

May 26, 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, May 26, 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.

No one from the public wished to speak at this time.

Motion as made (DiMaio) and seconded (DiGiovanni) to approve the minutes of the regular meeting held on May 9, 2011 as submitted.

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

Abstain – Stout

Motion was made (Sheldon) and seconded (Bristow) to approve the minutes of the executive session held on May 9, 2011 as submitted.

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

Abstain – Stout

Mayor Lavery opened the public hearing on Bond Ordinance entitled, BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2009-15 FINALLY ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF HACKETTSTOWN NEW JERSEY ON SEPTEMBER 28, 2009, AS AMENDED, which was introduced and passed on first reading on April 28, 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 comments from the public, Mayor Lavery closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (DiGiovanni) that Bond Ordinance entitled, BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2009-15 FINALLY ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF HACKETTSTOWN NEW JERSEY ON SEPTEMBER 28, 2009, AS AMENDED be adopted on second and final reading and that Notice of Final Adoption be published.

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

May 26, 2011 (continued)

Mayor Lavery opened the public hearing on Bond Ordinance entitled, BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$145,000 FOR ACQUISITION OF DUMP TRUCK BY AND FOR THE TOWN OF HACKETTSTOWN IN THE COUNTY OF WARREN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$137,750 IN BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION, which was introduced and passed on first reading on April 28, 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 comments from the public, Mayor Lavery closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (Bristow) that bond ordinance entitled, BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$145,000 FOR ACQUISITION OF DUMP TRUCK BY AND FOR THE TOWN OF HACKETTSTOWN IN THE COUNTY OF WARREN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$137,750 IN BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION, be adopted on second and final reading and that Notice of Final Adoption be published.

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

Mayor Lavery opened the public hearing on ordinance 2011-08 entitled, AN ORDINANCE TO AMEND THE ORDINANCE FIXING THE SALARY AND OTHER BENEFITS OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWN OF HACKETTSTOWN, NEW JERSEY, FOR THE YEAR OF 2011 – POLICE DEPARTMENT SECRETARY AND FULL TIME DEPUTY COURT ADMINISTRATOR, which was introduced and passed on first reading on April 28, 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 comments from the public, Mayor Lavery closed the public hearing and discussion returned to Council.

Motion was made (Bristow) and seconded (DiGiovanni) that ordinance 2001-08 entitled, AN ORDINANCE TO AMEND THE ORDINANCE FIXING THE SALARY AND OTHER BENEFITS OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWN OF HACKETTSTOWN, NEW JERSEY FOR THE YEAR OF 2011 – POLICE DEPARTMENT SECRETARY AND FULL TIME DEPUTY COURT ADMINISTRATOR, be adopted on second and final reading and the Notice of Final Adoption be published.

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

Mayor Lavery opened the public hearing on the rejection of the J.A. Alexander low bid rejection for the Valentine/Beatty Street Reconstruction project.

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

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

May 26, 2011 (continued)

Resolution

WHEREAS, on April 28, 2011 the Town of Hackettstown received bids for Valentine Street Improvements and the Beatty Street Sidewalk project; and

WHEREAS, the low bidder was J.A. Alexander, Inc., hereafter "Alexander," in the total amount of \$286,565.00; and

WHEREAS, the low bid of Alexander failed to include the cost of a subcontractor for the reclamation milling of the existing roadway or for tree removal; and

WHEREAS, Alexander has admitted to the Town that their bid does not include the cost of the milling contractor and tree removal; and

WHEREAS, the Town Engineer and Town Attorney have advised the Mayor and Common Council that Alexander is not in compliance with the bid specifications and that they are not the lowest qualified; and

WHEREAS, a hearing was conducted before the Mayor and Common Council on May 26, 2011 to determine whether the Alexander bid should be rejected; and

WHEREAS, Alexander was notified in advance of their right to provide testimony and to contest the rejection of the bid; and

THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Hackettstown that the bid of J.A. Alexander, Inc. is hereby rejected due to its noncompliance with the bid specifications.

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, the Town of Hackettstown received and opened bids on April 28, 2011 for the Beatty Street/Grand Avenue Pedestrian Safety Project and the Valentine Street Improvement Project; an

WHEREAS, the lowest responsible bid was submitted by Top Line Construction Corporation ("Top Line"), of Somerville, New Jersey; and

WHEREAS, the low bidder has been found to be qualified and the bid was found to be in compliance with the contract documents and technical specifications; and

NOW THEREFORE, BE IT RESOLVED, BY THE COMMON COUNCIL OF THE TOWN OF Hackettstown, at its meeting of May 26, 2011, that a contract be awarded to Top Line for the bid in the amount of \$333,589.65; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the N.J.D.O.T.'s Bureau of Local Aid.

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

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

May 26, 2011 (continued)

Resolution

WHEREAS, N.J.A.C. 5:24-7 authorizes contracting units to establish a Commodity Resale System; 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 the 26<sup>th</sup> day of May, 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 authorizes 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.

