

August 8, 2011

The Mayor and Common Council convened in open session in the Municipal Building at 215 Stiger Street, Hackettstown, New Jersey at 7:30 PM on Monday, August 8, 2011. The meeting opened with a salute to the Flag.

Mayor Lavery announced that this meeting was being held in accordance with the Open Public Meetings Act by:

- (1) posting a notice of said meeting on the bulletin board in the lobby of the Municipal Building;
- (2) causing a notice of said meeting to be sent to the Daily Record;
- (3) furnishing a notice of said meeting to anyone requesting it in accordance with the Open Public Meetings Act; and
- (4) filing notice of said meeting with the Town Clerk.

Roll Call Vote: Present – Mayor Lavery, Councilpersons Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Mayor Lavery asked if anyone from the public would like to speak at this time.

Julie Grimal, 123 Valentine Street, does not want sidewalks installed on her property as part of the Valentine Street reconstruction project. She was also disturbed that a tree on her property was removed.

James Collins, 704 East Valley View Avenue, spoke about the noise created by barking dogs in the neighborhood and the need for enforcement of ordinances.

Joyce Collins, 704 East Valley View Avenue, spoke about the problem of barking dogs.

Motion was made (Sheldon) and seconded (Stout) to approve the minutes of the regular meeting held on July 11, 2011 as submitted.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (DiGiovanni) and seconded (Bristow) to approve the minutes of the executive session held on July 11, 2011 as submitted.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (DiMaio) and seconded (Stout) to authorize payment in the amount of \$436.03 to NJ Transit for Beatty Street Pedestrian gates.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio and Stout

No – Sheldon

Motion was made (Sheldon) and seconded (DiGiovanni) to adopt the following resolution:

Resolution

WHEREAS, the Town of Hackettstown awarded a contract to Top Line Construction Corporation (“Contractor”) of Somerville, New Jersey in the amount of \$913,993.85 to construct sidewalk and streetscape improvements on Main Street between Valentine Street and East Plane Street in the Town of Hackettstown; and

WHEREAS, construction commenced on the project on Monday, July 12, 2010; and

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WHEREAS, the Contractor has completed a substantial portion of the work required on the project; and

WHEREAS, the Town of Hackettstown has been requested by the NJDOT to install handrails along sloped and raised sidewalks in front of the mini-mall building situated on Lot 4 in Block 71; and

WHEREAS, the addition of this work to the project requires approval of a change order by the Town; and

WHEREAS, the Town has received a quote from the Contractor in the amount of \$6,400.00 for the work; and

WHEREAS, the approval of this change order along with previously approved Change Orders 1, 2, 3, 4, 5, 6 and 7 will increase the overall contract amount to \$982,518.84.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE TOWN OF Hackettstown that Change Order 8, which will increase the overall contract amount from \$976,118.84 to \$982,518.84 is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Town Engineer are hereby authorized to execute Change Order 8 and the Town Engineer is authorized to forward said Change Order 8 upon execution by all parties, including the Contractor, to the New Jersey Department of Transportation's local aid office in Mt. Arlington; and

BE IT FURTHER RESOLVED, that the Mayor and Town Engineer are hereby authorized to execute Change Order 8 and the Town Engineer is authorized to forward said Change Order 8 upon execution by all parties, including the Contractor, to the New Jersey Department of Transportation's local aid office in Mt. Arlington; and

BE IT FURTHER RESOLVED that Change Order 8 includes a time extension and that the date of completion for all work as a result of this change order is October 3, 2011.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (Sheldon) and seconded (Stout) to award the Main Street Project, Phase 2 to Top Line Construction, Somerville, New Jersey, pending the Chief Financial Officer's certification and approval.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (Sheldon) and seconded (Stout) to adopt the following resolution:

Resolution

WHEREAS, pursuant to N.J.S.A. 54:4-66.3d which provides that third quarter property taxes shall not be subject to interest until the later of: August 1; or, the ten-day grace period, as authorized by a resolution of the governing body adopted on January 10, 2011; or the twenty-fifth calendar day after the tax bills were mailed; and

WHEREAS, the Tax Collector mailed the 2011 Final/2012 Preliminary tax bills on July 28, 2011; and, the due date for the third-quarter payment is August 23, 2010, which is 25 days from the mailing date of July 28, 2010.

NOW, THEREFORE, BE IT RESOLVED on this 8th day of August, 2011 by the Mayor and Common Council of the Town of Hackettstown that the Tax Collector is hereby authorized and empowered, pursuant to N.J.S.A. 54:4-66.3d to hold interest charges until after August 23, 2011.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

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Motion was made (DiGiovanni) and seconded (Conforti) to adopt the following resolution:

Resolution

WHEREAS, the Town Council of the Town of Hackettstown, County of Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst person of all ages; and

WHEREAS, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Town Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Warren.

