October 12, 2023

The Mayor and Common Council convened in open session in the Hackettstown Municipal Building, 215 Stiger Street, Hackettstown, New Jersey at 7:00 PM on October 12, 2023. 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 and NJ Herald;
3. Posting notice on the Municipal website www.Hackettstown.net.
4. Furnishing a notice of said meeting to anyone requesting it in accordance with the Open Public Meetings Act; and
5. Filing a notice of said meeting with the Town Clerk.

Roll Call: Present – Mayor DiMaio, Councilpersons Engelau, Kunz, Lambo, Sheldon

and Tynan

Absent – Councilperson Becker

Mayor DiMaio administered the Oath of Office to Sergeant Mark Engelau.

Councilperson Becker entered the meeting at 7:05 PM.

Motion was made (Sheldon) and seconded (Engelau) to approve the minutes of the regular meeting held on September 14, 2023 as submitted.

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

Abstain – Tynan

Motion was made (Sheldon) and seconded (Becker) to approve the minutes of the executive session meeting held on September 14, 2023 as submitted.

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

Abstain – Tynan

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

Resolution

WHEREAS, there are unexpended ARP appropriation grant balances on the Current Fund Balance Sheet, and;

WHEREAS, the projects that these funds were appropriated for have been completed, and it is necessary to formally cancel the remaining appropriated balances and return to the ARP reserve fund for use for future projects.

NOW, THEREFORE BE IT RESOLVED, that the following Balance Sheet line items be cancelled;

ARP – Town Hall Cybersecurity Upgrades $476.79

ARP – Police Dept Cybersecurity Upgrades $1,045.46

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, there is an annually budgeted line item for volunteer fire department clothing allowance, and

WHEREAS, the individual amount to be paid to the respective volunteers is to be set annually by resolution of the Mayor and Council,

NOW THEREFORE BE IT RESOLVED, that the 2023 clothing allowance is hereby established to be $300 per member, payable based on the qualified list submitted by the Fire Chief.

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

Abstain – Tynan

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

Resolution

WHEREAS, a civil action has been filed in the Superior Court of New Jersey, Warren County, under the caption McGarry v. Town of Hackettstown, et al, Docket No WRN-L-222-23 (“Complaint”); and

WHEREAS, pursuant to NJSA 59:10-4, a local public entity is empowered to indemnify local public employees consistent with the New Jersey Tort Claims Act; and

WHEREAS, a local public entity is permitted to indemnify an employee for exemplary or punitive damages resulting from the employee’s civil violation of State or federal law, provided the acts committed by the employee upon which the punitive damages are based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong; and

WHEREAS, the Council, having reviewed the allegations contained in the Complaint, and having considered the factual information available to it thus far, has determined that the alleged acts of Police Chief Perkins do not constitute actual fraud, actual malice, willful misconduct, or intentional wrong; and

WHEREAS, the Council has reviewed the allegations contained in the Complaint and denies and has denied any wrongdoing by Defendants, including the Chief of Police, as alleged in the Complaint.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Town Council of the Town of Hackettstown, Warren County, New Jersey, that Aaron Perkins, as Chief of Police of the Town of Hackettstown, will be indemnified for punitive damages that may be personally sustained against him based on the Complaint filed in the Superior Court of New Jersey, Warren County.

BE IT FURTHER RESOLVED by the Mayor and Town Council of the Town of Hackettstown, Warren County, New Jersey that should the Council learn of facts during the continued litigation of the Complaint that alters its opinion set forth herein, the Council reserves the right to dissolve this Resolution to indemnify Chief Perkins and notify Chief Perkins of its decision.

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

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

Resolution

WHEREAS, utilities were collected as a result of the 2023 tax sale on amounts due as follows:

Block 112, Lot 9 Acct #19687-1 $725.63

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of October, 2023 by the Mayor and Common Council of the Town of Hackettstown that the Chief Financial Officer is authorized to refund the amount of $725.63 to the Hackettstown Municipal Utilities Authority.

