

Agenda Special Meeting of Mayor and Council – February 10, 2014 @ 7:00 p.m.  
Town Hall Council Chambers, 100 Central Avenue

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilman:  
Bachalis -  
Esposito –  
Gribbin -  
Pullia -  
Rodio –  
Wuillermin -  
Mayor DiDonato -

PRESENT ALSO

Brian Howell, Town Solicitor  
Jerry Barberio, PWM/Business Administrator  
Bob Vettese of ARH, Town Engineer

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. Also, there will be an allowable time of five minutes per person who wishes to speak during Public Heard per the Rules of Council.

PLEDGE OF ALLEGIANCE

PUBLIC HEARD FOR AGENDA ACTION ITEMS

NEW BUSINESS-ORDINANCE INTRODUCTIONS

Ordinance #005-2014 Bond Ordinance Sewer Main Replacement Project

BOND ORDINANCE PROVIDING FOR THE SEWER MAIN REPLACEMENT PROJECT IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$5,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,200,000 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 \$5,200,000. Pursuant to N.J.S.A. 40A:2-11(c) and contingent upon Local Finance Board approval, 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").

In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$5,200,000 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 replacement and upgrade of the Town's terra cotta sewer main and two storm sewer systems with metal and reinforced concrete located on (i) Pratt Street from Egg Harbor Road to Fourth Street, (ii) Grape Street from Egg Harbor Road to Liberty Street, (iii) Packard Street from Grape Street to Route 54, and (iv) Second Street from Grape Street to Vine Street, 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 \$5,200,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$850,000 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.

Ordinance #006-2014 Bond Ordinance Water Main Replacement Project

BOND ORDINANCE PROVIDING FOR THE WATER MAIN REPLACEMENT PROJECT IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$1,700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,700,000 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 \$1,700,000. Pursuant to N.J.S.A. 40A:2-11(c) and contingent upon Local Finance Board approval, 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").

In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,700,000 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 replacement and upgrade of the Town's ductile iron pipe and the expansion of the Town's water main from 6 inches to 8 inches for: (i) Pratt Street from Egg Harbor Road to Fourth Street, (ii) Grape Street from Egg Harbor Road to Liberty Street, (iii) Packard Street from Grape Street to Route 54, and (iv) Second Street from Grape Street to Vine Street, 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 \$1,700,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$300,000 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.

#### RESOLUTIONS

#### #R026A-2014 Authorizing Temporary Emergency Appropriations

#R026A-2014

#### RESOLUTION MAKING TEMPORARY EMERGENCY APPROPRIATIONS IN THE TOWN OF HAMMONTON MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides that temporary emergency appropriations may be made for the period between the beginning of the fiscal year and the date of adoption of the budget for said year; and

WHEREAS, the date of this resolution is not within the first thirty days of January, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Hammonton, New Jersey, that the following temporary emergency appropriations are hereby made:

<u>Fund</u>	<u>Account Number</u>	<u>Appropriations</u>
PERS	4-01-36-144-200	222,513.12
PFRS	4-01-36-147-200	418,027.06
Worker Comp	4-01-23-116-200	149,730.45
Legal OE	4-01-20-106-200	27,500.00
Disability	4-01-23-148-200	3,050.00
Computer OE	4-01-20-133-200	14,983.67
Computer S&W	4-01-20-133-100	23,814.03
Police S&W	4-01-25-119-100	1,322,572.00
Construction S&W	4-01-22-126-100	63,134.50
Highway S&W	4-01-26-123-100	297,956.50
Highway OE	4-01-26-123-200	294,260.99
Radio S&W	4-01-25-120-100	99,090.40
Recreation S&W	4-01-28-131-100	6,090.00
Municipal Court S&W	4-01-43-201-100	91,159.50
State Fire S&W	4-01-25-118-100	13,875.00
Parks S&W	4-01-28-130-100	600.00
Finance S&W	4-01-20-103-100	28,966.25
Other Code S&W	4-01-22-127-100	5,460.00
Bldg/Grds S&W	4-01-26-108-100	9,027.50
Bldg/Grds OE	4-01-26-108-200	12,000.00
Assess Tax S&W	4-01-20-104-100	39,852.50
Historical Soc S&W	4-01-20-11A-100	200.00
Collection Tax S&W	4-01-20-105-100	45,095.50
Health Insurance	4-01-23-114-24Z	776,276.00
Electric	4-01-31-11G-200	30,000.00
Street Lighting	4-01-31-138-200	127,743.09
Gasoline	4-01-31-11E-200	65,000.00
DCRP	4-01-36-149-200	900.00
Social Security	4-01-36-145-200	92,500.00
Telephone	4-01-31-139-200	21,600.00
Natural Gas	4-01-31-11F-200	15,000.00
Utility OE	4-05-55-601-200	372,648.70
Social Security Utility	4-05-55-609-277	25,000.00
Utility S&W	4-05-55-601-100	369,767.50

#R026B-2014 Authorizing Application to Local Finance Board

#R026B-2014

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 for the Town's water main project; (ii) a bond ordinance to provide for the funding of the Town's sewer main project, including acquisition and installation of all equipment and materials and all work necessary therefore or incidental thereto (together the "Project"); (iii) financing the Project through the New Jersey Environmental Infrastructure Trust Financing Program; (iv) a non-conforming maturity schedules in connection with such proposed financing; and (v) a waivers of the requirement to make a down payment on each ordinance; 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 February 10, 2014 authorizing application to the Local Finance Board is hereby superseded by this resolution.

#R026C-2014 Temporary Capital Budget

**#R026C-2014  
TOWN OF HAMMONTON  
TEMPORARY CAPITAL BUDGET**

**WHEREAS**, the need has arisen to introduce a bond ordinance to provide funds for NJEIT Water Main Replacement Project and Sewer main Replacement Project in the Water/Sewer Utility Capital Fund, including all appurtenances necessary and related thereto, and;

**WHEREAS**, the regulations of the Local Finance board (N.J.A.C. 5:30-4.3(b)) of the Division of Local Government Services,

Department of Community Services requires that the municipality adopt a temporary capital budget if a bond ordinance is to be passed prior to the adoption of the Annual Capital Budget, and;

**WHEREAS**, the ordinance provides a total appropriation as follows:

<u>Purpose</u>	<u>Total Amount</u>	<u>Debt Authorized</u>
<u>Water/Sewer Utility Capital Fund</u>		
NJEIT Water Main Replacement	\$ 1,700,000.00	\$ 1,700,000.00
NJEIT Sewer Main Replacement	5,200,000.00	5,200,000.00
	<u>\$6,900,000.00</u>	<u>\$6,900,000.00</u>

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Town of Hammonton, County of Atlantic that:

- (1) a Temporary Capital Budget is hereby created for the following:

<u>Water/Sewer Utility Capital Fund</u>	
NJEIT Water Main Replacement Project	\$ 1,700,000.00
NJEIT Sewer Main Replacement Project	5,200,000.00

- (2) the projects will be included in the Annual Capital Budget, and
- (3) one certified copy shall be forwarded to the Director of the Division of Local Government Services immediately after passage.

SOLICITOR REPORT

PUBLIC HEARD

MEETING ADJOURNED