

Minutes Regular Meeting of Mayor and Council – August 26, 2013  
Town Hall Council Chambers, 100 Central Avenue  
Executive Session 6:30 P.M.  
Public Session 7:00 P.M.

**Agendas & Minutes can be viewed at [www.townofhammonton.org](http://www.townofhammonton.org)**

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilpersons:  
Bachalis – Present  
Carpo - Present  
Esposito - Present  
Furgione - Present  
Pullia – Present via telephone  
Rodio - Present  
Mayor DiDonato - Present

PRESENT ALSO

Brian Howell, Town Solicitor  
Jerry Barberio, PWM/Business Administrator

#R094-2013 Executive Session

#R094-2013

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. OPRA Request – Killion v. Town of Hammonton
2. Hangar Construction
3. Thru the fence
4. Hammonton Lake – Henning
5. Paradise Lakes – New Ownership
6. Gulig v. Town of Hammonton

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 Esposito, seconded by Councilperson Rodio, the resolution to enter into executive session is adopted.

ROLL CALL

Councilpersons:  
Bachalis - Yes  
Carpo - Yes  
Esposito - Yes  
Furgione - Yes  
Pullia - Yes  
Rodio - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

RESUME REGULAR MEETING-ROLL CALL

Councilpersons:

- Bachalis - Present
- Carpio - Present
- Esposito - Present
- Furgione - Present
- Pullia – Present via telephone
- Rodio - Present
- Mayor DiDonato - Present

Councilman Bachalis advised that he would need to be excused at approximately 9:00 p.m. this evening.

PRESENT ALSO

- Brian Howell, Town Solicitor
- Chris Rehmann, Town Engineer
- Jerry Barberio, PWM/Business Administrator

PUBLIC NOTICE

Notice of this meeting has been posted and given to official newspapers. Please familiarize yourselves with the fire exits to the right and rear of the Council Chambers. Please do not proceed beyond the front benches without invitation from the Mayor to do so.

PLEDGE OF ALLEGIANCE

PUBLIC HEARD FOR AGENDA ACTION ITEMS

No one desired to be heard.

APPROVAL OF MINUTES

- Executive Session July 22, 2013
- Regular Meeting July 22, 2013

Motion by Councilperson Esposito, seconded by Councilperson Rodio, the minutes are approved as recorded by the clerk.

ROLL CALL

- Councilpersons:
- Bachalis - Yes
- Carpio - Yes
- Esposito - Yes
- Furgione - Yes
- Pullia - Yes
- Rodio - Yes
- Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

#R094A-2013 Honoring Lion Club and Presentation of Plaque

#R 094A -2013

A RESOLUTION HONORING THE HAMMONTON LIONS CLUB  
AND DEDICATING AUGUST 26<sup>TH</sup> THROUGH SEPTEMBER 28<sup>TH</sup>  
AS "HAMMONTON LIONS CLUB RECOGNITION MONTH"

WHEREAS, the Hammonton Lions Club District 16C, consisting of over 70 members, was chartered on August 20, 1963 and will be celebrating its 50<sup>th</sup> Year Anniversary on September 28<sup>th</sup>; and

WHEREAS, the Mayor and Council wish to formally honor the Hammonton Lions Club for its service to our community for raising over \$750,000 to support sight and community projects; and

WHEREAS, the Hammonton Lions Club is primarily dedicated to the preservation and restoration of sight by providing free eye exams and glasses to those in need within our community, the club supports district, state and international Lions sight programs, and the Lions Clubs International Foundation which aids developing countries and is on the scene of disasters throughout the world; and

WHEREAS, the Hammonton Lions Club supports activities for our youth by sponsoring Hammonton Little League and Youth Soccer Teams, programs and graduation awards in the Hammonton School District, St. Josephs School and Folsom School; and

WHEREAS, the Hammonton Lions Club has contributed to the community by sponsoring several projects including the renovation and beautification of Veterans Park, the creation of Hammonton Lions Leo Park and the Walk of Memories within the park, several flagpoles within the town, and the construction of a Community Bulletin Board at Fire Co. #2; and

WHEREAS, the Hammonton Lions Club supports our local police and fire departments, and our local food pantries, as well as area clubs and organizations by participating in the ALS Walk, volunteering at the Field of Dreams, and donating to Covenant House and Hurricane Sandy Rescue efforts The club initiated the Hammonton Lions Cancer Walk benefiting the Hammonton Cancer Foundation which has continued the event; and

WHEREAS, the Hammonton Lions Club recognizes the value of volunteerism, by holding an annual Citizen of the Year Dinner to honor Hammontonians who make a difference in the lives of the people in our community; and

WHEREAS, the Hammonton Lions Club has received the Club Excellence Award from Lions International, Best Club in District 16C Awards and the Sight Seeker and Diamond Awards from the Lions Eye Bank of Delaware Valley, has the distinction of having five Past District Governors and 2 Past NJ State Council Chairpersons as members and several members named Melvin Jones Fellows by Lions International and Gene Polgar Fellows by the Lions Eye Bank of Delaware Valley;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, that AUGUST 26<sup>TH</sup> THROUGH SEPTEMBER 28<sup>TH</sup> is dedicated as "Hammonton Lions Recognition Month" in an effort to honor the Hammonton Lions Club for their outstanding service to our community.

Motion by Councilperson Bachalis, seconded by Councilperson Furgione, the resolution is adopted.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpio - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Hearing Ordinance #015-2013 Establishing Regulations for Pawn Shops

\*Adopt with minor amendments per Detective Hagerty and Solicitor

Ordinance #015-2013

ORDINANCE CREATING AND ESTABLISHING A NEW CHAPTER OF THE TOWN OF HAMMONTON CODE ENTITLED "DEALERS OF PRECIOUS METALS, GEMS AND SECONDHAND GOODS, LICENSING AND REGULATION"

**WHEREAS**, theft of property negatively affects the residents of Hammonton and the surrounding area and has a negative financial impact on citizens and businesses.

**WHEREAS**, the Town Council believes that a thorough investigation, identification, maintenance of records, and licensing of secondhand dealers in the Town of Hammonton is required and would be in the interest of public safety and general welfare, consistent with and in accordance with N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq; and

**WHEREAS**, it is the purpose and intent of this Chapter to assist law enforcement officials and victims of crime in recovering stolen precious metals, gems, gemstones, and/or other articles by requiring electronic reporting, maintenance and distribution criteria for secondhand and transient dealers; and

**WHEREAS**, pursuant to this Chapter, secondhand dealers of goods within the Town of Hammonton are hereby required to submit transaction data in an electronic format; and

**WHEREAS**, the use of electronic reporting systems for this type of information is common across the United States. These systems are proved to dramatically increase law enforcement's ability to efficiently collect transaction data, to make matches of sold or pawned items to stolen items, and to identify trends in the selling or pawning of stolen property.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Hammonton, County of Atlantic, in the State of New Jersey that this Ordinance entitled "Dealers of Precious Metals, Gems and Secondhand Goods, Licensing and Regulation" be added to the Town Code and which shall read in its entirety as follows:

**Section I.**

**DEALERS IN PRECIOUS METALS, GEMS AND SECONDHAND GOODS**

**I. PURPOSE AND INTENT.**

The purpose and intent of this Chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals, gems, gemstones and/or other articles by requiring minimum reporting, maintenance and distribution criteria for secondhand and transient Dealers.

No person shall use, exercise or carry on the business, trade or occupation of buying scrap gold, old gold, silver, jewelry, home electronics/audio and visual equipment, musical instruments, telephones and telephonic equipment, scales, computers, computer hardware and software, typewriters, word processors, scanners, sporting goods of all kinds, antiques, platinum, all other precious metals, tools of all kinds, televisions, DVRs, GPS, camcorders, car stereos, gift cards, furniture, clothing or other valuable articles, hereinafter referred to as "secondhand goods or articles," or being a secondhand Dealer within the Town of Hammonton without having first obtained a license from the Town of Hammonton Police as hereinafter provided.

The provisions of the preamble hereof are incorporated by reference in this Ordinance.

## II. DEFINITIONS.

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meanings ascribed herein. Words used in the present tense shall include the future, words in the plural number shall include the singular number and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

- A. **ACCEPTABLE IDENTIFICATION:** Acceptable forms of identification include: a current valid New Jersey Driver's License or Identification Card, a current valid photo driver's license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification.
- B. **ARTICLE:** Any article of merchandise, including any portion of such article, whether a distinct part thereof or not, including every part thereof whether separable or not, and also including material for manufacture. And as so defined in N.J.S.A. 51:6-1.
- C. **CHIEF OF POLICE:** the Chief of Police of the Town of Hammonton or his designee/representative.
- D. **DATABASE:** A computerized internet capable database with hardware and software compliant to that set by the Chief of Police.
- E. **DEALER:** Any person, partnership, corporation, or other entity, whether permanent or itinerant, who on one or more occasions (through any means) buys or sells or otherwise exchanges or trades secondhand gold, silver, precious metals, gems, or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.
- F. **DESIGNATED VENDOR:** A person or entity who is appointed or designated by the Chief of Police who is authorized to collect and maintain precious metal transaction information, or other purchase information as defined herein, for the Town of Hammonton.
- G. **GIFT CARD:** is a restricted monetary equivalent or scrip that is issued by retailers or banks to be used as an alternative to a non-monetary gift.
- H. **ITINERANT BUSINESS:** Any business conducted intermittently within the Town of Hammonton or at varying locations.
- I. **PERSON:** Any individual natural person, partnership, joint venture, business, society, associate, club, trustee, trust, corporation, or unincorporated group, or an officer, agent, employee, servant, factor or any form of personal representative of any thereof, in any capacity, acting for self or on behalf of another.
- J. **PRECIOUS METALS:** comprised of gold, silver, sterling, platinum and/or their alloys as defined in N.J.S.A. 51:5-1 *et seq.*, N.J.S.A. 51:6-1 *et seq.* and/or N.J.S.A. 51:6A-1 *et seq.*; gems, gemstones, coins and all forms of jewelry herein contained.
- K. **PUBLIC:** Individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.
- L. **PURCHASE:** The exchange of money and the exchange, deposit, pledge, sale, conveyance or trade of any tangible or intangible article.
- M. **REPORTABLE TRANSACTION:** Every transaction conducted by a Dealer in which precious metals, or other tangible property, are purchased or exchanged from or with the public.
- N. **SECONDHAND GOODS:** Any article previously sold, acquired, exchanged, conveyed, traded or otherwise formerly owned, including but not limited to scrap gold, old gold, silver, jewelry, home

electronics/audio and visual equipment, telephones and telephonic equipment, scales, computers, computer hardware and software, coins, electronic tablets, cameras, scanners, sporting goods of all kinds, antiques, platinum, all other precious metals, tools of all kinds, televisions, DVRs, GPS, camcorders, car stereos, gift cards, furniture, clothing or other valuable articles.

