

Minutes Regular Meeting of Mayor and Council – August 15, 2016
Town Hall Council Chambers, 100 Central Avenue
Executive Session 5:00 P.M.
Public Session 7:00 P.M.

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilman:
Furgione - Present
Giralo - Present
Gribbin - Present
Pullia - Present
Rodio - Present
Torrissi - Present
Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor
Jerry Barberio, PWM/Business Administrator

Special Executive Session #R111A-2016

#R111a-2016
TOWN OF HAMMONTON
AUTHORIZING EXECUTIVE SESSION

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of Hammonton Town Council to be held in public, N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive Session," i.e. without the public being permitted to attend, and

WHEREAS, Hammonton Town Council has determined that the below listed issue(s) is/are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance and shall be discussed during an Executive Session to be held on this Resolutions Adopted Date Indicated Below at 6:00 P.M., and

WHEREAS, the exception(s) to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

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"(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion." The legal citation to the provision(s) at issue is: _____ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____;

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"(2) Any matter in which the release of information would impair a right to receive funds from the federal government." The nature of the matter(s), described as specifically as possible without undermining the need for confidentiality is _____;

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"(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or in the case of a minor or incompetent, guardian) shall request in writing that the same be disclosed publicly." The nature of the matter(s), described as specifically as possible without undermining the need for confidentiality is _____;

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“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.” The collective bargaining contract(s) discussed are between the Town and _____;

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“(5) Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.” The nature of the matter(s), described as specifically as possible without undermining the need for confidentiality is: _____;

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“(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.” The nature of the matter(s), described as specifically as possible without undermining the need for confidentiality is _____;

1

“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling with the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.” The nature of the discussion(s), described as specifically as possible without undermining the need for confidentiality,

1. Interview Applicants Police Captain Position
Interviews were conducted by Council for the 2 Eligibles for Police Captain Position, Mark Fiorentino and Kevin Friel.

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“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.” Subject to the balancing of the public’s interest and the employee’s privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is _____;

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“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____;

WHEREAS, the length of the Executive Session is estimated to be **60 minutes** after which the public meeting of the Town Council shall reconvene and action may be taken;

NOW, THEREFORE, BE IT RESOLVED that Hammonton Town Council will go into Executive Session for only the above stated reasons;

BE IT FURTHER RESOLVED that the Town Council directs the Town Clerk to make ten (10) photocopies of this resolution immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing.

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment (w/ Hammonton Town only) and Memorandum of Understanding dated October 26, 2009 that arose out John Paff v. Absecon Custodian, et al, Docket No. ATL-L-3392-08.

BE IT FURTHER RESOLVED that the Town Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
1. Interview for Police Captain Position	When position filled	

BE IT FURTHER RESOLVED that the minutes of this Executive Session shall become available to the public within 14 days of this meeting or at noon 2 business days before Council’s next Regular Meeting, which ever is shorter. The Clerk is authorized to release

the portion of the minutes that may be made available to the public per Consent Judgment filed October 26, 2009 Docket No. L-3392-08 which states that the Custodian of Records may release Public and Non Public Minutes to the Public prior to formal approval of Council.

Motion by Councilman Furgione, seconded by Councilman Rodio, the resolution is adopted.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Deputy Mayor Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Executive Session #R112-2016

#R112-2016
TOWN OF HAMMONTON
AUTHORIZING EXECUTIVE SESSION

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of Hammonton Town Council to be held in public, N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive Session," i.e. without the public being permitted to attend, and

WHEREAS, Hammonton Town Council has determined that the below listed issue(s) is/are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance and shall be discussed during an Executive Session to be held on this Resolutions Adopted Date Indicated Below at 6:00 P.M., and

WHEREAS, the exception(s) to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

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"(2) Any matter in which the release of information would impair a right to receive funds from the federal government." The nature of the matter(s), described as specifically as possible without undermining the need for confidentiality is _____;

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"(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or in the case of a minor or incompetent, guardian) shall request in writing that the same be disclosed publicly." The nature of the matter(s), described as specifically as possible without undermining the need for confidentiality is _____;

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"(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body." The collective bargaining contract(s) discussed are between the Town and _____;

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"(5) Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed." The nature of the matter(s), described as specifically as possible without undermining the need for confidentiality is:

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“(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.” The nature of the matter(s), described as specifically as possible without undermining the need for confidentiality is _____;

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“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling with the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.” The nature of the discussion(s), described as specifically as possible without undermining the need for confidentiality,

1. Hawk's Lease Agreement with Hammonton Board of Education Solicitor advised Council of Board of Education Amendments to Proposed Agreement. Council advised of additional changes that Solicitor will advise Board of Education.
2. Independent Volunteer Fire Co. #2 Litigation Solicitor updated Council on status of litigation.
3. Independent Volunteer Fire Co. #2 and Rick Sepe Membership Solicitor advised Council on law concerning membership status.

