

**Regular Meeting of Mayor and Council April 26, 2021
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 EXECUTIVE SESSION

Councilperson:

Furgione - Present

Giralo - Present

Gribbin - Present

Oliva -Present

Olivo - Present

Rodio – Present

Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor

Bob Vettese, PWM

Tim Bolh from Fox and Rothschild

EXECUTIVE SESSION Resolution #045-2021

Motion by Council Person Giralo Second Oliva
Enter into Executive Session

Motion by Council Person Furgione Second Giralo
Close Executive Session

Roll Call

Councilperson:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Oliva – Yes

Olivo - Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

RESUME REGULAR MEETING-ROLL CALL

Councilperson:

Furgione - Present

Giralo - Present

Gribbin - Present

Oliva -Present

Olivo - Present

Rodio – Present

Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor
Robert Vettese, Public Works Manager
Dave Cella 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. 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

Executive Minutes March 22, 2021
Council Minutes March 22, 2021

Motion by Council Person Gribbin Second Giraldo

Roll Call

Councilperson:
Furgione - Yes
Giraldo – Yes
Gribbin - Yes
Oliva – Yes
Olivo- Yes
Rodio - Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

PRESENTATION

- Tacos Al Carbon LLC regarding their food truck operations

Motion by Council Person Giraldo Second Olivo

Approve application for Tacos Al Carbon for operations of their food truck

Roll Call

Councilperson:
Furgione - Yes
Giraldo – Yes
Gribbin - Yes
Oliva – Yes
Olivo- Yes
Rodio - Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

DISPENSE WITH REGULAR ORDER OF BUSINESS

Public Hearing of Utility Bond Ordinance Bond #003-2021- Utility Purchase of Equipment.

BOND ORDINANCE NUMBER #003-2021

BOND ORDINANCE PROVIDING FOR VARIOUS 2021 UTILITY CAPITAL ACQUISITIONS AND IMPROVEMENTS, BY AND IN THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY; APPROPRIATING \$1,575,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,496,250 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Town of Hammonton, in the County of Atlantic, State of New Jersey (the "Town"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$1,575,000, which sum includes \$78,750 as the aggregate amount of down payments for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payments are now available therefore by virtue of appropriations in a previously adopted budget or budgets of the Town for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,575,000 appropriation not provided for by application hereunder of said down payments, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$1,496,250 pursuant to and within the limitations prescribed by the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Town in a principal amount not exceeding \$1,496,250 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued, including, but not limited to, are as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Purchase and installation of a centrifuge for the Utility Department; and	\$700,000	\$665,000	\$35,000	15 years
(ii) Purchase of a Jet Vac Truck and all related accessories for the Utility Department; and	\$455,000	\$432,250	\$22,750	5 years
(iii) Purchase of a UV Disinfection System for the Sewer Plant.	\$420,000	\$399,000	\$21,000	20 years
Total:	\$1,575,000	\$1,496,250	\$78,750	

(b) Such improvements or purposes set forth in Section 3(a) shall also include, but are not limited to, as applicable, demolition and excavation, paving, resurfacing and reconstruction of the roadways, roadway painting and striping, replacing the castings on catch basins and manholes, the repairing and/or removal and installation of sidewalks, driveway aprons, curbing, retaining walls and curb ramps, guardrails, and concrete improvements, and all other related improvements, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, accessories, labor and appurtenances necessary therefore or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$1,496,250.

(d) The aggregate estimated cost of said improvements or purposes is \$1,575,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefore is the aggregate down payments for said purposes in the amount of \$78,750.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Atlantic make a contribution or grant in aid to the Town for the improvements and purposes authorized hereby and the same shall be received by the Town prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Atlantic. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Atlantic shall be

received by the Town after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Town as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Town, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. 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 the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. 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 7. The following additional matters are hereby determined, declared, recited and stated:

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

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 13.44 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Town and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and 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 or notes provided for in this bond ordinance by \$1,496,250 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$315,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable property within the Town for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Town reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Town's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Town for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds

subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Town other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Town for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$1,496,250. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. 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, which are authorized herein, 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 11. The Town covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all federally tax exempt bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the mayor, as provided by the Local Bond Law.

Motion by Council Person Furgione Second Giraldo
Ordinance 003-2021 is open for public hearing

Motion by Council Person Furgione Second Giraldo
Ordinance 003-2021 is adopted and approved for final publication

Roll Call

Councilperson:

Furgione - Yes

Giralo – Yes

Gribbin - Yes

Oliva – Yes

Olivo- Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

COMMITTEE REPORTS

Administration - Councilman Gribbin

- Reviewed Admin meeting next meeting will be in May
- Update on the COVID Goodwill Committee. They are helping individuals obtain COVID vaccine appointments and have been very successful.
- Thanked all the volunteers that helped in the effort.