- O. **TRANSIENT BUYER:** A Dealer who has not been in any retail business continuously for at least six (6) months at any address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business in the Town of Hammonton within six (6) months. Or as so defined in N.J.S.A. 51:6A-5 and N.J.A.C. 13:47C-1.1. Vendors doing business during a community event sponsored/sanctioned by the Town of Hammonton shall not be considered a Transient Buyer.

**III. REGISTRATION AND ISSUANCE OF LICENSE**

Each Dealer conducting business within the jurisdiction of the Town of Hammonton shall first register with the Chief of Police, or his designee, who shall fingerprint the applicant and institute such an investigation of the applicant’s moral character and business responsibility as he deems necessary for the protection of the public welfare. In the event that the Dealer is a business entity other than a sole proprietorship, the officers in a corporation or the partners in a partnership (or limited partnership) shall be deemed to be the applicant (s) who shall be fingerprinted and investigated in accordance with this section. Upon completion of the investigation, the Chief of Police shall either issue or deny the license based upon the results of his investigation. Upon issuance of the license, the applicant shall be given a copy of this Ordinance.

A Dealer of precious metals, gems or gemstones or second hand goods shall, prior to buying, attempting to buy or offering to buy, register with the Chief of Police, providing the following information on an application prescribed by the Police Department:

- i) Name and address of Dealer;
- ii) Address from which Dealer shall conduct business;
- iii) Copy of valid zoning and/or construction permits from the Town of Hammonton;
- iv) Proof that Dealer has obtained computer equipment and software required in Section IV of this Ordinance, for purposes of reporting all transaction data in electronic format to the Hammonton Police Department.

**IV. LICENSE FEES; NON-TRANSFERABILITY.**

- A. Each application for a Dealer of Secondhand Goods License shall be accompanied by an annual fee of \$300.00 payable to the Town of Hammonton at the Town Clerk’s Office by January 10<sup>th</sup> of each year.
- B. A license issued under the provisions of this Chapter shall not be transferable and shall terminate on December 31<sup>st</sup> of the year in which said license is issued.

**V. REVOCATION OF LICENSE.**

- A. Licenses issued under the provisions of this Chapter may be revoked by the Chief of Police after a hearing upon notice to the applicant for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for license;
  - (2) Fraud, misrepresentation, or false statement made in the course of carrying on the business of purchasing secondhand precious metals, gems, and jewelry;
  - (3) Any violation of this Chapter;
  - (4) Conviction of any crime or disorderly persons offense involving moral turpitude; and
  - (5) Conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
- B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for the hearing.

#### **IV. DEALERS' RESPONSIBILITIES, REQUIREMENTS AND RECORD KEEPING.**

Every Dealer within the Town of Hammonton shall, upon the purchase of any precious metals, or second hand goods from the public, be required to do as follows:

- A. Record on a numbered receipt the name, address and telephone number of the purchaser; the name, address and telephone number of the seller or sellers; the time and date of the transaction; the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams of the precious metals; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq. This information is to be documented through use of an electronic database software system as designated by the Chief of Police. These records shall be subject to the inspection of any authorized police officer of the Town of Hammonton.
- B. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, enter all transactions into the electronic database within forty-eight (48) hours from the date of purchase. The information entered will contain the information in Section V Subsection A above, plus the following:
  - (1) A physical description of the seller;
  - (2) The receipt number;
  - (3) A full description of the item or items purchased, including but not limited to, marks, numbers, dates, sizes, shapes, initials, monograms and serial numbers.
  - (4) The price paid for the item;
  - (5) The form must be signed by the seller
  - (6) The form must be legibly initialed by the clerk or the Dealer who made the transaction so as to readily identify that individual
  - (7) A color photograph or color image of the seller's presented identification.
  - (8) A color photograph or color image of all items sold. When photographing or imaging all items must be positioned in a manner that makes them readily and easily identifiable.
  - (9) Items should not be grouped together when photographing or imaging; each item will have its own color photograph or color image.
- C. The precious metals are to be made available for inspection by the Chief of Police of the Town of Hammonton and to any other Federal, State, County or other law enforcement entity for a period of five

(5) days from the date the information required above is received by the Chief of Police on the approved form. The precious metals shall remain in the same condition as when purchased and shall not be changed, modified, melted or disposed of by the purchaser until the five-day period has expired. During this five day period, the precious metals shall be placed in public view at the purchaser's place of business. If the property is such that it would create a hardship on the Dealer by holding the precious metals for such period, the Dealer may present the property to the Chief of Police in order that it may be photographed and, if deemed necessary by the Chief of Police, an investigation be implemented. The Chief of Police has the authority to grant the Dealer a waiver of the requirement under this section.

- D. In the event a database failure, or Dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police. In the event that paper forms are used, the dealer is responsible to enter all transaction information into the database as soon as possible upon the Dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the Dealer to properly maintain computer equipment in a reasonable fashion, or failure by the Dealer to replace faulty computer equipment, may result in the Dealer being cited for a violation of the ordinance and subsequently being subject to the penalties for doing so.
- E. Dealer payment to sellers in cash shall be limited to two (2) transactions during a seven (7) day period for the same seller. The seven (7) day period will commence on the day of the first transaction and end seven days after the transaction, i.e. if transaction #1 occurs on Monday the seven (7) day period ends on Sunday. Furthermore, no cash payments shall be made to the same sellers who make more than five (5) transactions in any given thirty (30) day period. Sellers making transactions over the number of prescribed weekly and monthly periods will be paid by the Dealer by means of a bank check drawn from the Dealer's business account.
- F. It shall be the requisite duty of every Dealer, and of every person in the Dealer's employ, to admit to the premises during business hours any member of the Hammonton Police Department to examine any database, book, ledger, or any other record on the premises relating to the purchase of precious metals from the public, as well as the articles purchased or received, and to take possession of any article known by the police officer or official to be missing or to have been stolen, or where the officer or official has probable cause to believe the article is missing or stolen.

**VI. NON-APPLICABILITY.**

This Chapter shall not apply to purchases made by jewelers or other Dealers from wholesalers or other suppliers, but shall only apply to those purchases made from the public or other retail purchases. The Dealer shall keep records of all wholesale purchases for a period of six months from the date of such purchase, which records shall be opened to investigation by the Town of Hammonton Police Department.

**VII. PURCHASES FROM MINORS.**

No Dealer within the Town of Hammonton shall purchase any precious metals from any person under the age of 18 years.

**VIII. VIOLATIONS AND PENALTIES.**

Violation of any provision of this Chapter shall, upon conviction thereof, be punished by a minimum fine of \$100 or a maximum of \$2,000 or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days and a 10 day suspension of its license. Each and every violation shall be considered a separate violation. Every day that a violation continues shall be a separate violation. Each violation shall result in an additional ten (10) day suspension. Any person who is convicted of violating the provisions of this Chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the Court to an additional fine as a repeat offender. The additional

fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this Chapter.

Section II: Any ordinance or parts of ordinance inconsistent with this amending ordinance are hereby repealed to the extent of such inconsistencies.

Section III: This ordinance shall become effective twenty (20) days after passage and published as required by law.

Motion by Councilperson Esposito, seconded by Councilperson Carpo, the ordinance is taken up for second reading and public hearing. Motion carried.

No one desired to be heard.

Motion by Councilperson Furgione, seconded by Councilperson Carpo, the hearing is closed, the ordinance passed second reading with minor amendments and is adopted.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Hearing Ordinance #016-2013 Abandon Property Oak Grove Cemetery

Ordinance #016-2013

AN ORDINANCE AUTHORIZING VACATION AND SALE OF FORMER ROADWAY AND RIGHT OF WAY SITUATE AT OLD FORKS ROAD TO THE OAK GROVE CEMETERY ASSOCIATION PURSUANT TO N.J.S.A. 40:60-28

**WHEREAS**, the Town of Hammonton is the owner in fee of property adjacent to the northerly shoulder of Old Forks Road (a/k/a Cemetery Avenue); and

**WHEREAS**, the property in question consists of land which had previously been the traveled portion of Old Forks Road and also lands deeded to the Town of Hammonton by the Hammonton Board of Education on September 7, 2004, and recorded September 16, 2004, in Book 7838, Page 1, in the Atlantic County Clerk's Office; and

**WHEREAS**, as a result of the partial relocation of Old Forks Road, the property in question no longer serves a public purpose; and

**WHEREAS**, N.J.S.A. 40:60-28 permits the municipality to vacate and convey for a fair and just consideration such property to adjoining property owner; and

**WHEREAS**, the Oak Grove Cemetery Association, a New Jersey Non-Profit Corporation, has expressed a desire to acquire the property in question; and

**WHEREAS**, the said Oak Grove Cemetery Association has reimbursed the Town for the engineering expense associated with the preparation of the field work, survey and legal description associated with the proposed conveyance; and

**WHEREAS**, the Oak Grove Cemetery Association has agreed to maintain the property in conformity with the Town of Hammonton Codes and Standards; and

**WHEREAS**, the Association has agreed to refrain from installing any object, including, but not limited to, headstones and related structures, which exceed forty-two inches (42") in height in order to avoid impairing the visibility of traffic proceeding on Old Forks Road; and

**WHEREAS**, the Cemetery Association has agreed to avoid impairment of any public utility situate on the property and to permit the governmental entities and/or public utilities access to service, repair, replace and/or maintain those structures; and

**WHEREAS**, the Town of Hammonton has retained an area extending fifteen feet (15') measured perpendicularly from the current curb line as depicted on the Plan of Property prepared by Adams, Rehmann & Heggan dated January 21, 2011, a copy of which is attached to this Ordinance; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Hammonton, County of Atlantic, State of New Jersey, that the Mayor shall be and hereby is authorized to execute and that the Clerk shall be authorized to certify a deed, which deed shall reflect a consideration of "one dollar and other good and valuable consideration" in recognition of the expenses incurred by the Oak Grove Cemetery Association and of the future costs associated with the obligations which the Oak Grove Cemetery Association is assuming as set forth above.

