September 8, 2022

The Mayor and Common Council convened in open session in the Municipal Building at 215 Stiger Street, Hackettstown, New Jerseyat 7:00 PM on September 8, 2022. The meeting opened

with a salute to the Flag.

Mayor DiMaio 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 DiMaio, Councilpersons Becker, Engelau, Kunz, Lambo and

 Sheldon

 Absent – Councilperson Tynan

Mayor DiMaio presented a proclamation in recognition of 9/11 Day of Service.

Motion was made (Sheldon) and seconded (Lambo) to approve the minutes of the regular meeting held on August 11, 2022 as submitted.

Roll Call Vote: Yes – Engelau, Kunz, Lambo and Sheldon

 Abstain – Becker

Motion was made (Sheldon) and seconded (Engelau) that ordinance #22-07 entitled, AN ORDINANCE ADOPTING A POLICY FOR TOTALLY DISABLED VETERANS AND SURVIVING SPOUSE TAX EXEMPTION ON MUNICIPAL PROPERTY, be introduced and passed on first reading and that a public hearing be held thereon and it be considered for final passage at 7:00 PM on October 13, 2022; the Town Clerk to publish the ordinance together with Notice of Hearing in the Daily Record, to post the ordinance together with 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 – Becker Engelau, Kunz, Lambo and Sheldon

Motion was made (Engelau) and seconded (Lambo) that ordinance #22-08 entitled AN ORDINANCE APPROPRIATING THE TOTAL SUM OF $30,000, FOR THE FUNDING OF CAPITAL IMPROVEMENT OR PURPOSES BY THE TOWN OF HACKETTSTOWN, IN THE COUNTY OF WARREN, NEW JERSEY, be introduced and passed on first reading and that a public hearing be held thereon and it be considered for final passage at 7:00 PM on October 13, 2022; 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 – Becker, Engelau, Kunz and Lambo

 No – Sheldon

Motion was made (Sheldon) and seconded (Engelau) that ordinance #22-09 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING ARTICLE 7 (VACANT PROPETY MAINTENANCE), OF CHAPTER 7 (BUILDING REGULATIONS) OF THE CODE OF THE TOWN OF HACKETTSTOWN REGARDING THE REGISTRATION OF VACANT AND FORECLOSED PROPERTIES TO BE CONSISTENT WITH P.L. 2021, C. 444, be introduced and passed on first reading and that a public hearing be held thereon and it be considered for final passage at 7:00 PM on October 13, 2022; 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 – Becker, Engelau, Kunz, Lambo and Sheldon

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

Resolution

BE IT RESOLVED that the following items be added to the Municipal Auction list for disposition:

Wooden desk

Large conference table

Plastic locking storage files (36)

Ford Explorer (VIN# 1FMZU72K74UA84430 Mileage 103,809

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo, and Sheldon

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

Resolution

WHEREAS, Everstream Solutions LLC (“Everstream”) is a provider of telecommunications services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

WHEREAS, Everstream has petitioned the municipality for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

WHERAS, the Federal Communications Commission has held that that “an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider’s ability to engage in any of a variety of activities related to its provision of a covered service…not only by rendering a service provider unable to provide an existing service in an new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services.” Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No 17-84, FCC-18-133A1, at para. 35, p. 15-16; and

WHEREAS, Everstream has or will enter into agreements with the utility companies for the use of their poles; and

WHERAS, NJSA 48:3-19 provides that “[t]he consent of the municipality shall be obtained for the use by a person of the poles of ‘-another person unless each person has a lawful right to maintain poles in such street, highway or other public place; and

WHEREAS, NJSA 27:16-6 provides, in part that “[t]he board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality…shall consent thereto;” and

WHEREAS, NJSA 48:17-8 provides that “[a]ny telegraph or telephone company organized under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within the State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same.”

WHEREAS, NJSA 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies, or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal agency; and

WHEREAS, it is in the best interests of the municipality and its citizens to grant consent to Everstream.

