

REGULAR MEETING OF COUNCIL  
Held in Town Hall Council Chambers  
100 Central Avenue, Hammonton, N.J.  
December 21, 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

Enter Into Closed Session

#R 136A-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 Sergeant - resolution of Disciplinary matters
3. PBA Grievance – Outside Detail

BE IT FURTHER RESOLVED, that the minutes of any matters discussed in Executive Session shall be released to the public as soon as reasonably possible after Mayor and Council conclude that the basis for exclusion of the public ceases to exist.

Motion by Councilperson Lewis, seconded by Councilperson Bertino, enter into closed.

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

John Bee

Mr. John Bee proceeded to the podium to question the status of his proposed development which he thought would appear on the agenda this evening?

Mayor DiDonato advised Mr. Bee that he may be heard under the second public heard, however, this public heard is only for agenda action items.

APPROVAL OF MINUTES

Motion by Councilperson Barberio, seconded by Councilperson Wuillermin, the minutes of the Regular Meeting – November 23, 2009 are approved. Motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

Hearing Ordinance 29-2009 Amend Chapter 216-10 Rental Property

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

No one desired to be heard.

Motion by Councilperson 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 30-2009 Amend Chapter 74 False Alarms

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

No one desired to be heard.

Motion by Councilperson Lewis, seconded by Councilperson Petrongolo, 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 31-2009 Fourth Street Reconstruction

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

No one desired to be heard.

Motion by Councilperson Rodio, 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.

Hearing Bond Ordinance 32-2009 Airport Runway and Apron

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

No one desired to be heard.

Motion by Councilperson Lewis, seconded by Councilperson Wuillermin, 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

PUBLIC WORKS COMMITTEE REPORT

Councilman Rodio thanked the public for their patience during the recent snow storm and advised the highway department employees are doing their best to keep up with a storm of this intensity. He asked for homeowners to continue to be patient as the highway employees will continue to make passes down their roadways. He also requested the public to be sure to remove their vehicles from the roadway so that the plows can move all snow off the roadway.

Mayor DiDonato added that cdl license holders operate the snow plows and per law they must work a certain number of hours and break for a certain number of hours for safety reasons. He also stated the town cannot clean the driveway entrances as they are private property and stated there will be some snow left in this area. Mayor DiDonato stated the highway employees worked hard during this snow storm and stated that he will take the blame and the complaints for them.

Councilman Rodio further apologized for those who called the highway department and could not reach a person. Both the Road Superintendent and Assistant Road Superintendent were plowing roadways as they felt their need was on the road rather than in the highway department. Councilperson Rodio further explained that the agreement for the Town to plow county roadways will expire this spring which will alleviate a lot of work on our highway department and allow them more time on town roadways.

ADMINISTRATION -Councilperson Barberio

Administration committee meeting scheduled for Dec 16 was cancelled-will meet in January

BUSINESS & INDUSTRY-Councilperson Petrongolo

Councilperson Petrongolo highlighted many accomplishments over the past years and thanked those who were involved in bringing the projects to fruition. She stressed again the importance of supporting our downtown and our local vendors. She thanked everyone for giving her the opportunity to serve them.

EDUCATION-Councilperson Bertino

Report that Manual Bermudez will fill the seat of Steve DiDonato on the Board of Education

PUBLIC WORKS & TRANSPORTATION-Councilperson Rodio

Advised trash will be picked up on Saturday after Christmas Day and New Years Day

LAW & ORDER-Mayor DiDonato

Law & Order Committee met but we have no action items this evening

QUALITY OF LIFE – Councilperson Lewis

Report on property review of Quality of Life Committee for release of bonds  
Congratulated Councilpersons Wuillermin and Petrongolo and Mayor DiDonato

WATER & SEWER – Councilperson Wuillermin

Councilman Wuillermin referred his report to the engineer report and stated it has been an honor to serve the taxpayers of Hammonton.

ENGINEER REPORT

SEWER AND WATER ACTION ITEMS

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

The project is substantially complete. There are a number of punch list items that need to be completed prior to closeout, including striping and final restoration. We will be working with the Contractor to close out this project.