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

Garfield DeMarco – Cemetery Association

Mr. DeMarco thanked everyone for the cooperation Oak Grove Cemetery Association has received over the years, including the consideration of Ordinance #016-2013.

Motion by Councilperson Esposito, seconded by Councilperson Rodio, the hearing is closed, the ordinance passed second reading and is adopted.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Hearing Ordinance #017-2013 Bond Ordinance Various Projects

Ordinance #017-2013

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$75,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$71,250 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$75,000, including the aggregate sum of \$3,750 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$71,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Road repairs and striping	\$32,600	\$31,000	10 years
b) Tree removal	15,800	15,000	10 years
c) Sidewalks/curbing	2,725	2,550	10 years
d) Acquisition of equipment	<u>23,875</u>	<u>22,700</u>	5 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
TOTALS	<u>\$75,000</u>	<u>\$71,250</u>	

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

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

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

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

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

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 8.40 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 \$71,250, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$15,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

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

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

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the 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.

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

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

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

No one desired to be heard.

Motion by Councilperson Rodio, seconded by Councilperson Bachalis, the hearing is closed, the ordinance passed second reading and is adopted.

**ROLL CALL**

Councilpersons:

Bachalis - Yes

Carmo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

**Hearing Ordinance #018-2013 Vacate Portions of Forest, Bala, and Terrace**

**\*Additionally, approve street vacation request, Ordinance #018-2013, subject to the following conditions which were moved here from Engineer Report Item #4 to be adopted at the same time as the Ordinance:**

1. The Solicitor be provided with a copy of the Title report for the property which would stipulate how the property encompassing the street vacation would be distributed to the affected adjacent property owners.
2. The Applicant will satisfy all the appropriate conditions of the Planning Board approval that would allow for the street vacation request to proceed forward.
3. The Applicant shall be responsible for all costs associated with the research, review, meetings, advertisement, legal expenses, etc. associated with perfecting the vacation request and distribution of ground to the affected property owners.
4. The Tax Assessor shall approve the assignment of new lot numbers for the lot consolidation and street vacation. The Applicant shall be responsible for the cost to make the appropriate tax map revisions.

ORDINANCE# 018 - 2013

*AN ORDINANCE VACATING A PORTION OF TERRACE AVENUE (Block 3914, Lots 1-4, Block 3909, Lots 1 and 2 & Block 3915, Lot 1), BALA AVENUE (Block 3914, Lots 1-4, Block 3909, Lots 1 and 2 & Block 3915, Lot 1) AND A PORTION OF FORREST AVENUE (Block 3914, Lots 1-4, Block 3909, Lots 1 and 2 & Block 3915, Lot 1) IN THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC (WITHIN SAID BOUNDS 43,516 SQUARE FEET)*

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON IN THE COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AS FOLLOWS:

WHEREAS, in the Town of Hammonton there exists unimproved municipal roadways adjacent to various lots within portions of Terrace Avenue, Bala Avenue and portions of Forrest Avenue, as referenced in the caption of this Ordinance and as noted on the Tax Map of the Town of Hammonton; and

WHEREAS, the Mayor and Common Council have determined, pursuant to N.J.S.A. 40:67 -1 (b) and 40:67-19, that it is in the public interest to vacate a portion of Terrace Avenue, Bala Avenue and a portion of Forrest Avenue as they currently exist and for ownership of the underlying land to revert in equal proportion to the current adjoining land owners as detailed in **Exhibit "A"**; and

WHEREAS, pursuant to N.J.S.A. 40:67-1(b) and 40:67-19, the Town of Hammonton expressly reserves and excepts from vacation all rights and privileges possessed by municipal utilities and public utilities, as defined in N.J.S.A. 48:2-13, and any cable television company, as defined in the "Cable Television Act," (N.J.S.A. 48:5A-1 et seq.) to maintain, repair and replace their existing facilities in, adjacent to, over or under the vacated portions of Terrace Avenue, Bala Avenue and Forrest Avenue; and

WHEREAS, the Town of Hammonton Municipal Engineer has reviewed the proposed vacation and finds that same is consistent with the public interest, and that it is in the best interest of the municipality; and

WHEREAS, the interests of the public will be served by this vacation, since the vacated portions of Terrace Avenue, Bala Avenue and Forrest Avenue are unnecessary for public transportation or any other municipal purposes and the vacation will lead to the improvement of the property in the surrounding areas without any detriment to the interests of the public.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Common Council of the Town of Hammonton as follows:

**Section 1.** Pursuant to N.J.S.A. 40:67-1 (b), a portion of Terrace Avenue (Block 3914, Lots 1-4, Block 3909, Lots 1 and 2 and Block 3915, Lot 1), Bala Avenue (Block 3914, Lots 1-4, Block 3909, Lots 1 and 2 and Block 3915, Lot 1) and a portion of Forrest Avenue (Block 3914, Lots 1-4, Block 3909, Lots 1 and 2 and Block 3915, Lot 1) described in Exhibit "A" are hereby vacated, subject only to the express reservation by the Town from the vacation, all rights and privileges possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," (N.J.S.A. 48:5A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof to be vacated.

**Section 2.** Pursuant to N.J.S.A. 40:49-2 and N.J.S.A. 40:49-6, the Town Clerk shall cause this Ordinance to be published, together with notice of its introduction in a newspaper published and circulated within the Town of Hammonton, if there be one, and if not, in a newspaper printed in Atlantic County and circulating in the Town of Hammonton, once, not less than (10) ten days prior to the time fixed for second reading and final passage.

**Section 3.** The Town Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof pursuant to N.J.S.A. 40:49-6.

**Section 4.** Upon final passage after second reading, the Town Clerk shall forthwith file a certified copy of the Ordinance in the office of the Town Clerk.

**Section 5.** The Town Clerk shall, within sixty (60) days after this Ordinance becomes effective, file a certified copy of this Ordinance, together with a copy of the proof of publication thereof, with the Office of the Atlantic County Clerk pursuant to N.J.S.A. 40:67-21.

**Section 6.** All Ordinances or parts of Ordinances in conflict with this Ordinance or any part of it are hereby repealed as to the conflicting portion or portions, and this Ordinance shall take effect after final passage and publication with notice of the date of passage, according to law.

Motion by Councilperson Rodio, seconded by Councilperson Furgione, the ordinance is continued to September 23, 2013 Regular Meeting per Solicitor request to allow the applicant time to notify residents.

**ROLL CALL**

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

**COMMITTEE REPORTS**

**Administration/Business & Industry -Councilperson Esposito**

Defer Report on Administrative Committee Meeting to PWM/BA Report

Business Updates

Cruisin MainStreet Event Sept 6

**Education-Councilperson Furgione**

Report on Stockton College Matters & Power Point Presentation to be held at 9/23/13 Regular Meeting

Report on Board of Education Matters & Shared Service Agreement for Seeder to appear under New Business

**Authorize BOE Programming Channel 9**

Motion by Councilperson Furgione, seconded by Councilperson Bachalis, authorize Board of Education Programming on local Channel 9.

**ROLL CALL**

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Public Works & Transportation-Councilperson Rodio

Defer action items to engineer report

Advised on roadway projects

Commented on new soccer fields which also appears under PWM/BA report

Quality of Life – Councilperson Bachalis

Report on Atlanticare Grant Application

Schedule Joint Meeting-Grape Street Project

Motion by Councilperson Rodio, seconded by Councilperson Bachalis, authorize the clerk to advertise for a special joint meeting of the Mayor and Council and the Hammonton Environmental Commission to be held September 11, 2013 at 7:30 PM. Motion carried.

Water & Sewer – Councilperson Pullia

Report on reduction in water usage

Defer ACO authorization to Engineer Report

Drip Irrigation Approval from Pinelands

ENGINEER REPORTSEWER & WATER ACTION ITEMS:1. Hammonton Water System - ACO (ARH #11-30152):Overall ACO Negotiations:

Town officials met with several representatives from NJDEP Safe Drinking Water, Southern Enforcement and Spillfund to discuss the schedule pertaining to Wells #1, #3 and #4. This meeting occurred on August 6, 2013 and Southern Enforcement will be issuing an amendment to the ACO to incorporate Wells #1 and #3 which were not in the Order previously. The goal for both the Town and NJDEP is to have the wells back in service prior to the peak demand needs which occur in July of each year if possible. Keep in mind there must always be a back-up Well available to Wells #5 & #7 at any given time. The draft schedule was received from Southern Enforcement on August 9, 2013 and has been reviewed by the professionals. We have provided some modifications to the schedule that would provide some flexibility to the remediation and construction effort for all wells. It is likely that the schedule will be agreed upon prior to the August 26, 2013 meeting whereby the action to be requested is to have the Mayor sign the amended Order.

In order to meet the schedule as set forth in the Order, a comprehensive Water System Bond Ordinance will be introduced at the September meeting. The Bond Ordinance may include some other projects that are on the list to be completed. A final list of projects and dollar amounts for said Bond must be decided upon for introduction at the September meeting in order to keep on schedule. Well #4 will be paid for from the NJEIT program whereby the Town is optimistic that they will be a strong candidate for a 50% grant. The Wells #1 and #3 remediation will be paid for by a grant from NJDEP Spillfund. Both are reimbursement programs, therefore the Town will need interim financing for each.

Radium at Well #5/#7 - Building Construction:

This project is closed out including the NJEIT final inspection that occurred on August 5, 2013.

Well #4 Radium Treatment Facility and Air Stripper:

Plans and Specifications were delivered to NJDEP for Safe Drinking Water permit on April 1, 2013. The permit to construct was issued on July 15, 2013. We are in need of the Authorization to Advertise (ATA) from the NJEIT which we expect shortly. **A condition of receiving the ATA is the execution of the construction services agreement that was previously approved by the NJEIT. The agreement is attached hereto and is in the amount of \$60,000.00. This agreement does not take effect until the project commences after the bidding and award phase.**

Licensed Operator:

Since the licensed operator requirement was fulfilled, it is reminded that the next ACO requirement on this topic is the submission of a licensed operator succession plan. This submission was completed by the April 30, 2013 deadline.