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“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.” Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is _____;

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“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____;

WHEREAS, the length of the Executive Session is estimated to be **60 minutes** after which the public meeting of the Town Council shall reconvene and action may be taken;

NOW, THEREFORE, BE IT RESOLVED that Hammonton Town Council will go into Executive Session for only the above stated reasons;

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BE IT FURTHER RESOLVED that the Town Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public's interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
1. Hawks Lease 2. Fire Co 2 litigation	When lease signed When settlement is reached	
3. Fire Co 2 membership	When Solicitor responds to Fire Co concerning membership status	

BE IT FURTHER RESOLVED that the minutes of this Executive Session shall become available to the public within 14 days of this meeting or at noon 2 business days before Council's next Regular Meeting, which ever is shorter. The Clerk is authorized to release the portion of the minutes that may be made available to the public per Consent Judgment filed October 26, 2009 Docket No. L-3392-08 which states that the Custodian of Records may release Public and Non Public Minutes to the Public prior to formal approval of Council.

Motion by Councilman Furgione, seconded by Councilman Rodio, the resolution is adopted.

ROLL CALL

Councilman:
Furgione - Yes
Giralo - Yes
Gribbin - Yes
Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

RESUME REGULAR MEETING-ROLL CALL

Councilman:
Furgione - Present
Giralo - Present
Gribbin - Present
Pullia - Present
Rodio - Present
Torrissi - Present
Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor
Bob Vettese 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

PUBLIC HEARD FOR AGENDA ACTION ITEMS

Linda Esposito

Mrs. Esposito requested a 4 way stop at Grape Street and Central Avenue.

Mayor will have Police Chief investigate and make recommendation.

Joseph Brown

Mr. Brown requested to have an October 2nd downtown lake park joint event with Kiwanis Club that includes fire works display and officially requested a waiver of liquor restrictions at the lake park for this 1 day event.

#R125-2016 Authorize October 2nd Event

RESOLUTION # 125 -2016
A RESOLUTION AUTHORIZING THE SUSQUECENTENNIAL October 2nd EVENT,
FIREWORKS AND ROAD CLOSURES

WHEREAS, October 2, 2016 (rain date Oct 16) is the scheduled date for the Hammonton Lake Park Sesquicentennial Event and Fireworks; and

WHEREAS, the Chief of Police has recommended the following road closures for the Fireworks and Event to be held at the Hammonton Lake Park between the hours of 3:00 p.m. and 10:30 p.m.:

S. Egg Harbor Road (from 9th Street to Park Avenue)
S. Egg Harbor Road (signage and detour traffic right turn onto 11th Street) open to event traffic only
Moss Mill Road (at Lakeview Drive)
Sports Drive

WHEREAS, the Mayor and Council approve a waiver of liquor restrictions for this one day event only.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, that the Sesquicentennial October 2nd Event and Fireworks Display are approved along with police traffic patrol and trash cleanup contingent upon the following:

1. Review and approval of Risk Manager, Police Chief, PWM/BA, Parks and Rec Committee and Green Acres
2. Filing of necessary insurance certificate by event sponsors
3. Filing of required State and County road closure applications
4. Contacting Police Chief and Public Works Manager 2 months prior to event
5. Liquor must not be in glass containers

Motion by Councilman Giraldo, seconded by Councilman Pullia, the resolution is adopted.

ROLL CALL

Councilman:

Furgione - Yes

Giraldo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Marian Englestien

Ms. Englestien spoke concerning the funding of the Eagle Theatre and stated she would agree to this council's review of their finances.

Ms. Englestien also advised concerning potholes on Greenwood Drive to which PWM/BA responded have already been repaired.

Mayor DiDonato stated the Town does have a record of where the funding was spent and will receive same this year. Also, we cannot appropriate funding from general funds for water or sewer.

Mark Rogers

Mr. Rogers stated he is in support of Mrs. Esposito's request for 4 way stop at Grape and Central. He also requested lowering speed limit on Central Avenue.

APPROVAL OF MINUTES

Executive Session – July 25, 2016

Regular Meeting – July 25, 2016

Motion by Councilman Giraldo, seconded by Councilman Pullia, the minutes are approved.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

Appoint Police Corporals

Motion by Councilman Gribbin, seconded by Councilman Giralo, appoint Mark Santora, Richard Jones and Chris Clements as Corporals for the Hammonton Police Department effective 8/15/16 with no pay increase.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia – Yes (Recused on Santora only)

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Appoint Police Sergeant

Motion by Councilman Gribbin, seconded by Councilman Giralo, appoint Sean Grasso as Police Sergeant at prevailing salary effective 8/15/16.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Appoint Police Lieutenant

Motion by Councilman Pullia, seconded by Councilman Giralo, appoint Joseph Maimone Jr. as Police Lieutenant effective July 1, 2015 with a retroactive pay increase of \$14,827.00 subject to all payroll deductions and effective 8/15/16 for NJ CSC and Town of Hammonton seniority purposes per stipulations of Settlement Agreement approved at the July 25, 2016 Regular Meeting of Council.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - No

Mayor DiDonato declared the motion carried.

Appoint Police Captain

Motion by Councilman Pullia, seconded by Councilman Furgione, appoint Mark Fiorentino as Police Captain effective 8/15/16 at the prevailing salary.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - No

Mayor DiDonato declared the motion carried.

