

Agenda Regular Meeting of Mayor and Council – August 15, 2016
Town Hall Council Chambers, 100 Central Avenue
Executive Session 5:00 P.M.
Public Session 7:00 P.M.

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilman:

Furgione -
Giralo -
Gribbin -
Pullia -
Rodio -
Torrissi -
Mayor DiDonato -

PRESENT ALSO

Michael Malinsky, Town Solicitor
Jerry Barberio, PWM/Business Administrator

Executive Session #R112-2016

RESUME REGULAR MEETING-ROLL CALL

Councilman:

Furgione -
Giralo -
Gribbin -
Pullia -
Rodio -
Torrissi -
Mayor DiDonato -

PRESENT ALSO

Michael Malinsky, Town Solicitor
Bob Vettese of ARH, 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. Also, each person who wishes to address Council will be allotted 5 minutes.

PLEDGE OF ALLEGIANCE

PUBLIC HEARD FOR AGENDA ACTION ITEMS

APPROVAL OF MINUTES

Executive Session – July 25, 2016
Regular Meeting – July 25, 2016

DISPENSE WITH REGULAR ORDER OF BUSINESS
Adjourn Ordinance #012-2016 Inclusionary Development
*To September 26 Council Meeting in order to sent out notices

Hearing Ordinance #015-2016 Authorize Sale Town Owned Land

ORDINANCE #015 - 2016

AN ORDINANCE OF THE TOWN OF HAMMONTON AUTHORIZING THE SALE OF TOWN OWNED LAND

WHEREAS, Lot 18 of Block 4104 is owned by the Town of Hammonton and is not needed for public purposes; and

WHEREAS, it is in the best interest of the Town to sell such land to generate revenue, reduce taxes and reduce liabilities; and

WHEREAS, N.J.S.A. 40A:12-13.2 provides in pertinent part that whenever any municipality intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon, the municipality must accord contiguous property owners the right of first refusal to purchase such land; and

WHEREAS, the Town proposes to offer such right to all contiguous owners and to sell such lands to the highest bidders among the contiguous owners as authorized by N.J.S.A. 40A:12-13; and

WHEREAS, if no contiguous owner offers to purchase such property, then the property shall be opened to full public bidding.

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

The Town Clerk is authorized, subject to the conditions set forth herein, to offer for sale by public auction all of the Town's right, title and interest in and to the following lot pursuant to the provisions of N.J.S.A. 40A:12-13:

Block 4104, Lot 18 – Hillman Avenue – at a minimum amount of \$5,000.00.

The minimum bid for the lot is set forth above. No bid less than the minimum amount set forth will be considered.

The Town Solicitor is authorized to notify by letter the contiguous owners of record in accordance with the current tax assessments and to advise each such contiguous owner of the lot being offered for sale and that such contiguous owner may bid for such lot in accordance with the terms and conditions set forth herein. The Town Clerk is directed to advertise the sale in a newspaper circulating in the Town by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication to be not earlier than seven (7) days prior to the date of the public sale.

The property set forth above is not necessary for public municipal purposes and the best interest of the public shall be served in selling said property by public sale to the highest bidder at or above the minimum price set forth above with Town Council reserving the right to accept or reject or otherwise remove any lot from sale. The public sale shall take place on Monday, September 26, 2016, at 10:00 AM at the municipal building located at 100 Central Avenue, Hammonton, NJ 08037. Bids shall be received by the Town Clerk in accordance with the procedures to be announced by the Town Clerk. A deposit by certified check, bank check or money order made payable to the Town of Hammonton in an amount not less than ten percent (10%) of the bid must be paid by the successful bidder at the time of the sale. The balance of the bid amount shall be paid at closing which shall occur not later than forty-five (45) days following acceptance of the bid by Town Council. The Clerk may by announcement made at the time and place scheduled for the public sale adjourn the sale to another date and time and such announcement shall be deemed adequate notice to all interest parties.