Well #1 / Well #3 – Volatile Organic Compounds (VOC's):

NJDEP Spillfund reviewed and approved the Alternatives Analysis prepared by ARH for the permanent treatment of Wells #1 and #3 due to the presence of ethylene dibromide (EDB) and tetrachloroethylene (PCE). This action sets the stage for the funding of this project. The project will result in the conversion of temporary treatment measures that were installed on Wells #1 and #3 to have the Town be capable of supplying safe drinking water from these sources during the summer of 2013. The next step for the NJDEP to advertise their findings and allow for a 30 comment period to transpire.

The interim plan was successful and now that the summer demand is passed, immediate action is needed to implement the conversion to a permanent solution. As mentioned, there are temporary units at the Lincoln Street site and it would be most advantageous to enter into negotiation as soon as possible with the Company supplying same in an effort to convert the lease to a purchase for the following reasons:

- The granular-activated carbon filtration system which is the method of treatment used is a specialized piece of equipment.
- The conversion presents an affordable option.
- The existing equipment has proven to meet the Town's safe drinking compliance needs.
- The equipment is currently on-site and as such will minimize the downtime for permanent remediation thus protecting the health safety and welfare of the water system consumers.
- Should the lease be terminated, the contract to decommission requires the Town to pay \$17,868.00 for the removal of the system which could be saved if the units are acquired.

Last month we presented the budget for Well #1 & #3 as follows:

1) Contractor Mobilization Costs	\$45,000.00
2) Furnish and Install 4 Carbon Filters with Media	\$200,000.00
3) Internal Piping and Automatic Valves	\$120,000.00
4) Yard Piping	\$30,000.00
5) Well Pump #1 Upgrade	\$55,000.00
6) Electrical and Controls	\$75,000.00
7) Building Modifications	<u>\$225,000.00</u>
TOTAL	<b>\$750,000.00</b>

According to the Contract, NJDEP will pay for construction, permits, engineering (design and inspection) up to the 15% of the accepted construction cost, 5% of the construction cost for administrative items and 15% for contingencies. Based on a \$750,000.00 construction cost estimate, the overall project funding is estimated as \$1,041,900.00 as follows:

	<b>ITEM</b>	<b>APPLICATION AMOUNT</b>
1	Building Costs	\$750,000.00
2	Permits	\$6,000.00
3	Engineering (15%)	\$112,500.00
4	Legal and Administrative (5%)	\$37,500.00
	Sub-Total	\$906,000.00
5	Contingencies (15%)	\$135,900.00
	Total Project Cost	<b>\$1,041,900.00</b>

A resolution was adopted by the Town last month allowing the Mayor to execute the NJDEP Spillfund contract covering the project as outlined above. Action on ARH's design and permitting services contract

proposal was not taken. Even though the budget for engineering is 15%, our design/permitting/coordination proposal is \$62,300.00, leaving \$50,200.00 for construction management/inspection which will be presented following the bidding process. **In order to meet the ACO schedule the ARH design and permitting contract should be authorized or a portion thereof in order to get started and be able to meet submission deadlines. The balance of the proposal could be acted on after the Bond Ordinance is passed.**

AACO Compliance Dates:

- ~ Licensed Operator compliance – October 31, 2012 (COMPLETED)
- ~ Licensed Operator succession plan – (COMPLETED)
- ~ Wells #5/#7 Radium Removal – (COMPLETED)
- ~ Well #4 Radium Removal – project completion February 28, 2015
- ~ Well #4 Air stripper upgrade – Revised to coincide with Well #4 – Feb 28, 2015
- ~ Well #1 VOC Removal – (COMPLETED)

1. Motion by Councilperson Pullia, seconded by Councilperson Rodio, Authorize ARH to perform the construction services on the Well #4 radium project totaling \$60,000.00 as a condition of receiving the ATA.

ROLL CALL

Councilpersons:

- Bachalis - Yes
- Carpo - Yes
- Esposito - Yes
- Furgione - Yes
- Pullia - Yes
- Rodio - Yes
- Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

2. Motion by Councilperson Pullia, seconded by Councilperson Carpo, authorize ARH design and permitting contract for Wells #1 & #3 totaling \$20,000.00 of the \$62,300.00 or a portion thereof at this time contingent upon the execution of the NJDEP Spillfund contract subject to the confirmation on the ability of funds.

ROLL CALL

Councilpersons:

- Bachalis - Yes
- Carpo - Yes
- Esposito - Yes
- Furgione - Yes
- Pullia - Yes
- Rodio - Yes
- Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

3. Motion by Councilperson Pullia, seconded by Councilperson Rodio, authorize the Business Administrator, Solicitor and Engineer to negotiate the lease purchase agreement with TIGG Corporation.

ROLL CALL

Councilpersons:

- Bachalis - Yes
- Carpo - Yes
- Esposito - Yes

Furgione - Yes  
Pullia - Yes  
Rodio - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

#R107-2013 Approving Amendment ACO Wells 1 , 3 and 4

Resolution #107-2013

RESOLUTION FOR AMENDED ACO WELLS #1, 3 AND 4

WHEREAS, the Town of Hammonton has successfully completed the remediation of Well #5 and #7 located at Fourteenth Street in conjunction with the requirements of the original Administrative Consent Order (ACO) as per NJ DEP requirements; and

WHEREAS, the Town of Hammonton must complete the remediation to Wells #1, #3 and #4 within their public water system; and

WHEREAS, the Town of Hammonton and thee NJ DEP representatives have met to discuss and work out the details for the construction schedule for the remediation of Wells #1, #3 and #4; and

WHEREAS, in order t comply with those NJ DEP requirements, the Town of Hammonton must sign the Amended Administrative Consent Order (AACO) setting forth the construction and compliance schedule for the above noted wells.

NOW , THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Hammonton, County of Atlantic, State of New Jersey hereby authorize the Mayor to sign said ACCO and the Town Clerk to attest to said signature.

BE IT FURTHER RESOLVED, that the signed ACCO be forwarded to the NJ DEP, Southern Bureau of Water Compliance & Enforcement for signature and endorsements.

Motion by Councilperson Esposito, seconded by Councilperson Pullia, resolution 107 is adopted.

ROLL CALL

Councilpersons:  
Bachalis - Yes  
Carpo - Yes  
Esposito - Yes  
Furgione - Yes  
Pullia - Yes  
Rodio - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

**2. Boyer Avenue Pinelands Compliance (ARH #11-50058):**

As reported last month, the draft DGW permit (renewal) was issued to the Town of Hammonton on June 17, 2013 whereby the interested parties had 30 days in which to present comment. The consulting team has reviewed the draft and offered comments to NJDEP on July 12, 2013. In general, the permit is favorable whereby the interval of testing after greater than 10 years' worth of data has been reduced, thus saving the Town money. However, there are a few items that we are seeking clarification as to further assure that there are not unnecessary redundant testing expenses. Most importantly, the drip irrigation component for both surface and subsurface was incorporated into the permit and the terms of this are

acceptable. The public comment period ended on July 18, 2013. We are awaiting a response following the closure of the public comment period.

The Surface Flow Application regarding drip irrigation was approved by the Pinelands Commission at their August meeting. The "Subsurface Application" is still on hold pending their review of a stormwater management plan from ARH. The goals that were established are being achieved to support the submission of a comprehensive plan by the December 13, 2013 to the Pinelands. Following permission from NJDEP and Pinelands, the drip irrigation component can be constructed after receipt of a TWA from NJDEP.

Last meeting, the last installment of a PO which contained multiple tasks dating back to 2011 was released to ARH to continue the Pinelands compliance issues. This meeting, we were planning on presenting a proposal for the specific design and permitting of the surface and subsurface drip irrigation methods proposed. However, as of this writing, we are awaiting a value from a sub-consultant in order for us to finalize the proposal cost. It is envisioned that the final proposal will be available to the PWTC prior to the night of the meeting and a recommendation by the PWTC can hopefully be made the night of the Council meeting.

Action held until September Regular Meeting.

**PUBLIC WORKS ACTION ITEMS**

**3. Dunkin Donuts Maintenance Bond Release (ARH# 11-10017):**

We received a request from Dunkin Donuts through the Clerk's Office for release of their Project Maintenance Bond. It appears that Council approved the release of the Project Performance Bond/Letter of Credit on 6/27/11. The Maintenance Bond was to remain in effect for a two (2) year period. We would recommend Council take the following action:

Motion by Councilperson Bachalis, seconded by Councilperson Carpo, authorize release of the Project Maintenance Bond/Letter of Credit subject to compliance with the following conditions:

1. A favorable inspection conducted by the Town's Quality of Life Committee.
2. Verification from the Planning Board Secretary that all bills have been satisfied.

**ROLL CALL**

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

**4. Pinto GKP Site Plan Street Vacation Request (ARH#11-10026.02):**

Action continued along with Ordinance #018-2013 hearing.

**5. 2013 Municipal Aid Program (ARH# 11-01000):**

As authorized last meeting, we are preparing an application to request Municipal Aid Funding for the reconstruction/resurfacing of 14<sup>th</sup> Street from 2<sup>nd</sup> Road to the Town boundary line with Folsom. At no cost to the Town we will also be re-applying for two (2) of the programs submitted last year. It is felt that the Town may have a better chance of receiving a funding allotment for at least one of the other programs this

year. We have prepared a Resolution for each of the programs for Council's consideration, which is attached to our reports.

#R108-2013 Authorize Municipal Aid Application 14<sup>th</sup> Street Re-Construction

RESOLUTION # 108- 2013

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 14<sup>th</sup> STREET ROADWAY IMPROVEMENTS PROJECT

WHEREAS, the Town of Hammonton is desirous of requesting funding consideration from the State of New Jersey Department of Transportation under the Transportation Trust Fund (FY2014 Municipal Aid) for the 14th Street Roadway Improvements project within the Town of Hammonton; and

WHEREAS, the Town of Hammonton is an eligible recipient for funding under said program; and

WHEREAS, the Town Engineer has been authorized to prepare the required application and agreement and

WHEREAS, in furtherance of same, it is necessary for the Town Council of the Town of Hammonton to authorize the Mayor to execute said application to allow the Town to be eligible for the New Jersey Department of Transportation Transportation Trust Fund (FY2014 Municipal Aid Program) for the 14th Street Roadway Improvements project; and

WHEREAS, in furtherance of same, it is necessary for the Town Council of the Town of Hammonton to authorize the Town Engineer to provide all required reports, narratives, estimates and maps required for said funding consideration

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council of the Town of Hammonton approve that the Mayor and Clerk are hereby authorized to submit an electronic grant application with the New Jersey Department of Transportation Transportation Trust Fund (FY2014 Municipal Aid Program) and supply all required services associated with the project entitled 14th Street Roadway Improvements project.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Town Council of the Town of Hammonton that the Town Engineer is hereby authorized to provide all reports, narratives, estimates, and maps required by the New Jersey Department of Transportation Transportation Trust Fund (FY2014 Municipal Aid Program).