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

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

Resolution

WHEREAS, the General Code of the Town of Hackettstown, Chapter 11, Article 1 – Removal of Debris, Plant Growth, Etc. Required authorizes the Department of Public Works to remove debris, brush and obnoxious growth after providing the notice required by the ordinance; and

WHEREAS, the required notice was sent to the below property by certified mail return receipt requested and posted to the property; and

WHEREAS, ten days has elapsed since the notices were mailed and posted; and

WHEREAS, the property owners failed to remove the debris, brush and obnoxious growth within ten days of notice; and

WHEREAS, the Department of Public Works has caused the debris, brush and obnoxious growth to be removed; and

WHEREAS, the Director/Superintendent of the Department of Public Works has certified to the Mayor and Common Council the cost of the removal of the debris, brush and obnoxious growth.

THEREFORE, Be It Resolved by the Mayor and Common Council of the Town of Hackettstown as follows:

1. The certification of the costs of removal of the debris, brush and obnoxious growth has been examined and found to be correct.
2. The tax collector is hereby directed that the following costs shall be charged against the land and shall be added to and become part of the taxes next to be assessed and levied upon such land, to bear interest at the same rate as taxes, and shall be collected and enforced by the tax collector in the same manner as taxes:

Property Address Block Lot Property Owner Cost  
102 Miller St 51 1 National Holdings LP $450.00

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

Motion was made (Sheldon) and seconded (Engelau) to approve the renewal of the Comcast franchise agreement for 2024.

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

No – Sheldon

Motion was made (Sheldon) and seconded (Engelau) to approve a shared services agreement between the Borough of Washington, County of Warren and all member municipalities of the Warren County Regional Animal Control Agreement from January 1, 2024 through December 31, 2028.

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

Motion was made (Sheldon) and seconded (Tynan) to approve a purchase order for the purchase of Scott SCBA bottles/Air Packs/etc. from Firefighter One, Sparta, NJ in the amount of $18,830.89.

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

Motion was made (Sheldon) and seconded (Tynan) to approve raffle license #1298 for the American Legion Post #164 to hold a Pull Tab Raffle, raffle license #1299 for the Knights of Columbus, Augustus J. Rampone Assembly #2450 to hold and Off Premise 50/50, raffle license #1300 for New Jersey Civic Youth Ballet to hold an Off Premise 50/50, raffle license #1301 for the Hackettstown Lady Tigers Soccer Booster Club to hold an Off Premise 50/50 and raffle #1304 for the Knights of Columbus, Joyce Kilmer Council #2483 to hold an Off Premise 50/50.

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

Motion was made (Sheldon) and seconded (Becker) to approve raffle license #1302 for Centenary University to hold a Tricky Tray and raffle license #1303 for Centenary University to hold an On Premise 50/50.

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

Abstain – Kunz

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2023-18 in the amount of $618,418.81.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2023-19 in the amount of $1,950,415.16.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the Chapter 159 amending the Somers Foundation Tree Plantings Donation to $100,000.00.

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

Motion was made (Sheldon) and seconded (Becker) to approve Trick or Treat hours from 4:00 PM to 8:00 PM on October 31, 2023.

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

Motion was made (Sheldon) and seconded (Becker) to appoint Michael Frayne to the position of crossing guard at a rate of $33.00 per hour effective immediately.

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

Motion was made (Sheldon) and seconded (Becker) to appoint Debra Whitney to the position of part-time crossing guard at a rate of $33.00 per hour effective immediately.

Motion was made (Sheldon) and seconded (Lambo) to appoint Mark Ramos and Matthew Frauen to the positions of SRO (School Resource Officer) at a rate of $35.00 per hour effective November 1, 2023.

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

Mayor DiMaio asked if anyone from the public had any comments at this time. No one from the public had any comments at this time.

Motion was made (Sheldon) and seconded (Lambo) 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 October 12, 2023 for the reason that the following subject matter will be discussed:

Litigation 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 Meetings Law.
2. Matter 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 7:41 PM.   
  
Motion was made (Sheldon) and seconded (Kunz) to reopen the meeting at 7:45 PM.   
  
Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo, Sheldon and Tynan   
  
The Mayor stated that no formal action was taken during executive session.   
  
Motion was made (Sheldon) and seconded (Lambo) to adjourn this meeting at 7:45 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