December 12, 2019

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 12, 2019. 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, Hinrichs,

 Kunz, Sheldon and Tynan

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

Janice Nordquist, owner of 312 Main Street (Sub Shack) spoke of parking problems for customers on Warren Street side of property.

Resident, 400 Grand Avenue, requesting the Mayor and Council to allow Elizabethtown Gas to open Grand Avenue to install natural gas service for heating purposes. Grand Avenue has a moratorium on street opening as it was repaved several years ago.

Motion was made (Sheldon) and seconded (Engelau) to approve the Grand Avenue street opening for gas line install by Elizabethtown Gas in the area of 400 Grand Avenue.

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

 No – Kunz

Motion was made (Tynan) and seconded (Hinrichs) to approve the minutes of the regular meeting held on November 25, 2019 as submitted.

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

Motion was made (Engelau) and seconded (Tynan) to approve the minutes of the executive session held on November 25, 2019 as submitted.

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

Mayor DiGiovanni opened the public hearing on ordinance #2019-12 entitled, AN ORDINANCE TO APPROVE AND ADOPT THE 2020 BUDGET FOR THE HACKETTSTOWN BUSINESS IMPROVEMENT DISTRICT, INC., which was introduced and passed on first reading on November 14, 2019, 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 on 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 (Hinrichs) that ordinance 2019-12 entitled, AN ORDINANCE TO APPROVE AND ADOPT THE 2020 BUDGET FOR THE

December 12, 2019 (continued)

HACKETTSTOWN BUSINESS IMPROVEMENT DISTRICT, INC., be adopted on second and final reading and that Notice of Final Adoption be published with the following conditions:

1. The Town of Hackettstown needs to see tangible results before the next budget cycle.
2. Quarterly Reports are to be given by the BID Director at Council meetings. These reports should include, results of recruitment, events and overall efforts of the BID.
3. The 2020 budget includes 2-$5,000.00 stipends for health benefits. One for the BID Director one for the FT BID assistant. Receipts must be submitted for the health benefits.
4. More events throughout the BID assessment area; especially on Mountain Avenue.
5. 57% of the total 2020 BID budget is for administration costs, rents, salaries, office expense, etc. This is extremely high for a non-profit. During the year 2020 and before the next budget proposal; the percentage must come down significantly.

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

 No – Kunz

Motion was made (DiMaio) and seconded (Engelau) 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 33, Lot 7 113 W Valley View Ave

 Tax Sale Certificate #19-00139

 Assessed to: Earl, Charles A & Lucy

 13700 SE 90 Ct

 Summerfield, FL 34491

NOW, THEREFORE, BE IT RESOLVED on this 12th day of December 2019 that the Chief Financial Officer is hereby authorized to issue a check for $4,473.58, plus a $26,000.00 premium for a total of $30,473.58 to the lienholder:

 Bala Partners, LLC

 17 W Cliff Street

 Somerville, NJ 08876

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

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

Resolution:

WHEREAS, pursuant to NJSA 40:5-17.1 promulgated by the New Jersey State Legislature, all unpaid real estate property taxes and special charges for 2019 of less than $10.00 are to be canceled of record.

NOW, THEREFORE, BE IT RESOLVED on this 12th day of December 2019 by the Mayor and Common Council of the Town of Hackettstown that the Tax Collector is hereby authorized and empowered, to NJSA 40:5-17.1 to cancel and remove from the tax duplicate records all unpaid real estate property taxes and special charges for 2019 of less than $10.00.

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

Motion was made (Sheldon) and seconded (Kunz) to award the 2020 DPW supplies and services contracts: Spring and Fall Cleanup to Sanico, Garbage Services to Sanico, Oil Burner Service to TGM, Plumbing Service to TGM.

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

December 12, 2019 (continued)

Motion was made (Sheldon) and seconded (DiMaio) to award the bid for tree trimming and stump removal for 2020 to Peterson and Sons Tree Services.

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

Motion was made (Engelau) and seconded (Tynan) to approve the purchase order for the Recreation Department for Tannery Field Fencing Challenger Fence, Inc., Paterson, NJ in the amount of $25,097.77.

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

 No – Sheldon

Motion was made (Engelau) and seconded (DiMaio) to approve check register #2019-22 in the amount of $1,450,787.59.

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

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

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from January 1, 2020 terminating January 1, 2023 at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT 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, I BEIT 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 eh LOCAL UNIT will be afforded the following coverage(s):

Worker’s Compensation & Employer’s Liability, Comprehensive General Liability, Automobile Liability and Physical Damage, Pubic Official and Employment Practices Liability, Property, Inland Marine Boiler and Machinery, Crime-Faithful Performance and Fidelity, Pollution Liability, Cyber Liability, Non Owned aircraft.

BE IT FURTHER RESOLVED that the LOCAL UNIT’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

December 12, 2019 (continued)

effective only upon the LOCAL UNIT’s admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

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

 No – Sheldon

Motion was made (DiMaio) and seconded (Engelau) 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 funds 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 of the Local Unit of the Fund Year 2020; and

BE IT FURTHER RESOLVED that William Kuster, Town Clerk/

Administrator, is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the Fund Year 2020; 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 – DiMaio, Engelau, Hinrichs, Kunz, Sheldon and Tynan

Motion was made (DiMaio) and seconded (Tynan) 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

WHERE, 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 2020 in the form attached hereto.

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

December 12, 2019 (continued)

Motion was made (Hinrichs) and seconded (Tynan) to approve the special event license application or the NJ Civic Youth Ballet to hold a 5K Walk/Run on April 26, 2020, to waive the $50.00 application fee and to charge no Town costs.

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

Motion was made (Sheldon) and seconded (Tynan) to adjourn this meeting at 7:26 PM.

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs, Kunz, 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.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Maria DiGiovanni, Mayor William Kuster, Jr., Town Clerk