

Regular Meeting of Mayor and Council February 27, 2017  
Town Hall Council Chambers, 100 Central Avenue  
Executive Session 6:00 P.M.  
Public Session 7:00 P.M.

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilman:  
Furgione - Present  
Giralo - Present  
Gribbin - Entered During Executive Session  
Pullia - Present  
Rodio - Present  
Torrissi - Present  
Mayor DiDonato - Present

PRESENT ALSO

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

EXECUTIVE SESSION #R024-2017

#R024-2017  
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 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.

- |   |   |
|---|---|
| 0 | Any matter which, by express provision of Federal law, State statute or rule of <b>court shall be rendered confidential</b> or excluded from public discussion." The <b>legal citation</b> 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:  |
| 0 | Any matter in which the release of information <b>would impair a right to receive funds from the federal government.</b> " The nature of the matter(s), described as specifically as possible without undermining the need for confidentiality is:  |
| 0 | Any material the disclosure of which constitutes an <b>unwarranted invasion of individual privacy</b> 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: |
| 0 | Any <b>collective bargaining agreement</b> , 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:  |

1 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:

Town of Hammonton & MMG Real Estate Holdings LLC Developers Agreement

0 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:

3 Any **pending or anticipated litigation** or contract negotiation in which the public body is or may become a party. Any matters falling within 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,

Ind. Volunteer Fire Fighters v. Town of Hammonton  
Grape Street Utility Project  
Ord 9 for introduction Amend Chapter 254

0 **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:

0 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 Info Released	Necessary Occurrence
Town of Hammonton & MMG Real Estate Holdings LLC Developers Agreement	When agreement signed	
Ind. Volunteer Fire Fighters v. Town of Hammonton	When lawsuit settled	
Grape St. Utility Project	When dispute settled	
Ord 9 for Introduction Amend Chapter 254	When introduced this evening	

**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 Torrissi , seconded by Councilman Giralò , the resolution is adopted.

ROLL CALL

Councilman:

Furgione - Yes

Giralò - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato Declared motion carried..

RESUME REGULAR MEETING-ROLL CALL

Councilman:

Furgione - Present

Giralò - 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

No one desired to be heard.

PUBLIC HEARD FOR AGENDA ACTION ITEMS

APPROVAL OF MINUTES

Council Minutes from January 23, 2017

Executive Session January 23, 2017

Motion by Councilman Giralò, seconded by Councilman Torrissi , the minutes are approved.

ROLL CALL

Councilman:

Furgione - Yes

Giralò - Yes

Gribbin - Yes

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

Mayor DiDonato Declared motion carried.

DISPENSE WITH REGULAR ORDER OF BUSINESS

Historic Preservation Presentation

Shop Rite Proclamation- Healthy Food

Hammonton Arts Center Presentation Need Funding

Musco Sports Lighting Presentation (Capella and Boyer Avenue Fields) by Bob Zoeller

Dan Bachalis

Mr. Bachalis thought the presentation was very well done and answered most of his questions, however, was concerned the lighting could spill into the woods from his Environmental Perspective.

Mr. Zoeller advised Mr. Bachalis on this matter.

Clark Hovermale

Mayor DiDonato invited Mr. Clark Hovermale to the podium to give his thoughts on the proposed lighting project.

Paul Massey

Mr. Massey thanked the Town for even contemplating this project and posed questions to which Mr. Zoeller responded.

AC Electric- LED Lighting for Town – Tom Riley and Tim Bateman

Mayor and Council posed questions to which Mr. Riley, Mr. Bateman along with Mr. Eppler responded.

Presentation Tom Quigley – NJ Clean Energy Program Sponsored by BPU – Financing LED Light Project

Mrs. Donio spoke on the subject of downtown lights as they pertain to the LED lighting project.

Mrs. Bachalis spoke on the subject of LED lighting project.

Ian Fisher – Hammonton Youth Soccer Assoc.

Mr. Fisher requested a directional sign for Boyer Avenue Fields.

Motion by Councilman Furgione, seconded by Councilman Gribbin, approve Hammonton Recreational Complex/Dog Park Sign.

ROLL CALL

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

Mayor DiDonato – Yes

Mayor DiDonato Declared motion carried.

Public Hearing on Ordinance 002-2017

Ordinance #002-2017

AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE TOWN OF HAMMONTON

BE IT ORDAINED by the Mayor and Council of the Town of Hammonton, County of Atlantic, State of New Jersey that the salaries, clothing allowance, education stipend, health insurance buyout, cell phone reimbursement, sick, vacation, personal time, holidays, comp time and longevity shall apply to officials listed on this ordinance for 2017-2019 per Town Code and Individual Contracts. Salary Minimum and Maximums are as follows:

<u>Title</u>	<u>Minimum</u>	<u>Maximum</u>
Police Chief	\$ 110,622.00	\$ 145,000.00

BE IT FURTHER ORDAINED that the specific salary for any municipal employee shall be set forth by Appropriate salary resolution.

