

Minutes Special Meeting of Mayor and Council – October 6, 2014
Town Hall Council Chambers, 100 Central Avenue 6:00 P.M.

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

David Cella of ARH, Town Engineer
Jerry Barberio, PWM/Business Administrator

PUBLIC NOTICE

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

PLEDGE OF ALLEGIANCE

Brian Howell, Town Solicitor, entered here.

HEARING-GREEN ACRES FUNDING

Mr. David Cella gave a brief presentation on the Green Acres Grant Funding for acquisition of the St. Martin de Porres property. He then opened discussion for public hearing.

Rock Colasurdo - Boyer Avenue

Mr. Colasurdo advised that due to the St. Martin de Porres Church's roof leaking, he believes council can negotiate a reasonable purchase price.

RESOLUTION #129-2014 AMEND CAPITAL BUDGET AIRPORT PROJECTS

#R129-2014
TOWN OF HAMMONTON
CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2014 was adopted on the 19th day of May, 2014; and

WHEREAS, it is desired to amend said adopted capital budget;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Town of Hammonton, County of Atlantic, that the following modification to the adopted capital budget of the Town of Hammonton be made:

General Capital Fund

<u>Total</u>	<u>Capital</u>	<u>Debt</u>	
<u>Cost</u>	<u>Improvement</u>	<u>Authorized</u>	<u>Grant</u>
	<u>Fund</u>		

Municipal Airport Construction and Removal	\$ 361,447.26	\$ 1,807.26	\$ 34,338.00	\$ 325,302.00 (1)
Municipal Airport Obstruction Survey and Analysis	<u>69,958.91</u>	<u>349.91</u>	<u>6,646.00</u>	<u>62,963.00 (1)</u>
Total	<u>\$ 431,406.17</u>	<u>\$ 2,157.17</u>	<u>\$ 40,984.00</u>	<u>\$ 388,265.00</u>

(1) *United States Department of Transportation Federal Aviation Administration*

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

Motion by Councilperson Rodio, 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.

INTRODUCTION BOND ORDINANCE #024-2014 Airport Obstruction Survey Analysis

Ordinance #024-2014

BOND ORDINANCE PROVIDING FOR PRELIMINARY PLANNING, STUDY AND ANALYSIS RELATED TO OBSTRUCTION REMOVAL AT HAMMONTON MUNICIPAL AIRPORT IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$69,958.91 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,646.00 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$69,958.91, including the sum of \$349.91 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$6,646.00 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 preliminary planning, analysis and study related to the removal of air navigation obstructions over 40 acres populated with trees within the Wharton State Forest property, including all related costs and expenditures necessary therefor 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 therefor.

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

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

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially 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 15 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 \$6,646.00, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$69,958.91 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby 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(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

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 Rodio, seconded by Councilperson Wuillermin, 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.

INTRODUCTION BOND ORDINANCE #025-2014 Airport Obstruction Removal

Ordinance #025-2014

BOND ORDINANCE PROVIDING FOR CONSTRUCTION AND OBSTRUCTION REMOVAL AT HAMMONTON MUNICIPAL AIRPORT IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$361,447.26 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$34,338.00 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$361,447.26, including the sum of \$1,807.26 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$34,338.00 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 the removal of air navigation obstructions over 40 acres populated with trees within the Wharton State Forest property which will consist of (but is not limited to) the trimming and/or removal of trees, including all work and materials necessary therefor 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 therefor.

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

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

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially 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 15 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 \$34,338.00, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$70,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby 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(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

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 Rodio, seconded by Councilperson Wuillermin, 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.

PUBLIC HEARD

Rock Colasurdo-Boyer Avenue

Mr. Colasurdo stated he felt the NJ DOT should fund both airport obstruction survey and removal.

Mr. Jerry Barberio, PWM/BA/Airport Administrator, advised the Town is making application to NJDOT for 5% funding of obstruction survey, however, NJDOT does not provide funding for obstruction removal.

Request Political Debate

Mr. Jim Donio, Hammonton First Representative; Mr. Jim Schroeder, Hammonton Democratic Club Representative; and Mr. Otto Hernandez, Hammonton United Republican Club and Atlantic County Regular Republican Club Representative; requested use of Town Council Chambers on October 19, 2014 from 6:00 p.m. on to hold a political debate which will commence at 6:30 p.m. They also requested the debate be televised, re-televised each week up to the date of election and have agreed to reimburse the Town for reasonable costs of same.

Mayor DiDonato suggested those currently sitting on council who will be involved in re-election and the debate recuse themselves to which they agreed.

Motion by Councilperson Gribbin, seconded by Councilperson Wuillermin, authorize use of Town Council Chambers, for live recording of political debate to be re-televised weekly prior to election day on October 19, 2014.

ROLL CALL

Councilman:

Bachalis - Recused

Esposito – Recused

Gribbin - Yes

Pullia - Yes

Rodio – Recused

Wuillermin - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

#R130 -2014 Executive Session

#R130-2014

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. Wawa-obtain quotes form based code expert
2. Treatment Solutions Litigation
3. Attorney Client Privilege Matter
4. Medi-vac Hangar Required Modification

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

ROLL CALL

Councilman:

Bachalis - Yes

Esposito – Yes

Gribbin - Yes (recused on Wawa discussion only)

Pullia - Yes

Rodio – Yes

Wuillermin - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

RESUME PUBLIC PORTION 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

David Cella of ARH, Town Engineer

#R 131-2014 Airport Hangar

RESOLUTION #R131-2014
(MEDI-VAC HANGAR AT HAMMONTON AIRPORT)

WHEREAS, the Town of Hammonton and Hammonton Hangars, LLC entered into a Ground Lease at the Hammonton Airport on September 15, 2014; and

WHEREAS, Hammonton Hangars, LLC has applied for funding from Susquehanna Bank for construction of the Medi-Vac hangar authorized by that Lease; and

WHEREAS, as indicated by the attached e-mail from Susquehanna's attorney (Exhibit A), certain conditions associated with that funding require satisfaction before construction may begin; and

WHEREAS, the need exists to erect the Basic Hangar (without crew quarters) to protect the Medi-Vac helicopter from inclement weather; and

WHEREAS, construction of the crew quarters shall require approval of a septic system servicing same; and

WHEREAS, the Town has previously agreed to guarantee Susquehanna's funding of this project as is more fully described in Resolution 120-2014; and

WHEREAS, Hammonton Hangars, LLC intends to install septic; and

WHEREAS, the actions described above will enhance the health, safety and welfare of the Town's residents by assuring the existence of the Medi-Vac helicopter in the town's boundaries.

NOW THEREFORE IT IS ON THIS 6th DAY OF October, 2014 resolved that:

1. The Town of Hammonton agrees to satisfy the conditions imposed by Susquehanna as more fully set forth in the attached Exhibit A in the event of Hammonton Hangars default including, but not limited to, a default in its obligation to satisfy Susquehanna's lien conditioned on title to the improvements passing to the Town of Hammonton; and
2. This approval is contingent upon Hammonton Hangars agreeing to amend the Ground Lease Agreement; and
3. In all other respects the Resolution dated August 25, 2014 shall remain in full force and effect.

Motion by Councilperson Rodio, seconded by Councilperson Bachalis, 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.

PUBLIC HEARD

No one desired to be heard.

MEETING ADJOURNED

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

April Boyer Maimone, Clerk