

Minutes Regular Meeting of Mayor and Council – September 26, 2016
Town Hall Council Chambers, 100 Central Avenue
Executive Session 5:30 P.M.
Public Session 7:00 P.M.

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilman:
Furgione - Present
Giralo - Present
Gribbin - Absent
Pullia - Present
Rodio - Present
Torrissi - Present
Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor
Jerry Barberio, PWM/Business Administrator
Steve Barse, Labor Attorney

Executive Session #R126-2016

#R126-2016
TOWN OF HAMMONTON
AUTHORIZING EXECUTIVE SESSION

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of Hammonton Town Council to be held In public, N.J.S.A. 10:4-12(b) sets forth nine types of matters that may lawfully be discussed in "Executive Session," i.e. without the public being permitted to attend, and

WHEREAS, Hammonton Town Council has determined that the below listed issue(s) is/are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance and shall be discussed during an Executive Session to be held on this Resolutions Adopted Date Indicated Below at **6:00 P.M.**, and

WHEREAS, the exception(s) to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

Any matter which, by express provision of Federal law, State statute or rule of **court shall be rendered confidential** or excluded from public discussion." The **legal citation** to the provision(s) at issue is: _____ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is:

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Any matter in which the release of information **would impair a right to receive funds from the federal government.**" The nature of the matter(s), described as specifically as possible without undermining the need for confidentiality is:

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Any material the disclosure of which constitutes an **unwarranted invasion of individual privacy** such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served

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by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or in the case of a minor or incompetent, guardian) shall request in writing that the same be disclosed publicly." The nature of the matter(s), described as specifically as possible without undermining the need for confidentiality is:

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Any **collective bargaining agreement**, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body." The collective bargaining contract(s) discussed are between the Town and:

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Any matter involving the **purchase lease or acquisition of real property** with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed." The nature of the matter(s), described as specifically as possible without undermining the need for confidentiality is:

Hawk's Lease Agreement with Hammonton Board of Education Solicitor Malinsky advised Council of ongoing delays by the Board of Education. Solicitor Donio has advised that the board will review and vote at their next regular meeting.

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Any tactics and techniques utilized in **protecting the safety and property of the public** provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law." The nature of the matter(s), described as specifically as possible without undermining the need for confidentiality is:

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Any **pending or anticipated litigation** or contract negotiation in which the public body is or may become a party. Any matters falling with the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer." The nature of the discussion(s), described as specifically as possible without undermining the need for confidentiality,

Fiorentino vs. Hammonton Solicitor updated council on mediation meeting.

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Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting." Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is:

Fiorentino Discipline (Fiorentino & John Morris Present) Discussion on minor discipline.

Witczak Discipline (Witczak & Mr. Murray Present) After discussion Council agreed to re-issue discipline and Mr. Murray assured Council there would be some form of resignation within 45 days.

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Any deliberation of a public body occurring after a public hearing that may result in **the imposition of a specific civil penalty** upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is:

WHEREAS, the length of the Executive Session is estimated to be **60 minutes** after which the public meeting of the Town Council shall reconvene and action may be taken;

NOW, THEREFORE, BE IT RESOLVED that Hammonton Town Council will go into Executive Session for only the above stated reasons;

BE IT FURTHER RESOLVED that the Town Council directs the Town Clerk to make ten (10) photocopies of this resolution immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing.

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment (w/ Hammonton Town only) and Memorandum of Understanding dated October 26, 2009 that arose out John Paff v. Absecon Custodian, et al, Docket No. ATL-L-3392-08.

BE IT FURTHER RESOLVED that the Town Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public's interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
1.Hawks Lease 2.Fiorentino vs Hammonton	When lease signed When settlement is reached	
3.Fiorentino discipline 4.Witczak discipline	When discipline issued When discipline finalized	

BE IT FURTHER RESOLVED that the minutes of this Executive Session shall become available to the public within 14 days of this meeting or at noon 2 business days before Council's next Regular Meeting, which ever is shorter. The Clerk is authorized to release the portion of the minutes that may be made available to the public per Consent Judgment filed October 26, 2009 Docket No. L-3392-08 which states that the Custodian of Records may release Public and Non Public Minutes to the Public prior to formal approval of Council.

Motion by Councilman Furgione, seconded by Councilman Giraldo, the resolution is adopted.

ROLL CALL

Councilman:
Furgione -Yes
Giraldo -Yes
Gribbin - Yes
Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

RESUME REGULAR MEETING-ROLL CALL

Councilman:
Furgione - Present
Giraldo - Present
Gribbin - Present
Pullia - Present
Rodio - Present
Torrissi - Present
Mayor DiDonato - Present

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

No one desired to be heard.

APPROVAL OF MINUTES

Special Executive Session August 15, 2016

Executive Session August 15, 2016

Regular Meeting August 15, 2016

Motion by Councilman Furgione, seconded by Councilman Giraldo, the minutes are approved.

ROLL CALL

Councilman:

Furgione -Yes

Giraldo -Yes

Gribbin – Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

1.K9 Presentations

2.Hearing Ordinance #012-2016 Inclusionary Development Zone

ORDINANCE #12-2016
INCLUSIONARY DEVELOPMENT ZONE (IDZ)

The Zoning Map is amended to designate Block 1201, Lots 5 & 5.01 as the Inclusionary Development Zone (“IDZ”).

