resubmit shortly.

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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.

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

The Contractor has scheduled a meeting with our office for Thursday September 24, 2009. We will provide a verbal report if needed relating to the outcome of the meeting.

Motion by Councilperson Barberio, seconded by Councilperson Lewis, authorize a purchase order for traffic control in amount of \$2500.00.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried

19. Hammonton Lake Park (11-90028):

Phase I – Construction:

As previously reported the contractor has achieved substantial completion. Once the contractor is complete and the contract is closed we will work to requisition funds from Atlantic County. It should be noted the contract quantities and costs for field changes have been tabulated. The Contract has gone over the original contract price. We will discuss changes that have taken place at the next public works meeting and may have change orders prepared for consideration at this meeting.

Regarding concerns that have been raised during the last month:

Boat Ramp – The Contractor is currently rebuilding the boat ramp. It should be noted we have recommended the Contractor's payment for the installation of the boat ramp. Initially this was installed within reasonable conformance to the plan. The plan called for the ramp to be installed at a lower elevation than the ramp that previously existed. We were under the impression the elevation on the previously existing ramp was sufficient. This was not the case. The ramp is being replaced and should be complete by this meeting. *ARH will pay for the replacement of the concrete ramp.* In addition we will work to obtain permits (under the phase II planning and design proposal discussed below) to extend the bulkhead to the boat ramp and have a dock (potentially a floating dock) installed.

Traffic Calming (speed adjustment) – The traffic thru the park has been moving at a rate of speed that is undesirable. We obtained pricing from the Contractor to install pre-fabricated speed bumps, similar to the bumps that exist in the St. Martin's parking lot. These will be discussed at the next public works meeting and may be presented as a change order at tonight's meeting.

Lighting – We meet with A.C. Electric on September 23, 2009 on site to determine options for providing lighting for safety purposes. We will be getting cost to install flood light on the existing utility poles within the park. This will cover a majority of the parking areas, however as we get closer to the boat house there may be inadequate coverage. Once A.C. Electric provides a cost we will start evaluating options to provide additional lighting.

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Phase II – Planning & Design:

The pending completion of Phase I construction will lead to the planning and design of Phase II. It has been expressed that a basin is not desired in the picnic area. In order to make modifications to the plan and reapply to the Pinelands Commission, we will be supplying a proposal for the altered design. This proposal will be submitted for in time for consideration at the next meeting.

20. **ACIA 2009 Funding Request (11-40038):**

As requested, we directed a letter and supplied additional information 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. We have attached a letter dated September 14, 2009 from the ACIA indicating a denial of the funding request related to assistance at the Hammonton Lake Park Senior Center building. However, they do mention that they will meet with the Town representatives to review other potential projects that would be eligible for funding assistance. The Town is eligible to receive up to \$114,586.00 for projects which will meet for ACIA guidelines for the 2009 allocation. We will discuss the possibility of submitting a proposal for funding consideration with the PWTC. This will also include work completed to date on the prior application requested to be submitted by the Mayor and Town Council for the Lake Park Senior Center.

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

The Town will need to provide Ranae Fehr from Atlantic County with 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, along with prior funding rounds 6 & 7. There are a number of tasks that must be completed before the 11/20/09 deadline date in order to complete closure on the properties. As authorized by Council, the Solicitor has sent out a letter to various property owners requesting a response related to their interest in selling their property. The Solicitor will be setting up a meeting with the property owners once responses are received.

SOLICITOR REPORT

Authorize Solicitor to issue letter for Metro PCS antenna installation application

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, authorize Solicitor to issue a letter of authorization on behalf of Mayor and Council as required for application process for Metro PCS antenna installation on water tower.

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:

Solicitor advised he will not bill for work performed on Rt 54 project and has not billed for add'l work in past COAH update

Stucco repairs (noticed architect and construction manager)

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Discharge to surface water permit - authorize Mayor to sign stipulation

Motion by Councilperson Wuillermin, seconded by Councilperson Lewis, authorize Mayor to sign stipulation of settlement for surface water permit. Motion carried.