BE IT FURTHER ORDAINED that this ordinance shall take effect after final passage and publication according to law And its provisions shall be retroactive to January 1, 2017 through December 31, 2019.

Motion by Councilman Giraldo, seconded by Councilman Torrissi, the ordinance is taken up for 2<sup>nd</sup> reading and public hearing. Motion Carried

No one from public desired to be heard.

Motion by Councilman Furgione, seconded by Councilman Torrissi, the hearing is closed, the ordinance is passed 2<sup>nd</sup> reading and adopted.

ROLL CALL

Councilman:

Furgione - Yes

Giraldo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato Declared motion carried.

Hearing Resolution Place to Place Liquor License Transfer Canals

Motion by Councilman Giraldo, seconded by Councilman Pullia, a hearing on resolution 27 open to public. Motion Carried.

No one desired to be heard.

Motion by Councilman Giraldo, seconded by Councilman Pullia, the hearing is closed to public. Motion Carried

#R027-2017 Transfer Place to Place Canals

#R027-2017

WHEREAS, an application has been filed for a place to place transfer of Plenary Retail Consumption License with Broad Package Privilege 0113-32-012-006;

WHEREAS, the submitted application form is complete in all respects, transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, a police background check has revealed the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Town of Hammonton does hereby approve the transfer of the aforesaid Plenary Retail Consumption License owned by Westwind Assoc. Inc. to the location of 80 S White Horse Pike, Suite 2, Peachtree Plaza, Hammonton, NJ 08037, and does hereby direct the Town Clerk to endorse the license certificate as follows: "this license, subject to all its terms and conditions, is hereby transferred to the address 80 S. White Horse Pike, Suite 2, Peachtree Plaza, Hammonton, NJ 08037 effective 3/13/17 or thereafter.

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 motion carried.

Hearing Resolution Pocket To Place Transfer GB

Motion by Councilman Pullia, seconded by Councilman Giraldo, a hearing on resolution 31 is now open to public. Motion Carried.

No one from the public desired to be heard.

Motion by Councilman Gribbin, seconded by Councilman Giraldo, the hearing is closed to public. Motion Carried.

#R031-2017 Transfer Pocket to Place GB

#R031-2017

WHEREAS, an application has been filed for a pocket to place transfer of Plenary Retail Consumption License 0113-33-018-009.

WHEREAS, the submitted application form is complete in all respects, transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, a police background check has revealed the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Town of Hammonton does hereby approve the transfer of the aforesaid Plenary Retail Consumption License to 104 Fairview Ave Hammonton, NJ and does hereby direct the Town Clerk to endorse the license certificate as follows: "this license, subject to all its terms and conditions, is hereby transferred from Pocket to 104 Fairview Ave effective 2/28/2017.

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 motion carried.

#### COMMITTEE REPORTS

##### Administration - Councilman Torrissi

Action Items Under Clerk report

Schedule Adm Comm Mtg Mar 3 at 9 am

##### Business & Industry - Councilman Gribbin

2 Action Items under Adm Comm

Interviews conducted today for Clerk 1 Adm Dept

Reported on Mainstreet Matters, Events and New Businesses

Reported on Chamber of Commerce Matters

Reported on Destination Marketing Organization Destination Hammonton

##### Education - Councilman Giraldo

Reported on BOE matters

Funding Forum to be held school

Taste of the Town event

##### Quality of Life - Councilman Pullia

Reported on Hammonton Lake Cleanup

Deferred action item to Engineer Report & New Business Dog Park Ordinance

150<sup>th</sup> Anniversary Banner Sale

##### Public Works & Transportation - Councilman Rodio

Defer action items to Engineer Report

Sage Program

Water & Sewer - Councilman Furgione

Meeting with Mr. Farrara Consultant for S.J. Gas Lincoln Street Project  
Reported on waste removal from Lincoln St. Project

Motion by Councilman Furgione, seconded by Councilman Rodio, authorize PO \$10,000.00 to Kleinfelder for Surface Water Permit.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato Declared motion carried.

ENGINEER REPORT

SEWER & WATER ACTION ITEMS:

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

Construction activities have been on hold since January 13, 2017. The Contractor completed the winterization of the manholes, inlets, and driveway aprons. Construction will resume in late March or early April when the Contractor will return to the site to construct the final surface course pavement. Our office walked the job and prepared a preliminary punch list. This list will be finalized and discussed with the Contractor next week. Our inspector has worked with the Contractor to perform site measurements of the various contract items to verify as-built quantities to date.

The Contractor has submitted forty-one (41) Change Order requests to date. The latest claim asked for an additional 14-day time extension. Our office will continue to work with Councilman Furgione to settle as many claims as possible. At the time of this meeting, we have accepted 10 of the 41 claims. No additional supporting documentation has been provided by the Contractor.

We have submitted the Contractor's seventh Request for Payment in the amount of \$38,715.96. We have submitted Change Order 5, which reflect as-built quantities to date and result in a net decrease in the Contract of \$54.00.