Adjourn Ordinance #012-2016 Inclusionary Development

*To September 26 Council Meeting in order to sent out notices

Motion by Councilman Giralo, seconded by Councilman Torrissi, the ordinance is adjourned to the September 26 Regular Meeting of Council.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio – Absent (stepped out for a moment)

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Hearing Ordinance #015-2016 Authorize Sale Town Owned Land

ORDINANCE #015 - 2016

AN ORDINANCE OF THE TOWN OF HAMMONTON AUTHORIZING THE SALE OF TOWN OWNED LAND

WHEREAS, Lot 18 of Block 4104 is owned by the Town of Hammonton and is not needed for public purposes; and

WHEREAS, it is in the best interest of the Town to sell such land to generate revenue, reduce taxes and reduce liabilities; and

WHEREAS, N.J.S.A. 40A:12-13.2 provides in pertinent part that whenever any municipality intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon, the municipality must accord contiguous property owners the right of first refusal to purchase such land; and

WHEREAS, the Town proposes to offer such right to all contiguous owners and to sell such lands to the highest bidders among the contiguous owners as authorized by N.J.S.A. 40A:12-13; and

WHEREAS, if no contiguous owner offers to purchase such property, then the property shall be opened to full public bidding.

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

The Town Clerk is authorized, subject to the conditions set forth herein, to offer for sale by public auction all of the Town's right, title and interest in and to the following lot pursuant to the provisions of N.J.S.A. 40A:12-13:

Block 4104, Lot 18 – Hillman Avenue – at a minimum amount of \$5,000.00.

The minimum bid for the lot is set forth above. No bid less than the minimum amount set forth will be considered.

The Town Solicitor is authorized to notify by letter the contiguous owners of record in accordance with the current tax assessments and to advise each such contiguous owner of the lot being offered for sale and that such contiguous owner may bid for such lot in accordance with the terms and conditions set forth herein. The Town Clerk is directed to advertise the sale in a newspaper circulating in the Town by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication to be not earlier than seven (7) days prior to the date of the public sale.

The property set forth above is not necessary for public municipal purposes and the best interest of the public shall be served in selling said property by public sale to the highest bidder at or above the minimum price set forth above with Town Council reserving the right to accept or reject or otherwise remove any lot from sale. The public sale shall take place on Monday, September 26, 2016, at 10:00 AM at the municipal building located at 100 Central Avenue, Hammonton, NJ 08037. Bids shall be received by the Town Clerk in accordance with the procedures to be announced by the Town Clerk. A deposit by certified check, bank check or money order made payable to the Town of Hammonton in an amount not less than ten percent (10%) of the bid must be paid by the successful bidder at the time of the sale. The balance of the bid amount shall be paid at closing which shall occur not later than forty-five (45) days following acceptance of the bid by Town Council. The Clerk may by announcement made at the time and place scheduled for the public sale adjourn the sale to another date and time and such announcement shall be deemed adequate notice to all interest parties.

The lot set forth above shall be first offered to the contiguous property owners at the minimum price set forth above and shall be sold to the highest bidder from among the adjoining property owners.

Any person bidding on behalf of a corporation or company must submit a copy of a Resolution of the corporation or company authorizing the bidder to bid on the property on behalf of the corporation or company. A person bidding on behalf of a partnership or using a trade name must submit a copy of the certificate of trade name and a letter of authorization from the other partners, if any.

All bids shall be referred to Town Council for review and final approval pursuant to N.J.S.A. 40A:12-13 and the Town reserves the right to accept the highest bid or to reject any and all bids for any property. The deposits with respect to any unsuccessful bid and any rejected bid shall be returned.

The successful bidder shall be responsible for the cost of preparation of the deed of conveyance and any related documents for the transfer of title, not to exceed \$250.00. The balance of the purchase price, together with costs of preparation of the deed of conveyance and related documents for the transfer of title must be paid by certified check, bank check or money order made payable to the Town of Hammonton and provided to the Town of Hammonton within ten (10) days of the date of sale. The successful bidder shall be responsible for the recording of the deed and for the cost of such recording.

A bargain and sale deed without covenants shall be delivered at the office of the Town Clerk on or before forty-five (45) days after Council approval of the sale. The Mayor and Town Clerk are hereby authorized to execute said deed and other conveyance documents and the Town Attorney is authorized to prepare such deed and documents.

In addition to the terms and conditions set forth herein, the successful bidder agrees to the imposition of the following conditions by the Town:

In the event that the successful bidder fails to close title, the bidder agrees to forfeit to the Town any and all monies deposited with the Town.

The Town does not warrant or certify title to the property and in no event shall the Town be liable for any damages to the successful bidder if title is found defective or marketable for any reason, and the bidder waives any and all rights and damages or by way of liens against the Town, the sole remedy of the bidder being the right to receive a refund prior to closing of title of the deposit paid. It is the right of the successful bidder to examine title prior to closing. In the event of closing and a later finding of a defect of title, the Town shall not be required to refund any money or correct any defect in title and shall not be held liable for damages. Acceptance of an offer to purchase shall constitute a binding agreement by the bidder and the successful bidder shall be deemed obligated to comply with the terms and conditions contained herein.

The deed of conveyance shall be subject to all matters of record which may affect title, what an accurate survey would reveal, the Ordinances of the Town of Hammonton, and the reservation of an easement for all natural constructive drainage systems, swales, pipes, drains, inlets, waterways and other easements, if any, on the land and a continued right of maintenance and flow thereof. The Town shall be without obligation to provide access, public or private, or to provide any improvements.

