

Regular Meeting of Mayor and Council December 16, 2019
Town Hall Council Chambers, 100 Central Avenue
Executive Session 6:00 P.M.
Public Session 7:00 P.M.

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilperson:
Furgione -
Giralo -
Gribbin -
Rodio -
Sacco -
Torrissi -
Mayor DiDonato -

PRESENT ALSO

Michael Malinsky, Town Solicitor
Bob Vettese, PWM

EXECUTIVE SESSION Resolution #191-2019

RESUME REGULAR MEETING-ROLL CALL

Councilperson:
Furgione -
Giralo -
Gribbin -
Rodio -
Sacco -
Torrissi -
Mayor DiDonato -

PRESENT ALSO

Michael Malinsky, Town Solicitor
Robert Vettese, Public Works Manager
Mark Hermann of ARH, Town Engineer

PUBLIC NOTICE

Notice of this meeting has been posted and given to official newspapers. Please familiarize yourselves with the fire exits to the right and rear of the Council Chambers. Please do not proceed beyond the front benches without invitation from the Mayor to do so. Also, each person who wishes to address Council will be allotted 5 minutes.

PLEDGE OF ALLEGIANCE

PUBLIC HEARD FOR AGENDA ACTION ITEMS

APPROVAL OF MINUTES

Executive Minutes November 18, 2019
Council Minutes November 18, 2019

PRESENTATION

- Councilperson Tom Gribbin

DISPENSE WITH REGULAR ORDER OF BUSINESS

Public Hearing of Ordinance #028-2019 – Amend Chapter 184, Article I & 2, Release of Balloons

ORDINANCE TO AMEND CHAPTER 184, ARTICLE I AND II OF THE GENERAL ORDINANCES OF TOWN OF HAMMONTON

WHEREAS, the release of balloons inflated with lighter-than-air gases, such as helium, poses a danger and nuisance to the environment, particularly to wildlife and marine animals; and

WHEREAS, it is in the public interest for the Town of Hammonton to take action when appropriate in order to protect the quality of the environment; and

WHEREAS, the release of balloons inflated with lighter-than-air gases poses a nuisance and potential danger to the environment.

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

1. Chapter 184, Article I, Section 1, Subsection B, the following terms are added:

AERIAL LUMINARY LANTERN

Any device designed to be airborne upon release into the environment regardless of fuel source including sky lanterns.

BALLOON

A bag made of thin rubber or other like material inflated with air or with a lighter- than-air gas.
SKY LANTERNS

Airborne paper lanterns that are constructed of oiled rice paper on a bamboo frame, and contain a small candle or fuel cell composed of a waxy flammable material.

2. Chapter 184, Article I, a new Section 19 is added which reads as follows:

§184-19 Balloons, Sky Lanterns and Aerial Luminary Lanterns

- A. It shall be unlawful for any person, firm, corporation or organization to intentionally release, organize the release of, or intentionally cause to be released undeterred sky lanterns or aerial luminary lanterns or similar devices.
- B. It shall be unlawful for any person, firm, corporation or organization to intentionally release, organize the release of, or intentionally cause to be released balloons inflated with air or a gas that is lighter-than-air within the Town of Hammonton except:
 - (1) Balloons released for a specific scientific or meteorological purpose by a governmental agency pursuant to a governmental contract or by a recognized educational institution;
 - (2) Balloons which are tethered and retrieved by the releaser;
 - (3) Hot air balloons which are designed to be and which are recovered; and

(4) Balloons which are released indoors and which are not subject to be released into the atmosphere.

3. Chapter 184, Article I, the Sections are renumbered as follows:

<u>Former Section</u>	<u>New Section</u>
§184-19	§184-20
§84-20	§184-21

4. Chapter 184, Article II, the Sections are renumbered as follows:

<u>Former Section</u>	<u>New Section</u>
§184-21	§184-22
§184-22	§184-23
§184-23	§184-24
§184-24	§184-25
§184-25	§184-26
§184-26	§184-27

5. Chapter 184 the Table of Contents at the beginning of the Chapter is Amended to reflect the changes in this Ordinance.