No action item this evening.

2. Treatment Plant Dump Station (ARH #11-01000):

Quotes were received. Refer to attached letter of recommendation for discussion and action if desired.

Motion by Councilman Furgione, seconded by Councilman Rodio, award contract to TKT of Williamstown, NJ for construction of Dump Station Improvements at the Pleasant Mills Road site for a total price of \$36,499.00 subject to verification of available funds.

ROLL CALL

Councilman:



Furgione - Yes  
Giralo - Yes  
Gribbin - Yes  
Pullia - Yes  
Rodio - Yes  
Torrissi - Yes  
Mayor DiDonato – Yes

Mayor DiDonato Declared motion carried

**PUBLIC WORKS ACTION ITEMS:**

3. Tractor Supply Store – Certificate of Occupancy (ARH #11-10030.03):  
On Friday, February 10<sup>th</sup> our office, the Quality of Life Committee and a representative from Primax Properties conducted an on-site inspection at the Tractor Supply Store on Route #206 in conjunction with their request for issuance of a Certificate of Occupancy. As a result of the inspection it was agreed that the site is satisfactory for public access and that the issuance of a Certificate of Occupancy would be appropriate. The store is scheduled to have their opening on Saturday the 25<sup>th</sup>, and the formal recommendation of full Council will not occur until the regular Council meeting on the 27<sup>th</sup>. The project Performance Bond will remain in effect until all on-site punchlist items are completed. Another site inspection related to the project Performance Bond release will occur later this spring.

Motion by Councilman Gribbin , seconded by Councilman Pullia, approve the Quality of Life recommendation for the issuance of the Certificate of Occupancy for Tractor Supply on Saturday, February 25<sup>th</sup> in conjunction with their store opening subject to approval of same by the Town's Construction Office.

ROLL CALL

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

Mayor DiDonato Declared motion carried

4. SAGE Program Access (ARH #11-01000):  
ARH is requesting permission of Council to obtain access of the NJDOT SAGE site. General access to the site would allow ARH to more efficiently research and provide advice to Mayor and Council as to what funding might be available to the Town through their various programs.

Motion by Councilman Rodio, seconded by Councilman Furgione , authorize Frank Zuber to work with the Town Engineer's in providing general access to the NJDOT SAGE Program in order to review potential funding programs that would be beneficial to the Town.

ROLL CALL

Councilman:  
Furgione - Yes  
Giralo - Yes  
Gribbin - Yes

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

Mayor DiDonato Declared motion carried

Informational Item: 2 Bay Garage/Filter Building Boyer Avenue (ARH #11-30165.01):

The quotation documents for the furnishing and erecting of the Boyer Avenue Pole Barn building has been distributed to six (6) perspective bidders. Quotes were due Thursday, February 23<sup>rd</sup>. Since no price quotes were received, we will need to discuss options with the Committee Chairperson, Superintendent, PWTC and Solicitor as to options to proceed. We will also be contacting the suppliers as to why no bids were submitted.

SOLICITOR REPORT

Withdraw Ordinance #003-2017 Lease Property

Motion by Councilman Giraldo, seconded by Councilman Pullia, Withdraw Ordinance #003-2017.

ROLL CALL

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

Mayor DiDonato Declared motion carried

Approve Main Road Apartments Developers Agreement

Motion by Councilman Giraldo, seconded by Councilman Gribbin, authorize Mayor to sign agreement.

ROLL CALL

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

Mayor DiDonato Declared motion carried

Introduction Ordinance #009-2017 Amend Chapter 254 (By Title Only)

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

ROLL CALL

Councilman:

Furgione - Yes  
Giralo - Yes  
Gribbin - Yes  
Pullia - Yes  
Rodio - Yes  
Torrissi - Yes  
Mayor DiDonato – Yes

Mayor DiDonato Declared motion carried.

PWM/BUSINESS ADMINISTRATOR REPORT  
Approve Demolition 589 Central Avenue

Motion by Councilman Rodio, seconded by Councilman Furgione, approve funding demolition, foreclosure and anything additional deemed necessary by BA and Solicitor in this matter.

ROLL CALL

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

Mayor DiDonato Declared motion carried.

Bulky Week March 6-10  
Brush Week March 13-17

TOWN CLERK REPORT

1. Authorize New Member Barry Avila Fire Co #1 Effective date 2-9-2017
2. Authorize United Concordia Dental Plan Effective date 3-1-2017

	<u>Met Life Renewal</u>	<u>Concordia Renewal</u>
Single	\$26.74	\$24.30
Parent Child	\$55.42	\$43.90
Parent Children	\$101.99	\$43.90
Employee/1	\$55.42	\$48.00
Family	\$101.99	\$73.10

3. Authorize Hire Confidential Employee Clerk 1, \$12.00 hr, 19 hr wk, no benefits AdmDept, between meetings

Motion by Councilman Torrissi, seconded by Councilman Gribbin, approve town clerk items 1 – 3.