We have received a copy of the inter-local services agreement as approved by the County and a copy of the County Freeholder's Resolution #646 authorizing the signature of the inter-local services agreement. The agreement authorizes the County's participation in drainage and paving improvements to Moss Mill Road totaling a maximum amount of \$44,300.00. The Town officials have signed the agreement and the Solicitor returned the agreement to the County for execution. The County is requesting a copy of the Town resolution #45-2009 authorizing the inter-local services agreement for the drainage improvements. They are also requesting the Town adopt a similar resolution authorizing the agreement for the paving improvements even though the Council approved the agreement last meeting. We are therefore, requesting Council consider the following action.

Refer to New Business.

PUBLIC WORKS ACTION ITEMS

2. Schenk Laundry Performance Bond Release (11-10100)

As a result of the Quality of Life Committee's site visit of the project improvements for the above noted project designated as (Block 2811, Lot 4, Vine Street) we are recommending Council's consideration of the following:

Motion by Councilperson Barberio, seconded by Councilperson Rodio, release of the Letter of Credit #20004052575 posted by Susquehanna Bank subject to compliance with the conditions noted in the ARH letter dated 12/11/09 to Mr. Timothy Lindsay of Susquehanna Bank. A copy of this letter is attached to the Engineer's Report.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin – Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

3. **Illiano's Restaurant Performance Bond Release (11-20160)**

The Quality of Life Committee conducted a formal inspection of this site back on 9/22/08. The project improvement was completed in compliance with the applicable standards. The few minor items contained in the onsite inspection have been satisfactorily addressed. We would therefore recommend Council's consideration of the following:

Motion by Councilperson Barberio, seconded by Councilperson Lewis, release of the Letter of Credit #20004020689 posted by Susquehanna Bank subject to compliance with the conditions noted in the ARH letter dated 12/08/09 to Loretta Blazer at Susquehanna Bank. A copy of this letter is attached to the Engineer's Report.

**ROLL CALL**

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

4. **Walnut Street Subdivision – Performance Bond Release (ARH #11-20184):**

The developer was seeking release from his performance bond letter of credit #2005-24 provided by Boardwalk Bank for the project site improvements for Phase I. Previously the developer was granted a reduction in the amount of the performance bond to 30% of the original estimate. The subdivision for this phase consisted of five (5) residential lots for which four (4) of the residences and the associated improvements were completed. No stormwater was visible in the stormwater recharge basin on the day of the site visit even though it had been raining through the night the evening before and during the morning of our onsite inspection. One lot along Walnut Street remained undeveloped for which sidewalk, street trees and a landscaped berm in the rear yard area remains to be constructed as part of the original performance bond. It was mentioned that the developer had sold the last Lot #15.06 to an individual property owner and the developer is unsure if or when the home construction and remaining improvements noted above will be completed. If legally permissible, it was suggested that a separate letter of credit be provided by the developer as security for the improvements to be constructed on the remaining undeveloped lot #15.06 which would also include provisions for minor lot grading to a portion of the basin. It was also suggested to allow the original performance bond be released conditioned upon it being replaced with a maintenance bond in the amount of 15% of the entire original project bond or \$50,000.00 amount. Again, all the above noted being predicated upon approval by the Town Solicitor, so as to provide for protection to the Town and the owner of lot 15.06. It was also recommended that the separate four (4) year Basin Maintenance Bond, as required by the Pinelands and Town, will remain in effect.

No action taken this evening.

5. **Bella Vita Subdivision Improvements Block 2702, Lot 20 Fairview Avenue (ARH #11-20195):**

As authorized last meeting, the Solicitor is preparing an Agreement between the developer, the Homeowners Association and the Town that will allow the Town to provide municipal services such as snowplowing to the development being that all improvements have been completed.

The Quality of Life Committee visited the site on Saturday, December 5, 2009. The developer is seeking release from his Letter of Credit #S040113 posted by The Bank as a Performance Guaranty for completion of the project site improvements. It was observed that the drainage for the basin had improved since the Committee had last met on-site. The developer did perform some additional work within the basin such as constructing a stone key with filter fabric and fluffing the basin bottom with use of excavation equipment. We are requesting Council's consideration for the following action:

A discussion was held with Councilman Bertino questioning the ability of the drainage pond with Mr. Bob Vettese, Town Engineer assuring Councilman Bertino that the drainage pond is working per specifications.