The lot set forth above shall be first offered to the contiguous property owners at the minimum price set forth above and shall be sold to the highest bidder from among the adjoining property owners.

Any person bidding on behalf of a corporation or company must submit a copy of a Resolution of the corporation or company authorizing the bidder to bid on the property on behalf of the corporation or company. A person bidding on behalf of a partnership or using a trade name must submit a copy of the certificate of trade name and a letter of authorization from the other partners, if any.

All bids shall be referred to Town Council for review and final approval pursuant to N.J.S.A. 40A:12-13 and the Town reserves the right to accept the highest bid or to reject any and all bids for any property. The deposits with respect to any unsuccessful bid and any rejected bid shall be returned.

The successful bidder shall be responsible for the cost of preparation of the deed of conveyance and any related documents for the transfer of title, not to exceed \$250.00. The balance of the purchase price, together with costs of preparation of the deed of conveyance and related documents for the transfer of title must be paid by certified check, bank check or money order made payable to the Town of Hammonton and provided to the Town of Hammonton within ten (10) days of the date of sale. The successful bidder shall be responsible for the recording of the deed and for the cost of such recording.

A bargain and sale deed without covenants shall be delivered at the office of the Town Clerk on or before forty-five (45) days after Council approval of the sale. The Mayor and Town Clerk are hereby authorized to execute said deed and other conveyance documents and the Town Attorney is authorized to prepare such deed and documents.

In addition to the terms and conditions set forth herein, the successful bidder agrees to the imposition of the following conditions by the Town:

In the event that the successful bidder fails to close title, the bidder agrees to forfeit to the Town any and all monies deposited with the Town.

The Town does not warrant or certify title to the property and in no event shall the Town be liable for any damages to the successful bidder if title is found defective or marketable for any reason, and the bidder waives any and all rights and damages or by way of liens against the Town, the sole remedy of the bidder being the right to receive a refund prior to closing of title of the deposit paid. It is the right of the successful bidder to examine title prior to closing. In the event of closing and a later finding of a defect of title, the Town shall not be required to refund any money or correct any defect in title and shall not be held liable for damages. Acceptance of an offer to purchase shall constitute a binding agreement by the bidder and the successful bidder shall be deemed obligated to comply with the terms and conditions contained herein.

The deed of conveyance shall be subject to all matters of record which may affect title, what an accurate survey would reveal, the Ordinances of the Town of Hammonton, and the reservation of an easement for all natural constructive drainage systems, swales, pipes, drains, inlets, waterways and other easements, if any, on the land and a continued right of maintenance and flow thereof. The Town shall be without obligation to provide access, public or private, or to provide any improvements.

The land being conveyed is an undersized lot and may not be developed separately for residential or other purposes and, if applicable, must be merged with the contiguous land owned by the bidder. The deed of conveyance shall contain a restriction governing the subject property that, if applicable, neither it nor the property with which it is consolidated shall thereafter be subdivided. The deed will also contain a further covenant that neither the purchaser nor any future owner or potential developer of the lot may ever in any manner, directly or indirectly, assert a claim against the Town of Hammonton based upon the inability to develop or use the lot including, but not limited to, a claim for inverse condemnation or damages of any kind.

The Town makes no warranties whatsoever regarding said lands and assumes no responsibility for environmental conditions, known or unknown, regarding said lands. The bidder shall be responsible for the exercise of due diligence in determining the condition of the land, including but not limited to, the determination of any title conditions, environmental conditions, zoning and development restrictions and any other condition or restriction that might impact the use of the land.

The Town Clerk, the Mayor and the Town Attorney are authorized to prepare and execute any and all documents necessary and to take any and all such actions as may be required to effect the transaction set forth herein.

The Town Clerk shall file with the Director of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of the advertisements required by N.J.S.A. 40A:12-13(b).

Bidding may be made by an individual, corporation or other entity. Bids may also be submitted by a prospective purchaser's attorney, real estate agent or broker or other duly authorized representative. However, no commission shall be paid by the Town of Hammonton to any real estate agent or broker or other representative in connection with any sale.