ROLL CALL

Councilman:  
Furgione - Yes  
Giralo – Yes  
Gribbin - Yes  
Pullia – Yes

Rodio - Yes  
Torrissi - Yes  
Mayor DiDonato – Yes

Mayor DiDonato Declared motion carried.

APPROVE BILL LIST & PURCHASE ORDERS

Motion by Councilman Gribbin, seconded by Councilman Torrissi, approve bill list and purchase orders.

ROLL CALL

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

Mayor DiDonato Declared motion carried.

NEW BUSINESS

Introduction Ordinance #005-2017 Amend Chapter 75

Ordinance #005-2017

AN ORDINANCE AMENDING Chapter 75  
of the Code of the Town of Hammonton entitled  
“Alarm Systems”

WHEREAS, upon recommendation of the Chief of Police and review by the Law and Order Committee of the Town of Hammonton Chapter 75 is amended with the addition of the following:

**75-3(a) Exemptions for Churches, Schools and Non-Profit Organizations.**

Should a false alarm occur at the premise of a Church, School (public or private) or any Non-Profit Organization, a false alarm Warning and/or Fine shall not be issued. If a false alarm Warning and/or Fine is issued in error, it may be dismissed by the Chief of Police at his discretion.

**BE IT RESOLVED**, that this ordinance shall take effect after second reading and passage by the governing body and publication as prescribed by law; and

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

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

ROLL CALL

Councilman:  
Furgione - Yes  
Giralo - Yes

Gribbin - Yes  
 Pullia - Yes  
 Rodio - Yes  
 Torrissi - Yes  
 Mayor DiDonato – Yes

Mayor DiDonato Declared motion carried.

Introduction Ordinance #006-2017 Bond Ordinance Lighting

Ordinance #006-2017

ORDINANCE PROVIDING FOR VARIOUS LIGHTING IMPROVEMENTS IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$2,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,137,500 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$2,250,000, including the aggregate sum of \$112,500 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made 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 several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,137,500 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds and Notes</u>	<u>Period of Usefulness</u>
a) Park recreation lighting improvements	\$650,000	\$617,500	15 years
b) LED conversion of street lighting	<u>\$1,600,000</u>	<u>\$1,520,000</u>	15 years
TOTALS:	<u>\$2,250,000</u>	<u>\$2,137,500</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as above stated, is the amount of the down payment for each purpose.

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

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, 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 \$2,137,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$450,000 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 purposes or improvements.

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

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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 Giraldo, seconded by Councilman Rodio, the ordinance is taken up for and passed first reading and given legal publication.

#### ROLL CALL

Councilman:  
Furgione - Yes  
Giraldo - Yes  
Gribbin - Yes  
Pullia - Yes  
Rodio - Yes

Torrissi - Yes  
Mayor DiDonato – Yes

Mayor DiDonato Declared motion carried.

Introduction Ordinance #007-2017 Guarantor Agreement

ORDINANCE # 007 - 2017

AN ORDINANCE OF THE TOWN OF HAMMONTON AUTHORIZING THE TOWN TO ACT AS GUARANTOR TO A \$300,000 LOAN TO HAMMONTON REVITALIZATION CORPORATION / MAINSTREET AS THE DISTRICT MANAGEMENT CORPORATION OF HAMMONTON'S DOWNTOWN IMPROVEMENT DISTRICT FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, OFFICE OF MAIN STREET NEW JERSEY AND IMPROVEMENT DISTRICT PROGRAMS, DOWNTOWN BUSINESS LOAN FUND

**WHEREAS**, the Town of Hammonton finds and declares that the Hammonton Revitalization Corporation/MainStreet Hammonton (HRC/MainStreet) is a 501(c)3 non-profit corporation that provides administrative and other services to benefit customers, consumers, promote economic growth and employment to those properties within the Town of Hammonton Downtown Improvement District; and

**WHEREAS**, HRC/MainStreet is the District Management Corporation of the Town of Hammonton Downtown Improvement District; and

**WHEREAS**, the Town of Hammonton recognizes the importance of the role HRC/MainStreet has played in the economic revitalization of Downtown Hammonton; and

**WHEREAS**, it is appropriate for HRC/MainStreet to support the ongoing efforts to expand arts and cultural opportunities in the Downtown Hammonton Art District by submitting an application for a \$300,000, 0% interest loan from the New Jersey Department of Community Affairs, Office of Main Street New Jersey and Improvement District Programs, Downtown Business Improvement Zone Loan Fund for the acquisition and renovation of property located at 200 Vine Street, Hammonton, NJ, more particularly known as Lot 1 of Block 2811 on the current Town of Hammonton Tax Map (hereinafter referred to as the "Property"); and

**WHEREAS**, in accordance with the requirements of the New Jersey Department of Community Affairs, Office of Main Street New Jersey and Improvement District Programs, the Town is required to guarantee, through Ordinance, the repayment of the \$300,000 Downtown Business Improvement Zone Loan in case of nonpayment by HRC/MainStreet.