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

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

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

Public Hearing of Ordinance # 0 3 0 -2019- Amend Chapter 190- Noise

Ordinance to Amend Chapter 190 of the General Ordinances of the Town of Hammonton
BE IT ORDAINED by the Mayor and Council of the Town of Hammonton, County of Atlantic and State of New Jersey as follows:

Chapter 190, a new Article I is added, which reads as follows:

ARTICLE I
NOISE

§ 190-1. Applicability

It is hereby found and declared that:

- A. The making and creation of loud, unnecessary or unusual noises within the limits of the Town of Hammonton is a condition which has existed for some time and the extent and volume of noises is increasing;
- B. The making, creation or maintenance of loud, unnecessary, unnatural or unusual noises which are prolonged, unusual or unnatural in their time, place and use affect and are detrimental to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town of Hammonton.
- C. The necessity in the public interests for the provisions and prohibitions hereinafter contained is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained are in pursuant of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and peace and quiet of the Town of Hammonton and its inhabitants.

§ 190-2. Definitions.

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

SOUND-AMPLIFYING EQUIPMENT

Any machine or device for the amplification of the human voice, music, or any other sounds, but not be construed as including standard automobile radios when used and heard only by occupants of the vehicles in which they are installed, or warning devices on authorized emergency vehicles, or horns or other devices used only for traffic safety purposes.

SOUND TRUCK

Any motor vehicle, horse-drawn vehicle or any other means of conveyance whatsoever, having mounted thereon, or attached hereto, any sound-amplifying equipment.

§ 190-3. Noise prohibited.

It shall be unlawful for any person to make, continue or use to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Town of Hammonton. Such noise is prohibited, except as set forth in § 190-4(12), between the hours of 10:00 p.m. and 6:00 a.m., on Monday, Tuesday, Wednesday, Thursday and Friday; and the hours of 11:00 p.m. and 7:00 a.m. on the days of Saturday and Sunday, in a manner as to be plainly audible at a distance of 50 feet from the building, structure, vehicle, or place in which the noise is emanating shall be prima face evidence of a violation of this section.

§ 190-4. Prohibited acts.

- A. The following acts are hereby declared to be examples of loud, disturbing and unnecessary noises in violation of this Article, but said enumerations shall not be deemed to be exclusive:

- (1) Radios; televisions; phonographs. The using, operating, or permitting to be played, used or operated, of any radio-receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which the machine or devices is operated and who are voluntary listeners.
- (2) Loudspeakers; amplifiers for advertising. The using, operating, or permitting to be played, used or operated, of any radio-receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purposes of commercial advertising, or attracting the attention of the public to any building or structure.
- (3) Yelling; shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 6:00 a.m., on Monday, Tuesday, Wednesday, Thursday and Friday; and the hours of 11:00 p.m. and 7:00 a.m. on the days of Saturday and Sunday, or at any other time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, apartment or other type of residence or of any persons in the vicinity.
- (4) Animals.
 - A. Notwithstanding the provisions of any chapter in the Town of Hammonton Code, the keeping of any animals or birds which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity, but nothing herein contained is intended to apply to a dog pound of kennel licensed in accordance with this Code. See also, Sections 82-20 and 82-21 of the Ordinances of the Town of Hammonton.
- (5) Horns; signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, bus, streetcar or other vehicle, except when required by law, or when necessary to give timely warning of the approach of the vehicle, or as a warning of impending danger to persons driving other vehicles, or of persons upon the street: the creation by means of any signaling device of any unreasonably loud or harsh sound, or for any unnecessary period of time; the use of any signaling device except one operated by hand or electrically; the use of any horn, whistle or other device operated by engine exhaust; and the use of any signaling device when traffic is held up for any reason.
- (6) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger, or as a signal or warning in connection with civil defense, fire or ambulance calls, or upon request of the proper municipal authorities.

