

September 12, 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, September 12, 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, Sheldon and Stout

Absent – Councilperson DiMaio

Mayor Lavery asked for a moment of silence in memory of the 10th Anniversary of the September 11th attack on the Country and the lives lost.

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

Keith Detombeur, President of the Hackettstown Business Improvement District, introduced the new Business Improvement Executive Director, Jim Sheldon.

Jim Sheldon, Hackettstown Business Improvement District, spoke of his new position and upcoming events and plans.

Motion was made (Sheldon) and seconded (Stout) to approve the minutes of the regular meeting held on August 8, 2011 as submitted.

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

Motion was made (Sheldon) and seconded (Bristow) to approve the minutes of the executive session held on August 8, 2011 as submitted.

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

Joe Campolli and Gary Bradley of Brown International distributed to the Mayor and Council documentation in support of their bid proposal for the 2012 Department of Public Works Dump Truck.

Motion was made (Sheldon) and seconded (Bristow) to affirm the rejection of the bid received from Brown International subject to the review of the submission received from Brown International dated September 12, 2011 and the verification by the Department of Public Works Committee that the Brown International bid did not comply with the bid specifications.

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

Motion was made (Sheldon) and seconded (Stout) that bond ordinance entitled, BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2009-15 FINALLY ADOPTED BY THE COMMON COUNCIL FO THE TOWN OF HACKETTSTOWN, NEW JERSEY ON SEPTEMBER 28, 2009, AS AMENDED, 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 Tuesday,

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October 11, 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, Sheldon and Stout

Motion was made (Bristow) and seconded (Conforti) that Ordinance #2011-14 entitled, AN ORDINANCE TO AMEND VARIOUS PENALTY PROVISION IN SECTION S 9-42, 12-52, 13-19B(e), 13-70 AND 16-8 OF THE GENERAL CODE OF 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 Tuesday, October 11, 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, Sheldon and Stout

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

Resolution

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

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

Block	Lot	Assessed to	Amount
97	8	Scully, Lynn A. 507 Jefferson Street Hackettstown, NJ 078840	\$1,386.33

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

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

Resolution

WHEREAS, the Tax Collector advises of overpayment of taxes for calendar year 2010 due to a State of New Jersey tax appeal Judgment and recommends refund of the overpaid amount.

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

Block	Lot	Assessed to	Amount
65	8	Culp, Robert & Christina 303 Franklin Street Hackettstown, NJ 07840	\$2,187.62

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

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

Resolution

WHEREAS, the Department of Veterans Affairs has determined that William E. Critchley, owner of property at Block 94, Lot 7, 411 Grand Avenue, Hackettstown, New Jersey 07840, is totally disabled; and

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WHEREAS, due to this determination, Mr. Critchley is not required to pay property taxes; and

WHEREAS, Mr. Critchley has paid the third quarter of 2011 in the amount of \$1,896.86.

BE IT FURTHER RESOLVED by the Governing Body that the Tax Collector is released from collecting the taxes for the remainder of the 2011 tax year and is hereby authorized to cancel the amount due from the tax record.

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

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

Resolution

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Town of Hackettstown desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2011 through September 30, 2016.

BE IT RESOLVED by the Town of Hackettstown, County of Warren, State of New Jersey:

1. Mayor and Common Council of the Town of Hackettstown hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.
2. The Town of Hackettstown Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Town of Hackettstown officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

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

Motion was made (DiGiovanni) and seconded (Bristow) to approve Chapter 159 special item of revenue for the Over the Limit Under Arrest Grant in the amount of \$4,400.00.

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

Motion was made (DiGiovanni) and seconded (Bristow) to approve check register #2011-15 in the amount of \$419,143.90.

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

Motion was made (DiGiovanni) and seconded (Bristow) to approve check register #2011-16 in the amount of \$1,458,159.29.

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

Motion was made (Sheldon) and seconded (Stout) to acknowledge receipt and approval of the 2011 Best Practices Worksheet.

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

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Motion was made (Sheldon) and seconded (Stout) to approve an engineering contract with Maser Consulting for Phase II of the Main Street Sidewalk and Streetscape Improvement project in the amount of \$79 945.00.

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

Motion was made (Sheldon) and seconded (Conforti) to approve raffle license #957 for the Knights of Columbus to hold an off premise 50/50, raffle license #958 for Hackettstown High School Project Graduation to hold an off premise raffle and raffle license #959 for Newton Medical Center Foundation to hold an off premise 50/50.

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

Motion was made (DiGiovanni) and seconded (Stout) to approve the application for Special Permit for Social Affair for Newton Medical Center Foundation to hold an event on May 17, 2012.

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

Motion was made (Conforti) and seconded (Sheldon) to approve the taxi cab driver's license for Miguel Caceres for a three month probationary period with the requirement of him reapplying at the end of the three months.

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

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

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

Motion was made (Sheldon) and seconded (DiGiovanni) to approve a leave of absence for Robert Eskow from August 1, 2011 through February 28, 2012.

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

Motion was made (Sheldon) and seconded (Bristow) to approve payment to NJ Transit for Pedestrian Safety Gate work at the Beatty Street railroad crossing in the amount of \$12, 628.33.

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

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

RESOLUTION AUTHORIZING THE TOWN ENGINEER TO SUBMIT A GRANT APPLICATION AND AUTHORIZING THE TOWN MAYOR AND CLERK TO EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE WEST PLANE STREET AND CENTER STREET IMPROVEMENT PROJECT TOWN OF HACKETTSTOWN, WARREN COUNTY, NJ

WHEREAS, the NJDOT makes funds available to municipalities and counties for road improvement projects through the municipal aid portion of the New Jersey Transportation Trust Fund;

WHEREAS, the Town Engineer has recommended that the Common Council apply to the New Jersey Department of Transportation for funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2012, Municipal Aid Program for the purpose of constructing improvements to West Plane Street and Center Street in the Town of Hackettstown;

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WHEREAS, the Common Council has considered this recommendation;

NOW THEREFORE BE IT RESOLVED that Common Council of the Town of Hackettstown, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Town Engineer is hereby authorized to submit an electronic grant application identified as MA-2012-Hackettstown Town-00557 to the New Jersey Department of Transportation on behalf of the Town of Hackettstown.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreements on behalf of the Town of Hackettstown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Motion was made (Sheldon) and seconded (Stout) to terminate the 2011 tree service contract with Any Matt, Inc. for non-compliance and to award the contract to Peterson and Son for the balance of 2011.

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

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

Resolution

BE IT RESOLVED BY THE MAYOR AND 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 September 12, 2011 for the reason that the following subject matter will be discussed:

Collective Bargaining
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, Sheldon and Stout

The meeting was closed at 8:34 PM and was reopened at 8:55 PM. The Mayor stated that no formal action was taken by the Council during Executive Session.

Motion was made (Bristow) and seconded (Stout) to hire Laura Moore to the position of full time Deputy Court Administrator at an annual salary of \$34,000.00 effective September 19, 2011.

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

Motion was made (Sheldon) and seconded (Stout) to adjourn this meeting at 8:57 PM.

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

This is to certify that the ordinances and resolutions contained herein have been

This is to certify that all proper notices, postings and filings required by the Open

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approved by me in accordance
with law.

Public Meetings Act (Chapter
231, P.L. 1975) were provided
for this meeting.

Michael B. Lavery, Mayor

William Kuster, Jr., Town Clerk