

Special Meeting of Mayor and Council July 31, 2019
Town Hall Council Chambers, 100 Central Avenue
Closed Session 6:00 P.M.
Public Session 6:30 P.M.

ATTENDANCE ROLL CALL

Councilperson:
Furgione - Present
Giralo - Present
Gribbin – Present
Rodio – Present
Sacco - Present
Torrissi – Absent
Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor
Bob Vettese, Public Works Manager
Police Chief – Robert Jones
Steve Barse – Town Labor Attorney
Jim Brennenstuhl - Investigator

EXECUTIVE SESSION Resolution #117-2019

Motion by Council Person Gribbin Second Rodio
Enter into Executive Session

Motion by Council Person Giralo Second Gribbin
Close session return to regular session, Resolution #117-2019 is adopted

RESUME REGULAR MEETING- ROLL CALL

Councilperson:
Furgione - Present
Giralo - Present
Gribbin - Present
Rodio- Present
Sacco - Present
Torrissi – Absent
Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor
Bob Vettese, Public Works Manager
Steve Barse, Town Labor Attorney

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

DISPENSE WITH REGULAR ORDER OF BUSINESS

Resolution #119- 2019- Capital Budget Amendment Redevelopment Project

WHEREAS, the local capital budget for the year 2019 was adopted on the 17th day of June, 2019; and

WHEREAS, it is the desire 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 Cost</u>	<u>Debt Authorized</u>
Issuance Costs for Redevelopment Project	<u>\$ 25,000.00</u>	<u>\$25,000.00</u>

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

Motion by Council Person Furgione Second Rodio
Resolution #119-2019 is adopted

Roll Call

- Councilperson:
- Furgione – Yes
- Giralo – Yes
- Gribbin - Yes
- Rodio- Yes
- Sacco - Yes
- Torrissi – Absent
- Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Ordinance #021-2019- Redevelopment Area White Horse Pike

BOND ORDINANCE OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY AUTHORIZING THE ISSUANCE OF REDEVELOPMENT AREA BONDS OR NOTES OF THE TOWN TO FINANCE THE COST OF CERTAIN INFRASTRUCTURE IMPROVEMENTS RELATING TO A REDEVELOPMENT PROJECT TO BE UNDERTAKEN BY WHITE HORSE HMT URBAN RENEWAL LLC

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Local Redevelopment and Housing Law**”) confers certain contract, planning and financial powers upon a redevelopment entity, as defined at Section 3 of the Act, in order to implement redevelopment plans adopted pursuant thereto; and

WHEREAS, the Town of Hammonton, in the County of Atlantic, New Jersey (the “**Town**”), has elected to exercise these redevelopment entity powers directly, as permitted by Section 4 of the Local Redevelopment and Housing Law; and

WHEREAS, the governing body of a municipality which has adopted a redevelopment plan pursuant to the Local Redevelopment and Housing Law may enter into a financial agreement with an urban renewal entity pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “**Long Term Tax Exemption Law**”), for, among other reasons, the undertaking of a project set forth in a redevelopment plan; and

WHEREAS, the Town Council adopted Resolution #061-2018, which authorized the Town of Hammonton Planning Board to conduct an investigation to determine whether or not certain properties identified on the official tax map of the Town as Block 3904, Lots 39 and 40 (the “**Study Area**” or the “**Land**”) qualified as a non-condemnation area in need of redevelopment pursuant to the Local Redevelopment and Housing Law; and

WHEREAS, by Resolution #99-2018, adopted on July 23, 2018, the Town declared the Study Area, along with certain adjacent rights-of-way, to be a Non-Condensation Redevelopment Area (the “**Redevelopment Area**”); and

WHEREAS, the Municipal Clerk per Resolution #99-2018, notified the Commissioner of the Department of Community Affairs of that action; and