- (7) Exhaust. The discharge into the open air of the exhaust of any internal combustion engine, except through an adequate muffler or other device which will effectively prevent loud or excessive noises therefrom. (See N.J.S.A. 39:3-70 for the State law regarding muffler requirements on motor vehicles and Chapter 6, Watercraft Noise Control, 7:6-6.1 of the New Jersey Rules and Regulations). This restriction includes, by way of example and not by way of limitation, internal combustion engines powering motor vehicles, motorboats, watercrafts, vessels, chain saws and lawnmowers).
- (8) Defect in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (9) Schools; courts; churches; hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any hospital which unreasonably interferes with the working of the institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such street indicating that the same is a school, hospital or court street.
- (10) Drums. The use of any drums or other instrument or device for the purpose of attracting attention by creation of noise of any performance, show or ~~etc~~
- (11) Hawkers; peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturb the peace and quiet of the neighborhood.
- (12) Pile drivers; hammers. The operation other than between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday, of any pile driver, steam shovel, bulldozer or other earthmoving machinery, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- (13) Miscellaneous night noises. The "warming up" of diesel motors of motor vehicles, except when located at an existing, operating commercial or industrial business operation; creation of loud or excessive noise in connection with loading or unloading of any vehicle; the repair, erection or demolition of any building, the operation of any lawn mower, weed-cutting device or other lawn equipment or the creation of any other loud or raucous sound or noise between the hours of 10:00 p.m. and 6:00 a.m., Monday through Friday and 11:00 p.m. to 7:00 a.m. Saturday and Sunday, in proximity of any dwelling, residence or other inhabited buildings.

B. The above enumeration is only intended to give typical illustrations of prohibited noise and shall not be construed as exclusive.

§ 190-5. Exceptions.

Nothing herein contained shall be construed to apply to:

- A. The use of bells, chimes or sound amplifiers by churches in church activities.
- B. Activities of the municipal departments in the performance of their duties, drills, public demonstrations, or disaster warning, alert or alarm systems.

- C. Publicly sponsored activities on public streets, sidewalks, in the public parks, playgrounds or public buildings under the permission or authority of the municipal officials.
- D. The playing of a band or orchestra in a hall or building or in the open air during a publicly sponsored performance.
- E. Any public utility as defined in Title 48 of the New Jersey Statutes, or to any employees of a public utility when the public utility or its employees are engaged in performing work to prevent the threatened interruption of its services, or to terminate the interruption of its service rendered to its customers.
- F. The use of school bells, alarms or sound amplifiers by schools.
- G. Parades conducted in compliance with the Ordinances of the Town of Hammonton.
- H. Activities or event approved by Town Council through Resolution or Ordinance.
- I. Refrigeration units attached to commercial vehicles required for the transportation of those goods that require same.

§ 190-6. Violations and penalties.

- A. Violation of any provision of this chapter shall be cause for a Municipal Court summons to be issued by the Police Department, Code Enforcement Official, or any member of the general public who is affected by excessive noise.
- B. Any person who shall violate any of the provisions of this Article or any Order promulgated hereunder shall, upon conviction, be punished by a fine of not more than \$2,000.00, imprisonment for not more than 90 days and/or a period of community service for not more than 90 days. Each violation of any provisions of this Article and each day that such violation shall continue shall be deemed to be a separate and distinct offense.

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

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

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

Public Hearing of Ordinance #031-2019 – Amend Chapter 216, Articles I and II

AN ORDINANCE TO AMEND CHAPTER 216, ARTICLES I AND II, OF THE GENERAL ORDINANCES OF THE TOWN OF HAMMONTON

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

Chapter 216, Article I, a new Section 1 is added which states as follows:

§216-1. Legislative Findings.

Town Council finds, determines and declares that:

Hammonton and its citizens have experienced disturbances, damage and public expense from carelessly granted and inadequately supervised rentals to irresponsible tenants or occupants by inept or indifferent landlords.

This Chapter is enacted to preserve the peace and tranquility of the community for its permanent residents, and for all persons and families availing themselves of the facilities in the community

The enactment of this Chapter is necessary and desirable to provide a means to curb and discourage those occasional excesses arising from irresponsible rentals.