The land being conveyed is an undersized lot and may not be developed separately for residential or other purposes and, if applicable, must be merged with the contiguous land owned by the bidder. The deed of conveyance shall contain a restriction governing the subject property that, if applicable, neither it nor the property with which it is consolidated shall thereafter be subdivided. The deed will also contain a further covenant that neither the purchaser nor any future owner or potential developer of the lot may ever in any manner, directly or indirectly, assert a claim against the Town of Hammonton based upon the inability to develop or use the lot including, but not limited to, a claim for inverse condemnation or damages of any kind.

The Town makes no warranties whatsoever regarding said lands and assumes no responsibility for environmental conditions, known or unknown, regarding said lands. The bidder shall be responsible for the exercise of due diligence in determining the condition of the land, including but not limited to, the determination of any title conditions, environmental conditions, zoning and development restrictions and any other condition or restriction that might impact the use of the land.

The Town Clerk, the Mayor and the Town Attorney are authorized to prepare and execute any and all documents necessary and to take any and all such actions as may be required to effect the transaction set forth herein.

The Town Clerk shall file with the Director of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of the advertisements required by N.J.S.A. 40A:12-13(b).

Bidding may be made by an individual, corporation or other entity. Bids may also be submitted by a prospective purchaser's attorney, real estate agent or broker or other duly authorized representative. However, no commission shall be paid by the Town of Hammonton to any real estate agent or broker or other representative in connection with any sale.

The sale of such lands is subject to applicable New Jersey Law concerning the disposition of municipal real estate and all other applicable laws and ordinances of the State of New Jersey and the Town of Hammonton.

All potential sales are subject to final approval by Town Council. This includes the right of Town Council to remove a property from the sale list at any time and to terminate any sale up to the time of the issuance of a deed to the purchaser. If terminated, any monies paid by a successful bidder will be refunded.

The Town reserves the right to waive any and all defects, informalities and irregularities in any bid. The Town further reserves the right to reject all bids in each instance where the highest bid is not accepted and to, in its discretion, re-advertise the property for sale. No bid shall be considered finally accepted until confirmed by Town Council.

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.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced in and passed the first reading at a meeting of Town Council of the Town of Hammonton, County of Atlantic and State of New Jersey held on July 25, 2016, and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Building located at 100 Central Avenue, Hammonton, NJ 08037, on August 15, 2016, at 7:00 PM or as soon thereafter as the matter may be reached.

Motion by Councilman Giraldo, seconded by Councilman Gribbin, the ordinance is taken up for second reading and public hearing. Motion carried.

No one desired to be heard.

Motion by Councilman Giraldo, seconded by Councilman Gribbin, the hearing is closed , the ordinance is passed second reading and adopted.

ROLL CALL

Councilman:

Furgione - Yes

Giraldo - Yes

Gribbin - Yes

Pullia - Yes
Rodio – Absent (stepped out for a moment)
Torrissi - Yes
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Table Ordinance #016-2016 Emergency Appropriation
*CFO advised do not use this format for police radios

Motion by Councilman Pullia, seconded by Councilman Giraldo, the ordinance is tabled.

ROLL CALL

Councilman:
Furgione - Yes
Giraldo - Yes
Gribbin - Yes
Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

#R112A-2016 Emergency Resolution Police Radios

TOWN OF HAMMONTON
RESOLUTION NO. 112A-2016

WHEREAS, an emergency has arisen with respect to the **Purchase of Police Radios** and no adequate provision was made in the 2016 Budget for the aforesaid purpose, and N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of the emergency appropriation created including the appropriation to be created by this resolution is **\$18,000** and three (3) percent of the total operations in the budget for the year 2016 is \$382,738.51.

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations including utility operation appropriations in the budget for 2016.

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation is hereby made for the **CURRENT FUND: Down Payment on Improvement** in the amount of **\$18,000.00**.
2. That said emergency appropriation shall be provided in full in the 2017 Current Fund Budget.
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Motion by Councilman Gribbin, seconded by Councilman Giraldo, the resolution is adopted.

ROLL CALL

Councilman:
Furgione - Yes
Giraldo - Yes
Gribbin - Yes

Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

#R112B-2016 Capital Budget Amendment Police Radios

TOWN OF HAMMONTON
CAPITAL BUDGET AMENDMENT
RESOLUTION #112B-2016

WHEREAS, the local capital budget for the year 2016 was adopted on the 27th day of June, 2016; 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>Purpose</u>	<u>Total</u>	<u>Debt Authorized</u>	<u>Capital Improvement Fund</u>
Purchase of Police Radios	\$ 360,000	\$ 342,000	\$ 18,000

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 Councilman Giraldo, seconded by Councilman Furgione, the resolution is adopted.