Business & Industry – Councilman Olivo

Motion by Council Person Olivo Second Oliva

Approval of ARH Purchase Order for Mapping / Zoning /data viewer for \$29,220.00. This was originally encumbered in 2020 budget. The Town was waiting on actual price; this is part of the COVID 19 upgrades to the Town.

Roll Call

Councilperson:

Furgione - Yes

Giralo – Yes

Gribbin - Yes

Oliva – Yes

Olivo- Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

- Update on Chamber of Commerce and the grants they are working on with Triad Assoc.
- Red, White and Blueberry Festival will be June 27th
- Wednesday August 4th will be the Mazzeo golf outing at Pinelands Golf Course
- Wine and Beer expo is on hold for this year
- New Business that opened Fermented on April 15th and “Just in Time” will open in mid May
- Capital Bank is in the process of being sold
- Spoke about how happy he is to back on Council and thanked Hammonton.

Quality of Life – Councilman Oliva

- Gave overview of Environmental meeting, they had 17 tree removal permits this month. Reviewed the process for tree removal.
- Historical Society will be open Tuesday May 4th from 10 am to 12 pm. Starting June 5th, they will be open the 1st Saturday of each month from 10am to 12 pm
- Planning board is continuing on working on streamlining the process for applications.

Motion by Council Person Oliva Second Olivo

Write letter to County and State regarding cleaning of the Cedar Branch Stream from East Pleasant Street to the Town line on route 206.

Roll Call

Councilperson:

Furgione - Yes

Giralo – Yes

Gribbin - Yes

Oliva – Yes

Olivo- Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Education - Councilman Giralo

- Reviewed the school board meeting items
- 5 full half days for all students
- All students are offered free breakfast and lunch
- Air filter systems have been installed
- June 17th will be the close out for teachers for the school year.
- There will be a tax cut in this years school budget
- Thanked the firemen for their hard work

Public Works & Transportation - Councilman Rodio

- No action items this month

Law & Order - Mayor DiDonato

- Kevin Friel the police chief gave an update on his department and the hiring of 2 new officers
- 911 system is fully functional and installed.
- Currently there are only 1 to 2 new cases of COVID per day

Water & Sewer - Councilman Furgione

- Reviewed the Ordinance for the purchase of equipment for the Utility department
- Gave update on trenches and there water holing capacity
- Lagoon is holding steady
- Drip did not run the entire month of February
- Utility Dept. is currently flushing Hydrants
- They resumed install water meters

ENGINEER REPORT

Informational Items only where discussed. No Action taken at meeting.

SOLICITOR REPORT

Ordinance #004-2021- Cannabis Geographical Boundaries

**AN ORDINANCE OF THE TOWN OF HAMMONTON, COUNTY OF
ATLANTIC, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY
CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES
AND AMENDING CHAPTER 175, ARTICLE XIII OF THE LAND DEVELOPMENT ORDINANCES OF THE
TOWN OF HAMMONTON**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and,
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, Town Council of the Town of Hammonton has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Hammonton in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Hammonton's residents and members of the public who visit, travel, or conduct business in the Town of Hammonton to amend Hammonton's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Town of Hammonton; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts.

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

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Town of Hammonton except for the delivery of cannabis items and related supplies by a delivery service.

2. Chapter 175, Article XIII, Section 145, a Subsection M is added which reads as follows:

M. Cannabis. All classes of cannabis establishments, cannabis distributors or cannabis delivery services as said terms are defined in the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act (P.L. 2021, c. 16), are hereby prohibited within the Town of Hammonton, except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service.

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.

Motion by Council Person Gribbin Second Giralò
Ordinance #004-2021 has passed 1st reading and is approved for publication

Roll Call

Councilperson:
Furgione - Yes
Giralò – Yes
Gribbin - Yes
Oliva – Yes
Olivo- Yes
Rodio - Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Ordinance #005- 2021- Mullica Joint Municipal Court

AN ORDINANCE OF THE TOWN OF HAMMONTON ESTABLISHING A SINGLE JOINT MUNICIPAL COURT WITH MULLICA TOWNSHIP AND AMENDING CHAPTER 14, ARTICLE I OF THE GENERAL ORDINANCES OF THE TOWN OF HAMMONTON

WHEREAS, N.J.S.A. 2B:12-1(b) authorizes the formation of a single Joint Municipal Court provided that an Agreement is entered into by the Town of Hammonton and Mullica Township and provided that the Agreement is filed with the State of New Jersey Administrative Director of the Courts and the Assignment Judge of the Superior Court of New Jersey, Atlantic County; and

WHEREAS, the Town of Hammonton desires to enter into an Agreement to form a Joint Municipal Court with Mullica Township; and

WHEREAS, it is in the best interest of the Town of Hammonton to participate in the Joint Municipal Court with Mullica Township.