Solicitor report continued:

Downtown parking – approve environmental testing

Motion by Councilperson Barberio, seconded by Councilperson Rodio, approve a purchase order to Aquatex not to exceed \$2000 for environmental testing on Mazza property.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Recused

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried

Solicitor report continued:

Airport issues (restaurant lease, disqualify bid, airport adm meeting)

Award of restaurant lease under New Business.

Disqualify Bid Airport

Motion by Councilperson Wuillermin, seconded by Councilperson Rodio, disqualify bid from New Holland for non issuance of mandatory NJ Business registration. Motion carried.

Solicitor report continued:

Zoning Board Litigation matters: appointment of Allen Littlefield (no approval this evening)

ATV Ordinance update

Open Space Meetings

Washington & Line Street Parking Issues

Lee Rain Agreement (approve subject to PWT & Solicitor approval)

Motion by Councilperson Wuillermin, seconded by Councilperson Barberio, authorize Memorandum of Understanding with Lee Rain Inc. in amount of \$26,552.00 contingent upon PWT and Solicitor approval.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

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Mayor DiDonato declared the motion carried

Solicitor report continued:

Shade Tree Issues

Royce Run Assoc.

Environmental Commission: Ordinance Amendments

Condominium/apartments/private roadways

Pulte update (Phases II & III, Phase I, on site issues)

Mr. Adolph, Pulte Development Representative, was invited to come forward to speak. Mr. Adolph stated nothing is finished at Pulte and there are no firm dates for completion either. However, at the meeting with representatives we did come to somewhat of an understanding of what's happening and who is responsible to get the job accomplished. He questioned the date of paving the roadways at Pulte and dedication to the Town to allow for snow plowing?

Solicitor referred question to Town Engineer who advised it could take place at the regular meeting of council to be held in October.

Mr. Adolph questioned if paving is not complete will the Town be willing to provide snow removal?

Solicitor doesn't want to deviate from normal protocol but this could be brought to Public Works Committee for discussion.

Linda Goff

Ms. Goff questioned will all curbing be repaired prior to paving?

Solicitor responded the curbing to be repaired is designated on the punch list but he is not sure if all curbing will be repaired.

Ms. Goff then questioned will the driveway aprons be repaired during the paving or after?

Solicitor responded the aprons will be addressed during the paving stage.

Ms. Goff questioned will council release any bonds being held once paving is finished?

Solicitor stated the bonds pertaining to each individual item on punch list will be held until that particular item is properly corrected.

Bud Payner

Mr. Payner complimented the cohesiveness in working together. He noted for residents that the work will begin in the next week and the residents will be noticed properly. However, he asked residents to adhere to communications from board or contractors with regards to moving cars during paving, etc.

MAYOR REPORT

Update Town on Atlanticare Emergency Room

Set Trick or Treat for Saturday, October 31, 6-8 pm

Motion by Mayor DiDonato, seconded by Councilperson Barberio, set trick or treat Oct 31 from 6-9 pm. Motion carried.

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APPROVAL BILLS & PURCHASE ORDERS

Motion by Councilperson Bertino, seconded by Councilperson Barberio, approve bill list and purchase orders.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

COMMUNICATIONS ACTION ITEMS

- 1.From Fire Co. 2 admit Joseph Kendall junior member (Fire Chief approved, no background check on jr)
- 2.From Hammonton Ministerium request permission to conduct crop walk on sidewalks only & police assistance
- 3.Approve Allen Littlefield, Zoning Board Solicitor, to litigate suits not covered under his contract (withdrawn)

Motion by Councilperson Barberio, seconded by Councilperson Petrongolo, approve communications items 1-2.

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 #20-2009 Amend Chapter 271-6 "Vehicles and Traffic"

ORDINANCE # 20 -2009

AN ORDINANCE AMENDING CHAPTER 271-6 OF THE CODE OF THE TOWN OF HAMMONTON,
COUNTY OF ATLANTIC ENTITLED "Vehicles and Traffic"

WHEREAS, the Hammonton Planning Board and the Police Chief have recommended an amendment to Chapter 271-6 Vehicles and Traffic and the Mayor and Town Council have considered it in the best interest of the Town to amend this specific section; and

WHEREAS, there is a need to provide for vehicles to make safe turns from 12th Street onto North Grand Street;

