

September 29, 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, September 29, 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 and Sheldon

Absent – Councilperson Stout

Mayor Lavery presented a proclamation recognizing October 1, 2011 as the Fifth Annual Hackettstown Community Day.

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

Jim Sheldon, Executive Director of the Hackettstown Business Improvement District, reported on activities underway and projects planned.

William Lazarus, 904 East Prospect Street, and Joe Monk, 900 East Prospect Street, spoke about flooding problems encountered by recent storms as well as flooding issues and drainage issues on East Prospect Street.

Jose Fonseca, 908 East Prospect Street, spoke of flooding damage and asked if there was any financial aid available.

Rob Souders, 105 East Baldwin Street, spoke of flooding issues.

Beth Noble, 109 East Baldwin Street, spoke of flooding issues.

Derek Allardice, 107 East Baldwin Street, spoke of flooding issues.

Hackettstown resident at 305 Main Street spoke to the need for greater pedestrian safety while walking in crosswalks.

Motion was made (Sheldon) and seconded (DiGiovanni) to approve the minutes of the regular meeting held on September 12, 2011 as submitted.

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

Abstain – DiMaio

Motion was made (Sheldon) and seconded (Conforti) to approve the minutes of the executive session held on September 12, 2011 as submitted.

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

Abstain – DiMaio

September 29, 2011 (continued)

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

Resolution

WHEREAS, on July 26, 2011 the Town received bids for a new DPW dump truck; and

WHEREAS, the two bids received were: (1) Brown's Hunterdon International of Bloomsbury (Brown's) - \$128,150.00; (2) Opdyke's Sales and Service of Washington - \$129,989.00; and

WHEREAS, the bid of Brown's was rejected by the Common Council at their meeting of August 8, 2011 for the reasons outlined in the letter of DPW Superintendent Scott Armstrong dated August 2, 2011; and

WHEREAS, on August 8, 2011 Brown's was notified of the rejection of their bid and their right to appeal the decision; and

WHEREAS, on September 12, 2011 a hearing was held before the Mayor and Common Council to reconsider the rejection of the bid at which time it was determined that the rejection of the bid was lawful subject to the DPW Committee's full review of Brown's submissions dated September 12, 2011.

THEREFORE BE IT RESOLVED by the mayor and Common Council of the Town of Hackettstown that the bid of Opdyke's Sales and Service of Washington in the amount of \$129,989.00 is hereby awarded to the issuance of a certification of availability of funds from the Chief Financial Officer.

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

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

Resolution

WHEREAS, there exists various accounts payable on the books of the Municipal Court General Account (003101); and

WHEREAS, the various checks have been investigated and it has been determined that these checks should be canceled.

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Hackettstown, New Jersey, that the following checks in the amount of \$17.00 be and are hereby canceled.

Name	Date	Check #	Ticket #	Amount
M.T. Agustinelli	10/9/09	1981	PKS 2008 30328	1.00
Renee Mitchell	11/13/09	1992	H017866	5.00
Nicole Coniglio	11/13/09	1993	H017991	4.00
Michael Ciavatta	1/7/10	2011	H018943	1.00
Mimi Dougherty	10/14/10	2066	H015968	2.00
Jeffrey Rothman	11/15/10	2077	H021836	3.00
Eric O'Connell	11/15/10	2078	H022094	1.00

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

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

Resolution

BE IT RESOLVED by the Council of the Town of Hackettstown that effective September 29, 2011 the following town officials are hereby authorized to sign checks where a combination of two signatures are required, with at least one signature being that of a principal officer:

September 29, 2011 (continued)

J. Edward Palmer (Principal Officer), Lynne M. Timlin (Principal Officer) and Laura Moore

This resolution applies to the following Skylands Community Bank accounts only:

Municipal Court General Account 101031041
Municipal Court Bail Account 101031068

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

Motion was made (DiGiovanni) and seconded (DiMaio) to approve check register #2011-17 in the amount of \$620,177.87.

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

Motion was made (Sheldon) and seconded (Conforti) to acknowledge the receipt of the Bond Anticipation Note Bids as follows:

<u>Authorized Bidder</u>	<u>Interest Rate</u>	<u>Premium</u>	<u>Net Interest Payable</u>
Skylands Management	1.30%		\$19,835.41
TD Securities	2.00%	\$7,038.23	\$23,477.79
Oppenheimer & Co. Inc.	1.75	\$91.00	\$26,610.52
First Hope Bank	2.00%		\$30,516.02

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

Abstain – DiGiovanni

Motion was made (DiGiovanni) and seconded (Sheldon) to approve the application for special permit for social affair for the Cataract Hose Company #1 to hold a 135th Anniversary Celebration on June 2, 2012.

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

Motion was made (Sheldon) and seconded (Conforti) to approve the taxi cab driver's license application for Milton Guaman and the taxi cab driver's license for Juan Cruz.

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

Motion was made (Sheldon) and seconded (Conforti) to approve raffle license #960 for the Soroptimist International of Hackettstown to hold a tricky tray on March 23, 2012.

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

Abstain – Bristow

Motion was made (Sheldon) and seconded (DiGiovanni) to approve the closure of East Stiger Street between 5th Street and 6th Street on October 9, 2011 from 12:00 PM to 6:00 PM.

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

Motion was made (Sheldon) and seconded (Conforti) to approve the application for special permit for social affair for Centenary Performing Arts Guild to hold a New Jersey Ballet Open Night on October 29, 2011.

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

Motion was made (DiGiovanni) and seconded (DiMaio) to approve Trick or Treat hours for October 31, 2011 from 4:00 PM to 8:00 PM.

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

September 29, 2011 (continued)

Motion was made (Sheldon) and seconded (Bristow) to hire Donald Kimble, III to the position of temporary laborer for the Department of Public Works at a rate of \$14.50 per hour effective October 3, 2011.

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

Motion was made (Conforti) and seconded (Sheldon) to approve the special events license application for the Cataract Hose Co. #1 to hold a 135th Anniversary Celebration on June 2, 2012.

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

Motion was made (Sheldon) and seconded (Bristow) to authorize the Mayor to sign the Highlands Implementation Study in the amount of \$143,000.00 and the Transfer of Development Rights Study in the amount of \$25,000.00.

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

Motion was made (DiMaio) and seconded (Sheldon) 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 September 29, 2011 for the reason that the following subject matter will be discussed:

Personnel 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, DiGiovanni, DiMaio and Sheldon

The meeting was closed at 9:00 PM and reopened at 9:08 PM. The Mayor stated that no formal action was taken by the Council during executive session.

Motion was made (Bristow) and seconded (DiMaio) to approve Patrolman Ace's separation/retirement agreement.

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

Motion was made (Sheldon) and seconded (DiMaio) to adjourn this meeting at 9:10 PM.

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

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.

Michael B. Lavery, Mayor

William Kuster, Jr., Town Clerk