Motion by Councilperson Barberio, seconded by Councilperson Lewis, release of the Letter of Credit #S040113 originally posted by The Bank subject to the compliance with the following conditions:

1. Town Solicitor's review and approval of the Letter of Credit #S040153 posted by The Bank as a Maintenance Guaranty for the project.
2. Clearing the basin of debris and trimming the tree in the center of the basin.
3. Payment of any and all outstanding bills.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - N

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

Councilman Wuillermin asked Councilman Bertino, for the record, why he voted no?

Councilman Bertino stated he is not satisfied with the performance of the basin.

**6. McDonald's Restaurant – Block 3603, Lot 25 (ARH #11-20202.02):**

The members of the Quality of Life Committee conducted an on-site visit on Saturday, December 5, 2009 to inspect the access drive construction. The developer had provided a separate performance bond to secure the improvements consisting of the construction of an access drive connecting the McDonald's property to the Peach Tree Plaza site. The access drive improvements have been completed and appear satisfactory. The contractor completed the other repair items as noted in our inspection last year.

Motion by Councilperson Barberio, seconded by Councilperson Rodio, release of the performance bond #6562924 posted by SAFECO for the access drive construction subject to compliance with the following conditions:

1. Posting of a maintenance bond or the Letter of Credit for the access drive construction totaling \$2,160.00 in a form acceptable to the Town Solicitor and Risk Manager which will remain in effect for 2 years.
2. Satisfying any and all outstanding bills and the establishing sufficient escrow for the release of the maintenance bond and project closeout.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

**7. Hammonton Gardens Apartments – Block 1201, Lots 5 & 5.01 (ARH #11-50121.03)**

The Quality of Life Committee had conducted an on-site inspection of the project improvements on Saturday, December 5, 2009. The applicant had posted a letter of credit number 2009031 issued by the Sun National Bank for the construction of a sanitary sewer line to connect the existing units on site to the Town's sanitary sewer system. The Town is in receipt of a letter from Cape Atlantic Soil Conservation recommending a TCO for the site improvements. The Committee seemed satisfied with the improvements completed. We therefore make the following request for Council's consideration:

Motion by Councilperson Lewis, seconded by Councilperson Barberio, approval of the following:

1. Release of the letter of credit #2009031 issued by Sun National Bank subject to posting a maintenance bond equal to \$41,317.46 in a form acceptable to the Town.
2. Compliance with the items in ARH's letter of December 2, 2009.
3. Payment of all outstanding bills and the establishing sufficient escrow for the release of the maintenance bond and project closeout at the appropriate time.

**ROLL CALL**

Councilpersons:

Barberio - Y

Bertino - Y

Lewis - Y

Petrongolo - Y

Rodio - Y

Wuillermin - Y

Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

**SEWER & WATER INFORMATION ITEMS**

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

Optimization Report ~

As previously reported, the Optimization Report was submitted to all applicable agencies on October 7, 2009. Outside of the Pinelands requesting an archived report which we have since furnished, they have not made any comments. In the interim, Council adopted a proposal from the consultant, Omni Environmental for additional services associated with the implementation phase of the Optimizing Report. Omni Environmental's proposal was for Phase I and II in the amount of \$46,000.00, whereby only Phase I in the amount of \$29,000.00 was authorized at the present time. Other than reviewing the data from the continuous loading of the trenches that has occurred for approximately three months now and the progress on the drip irrigation trial, the core of this proposal cannot be initiated until comments are received from the Pinelands on the Optimization Report.

Lee Rain – Trial Application –

As previously reported, Lee Rain completed the installation of the drip lines for the trial areas. The pumps are now installed and the trial operation has commenced. Over the past month, significant rainfall has prevented the trial from moving forward since it would distort the amount of percolation attributed directly to the drip operation as opposed to precipitation. As a reminder, the affect of the trial will not be known for at least two months once fully operative. The drip irrigation application on the forested area as well as the recreation fields is one of the elements of the optimization strategy. Perhaps next month, if the amount of rainfall subsides, the trial will have some measurable findings to report.