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

That Chapter 271-6 "Vehicles and Traffic" Parking prohibited at all times on certain streets, is hereby amended by the addition of the following:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
North Grand Street	Northeast	From the corner of 12 th Street proceeding 50 feet on Grand Street at Block 2510 Lot 21
	Southwest	From the corner of 12 th Street proceeding 30 feet on Grand Street at Block 2507 Lot 7

BE IT FURTHER RESOLVED, that all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

This ordinance shall take effect upon final passage and publication as required by law and the approval of the New Jersey Commissioner of Transportation and the County of Atlantic as set forth in N.J.S.A. 39:4-8.

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

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 #21-2009 Amend Chapter 38 ABC Fees

Ordinance # 21 -2009

ORDINANCE OF THE TOWN OF HAMMONTON,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING CHAPTER 38
OF THE CODE OF THE TOWN OF HAMMONTON ENTITLED
"ALCOHOLIC BEVERAGES" SO AS TO REVISE THE
ANNUAL FEE FOR PLENARY RETAIL CONSUMPTION,
DISTRIBUTION AND CLUB LICENSES AND TRANSFER FEES

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

Section 1. Section 38-7 of the Town of Hammonton entitled "License fees" is hereby amended and supplemented to read as follows:

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1. Plenary Retail Consumption License (\$576).
2. Plenary Retail Distribution License (\$576).
3. Club License (\$144).
4. Transfer Fee Person to Person (\$57.60).
5. Transfer Fee Place to Place (\$57.60).

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This ordinance shall take effect after second reading and publication as required by law.

Motion by Councilperson Barberio, seconded by Councilperson Wuillermin, the ordinance be taken up for first reading, 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 #22-2009 Bond Ordinance Airport Improvements

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE MUNICIPAL AIRPORT BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$421,414 AND AUTHORIZING THE ISSUANCE OF \$10,010 BONDS OR NOTES TO FINANCE A PORTION OF THE COST

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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$421,414, including \$400,340 in grants from the United States Department of Transportation, Federal Aviation Administration, \$10,537 in grants from the State of New Jersey, and \$527 as the down payment for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$10,010 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Downpayment</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
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<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Downpayment</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Improve Airport Academy Drive Access Road and install perimeter fencing as shown on and in accordance with the plans and specifications on file in the office of the Clerk, which plans are hereby approved including all work and materials necessary.	\$293,842 (including a grant in the amount of \$279,148 from the United States Department of Transportation, Federal Aviation Administration and a grant in the amount of \$7,347 from the State of New Jersey)	\$367	\$6,980	10 years
b) Airport runway rehabilitation as shown on and in accordance with the plans and specifications on file in the office of the Clerk, which plans are hereby approved including all work and materials necessary.	\$127,572 (including a grant in the amount of \$121,192 from the United States Department of Transportation, Federal Aviation Administration and a grant in the amount of \$3,190 from the State of New Jersey)	\$160	\$3,030	10 years
TOTALS	<u>\$421,414</u>	<u>\$527</u>	<u>\$10,010</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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

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

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

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Town may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$10,010, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$85,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

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

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

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be,

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in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

Motion by Councilperson Rodio, seconded by Councilperson Bertino, the ordinance be taken up for first reading, 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 #23-2009 Update Employee Handbook

ORDINANCE # 23 -2009

AN ORDINANCE APPROVING ANNUAL UPDATES TO EMPLOYEE HANDBOOK

I. PURPOSE

The Town of Hammonton desires that all its employees recognize that policies and procedures are adopted to insure an efficient, fair, safe, and enjoyable work environment. Written rules of dress, conduct, conditions of employment, etc. are important to create that environment. It is the policies, procedures, rules and regulations outlined in the Employee handbook as the official guideline which employees must adhere to. This Handbook is not intended to be construed actually or by implication as an employee contract and does not superseded NJ CSC rules and regulations or any other State Authority. Though we cannot include everything in the employee handbook, we often make reference to Town of Hammonton Ordinances and Resolutions.

