

REGULAR MEETING OF COUNCIL  
Held in Town Hall Council Chambers  
100 Central Avenue, Hammonton, N.J.  
October 26, 2009 at 6:00 P.M.  
Minutes can be viewed at [www.townofhammonton.org](http://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

#R117A-2009 Enter Into Closed Session

#R 117A-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. Cavuto vs. Town and Flores vs. Town (Meet with Zoning Board Solicitor)
3. Investigation – previous town owned property (allegedly used for dump)
4. Employees Complaint Letter
5. PBA – calculation of payment sick/accumulated time due – Ptl. Lopez
6. Police Department – Safety issue
7. PBA Sergeant - resolution of Disciplinary matters
8. Potential Acquisition Property Open Space

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 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.

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.

PUBLIC HEARD FOR AGENDA ACTION ITEMS

No one desired to be heard.

APPROVAL OF MINUTES

Motion by Councilperson Lewis, seconded by Councilperson Barberio, the minutes of the Special Meeting – October 14, 2009 be approved. Motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

Mayor Presentation – Fire Fighters

Mayor DiDonato recognized those fire fighters who have served for 50 or more years as volunteer fire fighters in the Town of Hamonton. Mayor DiDonato also recognized and thanked the families of the fire fighters for their sacrifice.

Mayor DiDonato then presented Tom Elvins, Frank Silvesti, Lawrence DeMarco, Pete DeMarco, Charles Graziano and Clarence Perna with gold fire fighter statues in recognition of their dedication.

Fire Chief Dominick DiGiovannangelo stated he is very proud of these men.

Hearing Ordinance 20-2009 Amend Chapter 271-6 Vehicles & Traffic

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

No one desired to be heard.

Motion by Councilperson Wuillermin, seconded by Councilperson Lewis, 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.

Hearing Ordinance 21-2009 Amend Chapter 38 ABC Fees

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

No one desired to be heard.

Motion by Councilperson Bertino, seconded by Councilperson Rodio, 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.

Hearing Bond Ordinance 22-2009 Airport Improvements

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

No one desired to be heard.

Motion by Councilperson Bertino, seconded by Councilperson Lewis, 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.

Hearing Ordinance 23-2009 Annual Update Employee Handbook JIF Requirement

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

No one desired to be heard.

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

ROLL CALL

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

Mayor DiDonato declared the motion carried.

COMMITTEE REPORTS

ADMINISTRATION -Councilperson Barberio

Deferred his report to Solicitor for resolution approving employee private insurance plan

BUSINESS & INDUSTRY-Councilperson Petrongolo

Reported on new business friendly website (Hammonton.com)

EDUCATION-Councilperson Bertino

Report on Board of Education Warren E . Sooy School Dedication & Open House

PUBLIC WORKS & TRANSPORTATION-Councilperson Rodio

Defer Bella Vita action item to Engineer report

Report Nov 3 leaf season begins

Report on proposed 4<sup>th</sup> Street project status and grant funding received

Report on award of bids for runway and fence project at Hammonton Airport for later this evening

Noted for the record that all projects have been funded by grants approx \$650,000 saving tax dollars

LAW & ORDER-Mayor DiDonato

Report on Law & Order Committee Meeting

No action items this month

QUALITY OF LIFE – Councilperson Lewis

Report on Quality of Life Committee Meeting – Ace Hardware

WATER & SEWER – Councilperson Wuillermin  
 Report on Water and Sewer Committee Meeting  
 Report on engineer action item for this evening

ENGINEER REPORT

SEWER AND WATER ACTION ITEMS

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

*General:*

Bids will be received on October 22, 2009. Results will be conveyed on the night of the meeting. This will set the stage for the introduction of the appropriate funding ordinance to cover the project.

*Funding:*

We are preparing a response to overcome the receipt of 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. As a reminder, the denial was based upon the review by USRD that the Town's current financial situation of the two utilities have a positive position thus negating the need for USRD to provide any additional funding toward this project. The report back to the USRD will show that the ordinances that present a positive position essentially are pledged to committed projects. Construction time frames have been placed 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 before the next meeting.

Bid Results

Asphalt Paving	2,153,000.00
B&B Const.	2,143,625.00
CRJ Contracting	-0-
Command Co.	1,930,686.25
Elk Pipeline	2,454,454.00
FM Schiavone Const.	-0-
Giberson Plumbing	2,116,175.00
Haskell Site Work	-0-
Jersey Const.	-0-
Lafayette Utility	-0-
Mathis Const.	2,024,442.50
Metra Industries	-0-
Montana Const.	2,619,056.00
Mount Const.	1,979,352.50
P&A Const.	2,596,910.52
Paramount Ent	1,763,412.50
Pioneer Pipe	-0-
RNR Contractors	-0-
SJA Const.	-0-
Stacey Contracting	2,192,525.00

Refer to new business for three bond ordinances to be introduced that will provide funding for award of bid at a later meeting.