ROLL CALL

Councilman:
Furgione - Yes
Giraldo - Yes
Gribbin - Yes
Pullia - Yes
Rodio - Yes
Torrissi - Yes
Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

COMMITTEE REPORTS

Administration - Councilman Torrissi

Report on Adm Comm Mtg on Aug 10 various issues discussed including updating copy machines
Food Truck Ordinance to be taken up at Regular Meeting in September (send to council for review)

Business & Industry - Councilman Gribbin

Defer action items to resolutions
Mainstreet downtown report on businesses and events

Education - Councilman Giraldo

Report on Board of Education Matters

Quality of Life - Councilman Pullia

Dog Park Grant from Beneful Dog Food (Mr. Barberio to post link on corporate website)

Report National Night Out

Public Works & Transportation - Councilman Rodio

Defer Report to PWM/BA report

Water & Sewer - Councilman Furgione

Defer Action Item to Engineer Report

Updates on various projects

ENGINEER REPORT

Valley Avenue Utility Replacement (ARH #11-30159):

Construction is progressing on the Valley Avenue project. The Contractor is currently running three crews on site to install the sanitary sewer main, sanitary sewer lateral connections, and storm sewer items. The sanitary sewer main has been installed from Broadway to about 170 feet west of Cara Lane. The majority of the storm sewer items have been constructed in the Valley Avenue and Broadway intersection. The Contractor will be returning to the intersection to construct the water main in the next week or so. The NJDEP has confirmed that the NJEIT loan can cover the cost to provide uniformed police officers to assist with traffic control, which can be added to the contract through a Change Order. We are still awaiting the final loan numbers from the NJEIT.

The Contractor has submitted seven Change Order requests to date. These items will be discussed at the PWTC meeting on August 11, 2016.

We have submitted the Contractor's first Request for Payment in the amount of \$118,470.62 which appears on bill list this evening for Council Approval.

SOLICITOR REPORT

Authorize Discharge of Mortgage

Motion by Councilman Furgione, seconded by Councilman Torrissi, authorize execution of discharge of mortgage 501 Line Street.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Abstain

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Report on Muffled Brakes Ordinance Introduction

Hammonton Hawks/Board of Education Lease Amendment

Motion by Councilman Giralo, seconded by Councilman Rodio, approve Mayor's signature with amendments discussed in Executive Session.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Reject Fire Company #2 Action to Remove Member

Motion by Councilman Giralo, seconded by Councilman Gribbin, reject Joseph Lizza letter of removal of member Rick Sepe dated July 14, 2016 and authorize Solicitor to direct a letter to Fire Co. #2 advising of the rejection and reason for same.

Councilman Pullia questioned if there is a conflict for him to vote to which Solicitor advised no.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

MAYOR REPORT

Set Trick or Treat October 31, 2016 - 6:00 – 8:30 p.m.

Motion by Councilman Gribbin, seconded by Councilman Giralo, set trick or treat October 31st from 6-8:30 p.m.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

PWM/BUSINESS ADMINISTRATOR REPORT

Ranere Avenue Improvements Requested by Resident

Motion by Councilman Furgione, seconded by Councilman Rodio, approve expenditure not to exceed \$8,000.

After a discussion on priority projects it was on motion by Councilmen Furgione, seconded by Councilman Rodio, to withdraw their motion and Mr. Barberio was requested to advise Atlantic County that this resident request would fall under their jurisdiction.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

CSIP Grant (no grant received)

Ordinance Change for Muffled Brakes (signs to be installed after adopted)

Advertise for 4 temporary employees \$12.00 hr, 38.75 hrs week, Leaf Season

Motion by Councilman Gribbin, seconded by Councilman Giralo, authorize advertise for 4 temporary employees \$12.00 hr, 38.75 hrs week, Leaf Season.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Authorize Quote Demolition 589 Central Avenue

Motion by Councilman Giralo, seconded by Councilman Torrissi, authorize title search and request quotes for demolition of building located at 589 Central Avenue.

Councilman Giralo suggested using CDBG Grant if there is a balance.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Touch a Truck Event August 28, 2016 Local Road Closure (Second Street)

Motion by Councilman Gribbin, seconded by Councilman Giraldo, authorize event and local road closure contingent upon approval of Police Chief.

ROLL CALL

Councilman:

Furgione - Yes

Giraldo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Bulky Sept 5-9 Brush Sept 12-16

TOWN CLERK REPORT

1. Confirm Civil Service Appointment Paul Sacco Sr. Public Safety Telecommunicator
2. Authorize Clerk letter to NJ Transit request cut trees between Passmore and Line

Motion by Councilman Gribbin, seconded by Councilman Furgione, approve Town Clerk Report Items 1 and 2.

ROLL CALL

Councilman:

Furgione - Yes

Giraldo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

APPROVE BILL LIST & PURCHASE ORDERS

Motion by Councilman Gribbin, seconded by Councilman Torrissi, the bill list and purchase orders for August 2016 are approved.

ROLL CALL

Councilman:

Furgione - Yes

Giraldo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – (Recused on DiDonato only)

Mayor DiDonato declared the motion carried.

NEW BUSINESS

Introduction Ordinance #017-2016 Bond Ordinance Police Radios

Ordinance #017-2016

ORDINANCE PROVIDING FOR THE PURCHASE OF POLICE RADIOS IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$360,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$342,000 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 \$360,000, including the sum of \$18,000 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 \$342,000 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 acquisition of police radios.