Chapter 216, Article I, former Section 216-1, new Section 216-2 is amended to read as follows:

§216-2. Responsibilities of Occupants and Owners/Landlords

The intention of this Chapter is to regulate improper behavior by occupants of residential rental premises within the Town of Hammonton. This Chapter establishes penalties and a procedure to be followed by landlords/owners in the event that their tenants, or the tenant's invitees, guests and such with their pets, engage in any disorderly conduct, nuisance, offensive language or other behaviors of conduct which is in violation of any state or federal statute, regulation or any provision of the Town of Hammonton Municipal Code.

Chapter 216, Article I, former Section 216-2, new Section 216-3 is amended to read as follows:

§216-3. Notice of Violation; Landlord Liability

Upon the occurrence of any violation by an occupant of a residential rental premises within the Town of Hammonton or their invitees, guests and/or their pets which results in the issuance of a written warning or summons to those individuals, the Landlord or Owner of the property shall be placed on notice by receiving written notification of said violation via certified mail, return receipt requested, from the person so designated by Town Council to forward said notice. Said notice shall generally inform the Landlord and/or Owner of the nature of the violation and the date upon which said violation occurred. Said notice shall also require the Landlord to provide the Tenant with notice via certified mail, return receipt requested, or by personal delivery to cease said behavior and to provide the designated municipal official with proof that it has done so. Said notice shall also state that a second violation by the Tenant of this Article shall result in said Landlord and/or Owner being cited and otherwise charged with a

violation of this Article, which may result in a hearing on said violation to be heard in the Town of Hammonton Municipal Court.

Chapter 216, Article I, former Section 216-2, new Section 216-3, Subsection B, first sentence, the term “third” is changed to “second”.

Chapter 216, Article I, former Section 216-3 is renumbered to Section 216-4.

Chapter 216, a new Article II is added which reads as follows:

ARTICLE II

PROCEDURES TO REQUIRE AN OWNER OF RENTAL PROPERTY WHICH HAS BECOME A SOURCE OF AT LEAST TWO (2) SUBSTANTIATED COMPLAINTS TO POST A BOND OR EQUIVALENT SECURITY TO COMPENSATE FOR ANY FUTURE DAMAGE OR EXPENSE SUFFERED FROM FUTURE REPETITION OF DISORDERLY, INDECENT, TUMULTUOUS OR RIOTOUS CONDUCT.

§216-5. Legislative Findings

The Legislature of the State of New Jersey enacted N.J.S. 40:48-2.12(n) et. seq. to enable municipalities to take effective action to assure that excesses, when they occur, shall not be repeated, and that Landlord’s offering rentals be held to sufficient standards of responsibility.

§216-6. Definitions.

For purposes of this Article II, the following meanings shall apply:

HEARING OFFICER

Shall mean a licensed attorney of the State of New Jersey appointed by the Mayor, subject to the advice and consent of Town Council. The Hearing Officer shall not own or lease any real property within the Town of Hammonton, nor hold any interest in the assets of or profits arising from the ownership of any property in the Town of Hammonton.

LANDLORD

Shall mean the person or persons who own or purport to own any building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease, including but not limited to any building subject to the “Hotel and Multiple Dwelling Law” (N.J.S. 55:13A-1 et. seq.) and owner occupied two-unit premises. In the case of a mobile home park “Landlord” shall mean the owner of an individual dwelling unit within the mobile home park.

SUBSTANTIATED COMPLAINT

Shall mean conduct upon or in proximity to any rental premises and attributable to acts or incidents by an occupant or tenant of a rental premises that has been substantiated by prosecution and conviction in any court of competent jurisdiction as a violation of any provision of Title 2C of the New Jersey Statutes; or any municipal ordinance governing disorderly, indecent, or riotous conduct, including by way of example and not limitation, assault, terrorist threats, harassment, urinating in public, lewdness, criminal mischief, or excessive noise.

§216-7. Hearing, Penalty

If, in any twenty-four (24) month period two (2) or more Substantiated Complaints, as defined in Section 216-6 hereof, on separate occasions, have been substantiated by prosecution and conviction in any court of competent jurisdiction, Town Council or any officer or employee of the Town designated by Town Council for this purpose, may institute proceedings to require the Landlord of the rental premises to post a bond against the consequences of future incidences of the same or similar character.

