

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

No. **23-021**

1ST READING	<u>May 2, 2023</u>	DATE TO MAYOR	<u>May 17, 2023</u>
2ND READING & PUBLIC HEARING	<u>May 16, 2023</u>	DATE RESUBMITTED TO COUNCIL	_____
WITHDRAWN _____	LOST _____	DATE EFFECTIVE	_____

APPROVED AS TO FORM AND LEGALITY

ACTUAL CONTENTS CERTIFIED TO BY

\_\_\_\_\_  
TOWNSHIP ATTORNEY

\_\_\_\_\_  
TITLE

**ORDINANCE AUTHORIZING THE TOWNSHIP OF HAMILTON TO ENTER INTO AN AGREEMENT WITH VINCE PADALINO, HIS SUCCESSORS AND/OR ASSIGNS, FOR THE ACQUISITION OF IMPROVEMENTS AND PROPERTY LOCATED AT 1760 EAST STATE STREET, AND DESIGNATED AS BLOCK 1637, LOT 10, HAMILTON, NEW JERSEY (Purchase Price: \$75,000.00; Estimated closing costs: \$4,000.00 +/-; Total amount of funding: \$79,000.00)**

*Whereas* on June 9, 2015 a six alarm fire heavily damaged a series of attached homes located on East State Street, in the Bromley Section of the Township, rendering them uninhabitable;

*Whereas* the Township obtained ownership of seven (7) properties, commonly known as 1746 through 1758 East State Street, Hamilton, NJ and demolished those heavily damaged homes for the protection of Public Health and Safety, and plan to include the properties in its Affordable Housing program;

*Whereas* the New Jersey Supreme Court and the New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:29D-301, *et seq.* ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provision of low and moderate income housing; and

*Whereas* because these properties will be included in the Township Affordable Housing program, the Township had therefore determined that the acquisition those properties were in the public interest and will enable the Township to satisfy its Constitutional obligation to provide affordable housing, and will further the goals of the Township as set forth in its Master Plan, (see, Twp. of Robbinsville v. Mercer MHC, LLC, NO. A-5655-17T3 (App. Div. March 25, 2019) certif. denied, 207 A.3d 757 (N.J. 2019) ); and

*Whereas* upon the demolition of those original seven properties, the Township learned that damage from the fire extended further into additional houses on each side, including the subject property; and

*Whereas* the subject property is a 1,190± sq. ft. parcel of land, plus improvements, located at 1760 East State Street, Block 1637, Lot 10 which was appraised on May 24, 2021 by Martin Appraisal Associates, Inc. for the market value of \$50,000.00; and

*Whereas* the current owners have had an appraisal of the subject property performed by R. Blair Stiefbold of Ronald A. Curini Apraisal Co., Inc., dated March 24, 2023 for the market value of \$90,000.00; and

*Whereas* the Township and the Seller of the property, who was represented by counsel, have been engaged in negotiations, and have reached an agreement as to the purchase price for the property for \$75,000.00; and

*Whereas* the Township is authorized pursuant to N.J.S.A. 40A:12-1 *et seq.*, to acquire properties for the public purposes set forth herein; and

*Whereas* it is in the best interests of the Township of Hamilton to pursue the acquisition of the property for public purposes;

*Now, Therefore, Be It Ordained* by the Township Council of the Township of Hamilton in the County of Mercer, State of New Jersey, as follows:

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

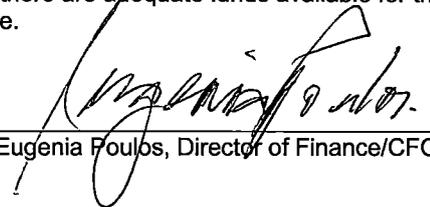
No. **23-021**

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1. The Township, through its appropriate staff, employees and officials is hereby authorized and directed to take all such steps as may be advisable or necessary pursuant to N.J.S.A. 40A:12-1, *et seq.* to acquire the above-referenced property, including but not limited to, obtaining surveys, title searches, and appraisals, and the making of an offer of compensation to the owners of the subject property in an amount of \$75,000.00.
2. The closing costs associated with this acquisition are estimated to be \$4,000.00 +/-, and the funding required for this purchase may be affected by the final closing costs assessed by the title company handling this real estate transaction on behalf of the Township.
3. The Mayor, Business Administrator, Township Clerk and the Director of Law, and other staff and professionals, are hereby authorized and directed to execute and file any and all such actions and documents and undertake any and all such further actions as may be necessary to accomplish the purposes hereof.

**CERTIFICATION AS TO AVAILABILITY OF FUNDS**

I hereby certify that, as of the date of the Ordinance, the free and unencumbered balance in Account No. T-19-56-300-001-001 (Affordable Housing Trust) is sufficient and that there are adequate funds available for the proposed contract noted above.

  
Eugenia Foulos, Director of Finance/CFO

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
MUNICIPAL CLERK

**RECORD OF VOTE**

First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
PASQUALE "PAT" PAPERIO, JR.	✓						PASQUALE "PAT" PAPERIO, JR.						
NANCY PHILLIPS	✓						NANCY PHILLIPS						
RICHARD L. TIGHE, JR.	✓					✓	RICHARD L. TIGHE, JR.						
ANTHONY P. CARABELLI, JR.	✓				✓		ANTHONY P. CARABELLI, JR.						
CHARLES F. WHALEN	✓						CHARLES F. WHALEN						

X - Indicates Vote    A.B. - Absent    N.V. - Not Voting    ORD. - Moved    SEC. - Seconded

REJECTED \_\_\_\_\_

\_\_\_\_\_  
JEFFREY S. MARTIN, MAYOR

\_\_\_\_\_  
DATE

APPROVED \_\_\_\_\_

RECONSIDERED BY COUNCIL \_\_\_\_\_

OVERRIDE VOTE

AYE \_\_\_\_\_

NAY \_\_\_\_\_