The sale of such lands is subject to applicable New Jersey Law concerning the disposition of municipal real estate and all other applicable laws and ordinances of the State of New Jersey and the Town of Hammonton.

All potential sales are subject to final approval by Town Council. This includes the right of Town Council to remove a property from the sale list at any time and to terminate any sale up to the time of the issuance of a deed to the purchaser. If terminated, any monies paid by a successful bidder will be refunded.

The Town reserves the right to waive any and all defects, informalities and irregularities in any bid. The Town further reserves the right to reject all bids in each instance where the highest bid is not accepted and to, in its discretion, re-advertise the property for sale. No bid shall be considered finally accepted until confirmed by Town Council.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any Ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced in and passed the first reading at a meeting of Town Council of the Town of Hammonton, County of Atlantic and State of New Jersey held on July 25, 2016, and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Building located at 100 Central Avenue, Hammonton, NJ 08037, on August 15, 2016, at 7:00 PM or as soon thereafter as the matter may be reached.

Table Ordinance #016-2016 Emergency Appropriation

*CFO advised do not use this format for police radios

#R112A-2016 Emergency Resolution Police Radios

TOWN OF HAMMONTON
RESOLUTION NO. 112A-2016

WHEREAS, an emergency has arisen with respect to the **Purchase of Police Radios** and no adequate provision was made in the 2016 Budget for the aforesaid purpose, and N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of the emergency appropriation created including the appropriation to be created by this resolution is **\$18,000** and three (3) percent of the total operations in the budget for the year 2016 is \$382,738.51.

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations including utility operation appropriations in the budget for 2016.

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation is here by made for the **CURRENT FUND: Down Payment on Improvement** in the amount of **\$18,000.00**.
2. That said emergency appropriation shall be provided in full in the 2017 Current Fund Budget.
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

#R112B-2016 Capital Budget Amendment Police Radios

TOWN OF HAMMONTON
CAPITAL BUDGET AMENDMENT
RESOLUTION #112B-2016

WHEREAS, the local capital budget for the year 2016 was adopted on the 27th day of June, 2016; and

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

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

General Capital Fund

<u>Purpose</u>	<u>Total</u>	<u>Debt Authorized</u>	<u>Capital Improvement Fund</u>
Purchase of Police Radios	<u>\$ 360,000</u>	<u>\$ 342,000</u>	<u>\$ 18,000</u>

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

COMMITTEE REPORTS

Administration - Councilman Torrissi

Business & Industry - Councilman Gribbin

Education - Councilman Giraldo

Quality of Life - Councilman Pullia

Public Works & Transportation - Councilman Rodio

Law & Order - Mayor DiDonato

Water & Sewer - Councilman Furgione

ENGINEER'S REPORT

SEWER & WATER ACTION ITEMS:

1. **Valley Avenue Utility Replacement (ARH #11-30159):**

Construction is progressing on the Valley Avenue project. The Contractor is currently running three crews on site to install the sanitary sewer main, sanitary sewer lateral connections, and storm sewer items. The sanitary sewer main has been installed from Broadway to about 170 feet west of Cara Lane. The majority of the storm sewer items have been constructed in the Valley Avenue and Broadway intersection. The Contractor will be returning to the intersection to construct the water main in the next week or so. The NJDEP has confirmed that the NJEIT loan can cover the cost to provide uniformed police officers to assist with traffic control, which can be added to the contract through a Change Order. We are still awaiting the final loan numbers from the NJEIT.

The Contractor has submitted seven Change Order requests to date. These items will be discussed at the PWTC meeting on August 11, 2016.

We have submitted the Contractor's first Request for Payment in the amount of \$118,470.62.

Action Requested:

Approval of the first payment request to Mathis Construction Co. Inc., for work completed to date as noted above in the amount of \$118,470.62.