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

The recitation set forth in the preamble above is hereby incorporated into this Ordinance.

Town Council hereby supports the application of Hammonton Revitalization Corporation/MainStreet Hammonton to the New Jersey Department of Community Affairs, Office of Main Street New Jersey and Improvement District Programs, Downtown Business Improvement Zone Loan Fund for a \$300,000, 0% interest loan to be utilized for the acquisition and renovation of the Property, subject to the following condition:

The Town of Hammonton shall have a first priority mortgage on the Property until the \$300,000 loan is paid back in full to the New Jersey Department of Community Affairs.

The full faith and credit of the Town of Hammonton are hereby pledged to the punctual payment of the principal and interest on the Downtown Business Improvement Zone Loan set forth above in the case of nonpayment by HRC/MainStreet. This obligation of the Town as guarantor of the repayment of the Downtown

Business Improvement Zone Loan shall be a direct, unlimited obligation of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable property within the Town for the payment of said obligations and interest thereon without limitation of rate or amount should HRC/MainStreet default on its payment obligations regarding the Loan.

This Ordinance supersedes and replaces Town of Hammonton Resolution #R-078-2016, titled Resolution in Support of Hammonton Revitalization Corporation/MainStreet Hammonton Application for a Downtown Business Improvement Zone Loan.

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

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

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

Motion by Councilman Gribbin, seconded by Councilman Torrissi, the ordinance is taken up for and passed first reading and given legal publication.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato Declared motion carried.

Introduction Ordinance #008-2017 Amend Chapter 82

Ordinance #008-2017

AN ORDINANCE AMENDING Chapter 82  
of the Code of the Town of Hammonton entitled  
“Animals”

WHEREAS, after input of the Dog Park Volunteers and consideration by the Parks and Recreation Commission along with the Quality of Life Committee, the following amendments to Chapter 82 shall be added to the code of the Town of Hammonton:

Article V Chapter 82-39 Hammonton Dog Park

The Hammonton Dog Park shall be established and located off Moss Mill Road in the Town of Hammonton and shall consist of a Large Dog Park and a Small Dog Park and each shall have the perimeter fenced for safety, health and welfare of dogs and civilians alike.

Article V Chapter 82-40 Use of Dog Park by Hammonton Residents

Any Hammonton Resident who has purchased a dog license from the Municipal Clerk office of the Town of Hammonton for their dog(s) upon providing proof of rabies inoculation and who has signed the required Hold Harmless/Dog Park Agreement, shall be issued a key fob or other form of lock device to gain entry to the dog park.



Article V Chapter 82-41 Use of Dog Park by Non-Hammonton Residents

Any Non-Hammonton Resident who has paid the annual fee of \$25.00, provided their current photo identification with current address matching their current dog(s) license(s), provided a copy of their current dog(s) license issued by the Municipality in which they reside and pay property tax, has submitted proof of rabies inoculation, has signed the Hold Harmless/Dog Park Agreement, shall be issued a key fob or other form of lock device to gain entry to the dog park.

Article V Chapter 82-42 Hold Harmless/Dog Park Agreement

The attached Hold Harmless/Dog Park Agreement approved by the Town Solicitor and Risk Manager is the official Hold Harmless/Dog Park Agreement.

Article V Chapter 82-43 Key Fob or Other Entry Device

The Key Fob or Other Entry Device shall be permanently issued to Hammonton Residents who obtain a Dog License(s) per Laws of the State of New Jersey and the Town of Hammonton. The Key Fob or Other entry Device shall be issued and expire annually upon completion of all terms and conditions sited in Chapter 82-41 of Article V.

Article V Chapter 82-44 Lost, Stolen or Missing Key Fob or Other Entry Device

A lost, stolen or missing key fob or other entry device(s) replacement shall be replaced by the person named on the current Hold Harmless/Dog Park Agreement paying a fee of \$25.00 to the office of the Town Clerk. The Clerk may request to see a police report or other document pertaining to the event relating to the lost, stolen or missing key fob or other entry device.

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

Motion by Councilman Pullia, seconded by Councilman Giraldo, the ordinance id taken up for and passed first reading and given legal publication.

ROLL CALL

Councilman:

Furgione - Yes

Giralo - Yes

Gribbin - Yes

Pullia - Yes

Rodio - Yes

Torrissi - Yes

Mayor DiDonato – Yes

Mayor DiDonato Declared motion carried.