(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 benefited 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 5 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 \$342,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$36,000 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 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 notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the notes. 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 Councilman Pullia, seconded by Councilman Torrissi, the ordinance is taken up for and passed first reading and given to legal publication.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

Introduction Ordinance #018-2016 Muffled Engine Brakes

Ordinance # 018-2016

AN ORDINANCE PROHIBITING ENGINE BRAKING UPON ALL ROADWAYS LOCATED IN THE TOWN OF HAMMONTON

Be it Ordained by the Mayor and Town Council of the Town of Hammonton, County of Atlantic, State of New Jersey as follows:

Section 1: PURPOSE:

The Mayor and Council of the Town of Hammonton have determined that the use of "engine braking," as defined by this Ordinance, causes unwanted noise, pollutants and disturbances in the Town, and are a detriment to the health, safety and general welfare of the residents of the Town of Hammonton.

Section 2: DEFINITIONS:

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

Engine Braking

The use or operation of any engine brake, compression brake or mechanical exhaust device designed to aid in the braking, decompression, or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.

Section 3: PROHIBITION:

It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be used or operated, at any time and on any road within the Town of Hammonton, any engine brake, mechanical exhaust or decompression device which results in the practice known as "engine braking."

Section 4: SIGNAGE:

Appropriate signage shall be placed at reasonable locations within the Town warning the public about the prohibition of "engine braking."

Section 5: EXCEPTIONS:

This prohibition shall not apply to the application of unmuffled engine or compression brakes or a mechanical exhaust device where necessary for the protection of persons and/or property which cannot be avoided by an alternative braking system or where the application is necessary for the health, safety and welfare of the community. Sounds created by emergency equipment for emergency purposes are exempt from this section.

Section 6: VIOLATIONS AND PENALTIES:

Unless another penalty is expressly provided by New Jersey Statute, any person, partnership, company, or corporation convicted of a violation of this Ordinance shall be subject to one or more of the following: a fine of not more than \$1,000, imprisonment for a period not to exceed 90 days or a period of community service not to exceed 90 days.

Section 7: REPEALER:

Any other ordinance or parts of ordinances inconsistent with the ordinance shall be and the same are hereby repealed to the extent of inconsistency. The provisions of any ordinances of the Town of Hammonton, including those specifically referred to herein, not inconsistent with this ordinance and the provisions of any amendments not inconsistent with this ordinance shall remain in full force and effect as though expressly and fully set forth herein.

Section 8: SEVERABILITY

If any part of this ordinance shall, for any reason be adjudged by a Court of competent jurisdiction to be declared invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance which will be declared severable.

Section 9: EFFECTIVE DATE:

This ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

Motion by Councilman Rodio, seconded by Councilman Giraldo, the ordinance is taken up for and passed first reading and given to legal publication.

ROLL CALL

Councilman:

Furgione - Yes

Giraldo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

RESOLUTIONS

#R113-2016 Authorize Halloween Parade

RESOLUTION #113- 2016

RESOLUTION AUTHORIZING AND ENDORSING
KIWANIS CLUB HALLOWEEN PARADE

WHEREAS, Kiwanis Club of Hammonton has and continues to promote the Town of Hammonton with scheduled events in the downtown business district; and

WHEREAS, Mayor and Council has and continues to support the efforts of Kiwanis Club of Hammonton; and

WHEREAS, October 26, 2016 is the scheduled date for the Annual Kiwanis Club Halloween Parade (rain date to be October 27, 2016);

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, STATE OF NEW JERSEY, that the Kiwanis Club Halloween Parade is acknowledged and endorsed with the following streets being closed:

N. Egg Harbor Road from Rt. 54 to Fairview Avenue from 6:00 – 7:00 pm
Rt. 54 (Bellevue) from N. Egg Harbor Road to Third St. from 7:00 – 9:00 pm

#R114-2016 Authorize Tree Lighting Event

RESOLUTION #114-2016
RESOLUTION AUTHORIZING AND ENDORSING
MAINSTREET HAMMONTON TOWN TREE LIGHTING EVENT

WHEREAS, Saturday, December 3rd(rain date, Dec 4th) is the scheduled date for the MainStreet Hammonton Town Tree Lighting Event from 5 pm- 9pm. at the intersection of Bellevue and Central and we request the road closure of Central Avenue between Bellevue and Vine from 9am-10 pm; and

WHEREAS, Saturday, December 3rd, has been scheduled as the date for the MainStreet Hammonton carriage rides from 6:00 to 9:00 pm with the request of permitting the carriage route to begin at 310 Bellevue Ave and to then turn right onto School House Lane and permit us on this presently one way route and agree to the route listed below:

Carriage Route

Rides will begin in front of 310 Bellevue Avenue.
Proceed down Bellevue and turn right onto School House Lane
Proceed down School House Lane and turn right onto Vine Street
Proceed down Vine Street and turn right onto 3rd Street.
Proceed down 3rd Street and turn right onto Bellevue Avenue and return to 310 Bellevue.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, STATE OF NEW JERSEY, that the MainStreet Hammonton Town Tree Lighting Event and Carriage Ride Event is acknowledged and endorsed with road closures, no parking, and police assistance contingent upon contacting Police Chief and Public Works Manager 2 months prior to event;

#R115-2016 Authorize Downtown Trick or Treat

RESOLUTION # 115-2016
 RESOLUTION AUTHORIZING AND ENDORSING
 MAINSTREET HAMMONTON DOWNTOWN TRICK OR TREAT EVENT
 WITH ROAD CLOSURES