PUBLIC WORKS ACTION ITEMS:

2. **Hammonton Destination Map Support (2016-0528):**

We met with Dan Bachalis last week to review the request to prepare a map of the Town that would depict the location of various destination points throughout the Town that were outlined by the Bicycle Advisor Committee. There were approximately seventy (70) locations uses, etc. that were identified on the list. It is our understanding that the map would be included within the report provided for funding consideration.

In discussions with our GIS Department it is felt that the cost to provide the modified list, categorization of uses and preparation of the Town Map for funding consideration would be \$2,600.00. We would, therefore seek the following action from Mayor and Council.

Action Requested:

Approval of the work as noted above for a cost not to exceed \$2,600.00 subject to certification of available funds and issuance of a Purchase Order for that purpose.

PUBLIC WORKS INFORMATION ITEMS:

3. **Octagon Oil Property – Central Avenue & Vine Street (ARH #11-01060):**

As a result of the Council's authorization last month, Henry Weigel has been in contact with the State and is completing some initial work for the site.

4. **Boyer Avenue Dog Park and 2-Bay Water Department Garage Replacement Drainage Calculations (ARH #11-75003.04):**

As requested by the SCD, ARH has supplied additional information related to the site.

5. **Weymouth Road Drainage (ARH #11-06007) No Status Change:**

Comments related to modifications of the drainage easement documents were provided by the County which were forwarded to the conflict Town Solicitor for review. If deemed acceptable, the documents should be modified, sent back to the County for approval, signed by the property owners and filed. We will check with the Solicitor related to the status of same.

5. **Hammonton Bike Path Extension (ARH #11-40052):**

Pinelands provided their comments in a letter dated July 26, 2016. Pinelands requested some additional soil boring information as well as some minor clarifications to the plans and drainage calculations. The plans and drainage calculations have been updated and we are in the process of finalizing the additional boring information. We should be able to re-submit to Pinelands before the end of the month. Unfortunately, this project is also impacted by the State's work stoppage order on State Aid Funds.

7. **14th Street Roadway Improvements (ARH #11-40050):**

All punch list items have been addressed by the Contractor. Our office will be sending closeout documentation to the Contractor shortly.

SEWER AND WATER INFORMATION ITEMS:

8. **LTCWMP Report I&I (ARH #11-50142):**

We provided a general outline of topics that should be addressed by Council in their response letter to the Pinelands Commission associated with amendments to the Pinelands approval, Resolution and agreement with the Town for the Long Term Comprehensive Waste Water Management Plan (LTCWMP) and the Infiltration and Inflow (I&I) Study. The Town agreed that this response would be submitted by the end of the summer. Should the Town need any assistance from ARH on this matter, let us know.

9. **Bellevue Avenue Utility Replacement (ARH #11-50120): No Status Change**

The prior Town Solicitor has been working towards a final resolution of this matter between the Town, contractor and sub-contractors in order to close-out this project. We will request an update on this matter from the Solicitor.

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

A meeting occurred on August 9, 2016 with the Contractor and our office to discuss the claims item by item. Our office would recommend that the results of this meeting be discussed with Council and the Town Solicitor in a closed session.

11. **Lincoln Avenue Chemical Building Relocation (ARH #11-30155.05):**

The contractor, TKT, has completed the major work at the Lincoln Avenue Water Department site and is finalizing the controls at the site. The project is nearly complete and the wells can be operated on an emergency basis.

12. **Improvement Project At The Hammonton Wastewater Treatment Plant/Water Department Site (ARH# 11-30163.03, .04, .05):**

As authorized, Ron Curcio has been working with the MUD Superintendent on the plans and specifications for the following projects:

1. Dump Station Pad (95% complete)
2. Heating System, Sludge Press Building (100% complete) (to be bid with the 3 Bay Garage Project)
3. Utility Water Pressurization System (95% complete)

We will keep Council informed of further progress.

13. **Lincoln Avenue Water Department Building Replacement & Communication Equipment Improvements (ARH #11-30155.05):**

The communications contractor has completed his work and is meeting with the Water Superintendent to make adjustment at the Pleasant Mills Road site to complete the interface with other system components.