NOW THEREFORE BE IT RESOLVED THAT:

1. That the governing body does hereby grant permission and authority to Everstream to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles, upon the following terms and conditions:
2. Everstream shall adhere to all applicable federal, State and local laws in connection with its use of the public right-of-way.
3. Everstream shall obtain any applicable permits in connection with the installation of its facilities;
4. Everstream shall indemnify, defend and hold harmless the municipality, its officials agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Everstream’s use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the municipality.
5. Everstream shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than $1,000,000 for injury to or death of one or more persons in any one occurrence and $500,000 for damage or destruction to property in any one occurrence and shall include the municipality as an additional insured on said insurance policy.
6. Everstream shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities.
7. Notwithstanding any provision contained herein, neither the municipality nor Everstream shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.
8. Everstream shall provide the Town with $2,500.00 to an escrow account to cover the costs of legal and engineering review. The Town reserves the right to request the escrow account to be replenished as needed.
9. That the Mayor is hereby authorized to execute and the Clerk to attest to any other document necessary to effectuate the terms of this resolution.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

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

Resolution

WHEREAS, the 2022 salaries for the Town of Hackettstown were approved by resolution by the Common Council at a meeting held on May 12, 2022; an

WEHREAS, due to personnel changes the following salaries need to be amended.

NOW THEREFORE BE IT RESOLVED that the following 2022 salaries are established for employees currently in the following positions:

Land Use Secretary (day clerk)-$7,000 per year effective 10/1/22

Land Use Secretary (night clerk)-$9,000 per year effective 10/1/22

Town Clerk/Administrator-$115,000.00 per year effective 9/1/2022

Roll Call Vote: Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Becker) authorizing signatures on the 2022-2024 PBA Contract.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

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

Resolution

BE IT RESOLVED by the Council of the Town of Hackettstown that effective September 8, 2022, the following town officials are hereby authorized to sign checks where two signatures are required:

Paola J. Reilly and Danette Dyer

This resolution applies to the following Fulton Bank account only:

PAYROLL ACCOUNT 1010201372

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

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

Resolution

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF HACKETTSTOWN that effective September 8, 2022, the following town officials are hereby authorized to sign checks where a combination of three principal signatures are required:

Gerald DiMaio, Jr., Paola J. Reilly, Danette Dyer and Mary Matusewicz

This resolution applies to the following Fulton Bank accounts only:

CLAIMS ACCOUNT 0101021364

CURRENT FUND 0301004153

GENERAL CAPITAL ACCOUNT 0101021410

DOG TRUST ACCOUNT 0101021429

SPECIAL POOL ACCOUNT 0101021453

RECREATION ACCOUNT 0101021488

UNEMPLOYEMENT ACCOUNT 0101021518

BUSINESS IMPROVEMENT DISTRICT 0201034158

COAH TRUST FUND 0101039433

DEVELOPERS ESCROW ACCOUNT 0090009834

FORFEITURE ACCOUNT 0007884219

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Becker) to approve the Chapter 159 for the Hackettstown Rotary Foundation Donation in the amount of $1,598.00.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

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

Resolution

WHEREAS, the Town of Hackettstown is a Civil Service Municipality; and

WHEREAS, Paola J. Reilly, Registered Municipal Clerk of the Town of Hackettstown, County of Warren, State of New Jersey is hereby named the Appointing Authority of the Municipality; and