Motion by Councilperson Rodio, seconded by Councilperson Esposito, resolution 108 is adopted.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

#R109-2013 Authorize Municipal Aid Application Safe Streets to Transit

\*No cost to Town for Re-Submission

RESOLUTION # 109- 2013

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DOWNTOWN SIDEWALK EXTENSION PROJECT

WHEREAS, the Town of Hammonton is desirous of requesting funding consideration from the State of New Jersey Department of Transportation under the Transportation Trust Fund (FY2014 Safe Streets to Transit Aid) for the Downtown Sidewalk Extension project within the Town of Hammonton; and

WHEREAS, the Town of Hammonton is an eligible recipient for funding under said program; and

WHEREAS, the Town Engineer has been authorized to prepare the required application and agreement and

WHEREAS, in furtherance of same, it is necessary for the Town Council of the Town of Hammonton to authorize the Mayor to execute said application to allow the Town to be eligible for the New Jersey Department of Transportation Transportation Trust Fund (FY2014 Safe Streets to Transit Program) for the Downtown Sidewalk Extension project; and

WHEREAS, in furtherance of same, it is necessary for the Town Council of the Town of Hammonton to authorize the Town Engineer to provide all required reports, narratives, estimates and maps required for said funding consideration

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council of the Town of Hammonton approve that the Mayor and Clerk are hereby authorized to submit an electronic grant application with the New Jersey Department of Transportation Transportation Trust Fund (FY2014 Safe Streets to Transit Program) and supply all required services associated with the project entitled Downtown Sidewalk Extension project.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Town Council of the Town of Hammonton that the Town Engineer is hereby authorized to provide all reports, narratives, estimates, and maps required by the New Jersey Department of Transportation Transportation Trust Fund (FY2014 Safe Streets to Transit Program).

Motion by Councilperson Esposito, seconded by Councilperson Carpo, resolution 109 is adopted.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

#R110-2013 Authorize Municipal Aid Application Bikeways Program

\*No cost to Town for Re-Submission

RESOLUTION # 110- 2013

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HAMMONTON BIKE PATH EXTENSION PROJECT

WHEREAS, the Town of Hammonton is desirous of requesting funding consideration from the State of New Jersey Department of Transportation under the Transportation Trust Fund (FY2014 Bikeways Program) for the Hammonton Bike Path Extension project within the Town of Hammonton; and

WHEREAS, the Town of Hammonton is an eligible recipient for funding under said program; and

WHEREAS, the Town Engineer has been authorized to prepare the required application and agreement and

WHEREAS, in furtherance of same, it is necessary for the Town Council of the Town of Hammonton to authorize the Mayor to execute said application to allow the Town to be eligible for the New Jersey Department of Transportation Transportation Trust Fund (FY2014 Bikeways Program) for the Hammonton Bike Path Extension project; and

WHEREAS, in furtherance of same, it is necessary for the Town Council of the Town of Hammonton to authorize the Town Engineer to provide all required reports, narratives, estimates and maps required for said funding consideration

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council of the Town of Hammonton approve that the Mayor and Clerk are hereby authorized to submit an electronic grant application with the New Jersey Department of Transportation Transportation Trust Fund (FY2014 Bikeways Program) and supply all required services associated with the project entitled Hammonton Bike Path Extension project.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Town Council of the Town of Hammonton that the Town Engineer is hereby authorized to provide all reports, narratives, estimates, and maps required by the New Jersey Department of Transportation Transportation Trust Fund (FY2014 Bikeways Program).

Motion by Councilperson Bachalis, seconded by Councilperson Furgione, resolution 110 is adopted.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

**6. ACIA Funding – 2014 CDBG (ARH# 2013-0520):**

The Town must provide a response related to the expenditure of unused funds from fiscal year 2011 and 2012 totaling \$74,917.86. The response related to the forms provided must be completed by August 23<sup>rd</sup>. In the past, we've used the funds to resurface roadways within the eligible project area. If satisfactory, we will list additional roads for the ACIA application and provide rough dates for the project schedule in order to meet the deadline date.

Motion by Councilperson Carpo, seconded by Councilperson Rodio, authorize ARH to complete the required forms, estimates, maps, etc. associated with the use of remaining ACIA funds in order to complete various roadways improvements within the eligible areas at no cost to the Town.

**ROLL CALL**

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

**SEWER & WATER INFORMATION ITEMS:**

**7. AT&T Communications Antennae, Lincoln Street (11-30156):**

The Solicitor is finalizing the lease agreement to include the conditions approved by Council. The Design Consultant for AT&T must submit revised design plans and details to comply with the conditions. The Applicant will be required to replenish the review and inspection escrow account with the Town.

**8. Pinto GKP Site Plan Utility Connection (ARH#11-10026.03):**

The Design Consultant has revised the plans to comply with review comments and the conditions of approval from the Planning Board. A Letter of No-Call Up was issued by the Pinelands Commission. The building contractor has started the new Cold Storage Building and site work should begin shortly. A pre-construction meeting will be held on 8/15/13.

**9. Pratt, Packard, Grape & Second Street Utility Replacement (ARH #11-40046):**

Applications for NJDEP Safe Drinking Water and Treatment Works approval were submitted along with submission to various other agencies. The status of the approval and permitting process from the various agencies are as follows:

- NJEIT Environmental – *Approval received 8/1/13*
- Cape Atlantic Soils Conservation District – *Approval received 7/16/13*
- NJDEP Bureau of Safe Drinking Water – *Permit Pending*
- NJDEP Treatment Works Approval – *Approval received 7/24/13*
- Atlantic County Roadway Opening Permit – *Application to be made shortly*
- NJEIT Funding Approval – *Presently responding to latest review comments; approval pending*

We discussed with the PWTC the possibility of including the Utility and Roadway Improvement Program in total or in parts with the funding contemplated for an overall encompassing Bond Ordinance. The Bond Ordinance would also include the work required for Wells #1, #3 and #4. A final decision related to same will be required of Mayor and Council.

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

Contract #1 – Water Main Installation, Street Side Services and Roadway Restoration (Lafayette Utilities)

Following our conference call on Wednesday, July 17, 2013 with NJEIT to discuss for funding any extra project scope with the unspent funds, it was determined that the scope cannot be expanded and the project will move to close-out.

Contract #2 – House Side Services to Affected Contaminated Properties (Helmer Construction)

Same report as last month:

*There are approximately 30 homes that must connect under the project. Helmer has fully connected all but one of the connections at this writing. We have contacted the one remaining connection and they remain steadfast in refusing to connect. This matter will be deferred to the Solicitor since it affects the NJDEP contract conditions.*

Contract #3 – Well Sealing (Steffen Well Drilling)

No change from previous report:

*The report remains unchanged with the exception that we believe that this month Steffen will commence sealing wells that have not applied for a farm waiver exemption.*

*As previously reported, the well sealing work has not yet started awaiting the completion of Contract #2. Several residents have applied for a farm use waiver to allow them to retain their wells. The applications have been received by the NJDEP and they will be performing site visits to determine whether the individuals requesting do in fact qualify. The residents applying for farm waivers have received correspondence from NJDEP requesting additional information. The residents were asked to provide additional information to the NJDEP. **We have followed-up with the residents over the past month and will be determining who can be deemed eligible for the desired waiver.** The outcome of these site visits will affect the extent of Contract #3.*

General Issues

Funding Status:

The project will proceed to close-out with NJEIT and Spillfund. No additional scope will be allowed.

Connection by Non-CKE Residents:

No change from previous report:

*A letter dated February 5, 2013 was issued to these residents inviting their participation. **Only a few residents have taken advantage of the payment plan which eligibility for the plan ended on August 1, 2013.***

Summary of Last Month's Activity/Pending Items:

- Resolve the one remaining connection issue remaining under Contract #2.
- Continue on Contract #3.
- Finalize the farm waiver applications and obtain a final determination from NJDEP related to project scope.

**11. Route 54/Bellevue Avenue Utilities (ARH #11-50120): - No Status Change**

As of May 21, 2013; the Contractor has returned to the site and addressed the remaining punch list items. We will be proceeding with a recommendation to close out the project subject to review and concurrence from the Solicitor.

**PUBLIC WORKS INFORMATION ITEMS**

**12. Pinelands Meeting, Pinelands Development Credit Regulation Revisions (ARH# 11-01000):**

We met with representatives from the Pinelands Commission, the PWTC, Town Solicitor, Town Planner and Planning/Zoning Board Consultant and Solicitor on Thursday, August 1<sup>st</sup>. The purpose of the meeting was to discuss the proposal being made by the Commission to modify the Pinelands Development Credit Program Criteria. The discussion centered on the impacts to the Town. The Town representatives provided the Pinelands with their concerns and suggestions for revisions prior to finalizing their reports. We will keep in contact with the Commission related to the status of any proposed revisions.

**13. Weymouth Road Drainage (P2013-0227):**

A draft copy of the Interlocal Services Agreement was provided by the County and approved by the Mayor and Council last meeting. As authorized, we notified the County of Council's action and told them to proceed to the next step. They will finalize the Draft Interlocal Services Agreement and present same to

the Freeholder Board for action. If approved, it will be returned to the Town for signature. We will update Council on future developments.