Section 175-142 is amended to add the IDZ Inclusionary Development Zone, to the ordinance.

There is hereby added a Section 175- 158.1. Inclusionary Development Zone.

Section A. Purpose and Intent.

1. The Town of Hammonton recognizes the need for affordable housing that can be offered as rentals for the target population who require smaller, more reasonably priced accommodations such as one-, two- and three-bedroom living facilities. It is the intent of this Ordinance to create a realistic opportunity for the construction of a portion of the low-and moderate-income housing obligation of the Town of Hammonton under New Jersey’s Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; the rules of the New Jersey Council on Affordable Housing, N.J.A.C. 5:93-1 et. seq. (the “Rules”); and the Mount Laurel Doctrine.

2. This ordinance shall apply specifically to the existing rental development along 12th Street (Route 54) on Block 1201, Lots 5 & 5.01 (the “Property”), as shown on the concept plan prepared by Duffy Dolcy McManus & Roesch, dated October 15, 2015 (“Concept Plan”), attached as Exhibit “A”.

3. This Ordinance acknowledges that 52 apartments currently exist on the Property, and that it is the intent of this Ordinance to control development on the Property for an additional 84 rental units (as defined herein) for a total no greater than 136 rental units. This Ordinance creates a IDZ implementing the Concept Plan referenced above, designed to increase an existing rental development to a total of up to 136 rental units, with a 15% set-aside of any new units that are constructed to be designated as affordable rentals that will be governed by controls on affordability that will terminate in accordance with the applicable Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”) requirements and the Rules.

Section B. General Provisions. Because this Ordinance provides specialized regulations for housing types, land use, improvements, site planning, and building design within the IDZ, the standards and requirements of this Ordinance supersede and replace all conflicting provisions in the Town of Hammonton Developmental Ordinance and Zoning Ordinance, except for the stormwater management regulations found in Article XVII of the Town of Hammonton Land Development Ordinance. All ordinances of the Town of Hammonton that are inconsistent with the provisions of this Ordinance are superseded by the provisions of this Ordinance.

Section C. Permitted uses.

The following uses are permitted in the IDZ Zoning District.

1. All uses permitted in the H-B Highway Business Zoning District.
2. Dwelling Unit/Apartment, Multiple –Family.

Section D. Accessory uses.

The following accessory uses are permitted in the IDZ Zoning District.

1. All accessory uses permitted in the H-B Highway Business Zoning District.
2. In multi-family development, accessory uses may include:
 - a. Private, passive or active recreational facilities, including, but not limited to, a community building.
 - b. Stormwater facilities.
 - c. Signage subject to Section 175-161(D)(4).
 - d. Fences and hedges subject to Sections 175-98 and 175-137
 - e. Parking subject to the New Jersey Residential Site Improvements Standards (“RSIS”).
 - f. Other accessory uses and structures normally considered incidental to apartment and/or multifamily buildings, i.e., refuse enclosures, sheds for maintenance equipment and HVAC units.
 - g. Except as set forth herein, all accessory uses and structures shall be permitted within the setback areas for principal buildings and comply with Section 175-87.

Section E. Signs. Signs for the multi-family residential development shall conform to Section 175-161D (4), except that sign setbacks shall be no less than 15 feet from a right of way.

Section F. Bulk standards related to non-residential development shall be the same as those established in the H-B Highway Business Zoning District.

Section G. Bulk standards related to multi-family residential development:

1. Maximum residential density. 12 dwelling units per gross acre. This Ordinance acknowledges that there are currently 52 existing apartment units on the Property. The maximum number of new units permissible in the zone is 84 units. The total maximum number of all units shall be no greater than 136 units.
2. Maximum impervious coverage: 75%
3. Minimum front yard setback for principal buildings: 65 feet
4. Minimum side yard setback for principal buildings: 40 feet
5. Minimum rear yard setback for principal buildings: 20 feet

6. Minimum parking setback: 10 feet (between buildings and parking areas)
7. Maximum building height: 45 feet or 3 stories
8. Minimum space between buildings: No building shall be closer than 50 feet to any other building.
9. Common open space. 15% of the gross tract area. All common open space shall be set aside as permanent common open space to be owned and/or maintained by the property owners or the management entity of the multifamily buildings.
10. Recreation area. A clubhouse or community building with a minimum size of 2,800 sf. and a tot lot shall be provided. Additional recreational activities may be provided. All recreational activities shall be subordinated to the residential character of the development, and no advertising shall be permitted. Architectural elevations and floor plans shall be provided at the time of application for site plan review for the clubhouse or community building.
11. On-site parking and site access.
 - a. Parking shall be regulated by New Jersey Residential Site Improvement Standards (RSIS).
 - b. On-site parking facilities shall be limited to passenger vehicles of permanent residents and their guests. Storage of trucks, boats, trailers, etc., shall be prohibited.
 - c. Design controls applicable for on-site parking facilities are set forth in the site plan and subdivision regulations found in §175-118 except that in order to maintain the character of the existing community curbing is not required.
 - d. Sidewalks shall be provided to reasonably connect the residential units to the parking area and shall be consistent with the Concept Plan.
 - e. A secondary ingress/egress shall be provided on Commence Way.
 - f. Community Building. Parking spaces shall be no closer than 5 feet to the building. The drive aisle shall be no closer than 15 feet to the street line except for the access driveway.
12. Landscaping. Landscaping shall conform to §175-136.
13. Lighting. Lighting shall conform to §175-112, which includes the requirement to design lighting to prevent glare upon surrounding properties.
14. Refuse storage. The refuse storage areas shall be suitably located and screened and arranged for access and ease of collection and shall not be part of, restrict or occupy any parking aisle. Refuse storage structures may be erected in the side and rear yard areas only, and the required setback shall be 1/2 that required for principal buildings.
15. Buffer. The buffer area shall be provided in accordance with the requirements of Section 175-91, except that storm drainage facilities may be located within the buffer area. The buffers shall be located along all side and rear lot lines. The width of the buffer shall be a minimum of 20 feet.
16. Building Design. The design of the new buildings and units shall be a similar in appearance and style as the rendering attached as Exhibit "B".
17. Affordable Housing Requirements.
 - a. Fifteen percent (15%) of all new units constructed shall be provided as affordable housing units. The affordable housing units shall be constructed as rentals.
 - b. Affordable units shall comply with the New Jersey Barrier-Free Subcode accessibility requirements, N.J.A.C. 5:23.7, as required by the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq.
 - c. The affordable housing units shall be developed and rented in accordance with the applicable UHAC and COAH regulations adopted as of the date of the adoption of this Ordinance.