WHEREAS, Saturday, October 22(rain date October 29) is the scheduled date for the MainStreet Hammonton Downtown Trick or Treat Event from 1:00pm – 3:00 p.m.; and

WHEREAS, Mainstreet Hammonton is requesting the following road closures and police assistance for this event during the hours of 11am- 4pm at

Central Avenue between Bellevue Ave. (Rt. 54) and Vine Street

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, STATE OF NEW JERSEY, that the MainStreet Hammonton Downtown Trick or Treat Event is approved with road closures and police assistance specifically crossing assistance at intersections on Bellevue Avenue contingent upon contacting Police Chief and Public Works Manager 2 months prior to event;

#R116-2016 Authorize Sale Town Surplus

#R 116 -2016

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 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:

<u>Year</u>	<u>Model</u>	<u>Serial Number</u>			
1999	Ford Crown Victoria	2FAFP	71W3X	X2089	90
1999	Ford Crown Victoria	2FAFP	71W6X	X2347	13
2000	Ford Crown Victoria	2FAFP	71W8Y	X1146	69
2003	Ford Crown Victoria	2FAFP	71W83	X1250	51
2003	Ford Crown Victoria	2FAFP	71WX3	X1250	52
2003	Ford Crown Victoria	2FAFP	71W13	X1250	53
2003	Ford Exp Wagon	1FMZU	72K93	UA169	19
2001	Ford Taurus	1FAFP	53U81	G1230	61
2002	Ford Crown Victoria	2FAFP	71W33	X1250	54

2001	Ford Crown Victoria	2FAFP	71W81	X1764	34
2001	Ford Taurus	1FAFP	53UX1	A23700	2
2001	Ford Crown Victoria	2FAFP	71W11	X1764	36

#R117-2016 Authorize Assignment Tax Sale Block 5502 Lot 18

#R117-2016

RESOLUTION AUTHORIZING THE ASSIGNMENT
OF TAX SALE BLOCK 5502 LOT 18

WHEREAS, the Town of Hammonton is the present holder of a tax sale certificate for property known and designated as Lot 18 in Block 5502; and

WHEREAS, Anthony DiMeo III has requested the assignment of the Tax Lien Certificate and is willing to pay the amount required for redemption of the Tax Sale Certificate by payment of all outstanding taxes due to the Town of Hammonton; and

WHEREAS, the statutes of the State of New Jersey permit the assignment of Tax Sale Certificate by private sale.

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 an assignment to Anthony DiMeo III of the Tax Sale Certificate for Lot 18 in Block 5502 is hereby authorized in accordance with the Laws of the State of New Jersey contingent upon the full payment of all outstanding taxes due the Town of Hammonton; and

BE IT FURTHER RESOLVED, that Rosemarie Jacobs, Tax Collector is hereby authorized to execute any and all documents per this resolution with contingency listed above.

#R118-2016 Authorize Auction Natural Gas

#R118-2016

A RESOLUTION OF TOWN OF HAMMONTON AUTHORIZING THE PURCHASE OF NATURAL GAS SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, Town of Hammonton has determined to move forward with the EMEX Reverse Auction in order procure natural gas 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 natural gas 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 achieves a price of \$0.575/therm or less for a 12 month term, or a price of \$0.58/therm or less for a 24 month term; Town of Hammonton may award a contract to the winning supplier for the selected term.

FURTHER RESOLVED, that the Mayor of the Town of Hammonton be and hereby is authorized to execute on behalf of the Town of Hammonton any natural gas contract proffered by the participating supplier that

submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.575/therm or less for a 12 month term, or a price of \$0.58/therm or less for a 24 month term; Town of Hammonton may award a contract to the winning supplier for the selected term.

#R119-2016 Authorize Auction Electric for Lighting Accounts

#R119-2016

A RESOLUTION OF TOWN OF HAMMONTON AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

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.

READ THEN STOP HERE FOR ROLL CALL #R120-2016 Authorize Auction Electric for General Accounts

#R120-2016

A RESOLUTION OF TOWN OF HAMMONTON AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

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 general service meters achieves a price of \$0.086/kWh or less for a 12 month term, a price of \$0.0896/kWh or less for an 18 month term, or a price of \$0.0875/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 general service meters achieves a price of \$0.086/kWh or less for a 12 month term, a price of \$0.0896/kWh or less for an 18 month term, or a price of \$0.0875/kWh or less for a 24 month term; Town of Hammonton may award a contract to the winning supplier for the selected term.

Motion by Councilman Gribbin, seconded by Councilman Giraldo, resolutions 113 thru 120 are adopted.