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

The bid was awarded at the November 23, 2009 subject to the availability of funds that will be in place after the twenty day estoppel period following the second reading of the Ordinance. Paramount Enterprises, at a cost of \$1,763,512.50 was the successful contractor. The estoppel period ended on December 13, 2009. In anticipation of this event, the contracts were sent to the Contractors for execution and the posting of bonds. We are awaiting resubmission, but do not intend to start this project until sometime after the first of the year.

As a reminder, this project will cover from Valley Avenue to Third Street and is necessary to repair an antiquated sewer main along this section of Bellevue Avenue. While the road is excavated, the water main, which is also aged, and limited section of storm sewer will be replaced and inlets added as needed. Since this project involves the central artery through the Town and detours will be necessary, it is our intent to request PWTC to conduct a public session so that all affected parties (business merchants, school systems, residents, general traveler, and emergency management) are fully aware of the detour routes, hours of operation, duration of project, closures, etc.

There is no good time to repair these utilities for no matter when, it will serve as an inconvenience to someone, but unfortunately this work must be accomplished. Assuming the contracts and bonding are acceptable and adequate time is provided for public awareness, the project can commence by early February (weather permitting).

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

Major Modification Application:

A detailed report was files last meeting whereby the Council was apprised of the Pinelands concern with allowing the increase of the monthly and annual diversion to the Hammonton Water System. At the Pinelands request, the Town has allowed them additional time to review the information as opposed to simply obtaining a denial from them. They requested until February for the presentation of their findings where the Town has agreed to receive the report by January. In the interim, NJDEP cannot issue the permit modification to increase diversion. However, the Pinelands has agreed that if there is any urgent matter requiring an increase in diversion, they will discuss the matter with us prior to completion of their findings.

Future Well:

The PWTC has been briefed on the other possibilities for land acquisition and there is on acquisition additional opportunity that the Town will be exploring before determining its ultimate option.

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

As discussed with the PWTC, action on this project was deferred to the new Council taking office in January. At that time, we will review the project options and funding.

12. **Southwest Hammonton – Sanitary Sewer Service (ARH #11-50130.01):**

Design work for this project has been delayed for this month while we were concentrating on finalizing the Rt. #54 and Pine, Basin, Oak and White Horse Pike projects. Work will resume on this project once again after the first of the year. The Solicitor is finalizing the agreement between the applicant and the Town related to project cost sharing as discussed with the PWTC and Council earlier this year.

**PUBLIC WORKS INFORMATION ITEMS**

13. **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 final payment has been made to the contractor and we are in the process of completing the documents to request reimbursement of the eligible portion of the project cost from the ACIA.
14. **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. The County has recently directed a letter to the Town informing the Mayor and Council of their possible roadway resurfacing project and time frame for same, a copy of which has been attached to this report. 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 at a later time. The PWTC should discuss this matter in further detail now, provide budgetary appropriations and seek possible funding assistance as necessary. We will be directed by the PWTC and Council's recommendation.
15. **Central Avenue Roadway Reconstruction Project (ARH #11-40027):**  
We are currently working with the contractor, the County and the Town's Finance office to close out the contract. We would hope to have all documents ready and approved by the County for closeout by the end of this year.
16. **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. There is also a portion of the 2006 funds, approximately \$30,000.00 remaining which could also be applied to a new eligible project. 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. As requested by the PWTC, we also directed a letter to the ACIA requesting their consideration and approval to fund the construction of various handicap parking and access walkway improvements associated with the Phase II section of the Hammonton Lake Park project. After review by the ACIA, we were verbally informed that the construction of these new facilities would not be eligible for funding consideration. We will discuss additional options for funding eligibility with the PWTC, but most likely we will be limited to the specific eligible area of the Town. We will provide the proposal for consideration once the PWTC selects a project for funding. We will be directed by the PWTC and Council's recommendation.
17. **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. As authorized by Council, the Solicitor has sent out letters to various property owners requesting a response related to their interest in selling their property to

the Town. The Solicitor has also met with a number of the property owners related to their interest in participating in this program and has been in contact with Ranae Fehr related to the various options for consideration. The Solicitor will provide an update to Council on this matter. It may be wise to request the County's consideration related to the reallocation of a portion of the funds where property owners do not desire to sell their property and concentrate on the properties where a willing seller exists and proceed with appraisals on these properties as required by the County.

