

February 23, 2017

The Mayor and Common Council convened in open session in the Municipal Building at 215 Stiger Street, Hackettstown, New Jersey at 7:00 PM on February 23, 2017. The meeting opened with a salute to the Flag.

Mayor DiGiovanni 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 DiGiovanni, Councilpersons DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

Discussion was held with Dr. Haney, President of Centenary University, and Centenary representatives regarding a proposed baseball field to be built in the area of Reese Avenue and Fifth Avenue on Centenary property with a preliminary design shown to the Council.

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

No one wished to speak at this time.

Motion was made (Sheldon) and seconded (Engelau) to approve the minutes of the regular meeting held on January 26, 2017 as submitted.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the minutes from the budget workshop meeting held on January 28, 2017 as submitted.

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

Mayor DiGiovanni opened the public hearing on ordinance #2017-01 entitled, ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK, which was introduced and passed on first reading on January 12, 2017, 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 DiGiovanni closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (Tynan) that ordinance #2017-01 entitled, ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK, be adopted on second and final reading and the Notice of Final Adoption be published.

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

Mayor DiGiovanni opened the public hearing on ordinance #2017-03 entitled, AN ORDINANCE OF THE TOWN OF Hackettstown ESTABLISHING CHAPTER 6C OF THE CODE OF THE TOWN OF Hackettstown REGULATING ANIMAL WELFARE, which was introduced and passed on first reading on January 26, 2017, 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

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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 DiGiovanni closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (DiMaio) that ordinance #2017-03 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN ESTABLISHING CHAPTER 6C OF THE CODE OF THE TOWN OF HACKETTSTOWN REGULATING ANIMAL WELFARE, be adopted on second and final reading and the Notice of Final Adoption be published.

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

Mayor DiGiovanni opened the public hearing on ordinance #2017-04 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN ESTABLISHING ARTICLES 7 & 8 OF CHAPTER 7 OF THE CODE OF THE TOWN OF HACKETTSTOWN REGULATING VACANT/ABANDONED PROPERTIES WITHIN THE TOWN OF HACKETTSTOWN, which was introduced and passed on first reading on January 26, 2017, 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 DiGiovanni closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (Lambo) that ordinance #2017-04 as amended entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN ESTABLISHING ARTICLES 7 & 8 OF CHAPTER 7 OF THE CODE OF THE TOWN OF HACKETTSTOWN REGULATING VACANT/ABANDONED PROPERTIES WITHIN THE TOWN OF HACKETTSTOWN, be adopted on second and final reading and the Notice of Final Adoption be published.

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

Mayor DiGiovanni opened the public hearing on ordinance #2017-06 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN ADOPTING THE REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, NJSA 40A:12A-1, IT SEQ., FOR PROPERTY LOCATED AT BLOCK 125, LOT 9.01, 301 MOUNTAIN AVENUE, which was introduced and passed on first reading on January 26, 2017, 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 DiGiovanni closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (Lambo) that ordinance #2017-06 as amended entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN ESTABLISHING ARTICLES 7 & 8 OF CHAPTER 7 OF THE CODE OF THE TOWN OF HACKETTSTOWN REGULATING VACANT/ABANDONED PROPERTIES WITHIN THE TOWN OF HACKETTSTOWN, be adopted on second and final reading and the Notice of Final Adoption be published.

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

Motion was made (Sheldon) and seconded (DiMaio) that ordinance #2017-05 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN INCREASING THE RATE OF COMPENSATION TO THE POLICE DEPARTMENT FOR SERVICES ON ROAD WORK, be introduced and passed on first reading and that a public hearing be held thereon and it be considered or final passage at 7:00 PM on March 9, 2017; 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 member so the general public who request such copies.

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

Motion was made (Sheldon) and seconded (Kunz) that ordinance #2017-07 entitled, AN ORDINANCE OF THE TOWN OF Hackettstown AMENDING SCHEDULE IX OF CHAPTER 13 (ENTITLED “TRAFFIC AND PARKING”) OF THE TOWN ORDINANCES, be introduced and passed on first reading and that a public hearing be held thereon and it be considered or final passage at 7:00 PM on March 9, 2017; 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 member so the general public who request such copies.

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

Motion was made (Sheldon) and seconded (Engelau) to introduce the 2017 Municipal Budget.

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

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

Resolution

WHEREAS, NJSA 40a:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, NJSAC 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to NJAC 5:30-7.2 thru 7.5, the Town of Hackettstown has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Town meets the necessary conditions to participate in the program for the 2017 budget year, so

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Hackettstown that in accordance with NJAC 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges.
 - b. Deferred charges and statutory expenditures.
 - c. Cash deficit of preceding year.
 - d. Reserve for uncollected taxes.
 - e. Other reserves and nondisbursement items.
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to NJSA 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the “CAP” law.)

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3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and NJAC 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth.
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of NJSA 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

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

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

WHEREAS, the Tax Collector advises of overpayment of overpayment of taxes for calendar year 2017 due to overpayment of first quarter taxes.

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

Block 45, Lot 46 \$1,689.10
416 Hurley Drive
Hackettstown, NJ 07840

Make check payable to:
Wells Fargo Real Estate Tax Service, LLC
Attn: Financial Support Unit
MAC X2301-02C
1 Home Campus
Des Moines, IA 50325-0001

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

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

Resolution

WHEREAS, there are stale dated checks outstanding in the Town of Hackettstown Municipal Court Bail Account, and

WHEREAS, every avenue has been extinguished to trace these this checks,

NOW THEREFORE BE IT RESOLVED, by the Council of the Town of Hackettstown that the following stale dated checks be cancelled and credited to the Town of Hackettstown Surplus;

Check #	Issue Date	Amount
2941	05/27/2016	\$81.00

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

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

February 23, 2017 (continued)

Resolution

Resolution to approve the Hackettstown Municipal Alliance Strategic Plan for Grant Year FY 2018.