PUBLIC WORKS ACTION ITEMS

2. Bella Vita Subdivision Improvements (ARH #11-20195):

We have met onsite with the Quality of Life Committee to review the onsite improvements completed to date. It was agreed that all improvements appear to be satisfactorily addressed, however we would recommend additional time be given to further evaluate the recharge capability of the stormwater management basin. It should be noted however, that this subdivision was approved prior to the 72 hour total drainage standard for retention basins which became effective in May of 2007. We would therefore recommend the following for Council's consideration at this time:

Motion by Councilperson Lewis, seconded by Councilperson Rodio, authorize the following:

1. Maintain the present reduced letter of credit amount of \$143,759.40 for the time being and allow the developer to retill the basin bottom and observe if the intended work will improve the recharge capability of the basin. Once again, the 72 hour total recharge time requirement was not in place at the time of subdivision approval.
2. Request the Solicitor draft an agreement with the developer or Homeowners Association allowing for the Town forces to provide municipal services to the residents within the development such as trash pick-up (which already occurs), snow removal and street sweeping.

#### 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

3. Wastewater Management Plan (ARH #11-01000):

We continue to work on the mapping and the associated sewer demand for resubmission to the County and ultimately NJDEP. Final input before submitting will be needed from the PWTC and Council as a whole. We expect to conclude this project by the end of the year.

4. Boyer Avenue Land Application Site – Drip Irrigation/Beneficial Reuse (ARH #11-50127):

Optimization Report -

The Optimization Report was submitted to all applicable agencies on October 7, 2009. The next step is for Pinelands Commission and possibly other agencies to review and comment. In the interim, the PWTC will be addressing costs of implementing the components contained in the report. A detailed report will be subsequently provided.

Lee Rain – Trial Application -

Lee Rain completed the installation of the drip lines for the trial areas. The pumps need to be installed and it is expected that the trial will commence during the week of October 26, 2009. As previously mentioned, 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.

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

As previously reported, 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.

Since the last reporting period, we have reached out to the Contractor to discuss returning to the site. Also we spoke with the County related to the cost sharing. It appears the County will provide additional funds as requested. We have just received a letter from the County Executive recommending approval of the cost sharing request. The Town and County must now modify the prior inter-local services agreement to amend the funding allotment. We will keep Council and the Solicitor informed of further progress and requirements for action so that the project could move forward towards completion and close-out.

6. **Water Allocation (ARH #11-30088):**

*Major Modification Application:*

We have received the following email message from Ken Komar of NJDEP regarding the status of the release of the diversion increase and the Pinelands involvement as it relates to finalizing the Town of Hammonton's request for an increase in water diversion rights:

*The Bureau cannot issue the modification with the limits identified in the draft permit and staff report until a Certificate of Filing has been issued by the Pinelands. It is recommended that the Pineland Commission is contacted to address these concerns and then provide them with the necessary information to make their final decision.*

We issued a follow up letter to Ken Komar, listing our rationale as it relates to the missing item known as a "Certificate of Filing." We stated that the submissions made to the Pinelands are equivalent to having achieved a Certificate of Filing and requested what additional information is needed to address the issues raised in Mr. Kolmar's email. We received a reply Ernest Deman indicating that no additional information was needed by the Town and the outcome of the Pinelands position was in hands of staffers, Ed Wengrowski and Larry Liggett. Follow-up emails we sent on October 19, 2009 to these individuals, but a reply has not been received as of this date.

The other issue of concern of the Pinelands was their advice to 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 responded to this letter and stated our rationale as to why this issue should be of no concern. A formal response has not yet been received from NJDEP on this issue.

Once Pinelands reviews the information and issues a Certificate of Filing, the NJDEP will be in a position to finalize the report, formally address the other Pinelands' concerns and issue the increase in diversion.

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

As previously stated, 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:

As previously reported, our pursuit of the NJMIC site is not advisable since the Town would have to drill the testwell and provide the findings with regard to water quality and quantity before NJMIC would provide a definitive answer. 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.

We have met with other property owners for possible alternatives. They are contemplating our request and we should be able to conclude whether there are any other sites that could meet the objectives of the Town. 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.

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

This project has been designed and permitted. However, certain final decisions must be made by PWTC such as project scope, bid options, administrative issues affecting the residents and funding limits. Prior to the next meeting of Council, the PWTC will be asked to review the remaining issues so that the project can be advertised subject to one final review by NJDEP. The Solicitor must also finalize the agreements with the two property owners who are requesting waivers for well sealing.

8. **Southwest Hammonton – Sanitary Sewer Service (ARH #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.