In the event Tenant or Occupant of a rental premises has a Substantiated Complaint, Town Council, or the officer or employee designated pursuant to Section 216-7(A) above, shall cause notice advising that the conduct specified has occurred to be served on the Landlord, in person or by certified mail, return receipt requested, at the address appearing on the tax records of municipality.

In the event of two (2) or more Substantiated Complaints, Town Council or any officer or employee of the municipality designated by Town Council shall cause to be served upon the Landlord, in person or by certified mail, return receipt requested, to the address appearing on the tax records of the municipality, notice advising of the institution of such proceedings, together the particulars of the Substantiated Complaints upon which those proceedings are based, and of the time and place at

which the hearing will be held in the matter, which shall be in the Municipal Building, Municipal Court or such other public place within the municipality as designated by Town Council, and which shall be no sooner than thirty (30) days from the date upon which the notice is served or mailed.

At the hearing convened pursuant to Section 216-7(C) above, the Hearing Officer shall give full hearing to both the complaint of the Municipality and to any evidence in contradiction or mitigation that the Landlord, if present or represented and offering such evidence, may present. The Hearing Officer may consider, to the extent deemed relevant by the Hearing Officer, prior complaints about the property, even if those complaints did not result in conviction. At the conclusion of the hearing, the Hearing Officer shall determine whether the Landlord shall be required to post a bond in accordance with the terms of this Article II.

Any bond required to be posted shall be in accordance with the judgment of the hearing officer, in light of the nature and extent of the offenses indicated in the Substantiated Complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:

Damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet enjoyment of their premises;

Securing the payment of fines and penalties likely to be levied for such offenses; and

Compensating the municipality for the cost of repressing and prosecuting such incidents of disorderly behavior; provided, however, no such bond shall be in an amount less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000). The municipality may enforce a bond thus requiring an action in a Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.

Any bond or other security deposited in compliance with Section 216-7(E) above shall remain in force for four (4) years. Upon the lapse of the four (4) year period, the Landlord shall be entitled to the discharge of the bond, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under Section 216-8 below, in which case the security shall be renewed in the amount and for a period that shall be specified by the Hearing Officer. A transfer of the ownership or control of the property shall not void a requirement of security imposed under this Article II. The person or persons to whom ownership or control is transferred shall maintain that security, and shall be subject to injunctive proceedings as authorized by Section 216-7(E) above, in the same manner as the landlord upon which the requirement was originally imposed; provided, however, Town Council may by Resolution shorten the period for which security is required to not less than one (1) year from the date of the transfer of ownership or control, if during that year no Substantiated Complaints are recorded with respect to the property in question.

§216-8. Bond Forfeiture, Extension

A. If during the period for which a Landlord is required to give security pursuant to this Article II, a Substantiated Complaint is recorded against the property in question, Town Council or its designee may institute proceedings against the Landlord for the forfeiture or partial forfeiture of the security; for an extension as provided in Section 216-7(F) above, of the period for which the securities require; or for an increase in the amount of security required; or for any or all of those purposes.

B. Any forfeiture or partial forfeiture of securities shall be determined by the Hearing Officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in Section 216-7(E) above. Any decision by the

Hearing Officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in Section 216-7(E) above, and shall be taken only to the extent that the nature of the Substantiated Complaint(s) out of which proceedings arise under this action indicated the appropriateness of such charge in order to effectually carry out the purposes of this Article II. The decision of the Hearing Officer in such circumstances shall be enforceable in the same manner as provided in Section 216-7(E) above.

Chapter 216, former Article II is now Article III.

Chapter 216, former Article II, former Section 216-7, now identified as Article III, Section 216-12, a new subsection (I) is added which states:

I. As to each rental unit, a specification of the exact number of occupants that shall occupy the rental unit.

Chapter 216, former Article II, Section 216-7, now identified as Article III, Section 216-12, former subsections (I) and (J) are now identified as subsections (K) and (L) respectively.

Chapter 216, former Article II, Section 216-10, now identified as Article III, Section 216-15, subsection (A) is amended to read as follows:

Each rental unit shall be inspected at least once every twelve-month period.