14. White Horse Pike/Cedar Branch Stream Water Main Replacement (ARH #11-30161) No Status Change:

The legal descriptions were forwarded to the former Solicitor for preparation of the required deeds to be sent to the affected property owner of Block 4601, Lot 29. Once the deed of easement is executed we could finalize the design plans and specifications for the receipt of price quotes. The information related to this project was forwarded to the present Town Solicitor. We will discuss the status of same with the Solicitor.

15. Pleasant Mills Road 3 Bay Garage Replacement (ARH #11-30163.01):

In order to give the contractors additional time to formulate their bids an addendum has been issued to change the bid date from Wednesday, August 10, 2016 to Thursday, August 18, 2016 at 10:00 a.m. Also, an additional site visit has been set-up for interested contractors this Friday at 10:00 a.m.

16. SJ Gas Company Lincoln Site Remediation (ARH #11-30155.07):

The remediation contractor for South Jersey Gas Company has been on-site completing various improvements as noted in their update memos to Council of their work progress. We have also been in discussions about the use of the 4" water service tap, the existing fire hydrant tap, total water use and the agreement addendum. We will update the PWTC and Council as more information is available.

SOLICITOR REPORT

MAYOR REPORT

Set Trick or Treat October 31, 2016 - 6:00 – 8:30 p.m.

PWM/BUSINESS ADMINISTRATOR REPORT

TOWN CLERK REPORT

1. Confirm Civil Service Appointment Paul Sacco Sr. Public Safety Telecommunicator
2. Authorize Clerk letter to NJ Transit request cut trees between Passmore and Line

APPROVE BILL LIST & PURCHASE ORDERS

NEW BUSINESS

Introduction Ordinance #017-2016 Bond Ordinance Police Radios

Ordinance #017-2016

ORDINANCE PROVIDING FOR THE PURCHASE OF POLICE RADIOS IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$360,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$342,000 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:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$360,000, including the sum of \$18,000 as the down payment required by the Local Bond Law. The down payment is now 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 improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$342,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of police radios.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation 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 bond anticipation 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 bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation 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 bond 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 improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 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 \$342,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$36,000 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.

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

Section 8. Any grant moneys received for the 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 bond 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 ARule@) 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.

Introduction Ordinance #018-2016 Muffled Engine Brakes

Ordinance # 018-2016

AN ORDINANCE PROHIBITING THE USE OF *Muffled Engine Brakes* UPON ALL TOWN OF HAMMONTON AND ALL COUNTY OF ATLANTIC ROADWAYS

Be it Ordained by the Mayor and Town Council of the Town of Hammonton, County of Atlantic, State of New Jersey as follows:

Section 1: PURPOSE:

The Mayor and Council of the Town of Hammonton has determined that the *Muffled Engine Brakes*, also known as Jake Brakes causes unwanted noise, pollutants and disturbances in the Town, and are a detriment to the health, safety and general welfare of the residents of the Town of Hammonton.

Section 2: PROHIBITION:

The use of all *Muffled Engine Breaks* in the Town of Hammonton is prohibited upon all Town of Hammonton roadways and all County of Atlantic roadways within the town.

Section 3: REPEALER:

Any other ordinance or parts of ordinances inconsistent with the ordinance shall be and the same are hereby repealed to the extent of inconsistency. The provisions of any ordinances of the Town of Hammonton, including those specifically referred to herein, not inconsistent with this ordinance and the provisions of any amendments not inconsistent with this ordinance shall remain in full force and effect as though expressly and fully set forth herein.

Section 4: VIOLATIONS AND PENALTIES:

Any person violating a provision of this Article shall be subject to NJSA Motor Vehicle Laws.

Section 5: SIGNAGE:

Appropriate signage shall be placed upon all affected roadways warning the public about the prohibition on use of *Muffled Engine Breaks*.

Section 6: EXCEPTIONS:

This ordinance shall not be applicable to any emergency vehicles.