d. The affordable housing units shall be dispersed in various buildings throughout the multi-family development. The affordable units shall be phased consistent with N.J.A.C. 5:93-5.6(d).

e. Consistent with UHAC, the developer (or its agent) may act as the administrative agent to be responsible for the administering of the affordable housing program and reporting to the Municipal Housing Liaison or the Town's designated affordable housing entity.

f. Controls on affordability shall expire in accordance with the applicable UHAC and COAH regulations adopted as of the date of the adoption of this Ordinance.

Section H. Rehabilitation Requirements for Existing Five (5) Buildings.

1. In conjunction with the new construction of the multi-family residential development contemplated under this Ordinance provision, the five (5) existing multi-family residential buildings shall be rehabilitated to conform as much as practicable in light of the requirement for the elimination of cost-generative features. The rehabilitation of the existing buildings shall be phased with the new construction. For purposes of this ordinance, rehabilitation shall mean cosmetic and architectural design features to the existing buildings exterior that complement the new construction style. The five (5) existing buildings after rehabilitation shall look substantially similar to the elevation attached hereto as Exhibit "C".

2. The existing five (5) buildings on the Property shall be rehabilitated in accordance with the following phasing schedule:

New Building Certificate of Occupancy (CO) Issued	Required Completion of Rehabilitation of Existing Five (5) Buildings
Building #1	0
Building #2	1 of the existing buildings completed
Building #3	3 of the existing buildings completed
Building #4	5 of the existing buildings completed

A Certificate of Occupancy shall not be issued for any of the new buildings constructed unless and until the corresponding number of existing buildings, in accordance with the chart above, have been completely rehabilitated. Notwithstanding the foregoing, deviations from the phasing schedule shall be permitted upon application to the Planning Board for good cause, so long as the rehabilitation of the existing buildings is completed before the last Certificate of Occupancy is issued for the new construction.

Section I. Cost-Generation and Development Review Process.

The Planning Board shall conduct its review of any multi-family residential development application in the IDZ Zoning District in accordance with N.J.A.C. 5:93-10 et. seq.

Motion by Councilman Gribbin, seconded by Councilman Torrissi, the ordinance is taken up for second reading and public hearing. Motion carried.

Dennis Foster

Mr. Foster stated his concern with the proposed Inclusionary Development Zone.

Jeff Foster

Mr. Foster stated his concern with traffic patterns that the Inclusionary Development Zone will create.

Motion by Councilman Torrissi, seconded by Councilman Giraldo, the hearing is closed, Motion carried.

Councilman Furgione questioned the status of the current suit that Municipalities have started against the COAH requirements and can additional affordable housing be placed in this area?

Mayor DiDonato stated we already have 180 additional obligations to fulfill. The suit is for future COAH proposals.

Mr. Malinsky responded that there are only 13 affordable units proposed for this development in this ordinance.

Councilman Torrissi questioned is this the best scenario to meet Hammonton's current obligation?

Mr. Malinsky stated yes. The Solicitor further advised Council that the ordinance, after introduction, had to be reviewed and approved by the Planning Board and there was approximately \$3000 in certified mailing costs that we received from the property owner.

Motion by Councilman Torrissi, seconded by Councilman Giraldo, the ordinance is passed second reading and adopted.

ROLL CALL

Councilman:

Furgione -Yes

Giraldo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

3.Hearing Ordinance #017-2016 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.

Motion by Councilman Torrissi, seconded by Councilman Pullia, the ordinance is taken up for second reading and public hearing. Motion carried.

No one desired to be heard.

Motion by Councilman Furgione, seconded by Councilman Giraldo, the hearing is closed, the ordinance is passed second reading and adopted.

ROLL CALL

Councilman:

Furgione -Yes

Giraldo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

4.Hearing Ordinance #018-2016 Prohibiting Engine Braking

Ordinance # 018-2016

AN ORDINANCE PROHIBITING ENGINE BRAKING UPON ALL ROADWAYS LOCATED IN THE TOWN OF HAMMONTON

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 have determined that the use of "engine braking," as defined by this Ordinance, 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: DEFINITIONS:

As used in this Ordinance, the following terms shall have the meanings indicated:

Engine Braking

The use or operation of any engine brake, compression brake or mechanical exhaust device designed to aid in the braking, decompression, or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.