RESOLUTIONS

Resolution #025-2017- Salary Resolution

#R025 -2017  
RESOLUTION

WHEREAS, the Mayor and Common Council of the Town of Hammonton, by Ordinance fixed a salary range for the employment of certain Town Officials of the Town of Hammonton, County of Atlantic, New Jersey; and

WHEREAS, said ordinance provides that the amount to be paid to such official or employee within the salary range shall be fixed from time to time by Resolution of the Mayor and Council; and

WHEREAS, the time of service of any employee shall be computed as commencing in January of the year when the employee was hired.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton, Atlantic County, New Jersey that the following salaries are set:

<u>NAME OF EMPLOYEE</u>	<u>CLASSIFICATION</u>	<u>2017</u>
Robert Jones	Emergency Mangt. Coord.Duties	20,000.00

<u>NAME OF EMPLOYEE</u>	<u>CLASSIFICATION</u>	<u>2018</u>
Robert Jones	Emergency Mangt. Coord. Duties	20,000.00

<u>NAME OF EMPLOYEE</u>	<u>CLASSIFICATION</u>	<u>2019</u>
Robert Jones	Emergency Mangt. Coord. Duties	20,000.00

<u>NAME OF EMPLOYEE</u>	<u>CLASSIFICATION</u>	<u>2017</u>
Robert Jones	Police Chief	123,291.00

Resolution #026-2017- Veteran Parade

RESOLUTION # 026-2017

RESOLUTION AUTHORIZING AND ENDORSING  
THE ANNUAL "TRI VET MEMORIAL DAY PARADE"

WHEREAS, the Tri Vets continue to promote the Town of Hammonton with their annual "Tri Vet Memorial Day Parade"; and

WHEREAS, Mayor and Council continues to support the efforts of the Tri Vets; and

WHEREAS, May 29, 2017 is the scheduled date for the Tri Vet Memorial Day Parade and Ceremony beginning at 10:30 a.m.; and

WHEREAS, the Tri Vets have requested assistance of the Town of Hammonton Police Department for this scheduled event and closure of the following street in the Town of Hammonton during the parade from 10:30 a.m. to 11:00 a.m.:

Bellevue Avenue (Route 54) from Railroad Avenue to Tilton Street

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, that the Tri Vet Memorial Day Parade is acknowledged and endorsed by the Town of Hammonton contingent upon the following:

1. Filing of required State written approvals for street closures with the Town Clerk's office.

2. Filing of the necessary certificate of insurance.

Resolution #028-2017- Authorize BA to Award/Reject Bid Airport upon Solicitor Review

Resolution #029-2017- Temp Emergency Budget

Resolution #030-2017- Authorize Food Truck Event

RESOLUTION #030-2017  
RESOLUTION AUTHORIZING Hammonton Food Truck Festival EVENT

WHEREAS, MainStreet Hammonton Organization 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 MainStreet Hammonton; and

WHEREAS, The Hammonton Food Truck Festival is a widely popular event attracting many new people to the town and therefore generates increased business for the entire town, and

WHEREAS, Saturday, June 10, 2017 is the scheduled date for the Third Annual Hammonton Food Truck Festival event during the hours of 4:30 p.m. to 9:30 p.m.; and

WHEREAS, MainStreet Hammonton has requested the following street closures for this event between the hours of 3:00 pm. to 11:30 p.m.:

Central Ave (Route 542) between Bellevue Ave to Vine Street;  
North Egg Harbor Road between Bellevue Ave and Orchard Street;  
South Second Street between Bellevue Ave and Vine Street;  
North Second Street between Bellevue Ave and Orchard Street;  
Horton Street between and Bellevue Ave Orchard Street

WHEREAS, MainStreet Hammonton has requested appropriate Police Parking Control signs to be posted early in the day noting NO PARKING AFTER 3:00 pm and the reservation of the following parking spaces for safer traffic access and the Food Trucks to park and set up:

Both sides of Route 54 between Third Street and Egg Harbor Road;  
Both sides of Central Avenue between Bellevue Ave and Vine Street;  
Both sides of N. Egg Harbor Road between Bellevue Avenue and Orchard Street;  
Both sides of Horton Avenue between Bellevue Avenue and Orchard Street ,

WHEREAS, Main Street Hammonton has met with the Police Chief and been approved for seven Police Officers to assist with crowd control and direct traffic at the intersections due to increased event related pedestrian and vehicular traffic on State Route 54;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, that the June 10th, 2017 and the Hammonton Food Truck Festival event, including the above requests for street closures, reservation of parking spaces, posting of "NO PARKING" signs and five police officers are acknowledged, approved and endorsed;

Resolution #032-2017- Various Refunds

# R032 - 2017

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:

Solar City	Refund Permit Fee	\$255.00
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Resolution #033-2017- Temp Capital Budget

TOWN OF HAMMONTON  
TEMPORARY CAPITAL BUDGET  
RESOLUTION #033-2017

**WHEREAS**, the need has arisen to introduce a bond ordinance to provide funds for the Park Recreation Lighting Improvements and the LED Conversion of Street Lighting in the General Capital Fund, including all appurtenances necessary and related thereto, and;

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

**WHEREAS**, the ordinance provides a total appropriation as follows:

<b>1) Purpose</b>		<i>Debt</i>	<i>CIF</i>
	<u><i>Total</i></u>	<u><i>Authorized</i></u>	<u><i>Downpayment</i></u>
Park Recreation Lighting Improvements	\$ 650,000	\$ 617,500	\$ 32,500
LED Conversion of Street Lighting	<u>1,600,000</u>	<u>1,520,000</u>	<u>80,000</u>
	<u>\$ 2,250,000</u>	<u>\$ 2,137,500</u>	<u>\$ 112,500</u>

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

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

<u><i>General Capital Fund</i></u>	
Park Recreation Lighting Improvements	\$ 650,000
LED Conversion of Street Lighting	1,600,000
- (2) the project will be included in the Annual Capital Budget, and
- (3) one certified copy shall be forwarded to the Director of the Division of Local Government Services immediately after passage.