9. **Getty Gas Station Site Remediation (ARH #11-50128):**

The Environmental Consultant and Getty have begun the site remediation and monitoring process. The initial results have appeared favorable and the applicant has been allowed to increase their discharge rate as per the agreement.

**PUBLIC WORKS INFORMATION ITEMS**

10. **Community Development Funds, 2006 ADA Curb/Walk Replacement (ARH #11-40026):**

The Contractor has completed the construction of the ADA curb, sidewalk drainage and roadway improvements at the 3<sup>rd</sup> Street/Walmer Street intersection. The first payment to the contractor is on the bill list for payment consideration. We would hope to be able to close out the project by next Council meeting and seek reimbursement from the ACIA on the portion of the funds determined to be eligible for funding reimbursement.

11. **Pratt Street Drainage Pipe Repair (ARH #11-06002.01):**

The letters to the various property owners have been sent out and the responses that have been received to date related to the stream cleaning project and the need for easements have been favorable. We will be contacting the remaining property owners by phone over the next few weeks to obtain their responses.

12. **First Road Resurfacing, County Route # 688 (ARH #11-01000):**

As noted at the prior Council meeting, the County Engineer 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, provide budgetary appropriations and seek possible funding assistance as necessary.

13. **Recreation Master Plan, ANJEC Report (ARH #11-01000):**

A presentation of the recreation master plan was made to the Town Planning Board at their meeting of October 7, 2009, where a Resolution of Endorsement was adopted. This approved Resolution and plan will now be forwarded to the Pinelands Commission for review. A request for funding reimbursement will be requested from the State ANJEC office in accordance with the funding agreement.

14. **Boyer Avenue Recreation - Phase III (ARH #11-75003):**

We forwarded the supportive resolution to the NJDEP adopted last month by Council along with the design plans, specifications, reports and forms as required. We recently received a letter from the NJDEP deeming the application as complete and their formal review process could begin. We will keep Council and the PWTC informed of further progress.

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

*NJDEP BSDW Permit:* As previously reported we have made a submission to NJDEP seeking approval for the installation of a 12" DIP water main. The reviewing agent has requested additional information related to the intersection of Fourth Street and Pleasant Street. We are currently making a few revisions to the plan and will resubmit when complete.

*Funding:* It should be noted the NJDOT has announce funding allotments for FY2010. The Town will be getting an additional \$180,000 this year. In total the Town has \$485,000 from NJDOT (FY2008 \$145,000 + FY2009 \$160,000 + FY2010 \$180,000). These funds can be used on the roadway, drainage and concrete work proposed for the project. The cost of the water main will need to be funded by the Town and the necessary funding to complete the project established within the Town budget or appropriate bond ordinances.

16. **Central Avenue Roadway Reconstruction Project (ARH #11-40027):**

The Contractor returned to the site and completed a majority of the punch list items. There is one major item left, which involves resetting a property corner that was removed during the project. Once complete we will finally close out the contract between the Town and the Contractor and seek final approval for change orders and reimbursement from the County.

17. **Hammonton Lake Park (ARH #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. We will be presenting change orders for Council's consideration and discussing same with the PWTC and Quality of Life Committees..

Lighting – We obtained a price from A.C. Electric valued at \$1,669.25. This is to install flood lights on existing utility poles. This will not cover all areas of concern, since poles are not located in a few strategic locations. This will be discussed further with the PWTC and the appropriate Committee of Council.

*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 has been started, however our concentration has been on closing out phase I prior to moving into phase II. We will discuss same with the PWTC and the appropriate Committee of Council.

**18. ACIA 2009 Funding Request (ARH #11-40038):**

After being denied from the ACIA related to the Town's request for funding assistance for improvements at the Senior Center Complex at the Lake Park, the Town has also received notice that 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 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.

**19. Atlantic County Open Space Trust Funds – Round 8 (ARH #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 has met with a number of the property owners related to their interest in participating in this program. The Solicitor will provide an update to Council on this matter. A meeting with Council and the Recreation Committee will also need to occur so that an appropriate response can be directed to the County as requested.

**Approve Change Order – Reduction A.C. Schultes**

Motion by Councilperson Wuillermin, seconded by Councilperson Barberio, approve change order reduction of \$2700.00 to A.C. Schultes.

**ROLL CALL**

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

Mayor DiDonato declared the motion carried.

**Purchase Additional Open Space (ROSI)**

Motion by Councilperson Barberio, seconded by Councilperson Rodio, authorize Solicitor to research open space for potential purchase to add to our ROSI credits.