Section 3: PROHIBITION:

It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be used or operated, at any time and on any road within the Town of Hammonton, any engine brake, mechanical exhaust or decompression device which results in the practice known as “engine braking.”

Section 4: SIGNAGE:

Appropriate signage shall be placed at reasonable locations within the Town warning the public about the prohibition of “engine braking.”

Section 5: EXCEPTIONS:

This prohibition shall not apply to the application of unmuffled engine or compression brakes or a mechanical exhaust device where necessary for the protection of persons and/or property which cannot be avoided by an alternative braking system or where the application is necessary for the health, safety and welfare of the community. Sounds created by emergency equipment for emergency purposes are exempt from this section.

Section 6: VIOLATIONS AND PENALTIES:

Unless another penalty is expressly provided by New Jersey Statute, any person, partnership, company, or corporation convicted of a violation of this Ordinance shall be subject to one or more of the following: a fine of not more than \$1,000, imprisonment for a period not to exceed 90 days or a period of community service not to exceed 90 days.

Section 7: 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 8: SEVERABILITY

If any part of this ordinance shall, for any reason be 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 9: EFFECTIVE DATE:

This ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

Motion by Councilman Giraldo, seconded by Councilman Torrissi, the ordinance is taken up for second reading and public hearing. Motion carried.

No one desired to be heard.

Motion by Councilman Giraldo, seconded by Councilman Furgione, the hearing is closed, the ordinance is passed second reading and adopted.

Councilman Torrissi advised there are trucks that do not allow the driver to control the braking. Does this ordinance allow for those provisions?

Mr. Malinsky advised yes there are provisions.

ROLL CALL

Councilman:

Furgione -Yes

Giralo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

COMMITTEE REPORTS

Administration - Councilman Torrissi

Defer action items to New Business

Business & Industry - Councilman Gribbin

Oct 20 is 3rd Thursday

Oct 22 annual downtown trick or treat

Congratulate Mainstreet and Green Committee on yard sale and Green Day Event

Welcome to Hammonton signs honoring Lindsey Giannini have been installed

Oct 13 Chamber Meeting

Oct 5 Chamber Golf Tournament

Education - Councilman Giralo

Reported on Board of Education Matters

Hammonton Above Average on PARK Tests

Defer Action Item to Solicitor Report

Congratulate Coach Sacco

Quality of Life - Councilman Pullia

Defer action item to Administrator report

Kiwanis Chicken BBQ and Rotary Club events Oct 2

Trick or Treat Monday Oct 31

Dog Park raised over \$15,000 for dog park through Beneful Dog Food

Oct 26 Kiwanis Halloween Parade

Public Works & Transportation - Councilman Rodio

Defer report items to Administrator (will give input at that time)

Water & Sewer - Councilman Furgione

Defer action items to Engineer Report

Update on S.J. Gas Remediation Project

ENGINEER 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 two crews on site to install the sanitary sewer main and the water main. The 24-inch sanitary sewer main has been

installed from Broadway to about 400 feet east of Grape Street (approximately 60% complete). The water main has been installed from Broadway to just past the Hammonton Arms Apartments (approximately 30% complete). As construction progresses towards Bellevue Avenue, staging and storage space is becoming limited and we are working with the Contractor to make sure the road can be safely traveled and visibility at intersections is maintained.

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 twenty (20) Change Order requests to date. Nine of these items have been settled, with five being accepted. We have submitted the Contractor's second Request for Payment in the amount of \$504,665.21.

Motion by Councilman Furgione, seconded by Councilman Pullia, approve first payment request to Mathis Construction Co. Inc., for work completed to date as noted above in the amount of \$504,665.21.

ROLL CALL

Councilman:

Furgione -Yes

Giralo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Councilman Furgione invited Mr. Hermann of ARH to the podium to update council on the status of the Valley Avenue Project.

2. 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 and conducted discussions with the PWTC regarding the plans and specifications for the following projects:

1. Dump Station Pad (95% complete) (Concrete work to be completed with concrete work at the Boyer Avenue Garage/Filter Building site.
2. Heating System, Sludge Press Building (100% complete) (Bid with the 3 Bay Garage Project).
3. Utility Water Pressurization System (95% complete) (Price quotes for the supply of material to be requested if authorized).

Motion by Councilman Furgione, seconded by Councilman Rodio, authorize ARH to prepare the specifications to receive price quotes for the purchase of material required for Municipal Utilities Department personnel to complete the installation for the Utility Pressurization system. The cost to complete the above noted work will be \$1,130.00.

