February 10, 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 February 10, 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, Sheldon and Tynan

Mayor DiMaio administered the Oath of Office to Police Sergeant Edward Blas.

A presentation was given by Annie Polkowski relative East Avenue dam removal.

Motion was made (Sheldon) and seconded (Kunz) to approve the minutes of the reorganization meeting held on January 1, 2022.

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

 Abstain – Lambo and Tynan

Moton was made (Sheldon) and seconded (Becker) to approve minutes of the regular meeting held on January 13, 2022.

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

 Abstain – Sheldon and Tynan

Motion was made (Lambo) and seconded (Becker) to approve the minutes of the executive session held on January 13, 2022.

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

 Abstain – Sheldon and Tynan

Mayor DiMaio opened the public hearing on ordinance #2022-01 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 13, 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 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 DiMaio closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (Engelau) that ordinance #2022-01 entitled, ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK, 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, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program.

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Hackettstown that the Hackettstown Police Department is hereby authorized to enroll in the 1033 program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from January 1, 2022 to December 31, 2022.

NOW THEREFORE BE IT FURTHER RESOLVED that the Hackettstown Police Department is hereby authorized to acquire items of non-controlled property designated “DEMIL A” which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which it is resolution authorizes, based on the needs of the Hackettstown Police Department without restriction.

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

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

Resolution

The hiring, promoting, transferring, demoting or reassigning of immediate relatives is prohibited if the action would result in the creation of a prohibited employment relationship.

A prohibited employment relationship is created when:

1. One relative would have the authority to supervise, appoint, remove, discipline, evaluate or otherwise directly affect the work or employment of an immediate relative.

2. The relative would be responsible for auditing the work of the other immediate relative.

3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the Town’s interest and their own.

Employees who marry or become related by marriage may continue in their employment if the marriage does not result in the creation of a prohibited employment relationship. Where the marriage results in the creation of a prohibited employment relationship, the Town will explore potential accommodations including the reassignment of one or both employees to available positions for which the employees are qualified.

For purposes of this policy, immediate relatives include spouse or significant other, civil union partner, child, parent, stepchild, sibling, grandparent, daughter in-law, son in-law, grandchildren, niece, nephew, aunt, uncle or any person related by blood or marriage residing in an employee’s household.

This Policy shall take effect upon adoption, and shall be applied on a prospective basis.

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

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

Resolution

THIS COMMODITY RESALE AGREEMENT in respect to the storage, supply and support and sale of gasoline and diesel fuel is made on February 10, 2022 between the Town of Hackettstown, a public body of the State of New Jersey with offices located at 215 Stiger Street, Hackettstown, New Jersey 07840, hereinafter “the Town” and the Sussex County Regional Cooperative, a public body of the State of New Jersey, with offices located at Hopatcong Board of Education, 2 Windsor Avenue, PO Box 1029, Hopatcong, New Jersey 07843, hereinafter “the Sussex County Regional Co-op”

WHEREAS, the Town has constructed an above ground fuel storage depot at the Miller Street Firehouse; and

WHEREAS, the Town and Sussex County Regional Co-op desire to consolidate services through cooperative and joint purchasing and services; and

WHEREAS, the joint use of the fuel depot will more efficiently use local facilities; and

WHEREAS, this agreement is authorized under the NJAC 5:34-7; and

WHEREAS, all parties hereto have approved the within Agreement; and

WHEREAS, it is the desire of all parties to enter into such Agreement for said purposes; and

WHEREAS, the purchasing system shall be known as the Hackettstown Gasoline and Fuel Resale System.

NOW, THEREFORE, IN CONSIDERATION of the promises, covenants, terms and conditions set forth, it is mutually agreed as follows:

1. The Town agrees to maintain and operate the fuel depot facility at their expense at the Miller Street Firehouse or other location selected by the Town.
2. The Town agrees to purchase gasoline and diesel fuel for the depot in compliance with the New Jersey Public Contracts Law.
3. The Town agrees to be solely responsible for any damages, leaks or spills of gasoline fuel at the depot as well as any resulting in liability which may follow from any such damage, leaks or spills, etc. unless the spill or leak arose from the negligence of the Sussex County Regional Co-op or its employees.
4. The Sussex County Regional Co-op agrees to be responsible for any damage to the depot or leaks or spills of gasoline or fuel arising out of the negligence of the Sussex County Regional Co-op or its employees.
5. The Sussex County take Co-op agrees to use the fuel depot in compliance with the written procedures for use and operation established by the town. Failure to follow the written procedures for the use and operation of the fuel depot will permit the town to immediately terminate this agreement without notice.
6. The town will build the Sussex County regional Co-op a minimum of once a month for the fuel they have used at the price paid by the town to the supplier plus an administrative fee of twenty cents ($0.20) per gallon. The administrative fee maybe adjusted by the town on 90 days advance written notice to the Sussex County Regional Co-op.
7. The Sussex County Regional Co-op agrees to pay the town invoices within (thirty) 30 days of receipt.
8. The Sussex County regional Co-op agrees to be considerate of Hackettstown Fire Department activities and events taking place at the site and will not interfere with fire department functions.
9. The Sussex County Regional Co-op agrees not to park any vehicles or equipment at the Miller Street Firehouse.
10. The parties designate the town of Hackettstown as the lead agency for the sole purpose of purchasing gasoline and diesel fuel for the fuel depot.
11. The town of Hackettstown agrees to advise all parties within (thirty) 30 days of the receipt of the amount of all bids or change in any pricing along with a complete listing of the current delivered cost of gasoline or diesel fuel.
12. This agreement shall become effective on February 10th 2022 subject to the approval of the director of the division of local government services and shall continue in effect for a period not to exceed five (5) years from said date unless any party to this agreement shall give written notice of its intention to terminate its participation at least thirty (30) days prior to the expiration of the first year or any of the succeeding four (4) years period the withdrawal of any other participant in the commodity resale system established herein shall not invalidate the agreement.
13. All records and documents, including but not limited to, bidding documents, purchase orders, vouchers and contracts maintained or utilized pursuant to the terms of this agreement shall be identified by the code number assigned by the director, Division of Local Government Services, and such other numbers as are assigned by the resale systems for purposes of identifying each contract and item awarded.
14. This agreement shall be binding upon and endure to the benefit of the successors and assigns of their respective parties hereto.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2022-02 in the amount of $613,187.72.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2022-03 in the amount of $3,624,124.66.