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

Chapter 14, Article I, Section 1 is amended to read as follows:

§14-1. Establishment.

A Joint Municipal Court is established, pursuant to the provisions of N.J.S.A. 2B:12-1, et. seq., as amended and supplemented, consisting of the Town of Hammonton, Borough of Folsom, Egg Harbor City, Buena Vista Township and Mullica Township. The Joint Municipal Court with Folsom was created in accordance with an Agreement for a Joint Municipal Court for the Municipalities of the Town of Hammonton and the Borough of Folsom dated December 28, 2017, executed by the municipalities in January of 2018, and First Addendum to the Agreement dated September 19, 2019, fully executed on December 3, 2019, and is subject to the terms thereof. The Joint Municipal Court with Egg Harbor City was created in accordance with an Agreement for Joint Municipal Court for the Municipalities of the Town of Hammonton and Egg Harbor City dated January 2, 2020, and executed in January of 2020, and is subject to the terms thereof. The Joint Municipal Court with Buena Vista Township was created in accordance with an Agreement for Joint Municipal Court for the Municipalities of the Town of Hammonton and Buena Vista Township dated August 24, 2020 and executed in August 2020. Mullica Township shall join the Joint Municipal Court of the Town of Hammonton in accordance with an Agreement for a Joint Municipal Court for the Municipalities of the Town of Hammonton and Mullica Township dated April 26, 2021, and executed in May of 2021.

The terms and conditions of the Agreement for a Joint Municipal Court for the Municipalities of the Town of Hammonton and Mullica Township dated April 26, 2021, are hereby approved. The Mayor and Clerk for the Town of Hammonton are hereby expressly authorized to execute and deliver the aforesaid Agreement on behalf of the Town.

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.

Motion by Council Person Gribbin Second Oliva

Ordinance #005-2021 passed 1st reading is approved for publication

Roll Call

Councilperson:

Furgione - Yes

Giralo – Yes

Gribbin - Yes

Oliva – Yes

Olivo- Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Motion by Council Person Rodio Second Gribbin

Approval for Mike to seek reimbursement from our Insurance carrier for the Fire Department suit, for approximately \$15,283.00.

Roll Call

Councilperson:

Furgione - Yes

Giralo – Yes

Gribbin - Yes

Oliva – Yes

Olivo- Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

MAYOR REPORT

- Announced a new Ad Hoc Committee of 8 members. This will be called the **Diversity / Equity / Inclusion Committee**- this announcement was introduced by Councilmen Oliva

PWM REPORT

Columbia Road, Co. Rt. #693 ROW, Easement Request

The County has requested a ROW/easement for a 97 square foot piece of ground on Blk. 5702 Lot 11 currently owned by the Town. The ROW/easement is needed for roadway improvement purposes. The parcel is adjacent to the Cedar Brook Stream crossing at Columbia Road approximately 830' +/- south of the Middle Road

intersection. The PWTC recommended approval of the County's ROW/easement request subject to review and approval of the agreement, legal descriptions etc. from the Town Solicitor. There may be further action required by the Town at a later date on this matter. Copies of the County documents were forwarded to the Solicitor for review.

Motion by Council Person Rodio Second Furgione
Approval to sign and authorize the Right of Way above mentioned above.

Roll Call

Councilperson:
Furgione - Yes
Giralo – Yes
Gribbin - Yes
Oliva – Yes
Olivo- Yes
Rodio - Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Radon Awareness Program, Test Kits

The test kits, program information, etc. could be picked up by Hammonton residents at the Town Hall, 3rd Floor Clerk's Office during normal business hours. The funds for this program were received by a grant from NJDEP Radon Awareness Program. The Town has applied for reimbursement to NJDEP of monies expended to date.

Tree Delivery, Installation

The fifty (50) trees, fifty (50) bare root trees and landscape supplies were delivered to the Town. The 50 trees were planted at the Boyer Avenue Recreation site by the Town Public Works forces. Twenty-five (25) of the bare root trees have been potted with the remaining twenty-five (25) to be completed once the additional pots are provided by Site-One. A portion of the funds for this program were obtained through the NJDEP Division of Parks and Forestry. Mickey Riggins is preparing the summary certification report in accordance with NJDEP guidelines so that the Town could seek reimbursement of expenditures.