II. ADOPTION AND NAME

The employee handbook which has been created through the efforts of the Town Solicitor, the Town Risk Manager, the Town Clerk/Administrator, and the Deputy Town Clerk is hereby adopted and shall be originally known as the "Employee Handbook of the Town of Hammonton."

III. MODIFICATION

As laws and society change, there will always be the need for modification to the policies and procedures of the town. Any modification to the handbook, once adopted, shall be done with the same formality as its original creation. The modification must be set forth in writing and received by the entire governing body, accepted by a majority, and noticed to all recognized bargaining unit representatives and employees. In an effort to advise town employees the employee handbook is located in its entirety on GeneralCode.com website under New Jersey and then Hammonton.

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IV. This Ordinance shall take effect upon approval and publication according to law.

Motion by Councilperson Barberio, seconded by Councilperson Lewis, the ordinance be taken up for first reading, 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 #024-2009 Re appropriating bond ordinance Pulte

Ordinance #24-2009

ORDINANCE RE-APPROPRIATING \$84,850.28 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR PHASE 1 PAVING TO PULTE DEVELOPMENT IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY

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

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$84,850.28 of the proceeds of obligations originally made available pursuant to the following bond ordinances of the Town of Hammonton, in the County of Atlantic, New Jersey are no longer necessary for the various purposes for which the obligations previously were authorized:

<u>Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Re-appropriated</u>
26-02(a), as amended by 20-04	Construction of Second Street, finally adopted June 17, 2002 as amended on August 23, 2004	\$66,042.74
22-03, as amended by 18-05, as further amended by 35-05	Acquisition of land for the municipal building, finally adopted October 27, 2003, as amended on May 23, 2005, as further amended on September 26, 2005	18,807.54
	Total	<u>\$84,850.28</u>

Section 2. The \$84,850.28 proceeds described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 are hereby re-appropriated for Phase I of the paving of Pulte Development, which is located off Old Forks Road, as shown on and in accordance with the plans and specifications on file in the office of the Clerk, which plans were approved, including all work and materials necessary and incidental thereto.

Section 3. The capital budget of the Town of Hammonton is hereby amended, if necessary, to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the

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form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Motion by Councilperson Rodio, seconded by Councilperson Bertino, the ordinance be taken up for first reading, 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 #025-2009 Re appropriating bond ordinance Historical Building/Community Center

Ordinance #025-2009

ORDINANCE REAPPROPRIATING \$133,019.35 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR MUNICIPAL PARKING AND IMPROVEMENTS TO HISTORICAL BUILDING/COMMUNITY CENTER IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY.

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

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$133,019.35 of the proceeds of obligations originally made available pursuant to the following bond ordinance of the Town of Hammonton, in the County of Atlantic, New Jersey are no longer necessary for the various purposes for which the obligations previously were authorized:

<u>Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Reappropriated</u>
16-07	e) Improvements to Vine Street (Egg to Central/Bellevue to Vine), finally adopted June 25, 2007	\$95,480.30
16-07	f) Various road improvements to Elm and Cottage, finally adopted June 25, 2007	<u>37,539.05</u>
	TOTAL	\$133,019.35

Section 2. The \$133,019.35 proceeds described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 are hereby reappropriated to Ordinance 6-06 (a) and Ordinance 6-06(c) to provide for municipal parking/improvements to historical building/community center, as shown on and in accordance with the plans and specifications on file in the office of the Clerk, which plans were approved, including all work and materials necessary and incidental thereto, finally adopted on May 22, 2006.

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Section 3. The capital budget of the Town of Hammonton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Recused

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

RESOLUTIONS

#R108-2009 Authorize Halloween Parade and Road Closure

RESOLUTION # 108 - 2009

RESOLUTION AUTHORIZING AND ENDORSING KIWANIS CLUB HALLOWEEN PARADE

WHEREAS, Kiwanis Club of Hammonton has and continues to promote the Town of Hammonton with scheduled events in the downtown business district; and

WHEREAS, Mayor and Council has and continues to support the efforts of Kiwanis Club of Hammonton; and

WHEREAS, October 28, 2009 is the scheduled date for the Annual Kiwanis Club Halloween Parade (rain date to be October 29, 2009);

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, STATE OF NEW JERSEY, that the Kiwanis Club Halloween Parade is acknowledged and endorsed with the following streets being closed:

N. Egg Harbor Road from Rt. 54 to Fairview Avenue from 6:00 – 7:00 pm
Rt. 54 (Bellevue) from N. Egg Harbor Road to Third St. from 7:00 – 9:00 pm

#R109-2009 Amend Capital Budget for Airport Improvements

Resolution # 109 -2009

WHEREAS, the local capital budget for the year 2009 was adopted on the 26th day of May, 2009; and

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WHEREAS, it is desired to amend said adopted capital budget;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Town of Hammonton, County of Atlantic, that the following modification to the adopted capital budget of the Town of Hammonton be made:

<u>General Capital Fund</u>		<i>Federal</i>	<i>State</i>	<i>Debt</i>	
<u>1) Purpose</u>	<u>Total</u>	<u>Grant</u>	<u>Grant</u>	<u>Authorized</u>	<u>CIF</u>
a) Airport Academy Drive Access Road - Construction	\$ 293,842	\$ 279,148	\$ 7,347	\$ 6,980	\$ 367
b) Airport Runway Rehabilitation - Design	<u>\$ 127,572</u>	<u>\$ 121,192</u>	<u>\$ 3,190</u>	<u>\$ 3,030</u>	<u>\$ 160</u>
Total	<u>\$ 421,414</u>	<u>\$ 400,340</u>	<u>\$ 10,537</u>	<u>\$ 10,010</u>	<u>\$ 527</u>

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services.

#R110-2009 Authorize Mainstreet Tree Lighting Event and Road Closures

RESOLUTION # 110-2009
RESOLUTION AUTHORIZING AND ENDORSING
MAINSTREET HAMMONTON TOWN TREE LIGHTING EVENT

WHEREAS, Friday, December 4th is the scheduled date for the MainStreet Hammonton Town Tree Lighting Event from 6:00 to 9:00 p.m. at the intersection of Bellevue and Central (request road closure Central Avenue between Bellevue and Vine 6-9 pm); and

WHEREAS, Friday, December 4th, December 11th & December 18th, have been scheduled as dates for the MainStreet Hammonton carriage rides from 6:00 to 9:00 p.m. Avenues (December 4 only request no parking Bellevue Avenue between 2nd and Third 6-9 pm);(December 11th & 18th request no on street parking Bellevue Avenue from 2nd Street to Central and upon turning right onto Central to the corner of Vine Street)

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, STATE OF NEW JERSEY, that the MainStreet Hammonton Town Tree Lighting Event and Carriage Ride Event Series are acknowledged and endorsed with road closures, no parking, and police assistance; and

BE IT FURTHER RESOLVED the below listed roadway closures are approved:

Carriage Route December 4th

Rides will begin in front of 219 Bellevue Avenue.
Proceed down Bellevue and turn right onto 2nd Street.
Proceed down 2nd Street and turn right into Pleasant Street
Proceed down Pleasant Street and turn right onto 3rd Street.
Proceed down 3rd Street and turn right onto Bellevue Avenue and return to 219 Bellevue.

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Carriage Route December 11th and 18th

Rides will begin in front of 212 Bellevue Avenue.
Proceed down Bellevue and turn right onto Central Avenue.
Proceed down Central and turn right onto Vine Street.
Proceed down Vine and turn right onto 2nd Street
Proceed down 2nd and turn right onto Bellevue and return to 212 Bellevue
(no parking request right side of 2nd Street from Vine heading toward Bellevue)

Secondary Carriage Route if Necessary (December 4th only)

Rides will begin in front of 219 Bellevue Avenue.
Proceed down Bellevue and turn right onto 2nd Street.
Proceed down 2nd Street and turn right onto Orchard.
Proceed down Orchard and turn right onto 3rd Street.
Proceed down 3rd Street and turn right onto Bellevue Avenue and return to 219 Bellevue.