**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

AFLAC resolution – under New Business

Approve Final Payment Due to the Estate of Corporal Frank Lopez:

Motion by Councilperson Bertino, seconded by Councilperson Barberio, authorize payment to Estate of Corporal Frank Lopez as follows:

Accumulated Sick Time \$12,000.00

Additional Accumulated time (Vacation, Personal, Holiday and Comp Time) totaling \$ 2,203.65

ROLL CALL

Councilpersons:

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

Mayor DiDonato declared the motion carried.

Royce Run

Open Space Update covered under Engineer report

Alarm Ordinance: prepared for November meeting

Landlord Registration Ord (proposed)

Downtown parking update re: due diligence

Pulte/Blueberry Ridge update

Planning Board Ordinances (solar/wind energy & development review)

Airport paving bid-award under New Business

Establish special meeting date for joint meeting with Planning Board COAH settlement

Motion by Councilperson Barberio, seconded by Councilperson Wuillermin, authorize Clerk to advertise special meeting of Planning Board and Mayor and Council for November 18 at 4:30 pm and to include "action may be taken."

ROLL CALL

Councilpersons:

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

Mayor DiDonato declared the motion carried.

Report on Route 54 Bid  
Town/Cashan reimbursement

Motion by Councilperson Bertino, seconded by Councilperson Wuillermin, authorize reimbursement of improper tax payment not to exceed \$ 1,200.00.

ROLL CALL

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

Mayor DiDonato declared the motion carried.

Line street: No parking (refer to Law and Order Committee for investigation)  
Metro PCS: request for qualifications

Motion by Councilperson Barberio, seconded by Councilperson Lewis, authorize Solicitor to receive qualifications.

ROLL CALL

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

Mayor DiDonato declared the motion carried.

ATV ordinance approved by State

MAYOR REPORT

Report on Tuesday's General Election polls open 6:00 am to 8:00 pm

TOWN CLERK REPORT

Cavuto vs Zoning Board and Town

Motion by Councilperson Bertino, seconded by Councilperson Wuillermin, authorize a purchase order to Allen Littlefield not to exceed \$5000.00 to represent the Town of Hammonton and the Hammonton Zoning Board in Cavuto vs. Hammonton Zoning Board.

ROLL CALL

- Councilpersons:
- Barberio - Y
- Bertino - Y

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

Mayor DiDonato declared the motion carried.

Flores vs. Hammonton Zoning Board and Town

Motion by Councilperson Wuillermin, seconded by Councilperson Bertino, authorize a purchase order to Allen Littlefield not to exceed \$5000.00 to represent the Town of Hammonton and the Hammonton Zoning Board in Flores vs. Hammonton Zoning Board.

ROLL CALL

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

Mayor DiDonato declared the motion carried.

APPROVAL BILLS & PURCHASE ORDERS

Motion by Councilperson Bertino, seconded by Councilperson Lewis, approve bills and purchase orders.

ROLL CALL

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

Mayor DiDonato declared the motion carried.

COMMUNICATIONS

1. Authorize Contract with DY Consultants – Runway Rehab \$124,571.00  
Perimeter Fence \$38,529.29  
Academy Drive Rehab \$47,830.09
2. Accept resignation of Joseph Mazzeo effective 12/1/09
3. Approve PO to Atlantic Electric for lake park lighting in amount \$1669.25

Motion by Councilperson Wuillermin, seconded by Councilperson Rodio, 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

Bond Ordinance 26-2009

Ordinance #26-2009

BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS TO BELLEVUE AVE IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$130,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$123,500 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

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

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Town of Hammonton, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$130,000, including \$6,500 as down payment for the improvement as required by the Local Bond Law. The down payment is available in the Capital Improvement Fund.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$123,500 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. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for sidewalk improvements to Bellevue Ave.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation established herein.

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 N.J.S.A. 40A:2-8(a). 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 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 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, 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 \$123,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$42,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement 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 8. 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 Town 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, 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. 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 9. 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 10. 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 Wuillermin, seconded by Councilperson Barberio, the ordinance be taken up for and pass first reading and given legal publication.

Councilperson Bertino questioned will the improvements be brought up to Tilton Street?

Councilman Wuillermin responded yes.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Bond Ordinance 27-2009

Ordinance #27-2009

BOND ORDINANCE PROVIDING FOR BELLEVUE AVE WATER UTILITY IMPROVEMENTS IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$1,018,000 AND AUTHORIZING THE ISSUANCE OF \$409,530 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 improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Town of Hammonton, County of Atlantic, New Jersey. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,018,000 and including the sum of \$148,470 grant expected to be received from the United States Department of Agriculture, Rural Development Program and a \$460,000 loan from the United States Department of Agriculture, Rural Development Program. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Town, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$409,530 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. (a) The improvement hereby authorized and the purpose for the issuance of bonds is to finance water utility improvements to Bellevue Ave as shown on and in accordance with the plans and specifications therefor on file in the office of the Clerk, which plans are hereby approved, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 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 \$409,530, but that the net debt of the Town determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$250,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement 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 8. 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 Town 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, 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. 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 9. 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 10. 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 Wuillermin, seconded by Councilperson Rodio, the ordinance be taken up for and pass first reading and given legal publication.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Bond Ordinance 28-2009

