

June 30, 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 Thursday, June 30, 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, DiMaio and Stout

Absent – Councilperson DiGiovanni and Sheldon

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

Susan Gannett, 703 East Valley View Avenue, asked why her section of East Valley View Avenue was not paved with the rest of the street as the condition of her section of roadway is in poor condition.

Catherine Rust, Centenary College Theater, discussed the need for signage into the college and the Lackland Center off of Grand Avenue.

Carol Auero, 9 Purple Martin Drive, Allamuchy, discussed the proposed resolution in support of the revised Glass/Steagall Act for the US Congress.

Kevin Grier, representative of Hunter's Brook Homeowner's Association discussed deficiencies by the developer in the Hunter's Brook Project.

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

Resolution

WHEREAS, K. Hovnanian at Hackettstown II, LLC by letter of May 11, 2011 received May 13, 2011 has requested the release of the balance of the performance guarantees for the completion of site improvements associated with the Hunter's Brook project and for the Town to accept the public improvements within the development as Town streets; and

WHEREAS, the Town Engineer, Paul Sterbenz, has recommended that the release of the performance guarantees not be granted and the streets not be accepted as Town streets as outlined in his letter of June 17, 2011; and

WHEREAS, although the development is substantially complete at this time, there are still outstanding construction site improvements and administrative items as outlined by the Town Engineer in his letter of June 17, 2011; and

THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Hackettstown that the Developer's request for the complete release of the guarantees is denied. The existing guarantee in the amount of \$1,155,182.76 shall remain in place and the streets shall not be accepted until the outstanding items as outlined in the Engineer's letter of June 17, 2011 are completed and the Mayor and Council have an opportunity to reconsider the requests.

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

June 30, 2011 (continued)

Motion was made (DiMaio) and seconded (Conforti) to approve the minutes of the regular meeting held on June 13, 2011 as submitted.

Roll Call Vote: Yes – Bristow, Conforti and DiMaio

Abstain – Stout

Mayor Lavery opened the public hearing on Ordinance #2011-09 entitled, AN ORDINANCE TO AMEND VARIOUS PENALTY PROVISIONS IN SECTIONS 9-42, 12-52, 13-19B(e), 13-70 AND 16-8 OF THE GENERAL CODE OF THE TOWN OF HACKETTSTOWN, which was introduced and passed on first reading on May 26, 2011, and offered a copy of the ordinance to anyone who desired a copy. The title of the ordinance was read aloud, and the Town Attorney explained the contents and purpose of the ordinance. The Town Clerk stated that the ordinance and the Notice of Hearing were duly published in the Daily Record; and posted on the bulletin board in the lobby of the Municipal Building, and that copies of the ordinance were made available to members of the general public who requested such copies.

There being no comment from the public, Mayor Lavery closed the public hearing and discussion returned to Council.

Motion was made (DiMaio) and seconded (Conforti) that Ordinance #2011-09 entitled, AN ORDINANCE TO AMEND VARIOUS PENALTY PROVISIONS IN SECTIONS 9-42, 12-52, 13-19B(e), 13-70 AND 16-8 OF THE GENERAL CODE OF THE TOWN OF HACKETTSTOWN, be adopted on second and final reading and that Notice of Final Adoption be published.

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

Mayor Lavery opened the public hearing on Ordinance #2011-10 entitled, AN ORDINANCE TO AMEND THE GENERAL CODE OF THE TOWN OF HACKETTSTOWN CHAPTER 8, ARTICLE 5 – TAXICABS, SECTION 8-71 – VIOLATIONS AND PENALTIES TO INCREASE THE FINES FOR VIOLATIONS, which was introduced and passed on first reading on May 26, 2011, and offered a copy of the ordinance to anyone who desired a copy. The title of the ordinance was read aloud, and the Town Attorney explained the contents and purpose of the ordinance. The Town Clerk stated that the ordinance and the Notice of Hearing were duly published in the Daily Record; and posted on the bulletin board in the lobby of the Municipal building, and that copies of the ordinance were made available to members of the general public who requested such copies.