#R111-2009 Award Specialized Services Oil Interceptor Unit

#R 111 -2009

A RESOLUTION AWARDING SPECIALIZED SERVICE CONTRACT FOR OIL INTERCEPTOR UNIT AT HIGHWAY GARAGE

WHEREAS, there exists a need for specialized services for the Town of Hammonton, New Jersey, for installation of oil interceptor unit at Highway Garage; and

WHEREAS, funds are available under Clean Community Grant, and

WHEREAS, N.J.S.A. 19:44A-20 provides for an open and fair process through requests for proposals;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, ATLANTIC COUNTY, NEW JERSEY that the Town of Hammonton is hereby authorized and directed to enter into an agreement with RM Nizzarda Inc. t/a Great Plumbers in an amount not to exceed \$18,000.00; and

#R112-2009 Authorize Use of Camden Resource Recovery Facility for Solid Waste Disposal

RESOLUTION #112-2009

RESOLUTION AUTHORIZING THE USE OF THE CAMDEN RESOURCE RECOVERY FACILITY AS A SOLID WASTE FACILITY

WHEREAS, the Town of Hammonton currently disposes of solid waste materials at the Camden County Resource Facility; and

WHEREAS, the price the Town is paying is at least 10% below the State Contract, pursuant to State Contract law 40A:11-5 the Town can award without public advertising.

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 the CAMDEN RESOURCE RECOVERY FACILITY be designated as receiver of solid waste flow; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute any and all required agreements required by the facility.

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#R113-2009 Award Cleaning Service for Town Hall

RESOLUTION # 113-2009

RESOLUTION AWARDING TOWN HALL CLEANING SERVICE CONTRACT

WHEREAS, the Town of Hammonton desires to hire a cleaning service for the new town hall to replace the former custodian; and

WHEREAS, funds are available in buildings and grounds oe; and

WHEREAS, N.J.S.A. 19:44A-20 provides for an open and fair process through requests for proposals.

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 a Professional Services contract be entered into with Executive Property Maintenance to clean town hall twice per week at \$135.00 per cleaning;

#R114-2009 Tax Resolution

#R 114-2009

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
1201-33	Rodriguez	58 S Chew Rd	0.59	Water	Cancel 2008 small bal	Rosie
2103-4.02	Mazzagatti	694 N 3rd St	1.69	Water	Cancel 2008 small bal	Rosie
3003-3	Presti	306 Locust	0.46	Water	Cancel 2008 small bal	Rosie
3604-4S6	Broadway Sq	120 S WHP	0.35	Water	Cancel 2008 small bal	Rosie
3801-30	Pyfrin	101 Batchelor	0.30	Water	Cancel 2008 small bal	Rosie
4001-9.01	Eid	857 S Egg Harbor	0.88	Water	Cancel 2008 small bal	Rosie
2003-4	Grasso	498 N 2nd	66.67	Sewer	Refund overpayment	Rosie
2103-14	Vuotto	612 N 3rd	829.36	Tax	Refund overpayment	Rosie
2605-3.01	Martinez	268 S Washington	1,856.70	Tax	Refund 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.

#R115-2009 Award Bid Lease South Hangar

#R 115-2009

Resolution Awarding Bid for Lease of a portion of the South Hangar

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Whereas, the Mayor and Town Council of the Town of Hammonton, County of Atlantic and State of New Jersey owns the premises at Block 5702, Lot 14 known as the South Hangar adjacent to the Hammonton Municipal Airport; and

Whereas, Mayor and Town Council have determined that it is in the public interest to lease the said premises to an entity which can, in whole or in part, provide a restaurant service adjacent to the Hammonton Municipal Airport premises; and

Whereas, all terms of the bid specifications and the bid advertisement shall be incorporated herein; and

Now, therefore be it resolved by the Mayor and Council of the Town of Hammonton, County of Atlantic, State of New Jersey hereby award the bid to Columbia Landing Strip Café as follows:

Year 1: Monthly rent \$0 – lessee to install kitchen

Year 2: Monthly rent \$600.00

Year 3: Monthly rent \$630.00

Be it further resolved that the Solicitor shall prepare a lease consistent with the terms of the bid specifications and advertisement.