Roll Call Vote: DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

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

Resolution

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Town Council of the Town of Hackettstown, County of Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Town Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Warren;

NOW, THEREFORE, BE IT RESOLVED by the Town of Hackettstown, County of Warren, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the Hackettstown Municipal Alliance grant for fiscal year 2018 in the amount of:

DEDR	\$8,781.00
Cash Match	\$2,632.00
In-Kind	\$6,586.00
2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the second partial payment to Berto Construction for Phase III, Main Street Public Improvement project in the amount of \$44,000.00 but to hold it until the new street lighting is installed.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2017-02 in the amount of \$3,364,352.93.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2017-03 in the amount of \$332,748.12.

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

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Motion was made (Sheldon) and seconded (DiMaio) to approve the purchase of pool chemicals from Buckman's in the amount of \$15,618.00.

Roll Call Vote: yes – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

Motion was made (Sheldon) and seconded (DiMaio) to approve raffle license #1141 for Cataract Hose Co. No. 1 Hackettstown Fire Department to hold an off premise 50/50.

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

Abstain – Tynan

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

Resolution

WHEREAS, the Tax Collector advises of overpayment of taxes for the first quarter of 2017 and recommends refund of the overpaid amounts.

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
107	143	Federal National Mtg Assn 127 College View Dr	\$2,460.38
119.01	13	Battista, Jr, Fernando 24 Musky Ridge Dr	\$2,504.12

Make check payable to:

Corelogic Real Estate Tax Service
Attention: Refund Department
PO Box 961250
Fort Worth, TX 76161-9858

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

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

Resolution

WHEREAS, the Tax Collector of the Town of Hackettstown has been paid the amount necessary to redeem with interest calculated in accordance with the New Jersey Statutes on property known on the Tax Map and in the Tax Duplicate as the following municipal lien:

Block 64, Lot 1 13 Ruland Ave
Tax Sale Certificate #16-00120
Assessed to: Haddock, Kenneth & Nancy
65 County Road
Lubec, ME 04652

NOW, THEREFORE, BE IT RESOLVED on this 23rd day of February, 2017 that the Chief Financial Officer is hereby authorized to issue a check for \$18,314.75, plus premium of \$26,000.00 for a total of \$44,314.75 to the lien holder:

FWDSL & Associates, LP
17 West Cliff Street
Somerville, NJ 08876

Resolution

February 23, 2017 (continued)

WHEREAS, the Tax Collector of the Town of Hackettstown has been paid the amount necessary to redeem with interest calculated in accordance with the New Jersey Statutes on property known on the Tax Map and in the Tax Duplicate as the following municipal lien:

Block 60, Lot 10 128 Liberty St
Tax Sale Certificate #16-00119
Assessed to: Nogueira, Cristiano
 128 Liberty St.
 Hackettstown, NJ 07840

NOW, THEREFORE BE IT RESOLVED on this 23rd day of February, 2017 that the Chief Financial Officer is hereby authorized to issue a check for \$1,412.11, plus premium of \$2,100.00 for a total of \$3,512.11 to the lien holder:

TWR as CUST for Ebury Fund 1NJ LLC
PO Box 37695
Baltimore, MD 21297-3695

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

Motion was made (Sheldon) and seconded (Engelau) to approve the refund of maintenance bond to VBCE of Hackettstown (Dunkin Donuts) in the amount of \$17, 512.85.

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

Motion was made (Lambo) and seconded (Sheldon) to approve the special event license application for Centenary University to hold a Commencement on May 13, 2017, to waive the \$50.00 application fee and to charge police costs in the amount of \$585.60.

Roll Cal Vote: Yes – DiMaio, Engelau, Lambo, Sheldon and Tynan

Abstain – Kunz

Motion was made (Lambo) and seconded (Sheldon) to approve the special event license application for the Hackettstown Business Improvement District to hold a Spring Festival on May 5, 6 & 7, 2017, to waive the \$50.00 application fee and to charge police costs in the amount of \$7,319.16.

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

Motion was made (Lambo) and seconded (Sheldon) to approve the special event license application for EB Cops N Rodders to hold a Cruise Night and Car Show on Thursdays from April 27th through September 28, 2017 and Saturday August s19, 2017, to charge the \$50.00 application fee and to charge no Town costs.

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

Motion was made (DiMaio) and seconded (Sheldon) that the following areas be designated as “No Parking Tow Away Zones” from 12:01 AM on May 5, 2017 to 11:00 PM on May 7, 2017.

1. Fifth Avenue from Grand Ave to Hatchery Hill School driveway, south side only
2. Fifth Avenue from Hatchery Hill School driveway to Reese Avenue, both sides. Area also to be closed to vehicle traffic.
3. Reese Avenue from First Avenue to fish Hatchery Gates, both sides. Also roadway closed to all vehicle traffic from Centenary College driveway to Fish Hatchery Gates.
4. Hatchery Hill School driveway, both sides. Also all fire zones in and around the Hatchery Hill school grounds.
5. Fourth Avenue from grand Ave to het Cul-de-sac and also including the cul-de-sac. Road closed except for local traffic.

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It is respectfully requested that the following areas be designated as “Handicapped Parking Only” from 12:01 AM on May 5, 2017 to 11:00 PM on May 7, 2017.

1. Fifth Avenue from Grand Ave to Hatchery Hill School driveway, north side only

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

Motion was made (Sheldon) and seconded (Engelau) to adjourn this meeting at 8:08 PM.

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

This is to certify that the ordinances and resolutions contained herein have been approved by me in accordance with law.

Maria DiGiovanni, Mayor

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.

William Kuster, Jr., Town Clerk