18. **Valley Estates Subdivision – Block 3403, Lot 29 & 34 (ARH #11-20174.02)**

The members of the Quality of Life Committee conducted an on-site inspection on Saturday, December 5, 2009, specifically to review the condition of the stormwater basin. The developer was seeking release of the maintenance bond for the project improvements to the site and release from his stormwater basin maintenance bond posted as a requirement of the Pinelands Commission to guarantee the maintenance of the stormwater basin for a period of 4 years after completion. There was about a foot of water observed within the bottom of the basin, but the basin appears to be operating much better than our last visit to the site two years ago. Since the project maintenance bond will still be in effect until March 20, 2010, we will again look at the release of the two bonds at that time.

19. **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 have made these revisions and resubmission to NJDEP. We are currently waiting for their review.

*Funding:* It should be noted the NJDOT has announced 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.

20. **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. The Contract has gone over the original contract price. We have presented change orders to applicable committee members for Council's consideration.

*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.

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

We forwarded the supportive resolution to the NJDEP previously adopted by Council along with the design plans, specifications, reports and forms as required. We recently received a letter from the NJDEP approving the sanitary sewer extension application. We will keep Council and the PWTC informed of further progress. It may be advisable to meet after the first of the year to bring everyone up to date on the project approval and the remaining items required to be completed or decisions made so that the project could move forward.

22. **Mazza Property, Block 2804, Lot 1 - Egg Harbor Road (ARH #09-0731):**

It is our understanding that the Town has purchased the above noted property with the intentions of seeking approvals to construct a parking area to service this section of Town. In 2007, ARH was authorized to complete a base plan of the area and provide a conceptual plan for parking on the property using an initial sketch completed by John Woods. The Mayor has requested that we provide a proposal to gather what other information is necessary and proceed with a design plan that could be submitted to the various agencies for approval and permitting where required. We are in the process of preparing that proposal and will try to have it ready for Council to consider at Monday's meeting.

Motion by Councilperson Barberio, seconded by Councilperson Rodio, authorize a purchase order to ARH in the amount of \$22,900.00.

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

Airport restaurant re-bid

Motion by Councilperson Barberio, seconded by Councilperson Rodio, authorize Solicitor to re bid airport restaurant.

Mayor DiDonato invited the Airport Administrator Rock Colasurdo forward to speak concerning the proposed airport restaurant.

Mr. Colasurdo stated he would like to amend the previous bid so that the Town would install the kitchen rather than have the restaurant owner installing the kitchen in lieu of free rent for one year?

Motion by Councilperson Barberio, seconded by Councilperson Rodio, amend the motion to allow the solicitor to meet with airport committee and revise bid for airport restaurant per their recommendation.

Continisio Walnut Street project reported on under Engineer report

Mazza Muffler resolution under new business

Berenato (2<sup>nd</sup> Road property) dump site

PULTE – paving completed and additional minor issues being discussed

NPP/Little Italy

Motion by Councilperson Barberio, seconded by Councilperson Rodio, authorize letter from Mayor DiDonato to DCA requesting authorization to amend NPP funding to include additional projects such as sod installation and skinner building.

ROLL CALL

Councilpersons:

Barberio - Y

Bertino – Y

Lewis - Y

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

Mayor DiDonato declared the motion carried.

COAH

Solicitor updated council on COAH and advised he was not able to bring the matter to the table this evening but he plans to do so in January.

MAYOR REPORT

Mayor advised of January 1 organization meeting  
He wished the Mayor Elect Steve DiDonato, and Councilpersons Elect Michael Pullia and Tom Gribbin the best of luck

APPROVAL BILLS & PURCHASE ORDERS

Motion by Councilperson Lewis, seconded by Councilperson Barberio, the bill list and purchase orders be approved.

ROLL CALL

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

Mayor DiDonato declared the motion carried.