Ordinance #28-2009

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$633,950 FOR REPAIRS TO BELLEVUE AVENUE SEWER AND PROVIDING \$60,000 FOR BOYER AVENUE OPTIMIZATION IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$60,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION

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 improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Town of Hammonton, County of Atlantic, New Jersey. For the improvements or purposes described in Section 3, there is hereby appropriated the aggregate amount of \$693,950, including the supplemental amount of \$633,950 including \$154,530 grant expected to be received from the United States Department of Agriculture, Rural Development Program and a \$479,400 loan from the United States Department of Agriculture, Rural Development Program, such sum being in addition to the sums appropriated by section 3(d) of bond ordinance #9-04 of the Town finally adopted May 24, 2004, as supplemented by bond ordinance #17-05 of the Town finally adopted on May 23, 2005 and \$60,000 for Boyer Avenue sewer facility optimization of discharge to groundwater. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Town, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$60,000 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, 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 &amp; Estimated Costs</u>	<u>Estimated maximum amount of bonds or notes</u>	<u>Period of Usefulness</u>
a) Supplemental authorization for repairs to Bellevue Avenue Sewer as previously described in section 3(d) of bond #9-04 of the Town finally adopted May 24, 2004, as supplemented by bond ordinance #17-05 of the Town finally adopted on May 23, 2005	\$633,950 (including a \$154,530 grant expected to be received from the United States Department of Agriculture, Rural Development Program and a \$479,400 loan from the United States Department of Agriculture, Rural Development Program	\$0	15 years
b) Boyer Avenue sewer facility optimization of discharge to groundwater.	60,000	60,000	15 years
Totals	<u>\$693,950</u>	<u>\$60,000</u>	

All of the improvements are as shown on and in accordance with the plans and specifications therefore on file in the office of the Clerk, which plans are hereby approved including all work and materials necessary therefore and incidental thereto.

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 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 \$465,000, but that the net debt of the Town determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$140,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement 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 8. 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 Town 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, 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. 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 9. 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 10. 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 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

#R118-2009 Award Bid Airport Runway and Academy Drive

RESOLUTION #118-2009  
 RESOLUTION AWARDING BID FOR AIRPORT RUNWAY AND ACADEMY DRIVE

WHEREAS, July 14, 2009 was the public bid opening for the airport runway and Academy Drive; and

WHEREAS, the low bid for completion of improvements was received from Arawak Paving for a total bid amount of \$ 113,900.00; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Hammonton, County of Atlantic, State of New Jersey that an award for the Airport Runway and Academy Drive improvements be Awarded to Arawak Paving in the amount of \$113,900.00.

#R119-2009 Award Annual Professional and Specialized Service Contracts

#R 119 -2009

A RESOLUTION AWARDING VARIOUS PROFESSIONAL  
 AND SPECIALIZED SERVICE CONTRACTS

WHEREAS, there exists a need for professional services for the Town of Hammonton, New Jersey, on an annual basis as follows:

<u>Department</u>	<u>Service</u>	<u>Vendor</u>	<u>Amount</u>
Airport	Lab Testing	QC Labs Inc.	\$15,000.00
WWTP	Lab Testing	QC Labs Inc.	\$24,000.00
Landfill-Highway	Lab Testing	QC Labs Inc.	\$15,000.00
Water Department	Lab Testing	Global Environmental Testing	\$25,000.00
WWTP	Lab Testing	JR Henderson	\$40,000.00
WWTP	Polymer Supply	Polydyne Inc.	\$22,000.00
WWTP	VFD Repairs	EMF Control Services	\$19,000.00
Water Department	Chlorine ACCU Tablets	Coyne Chemical	\$15,000.00
Water Department	Klenphos	Klenzoid	\$15,000.00
WWTP	IA System Maint/Repair	Foxboro	\$12,000.00
WWTP	Boyer Ave Consultant	Omni Env.	\$90,000.00
Water Department	Water Meters	Rio Supply	\$98,611.00
Water Department	Instrumentation Services	Universal Instrument Co.	hrly \$ 90.00
Water Department	Calibration Services	Universal Instrument Co.	\$11,700.00

WHEREAS, funds are available under the above listed budget appropriations, 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 above listed vendors for year 2010; and

#R120-2009 Authorize Sale Surplus Property

#R 120 -2009

RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY

WHEREAS, the Town of Hammonton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town of Hammonton is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

