

Minutes Special Meeting of Mayor and Council – March 10, 2014
Town Hall Council Chambers, 100 Central Avenue
Executive Session 6:30 P.M.
Public Session 7:00 P.M.
Minutes can be viewed at www.townofhammonton.org

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilman:
Bachalis - Present
Esposito – Present
Gribbin - Present
Pullia - Present
Rodio – Present
Wuillermin - Present
Mayor DiDonato - Present

PRESENT ALSO

Brian Howell, Town Solicitor
Jerry Barberio, PWM/Business Administrator

Motion to enter into Executive Session made by Councilperson Rodio, seconded by Councilperson Esposito.

ROLL CALL

Councilman:
Bachalis – Yes
Esposito – Yes
Gribbin – Yes
Pullia – Yes
Rodio – Yes
Wuillermin – Yes
Mayor Didonato – Yes

Mayor DiDonato declared the motion carried.

#037-2014 Executive Session

#R037-2014

BE IT RESOLVED, by the Mayor and Common Council of the Town of Hammonton that, in accordance with the “Open Public Meetings Act,” an Executive Session is authorized on this below adopted date, for the purpose of discussing and/or acting upon:

1. Coah update regarding Bee property.
2. Litigation was reviewed

BE IT FURTHER RESOLVED that the minutes of any matters discussed in Executive Session shall be released to the public as soon as reasonably possible after Mayor and Council conclude that the basis for exclusion of the public ceases to exist.

Motion Councilperson Gribbin, seconded by Councilperson Esposito, the resolution is adopted.

ROLL CALL

Councilman:

Bachalis – Yes

Esposito – Yes

Gribbin – Yes

Pullia – Yes

Rodio – Yes

Wuillermin – Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

RESUME REGULAR MEETING-ROLL CALL

Councilman:

Bachalis - Present

Esposito - Present

Gribbin - Present

Pullia - Present

Rodio - Present

Wuillermin - Present

Mayor DiDonato -

PRESENT ALSO

Brian Howell, Town Solicitor

Bob Vettese of ARH, Town Engineer

Jerry Barberio, Public Works Manager/Business Administrator

PUBLIC NOTICE

Notice of this meeting has been posted and given to official newspapers. Please familiarize yourselves with the fire exits to the right and rear of the Council Chambers. Please do not proceed beyond the front benches without invitation from the Mayor to do so. Also, there will be an allowable time of five minutes per person who wishes to speak during Public Heard per the Rules of Council.

PLEDGE OF ALLEGIANCE

PUBLIC HEARD FOR AGENDA ACTION ITEMS

No one desired to be heard.

Councilman Gribbin introduced a grant possibility with the New Jersey Economic Development Streetscape Revitalization Program that could possibly award the town with \$900,000.00

Motion to proceed with grant application was made by Councilperson Gribbin, seconded by Councilperson Esposito.

ROLL CALL

Councilman:

Bachalis – Yes

Esposito – Yes

Gribbin – Yes

Pullia – Yes

Rodio – Yes

Wuillermin – Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

- Mayor DiDonato invited Richard Walcott & Tom Riley from Atlantic City Electric to come up to speak about how they will be trimming trees as part of the Grape Street Project. Mr. Riley advised that they will begin mobilizing when they receive the final list of trees, within the next 2-3 weeks.
- Charles Marandino from Charles Marandino LLC, who is the subcontractor for the Grape Street project, was invited to come up to speak. Mr. Marandino introduced several members of his team.
- It was decided that there will be a Pre-Construction Meeting for the Grape Street Project at the end of this month; also present will be the NJEIT.
- Mr. Marandino announced that the projected start date is April 7th and the anticipated completion time is 16-20 weeks.
- There was a discussion in regards to how the Pratt street construction will affect the Mount Carmel Festival in July. It was decided that Pratt Street will be done last, not to begin until after July 21, 2014, with estimated completion time before Labor Day.

PUBLIC HEARD ON GRAPE STREET PROJECT

- Diane DeCicco, a resident of Grape Street asked how and when it was decided that there would only be parking on one side of the Street. Mayor DiDonato informed her that there was a vote at an earlier meeting that residents of those streets were invited to attend. Mrs. DeCicco did not recall having received any notifications of any meetings.
- Susan Danson, also a resident of Grape Street questioned the tree list and whether she can get her trees on the list. Mr. Vettese informed her that it is not too late and they exchanged information.
- Mayor DiDonato gave out his cell phone (609-517-6324) for all residents to call him anytime 24/7 with questions or concerns and Charles Marandino gave out his number as well (856-982-6433)

RECESS

RESUME REGULAR ORDER OF BUSINESS

- Councilman Wuillermin spoke about the Boyer Avenue P&I Committee, Pinelands and Wastewater problems, in regards to the drip irrigation and Hammonton Creek. Mayor DiDonato thanked the members of Pinelands for their cooperation in working with us on this issue.

RESOLUTIONS

Resolution #038-2014 New Jersey Environmental Infrastructure Finance Program (NJEIFP)

Resolution #038-2014
2015 New Jersey Environmental Infrastructure Finance Program
(NJEIFP)

WHEREAS, the Mayor and Town of Hammonton are interested in completing the installation of a Subsurface Drip Irrigation System within the District #1 area of the Boyer Avenue Recreation Complex; and

WHEREAS, funding for completion of said installation as available through the NJEIFP; and
NOW THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Hammonton, Atlantic County, New Jersey that the Town Engineer was authorized to complete the design plans, specifications, cost estimates, reports, etc. required by the NJEIFP to complete their review for project funding consideration.