Section 7: SEVERABILITY

If any part of this ordinance shall, for any reason adjudged by a Court of competent jurisdiction to be declared invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance which will be declared severable.

Section 8: EFFECTIVE DATE:

This ordinance shall take effect 30 days after publication and passage according to law.

RESOLUTIONS

#R113-2016 Authorize Halloween Parade

RESOLUTION #113- 2016

RESOLUTION AUTHORIZING AND ENDORSING
KIWANIS CLUB HALLOWEEN PARADE

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

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

WHEREAS, October 26, 2016 is the scheduled date for the Annual Kiwanis Club Halloween Parade (rain date to be October 27, 2016);

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

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

#R114-2016 Authorize Tree Lighting Event

RESOLUTION #114-2016
RESOLUTION AUTHORIZING AND ENDORSING
MAINSTREET HAMMONTON TOWN TREE LIGHTING EVENT

WHEREAS, Saturday, December 3rd(rain date, Dec 4th) is the scheduled date for the MainStreet Hammonton Town Tree Lighting Event from 5 pm- 9pm. at the intersection of Bellevue and Central and we request the road closure of Central Avenue between Bellevue and Vine from 9am-10 pm; and

WHEREAS, Saturday, December 3rd, has been scheduled as the date for the MainStreet Hammonton carriage rides from 6:00 to 9:00 pm with the request of permitting the carriage route to begin at 310 Bellevue Ave and to then turn right onto School House Lane and permit us on this presently one way route and agree to the route listed below:

Carriage Route

Rides will begin in front of 310 Bellevue Avenue.
Proceed down Bellevue and turn right onto School House Lane
Proceed down School House Lane and turn right onto Vine Street
Proceed down Vine Street and turn right onto 3rd Street.
Proceed down 3rd Street and turn right onto Bellevue Avenue and return to 310 Bellevue.

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 contingent upon contacting Police Chief and Public Works Manager 2 months prior to event;

#R115-2016 Authorize Downtown Trick or Treat

RESOLUTION # 115-2016
RESOLUTION AUTHORIZING AND ENDORSING
MAINSTREET HAMMONTON DOWNTOWN TRICK OR TREAT EVENT
WITH ROAD CLOSURES

WHEREAS, Saturday, October 22(rain date October 29) is the scheduled date for the MainStreet Hammonton Downtown Trick or Treat Event from 1:00pm – 3:00 p.m.; and

WHEREAS, Mainstreet Hammonton is requesting the following road closures and police assistance for this event during the hours of 11am- 4pm at

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 contingent upon contacting Police Chief and Public Works Manager 2 months prior to event;

#R116-2016 Authorize Sale Town Surplus

#R 116 -2016

RESOLUTION OF THE MAYOR AND COUNCIL
OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC,
STATE OF NEW JERSEY, AUTHORIZING SALE OF SURPLUS PROPERTY

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

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

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

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

<u>Year</u>	<u>Model</u>	<u>Serial Number</u>				
1999	Ford Crown Victoria	2FAFP	71W3X	X2089	90	
1999	Ford Crown Victoria	2FAFP	71W6X	X2347	13	
2000	Ford Crown Victoria	2FAFP	71W8Y	X1146	69	
2003	Ford Crown Victoria	2FAFP	71W83	X1250	51	
2003	Ford Crown Victoria	2FAFP	71WX3	X1250	52	
2003	Ford Crown Victoria	2FAFP	71W13	X1250	53	
2003	Ford Exp Wagon	1FMZU	72K93	UA169	19	
2001	Ford Taurus	1FAFP	53U81	G1230	61	
2002	Ford Crown Victoria	2FAFP	71W33	X1250	54	
2001	Ford Crown Victoria	2FAFP	71W81	X1764	34	
2001	Ford Taurus	1FAFP	53UX1	A23700	2	
2001	Ford Crown Victoria	2FAFP	71W11	X1764	36	