ROLL CALL

Councilman:

Furgione - Yes

Giraldo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

TAKEN SEPARATELY #R121-2016 Tax Resolution

#R121-2016

WHEREAS, Rosemarie Jacobs, Tax Collector, has approved and made amendments to utility and/or tax accounts as follows:

B&L	NAME	ADDRESS	AMOUNT	ACCT	REASON	PER
4501-48	Restuccio	285 N WHP	2,640.66	tax	Refund o/p	MJ
5201-3	Penza	301 Rt 206,N Union	3,969.80	tax	Refund o/p	Rosie
2515-1 T01	TOH	13 Lincoln	4,555.17	tax	Remove cell tower taxes	Rosie
3701-4	Pezzuto	424 S E H R	1,140.07	tax	Refund Wells Fargo	Rosie
1601-7	DiDonato	820 8th St	1,879.51	tax	Refund o/p due to cty bd jud	Rosie
1601-8	DiDonato	800 8th St	1,946.64	tax	Refund o/p due to cty bd jud	Rosie
1601-9	DiDonato	790 8th St	1,614.75	tax	Refund o/p due to cty bd jud	Rosie

WHEREAS, if any above referenced are not approved by Mayor and Council, a retraction will take place.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Hammonton that the Tax Collector's actions are approved.

Motion by Councilman Giraldo, seconded by Councilman Torrissi, resolution 121 is adopted.

ROLL CALL

Councilman:

Furgione - Yes

Giraldo - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Recused

Deputy Mayor Gribbin - Yes

Deputy Mayor Gribbin declared the motion carried.

RESOLUTIONS CONTINUED

#R122-2016 Amend Budget to include Drive Sober Grant

#R 122-2016

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Town has received notice of a grant award in the amount of **\$5,000.00 from the State of New Jersey for Drive Sober or Get Pulled Over Statewide Labor Day Crackdown**, and wishes to amend its Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Hammonton hereby requests that the Director of the Division of Local Government Services approve the insertion of an item of revenue in the **2016 Budget in the sum of \$5,000.00** which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

2016 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown

BE IT FURTHER RESOLVED, that the Town Clerk forward a certified copy of this resolution to the Director of Local Government Services.

#R123-2016 Release Insurance Surplus

#R123-2016

RESOLUTION AUTHORIZING THE RELEASE OF \$49,085.30 IN SURPLUS FROM THE TOWN OF HAMMONTON'S SHARE OF THE AGGREGATE EXCESS LOSS CONTINGENCY FUND

WHEREAS, the Atlantic County Municipal Joint Insurance Fund (hereafter referred to as the FUND) has been organized pursuant to *N.J.S.A. 40A:10-36 et. seq.*; and

WHEREAS, the FUND is duly constituted as a Municipal Self Insurance Fund to provide insurance coverage to its member municipalities; and

WHEREAS, the FUND has established an Aggregate Excess Loss Contingency Fund pursuant to NJAC 11:15-2.23; and

WHEREAS, in accordance with NJAC 11:15-2.21, the FUND is authorized to release surplus from its Closed Years Fund upon approval from the Department of Banking & Insurance & Department of Community Affairs; and

WHEREAS, should the FUND authorize the Release of Surplus from its Closed Years Fund, each member receiving a share of the surplus has the option of using the surplus as an offset against their next assessment billing, receiving the surplus as a direct payment, or placing a portion of their surplus in the FUND's Aggregate Excess Loss Contingency Fund; and

WHEREAS, several members, including the Town of Hammonton, have placed a portion of their Surplus from amounts released in prior years, into the Aggregate Excess Loss Contingency Fund; and

WHEREAS, based upon the un-audited balance as of April 30, 2015 Financial Review, the Town of Hammonton had an accumulated balance of approximately \$104,826.00 in the Aggregate Excess Loss Contingency Fund; and

WHEREAS, the Fund Commissioner from the Town of Hammonton has sent a written request to the Fund Administrator's office asking that \$49,085.30 of their available balance be released from the Aggregate Excess Loss Contingency Fund;

NOW THEREFORE BE IT RESOLVED, by the Town of Hammonton that the Fund Treasurer is hereby authorized to release \$49,085.30 from the Town of Hammonton's balance in the Aggregate Excess Loss Contingency Fund in the form of a lump sum payment for the 2016 Fund year to the Town of Hammonton.

#R124-2016 Authorize Various Refunds

R124 - 2016

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 are authorized as approved by the respective Department Heads of the Town of Hammonton:

Frank Scianni	Rental Registration	\$50.00
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Motion by Councilman Furgione, seconded by Councilman Gribbin, resolutions 122 thru 124 are adopted.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato - Yes

Mayor DiDonato declared the motion carried.

PUBLIC HEARD

Daniel Santora

Mr. Santora stated he will be placing the property he owns at 381 Old Forks Road for sale. He questioned the sewer hook up.

Councilman Pullia stated he was serving on the water and sewer committee when Mr. DeCicco advised if anyone wanted to tie into sewer he would provide a tap.

Mr. Santora asked Mr. Malinsky for an update on the work that he requested to be done at Pulte?

Mr. Malinsky stated he had the update at a previous meeting that Mr. Santora stated he would return for an answer, however, Mr. Santora was not present. He requested Mr. Santora's phone number and he will telephone him with updates tomorrow.

Mr. Santora complained of overgrown grass at the property adjacent to Puerto Rican Civic Assoc. He further complained about the overgrowth of grass in other areas.

Mayor DiDonato advised yes, we do have a property maintenance official and residents are encouraged to report overgrowth to the Town.

MEETING ADJOURNED

Motion by Councilman Giraldo, seconded by Councilman Furgione, the meeting is adjourned. Motion carried.

April Boyer Maimone, Clerk