April 25, 2019

The Acting Mayor and Common Council convened in open session in the Municipal Building at 215 Stiger Street, Hackettstown, New Jerseyat 7:00 PM on April 25, 2019. The meeting opened

with a salute to the Flag.

Acting 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 – Councilpersons, DiMaio, Engelau, Hinrichs and Sheldon

Absent – Mayor DiGiovanni, Councilpersons Kunz and Tynan

Acting Mayor DiMaio presented a proclamation in recognition of Building Safety Month.

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

Nancy Luteran, 111 Russell Court, Hackettstown, asked why her development is listed as a “planned community”. She also spoke regarding her denial by the Town of her request to place a shed on her property.

Bruno Pasko, Marley’s Grill, Main Street, spoke about a requested zoning change under review to allow outdoor restaurant seating.

Jim Lambo, Land Use Board members spoke for the Land Use Board requesting the Town to consider a local ordinance regulating 5G small wireless facilities.

Sergio Rojas, Metro Car Service, asked if any decision has been made by the Town to reduce taxi cab owner insurance requirements.

Motion was made (Sheldon) and seconded (Engelau) to approve the minutes of the regular meeting held on April 11, 2019 as submitted.

Roll Call Vote: Yes – DiMaio, Engelau and Hinrichs

Abstain – Sheldon

Motion was made (Sheldon) and seconded (Hinrichs) to approve the minutes of the executive meeting held on April 11, 2019 as submitted.

Roll Call Vote: Yes – DiMaio, Engelau and Hinrichs

Abstain – Sheldon

Acting Mayor DiMaio opened the public hearing on ordinance #2019-05 entitled, AN ORDINANCE APPROPRIATING THE TOTAL SUM OF $425,500 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR THE FUNDING OF VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWN OF HACKETTSTOWN, IN THE COUNTY OF WARREN, NEW JERSEY, which was introduced and passed on first reading on March 28, 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 bulleting board in the lobby of the Municipal

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Building, and that copies of the ordinance were made available to members of the general public who requested such copies.

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

Motion was made (Sheldon) and seconded (Engelau) that ordinance #2019-5 entitled, AN ORDINANCE APPROPRIATING THE TOTAL SUM OF $425,500 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR THE FUNDING OF VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWN OF HACKETTSTOWN, IN THE COUNTY OF WARREN, NEW JERSEY, be adopted on second and final reading and that Notice of Final Adoption be published.

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

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

Resolution

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the section s of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S 52:27BB-52: A local officer or member of local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Common Council of the Town of Hackettstown, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit

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a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2019-07 in the amount of $470,467.53.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the taxi cab drivers application for Fabricio Avegno through May 1, 2020 and the taxi cab drivers application for Manuel Avegno through May 1, 2020.

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

Motion was made (Sheldon) and seconded (Engelau) to reject the request submitted by 2016 Mountain Hackettstown LLC for the release of the performance bond for Phase 1-A of the Wawa project.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the proposal from Kevin’s Landscaping to cut and trim all grass, pick up and dispose of all clippings to cut weeks and blow clean at a rate of $110.00 per hour per person.

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

Motion was made (Sheldon) and seconded (Engelau) to adjourn this meeting at 7:24 PM.

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

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