WHEREAS, on January 28, 2019, Town Council passed Ordinance #1-2019, which adopted the Redevelopment Plan dated January 7, 2019, prepared by Town Planner, Kevin J. Dixon, P.E., P.P., P.T.O.E., C.M.E., of Dixon Associates Engineering, LLC (the “**Redevelopment Plan**”); and

WHEREAS, pursuant to the Local Redevelopment and Housing law and the Tax Exemption Law, the Town has designated White Horse HMT Urban Renewal LLC (the “**Redeveloper**”) as the designated redeveloper to redevelop the Land, consisting of the renovation, construction and equipping of an approximately 162-unit assisted living residence for low income seniors, including, among other things, the renovation of an existing private room hotel and the new construction of additional units and kitchen, dining, administrative and resident activity areas, including an approximately 5,000 square foot adult medical day care facility (the “**Redevelopment Project**”); and

WHEREAS, the Redeveloper will be a single purpose urban renewal entity pursuant to the Long Term Tax Exemption Law created for the development, operation and maintenance of the Redevelopment Project; and

WHEREAS, in order to improve the feasibility of the Redevelopment Project, the Redeveloper has requested that the Town allow a long term tax exemption and financial agreement with respect to the Redevelopment Project pursuant to the Long Term Tax Exemption Law; and

WHEREAS, the Redevelopment Project will require, among other items, the construction of certain infrastructure improvements, relocations and modifications in and around the Redevelopment Area, including without limitation, certain intersection and other traffic improvements (collectively, the “**Infrastructure Improvements**”); and

WHEREAS, despite the Redeveloper’s investment of equity and borrowed funds, such amounts are insufficient to feasibly pay for all of the costs associated with the development and construction of the Redevelopment Project; and

WHEREAS, in order to defray certain eligible costs of the Redevelopment Project, specifically the Infrastructure Improvements, thereby making the Redevelopment Project viable, the Town agreed to issue general obligation bonds in one or more series in an aggregate principal amount not to exceed \$25,000 (the “**Bonds**”) pursuant to the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 *et seq.*, (the “**RAB Law**”) and/or the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the “**Local Bond Law**”), as applicable; and

WHEREAS, the Redeveloper has represented to the Town that financial assistance is necessary in order for the Redevelopment Project to be undertaken in its intended scope; and

WHEREAS, the Town desires to authorize the issuance of Bonds in an amount not to exceed \$25,000 to fund the Infrastructure Improvements; and

WHEREAS, the Town will use the proceeds of the Bonds to finance the Infrastructure Improvements described in Section 3 of this bond ordinance.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

The improvements and purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Town as general and local improvements, as described in more detail herein. For the improvements and purposes described in Section 3, there is hereby appropriated the sum of \$25,000. Pursuant to Section 37 of the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-37c(2)), no down payment is required, notwithstanding the requirements of Section 11 of the Local Bond Law, because the improvements and purposes set forth in Section 3 constitute a "redevelopment project" under the Local Redevelopment and Housing Law.

In order to finance the cost of the several improvements and purposes described in Section 3, negotiable bonds are hereby authorized to be issued pursuant to the Local Bond Law and the Local Redevelopment and Housing Law in a principal amount not to exceed \$25,000. 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 and the Local Redevelopment and Housing Law.

Section 3. (a) The several improvements hereby authorized and the several purposes for which the bonds are to be issued, include the construction of the Infrastructure Improvements, constituting a portion of the Redevelopment Project, which constitutes a “redevelopment project” under the Local Redevelopment and Housing Law, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements and purposes is as stated in Section 2 hereof.

(c) The estimated costs of the improvements and purposes are equal to the amount of the appropriations herein made therefore.

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

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

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

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

(b) Pursuant to N.J.S.A. 40A:12A-37(c), the obligations authorized herein shall mature in annual installments commencing not more than two (2) and ending not more than forty (40) years from the date of issuance.

(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 \$25,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount of not exceeding \$25,000 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 purposes or improvements.

(d) The maximum interest rate on the bonds shall be 9% without further authorization of the Town Council, which authorization may be by resolution.