ROLL CALL

Councilman:

Furgione -Yes

Giralo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

3. #R126A-2016 Pleasant Mills Road 3 Bay Garage Replacement (ARH #11-30163.01):

RESOLUTION #126A- 2016

RESOLUTION AWARDING BIDS FOR THE TREATMENT PLANT
MAINTENANCE GARAGE AND RELATED SITE WORK

WHEREAS, the Town of Hammonton received bids for the Treatment Plan Maintenance Garage and related site work project; and

WHEREAS, said bids were received on August 18, 2016 and consisted of a project base bid and alternate bid; and

WHEREAS, four (4) bids were received and evaluated; and

WHEREAS, the summary of the bids received for the project are as noted below:

CONTRACTOR	BASE BID COST	ALTERNATE A BID COST	TOTAL COST
TKT Construction	\$655,900.00	\$29,000.00	\$684,900.00
Ron Sirolli	\$742,966.04	\$34,440.00	\$777,406.04
Shore Builders	\$840,000.00	\$29,000.00	\$869,000.00
Levy Construction	\$896,500.00	\$42,600.00	\$939,100.00

WHEREAS, the recommendation of award to Mayor and Council was to consider all bids received and the packet of information submitted with each bid; and

WHEREAS, after review from the Town Engineer, Municipal Utilities Superintendent (MUD) and the Public Works and Transportation Committee (PWTC) and consideration of the funding made available from South Jersey Gas Company per the site remediation agreement with the Town, it is recommended to the Mayor and Town Council to accept and award the Base Bid and Alternate Bid for the Treatment Plant Maintenance Garage and Related Site Work which prices are depicted in the bid summary above; and

WHEREAS, based on the award recommendation, the lowest responsible bidder on the project was TKT Construction from Williamstown, NJ, in the amount of \$684,900.00; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Hammonton that an award of the contract for the bids for the Treatment Plant Maintenance Garage and Related Site Work received on August 18, 2016 be made to TKT Construction in the amount stated above in accordance with the Town Engineer's and PWTC's recommendation.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Town Council award these contracts with the following conditions:

1. The Town Solicitor review and approve the bid package submitted by the low bidder to ensure compliance with the applicable bid requirements.
2. Certification as to the availability of funds be received from the Town's Chief Financial Officer.
3. The Town reserves the right to use value engineering during the course of project construction to evaluate where cost savings could be derived in accordance with applicable public contracts law standards that would best suit the needs of the Town and Municipal Utilities Department.
4. The Mayor of this body be and is hereby directed to sign for and on its behalf the contract in prescribed form for said construction.

Motion by Councilman Furgione, seconded by Councilman Rodio, the resolution is adopted.

ROLL CALL

Councilman:

Furgione -Yes

Giralo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

4. Well #4 Screen Replacement (ARH #2016-0631):

We were requested to provide a proposal to complete the following tasks related to the replacement of the screen and minor related work at the Well #4 on Plymouth Road.

- ~ Prepare project specifications.
- ~ Send out a request for price quotes, review and provide recommendation of award.
- ~ Construction management with MUD Superintendent, invoicing and close-out.

We would estimate that the contractor could complete the work in 5 to 7 days. The cost for ARH to complete the above noted tasks would be \$4,940.00.

Motion by Councilman Furgione, seconded by Councilman Rodio, authorize ARH to complete the various tasks for the Well #4 screen replacement and related work for a figure not to exceed \$4,940.00.

ROLL CALL

Councilman:

Furgione -Yes

Giralo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

5. 2 Bay Garage/Filter Building Boyer Avenue (ARH #11-30163.02):

We discussed possible modifications to the building construction with the PWTC to provide a cost savings for this project which includes the following:

1. Change filter/garage building at Boyer Ave from a constructed in-place 1,156 sf masonry and wood truss building to a pre-fabricated 41' x 24' steel pole barn structure that can be purchased direct from a supplier.
2. In lieu of having contractor install under slab and above grade irrigation filter piping, within the filter/garage building have Town purchase materials and the Municipal Utilities Department personnel install same.
3. Package concrete work (Dump station Pad at the main plant and pre-fabricated building slab construction at Boyer Ave) in one bid.

Motion by Councilman Furgione, seconded by Councilman Pullia, authorize ARH amend bid package as noted above and seek price quotes for this work, subject to project approval from the Pinelands Commission which should occur at their October meeting. The cost for the project construction modifications will submitted to SJ Gas Company for reimbursement consideration for consultant work associated with the Water Department Building Replacement in conjunction with the Lincoln Street Site Remediation Project.

ROLL CALL

Councilman:

Furgione -Yes

Giralo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

SOLICITOR REPORT

Ordinance #020-2016 Amend Foreclosed Property Ordinance

Motion by Councilman Torrissi, seconded by Councilman Gribbin, the ordinance is taken up for and passed first reading and given legal publication.

ROLL CALL

Councilman:
Furgione -Yes
Giralo -Recused
Gribbin - Yes
Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

#R135-2016 Award Bid Sale Town Owned Land (Block 4104 Lot 18) Ann Marie Carpo

Motion by Councilman Torrissi, seconded by Councilman Giralo, the resolution is adopted.

ROLL CALL

Councilman:
Furgione -Yes
Giralo -Yes
Gribbin - Yes
Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Approve Lease Agreement Board of Ed, Hammonton Hawks and Town

Motion by Councilman Giralo, seconded by Councilman Rodio, subject to Board of Education and Hawks approval.

ROLL CALL

Councilman:
Furgione -Yes
Giralo -Yes
Gribbin - Yes
Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Authorize Solicitor Letter to Mobilink

Motion by Councilman Giraldo, seconded by Councilman Torrissi, authorize Solicitor to forward letter concerning pole tower placement on Right of Way in front of St. Martin Church.

ROLL CALL

Councilman:

Furgione -Yes

Giraldo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

PWM/BUSINESS ADMINISTRATOR REPORT

Award PennStar Medivac Helicopter RFQ

Motion by Councilman Rodio, seconded by Councilman Gribbin, award contract and authorize continued negotiation for additional contract items.

Councilman Rodio advised this will replace our previous medi vac team at airport.