#R117-2016 Authorize Assignment Tax Sale Block 5502 Lot 18

#R117-2016

RESOLUTION AUTHORIZING THE ASSIGNMENT
OF TAX SALE BLOCK 5502 LOT 18

WHEREAS, the Town of Hammonton is the present holder of a tax sale certificate for property known and designated as Lot 18 in Block 5502; and

WHEREAS, Anthony DiMeo III has requested the assignment of the Tax Lien Certificate and is willing to pay the amount required for redemption of the Tax Sale Certificate by payment of all outstanding taxes due to the Town of Hammonton; and

WHEREAS, the statutes of the State of New Jersey permit the assignment of Tax Sale Certificate by private sale.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton in the County of Atlantic and State of New Jersey that an assignment to Anthony DiMeo III of the Tax Sale Certificate for Lot 18 in Block 5502 is hereby authorized in accordance with the Laws of the State of New Jersey contingent upon the full payment of all outstanding taxes due the Town of Hammonton; and

BE IT FURTHER RESOLVED, that Rosemarie Jacobs, Tax Collector is hereby authorized to execute any and all documents per this resolution with contingency listed above.

#R118-2016 Authorize Auction Natural Gas

#R118-2016

A RESOLUTION OF TOWN OF HAMMONTON AUTHORIZING THE PURCHASE OF NATURAL GAS SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, Town of Hammonton has determined to move forward with the EMEX Reverse Auction in order procure natural gas for Town of Hammonton; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of natural gas supply service for public use through the use of an online auction service; and

WHEREAS, Town of Hammonton will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and be it

WHEREAS, if the auction achieves a price of \$0.575/therm or less for a 12 month term, or a price of \$0.58/therm or less for a 24 month term; Town of Hammonton may award a contract to the winning supplier for the selected term.

FURTHER RESOLVED, that the Mayor of the Town of Hammonton be and hereby is authorized to execute on behalf of the Town of Hammonton any natural gas contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.575/therm or less for a 12 month term, or a price of \$0.58/therm or less for a 24 month term; Town of Hammonton may award a contract to the winning supplier for the selected term.

#R119-2016 Authorize Auction Electric for Lighting Accounts

#R119-2016

A RESOLUTION OF TOWN OF HAMMONTON AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, Town of Hammonton has determined to move forward with the EMEX Reverse Auction in order procure electricity for Town of Hammonton; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, Town of Hammonton will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and be it

WHEREAS, if the auction for the lighting accounts achieves a price of \$0.0597/kWh or less for a 12 month term, a price of \$0.0601/kWh or less for an 18 month term, or a price of \$0.0597/kWh or less for a 24 month term; Town of Hammonton may award a contract to the winning supplier for the selected term.

RESOLVED, that a certified copy of the within Resolution be forwarded by the Municipal Clerk to the following: EMEX LLC; and

FURTHER RESOLVED, that the Mayor and Council of the Town of Hammonton be and [he/she] hereby is authorized to execute on behalf of the Town of Hammonton any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction for the lighting accounts achieves a price of \$0.0617/kWh or less for a 12 month term, a price of \$0.0607/kWh or less for an 18 month term, or a price of \$0.0617/kWh or less for a 24 month term; Town of Hammonton may award a contract to the winning supplier for the selected term.

#R120-2016 Authorize Auction Electric for General Accounts

#R120-2016

A RESOLUTION OF TOWN OF HAMMONTON AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, Town of Hammonton has determined to move forward with the EMEX Reverse Auction in order procure electricity for Town of Hammonton; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, Town of Hammonton will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and be it

WHEREAS, if the auction for the general service meters achieves a price of \$0.086/kWh or less for a 12 month term, a price of \$0.0896/kWh or less for an 18 month term, or a price of \$0.0875/kWh or less for a 24 month term; Town of Hammonton may award a contract to the winning supplier for the selected term.