RESOLUTIONS

#R137-2009 Council Meeting Dates for Year 2010

#R 137 -2009

WHEREAS, the Open Public Meeting Act otherwise known as Chapter 231 of the Public Laws of 1975 requires that all municipalities adopt a Resolution setting the time, place and date of their meeting; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, as follows:

1. There shall be an Organization Meeting at 12:00 o'clock noon on January 1, 2010 at which time Mayor and Common Council of the Town of Hammonton will reorganize for the full year and conduct such business, including emergent matters, as is necessary.
2. The following is the list of **council meeting dates for year 2010**. Said meetings will be held at 6:00 p.m. and begin with an executive session, if necessary, which will adjourn to the open portion of the meeting at 7:00 p.m., in the Town Council Chambers, Town Hall, 100 Central Avenue, Hammonton, New Jersey 08037:

January 25	July 26
February 22	August 23
March 22	September 27
April 26	October 25
May 24	November 22
June 28	December 13

3. That the council meetings will be open to the public.
4. That the Hammonton News, the Hammonton Gazette and the Atlantic City Press are those newspapers designated as the papers to which all notices are to be sent as to all meetings not specifically provided for in this Resolution to Chapter 231 of the Public Laws of 1975.
5. That minutes shall be kept and provided as required by said statute by the Town Clerk of all the meetings set forth above and shall be available to the public pursuant to the requirements of said law.

Councilman Barberio questioned the December 13 council meeting date?

The Deputy Clerk advised that the meeting dates have been approved by Mayor Elect Steve DiDonato.

#R138-2009 Tax Resolution December

#R 138-2009

WHEREAS, Rosemarie Jacobs, Tax Collector, has approved the following cancellations and refunds to the accounts listed below:

B&L	NAME	ADDRESS	AMOUNT	ACC T.	REASON	PER
4602-4	Janelli	57 Middle Rd	433.02	Tax	Refund overpayment First Amer.	Rosie
4901-21.10	Tomaro	80 Centennail	4054.29	Tax	Refund overpayment BAC	Rosie
1707-14	Thompson	1001 n Egg Harbor	1546.07	Tax	Refund overpayment us bank	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.

#R139-2009 Amend Resolution 83-09 Clean Community Grant

#R 139-2009

Amending Resolution # 83-2009 for the Clean Communities Grant. Whereas, the original Resolution # 83-2009 appropriated \$25,718.18, the appropriation should be \$5,559.93.

Now, Therefore, 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 **\$5,559.93 from NJ Clean Communities**, and wishes to amend its Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Hammonton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the **2009 Budget in the sum of \$5,559.93** which is now available as a revenue from:

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

**NJ Clean Communities**

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

#R140-2009 Authorize Acquisition Mazza Property

#R 140-2009

Resolution of Acquisition of Mazza Property

Whereas, the Mayor and Common Council of the Town of Hammonton, County of Atlantic, State of New Jersey, desires to acquire the Mazza Property identified as Block 2804, Lot 2, located at 144 South Egg Harbor Road (herein referred to as the "Property"), having determined that it is an area needed for Downtown Parking.

Now, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Hammonton, County of Atlantic, State of New Jersey, that the Town of Hammonton purchase the Property, and is committed to develop it as Downtown Parking.

#R141-2009 Transfer Resolution

#R 141 -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:

FROM: IN CAP	
Gasoline OE (9-01-31-11E-200)	\$2,510.00
TO: IN CAP	
Collection of Tax S&W (9-01-20-105-111)	\$200.00
TO: IN CAP	
Other Code Enf. S&W (9-01-22-127-111)	\$10.00
TO: IN CAP	
Assessment of Tax OE (9-01-20-104-200)	\$1,800.00
TO: IN CAP	
Finance OE (9-01-20-103-200)	\$500.00

TO: IN CAP Public Bldg./Grds OE (9-01-26-108-200)	\$2,000.00
FROM: IN CAP Water OE (9-05-55-601-200)	\$500.00
TO: IN CAP Water Social Security (9-05-55-609-200)	\$500.00

#R142-2009 Interlocal Services Agreement Moss Mill Road

#R142-2009

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY REGARDING DRAINAGE AND PAVING IMPROVEMENTS TO MOSS MILL ROAD

WHEREAS, the County currently owns the right of way of Moss Mill Road (CR 561) and maintains the road for vehicular travel between the curb lines thereof; and