Salem White Oak Seedling

The Salem White Oak seedling was picked up at the NJDEP Forestry Service in Mays Landing. Scott planted the seedling in a pot to be placed with the other bare root seedlings at the Town Public Works yard until they are ready to transplant.

Safe Routes to Schools, Sooy Elementary School

We received a letter from the NJDOT that the Town's project forms were approved for the Federal Aid funding program allotment. We are waiting for the signed project funding agreement from the NJDOT. Once the signed agreement documents are received the Town could amend the budget to accept the funds and sign the project contract with GPI so they could start their work.

2022 Municipal Aid/Discretionary Aid

The NJDOT will be accepting applications shortly for their 2022 Municipal Aid Program. Candidates for funding consideration must be selected. We also made an inquiry of the NJDOT related to possible use of Discretionary Aid Program funding.

Storm Water Utility Program

Princeton Hydro has been gathering information and will be establishing a steering committee of Town residents, Committee members and Town personnel. This committee will provide input related to the Town's drainage needs and discuss means for possible program funding to achieve identified goals. The work completed by Princeton Hydro is being funded by a grant from the New Jersey League of Conservation Voters.

Drainage Projects

The Public Works chairman and Department have been working on a list of drainage projects that need attention throughout the Town. If acceptable, the project funding could be established in the 2021 municipal budget.

Rt. #54 NJDOT meeting

On Wednesday, April 14th, the representatives from the Town, NJDOT and their Design Consultant attended a virtual meeting to discuss various topics on the Rt. #54 resurfacing project. It was noted that the NJDOT recently approved the consultant to complete the final design for the project. He will consider the items discussed and will work with the Town representatives as the final design proceeds. The NJDOT will be preparing a summary memo of the items discussed.

Rt. #54 Water Main Replacement

The Town will be exploring the use of the NJ I-Bank Program funds to secure a commitment (low interest loans) to provide for the replacement of the old 6" water main on 12th Street, Rt. #54 between 1st Road and 2nd Road prior to the NJDOT resurfacing that roadway.

Pedestrian/Bicycle Master Plan Report

Sam Schwartz consultant for the Town is completing the final version of the report for presentation to the Town once the State approves the current version of their report. The funds for the study and report were obtained from the NJDOT.

Various Park and Public Works Projects

The Town received information from the State and other program groups about potential funding options for various projects. We will discuss these options with applicable Town Committees and Triad to decide which programs might be advantageous for the Town to pursue.

Other items

May schedule (items must be out prior to 6 am)

- Bulky 3rd to 7th – 3 item limit
- Brush 10th to 14th – One (1) 6' x 6' pile allowed
- Recycling pickup by the County will occur on the 3rd to the 7th and 17th to the 20th.
- Unlimited Bulky for the Month of May

TOWN CLERK REPORT

- 1) Accept Justin Day as a junior member of Fire Company #2. Approved by the Fire Department at their April 14th meeting.
- 2) Approve Contract for Fire Protection Sub Code Official.
- 3) Approval to go out to bid for a 750 Diesel Cab Base Truck for the Highway Department.

Motion by Council Person Gribbin Second Giraldo
Approval of items 1 to 3

Roll Call

Councilperson:

Furgione – Yes

Giraldo – Yes

Gribbin - Yes

Oliva – Yes

Olivo- Yes

Rodio - Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

APPROVE BILL LIST & PURCHASE ORDERS

Motion by Council Person Oliva Second Giraldo
Approval of Bill list and purchase orders

Roll Call

Councilperson:
Furgione - Yes
Giraldo – Yes
Gribbin - Yes
Oliva – Yes
Olivo- Yes
Rodio – Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

NEW BUSINESS

ORDINANCES FOR INTRODUCTION

RESOLUTIONS

Resolution # 046-2021- Authorize NJ ABC to Renew Conflict Liquor License

**County of Atlantic
Resolution Authorizing NJ ABC to Renew Conflict Liquor License**

WHEREAS, the following liquor license holders have applied for renewal of July 1, 2021 to June 30, 2022 Plenary Retail Consumption Licenses:

License #	License Name	License Holder	Location
0113 33 006	DiDonato’s Bowling Center	Stephen DiDonato	1151 WHP

WHEREAS, the applicant is a member of the governing body of the Town of Hammonton, which also acts as the ABC issuing authority, the subject license is a “conflict” license. Accordingly, said renewal application will be forwarded to the Director of the Division of Alcoholic Beverage Control for consideration pursuant to N.J.S.A. 33:1-20 and N.J.A.C. 13:2-4.1; and

WHEREAS, N.J.A.C. 13:2-4.6 requires the issuing authority to submit to the Director a certified Resolution setting forth that the issuing authority has no objection to the renewal of the subject license and consents thereto, and, furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the subject licenses.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Town of Hammonton, County of Atlantic and State of New Jersey that the Governing Body has no objection to the renewal of Plenary Retail Consumption License and consents thereto, and, furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the subject licenses.