RESOLVED, that a certified copy of the within Resolution be forwarded by the Municipal Clerk to the following: EMEX LLC; and

FURTHER RESOLVED, that the Mayor and Council of the Town of Hammonton be and [he/she] hereby is authorized to execute on behalf of the Town of Hammonton any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction for the general service meters achieves a price of \$0.086/kWh or less for a 12 month term, a price of \$0.0896/kWh or less for an 18 month term, or a price of \$0.0875/kWh or less for a 24 month term; Town of Hammonton may award a contract to the winning supplier for the selected term.

#R121-2016 Tax Resolution

#R121-2016

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
4501-48	Restuccio	285 N WHP	2,640.66	tax	Refund o/p	MJ
5201-3	Penza	301 Rt 206,N Union	3,969.80	tax	Refund o/p	Rosie
2515-1 T01	TOH	13 Lincoln	4,555.17	tax	Remove cell tower taxes	Rosie
3701-4	Pezzuto	424 S E H R	1,140.07	tax	Refund Wells Fargo	Rosie
1601-7	DiDonato	820 8th St	1,879.51	tax	Refund o/p due to cty bd jud	Rosie
1601-8	DiDonato	800 8th St	1,946.64	tax	Refund o/p due to cty bd jud	Rosie
1601-9	DiDonato	790 8th St	1,614.75	tax	Refund o/p due to cty bd jud	Rosie

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.

#R122-2016 Amend Budget to include Drive Sober Grant

#R 122-2016

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 of a grant award in the amount of **\$5,000.00 from the State of New Jersey for Drive Sober or Get Pulled Over Statewide Labor Day Crackdown**, and wishes to amend its Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Hammonton hereby requests that the Director of the Division of Local Government Services approve the insertion of an item of revenue in the **2016 Budget in the sum of \$5,000.00** 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:

2016 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown

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

#R123-2016 Release Insurance Surplus

#R123-2016

RESOLUTION AUTHORIZING THE RELEASE OF \$34,258.30 IN SURPLUS FROM THE TOWN OF HAMMONTON'S SHARE OF THE AGGREGATE EXCESS LOSS CONTINGENCY FUND

WHEREAS, the Atlantic County Municipal Joint Insurance Fund (hereafter referred to as the FUND) has been organized pursuant to *N.J.S.A. 40A:10-36 et. seq.*; and

WHEREAS, the FUND is duly constituted as a Municipal Self Insurance Fund to provide insurance coverage to its member municipalities; and

WHEREAS, the FUND has established an Aggregate Excess Loss Contingency Fund pursuant to NJAC 11:15-2.23; and

WHEREAS, in accordance with NJAC 11:15-2.21, the FUND is authorized to release surplus from its Closed Years Fund upon approval from the Department of Banking & Insurance & Department of Community Affairs; and

WHEREAS, should the FUND authorize the Release of Surplus from its Closed Years Fund, each member receiving a share of the surplus has the option of using the surplus as an offset against their next assessment billing, receiving the surplus as a direct payment, or placing a portion of their surplus in the FUND's Aggregate Excess Loss Contingency Fund; and

WHEREAS, several members, including the Town of Hammonton, have placed a portion of their Surplus from amounts released in prior years, into the Aggregate Excess Loss Contingency Fund; and

WHEREAS, based upon the un-audited balance as of April 30, 2015 Financial Review, the Town of Hammonton had an accumulated balance of approximately \$46,089.00 in the Aggregate Excess Loss Contingency Fund; and

WHEREAS, the Fund Commissioner from the Town of Hammonton has sent a written request to the Fund Administrator's office asking that \$34,258.30 of their available balance be released from the Aggregate Excess Loss Contingency Fund;

NOW THEREFORE BE IT RESOLVED, by the Town of Hammonton that the Fund Treasurer is hereby authorized to release \$34,258.30 from the Town of Hammonton's balance in the Aggregate Excess Loss Contingency Fund in the form of a lump sum payment for the 2016 Fund year to the Town of Hammonton.

#R124-2016 Authorize Various Refunds

R124 - 2016

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:

Frank Scianni	Rental Registration	\$50.00
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PUBLIC HEARD

MEETING ADJOURNED