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

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

Resolution

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transaction, and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the section of the annual audit entitled “Comments and Recommendation”; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by Local Finance Board; and



May 26, 2011 (continued)

Prudential Real Risk, LLC  
1253 Springfield Avenue  
Suite 231  
New Providence, NJ 07974

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

Mayor Lavery appointed Lindsay Miller to the position of full time Deputy Court Administrator at a salary of \$28,000.00 per year effective June 1, 2011.

Motion was made (Sheldon) and seconded (DiMaio) to confirm Mayor Lavery's appointment of Lindsay Miller to the position of full time Deputy Court Administrator at a salary of \$28,000.00 per year effective June 1, 2011.

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

Motion as made (DiMaio) and seconded (Bristow) that ordinance #2011-09 entitled AN ORDINANCE TO AMEND VARIOUS PENALTY PROVISIONS IN SECTIONS 9-42, 12-52, 13-19B€, 13-70 AND 16-8 OF THE GENERAL CODE FO THE TOWN OF HACKETTSTOWN, be introduced and passed on first reading and that a public hearing be held thereon and it be considered for final passage at 7:30 PM on Thursday, June 30, 2011; the Town Clerk to publish the ordinance together with Notice of Hearing on the Daily Record, to post the ordinance and Notice of Hearing on the bulletin board in the lobby of the Municipal Building, and to make copies of the ordinance available to members of the general public who request such copies.

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

Motion was made (DiGiovanni) and seconded (Sheldon) 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 introduced and passed on first reading and that a public hearing be held thereon and it be considered for final passage at 7:30 PM on Thursday, June 30, 2011; the Town Clerk to publish the ordinance together with Notice of Hearing on the Daily Record, to post the ordinance and Notice of Hearing on the bulletin board In the lobby of the Municipal Building, and to make copies of the ordinance available to members of the general public who request such copies.

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

Motion was made (DiGiovanni) and seconded (DiMaio) to approve check register #2011-09 in the amount of \$270,424.03.

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

Motion was made (Sheldon) and seconded (DiGiovanni) to deny the taxi cab driver's license application for Miguel Caceres.

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

Motion was made (Sheldon) and seconded (Stout) to approve the taxi cab driver's license application for Silverio Licon.

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

Motion was made (Sheldon) and seconded (Stout) to approve the taxi cab driver's license application for Bolivar Chinchilla Mora.

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

May 26, 2011 (continued)

Motion was made (Bristow) and seconded (Sheldon) to approve the taxi cab driver's license application for Raul Iramain.

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

Motion was made (Sheldon) and seconded (Bristow) to approve the taxi cab driver's license application for Ana Ramirez after her appeal to a previous denial of the license.

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

Motion was made (DiMaio) and seconded (Bristow) to approve the request for a block party road closure of Madison Street between Center Street and Warren Street on August 6, 2011.

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

Motion was made (Bristow) and seconded (DiMaio) to table raffle license #947 for the Mansfield Township Fire Company No. 1 to hold an on premise 50/50.

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

Motion was made (Sheldon) and seconded (Stout) to approve raffle license #946 for St. Mary's Home School Association to hold an off premise 50/50.

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

Abstain – Conforti

Motion was made (DiMaio) and seconded (DiGiovanni) to approve the application for special permit for social affair for the American Legion Blue Ridge Pose #164 to hold a Veterans Meetings and Social Quarters on July 16, 2011.

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

Motion was made (Bristow) and seconded (Conforti) to acknowledge the resignation of Rona Mosler as Library Director effective September 2011.

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

Motion was made (Sheldon) and seconded (Stout) to authorize the Mayor and Clerk to sign the first amendment to the Elizabethtown Gasoline Extension agreement.

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

Motion was made (Sheldon) and seconded (DiGiovanni) 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 introduced and passed on first reading and that a public hearing be held thereon and it be considered for final passage at 7:30 PM on Thursday, June 30, 2011; the Town Clerk to publish the ordinance together with Notice of Hearing in the Daily Record, to post the ordinance and Notice of Hearing on the bulletin board in the lobby of the Municipal Building, and to make copies of the ordinance available to members of the general public who request such copies.

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

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

#### Resolution

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

May 26, 2011 (continued)

- (1) That the public be excluded from attendance at a portion of its meeting to be held on May 26, 2011 for the reason that the following subject matter will be discussed:

Personnel Matters

- (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 8:08 PM and reopened at 8:26 PM. The Mayor stated that no formal action was taken by the Council during Executive Session.

Mayor Lavery appointed Shannon Drylie to the position of Department of Public Works secretary combined with the TACO position at a \$3.00 per hour salary increase effective June 1, 2011.

Motion was made (Sheldon) and seconded (Stout) to confirm Mayor Lavery's appointment of Shannon Drylie to the position of Department of Public Works secretary combined with the TACO position at a \$3.00 per hour salary increase effective June 1, 2011.

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

Motion was made (Sheldon) and seconded (Stout) to adjourn this meeting at 8:28 PM.

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.

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.

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Michael B. Lavery, Mayor

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William Kuster, Jr., Town Clerk