There being no comment from the public, Mayor Lavery closed the public hearing and discussion returned to Council.

Motion was made (Bristow) and seconded (Stout) that Ordinance #2011-10 entitled, AN ORDINANCE TO AMEND THE GENERAL CODE OF THE TOWN OF HACKETTSTOWN CHAPTER 8, ARTICLE 5 – TAXICABS, SECTION 8-71 – VIOLATIONS AND PENALTIES TO INCREASE THE FINES FOR VIOLATIONS, be adopted on second and final reading and that Notice of Final Adoption be published.

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

Mayor Lavery opened the public hearing on Ordinance 2011-11 entitled, AN ORDINANCE TO AMEND THE GENERAL CODE OF THE TOWN OF HACKETTSTOWN, CHAPTER 17 – THE FLOOD DAMAGE PREVENTION ORDINANCE, which was introduced and passed on first reading on May 26, 2011, and offered a copy of the ordinance to anyone who desired a copy. The title of the ordinance was read aloud, and the Town Attorney explained the contents and purpose of the ordinance. The Town Clerk stated that the ordinance and the Notice of Hearing were duly published in the Daily Record; and posted on the bulletin board in the lobby of the Municipal Building, and that copies of the ordinance were made available to members of the general public who requested such copies.

June 30, 2011 (continued)

There being no comment from the public, Mayor Lavery closed the public hearing and discussion returned to Council.

Motion was made (Bristow) and seconded (Conforti) that Ordinance 2011-11 entitled, AN ORDINANCE TO AMEND THE GENERAL CODE OF THE TOWN OF HACKETTSTOWN, CHAPTER 17 – THE FLOOD DAMAGE PREVENTION ORDINANCE be adopted on second and final reading and that Notice of Final Adoption be published.

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

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

Resolution

WHEREAS, the Tax Collector of the Town of Hackettstown has been paid the amount necessary to redeem with interest calculated in accordance with the New Jersey Statutes on property known on the Tax Map and in the Tax Duplicate as the following municipal lien:

Block 21, Lot 18 93-95 Main Street
Tax Sale Certificate #09-00044
Assessed to: Bergen Machine & Tool Co.
 PO Box 69
 Mountain Top, Pennsylvania 18707-0069

NOW, THEREFORE, BE IT RESOLVED, on this 30th day of June, 2011 that the Chief Financial Officer is hereby authorized to issue a check for \$268,285.95 to the lien holder:

US Bank-Cust/Sass Muni V DTR
2 Liberty Place
50 South 16th St., Suite 1950
Philadelphia, PA 19102

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

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

Resolution

WHEREAS, an application has been filed for a person-to-person transfer and a place-to-place transfer of Plenary Retail Consumption License 2108-33-003-010, from Charlie Brown's of Hackettstown, LLC, Debtor in Possession to William Max, LLC and from pocket status to inactive status at the 109 Grand Avenue, Hackettstown, New Jersey location of the restaurant formerly known as Charlie Brown's; and

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

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

WHEREAS, the Hackettstown Police Department has completed a fingerprint and background check on the applicant and by letter of May 27, 2011 advised that the review was acceptable; and

WHEREAS, the applicant has supplied a tax clearance certificate from the New Jersey Division of Taxation; and

June 30, 2011 (continued)

WHEREAS, the applicant has supplied evidence of publication of notice of the proposed transfer in the official newspaper of the Town of Hackettstown on two occasions and no objections to the transfer have been made to the Town; and

WHEREAS, the location of the licensed premises will be returned to its prior location at 109 Grand Avenue, Hackettstown, New Jersey, although the license status will be deemed inactive until an informational Retail Liquor License Application is filed with the Town Clerk advising the Town of the activation of the license.