Motion by Council Person Oliva Second Giraldo
Approval of Conflict Liquor License

Roll Call

Councilperson:
Furgione - Yes
Giraldo – Yes

Oliva – Yes
Olivo- Yes
Rodio – Yes
Mayor DiDonato - Recues
Deputy Mayor Gribbin-Yes

Deputy Mayor Gribbin declares motion is carried

Resolution #047-2021- Authorize National Night Out

AUTHORIZE NATIONAL NIGHT OUT EVENT & FIREWORKS DISPLAY

WHEREAS, Friday August 6, 2021 (Saturday August 7, 2021 rain date) is the scheduled date for the National Night Out Event in the Town of Hammonton; and

WHEREAS, this year's event will include fireworks display to be held at Hammonton High School located on Old Forks Road in Hammonton;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, that the National Night Out Event and Fireworks Display is authorized along with assistance from Hammonton Police Department and other town departments as deemed necessary; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to sign Atlantic County License Agreement and any other paperwork that is necessary for this event; and

BE IT FURTHER RESOLVED approval is contingent upon the filing of the necessary certificate of insurance with the Municipal Clerk.

Resolution # 048-2021- Naming Recycling Professional

RESOLUTION NAMING
CERTIFIED RECYCLING PROFESSIONAL,
AND AUTHORIZING GRANT APPLICATION
FOR RECYCLING TONNAGE GRANT FOR YEAR 2020

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of the municipality to recycling and to indicate the assent of the Town of Hammonton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Scott Rivera Certified Recycling Professionals, is herein designated as the individual authorized to ensure that the application is properly completed and timely filed.

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 Town of Hammonton hereby endorses this submission of the Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and therefore designates Scott Rivera Certified Recycling Professional, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the Recycling Tonnage Grant be deposited in a dedicated Recycling Trust Fund to be used solely for the purpose of recycling; and

BE IT FUTHER RESOLVED that the Mayor, Town Clerk, Scott Rivera Certified Recycling Professional, are hereby authorized to execute any and all documents in furtherance of this Resolution

Resolution #049-2021- Various Refunds

**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/close out of accounts are authorized as approved by the respective Department Heads of the Town of Hammonton:

Sunrun Installation Services	\$ 287.00	Permit Fee
Sunrun Inc	\$ 250.00	Permit Fee
Tesla Energy Operations	\$ 719.00	Permit Fee

Resolution #050-2021 – Authorize Auction for Energy Services

**A RESOLUTION OF TOWN OF HAMMONTON
AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES
FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE
“Lighting Accounts”**

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

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

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

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

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

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

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

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

Resolution #051-2021 – Authorizing participation in Cooperative purchasing agreement “Sourcewell”

**RESOLUTION FOR MEMBER PARTICIPATION
IN A COOPERATIVE PRICING SYSTEM**

**A RESOLUTION AUTHORIZING THE TOWN OF HAMMONTON
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, Sourcewell, hereinafter referred to as the “Lead Agency ” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on April 26, 2021 the governing body of the Town of Hammonton, County of Atlantic, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Town of Hammonton

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Business Administrator, Frank Zuber is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

I hereby, certify that the above resolution was adopted by the Mayor and Council of The Town of Hammonton at a meeting of said governing body held on April 26, 2021.

Motion by Council Person Gribbin Second Giraldo
Resolutions #047 to #051 are approved.

Roll Call

Councilperson:
Furgione - Yes
Giraldo – Yes

Gribbin - Yes
Oliva – Yes
Olivo- Yes
Rodio – Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

PUBLIC HEARD

- Josh Trepiccione 104 Liberty Street – Thanked council for appointment to new committee
- Sadie Dickerson from Absecon spoke about passing of a resolution supporting the 2nd amendment right.
- Adam Hood Egg Harbor Township – spoke about 2nd Amendment rights
- Sal Smith from Egg Harbor Township – spoke about the 2nd amendments rights.
- Mark Santora 385 Old Forks Road – There is still an issue at the retention basin. There is a layer of Clay. Bob Vetesse will look into how deep the clay is. Water in Basin on Carriage was had the same issue and is not working. The traffic lines in the middle of the street of Old Forks road have to be painted again. The lines have disappeared. Clean outs on Old Forks Road are only 4 feet and need to be addresses and lowered.

MEETING ADJOURNED

Motion by Council Person Gribbin Second Giraldo