WHEREAS, the Town of Hammonton has contracted for the extension of sanitary sewer along Moss Mill Road and drainage improvements at two low points along with the resurfacing of the entire width of Moss Mill Road for the area within the project limits; and

WHEREAS, the Mayor and Town Council of the Town of Hammonton desires to accommodate the mutual interest of both the Town and the County in maintaining safe vehicular travel along Moss Mill Road by sharing in the cost of the project; and

WHEREAS, as the inter-local services agreement has been prepared by the Town and approved by the County that further details the cost sharing of said drainage and paving improvements along Moss Mill Road within the project limits; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Hammonton, County of Atlantic that it authorizes the Mayor, Clerk and Solicitor to execute said inter-local services agreement on behalf of the Town.

Motion by Councilperson Rodio, seconded by Councilperson Barberio, resolutions 137-142 be adopted.

ROLL CALL

Councilpersons:

- Barberio - Y
- Bertino – Y (recused on Resolution 140 only)
- Lewis - Y
- Petrongolo - Y
- Rodio - Y
- Wuillermin – Y
- Mayor DiDonato - Y

Mayor DiDonato declared the motion carried.

PUBLIC HEARD

John Bee

Mr. Bee stated he wanted to talk about the proposed senior citizen project on West End Avenue. He stated a month ago he made a presentation to Planning Board and Town Council and thought that, other than a few minor issues, his proposal would be approved this evening. He reminded council that he brought suit against the town and read a letter from Mary Beth Lanogan, of the COAH court case, who also thought this issue was nearly resolved. He explained COAH is a law of the State of New Jersey and the Town of Hammonton is in violation of the law. Judge

Nugent has been waiting for 2 years for the town of comply. If the town does not comply he will ask for a summary judgment that he feels he will win and he will take the town to court and the judge will then make the decision for the Town. He also stated under the Towns watch Kessler Hospital closed. He approached Kessler representatives concerning their 40 percent loss of patients. He offered to join with Kessler in an effort to save them. He felt that his senior housing would have aided Kessler financially. He also feels senior housing will benefit the downtown vendors as senior would be in walking distance to visit and shop downtown. He pointed out that seniors would not have children attending our school system which would be a savings in school tax but an income to the town. He closed by stating he does not have to build senior housing which would benefit the town and can build low income housing.

Rock Colasurdo

Mr. Colasurdo thanked the Hammonton Highway Department for their hard work in clearing the airport runway during the recent snow storm.

Nick Bradford and Sue Gietka of Green Committee

Mr. Bradford and Ms. Gietka reviewed the Green Committee's accomplishments. They thanked Mayor and Council for their continued support and concern for the environment.

Bud Payner

Mr. Payner complimented and congratulated our outgoing Mayor and Councilpersons for their help with Pulte issues. He personally thanked Councilperson Petrongolo for her contribution to the arts here in Hammonton. He also thanked the highway department, police and fire for their hard work during the snow storm. He wished everyone a nice holiday.

Mark Santora

Mr. Santora questioned the status of the basin at Pulte.

Solicitor advised there have been ongoing discussions with the bond company and there may be a change in venue but he cannot report on it at this meeting and plans to report on this at the regular meeting of council in January.

Mayor DiDonato reminisced about the first time Mr. Santora brought him to view the water and agreed with Mr. Santora that the water is a problem.

Mayor's thank you

Mayor DiDonato thanked all Hammontonian's for allowing this Mayor and Council to work for them in accomplishing many goals including building a new town hall and community center, upgrading the downtown, various roadway and utility projects, NJM, and holding public employees accountable etc, at no tax increase. He thanked town employees, those appointed officials, the Solicitor and Engineer, and all those who served on council the last four years. Mayor presented plaques to outgoing councilpersons.

Deputy Mayor Wuillermin and Councilwoman Tracy Petrongolo presented Mayor DiDonato with plaques as well.

Mayor DiDonato asked Deputy Mayor Wuillermin to adjourn this meeting.

MEETING ADJOURNED

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

Minutes recorded by April Boyer Maimone, Deputy Clerk

Minutes approved by Susanne Oddo, Town Clerk/Adm.