Resolution #034-2017- Tax Resolution

#R034-2017

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

<b>B&amp;L</b>	<b>NAME</b>	<b>ADDRESS</b>	<b>AMOUNT</b>	<b>ACCT.</b>	<b>REASON</b>	<b>PE</b>
1803-11.14	Di Bella First States	27 Anne Drive	3,176.13	tax	Tax exempt	Ros
2809-3	Investors	22 Horton	1,030.81	tax	remove bill combined with 2809-9	Ros

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.

Resolution #035-2017- NJEIT Funding \$2,800,000.00

#R 035-2017

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$2,800,000 UTILITY BONDS, OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY AND AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE TOWN AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM.

**WHEREAS**, the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town"), has determined that there exists a need within the Town to provide for a stormwater system improvements along Valley Avenue including the acquisition and installation of all equipment and materials and all work necessary therefore or incidental thereto (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Town and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Town and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

**WHEREAS**, the Town has determined to finance the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Town to authorize, execute, attest and deliver the Town's Utility Bonds, in an aggregate principal amount not to exceed \$2,800,000, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Town Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements;

**WHEREAS**, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein; and

**WHEREAS**, the Trust and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Town Bonds and the execution and delivery of one or more of the Loan Agreements and the Continuing Disclosure Agreement, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Town and the escrow agent named therein; and

**WHEREAS**, in connection with the issuance of the Town Bonds to the Program, the governing body of the Town wishes to authorize the execution of certain certificates and opinions as may be required by the Program or Bond Counsel to the Town (collectively, the "Escrowed Documents") by the Mayor, Chief Financial Officer, Town Clerk, Counsel to the Town, Project Engineer or Appraiser and/or Bond Counsel to the Town (collectively, the "Town Representatives") on or before the date when the Town is scheduled to close the loans in escrow with the Program (the "Escrow Closing Date"), such documents to be delivered to Bond Counsel and held by Bond Counsel until such time as the Town authorizes release of the same.

**NOW, THEREFORE, BE IT RESOLVED** by a 2/3 vote of the full membership of the governing body of the Town as follows:

**Section 1.** In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Town hereby sells and awards its Town Bonds in an aggregate principal amount not to exceed \$2,800,000 in accordance with the provisions hereof. The Town Bonds have been referred to and are described in a bond ordinance of the Town, which bond ordinance is entitled, "Bond Ordinance Providing for Various Road and Utility Improvements in and by the Town of Hammonton, in the County of Atlantic, New Jersey, Appropriating \$3,500,000 Therefore and Authorizing the Issuance of \$3,500,000 Bonds or Notes of the Town to Finance Part of the Cost Thereof " and was finally adopted by the Town at a meeting duly called and held on May 16, 2016 at such time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

**Section 2.** The Chief Financial Officer of the Town (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, which aggregate principal amount shall not exceed \$2,800,000;
- (b) The maturity and annual principal installments of the Town Bonds, which maturity shall not exceed 30 years;
- (c) The date of the Town Bonds;
- (d) The interest rates of the Town Bonds;
- (e) The purchase price for the Town Bonds; and
- (f) The terms and conditions under which the Town Bonds shall be subject to redemption prior to their stated maturities.

**Section 3.** Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Town Bonds by the parties authorized under Section 4(c) hereof.

**Section 4.** The Town hereby determines that certain terms of the Town Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Town Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Town Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Town Clerk.

**Section 5.** The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

**Section 6.** The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Town Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Town auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Town Bonds. The Mayor, the Chief Financial Officer and the Town Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information. Bond Counsel to the Town is hereby authorized to accept and hold the Escrowed Documents on or before the Escrow Closing Date and to release same upon the direction of the Town.

**Section 7.** The Town hereby designates the Chief Financial Officer to award the Bonds in accordance with Section 2 hereof and such financial officer shall report in writing the results of the sale to this Council as required by law.

**Section 8.** The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Town Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Town Bonds and the receipt of payment therefore in accordance with the Loan Agreements.

**Section 9.** The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Town by either the Mayor or the Chief Financial Officer in substantially the forms available in the office of the Town Clerk, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Town (collectively, the "Town Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Town Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Town Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Town as determined hereunder and to affix the corporate seal of the Town to such Financing Documents.