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

Motion was made (Sheldon) and seconded (Becker) to approve raffle license #1260 for the Hackettstown PTA to hold an on premise 50/50 and raffle license #1261 for the Hackettstown PTA to hold a Tricky Tray.

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

Motion was made (Sheldon) and seconded (Becker) to approve the raffle license #1262 for the Knights of Columbus Joyce Kilmer council# 24834 to hold an off premise 50/50.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the special event license application for Smiles for Margaret to hold a Huff and Puff After you Stuff Memorial 5K on November 26, 2022, to waive the $50.00 application fee and charge no Town costs.

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

Motion was made (Sheldon) and seconded (Becker) to approve the special event license application for the Special Olympics New Jersey-Area 3 to hold a SONJ-Area 3 Track and Field Meet on May 15, 2022, to waive the $50.00 application fee and to charge no Town costs.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the special event license application for the Business Improvement District to hold a St. Patrick’s Day Parade on March 13, 2022, to waive the $50.00 application fee and to charge no Town costs.

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

Motion was made (Sheldon) and seconded (Becker) to approve the special event license application for the Hackettstown High School Key Club to hold a Community Spring Event on April 23, 2022, to waive the $50.00 application fee and to charge no Town costs.

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

Motion was made (Sheldon) and seconded (Kunz) to approve the special event license application for World Vision to hold a World Vision Global 6K on May 21, 2022, to charge the $50.00 application fee and to charge no Town costs.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the special event license application for EB Cops N Rodders LLC to hold a Cops N Rodders Hackettstown Cruise Night & Car Show on Thursdays from April 28, 2022 through September 29, 2022, to waive the $50.00 application fee and charge no Town costs.

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

Motion was made (Sheldon) and seconded (Becker) to hire Guillermo Sanchez as a crossing guard at a rate of $13.61 per hour effective February 11, 2020.

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

Motion was made (Lambo) and seconded (Kunz) to approve the following areas be designated as No Parking “Tow-Away” zones from 12:00 PM to 6:00 PM on Sunday, March 13, 2022.

1. Rt. 46 between Grand Avenue and Rt. 182; both sides
(Section to be closed)
2. Willow Grove Street between Rt., 46 and Franklin Street; both sides
3. Franklin Street between Willow Grove Street and Liberty Street; both sides
4. Liberty Street between Rt. 46 and Franklin Street; both sides
5. Washington Street between Valentine Street and Grand Avenue; both sides
(Section to be closed)
6. Washington Street between Warren Street and Bells Lane; both sides
7. Bells Lane between Washington Street and Rt. 182; both sides
(Section to be closed)
8. Rt., 182 between Rt. 46 and Victoria Lane; both sides
(Section to be closed)
9. Valentine St. between Rt. 46 and Beatty St.; both sides
10. Washington St. between Church St. and Grand Ave.; both sides
(Section to be closed)
11. Monroe St. between Grand Ave. and Valentine St.; both sides
(Section to be closed)
12. Madison St. between Grand Ave. and Valentine St.; both sides
(Section to be closed)
13. Jefferson St. between Grand Ave. and Valentine St.; both sides
(Section to be closed)

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

Motion was made (Lambo) and seconded (Kunz) 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 February 10, 2022 for the reason that the following subject matter will be discussed:

Personnel Matters

1. The mayor and common council may exclude the public from the meeting pursuant to section 10:4-12(b) of the Open Public Meeting Law.
2. 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 - Becker, Engelau, Kunz, Lambo, Sheldon and Tynan

The meeting was closed at 7:25 PM and reopened at 7:34 PM. The Mayor stated that no formal action was taken by the Council during executive session.

Motion was made (Sheldon) and seconded (Lambo) to adjourn this meeting at 7:36 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 William Kuster, Jr., Town Clerk