ROLL CALL

Councilman:

Furgione -Yes

Giraldo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

#R136-2016 Authorize Resolution and Agreement ACUA 5 Yr Recycling \$198,000 plus epi annually
RESOLUTION # 136 -2016

RESOLUTION AUTHORIZING INTERLOCAL SERVICES AGREEMENT FOR
RECYCLING SERVICES WITH THE ATLANTIC COUNTY UTILITIES AUTHORITY

WHEREAS, the Town of Hammonton is statutorily authorized to enter into Interlocal Services Agreements with State, County and Local Governments; and

WHEREAS, the Town of Hammonton has determined that there exists a need for recycling services; and

WHEREAS, the Atlantic County Utilities Authority provides such services.

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 Atlantic County Utilities Authority is approved.
2. That the Mayor and Town Clerk are hereby authorized to execute an Agreement with the Atlantic County Utilities for recycling services.

Motion by Councilman Gribbin, seconded by Councilman Rodio, the resolution and agreement is adopted.

ROLL CALL

Councilman:

Furgione -Yes

Giralo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Authorize Lake Lowering ARH 2016/17 not to exceed \$575

Motion by Councilman Giralo, seconded by Councilman Pullia, authorize ARH purchase order not to exceed \$575.

ROLL CALL

Councilman:

Furgione -Yes

Giralo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Authorize Letter to Dunkin Donuts

Motion by Councilman Gribbin, seconded by Councilman Giralo, authorize a letter from Mayor DiDonato to the Representative (Corporate and Franchise) of Dunkin Donuts concerning traffic back up on the White Horse Pike.

ROLL CALL

Councilman:

Furgione -Yes

Giralo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Authorize Coin Drop Fire Co. #1 Myrtle/Pine and Oak Road Oct 8, 9, 10

Motion by Councilman Giraldo, seconded by Councilman Gribbin, authorize coin drop contingent upon submission of traffic plan and procedures.

ROLL CALL

Councilman:

Furgione -Yes

Giraldo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Bulky Week Oct 3-7

Brush Week Oct 10-14

#R137-2016 Update Third and Ranere Drainage

Motion by Councilman Torrissi, seconded by Councilman Gribbin, send county amended agreement reminding them that they agreed to make necessary repairs to Third Street.

ROLL CALL

Councilman:

Furgione -Yes

Giraldo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

TOWN CLERK REPORT

1.Accept Resignation Nicholas Rojs Special Police Officer eff 9/2/16

2.Authorize advert & hire between meetings Keybd Clk, MunCt, not to exceed 6 mo temp, 19 hrs per wk, no benefits, \$15.00 hr.

3.Accept resignation Andrew Griess Fire Co 1 and approve his membership for Fire Co 2

4.Authorize clerk issue charges 31A for removal of Police Officer

Motion by Councilman Gribbin, seconded by Councilman Giraldo , town clerk report items 1-4 are adopted.

ROLL CALL

Councilman:

Furgione -Yes

Giraldo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

APPROVE BILL LIST & PURCHASE ORDERS-September 2016

Motion by Councilman Torrissi, seconded by Councilman Rodio, the bill list and purchase orders are approved along with bill list add on.

ROLL CALL

Councilman:

Furgione -Yes

Giralo -Yes

Gribbin - Yes

Pullia – Yes (Recused on insurance payment State Fund)

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

NEW BUSINESS

ORDINANCES FOR INTRODUCTION

Introduction Ordinance #019-2016 Amend Chapter 204

Ordinance # 019 -2016

AN ORDINANCE AMENDING Chapter 204
of the Code of the Town of Hammonton entitled
“Peddlers, Solicitor and Transient Merchants”

WHEREAS, after input of the Municipal Clerk and review of the Mayor and Council, it has been determined that Chapter 204 of the Code of the Town of Hammonton requires updates to conform with the new available options for selling products, edibles or services within the Town; and

WHEREAS, the following amendments have been deemed necessary to continue to serve the public interest;

WHEREAS, Chapter 204, Article III, Section 204-13, “Title”, is amended to read “Peddlers, Hawkers, Vendors, Solicitors, Canvassers, Food Trucks, Door to Door Vendor and Seasonal Sales Vendors”.

WHEREAS, Chapter 204, Article III, Section 204-15, “Definitions”, is amended to add FOOD TRUCK VENDOR– Any person, whether or not a resident of the Town of Hammonton who travels in a self sustained food truck to be parked at a specific location (pre-approved by the Town Clerk and Police Chief) to sell food, approved by Board of Health, to patrons.

WHEREAS, Chapter 204, Article III, Section 204-15, “Definitions”, is amended to add DOOR TO DOOR VENDOR - Any person, whether or not a resident of the Town of Hammonton who travels on foot and/or by vehicle to visit private homeowners to discuss or hand out information that may result in a sale.

WHEREAS, Chapter 204, Article III, Section 204-16, “Fixed Location Sales Prohibited; exception.”
Repealed.

WHEREAS, Chapter 204, Article III, Section 204-17, “License Required”, is amended to include Food Truck Vendor and Door to Door Vendor.

WHEREAS, Chapter 204, Article III, 204-19, "Application for peddler, hawker, vendor, solicitor and canvasser license", is amended to include Food Truck Vendor and Door to Door Vendor and the addition of (O) Detailed map with street names and Block and Lot location where food truck will be parked.