Chapter 216, former Article II, Section 216-11, now identified as Article III, Section 216-16, a new subsection (E) is added which states:

E. The inspection officer, if necessary, may apply to the Municipal Court for a search warrant setting forth the factual circumstances that provide a reasonable basis for believing that a violation of this Article exists on the premises and if the Municipal Judge is satisfied as to the matter set forth in the affidavit, he/she shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the violation allegedly exists.

Chapter 216, former Article II, former Section 216-219, now identified as Article III, Section 216-24, subsection (D) is deleted.

Chapter 216, former Article II, now identified as Article III, the Sections are renumbered as follows:

Former Section

New Section

216-4	§216-9
216-5	§216-10
216-6	§216-11
216-7	§216-12
216-8	§216-13
216-9	§216-14
216-10	§216-15
216-11	§216-16
216-12	§216-17
216-13	§216-18
216-14	§216-19
216-15	§216-20
216-16	§216-21
216-17	§216-22
216-18	§216-23
216-19	§216-24
216-20	§216-25
216-21	§216-26

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

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

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

COMMITTEE REPORTS

Administration - Councilman Gribbin

Business & Industry – Councilwoman Sacco

Quality of Life - Councilwoman Sacco

Education - Councilman Torrissi

Public Works & Transportation - Councilman Rodio

Law & Order - Mayor DiDonato

Water & Sewer - Councilman Furgione

ENGINEER REPORT

MISCELLANEOUS ACTION ITEM:

1. **Wawa Store at White Horse Pike & Bellevue Avenue (ARH #11-01000):**

The landlord, Bellevue Properties Group, has requested the release of their performance bond. We have performed a site inspection with the Quality of Life Committee on November 6, 2019. As of this report, all outstanding items that are the responsibility of Bellevue Properties Group have been addressed. Our office has calculated the required maintenance bond fee in the amount of \$23,481.75, which is 15% of the site work accepted by the Town. A representative from Bellevue Properties Group will be supplying the maintenance bond in the next few days.

Action Requested:

Approve the release of the Performance Bond subject to the receipt of the Maintenance Bond.

PUBLIC WORKS ACTION ITEMS:

None for this Council meeting.

SEWER/WATER ACTION ITEM:

None for this Council meeting.

PUBLIC WORKS INFORMATION ITEMS:

2. **Mazza Muffler Site (ARH #11-01102):**

ARH is preparing the HDSRF grant. Our office will prepare a draft resolution for the Town to adopt in January, which will be required to submit the grant application. The resolution will identify the proposed use of the site.

3. **K&K Linens Property (ARH #11-01094.01):**

ARH is preparing the HDSRF grant. Our office will prepare a draft resolution for the Town to adopt in January, which will be required to submit the grant application. The resolution will identify the proposed use of the site.

4. **Octagon Oil/Vine Street Parking Lot (ARH #11-01060):**

ARH prepared the Remedial Action Report and submitted same to NJDEP. The Town must pay NJDEP invoices before the Response Action Outcome (RAO) letter can be issued. Once the RAO is received, the application for a remedial action permit (RAP) for the remaining groundwater impacts can be prepared.

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

Our office met with the Public Works Director, the Mayor, and Councilman Rodio to discuss this project. As a result of the discussion, the path location is remaining as originally designed. Our office is finalizing the required plan and specification updates based on NJDOT and NJDOT Railroad Division comments

previously issued. We anticipate submitting revised plans and specifications back to NJDOT seeking authorization to bid by the end of the week (12/13/19).