NOW THEREFORE, be it resolved by the Mayor and Council of the Town of Hammonton, County of Atlantic, State of New Jersey as follows:

1. The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967 / T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com.
2. The sale will be conducted online and the address of the auction site is govdeals.com.
3. The sale is being conducted pursuant to Local Finance Notice 2008-9.
4. Below is a list of surplus property to be sold:

1993 GMC Truck	1GDHK	34K9P	E5175	60
1976 International Truck	D1225	FGB10	186	
1989 GMC Truck	1GDJR	34J3K	F7047	53

#R121-2009 Refund Overpayment Business Registration License

RESOLUTION # 121-2009

RESOLUTION AUTHORIZING A REFUND FOR OVERPAYMENT OF BUSINESS REGISTRATION

WHEREAS, Towne Pharmacy Inc. paid for their 2009/2010 Business Registration twice in error; and

WHEREAS, Susanne Oddo, Town Clerk/Administrator, has verified an overpayment exists and has authorized the refund of said overpayment;

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 \$ 35.00 to Towne Pharmacy Inc., 201 Bellevue Avenue, Hammonton, from Treasurer Clearing Account for duplication of payment of business registration.

#R122-2009 Tax Resolution

#R 122-2009

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
3801-14C013U	Magdits	220 Park Ave	425.56	Water	Refund Betty Simon Lien/bkrpt	Rosie
3801-14C013U	Magdits	220 Park Ave	1180.83	Sewer	Refund Betty Simon Lien/bkrpt	Rosie
2104-14	Oliva	349 North St	1061.91	Tax	Refund NJ Rebate	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.

#R123-2009 Award Bid Airport Perimeter Fence

RESOLUTION #123-2009  
RESOLUTION AWARDING BID FOR AIRPORT PERIMETER FENCE

WHEREAS, July 14, 2009 was the public bid opening for the airport perimeter fence; and

WHEREAS, the low bid for completion of improvements was disqualified due to non issuance of NJ Business Registration per law; and

WHEREAS, the second low bid for completion of improvements was received from Highway Safety for a total bid amount of \$ 94,826.00; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Hammonton, County of Atlantic, State of New Jersey that an award for the Airport Perimeter Fence improvement be awarded to Highway Safety in the amount of \$94,826.00.

#R124-2009 Amend Budget DDEF Grant

#R 124-2009

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 **\$ 7,460.80 from Division of Motor Vehicles**, 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 grant in the **2009 Budget**

of the Town of Hammonton to reflect:

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

Drunk Driving Enforcement Fund

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

#R125-2009 Transfer Resolution for November

#R 125-2009

RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS  
IN TOWN OF HAMMONTON MUNICIPAL BUDGET

BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton, County of Atlantic, and State of New Jersey, that there be and hereby is authorized the following transfers from the budget appropriations **with an effective date of November 1, 2009:**

FROM: IN CAP		
Municipal Court S&W (9-01-43-201-100)		\$10,100.00
TO: IN CAP		
Finance S&W (9-01-20-103-100)		\$4,750.00
TO: IN CAP		
Planning Board S&W (9-01-21-109-100)		\$150.00
TO: IN CAP		
Election OE (9-01-20-102-200)		\$1,600.00
TO: IN CAP		
NJ Disability (9-01-23-148-200)		\$3,600.00
FROM: IN CAP		
Gasoline OE (9-01-31-11E-200)		\$15,000.00
TO: IN CAP		
Public/Blds Ground OE (9-01-26-108-200)		\$15,000.00
FROM: IN CAP		
Water OE (9-05-55-601-200)		\$4,500.00
TO: IN CAP		
Water S&W (9-05-55-601-100)		\$4,500.00

#R126-2009 Canoe Club Policy

RESOLUTION # 126-2009

RESOLUTION ESTABLISHING AUTHORIZED USES OF THE CANOE CLUB

WHEREAS, the Town of Hammonton desires to establish and authorize certain uses for the premises at the Hammonton Lake Park known as the Canoe Club (the "Facility"); and

WHEREAS, the Recreation Supervisor shall require all entities desiring to use the Facility to complete a use of facility form which he/she shall compile and tender to the clerk enumerating the uses of the facility for each month, which list shall be included in the Clerk's Report at the monthly Town Council meeting.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton in the County of Atlantic and State of New Jersey that the following procedures be applicable to all entities desiring to use the Facility;