NOW THEREFORE BE IT RESOLVED that the Mayor and Common Council on this 30th day of June 2011 does hereby approve the person-to-person transfer to William Max, LLC and the place-to-place transfer to 109 Grand Avenue, Hackettstown, New Jersey of the aforesaid Plenary Retail Consumption License and does hereby direct the Town Clerk to endorse the license certificate to the new ownership and new location as follows:

“This license, subject to all terms and conditions, is hereby transferred to William Max, LLC effective July 1, 2011. Said license to be located at 109 Grand Avenue, Hackettstown.”

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

Motion was made (DiMaio) and seconded (Bristow) to approve check register #2011-11 in the amount of \$592,201.71.

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

Motion was made (Conforti) and seconded (Stout) to approve the taxi cab owner’s application for Bolivar Chinchilla, JD Limo & Taxi Service, LLC, for a 1998 white Dodge Caravan, VIN #1B4GP44ROWB681412.

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

Motion was made (Bristow) and seconded (Stout) to approve the taxi cab owner’s application for Ada Garcia, A&G Taxi Limo Svc., LLC for a 2005 blue Dodge Caravan, VIN #1D4GP45R85B434402, a 2000 silver Lincoln Town Car, VIN #1LNHM81W5YY761687 and a 2011 blue Chrysler Minivan, VIN #1C8GP45R94B539637.

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

Motion was made (DiMaio) and seconded (Conforti) to table the taxi cab owner’s license application and the taxi cab driver’s license appeal of denial on Milton Caceres to the July 11, 2011 Council Meeting.

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

Motion was made (Stout) and seconded (Bristow) to approve the taxi cab owner’s license for Express Limo & Taxi, LLC, for a 2005 black Dodge Wagon, VIN #1D4GP45RX5B433929.

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

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

Resolution

WHEREAS, the General Code of the Town of Hackettstown in Section 11-1 permits the Director of the Department of Public Works to notify property owners to remove brush, weeds, dead and dying trees, obnoxious growth and other debris; and

WHEREAS, the Town has received complaints of overgrown grass and poor conditions at 104 Hurley Drive, Block 58, Lot 6, Hackettstown; and

June 30, 2011 (continued)

WHEREAS, the Director of the Department of Public Works mailed the attached Notice on May 18, 2011 by regular mail and by certified mail return receipt requested to the owners of record Mehmed and Sabina Smalovic; and

WHEREAS, the Director of Public Works posted a Notice on the above referenced property on May 24, 2011 directing the owner to clean up the property; and

WHEREAS, as of June 2, 2011, the lawn had still not been cut; and

WHEREAS, Section 11-3 of the General Code of the Town of Hackettstown permits the Director of the Department of Public Works to remove the obnoxious growth, brush, weeds, etc. if it has not been removed by the property owner within ten (10) days; and

WHEREAS, on June 2, 2011, the Town hired Lawns Are Us Landscaping to mow the property at a cost of \$100.00; and

WHEREAS, the Director of the Department of Public Works has certified that the cost of the mowing was \$100.00 and Section 11-5 allows the costs of the abatement to be charged against the land as a lien.

THEREFORE BE IT RESOLVED by the Mayor and Common Council that the Tax Collector add the \$100.00 to the amount next due as taxes on the land and that the Town Attorney file a Certificate of Municipal Lien with the County Clerk if the owner refuses to pay said sum.

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

Motion was made (Conforti) and seconded (Stout) to approve bingo license #104 for the American Legion Post 164 to hold a bingo.

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

Motion was made (DiMaio) and seconded (Stout) to approve the request for St. Mary's School to install a rain garden on Town property.

Roll Call Vote: Yes – Bristow, DiMaio and Stout

Abstain – Conforti

Motion was made (DiMaio) and seconded (Stout) 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 June 30, 2011 for the reason that the following subject matter will be discussed:

Litigation
Personnel Matter
Contractual Matter

- (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, DiMaio and Stout

June 30, 2011 (continued)

The meeting was closed at 8:42 PM and reopened at 9:00 PM. The Mayor stated that no formal action was taken by the Council during Executive Session.

Motion was made (DiMaio) and seconded (Stout) to adjourn this meeting at 9:02 PM.

Roll Call Vote: Yes – Bristow, Conforti, DiMaio 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