6. **2018 State Aid Funding (14th Street) (ARH #11-40056.01):**
Construction on Phases II and IIA of this project commenced on October 7, 2019. All the items within the contract have been completed. We will perform a final inspection and prepare a punch list. In addition, we are currently working with Arawak to determine how much further we can pave 14th Street in the northeast direction, and to determine what it would take to pave a portion to the south of the Atlantic City Expressway overpass that has significant potholes. We are currently reviewing the available funding now that the scope of work of the base bids has been completed. Arawak has submitted Payment Request #2 for \$17,692.82 (Phase II) and \$5,844.08 (Phase IIA).
7. **2019 State Aid Funding (14th Street) (ARH #11-40058):**
The NJDOT has awarded the Town an additional \$310,000.00 for Phase III of the 14th Street Roadway improvement project. The limits defined in the application were from Second Road to First Road. Our office has submitted a proposal to perform the surveying, design, and bidding of the project. Based on our current Engineer's Estimate, we believe we can pave approximately 3,000 LF of 14th Street using the grant funds. Once the final limits of the Phase II paving are determined and constructed, our office will finalize the Construction Documents and submit them to the NJDOT for concurrence.
8. **2017 State Aid Funding (Second Road) (ARH #11-40055.01):**
Arawak has repaved 10th Street and all the pipe crossings along Second Road, on October 22, 2019. We have submitted the close-out documentation to the NJDOT for processing and reimbursement. Arawak has submitted Payment Request #5 in the amount of \$7,031.50 for the balance of the drainage improvements at 10th Street.
9. **Fiscal Year 2020 State Aid Program Applications (ARH #11-40041):**
The Town has received a letter from NJDOT Commissioner related to various State Aid Program applications. The applications were submitted on July 19, 2019. The Town made an application for the following projects:
 - Municipal Aid 14th Street Reconstruction - Phase IV from First Road to Egg Harbor Road.
 - Hammonton Bike Path Connector from the Railroad Crossing at Veterans Way to Hammonton Lake Park.
10. **Celona Site Remediation - 130 Railroad Avenue (ARH #11-01054):**
Soil samples were collected on November 25, 2019. We are awaiting the lab to finalize the results.
11. **Skinner Property (ARH #11-01074.01):**
ARH has submitted the grant to the State.
12. **Policastro Property (ARH #11-01101.01):**
ARH is currently reviewing the files obtained from the OPRA review. Once these files are reviewed, the PA can be completed and will be submitted to the Town.
13. **782 Bellevue Demolition (ARH #11-01098):**
Pinelands Resolution to approve the demolition of single-family dwelling, 50 years or older has been issued dated November 8, 2019. Pinelands Application No. 2019-0115.001 Block 3606, Lot 18. Please note project must conform to Conditions and Conclusions of approval, page 2 of Public Development

As requested, ARH also provided Anthony DeCicco with a proposal to complete the remaining elements of the Asset Management Plan. The cost to complete the plan for the three (3) well sites is \$18,300.00, which includes performing a complete asset inventory, creating the Asset Management Plan database with maintenance and replacement schedules and performing a water loss audit. The proposal has been deferred to a later date. We will meet with Mr. DeCicco to determine if his department can assist with the preparation of the plan.

MISCELLANEOUS ITEMS:

20. **ROSI Map Update (ARH #11-75002.02):**

As authorized, we have met internally along with the Recreation Committee and Bicycle Committee representatives. We have completed a portion of the update the ROSI map and should complete the remaining portion shortly.

SOLICITOR REPORT

MAYOR REPORT

PWM REPORT

TOWN CLERK REPORT

- 1) Approve accrued benefit payment to Frank Domenico not to exceed \$9,197.72. Accrued Benefit payment breakdown as follows: Accrued Vacation - \$4,961.12, Accrued Personal - \$638.56 Accrued Sick Time - \$3,278.76, Holiday Birthday \$319.28.
- 2) Accept resignation of Dalton Verderame from the position of Class II police officer effective December 3, 2019.
- 3) Accept regular membership of Shawn Cameron to Fire Company #2, approved by Fire Chief and police background completed effective as of December 11, 2019.
- 4) Approval to move Robin Ripa from Temporary part time position to part time appointment in the Assessor's office effective January 1, 2020. At rate of \$14.50 per hour, 26 hours per week, no benefits.