NOW THEREFORE BE IT RESOLVED that the Town of Hackettstown, County of Warren, State of New Jersey, hereby recognizes the following:

1. The Town Council does hereby authorize submission of an application for the Hackettstown Municipal Alliance grant for calendar year 2012 in the amount of \$7,990.00.
2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance Grant including the administrative compliance and audit requirements.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (DiMaio) and seconded (Stout) to adopt the following resolution:

Resolution

WHEREAS, THE Tax Collector advises of overpayment of taxes for calendar year 2011 due to overpayment of first quarter and second quarter and recommends refund of the overpaid amount.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body to authorized the Chief Financial Officer to make the refund of taxes as follows:

Block	Lot	Assessed to	Amount
119.04	9	K. Hovnanian at Hackettstown II, LLC 110 Fieldcrest Ave., CN 7825 Edison, NJ 08818	\$1,674.89
41.04	12	Valley View Woods Townhome/Matrix PO Box 57 Allamuchy, NJ 07820	\$682.48

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion as made (DiMaio) and seconded (Stout) to adopt the following resolution:

Resolution

WHEREAS, an error was made on and added/omitted billing for 2010; and

WHEREAS, the error resulted in the overpayment of the 2010 taxes in the amount of \$3,379.75 and an overpayment of the 2011 taxes in the amount of \$730.84.

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NOW THEREFORE BE IT RESOLVED on this 8th day of August, 2011 by the Mayor and Common Council of the Town of Hackettstown that the Chief Financial Officer is authorized to make a refund of taxes as follows:

Block 119, Lot 25

Assessed to: John D. Kuzmik, Jr.
105 Pine Street
Hackettstown, NJ 07840

Refund for 2010	\$3,379.75
Refund for 2011	<u>\$ 730.84</u>
	\$4,110.59

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (DiMaio) and seconded (DiGiovanni) to adopt the following resolution:

Resolution

WHEREAS, N.J.A.C. 5:24-7 authorizes contracting units to establish a Commodity Resale System; and

WHEREAS, the Town of Hackettstown, County of Warren, State of New Jersey is desirous of establishing a Commodity Resale System for the resale of gasoline and diesel fuel; and

WHEREAS, the Town of Hackettstown has agreed to serve as the Lead Agency for a Commodity Resale System with the Hackettstown School Board of Education and the Hackettstown Municipal Utilities Authority.

NOW THEREFORE BE IT RESOLVED on the 8th day of August, 2011 by the Mayor and Common Council of the Town of Hackettstown, County of Warren, State of New Jersey, as follows:

The Mayor and Common Council hereby authorize the creation of a Commodity Resale System to be known as the HACKETTSTOWN GASOLINE AND FUEL RESALE SYSTEM with the Town of Hackettstown serving as the Lead Agency.

The Mayor is hereby authorized to enter into a contract with the Hackettstown School Board of Education and the Hackettstown Municipal Utilities Authority for the sale of gasoline and diesel fuel.

A certified copy of this Resolution along with (1) a copy of the contract with the Hackettstown School Board of Education and the Hackettstown Municipal Utilities Authority and (2) a copy of Request for Registration or Modification of a Commodity Resale System Form (Cooperative Purchasing Form CP-2060) shall be mailed to the Director of the Division of Local Government Services within the State Department of Community Affairs.

This resolution shall take effect immediately upon passage.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (DiGiovanni) and seconded (Bristow) to approve Check Register #2011-13 in the amount of \$637,521.10 and Check Register #2011-14 in the amount of \$2,830,019.34.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (Sheldon) and seconded (Conforti) to approve raffle license #951 for the Hackettstown Elementary PTA to hold an off premise raffle, raffle license #952 for the Hackettstown Elementary PTA to hold an on premise 50/50, raffle license #953 for the Hackettstown Elementary PTA to hold a tricky tray, raffle license #954 for the Church of the