BE IT FURTHER RESOLVED, that the Mayor, Clerk, etc. are authorized to sign the documents as required to allow for said funding application to proceed in a timely manner.

Motion by Councilperson Wuillermin, seconded by Councilperson Esposito, the resolution is adopted.

ROLL CALL

Councilman:

Bachalis – Yes

Esposito – Yes

Gribbin – Yes

Pullia – Yes

Rodio – Yes

Wuillermin – Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Resolution #R039-2014 Temporary Capital Budget Boyer Ave.

#R039-2014
TOWN OF HAMMONTON
TEMPORARY CAPITAL BUDGET

WHEREAS, the need has arisen to introduce a bond ordinance to provide funds for NJEIT Boyer Avenue Drip Irrigation Project in the Water/Sewer Utility Capital Fund, including all appurtenances necessary and related thereto, and;

WHEREAS, the regulations of the Local Finance board (N.J.A.C. 5:30-4.3(b)) of the Division of Local Government Services, Department of Community Services requires that the municipality adopt a temporary capital budget if a bond ordinance is to be passed prior to the adoption of the Annual Capital Budget, and;

WHEREAS, the ordinance provides a total appropriation as follows:

<u>Purpose</u>	<u>Total Amount</u>	<u>Debt Authorized</u>
<u>Water/Sewer Utility Capital Fund</u>		
Boyer Avenue Drip Irrigation Project - Financed by NJEIT	\$ <u>500,000.00</u>	\$ <u>500,000.00</u>

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Town of Hammonton, County of Atlantic that:

- (1) a Temporary Capital Budget is hereby created for the following:

<u>Water/Sewer Utility Capital Fund</u>	
Boyer Avenue Drip Irrigation Project	\$ 500,000.00

- (2) the projects will be included in the Annual Capital Budget, and
- (3) one certified copy shall be forwarded to the Director of the Division of Local Government Services immediately after passage.

Resolution #040-2014 Temporary Emergency Appropriations

#R040-2014

RESOLUTION MAKING TEMPORARY EMERGENCY APPROPRIATIONS
IN THE TOWN OF HAMMONTON MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides that temporary emergency appropriations may be made for the period between the beginning of the fiscal year and the date of adoption of the budget for said year; and

WHEREAS, the date of this resolution is not within the first thirty days of January, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Hammonton, New Jersey, that the following temporary emergency appropriations are hereby made:

<u>Fund</u>	<u>Account Number</u>	<u>Appropriations</u>
Computer OE	4-01-20-133-200	\$7,500.00
Admin. OE	4-01-20-101-200	\$5,500.00
Prosecutor OE	4-01-25-123-200	\$2,500.00
Engineering OE	4-01-20-107-200	\$2,300.00
Brd of Adj OE	4-01-21-110-200	\$2,000.00
Planning board	4-01-21-109-200	\$1,000.00

Motion by Councilperson Wuillermin, seconded by Councilperson Rodio, the resolution is adopted.

ROLL CALL

Councilman:

Bachalis – Yes

Esposito – Yes

Gribbin – Yes

Pullia – Yes

Rodio – Yes

Wuillermin – Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

ORDINANCE INTRODUCTIONS

Ordinance #007-2014 Boyer Avenue Drip Irrigation

Ordinance #007-2014 Boyer Avenue Drip Irrigation
BOND ORDINANCE PROVIDING FOR THE BOYER AVENUE DRIP
IRRIGATION PROJECT IN AND BY THE TOWN OF HAMMONTON, IN THE
COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$500,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS
OR NOTES OF THE TOWN TO FINANCE THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$500,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Town, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$500,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the drip irrigation system at the recreation site located on Boyer Avenue in the Town, including all work and materials necessary therefore and incidental thereto.

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

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

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

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

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$500,000, but that the net debt of the Town determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-

liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Town pursuant to N.J.S.A. 40A:2-44(c).

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

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

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

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

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

Motion by Councilperson Wuillermin seconded by Councilperson Bachalis, the ordinance is taken up for and passed first reading and given legal publication.

ROLL CALL

Councilman:

Bachalis – Yes

Esposito – Yes

Gribbin – Yes

Pullia – Yes

Rodio – Yes

Wuillermin – Yes

Mayor DiDonato – Yes

Mayor DiDonato declared the motion carried.

Ordinance #008-2014 Road to Excellence – To be supplied by Brian Howell

Motion by Councilperson Esposito seconded by Councilperson Bachalis the ordinance is taken up for and passed first reading and given legal publication.

ROLL CALL

Councilman:

Bachalis – Yes

Esposito – Yes

Gribbin – Yes

Pullia – Yes

Rodio – Yes

Wuillermin – Yes

Mayor Didonato – Yes

Mayor DiDonato declared the motion carried.

ENGINEER REPORT

Mr. Vettese initiated a conversation regarding Well number 4. It was his recommendation that the town plan a training and licensing session with Rycon, not to exceed \$7000.00 and to come from the O&E

Motion by Councilperson Wuillermin, seconded by Councilperson Esposito.

ROLL CALL

Councilman:

Bachalis – Yes

Esposito – Yes

Gribbin – Yes

Pullia – Yes

Rodio – Yes

Wuillermin – Yes

Mayor Didonato – Yes

Mayor DiDonato declared the motion carried.

SOLICITOR REPORT

1. Road to Excellence
2. Lease of space for Wharton/Airport
3. Through the Fence Agreement
4. Grant Application
5. Pulte Basin Meeting
6. Revaluation

PUBLIC HEARD

No one desired to be heard.

MEETING ADJOURNED

Motion by Councilperson Gribbin, seconded by Councilperson Esposito, the meeting is adjourned.
Motion carried.

Monica Newton, Deputy Clerk