APPROVE BILL LIST & PURCHASE ORDERS

NEW BUSINESS

ORDINANCES FOR INTRODUCTION

RESOLUTIONS

Resolution #192-2019- Set time of 2020 Council Meetings

Setting Time, Place and Date of Council Meetings

WHEREAS, the Open Public Meeting Act otherwise known as Chapter 231 of the Public Laws of 1975 requires that all municipalities adopt a Resolution setting the time, place and date of their meeting; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, as follows:

1. There shall be an **Organization Meeting at 6:00 p.m. January 6, 2020** at which time Mayor and Common Council of the Town of Hammonton will reorganize for the full year and conduct such business, including emergent matters, as is necessary.
2. Monthly council meetings will begin at 6:00 p.m. with an executive session, if necessary, which will adjourn to the public portion of the meeting at 7:00 p.m., in the Town Hall Council Chambers, 100 Central Avenue, Hammonton, New Jersey 08037. The following is the list of **Regular Council Meeting dates for year 2020**:

January 27th	July 27th
February 24th	August 24th
March 23rd	September 28th
April 27th	October 26th
May 18th	November 16th
June 15th	December 21 st

3. The Hammonton Gazette and the Atlantic City Press are those newspapers designated as the papers to which all notices are to be sent per Chapter 231 of the Public Laws of 1975.
4. Minutes shall be kept and provided as required by said statute by the Town Clerk of all the meetings set forth above and shall be available to the public pursuant to the requirements of said law.

Resolution # 193-2019- Budget Transfers

TRANSFER OF BUDGET APPROPRIATIONS

BE IT RESOLVED, by the Mayor and Common Council of the Town of Hammonton, County of Atlantic, and State of New Jersey, that there be and hereby is authorized the following transfer from the 2019 Budget appropriations:

<u>CURRENT FUND</u>	
From: Group Insurance - Operating Expense	\$ 13,000.00
From: Planning Board - Operating Expense	\$ 5,000.00
From: Collection of Tax - Operating Expense	\$ 5,000.00
To: Social Security – Operating Expense	\$ 8,000.00
To: Police – Operating Expense	\$ 15,000.00

Resolution #194-2019- Sale of Surplus Property

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

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

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

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

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

Year	Make/Model	Serial Number			
2000	F150 Pickup	1FTRF	18W4	YNB098	41
1993	GMC	IF0022	16200	617426	494
2002	International Trash Truck	11HTG	LAHT	32H524	714
1997	F150 Pickup	2FTDX	1867V	NA254	21
1993	Vermeer Chipper 1250	1VRC1	4133P	100353	7

Resolution #194-2019- Statewide Insurance fund Renewal

STATEWIDE INSURANCE FUND
RESOLUTION TO JOIN (RENEW) THE FUND

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, et seq.; and

WHEREAS, The Town of Hammonton ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from January 1, 2020 terminating on January 1, 2023 at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked "Yes":

Workers' Compensation & Employer's Liability	X
Comprehensive General Liability	X
Automobile Liability and Physical Damages	X
Public Officials and Employment Practices Liability	X
Property	X
Inland Marine, Boiler and Machinery	X
Crime-Faithful Performance and Fidelity	X
Pollution Liability	X
Cyber Liability	X

BE IT FURTHER RESOLVED that Frank Zuber (name of member employee) is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

Resolution #196-2019- Appoint Fund Commissioner

STATEWIDE INSURANCE FUND
RESOLUTION APPOINTING FUND COMMISSIONER

WHEREAS, The Town of Hammonton (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;
NOW, THEREFORE, BE IT RESOLVED by the governing body of the Town of Hammonton that Frank Zuber is hereby appointed as the Fund Commissioner for the Local Unit for the Fund Year 2020; and
BE IT FURTHER RESOLVED that Audrey Boyer is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the Fund Year 2020; and
BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Resolution #197-2019- Granting Tax Exemption Kramer Beverage

RESOLUTION GRANTING TAX EXEMPTION PURSUANT
TO ORDINANCE 009-2017

WHEREAS, the following properties have made application pursuant to Ordinance 009-2017 for a five (5) year exemption and abatement application:

Block 1201 Lot 54

Kramer Beverage Real Estate LLC

WHEREAS, Mary Joan Wyatt, Tax Assessor of the Town of Hammonton has reviewed application(s) and determined property(s) qualify for exemption and/or abatement consistent with the provisions of Ordinance 009-2017.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton in the County of Atlantic and State of New Jersey that the above listed property(s) be granted a tax exemption per Ordinance 009-2017 for no more than (5) years.

PUBLIC HEARD

MEETING ADJOURNED