1. The Facility in question shall be available for:
  - a. Hammonton residents meeting the age requirement (50 years of age and older) and their guests from Monday through Friday (excluding holidays) from 9:00 a.m. to 4:00 p.m. each day. The Recreation Supervisor shall make the necessary arrangements so that the aforesaid individuals have full use of the Facility. The Recreation Supervisor is also hereby empowered to make arrangements with regional healthcare agencies to offer free educational, recreational and/or screening programs designed to improve the health and/or quality of life of the Hammonton Senior population.
  - b. Senior group activities subject to approval by the Recreation Supervisor. At all times that such activities are occurring, at least one portion of the premises shall remain available to individual users pursuant to Paragraph 1a. hereof between the hours of 9:00 a.m. to 4:00 p.m. The events permitted by this paragraph shall be free of charge and open to all local seniors.
  - c. "Special events" open to all Hammonton seniors at which food and/or entertainment are provided. A fee, equivalent to the actual cost of the food and entertainment, but in no event in excess of \$9.00 (subject to increases/decreases consistent with the annual Social Security COLA), may be charged to attendees to defray or minimize the cost of such special events.
  - d. Hammonton 501(c)(3) nonprofit, service or recreation organizations shall be permitted to utilize the facility for their meetings, subject to the approval of the Recreation Supervisor. At those meetings, no food shall be served in order to minimize clean up costs.
  - e. As a polling place for a primary, general or school election.
2. Under no circumstances shall alcoholic beverages be transported to, served, sold or consumed upon the premises.
3. Any group utilizing the Facility pursuant to 1 d. hereof shall be required to provide proof of insurance in a form satisfactory to the Town Insurance Administrator.
4. There shall be no solicitation of funds at any time at the Facility. Specifically, the Recreation Supervisor shall not approve or permit use of the Facility by any individual or entity whose purpose is to promote their business and/or product.

#R127-2009 Amend Capital Budget Route 54 Utility

#R 127-2009  
TOWN OF HAMMONTON  
CAPITAL BUDGET AMENDMENT

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

**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:

General Capital Fund

*Debt*

<u>1) Purpose</u>	<u>Total</u>	<u>CIF</u>	<u>Authorized</u>
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Bellevue Avenue Sidewalk Improvements	<u>\$ 130,000</u>	<u>\$ 6,500</u>	<u>\$ 123,500</u>
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**Water Utility Capital Fund**

		<i>USRD</i>	<i>USRD</i>	<i>Debt</i>
1) <u>Purpose</u>	<u>Total</u>	<u>Grant</u>	<u>Loan</u>	<u>Authorized</u>
Bellevue Avenue Water Improvements	<u>\$ 1,018,000</u>	<u>\$ 148,470</u>	<u>\$ 460,000</u>	<u>\$ 409,530</u>

**Sewer Utility Capital Fund**

		<i>USRD</i>	<i>USRD</i>	<i>Debt</i>
1) <u>Purpose</u>	<u>Total</u>	<u>Grant</u>	<u>Loan</u>	<u>Authorized</u>
a) Bellevue Avenue Sewer Improvements	\$ 633,950	\$ 154,530	\$ 479,400	\$ -
	0-			
b) Boyer Avenue Optimization	<u>60,000</u>	<u>                    </u>	<u>                    </u>	<u>60,000</u>
Total Sewer Improvements	<u>\$ 693,950</u>	<u>\$ 154,530</u>	<u>\$ 479,400</u>	<u>\$ 60,000</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.

#R128-2009 Authorize Aflac Insurance Policy for Town Employees

RESOLUTION # 128-2009

RESOLUTION AUTHORIZING TOWN EMPLOYEES TO ESTABLISH  
PAYROLL DEDUCTION TO PARTICIPATE IN PRIVATE INSURANCE  
PROGRAM

WHEREAS, the employees of the Town of Hammonton have expressed to Mayor and Council an interest in establishing a payroll deduction plan permitting them to participate in a program of personal insurance benefits including, but not limited to, the program offered by AFLAC (American Family Life Assurance Company); and

WHEREAS, based upon an evaluation of the Administration Committee, it has been determined that the involvement of Town personnel and/or Town facilities will be of a minimal nature; and

WHEREAS, permitting the employees to establish a plan of this nature will result in a reduction in the cost of said program to them; and

WHEREAS, the AFLAC plan in question will provide those participants with a valuable insurance benefit in the event of unforeseen illness or injury as well as other benefits;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Hammonton in the County of Atlantic and State of New Jersey that the Clerk's Office is hereby directed to establish, for all Municipal employees desiring to participate in same, the following:

5. A payroll deduction account.
6. Establishment of the necessary computer entries as provided by AFLAC to establish such a program.
7. At such time as the Administrator, in his/her sole discretion, determines that there is sufficient interest by Town employees in any similar insurance program, he/she shall bring that interest to the attention of the administration committee to permit it to determine whether to recommend to Mayor and Council that a similar payroll deduction plan be established for that company.

Motion by Councilperson Barberio, seconded by Councilperson Lewis, approve resolutions 118 – 128.