#R116-2009 Mainstreet Downtown Trick or Treat Event

RESOLUTION # 116-2009
RESOLUTION AUTHORIZING AND ENDORSING
MAINSTREET HAMMONTON DOWNTOWN TRICK OR TREAT EVENT
WITH ROAD CLOSURES

WHEREAS, Saturday, October 17th (rain date October 24th) is the scheduled date for the MainStreet Hammonton Downtown Trick or Treat Event from 1:00 – 3:00 p.m.; and

WHEREAS, Mainstreet Hammonton is requesting the following road closures and police assistance for this event:

2nd Street between Bellevue Ave. (Rt. 54) and Vine Street
Central Avenue between Bellevue Ave. (Rt. 54) and Vine Street

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, STATE OF NEW JERSEY, that the MainStreet Hammonton Downtown Trick or Treat Event is approved with road closures and police assistance specifically crossing assistance at intersections on Bellevue Avenue; and

#R117-2009 Authorize Signatures on DEP Apps for Boyer Avenue Recreation

117-2009

RESOLUTION AUTHORIZING SIGNATORIES ON
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
FORMS AND APPLICATIONS

WHEREAS, the New Jersey Department of Environmental Protection (hereinafter "NJDEP") requires certification from the governing body as to the signatory or representative to endorse various applications and/or forms; and

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WHEREAS, since the approval of the plans requiring the Town of Hammonton (hereinafter "Town") endorsement on various forms and/or applications occurs at regular or special meetings of the Town Council.

NOW, THEREFORE, BE IT RESOLVED that the Town of Hammonton hereby certifies that the mayor or deputy mayor be authorized to endorse NJDEP forms and/or applications.

BE IT FURTHER RESOLVED that said authorization is for only those projects which have been approved and accepted by the Town.

Motion by Councilperson Lewis, seconded by Councilperson Bertino, resolutions 108-117 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 HEARD

Robert Bucknam

Mr. Bucknam questioned was Ordinance 15 adopted?

Solicitor and Clerk responded yes.

Joseph Ingemi

Mr. Ingemi had several questions concerning what he felt were untrue representations of the Town of Hammonton budget and surplus at which time he and Mayor DiDonato engaged in a lengthy discussion in which Mayor DiDonato respectfully disagreed with Mr. Ingemi's interpretation.

Anthony Marino

Mr. Marino had several questions concerning tree removal, senior/rec center, costs of projects and alleged that the senior/rec center was not build per specifications.

A lengthy discussion was held at which time Councilman Barberio stated that the senior/rec center was built per bid specifications.

Anthony Mortellite

Mr. Mortellite had several questions concerning budget, surplus, bill lists but summarized that he does not agree with Mayor and Council moving any funds from water/sewer budgets to the general budget in an effort not to raise taxes. He feels this places and unfair onus on the water/sewer users that the general taxpayers should be sharing.

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Mayor DiDonato explained that it is an allowable practice in government to charge a management fee to water and sewer budgets and this Mayor and Council are very conservative in the amount of water/sewer funds that are being utilized for same.

Councilman Bertino agrees with a small management fee being charged to water/sewer budgets as in the past but concurred with Mr. Mortellite that the fee has since grown.

Mr. Mortellite then accused Mayor and Council of spending capital funds that they unanimously voted to freeze in the past.

Councilman Wuillermin advised those funds were re appropriated per law prior to being utilized and this process was voted upon by the Mayor and Council.

Mark Santora

Mr. Santora once again had several questions concerning Pulte Development drainage basin.

Brian Howell, Town Solicitor, and Mr. Santora engaged in a lengthy conversation concerning the negatives of living near a drainage basin at which time Mr. Santora concluded by asking Mayor and Council to please be sure that the basin is working prior to releasing bonds in the future.

Linda Goff

Ms. Goff once again came forward with questions concerning Pulte and drainage at which time she and Council agreed that this has been a learning experience for all.

Anthony Mortellite

Mr. Mortellite came forward once again to advise that there is an error in the description of a bill being paid. He questioned Hammonton Lake Park upgrades funding?

Councilman Barberio stated that was funded by grant.

Frank Zuber, Accountant, stated he will look at the purchase orders that Mr. Mortellite questioned and get back to him tomorrow.

MEETING ADJOURNED

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

Minutes recorded by April Boyer Maimone, Assistant Clerk

Minutes approved by Susanne Oddo, Town Clerk/Adm.