Section 7. The Town hereby declares the intent of the Town to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

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

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

Motion by Council Person Rodio Second Giraldo

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Absent

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Ordinance #022-2019 – Approve Application and Agreement with White Horse HMT Urban Renewal LLC

ORDINANCE OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY APPROVING THE APPLICATION OF AND THE EXECUTION OF FINANCIAL AGREEMENT WITH WHITE HORSE HMT URBAN RENEWAL LLC IN CONNECTION WITH THE RENOVATION, CONSTRUCTION AND EQUIPPING OF AN ASSISTED LIVING RESIDENCE FOR LOW INCOME SENIORS BY WHITE HORSE HMT URBAN RENEWAL LLC

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Local Redevelopment and Housing Law**”) confers certain contract, planning and financial powers upon a redevelopment entity, as defined at Section 3 of the Act, in order to implement redevelopment plans adopted pursuant thereto; and

WHEREAS, the Town of Hammonton, in the County of Atlantic, New Jersey (the “**Town**”) has elected to exercise these redevelopment entity powers directly, as permitted by Section 4 of the Local Redevelopment and Housing Law; and

WHEREAS, the governing body of a municipality which has adopted a redevelopment plan pursuant to the Local Redevelopment and Housing Law may enter into a financial agreement with an urban renewal entity pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “**Long Term Tax Exemption Law**”), for, among other reasons, the undertaking of a project set forth in a redevelopment plan; and

WHEREAS, the Town Council adopted Resolution #061-2018, which authorized the Town of Hammonton Planning Board to conduct an investigation to determine whether or not certain properties identified on the official tax map of the Town as Block 3904, Lots 39 and 40 (the “**Study Area**” or the “**Land**”) qualified as a non-condemnation area in need of redevelopment pursuant to the Local Redevelopment and Housing Law; and

WHEREAS, by Resolution #99-2018, adopted on July 23, 2018, the Town declared the Study Area, along with certain adjacent rights-of-way, to be a Non-Condensation Redevelopment Area (the “**Redevelopment Area**”); and

WHEREAS, the Municipal Clerk per Resolution #99-2018, notified the Commissioner of the Department of Community Affairs of that action; and

WHEREAS, on January 28, 2019, Town Council passed Ordinance #1-2019, which adopted the Redevelopment Plan dated January 7, 2019, prepared by Town Planner, Kevin J. Dixon, P.E., P.P., P.T.O.E., C.M.E., of Dixon Associates Engineering, LLC (the “**Redevelopment Plan**”); and

WHEREAS, pursuant to the Local Redevelopment and Housing law and the Tax Exemption Law, the Town has designated White Horse HMT Urban Renewal LLC (the "**Entity**") as the designated redeveloper to redevelop the Land, consisting of the renovation, construction and equipping of an approximately 162-unit assisted living residence for low income seniors, including, among other things, the renovation of an existing private room hotel and the new construction of additional units and kitchen, dining, administrative and resident activity areas, including an approximately 5,000 square foot adult medical day care facility (the "**Redevelopment Project**"); and

WHEREAS, the Entity will be a single purpose urban renewal entity pursuant to the Long Term Tax Exemption Law created for the development, operation and maintenance of the Redevelopment Project; and

WHEREAS, in order to improve the feasibility of the Redevelopment Project, the Entity has requested that the Town allow a long term tax exemption and financial agreement with respect to the Redevelopment Project pursuant to the Long Term Tax Exemption Law; and

WHEREAS, the Redevelopment Project will require, among other items, the construction of certain infrastructure improvements, relocations and modifications in and around the Redevelopment Area, including without limitation, certain intersection and other traffic improvements (collectively, the "**Infrastructure Improvements**"); and

WHEREAS, despite the Redeveloper's investment of equity and borrowed funds, such amounts are insufficient to feasibly pay for all of the costs associated with the development and construction of the Redevelopment Project; and