NOW, THEREFORE BE IT RESOLVED, by the Town of Hackettstown Mayor and Common Council, that Paola J. Reilly is hereby authorized to abide with Civil Service Rules and Regulations regarding employees of the Municipality.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Lambo) to appoint Paola J. Reilly to the position of Public Agency Compliance Officer.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Becker) and seconded (Engelau) to appoint Paola J. Reilly to the position of Health Benefits Administrator.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Becker) to appoint Paola J. Reilly to the position of Health Benefits Administrator.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Lambo) and seconded (Sheldon) to award the contract to replace light poles at the Pool Field to Wires Electric in the amount of $27,700.00.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Kunz) to approve the Developers Agreement for Phases 2B and 2D of the Victoria Mews development with the amended start time of 7:30 a.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on Saturdays.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Lambo) to approve the purchase of a 2023 GMC 2500 4WD Pickup Truck from Beyer Brothers, Fairview, NJ in the amount of $38,551.77.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Lambo

 No – Sheldon

Motion was made (Sheldon) and seconded (Kunz) to approve the shared services agreement with Mount Olive Township for Fire Official and Fire Inspection services to Hackettstown.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Becker) to approve the change of date from November 19, 2022 to November 12, 2022 for the previously approved special event license for the Foundation for Hackettstown Medical Center to hold a Holiday Lights Festival.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Kunz) and seconded (Becker) to appoint Aaron Perkins and Darren Tynan to the positions of Police Lieutenant effective October 1, 2022.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Becker) to appoint Heather Baker to the position of daytime Land Use Board clerk at an annual salary of $7,000 effective October 1, 2022.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Engelau) to approve the permit for Limited Brewery Off Premise Event for Czig Meister Brewing, LLC to hold a Czig Meister Brewing Company’s Oktoberfest Event on September 24, 2022 and September 25, 2002.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Engelau) to approve the Extension of Premises permit for Bea McNally’s Irish Pub & Catering Inc. to hold and Oktoberfest on October 23, 2022, October 24, 2022 and October 25, 2022.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2022-16 in the amount of $2,132,415.96.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2022-17 in the amount of $2,069,053.28.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Lambo) to approve the Coin Toss application for the Vigilant Hook & Ladder Co. #1 to hold their event on November 25, 2022 and November 26, 2022.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Becker) to approve raffle license #1270 for the Vigilant Hook & Ladder Co. #1 to hold an Off Premise 50/50, raffle license #1271 for the Knights of Columbus Augustus J. Rampone Assembly #2450 to hold an off premise 50/50, #1272 for the House of the Good Shepherd to hold a Tricky Tray, raffle license #1273 for the House of the Good Shepherd to hold an on premise 50/50 and raffle license #1274 for the Foundation for Hackettstown Medical Center to hold an off premise 50/50.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Engelau) and seconded (Lambo) to approve the special event license application for Czig Meister Brewing Co. to hold an Oktoberfest-Live Music at Czig Meister Brewing on September 24, 2022 and September 25, 2022, and to charge Town costs in the amount of $1,676.64.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Engelau) to approve the special event license application for the Hackettstown Moose Lodge to hold a Central American Independence Day on September 17, 2022 and to charge no Town costs.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Kunz) and seconded (Becker) to begin the hiring process of Anthony Cossio as a Step 2 police officer.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Kunz) to appoint Sal Madonna to the position of part time crossing guard effective immediately at a rate of $14.01 per hour.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Lambo) to approve the taxi cab driver’s license application for Archangelo Infinito through May 1, 2023.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Kunz) to approve the taxi cab driver’s license application for Wilson Tigre Salas through May 1, 2023.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

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

Joe Clarke, 94 East Stiger Street, Hackettstown, spoke regarding concerns about the development plans of the parking lot next to his house.

Michele Morpeth, 148 East Prospect Street, Hackettstown, spoke regarding the need for “no parking” signs.

Motion was made (Sheldon) and seconded (Lambo) to adjourn this meeting at 7:39 PM.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

This is to certify that the This is to certify that all

ordinances and resolutions proper notices, postings and

contained herein have been filings required by the Open

approved by me in accordance Public Meetings Act (Chapter

with law. 231, P.L. 1975) were provided

 for this meeting.

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Gerald DiMaio, Jr., Mayor P.J. Reilly, Town Clerk/Administrator