14. **Octagon Oil Site Town Hall Overflow Parking Lot (ARH #11-01000): - No Status Change**  
As Authorized, ARH will work with the Town's finance office to supply the required documents to the NJDEP that would provide for expenditure reimbursement of approximately \$59,074.00. Also, ARH will complete a subsequent funding application to the NJDEP to complete any remaining Remedial Investigation work that would lead toward project close-out. We will keep Council informed of further progress.
15. **Skinner Building – Egg Harbor Road (ARH #11-01074):**  
ARH completed/submitted the Preliminary Assessment (PA) Report in December 2012 and has conducted some additional sampling in connection with the ongoing Site Investigation (SI). As authorized by Council, we are preparing the application to the Hazardous Discharge Site Remediation Fund (HDSRF) which will be completed in early September to seek funds to complete work for the additional areas of concern (AOC) discovered at the site. Once the Town hears back from the NJDEP related to the request for funding, the various options for the site work remediation could be discussed with Council.
16. **Hammonton Tax Map Revisions, Property Revaluation (P2011.0485):**  
The Hammonton Tax Map was delivered to the State's Division of Taxation for review on August 12<sup>th</sup>. Our submittal addresses their review concerns, including the spatial edits that the State required and the correlation with the tax assessment data. We preceded the submittal with a preparatory telephone call to ensure that the State knew the submittal was coming and they understood the enhancements made to the Tax Map since their last review. While we anticipate another round of State comments, we believe that the list will be minimal and easily addressed.
17. **Boyer Avenue Recreation Complex (ARH #11-75003):**  
*As previously reported*, the Contractor is substantially complete with all work items and there remains a minor list of punch list items. We are in the process of finalizing the final quantities change order for this project so we may proceed with closeout with the Contractor so the Town may seek final reimbursement from Green Acres and Atlantic County.
- Since the last reporting period*, the Contractor completed a majority of the punch list items. Additionally A.C. Electric installed the light at the entrance to the park as required. Maintenance of the fields is currently turned over to the Town.
18. **Celona Property – Railroad Ave/Pleasant St (ARH #11-01054):**  
The Solicitor should provide Council with an update related to the latest discussions with the NJDEP and the current owner of record regarding the hiring of an LSRP for the site.
19. **Drainage Projects: Lakeview Drive and White Horse Pike (ARH #11-60202.03):**  
As previously reported, the Town received a letter from the Governor's office dated 5/13/13 related to an approval of the \$247,000 allotment request. The Town has received a signed Agreement from the State related to those funds. As noted in the letter, the project must be completed by 12/26/14 to comply with funding requirements. Due to the NJDOT deadline for project award (12/26/14), the Mayor and Council may want to consider placing the cost for the project funding, design, construction and construction management into the overall Bond Ordinance presently being discussed. We will be guided by Council's direction.

We will be preparing a proposal for Council's consideration to complete the final design plan modifications, submission to the NJDOT, submission to SCD, project specifications, bid documents, etc. in order to proceed to bid. This design and bidding phase is not reimbursable through the grant. We will provide the Town with a proposal for the Construction Management work at a later date once the project is bid. There

may be a portion of the Construction Management costs that could be reimbursable by the NJDOT if any funds remain after the construction work is completed.

- 20. **Former Mazza Property, Egg Harbor Road Parking Lot at the Historic Train Station (P2012.0153):**  
As authorized last meeting, ARH will prepare an application to the NJDEP to seek funds to conduct a site environmental investigation at no cost to the Town. This application should be submitted to the NJDEP by mid-September.
- 21. **Drainage Projects: Anderson Avenue (ARH # 11-60208.02)**  
We are finalizing the Design Plans for review with the PWTC and affected property owners where easements are necessary. The Phase I design for the project will include additional stormwater storage along Anderson Avenue between the low points. Funding for this work must be established within the municipal budget or Bond Ordinance, which could hopefully be bid once all approvals are obtained and funding is in place.
- 22. **Chew Road/Jacobs Street/First Road (ARH # 11-60207.02)**  
We are finalizing the Design Plans for review with the PWTC and affected property owners where easements are required. Legal descriptions for these easements have been prepared which will be slightly modified to fit the revised plans. We will forward them to the Solicitor so that he could prepare the deeds for signature and filing. We are in the process of modifying the design plans to correspond to the County's comments. Funding for this work should be established within the municipal budget or Bond Ordinance, so that the project could hopefully be bid once all approvals are obtained and funding is in place.
- 23. **Solar Project at Former WWTP Site (ARH #11-01086):**  
The Contractor is substantially complete. Our office issued a punch list, which currently remains outstanding.
- 24. **Safe Routes to Schools (11-01000):**  
We forwarded a copy of the Resolution passed by Council and the Hammonton Public School Board to David Calderetti, the Transportation Management Associate (TMA) for this area. We will be setting up a meeting with David, appointed members of Council and the Public School System Representatives to discuss what would be the next logical step in the program. We are also requesting that a representative from St. Joseph's Elementary School be present if possible.

SOLICITOR REPORT

Pulte/Travelers: Lot Drainage Issues/Basin Issues

S.J.Gas Ordinance ( Municipal Consent) Under New Business

OPRA Complaint (Killion vs. Town of Hammonton) Authorize Records Custodian Police Dept.

Motion by Councilperson Furgione, seconded by Councilperson Esposito, authorize Mary Massara to serve as records custodian for Police Records.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Town of Hammonton Conveyance to Oak Grove Cemetery Assoc. Action taken up under Dispense  
Auto Zone a. Release of Bond b. Grinder Pump Agreement

Motion by Councilperson Carpo, seconded by Councilperson Bachalis, confirmation authorizing previous release of bond.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Pawn Shop Ordinance (Action taken under Dispense)

Pinto Ordinance (Continued to September Council Meeting)

Rent Control Request (Hammonton Gardens) Referred to Administration Committee for Review

Retention of Law Firm for EDB

Motion by Councilperson Esposito, seconded by Councilperson Furgione, authorize retention of counsel for EDB matter.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Hangar Construction Project-Declaration of Default

Motion by Councilperson Rodio, seconded by Councilperson Furgione, authorize Solicitor to move forward in action.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Conflict Counsel Tax Appeal Cases

Motion by Councilperson Esposito, seconded by Councilperson Bachalis, authorize Mr. Cappuccio to represent Town.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Gulig vs. Town of Hammonton

AT & T Lease Modification

Hillman Avenue Street Vacation (Referred to September Regular Meeting)

Motion by Councilperson Bachalis, seconded by Councilperson Furgione, authorize Solicitor to move forward in street vacation.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Recused

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Invasive Species Ordinance (To be taken up under New Business)

MAYOR REPORT

Thank you – Atlantic County-Road Improvements

Thank you – Atlantic County Board of Freeholder Meeting to be held in Hammonton

Revaluation/Equalization Formula

PWM/BUSINESS ADMINISTRATOR REPORT

Authorize Rutgers CPWM Course (Final 6 days) September 6-Oct 18

Motion by Councilperson Esposito, seconded by Councilperson Bachalis, authorize Jerry Barberio to attend CPWM Course from September 6 through October 18 at a cost of \$1131.00.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes  
Furgione - Yes  
Pullia - Yes  
Rodio - Yes  
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Energy Solve Agreement

**RESOLUTION #112A-2013**

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH ENERGY SOLVE, LLC OF SOMERSET, NJ TO PROVIDE ENERGY BILL ANALYSIS IN RELATED SERVICES.**

WHEREAS the Business Administrator of the Town of Hammonton is recommending to the Mayor and Council that it enter into an agreement with EnergySolve LLC for energy billing analysis and payment, and;

WHEREAS, the Mayor and Council of the Town of Hammonton desires to control consumption and cost of energy to benefit taxpayers and reduce its carbon footprint, thereby helping the environment; and,

WHEREAS the Mayor and Council of the Town of Hammonton desires to reduce administrative costs and to scrutinize all energy bills to eliminate any billing errors being charged by public utilities; and,

WHEREAS, the Mayor and Council of the Town of Hammonton desires to have real time data on energy consumption for the purpose of improving energy management and the reporting of said usage in a simple, ready-to-utilize format when required.

NOW THEREFORE BE. IT RESOLVED that the Mayor and Council of the Town of Hammonton enter into a contract with EnergySolve LLC of Somerset New Jersey to provide the following services at the listed rates set forth in State Contract # 73693:

- Provide the New Jersey Energy Tracking System, which includes setting up of all energy bills in a relational database, reporting from the database utility bill and other information in standard or customer specific reports.
- Processing and paying of all utility bills electronically after checking for billing errors
- Tariff analysis to ensure the Town of Hammonton is being provided the best rates.
- Current rate for service is \$6.30 per bill processed for Local Distribution Company and \$5.70 per bill for Third Party Suppliers per month.

NOW THEREFORE BE IT RESOLVED that this resolution shall take effect immediately.

Motion by Councilperson Esposito, seconded by Councilperson Furgione, authorize Jerry Barberio, PWM/BA to sign Energy Solve Agreement at no cost to Town for year 2013. (to be re-evaluated for years 2014 going forward depending on cost savings)

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Advertise for 2 Temporary CDL Truck Drivers

Motion by Councilperson Rodio, seconded by Councilperson Esposito, authorize the clerk to advertise for 2 temporary CDL truck drivers at 40 hours per week to work 10 weeks from October 21 – December 27 at \$13.50 per hour and no benefits.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Informational Items

Ribbon Cutting New Soccer Fields Sept 7, 2013 at 8:15 am

Bulky Week is Sept 3 – Sept 6

Brush Week is Sept 9 – Sept 13

#R112-2013 Authorize CDBG Grant

#R112-2013

RESOLUTION OF THE GOVERNING BODY OF TOWN OF HAMMONTON  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, The Town of Hammonton has opted to participate in the Atlantic County Community Development Block Grant (CDBG) Program for SFY 2014; and

WHEREAS, as a participant, the Town of Hammonton expects to be allocated \$400,000.00 maximum allowance for Fiscal Year(s) 2014 for the project known as Public Facilities or the project known as Innovative Development; and

WHEREAS, in order to be allocated CDBG funds, the Town of Hammonton must make pre-application for grant and provide a 10% match.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize pre-application grant agreement as described above; and

BE IT FURTHER RESOLVED that the Mayor and the Municipal Clerk are authorized to sign said agreement on behalf of the Town.