WHEREAS, in order to defray certain eligible costs of the Redevelopment Project, specifically the Infrastructure Improvements, thereby making the Redevelopment Project viable, the Town agreed to issue general obligation bonds in one or more series in an aggregate principal amount not to exceed \$25,000 (the "**Bonds**") pursuant to the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 *et seq.*, (the "**RAB Law**") and/or the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "**Local Bond Law**"), as applicable; and

WHEREAS, the Entity has represented to the Town that the Redevelopment Project would not be feasible in its intended scope but for the provision of financial assistance by the Town; and

WHEREAS, the Town determined that the assistance provided to the Redevelopment Project pursuant to this Agreement will be a significant inducement for the Entity to proceed with the Redevelopment Project and that based on information set forth in the Application, the Redevelopment Project would not be feasible without such assistance; and

WHEREAS, pursuant to the Long Term Tax Exemption Law, the Redeveloper provided the Town with the information required by Section 8 of the Long Term Tax Exemption Law in the form of an application for a long term tax exemption (the "**Application**"); and

WHEREAS, the Town Council hereby finds that the relevant benefits of Redevelopment Project outweigh the loss, if any, of property tax revenue in granting the long term tax exemption requested in the Application; and

WHEREAS, the Town Council further finds that the assistance provided to the Redevelopment Project pursuant to the Financial Agreement will be a significant inducement for the Entity to proceed with the Redevelopment Project; and

WHEREAS, the Town and the Entity have determined to execute a financial agreement (the "**Financial Agreement**"), a form of which is included in the Application.

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

Section 1. The Application and form of Financial Agreement are hereby approved.

Section 2. The Mayor is hereby authorized and directed to execute the Financial Agreement with the Redeveloper in substantially the same form as that contained within the Application, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.

Section 3. Executed copies of the Financial Agreement shall be certified by and be filed with the Office of the Town Clerk. Further, the Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Town, and the Chief Financial Officer of Atlantic County within 10 days of the execution of the Financial Agreement.

Section 4. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 5. This ordinance shall take effect in accordance with law.

Motion by Council Person Rodio Second Giralò

Roll Call

Councilperson:

Furgione – Yes

Giralò – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

RESOLUTIONS

Resolution #118- 2019- Approval Grant Application Small Cities Grant

APPROVAL TO SUBMIT A GRANT APPLICATION WITH
THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS, the Town of Hammonton is requesting funding consideration from the State of New Jersey Department of Community Affairs for the Small Cities Public Facilities Grant Program; and

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

WHEREAS, it is necessary for the Town Council of the Town of Hammonton to authorize the Mayor and or Town Clerk to execute said application to allow the Town to be eligible for the New Jersey Department of Community Affairs Small Cities Public Facilities Grant Program up to \$400,000.00; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council of the Town of Hammonton approve that the Mayor and/or Clerk are hereby authorized to submit a grant application with the New Jersey Department of Community Affairs for the Small Cities Public Facilities Grant Program.

Motion by Council Person Gribbin Second Giralò
Resolution #118-2019 is adopted

Roll Call

Councilperson:

Furgione – Yes

Giralò – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Absent

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Approval of Pinelands Applications Fees to ARH for Certificate of Filing for Demolition of Properties:

- **Celona Property** Application fee not to exceed \$850.00
- **782 Bellevue Ave Property** Application fee not to exceed \$1,200.00

Motion by Council Person Giralò Second Sacco
Approval of fees Above for Pinelands application fees

Roll Call

Councilperson:

Furgione – Yes

Giralò – Yes

Gribbin - Yes

Rodio- Yes

Sacco - Yes

Torrissi – Absent

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

PUBLIC HEARD

No one desired to be heard

Councilmen Gribbin- Thanked Lieutenant Governor for coming to Town to present the grant to the Eagle Theater

Councilwoman Sacco – fringe Festival will be the beginning August and National Night out is Friday August 9th at 6 pm.

MEETING ADJOURNED

Motion by Council Person Giraldo Second Gribbin