

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

**ORDINANCE**

No. **24-033**

1ST READING	<u>July 16, 2024</u>	DATE TO MAYOR	<u>August 21, 2024</u>
2ND READING & PUBLIC HEARING	<u>August 20, 2024</u>	DATE RESUBMITTED TO COUNCIL	_____
WITHDRAWN _____	LOST _____	DATE EFFECTIVE	_____

APPROVED AS TO FORM AND LEGALITY

ACTUAL CONTENTS CERTIFIED TO BY

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

\_\_\_\_\_  
TITLE

**AN ORDINANCE AUTHORIZING THE SETTLEMENT OF LITIGATION AND AUTHORIZING THE TOWNSHIP TO ENTER INTO AN AGREEMENT WITH THE WHITE HORSE VOLUNTEER FIRE COMPANY FOR THE ACQUISITION OF LAND, PREMISES, IMPROVEMENTS AND FIXTURES LOCATED AT 19 LOCUST AVENUE IN THE TOWNSHIP OF HAMILTON, DESIGNATED AS BLOCK 2524, LOT 7 OF THE HAMILTON TOWNSHIP TAX MAP KNOWN AS THE WHITE HORSE FIRE HOUSE FOR THE CONTINUED PUBLIC OF THE PROTECTION OF PUBLIC HEALTH AND SAFETY (PURCHASE PRICE: \$35,000.00 ESTIMATED CLOSING COSTS \$10,000+/- TOAL AMOUNT OF FUNDING \$45,000.00)**

Whereas prior to January 1, 2021, the Hamilton Township Fire District Nos. 2, 3, 4, 5, 6, 7, 8, and 9 ("Fire Districts") provided all fire and emergency medical services to the residents of the Township; and

*Whereas* by Ordinance No. 20-010 dated March 3, 2020, the Township of Hamilton dissolved the Fire Districts, and assumed responsibility for the services and financial obligations of the same effective July 1, 2020 or such date as approved by the State of New Jersey, Department of Community Affairs, Local Finance Board; and

*Whereas* on September 9, 2020, the Township received approval from the Local Finance Board; and

*Whereas* on or about January 1, 2021, the Township's Department of Public Safety transitioned to establish a Fire Division within the department; and

*Whereas* on January 1, 2021, all the Fire Districts were dissolved and all uniformed personnel of the Fire Districts transitioned to the Township to provide fire protection and emergency medical services through the Township's Fire Division; and

*Whereas* from January 1, 2021 to date, fire protection and emergency medical services has continued out of the real property located at 19 Locust known as Station 16; and

*Whereas* the Township acknowledges and recognizes the historical contributions to the welfare of the community made by the current and past members of the White Horse Volunteer Fire Company during their long history of public service;

*Whereas* the number of members serving in the White Horse Volunteer Fire Company has, over time, decreased and caring for the Property has become onerous for them; 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

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*Whereas* negotiations for the acquisition of the property broke down over actual or constructive ownership of the property and the price for acquisition; and

*Whereas* the Township filed a Verified Complaint against the White Horse Volunteer Fire Company in Superior Court on or about June 7, 2023 under Docket No. MER-C-0000040-23;

*Whereas* the matter was settled verbally on or about April 12, 2024 at a settlement conference before Judge McManimon, sitting on recall;

*Whereas* the written settlement agreement must be executed by all parties;

*Whereas* it is in the best interests of the Township of Hamilton to acquire the property for public purposes, health and safety and to execute a purchase agreement therefor.

*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:

1. The Township, through its appropriate staff, employee and officials is hereby authorized to execute the Settlement Agreement in *Township of Hamilton v. White Horse Volunteer Fire Company*, Docket No. MER-C-0000040-23 and make the appropriate filings with the New Jersey Superior Court to effectuate such settlement.
2. 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, in an amount of \$35,000 +/- \$10,000 closing costs.
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.

Be It Further Ordained by the Council that the closing costs associated with this acquisition are estimated to be \$10,000.00 +/-, and that the total amount of 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.

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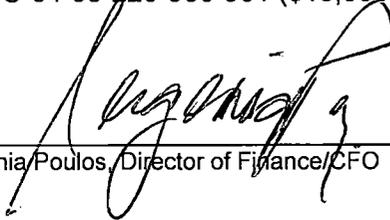
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**CERTIFICATION AS TO AVAILABILITY OF FUNDS**

I hereby certify that as of the date of this Ordinance, the free and unencumbered balances from the following accounts are sufficient and there are funds available for this \$45,000.00 settlement of litigation:

Capital Account No. C-04-55-220-000-522 (\$30,000.00)  
Account No. 3-01-25-265-000-078 (\$5,000.00)  
Capital Account No. C-04-55-220-900-901 (\$10,000.00)

  
\_\_\_\_\_  
Eugenia Poulos, 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						
CHARLES F. WHALEN	✓				✓		CHARLES F. WHALEN						
RICHARD L. TIGHE, JR.	✓						RICHARD L. TIGHE, JR.						
ANTHONY P. CARABELLI, JR.	✓						ANTHONY P. CARABELLI, JR.						

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 \_\_\_\_\_