December 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 December 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 Engelau, Kunz, Lambo, Sheldon and

 Tynan

 Absent – Councilperson Becker

Councilperson Becker entered the meeting at 7:02 PM.

Motion was made (Sheldon) and seconded (Lambo) to approve the minutes of the regular meeting held on November 21, 2022 as submitted.

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

 Abstain – Tynan

Mayor DiMaio opened the public hearing on ordinance #2022-10 entitled AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING SCHEDULE I OF CHAPTER 13 (ENTITLED “TRAFFIC AND PARKING”) OF THE TOWN ORDINANCES, which was introduced and passed on first reading on November 21, 2022, 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 ordnance were made available to members of the general public who requested such copies.

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

Motion was made (Sheldon) and seconded (Lambo) that ordinance #2022-10 entitled AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING SCHEDULE I OF CHAPTER 13 (ENTITLED “TRAFFIC AND PARKING”) OF THE TOWN ORDINANCES, be adopted on second and final reading and that Notice of Final Adoption be published.

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

Mayor DiMaio opened the public hearing on ordinance #2022-14 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN REPEALING ARTICLE 8 (RETAIL FOOD ESTABLISHMENTS) OF CHAPTER 8 (BUSINESS AND OCCUPATIONS) OF THE TOWN ORDINANCES which was introduced and passed on first reading on November 21, 2022 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 ordnance were made available to members of the general public who requested such copies.

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

Motion was made (Sheldon) and seconded (Engelau) that ordinance #2022-14 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN REPEALING ARTICLE 8 (RETAIL FOOD ESTABLISHMENTS) OF CHAPTER 8 (BUSINESS AND OCCUPATIONS) OF THE TOWN ORDINANCES be adopted on second and final reading and that Notice of Final Adoption be published.

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

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

Resolution

WHEREAS, utilities were collected as a result of the 2022 tax sale on amounts due as follows:

 Block 41.04, Lot 6 Account #20047-1 $943.18

 Block 69, Lot 13 Account #1440-1 $4109.05

 Block 88, Lot 3 Account #1116-1 $311.82

 Block 91, Lot 8 Account #1349-1 $267.58

NOW, THEREFORE BE IT RESOLVED, on this 8th day of December, 2022 by the Mayor and Common Council of the Town of Hackettstown that the Chief Financial Officer is authorized to refund the amount of $5,631.63 to the Hackettstown Municipal Utilities Authority.

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

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

Resolution

WHEREAS, it is the desire of the Mayor and Council of the Town of Hackettstown to review and update the line items within the 2022 Capital Ordinance, and

WHEREAS, after review and recommendation by the Chief Financial Officer it has been decided to transfer budgeted amounts within the 2022 ordinance to better serve the purposes of the allotted capital expenditures and to move dollars to alleviate line items that have small or overspent balances within the ordinance,

NOW THERFORE BE IT RESOLVED by the Mayor and Council of the Town of Hackettstown that the following capital budget transfers be recorded by the CFO:

 Current Adjusted

Description Budget Adjustment Budget

Ordinance 2022 Various Improvements

Recreation Field tractor with drag 14,300.00 +14,000.00 28,300.00

Road Improvements 65,046.54 +14,000.00 51,046.54

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

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

Resolution

WHEREAS, certain bills have been presented for payment for which there are insufficient funds in the 2022 budget to pay, and

WHEREAS, NJSA 40A:4-58 permits the transfer of funds from accounts with a surplus to cover such demands,

NOW THERFORE, IT BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that the Chief Financial Officer is hereby authorized to make the following transfers:

TRANSFER FROM TRANSFER TO

Admin S/W $803.00 Municipal Alliance Town Match $803.00

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

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

Resolution

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed or cancelled; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to Capital Improvement Fund or Capital Surplus,

NOW THERFORE, BE IT RESOLVD by the Mayor and Council of the Town of Hackettstown that the following unexpended and dedicated balances of General Capital Appropriations be cancelled:

ORD PROJECT AMOUNT

NUMBER DESCRIPTION CANCELLED

2019-05 Various Improvements $803.05

2020-05 Various Improvements $17,318.60

2021-02 Various Improvements $59,453.46

2021-08 Purchase Body Worn Cameras $40,811.00

 TOTALS $118,386.11

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

Motion was made (Sheldon) and seconded (Engelau) to approve the purchase of a Toro Sand Pro 3040 Field Tractor with drag from Storr Tractor Company, Branchburg, NJ in the amount of $27,376.00.

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

Motion was made (Sheldon) and seconded (Becker) to award the DPW Supplies and Services for 2023 to the following: Spring and Fall Cleanup to Sanico, Garbage Pickup to Sanico, Oil Burner Services to TGM, Plumbing Service to TGM, Leaf Trucking to All Terrain.

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

Motion was made (Sheldon) and seconded (Tynan) to award the bid for tree trimming and stump removal for 2023 to Peterson and Sons Tree Services.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the Interlocal Services Agreement By And Between The Town Of Hackettstown and The Hackettstown Board Of Education for extending the work hours of crossing guards at Hackettstown Middle School for after school clubs/activities.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2022-23 in the amount of $1,883,742.70.

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

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

Resolution

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by NJSA 40A:10-36, et seq.; and

WHEREAS, Hackettstown Town (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from January 1, 2023 terminating on January 1, 2026 at 12:01 a.m. standard time; and

WHEREAS, the LOCAL LUNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverages(s):

Workers’ Compensation & Employer’s Liability x

Comprehensive General Liability x

Automobile Liability and Physical Damage x

Public Officials and Employment Practices Liability x

Property x

Inland Marine Boiler and Machinery x

Crime-Faithful Performance and Fidelity x

Pollution Liability x

Cyber Liability x

Non-Owned Aircraft x

BE IT FURTHER RESOLVED that the LOCAL UNITS’s Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND’s Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT’s admissions to the FUND following approval of the FUND by the New Jersey Department of Baking and Insurance.

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

Motion was made (Sheldon) and seconded (Becker) to approve the Statewide Indemnity and Trust Agreement for 2023.

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

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

Resolution

WHEREAS, the Town of Hackettstown (hereinafter “Local Unit”) is a member of the statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in NJSA 40A:10-36 et seq.; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Town of Hackettstown that Eric Tynan, Councilperson, is hereby appointed as the Fund Commissioner for the Local Unit for the Fund Year 2023; and

BE IT FURTHER RESOLVED that P.J. Reilly, Town Clerk/Administrator, is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the Fund Year 2023; and

BE IT FURTHER RESOLVED that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

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

 Abstain – Tynan

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

Resolution

WHEREAS, the Town of Hackettstown (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in NJSA 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Warren and State of New Jersey, as follows:

1. Town of Hackettstown (Local Unit) hereby appoints Randall W. May its Risk Management Consultant.
2. The Mayor (authorized representative of the public entity) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2023 in the form attached hereto.

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

Motion as made (Sheldon) and seconded (Lambo) to approve the Statewide Insurance Fund Risk Management Consultant’s Agreement for 2023.

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

Motion was made (Sheldon) and seconded (Kunz) to authorize the Town Attorney to draft an ordinance for clothing bins to be allowed within the Town after the presentation by Mike Conway from American Recycling Technologies, Inc.

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

 Abstain – Lambo

Motion was made (Kunz) and seconded (Sheldon) to formally offer a position to Maxwell Francisco be hired as a police officer at a Step 2 annual salary of $73,044.00 effective March 1, 2023.

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

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

No one wished to speak at this time.

Moton was made (Sheldon) and seconded (Lambo) to adjourn this meeting at 7:25 PM.

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

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