Motion by Councilperson Esposito, seconded by Councilperson Rodio, resolution 112 is adopted.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

TOWN CLERK REPORT

1. Approve Junior Member Fire Co. #2 Morris Jackson
2. Accept retirement Steve Zoyac eff 10/1 & authorize payment accrued unused time off balance \$20,866.35
3. Accept resignation Joe Campellone & authorize payment accrued unused vacation bal \$543.48
4. Confirm hiring PubSafTeleTrain Mercy Santiago pt not to exceed 29 ½ hrs per wk @ \$12.00 hr eff 8/8/13
5. Approve Mark Rogers perm C.S. CodeEnfOfcrTrne title not to exceed 29 ½ hr per wk @ \$10 hr eff 8/26/13
6. Accept retirement Mike Carrelli eff 11/1 & authorize payment accrued unused time off balance \$20,044.89

Motion by Councilperson Bachalis, seconded by Councilperson Esposito, Town Clerk Report Items 1-6 are approved.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

APPROVE BILL LIST & PURCHASE ORDERS

Motion by Councilperson Bachalis, seconded by Councilperson Carpo, the bill list and purchase orders for August 2013 are approved.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

NEW BUSINESS-ORDINANCE INTRODUCTIONS

Introduction-Ordinance #019-2013 Bond Ordinance NJ EIT Well 4

Ordinance #019-2013

BOND ORDINANCE PROVIDING FOR WELL 4 FACILITY PROJECT IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$2,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,200,000 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:

The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town"). For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$2,200,000. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is being funded by the New Jersey Environmental Infrastructure Trust ("NJEIT") and the Local Finance Board has approved the adoption of this ordinance without a down payment pursuant to N.J.S.A. 40A:2-7(d).

In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,200,000 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.

(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the design, permitting, construction, construction management and the administration of the radium treatment equipment, installation and ancillary building at the Well 4 facility located on Main and Plymouth Roads, including acquisition and installation of all equipment and materials and all work necessary therefore or 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.

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.

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

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, 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 20 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 electronically 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 \$2,200,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$400,000 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 a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Town. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Town or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. If required, the Local Finance Board, in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

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.

The Town hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Town to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 8 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.

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 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.

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 Pullia, seconded by Councilperson Rodio, the ordinance is taken up for first reading, passed first reading and given legal publication.

ROLL CALL

Councilpersons:

Bachalis - Yes

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Councilman Bachalis was excused

Introduction - Ordinance # 020 -2013 Invasive Plant Ordinance

Ordinance #020-2013

AN ORDINANCE TO PROTECT AND PROMOTE THE PUBLIC HEALTH THROUGH THE CONTROL OF THE GROWTH OF INVASIVE PLANT SPECIES

Number 1. Definition of Invasive Plants

All native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. Examples include but are not limited to bamboo (spreading or running type), ragweed, multi flora rose, kudzu-vine and poison ivy or oak as well as the invasive plants species lists developed by the New Jersey Species Strike Team and the New Jersey Forestry Association.

Number 2. Control of Growth

All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter.

Number 3. Inspections

All places and premises in the Town of Hammonton shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Town of Hammonton. Such inspection shall be made if that official has reason to believe that any section of this chapter is being violated.

Number 4. Violations and Penalties

Whenever an invasive plant, as defined by this chapter, is found on any plot of land, lot or any other premises or place, a violation notice shall be given to the owner, in writing, to remove or abate the same within such time as shall be specified therein, taking into account the nature of the specific invasive species.

The cost of abatement shall be borne by the property owner.

If the owner fails to comply with such notice within the time specified therein, the enforcing official may remove or otherwise control the invasive plant species and the Town may thereafter recover the cost of such removal from the property owner and place a lien on the property to recover the cost of invasive plant removal.

Motion by Councilperson Furgione, seconded by Councilperson Rodio, the ordinance is taken up for first reading, passed first reading and given legal publication.

ROLL CALL

Councilpersons:

Bachalis - Absent

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Introduction - Ordinance #021-2013 SJ Gas Municipal Consent Ordinance

Ordinance # 021-2013

AN ORDINANCE

GRANTING RENEWED CONSENT AND PERMISSION TO THE SOUTH JERSEY GAS COMPANY TO USE THE PUBLIC STREETS TO FURNISH GAS FOR LIGHT, HEAT AND POWER IN THE TOWN OF HAMMONTON

WHEREAS, South Jersey Gas Company, a New Jersey corporation, provides natural gas service to Town of Hammonton pursuant to the municipal consent first granted to South Jersey Gas Company in that certain Ordinance passed on October 27, 1947 ; and

WHEREAS, South Jersey Gas Company now seeks, pursuant to N.J.S.A. 48:3-15, the consent of the Town of Hammonton to renew the October 27, 1947 Ordinance, Section 2, applicable to the use of the streets in the Town of Hammonton, by adopting the following Ordinance; and

WHEREAS, the Mayor and Council of the Town of Hammonton have concluded that the granting of said consent shall enhance the health, safety and welfare of the citizens of the Town of Hammonton.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON AS FOLLOWS:

Section 1. That exclusive consent and permission is hereby renewed and given to South Jersey Gas Company to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares and public places within the Town of Hammonton in the manner required by N.J.S.A. 48:9-21, and subject to reasonable regulations imposed by ordinance or resolution with respect to the opening of streets and public places, subject to approval of such consent and permission by the Board of Public Utilities.

Section 2. This consent is granted for the entire geographical area of the Town of Hammonton and extend to the boundaries of the Town of Hammonton. Further this consent shall remain in effect for a period of fifty (50) years from the date of final adoption of this Ordinance by Mayor and Council of the Town of Hammonton.

Section 3. The said South Jersey Gas Company shall within thirty (30) days after the passage of this Ordinance file with the Town Clerk a bond in the amount of Five Thousand Dollars (\$5,000.00) conditioned upon the restoration of any street or public place which may be opened by it in a manner satisfactory to the Public Works Manager.

Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect after immediately upon its final passage and publication according to law, and acceptance by South Jersey Gas Company.

Motion by Councilperson Esposito, seconded by Councilperson Furgione, the ordinance is taken up for first reading, passed first reading and given legal publication.

ROLL CALL

Councilpersons:

Bachalis - Absent

Carpò - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

RESOLUTIONS

#R095-2013 Approve Downtown Trick or Treat Event and Road Closure

RESOLUTION # 095-2013  
RESOLUTION AUTHORIZING AND ENDORSING  
MAINSTREET HAMMONTON DOWNTOWN TRICK OR TREAT EVENT  
WITH ROAD CLOSURES

WHEREAS, Saturday, October 19 (rain date October 26) is the scheduled date for the MainStreet Hammonton Downtown Trick or Treat Event from 1:00 – 3:00 p.m.; and

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

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

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

#R096-2013 Approve Tree Lighting Event and Road Closure

RESOLUTION # 096-2013  
RESOLUTION AUTHORIZING AND ENDORSING  
MAINSTREET HAMMONTON TOWN TREE LIGHTING EVENT

WHEREAS, Saturday, December 7<sup>th</sup> is the scheduled date for the MainStreet Hammonton Town Tree Lighting Event from 12 noon to 9:00 p.m. at the intersection of Bellevue and Central (request road closure Central Avenue between Bellevue and Vine 5-9 pm); and

WHEREAS, Saturday, December 7<sup>th</sup>, has been scheduled as the date for the MainStreet Hammonton carriage rides from 6:00 to 9:00 pm with the request of no parking on Bellevue Avenue between 2<sup>nd</sup> and Third from 6pm-9 pm

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

BE IT FURTHER RESOLVED the below listed roadway closure is approved:

Carriage Route December 7th

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

#R097-2013 Renew 2013-14 Special Ruling Liquor License-Anthony Scott Parker

R#097-2013

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON,  
ATLANTIC COUNTY, NEW JERSEY,  
AUTHORIZING THE ISSUANCE OF ABC LICENSE(S)  
FOR THE 2013-14 LICENSE TERM(S)

WHEREAS, it is a requirement of NJ ABC that in the matter of the authorization and issuance of license of the sale of Alcoholic Beverages, a resolution must be adopted, which resolution shall specifically determine and name the person, firm or corporation adjudged by such resolution to be entitled to such license as adjudged to be issued, and further such resolution must also fix the name and the licensed premises; and

WHEREAS, NJ ABC has reviewed said license(s) and determined that the licensee has established good cause in accordance with N.J.S.A. 33:1-12.39 and has granted the licensee a Special Ruling for renewal of 2013-14 license term(s);

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC AND THE STATE OF NEW JERSEY that it is hereby specifically determined and declared that the following named person(s) and corporation, if any, be and they are hereby adjudged to be entitled to a license of the class hereinafter specified:

0113 33 028 005     Anthony Scott Parker  
                                 t/a Anthony S. Parker  
                                 Location: pocket

BE IT FURTHER RESOLVED, the approval granted herein is conditional, and is based upon the representations set forth in the petitions notarized letter.

#R098-2013 Authorize Town Participation in Drive Sober Crackdown

#R098-2013  
RESOLUTION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER  
2013 STATEWID CRACKDOWN

WHEREAS, impaired drivers on our nation’s roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over Statewide Crackdown; and

WHEREAS, the project will involve an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

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 declares it’s support for the Drive Sober or Get Pulled Over Statewide Crackdown and pledges to increase awareness of the dangers of drinking and driving.

#R099-2013 Amend Budget to Include Drive Sober Grant

\*Police Chief asked me to advise public that monies for this patrol are coming from the State

#R 099-2013

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 notice from State of New Jersey Department of Transportation for **the 2013 Drive Sober or Get Pulled Over in the amount of \$4,400.00** and wishes to amend its Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Hammonton hereby requests that the Director of the Division of Local Government Services approve the insertion of an item of revenue in the **2013 Budget in the sum of \$4,400.00** which is now available as a revenue from:

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

**2013 Drive Sober or Get Pulled Over Grant**

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

#R100-2013 Approve Change Order #10 Hammonton Stockton Project

#R100-2013

RESOLUTION AUTHORIZING CHANGE ORDER # 10 TO THE CONTRACT WITH MJJ CONSTRUCTION LLC FOR THE STOCKTON COLLEGE AT HAMMONTON PROJECT

WHEREAS, the Town of Hammonton did, on the date of July 2, 2012, enter into a contract with MJJ Construction LLC. for the purpose of renovating the building owned by the Town of Hammonton situate at 24-30-Front Street, Town of Hammonton in the amount of \$2,499,998.50 for the project known as the Stockton College Hammonton Campus (hereinafter referred to as "The Project"); and

WHEREAS, the Town of Hammonton has previously approved change orders #'s 1-9 for The Project totaling \$1,047,012.00 which thereby increased the contract amount to \$3,547,010.50; and

WHEREAS, it has now been determined that the contract must be further amended to provide for an adjustment to reflect the items set forth in change order # 10, a summary of which is attached hereto as **Exhibit A**, in the amount of \$29,766.00 which, if approved, shall increase the total change orders for this Project to the amount of \$1,076,778.00; and

WHEREAS, this proposed change order will result in aggregate change orders for this project to be in excess of the 20% limit for change orders as set forth in the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. and the New Jersey Administrative Code (N.J.A.C. 5:30-11.3 et seq.)