WHEREAS, Chapter 204, Article III, Section 204-20(B), "Investigation and issuance, hearing upon disapproval" is amended to read "Such investigation shall be completed *within 21 days* after receipt of such application; and said Chief shall endorse thereupon his approval or disapproval and, if disapproved, his reasons therefore, and he shall immediately notify the applicant that his application has been disapproved. The application so endorsed shall be forthwith returned to the Town Clerk. When the application is approved by the Police Chief, the applicant shall be issued a license and a parking sticker for the specified approved parking place in the case of a food truck. All licenses issued under Chapter 204 shall expire one year from date of issuance."

WHEREAS, Chapter 204, Article III, Section 204-21(A), "Fees", is amended to read "Registration fee. Each individual applicant, even if all working for same business, for a seasonal sales vendor license or a peddler, hawker, vendor, solicitor, canvasser, food truck and door to door license shall be required to pay a *Non-Refundable fee of \$100.00 to the Town Clerk for police investigation for each person who will be utilizing license and each vehicle that will be used during the license term.*"

WHEREAS, Chapter 204, Article III, Section 204-21(B)(1), "Fees", is amended to read "License fee. The Town's *License fee* for the issuance of a license hereunder shall be as follows:

- (1) Peddler, hawker, vendor, solicitor, canvasser, food truck and door to door annual license fee: \$500.00 per person making sales and per food truck used to make sales"

WHEREAS, Chapter 204, Article III, Section 204-22, "Duration of license", is amended to add food truck and door to door vendor.

WHEREAS, Chapter 204, Article III, Section 204-25, "Effect on existing licenses", is amended to read "Any license which is operating under a current license term (to expire one year from date of issuance) shall remain in full compliance under prior law until the license expires at which time a new application with all regulations contained herein must be made and approved."

WHEREAS, Chapter 204, Article III, Section 204-27(B), "Exceptions", shall read "A Veteran with proper credentials is not subject to payment of fees but is subject to Police Investigation and all other sections herein."

WHEREAS, Chapter 204, Article III, Section 204-27, "Exceptions", shall be amended to include "(D) Any person attending a Special Event held in the Town of Hammonton shall be exempt from the requirements herein but will be required to comply with any and all rules and regulations of the individual group sponsoring the event."

WHEREAS, Chapter 204, Article III, Section 204-30 "Food Trucks Prohibited", shall be added to read "Food Trucks shall be prohibited at all times in the following Zones: HB, DT1, DT3, DT4, GW1, GW2, GW3 but shall be permitted on private property not located in those zones and on farms so long as the property owner has given their permission."

WHEREAS, Chapter 204, Article III, Section 204-31, "All Sales Prohibited", shall be added to read "All Peddlers, Hawkers, Vendors, Solicitors, Canvassers, Food Truck, and Door to Door Sales are prohibited on Municipal Owned and Public Property."

BE IT FURTHER RESOLVED, 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 RESOLVED, 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 RESOLVED, 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 August 15, 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 September 26, 2016, at 7:00 PM or as soon thereafter as the matter may be reached.

BY ORDER OF TOWN COUNCIL OF THE TOWN OF HAMMONTON.

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

ROLL CALL

Councilman:

Furgione -Yes

Giralo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

RESOLUTIONS

#R127-2016 Firefighter Christmas Parade

RESOLUTION #127-2016

RESOLUTION AUTHORIZING AND ENDORSING
FIREFIGHTER CHRISTMAS PARADE

WHEREAS, the Hammonton Fire Department continues to support the Town of Hammonton in it's effort to promote events such as the Christmas Parade which is scheduled for December 10, 2016 (rain date December 11) @ the hour of 7:00 p.m.;

WHEREAS, Mayor and Council has and continues to support the efforts of the Hammonton Fire Department;

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

Liberty Street (from Hammonton Middle School to Bellevue) 5:00 to 9:00 pm

Route 54 (from WPH to Front Street) from 5:00 to 9:00 pm

Central Avenue (from Bellevue to Vine) from 5:00 to 9:00 pm

All Road openings onto Bellevue Avenue (from WHP to Front Street) be closed during event at 7:00 pm

Passmore Avenue (from Egg Harbor Road to Washington Street) from 7:00 to 10:00 pm

Front Street (from Bellevue to Line Street) from 7:00 to 11:00 pm

Liberty Street (from Bellevue Ave to Fairview Ave) from 5:00 to 8:00 pm

Vine Street (from Egg Harbor Rd. to Central Ave.) from 5:00 to 9:00 pm

#R128-2016 Authorize Various Refunds

R128 - 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:

Richard Sayer Jr.	Rental Registration	\$ 50.00
Virtua-West Jersey Health	Airport Rent	\$8,470.00

Motion by Councilman Torrissi, seconded by Councilman Rodio, resolutions 127 and 128 are adopted.

ROLL CALL

Councilman:
Furgione -Yes
Giralo -Yes
Gribbin - Yes
Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

#R129-2016 Tax Resolution

#R129-2016

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
2803-18	Ruberton	111 Vine St RR	506.71	Tax	Parking lot remove billing	Rosie
3904-29	Vision	240 S WHP	217.99	Util	Refund Sears o/p store closed	Rosie
3904-89	Anderson	309 Winding Way	2,161.52	Tax	Refund o/p	Rosie
1701-1.01	Raso	121 W 15th St	7,463.58	Tax	Tax exempt	Rosie
1201-47	Maimone	761 11th St	5,031.47	Tax	Tax exempt	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.