**Section 10.** The Authorized Officers of the Town are hereby further severally authorized to (i) execute and deliver, and the Town Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Town to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Town Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

**Section 11.** This resolution shall take effect immediately.

**Section 12.** Upon the adoption hereof, the Town Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Town, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Resolution #036-2017- NJEIT Funding \$700,000.00

#R036-2017

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$700,000 UTILITY BONDS, OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY AND AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE TOWN AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM.

**WHEREAS**, the Town of Hammonton, in the County of Atlantic, New Jersey (the "Town"), has determined that there exists a need within the Town to provide for a water main extension on Valley Ave extending from Central Avenue to Bellevue Avenue including the acquisition and installation of all equipment and materials and all work necessary therefore or incidental thereto (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Town and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Town and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

**WHEREAS**, the Town has determined to finance the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Town to authorize, execute, attest and deliver the Town's Utility Bonds, in an aggregate principal amount not to exceed \$700,000, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Town Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements;

**WHEREAS**, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein; and

**WHEREAS**, the Trust and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Town Bonds and the execution and delivery of one or more of the Loan Agreements and the Continuing Disclosure Agreement, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Town and the escrow agent named therein; and

**WHEREAS**, in connection with the issuance of the Town Bonds to the Program, the governing body of the Town wishes to authorize the execution of certain certificates and opinions as may be required by the Program or Bond Counsel to the Town (collectively, the "Escrowed Documents") by the Mayor, Chief Financial Officer, Town Clerk, Counsel to the Town, Project Engineer or Appraiser and/or Bond Counsel to the Town (collectively, the "Town Representatives") on or before the date when the Town is scheduled to close the loans in escrow with the Program (the "Escrow Closing Date"), such documents to be delivered to Bond Counsel and held by Bond Counsel until such time as the Town authorizes release of the same.

**NOW, THEREFORE, BE IT RESOLVED** by a 2/3 vote of the full membership of the governing body of the Town as follows:

**Section 1.** In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Town hereby sells and awards its Town Bonds in an aggregate principal amount not to exceed \$700,000 in accordance with the provisions hereof. The Town Bonds have been referred to and are described in a bond ordinance of the Town, which bond ordinance is entitled, "Bond Ordinance Providing for Various Road and Utility Improvements in and by the Town of Hammonton, in the County of Atlantic, New Jersey, Appropriating \$3,500,000 Therefore and Authorizing the Issuance of \$3,500,000 Bonds or Notes of the Town to Finance Part of the Cost Thereof " and was finally adopted by the Town at a meeting duly called and held on May 16, 2016 at such time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

**Section 2.** The Chief Financial Officer of the Town (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, which aggregate principal amount shall not exceed \$700,000;
- (b) The maturity and annual principal installments of the Town Bonds, which maturity shall not exceed 30 years;
- (c) The date of the Town Bonds;
- (d) The interest rates of the Town Bonds;
- (e) The purchase price for the Town Bonds; and
- (f) The terms and conditions under which the Town Bonds shall be subject to redemption prior to their stated maturities.

**Section 3.** Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Town Bonds by the parties authorized under Section 4(c) hereof.

**Section 4.** The Town hereby determines that certain terms of the Town Bonds shall be as follows:



- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Town Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Town Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Town Clerk.

**Section 5.** The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

**Section 6.** The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Town Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Town auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Town Bonds. The Mayor, the Chief Financial Officer and the Town Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information. Bond Counsel to the Town is hereby authorized to accept and hold the Escrowed Documents on or before the Escrow Closing Date and to release same upon the direction of the Town.

**Section 7.** The Town hereby designates the Chief Financial Officer to award the Bonds in accordance with Section 2 hereof and such financial officer shall report in writing the results of the sale to this Council as required by law.

**Section 8.** The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Town Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Town Bonds and the receipt of payment therefore in accordance with the Loan Agreements.

**Section 9.** The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Town by either the Mayor or the Chief Financial Officer in substantially the forms available in the office of the Town Clerk, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Town (collectively, the "Town Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Town Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Town Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Town as determined hereunder and to affix the corporate seal of the Town to such Financing Documents.

**Section 10.** The Authorized Officers of the Town are hereby further severally authorized to (i) execute and deliver, and the Town Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Town to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Town Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

**Section 11.** This resolution shall take effect immediately.

**Section 12.** Upon the adoption hereof, the Town Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Town, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Motion by Councilman Gribbin , seconded by Councilman Furgione, resolution 25 to 36 are adopted.

ROLL CALL  
Councilman:

Furgione - Yes  
Giralo - Yes  
Gribbin - Yes  
Pullia - Yes  
Rodio - Yes  
Torrissi - Yes  
Mayor DiDonato – Yes

Mayor DiDonato Declared motion carried.

PUBLIC HEARD

No one desired to be heard.

MEETING ADJOURNED

Motion by Councilman Torrissi, seconded by Councilman Rodio, the meeting is adjourned.  
Motion carried

Clerk