On The Question:

Councilperson Bertino questioned Resolution #126-2009 canoe club policy, specifically the maximum fee being set as he felt the Town should not get involved with setting fees.

After a discussion of Mayor and Council and input from Mr. Anthony Mortellite, representative of one of the senior groups in Hammonton, it was explained that while creating the canoe club for the seniors, the widespread interest in use of the building was not anticipated. Since the building has been completed Mayor and Council have received several requests from seniors and others expressing interest in use of the facility which is the reason that this policy is being developed. It is simply a guideline for Lou Rodio, Recreation Superintendent, to follow when scheduling events. It was also felt that should a senior group wish to hold an event at the canoe club that may involve a necessary fee, per person, for rental of a band, catering, etc., a maximum fee should be set as not to overcharge or exclude seniors who wish to attend but could not afford an astronomical fee.

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

Daniel Santora – Old Forks Road

Mr. Dan Santora congratulated Lance Schiernbeck and the Highway Department for a great job. He then stated he met with Mrs. Guzzio of Atlantic County Board of Health concerning health issues in the Pulte Development drainage basin and surrounding area. He questioned is it true that the PR Civic Assoc. did not want to pay to tie into the sewer?

Solicitor responded the correct answer is there are still ongoing negotiations and no final determination has been made.

Mr. Dan Santora then questioned how is there a major health issue in this area and yet the Town is still allowing the PR Civic Assoc. to have parties without use of a port a potty?

Mr. Dan Santora then questioned "what he calls the water hole" and questioned will someone be held legally liable?

Solicitor responded that this has been an ongoing problem that was not created by this council but it still needs to be addressed.

Mr. Dan Santora then stated the Solicitor is the attorney who has the legal clout to rectify the problems.

Mayor DiDonato stated the Solicitor has been working hard to rectify the problems at Pulte and he feels the residents will soon see results.

Joseph Ingemi – E. Pleasant Street

Mr. Ingemi brought up some contractual issues that have cost the taxpayers money and questioned has there been any action taken to remedy the problems?

Mayor DiDonato stated he cannot comment on personnel performance of specific employees but Administration committee is in contact with the Town Administrator concerning rectifying these issues in the future.

Mr. Ingemi then questioned have problems concerning slit trenches been resolved?

Councilman Wuillermin responded yes, they have begun to resolve same and he has been informed by the Sewer Superintendent that the trenches are taking in the water which is very positive.

Mr. Ingemi then questioned green funding?

Councilperson Wuillermin did not recall that conversation and would check back in the minutes but explained in depth on the slit trenches and optimization study issue.

Mr. Ingemi then questioned the use of the water at a private golf course in the area?

Councilman Wuillermin responded that was never part of his report but may have been mentioned in passing.

Mr. Ingemi then questioned how the financial planning is coming along with the optimization study?

Councilman Wuillermin stated one cannot predict the cost prior to the study being completed but the council will definitely take cost into consideration before approving any project.

Anthony Mortellite – Broadway

Mr. Mortellite, getting back to the canoe club policy, questioned who will supply the food and entertainment?

Mayor DiDonato stated the group holding the event may collect a fee from those who will be attending the event to pay for the food and entertainment.

Mr. Mortellite then questioned there is no profit to be made by anyone?

Mayor DiDonato stated no.

Mark Santora – Old Forks Road

Mr. Mark Santora questioned who owns the basins at Pulte Development?

Solicitor responded Triad who is affiliated with Bowman.

Mr. Mark Santora then questioned blue line on mapping from US Geological Society?

Solicitor responded we would have to compare maps as he is not sure what Mr. Santora is referring to.

Mr. Mark Santora finally stated no one up here would want this basin across the street from their mothers home year after year?

Mayor DiDonato stated he thinks this council understands their frustration and are trying to resolve this problem for them.

Mr. Mark Santora stated he has been told so many times that this would be resolved.

Mayor DiDonato stated Mr. Santora will definitely see results within the next couples weeks.

#### Anthony Marino – Walnut Street

Mr. Marino questioned Skinner building which was secured and now there are windows broken. Do Mayor and Council plan to secure this place as he has received calls from residents.

Solicitor responded yes we will secure the Skinner building and have called the police out there ourselves however we need to proceed with caution. We have appropriated the money to move forward. When there is a report that people are living inside the building, we do take necessary action.

Mr. Marino understood there was Brownfields money to utilize to bring this building back on the tax roles. He also questioned is it true that someone is paying taxes on property.

Solicitor responded it has gone to tax sale but he is not sure to who. He referred Mr. Marino to the tax office for this question.

#### MEETING ADJOURNED

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

Minutes recorded by April Boyer Maimone, Assistant Clerk

Minutes approved by Susanne Oddo, Town Clerk/Adm.