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Assumption of the Blessed Virgin Mary to hold an off premise raffle, raffle license #955 for the Church of the Assumption of the Blessed Virgin Mary to hold an off premise 50/50 and raffle license #956 for the Vigilant Hook & Ladder Co. #1 to hold an off premise raffle.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (DiGiovanni) and seconded (Stout) to approve the application for Special Permit for Social Affair for Centenary College to hold an Alumni Reunion on September 23, 24 and 25, 2011.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (Sheldon) and seconded (Conforti) to reject the bid of Brown's Hunterdon International, Bloomsbury, NJ for a 2012 dump truck due to many major and significant bid deficiencies in their bid proposal. The Town Attorney is to notify Brown's Hunterdon International of this action advising them of their right of appeal to the Governing Body.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (Conforti) and seconded (Stout) to approve the closure of the 700 block of East Moore Street from 8:00 AM to 2:00 PM on August 27, 2011 for Centenary College to hold freshman move-in day.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (Conforti) and seconded (Sheldon) to approve the special events license application for the Pet Adoption League to hold a Family Fun Cookout and Fundraiser on August 28, 2011 and to waive the \$50.00 application fee.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (Conforti) and seconded (Sheldon) to approve the special events license application for Warren County Regional Chamber of Commerce to hold an Ends of Summer Carnival on August 26, 27 and 28 2011, and to charge Police Department fees in the amount of \$5,665.68.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (Conforti) and seconded (Sheldon) to approve the special events license application for Giant Gymnastics to hold a National Gymnastics Day on September 17, 2011.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (Conforti) and seconded (Sheldon) to approve the special events license application for the Hackettstown Business Improvement District to hold a Street Fair on September 25, 2011, to waive the \$50.00 application fee but to charge Police Department fees in the amount of \$2,196.00.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (DiGiovanni) and seconded (DiMaio) to appoint Paul Greszczak to the part time position of Fire Inspector effective August 9, 2011 with a term expiring December 31, 2011 at a rate of \$12.50 per hour with a minimum of eight (8) hours per week.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (Bristow) and seconded (Stout) that the following areas be designated as "No Parking Town Away Zones" from 12:01 AM on August 26, 2011 to PM on August 28, 2011.

1. Shelley Drive from Rt. 182 to Lawrence Drive, Both Sides

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2. Shelley Drive from Lawrence Drive to Mitchell Road, North Side Only
3. Lawrence Drive from Shelley Drive to House #70, Both Sides
4. Lawrence Drive from House #70 to Laurie Terrace, South Side Only

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (Bristow) and seconded (Sheldon) to hold the taxi cab driver's license application for Miguel Caceres until the August 25, 2011 Council meeting.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (DiGiovanni) and seconded (Stout) that the following areas be designated as "No Parking Tow Away" zones from 5:00 AM to 8:00 PM on September 25, 2011.

1. Main Street (Rt. 46) from Grand Avenue to East Plane Street; both sides
2. Franklin Street from East Plane Street to High Street (Rt. 517); north side
3. West Moore Street from Washington Street to Rt. 46; both sides
Also requesting road be closed.
4. East Moore Street from Washington Street to Rt. 46; both sides
Also requesting road be closed.
5. Church Street from Washington Street to Rt. 46; both sides
Also requesting road be closed.
6. West Plane Street from Washington Street to Rt. 46; both sides

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (Stout) and seconded (DiMaio) to adopt the following resolution:

Resolution

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF Hackettstown AS FOLLOWS:

1. That the public be excluded from attendance at a portion of its meeting to be held on August 8, 2011 for the reason that the following subject matter will be discussed:

Litigation
Contractual
Attorney/Client

2. The Mayor and Common Council may exclude the public from the meeting pursuant to section 10:4-12(b) of the Open Public Meetings Law.
3. Matters to be discussed will be revealed to the public after Council determines action to be taken, if any, and other litigation has been resolved and employees involved contacted.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

The meeting was closed at 9:00 PM and reopened at 9:24 PM. The Mayor stated that no formal action was taken by the Council during Executive Session.

Mayor Lavery appointed Christopher Laver to the position of Police Officer, Step Two Level of the PBA contract at a salary of \$51,437.00 effective August 15, 2011.

Motion was made (Bristow) and seconded (DiMaio) to confirm Mayor Lavery's appointment of Christopher Laver to the position of Police Officer, Step Two Level of the PBA contract at a salary of \$51,437.00 effective August 15, 2011.

Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

Motion was made (Sheldon) and seconded (Stout) to adjourn this meeting at 9:25 PM

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Roll Call Vote: Yes – Bristow, Conforti, DiGiovanni, DiMaio, Sheldon and Stout

This is to certify that the ordinances and resolutions contained herein have been approved by me in accordance with law.

Michael B. Lavery, Mayor

This is to certify that all proper notices, postings and filings required by the Open Public Meetings Act (Chapter 231, P.L. 1975) were provided for this meeting.

William Kuster, Jr., Town Clerk