Motion by Councilman Rodio, seconded by Councilman Giralo, resolution 129 is adopted.

ROLL CALL

Councilman:
Furgione -Yes
Giralo -Yes
Pullia - Recused
Rodio - Yes
Torrissi - Yes
Mayor DiDonato – Recused
Deputy Mayor Gribbin: Yes

Deputy Mayor Gribbin declared the motion carried.

#R130-2016 Approve Recycling Tonnage Grant

#R 130-2016

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 from the State of New Jersey for **the 2016 Recycling Tonnage Grant in the amount of \$35,073.71**, 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 **2016 Budget in the sum of \$35,073.71**, 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 Recycling Tonnage

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

#R131-2016 Authorize lower speed limit and place 4 way stop Grape and Central

RESOLUTION #131-2016
A RESOLUTION REQUESTING ATLANTIC COUNTY
TO PROCEED WITH PLACEMENT OF A "4 WAY STOP"
AT THE INTERSECTION OF Central Avenue (CR 542) and Grape Street

WHEREAS, at the Regular Meeting of the Mayor and Council of the Town of Hammonton held September 26, 2016 the Mayor and Council authorized a request for a "4 Way Stop" at the intersection of Central Avenue (CR 542) and Grape Street; and

WHEREAS, at this meeting Mayor and Council further requested the lowering of the speed limit on Central Avenue (CR 542);

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Hammonton, County of Atlantic and State of New Jersey to request Atlantic County to authorize a 4 way stop at the intersection of Central Avenue (CR 542) and Grape Street as well as the lowering of the speed limit on Central Avenue (CR 542); and

BE IT FURTHER RESOLVED that the Clerk is authorized forward a certified copy of this resolution to Atlantic County Board of Chosen Freeholders along with police reports or any other documentation necessary for investigation in this matter.

#R132-2016 Authorize Assessor to Notify Governing Body of All Tax Appeals Filed

*which she does but the State wants to see it in writing

RESOLUTION #132-2016

RESOLUTION PROVIDING FOR THE TAX ASSESSOR TO NOTIFY GOVENING BODY
AND CHIEF FINANCIAL OFFICER OF TAX APPEALS FILED IN TAXING DISTRICT

WHEREAS, from time to time the Assessor receives tax appeals throughout the year for property located in the Town of Hammonton; and

WHEREAS, the Assessor is required to notify the Governing Body and Chief Financial Officer of the Taxing District of all tax appeals filed in said District;

THEREFORE BE IT RESOLVED, by the governing body of the Town of Hammonton that the Assessor is hereby authorized to report all appeals upon filing, but no later than June 1st of each year, to the Governing Body and the Chief Financial officer.

#R133-2016 Salary Resolution Code Enforcement Officer

#R133-2016
RESOLUTION

WHEREAS, the Mayor and Common Council of the Town of Hammonton, by Ordinance fixed a salary range for the employment of the certain Town Officials of the Town of Hammonton, County of Atlantic, New Jersey; and

WHEREAS, said ordinance provides that the amount to be paid to such official or employee within the salary range shall be fixed from time to time by Resolution of the Mayor and Council; and

WHEREAS, the time of service of any employee shall be computed as commencing in January of the year when the employee was hired.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton, Atlantic County, New Jersey as follows:

<u>Employee</u>	<u>Title</u>	<u>Hourly Rate</u> <u>(effective 09/19/16)</u>
Mark Rogers	Code Enforcement Officer Trainee	\$14.00

#R134-2016 Approve Community Shuttle Route Expansion

#R134-2016

A RESOLUTION APPROVING THE EXPANSION OF THE
ROUTE 54/40 COMMUNITY SHUTTLE ROUTE

WHEREAS, the Route 54/40 Community Shuttle provides a necessary service to the residents of the Town of Hammonton as well as surrounding communities;

WHEREAS, the Route 54/40 Community Shuttle Volunteers wish to expand the current shuttle route to proceed up to and include stops at Shop Rite and Walmart both located in the Town of Hammonton; and

WHEREAS, the expansion of the Route 54/40 Community Shuttle requires approval of the Governing Body;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Hammonton, County of Atlantic, State of New Jersey; are in support of and authorize expansion of the Route 54/40 Community Shuttle to include Shop Rite and Walmart of Hammonton.

Motion by Councilman Gribbin, seconded by Councilman Pullia, resolutions 130-134 are adopted.

ROLL CALL

Councilman:

Furgione -Yes

Giralo -Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

PUBLIC HEARD

Jim Donio

Mr. Donio of Eagle Theatre thanked everyone for re-approving the DMO and expressed his concern that those council members who had questions did not contact him. He also advised that he submitted the budget to Frank Zuber, Town Accountant, per the DMO requirements.

Councilman Furgione stated he felt the action should have been done by resolution on a year to year basis along with a presentation to council.

Councilman Gribbin stated the procedure was not deemed incorrect by a court of law and council members should not state opinions as though they are fact.

Councilman Torrissi stated he was not against the DMO.

Councilman Pullia stated he did not feel the spreadsheet submitted to Frank Zuber fully disclosed all financial aspects.

MEETING ADJOURNED

Motion by Councilman Furgione, seconded by Councilman Gribbin, the meeting is adjourned. Motion carried.

Clerk