WHEREAS, N.J.A.C. 5:30-11.9 requires the following submissions in those circumstances where the aggregate change orders exceed 20% of the contract amount:

- 1) a written certification by the contractor containing the following:
  - i) an explanation of the factual circumstances which necessitate issuance of the change order;
  - ii) a statement indicating why these circumstances could not have been foreseen;
  - iii) a statement indicating why issuance of the change order would be in the best interests of the Town of Hammonton and would not constitute an abuse of these rules;
  - iv) if the nature of the change order is technical, the certification shall include a certified statement from the contractor's appropriate expert, such as an engineer or architect;

- 2) a request from the chief executive officer, in this case the Town Administrator, or his designee, to the governing body requesting the change order and explaining why this change order may be allowed pursuant to this provision; and

WHEREAS, a certification is attached hereto to reflect the availability of funds;

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Town Council of the Town of Hammonton, County of Atlantic, State of New Jersey, has satisfied itself that the above criteria have been met and therefore hereby approve an amendment to the contract awarded to MJJ Construction LLC for the project known as Stockton College Hammonton Campus, to increase the contract in the amount of \$27,766.00 as a result of approving change order # 10; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk of the Town of Hammonton are authorized to execute all necessary documentation on behalf of the Town of Hammonton: and

BE IT FURTHER RESOLVED THAT the Clerk for the Town of Hammonton is authorized to publish a notice of this action in the Town's official newspaper indicating the additional amount to be expended, the original contract price, the nature of the original and additional work authorized by the within resolution and why it is necessary to expend the additional funds; and

BE IT FURTHER RESOLVED THAT the said Clerk for the Town of Hammonton shall report this action to the Division of Local Government Affairs of the Department of Community Affairs of the State of New Jersey in its annual audit.

**Stockton Project Hammonton**  
**Change Orders #10**

C.O.#	Purpose	Amount	Architect C.O.#
10	<b>Chiller Feeder, Additional Temper and Flow Switches, Heat Detector in Elevator Shaft, Etc...</b>	\$ 29,766.00	<b>CO # 10</b>

#R101-2013 Authorize Interlocal Service Agreement Board of Education

Resolution # 101-2013

RESOLUTION AUTHORIZING INTERLOCAL SERVICES AGREEMENT  
FOR USE OF SEEDER  
BETWEEN THE TOWN OF HAMMONTON AND THE HAMMONTON BOARD OF EDUCATION

WHEREAS, the Town of Hammonton is statutorily authorized by N.J.S.A. 40A:65-4 to enter into an Interlocal Services Agreement with State, County and Local Governments; and

WHEREAS, the Town of Hammonton has requested the Hammonton Board of Educations assistance in allowing the Town use of their seeder and

WHEREAS, the Hammonton Board of Education is in agreement with the Town utilizing their seeder.

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 as follows:

1. The Agreement which is annexed hereto and made a part hereof with the Hammonton Board of Education is approved.
2. That the Mayor and Town Clerk are hereby authorized to execute the Agreement between the Town of Hammonton and the Hammonton Board of Education.

#R102-2013 Amend Budget to Include Pedestrian Safety Grant

\*Police Chief asked me to advise public that monies for this patrol are also coming from the State

#R 102-2013

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 notice from State of New Jersey Department of Transportation for **the 2014 Pedestrian Safety Grant in the amount of \$8,000.00** and wishes to amend its Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Hammonton hereby requests that the Director of the Division of Local Government Services approves the insertion of an item of revenue in the **2013 Budget in the sum of \$8,000.00** which is now available as a revenue from:

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

**2013 / 2014 – Pedestrian Safety Grant**

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

#R103-2013 Authorize Extension of Copier Lease

#R103-2013

A RESOLUTION AUTHORIZING THE EXTENSION OF COPIER LEASE

WHEREAS, there exists a need to extend the Town of Hammonton copier lease with CIT Contract # 900-0131494-000 for 12 months beginning 9/5/13; and

WHEREAS, the terms and conditions of the lease extension with CIT have been reviewed and recommended by Nick DeStefano, Information and Technology Department as well as Brian Howell, Town Solicitor; and

WHEREAS, the lease extension will cost \$801.24 per month for a term of 12 months ending with \$1.00 purchase option; and

WHEREAS, the necessary funds are available; and

WHEREAS, N.J.S.A. 40A:11-1-et seq. requires that the resolution authorizing the awarding of the contract without competitive bidding and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL FOR THE TOWN OF HAMMONTON, ATLANTIC COUNTY, NEW JERSEY that the Mayor and Town Clerk of the Town of Hammonton are hereby authorized and directed to enter into an agreement with CIT, for a 12 month copier lease extension beginning 9/5/13 with purchase option.

#R104-2013 Authorize Amendments to Tax and Utility Accounts

#R104-2013

WHEREAS, Rosemarie Jacobs, Tax Collector, has approved and made amendments to utility and/or tax accounts as follows:

B&L	NAME	ADDRESS	AMOUNT	ACCT	REASON	PER
2813-10	Marinella	235 E Orchard St	2,747.70	Tax	Remove house torn down	MaryJo
2803-18	Ruberton	111 Vine	391.97	Tax	Remove Parking Lot	Rosie
4703-7	Cirillo	232 Middle	1,477.68	Tax	Remove tax exempt	MaryJo

WHEREAS, if any above referenced are not approved by Mayor and Council, a retraction will take place.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Hammonton that the Tax Collector's actions are approved.

#R105-2013 Authorize Various Refund(s)

#R105-2013

A RESOLUTION OF THE MAYOR AND COUNCIL  
OF THE TOWN OF HAMMONTON  
AUTHORIZING VARIOUS REFUNDS

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY that the following refunds are authorized as approved by the respective Department Heads of the Town of Hammonton:

Joseph Rodio (Brittany Rodio Foundation)                      Police Outside Detail                      \$280.00

#R106-2013 Authorize Application to Local Finance Board

#R106-2013

RESOLUTION OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 58:11B-9, N.J.S.A. 40A:2-11(c), N.J.S.A. 40A:2-7(d) AND N.J.S.A. 40A:2-26(e),

**WHEREAS**, the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town") desires to make application to the Local Finance Board pursuant to N.J.S.A. 58:11B-9, N.J.S.A. 40A:2-11(c), N.J.S.A. 40A:2-7(d) and N.J.S.A. 40A:2-26(e), for its review and approval of (i) a bond ordinance to provide for the funding of the design, permitting, construction, construction management and the administration of the radium treatment equipment, installation and ancillary building at the Well 4 facility, including acquisition and installation of all equipment and materials and all work necessary therefore or incidental thereto (the "Project"); (ii) financing the Project through the New Jersey Environmental Infrastructure Trust Financing Program; (iii) a non-conforming

maturity schedule in connection with such proposed financing; and (iv) a waiver of the requirement to make a down payment; and

**WHEREAS**, the Town believes that:

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

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

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

**Section 2.** The Clerk of the Town is hereby directed to prepare and to file copies of the proposed bond ordinance with the Local Finance Board as part of such application.

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

**Section 4.** The resolution adopted by the Town Council on August 26, 2013 authorizing application to the Local Finance Board is hereby superseded by this resolution.

#R107, 108, 109, 110-2013  
Adopted Under Engineer Report

#R111-2013 Authorize Capital Budget Amendment

#R111-2013  
TOWN OF HAMMONTON

CAPITAL BUDGET AMENDMENT

**WHEREAS**, the local capital budget for the year 2013 was adopted on the 28th day of May, 2013; 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:

Water/Sewer Utility Capital Fund

<u>Purpose</u>	<u>Total</u>	<u>Debt Authorized</u>
Well #4 Facility Project - NJEIT	<u>\$ 2,200,000.00</u>	<u>\$ 2,200,000.00</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.

#R112 Adopted under PWM/BA Report

Motion by Councilperson Esposito, seconded by Councilperson Carpo, resolutions 95-106-2013 and resolution 111-2013 are adopted.

ROLL CALL

Councilpersons:

Bachalis - Absent

Carpo - Yes

Esposito - Yes

Furgione - Yes

Pullia - Yes (Recused on #R104 only)

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

PUBLIC HEARD

Garfield DeMarco

Mr. DeMarco stated he was remiss in thanking the professionals in his comments earlier this evening.

John Bee

Mr. Bee inquired as to the agreement he previously entered into with Council.

The Solicitor advised, for the record, that the Court Master, Mrs. Lonergan had recommended change(s) to the agreement which is out of the control of Mayor and Council. In addition, Mr. Bee is not in agreement with the language change. He asked Mr. Bee to articulate the wording he preferred to Mayor and Council.

Mayor DiDonato advised Council that they should not make any form of comment toward Mr. Bee's allegations as this matter is being handled by the court.

Councilman Pullia, who was present via telephone, was excused

Larry Delaney

Mr. Delaney, referring to the substantial county tax increase, advised that over 3 years we received a county tax increase of 30 plus percent from Atlantic County.

Kuiann Rudolf

Ms. Rudolf asked Mayor and Council to consider amending the town code as it pertains to animals include stricter enforcement of animal control.

The Clerk advised that she will sit with Judge Raso to go over what is allowable per State law and then advise Council Committee on recommended changes.

Ed Berner

Mr. Berner posed questions to which Mr. Barberio responded.

Fred Melendez

Mr. Melendez requested Mayor and Council consider hiring bilingual police officers to replace those who have retired.

Mr. Barberio advised that the Town of Hammonton is part of Civil Service and must hire police officers from a list generated by Civil Service which limits our choices when hiring.

MEETING ADJOURNED

Motion by Councilperson Esposito, seconded by Councilperson Rodio, the meeting is adjourned. Motion carried.

April Boyer Maimone, Municipal Clerk