

January 12, 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 January 12, 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

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

Keith DeTombeur, Allamuchy Township, thanked the Hackettstown Fire Department for their quick response and actions to his building occupied by Stella G's for a kitchen fire. Mr. DeTombeur is also the owner of 106 East Plane Street and stated as the landlord he has no control over the tenant and treatment of the animals in the rental unit, unfortunately.

Discussion was held regarding creating an animal care ordinance.

Mayor DiGiovanni appointed the following Council Members to the following Committees:

Fire:	DiMaio, Sheldon, Kunz
Sanitation:	Tynan, Sheldon, Engelau
Police:	DiMaio, Tynan, Kunz
Welfare:	Tynan, Kunz, Lambo
Lighting:	Kunz, Engelau, Sheldon
Recreation:	Engelau, Tynan, Sheldon
Printing, License & Franchise:	Lambo, Engelau, Kunz
Public Works:	DiMaio, Tynan, Sheldon
Ordinance & Municipal Affairs:	Kunz, Tynan, DiMaio
Finance:	Engelau, DiMaio, Lambo

Ad Hoc Committees:

Insurance:	Tynan, Sheldon, Lambo
Personnel & Employee Negotiation:	Sheldon, DiMaio, Kunz
Rescue Squad Coordinating:	Sheldon, Kunz, Lambo
Community Development:	Engelau, Lambo, DiMaio
Board of Ed Liaison:	Lambo, Engelau, Kunz
University Liaison:	Engelau, DiMaio, Tynan
Parking Authority Liaison:	DiMaio, Kunz
BID Liaison:	Kunz, Engelau

Mayor DiGiovanni appointed the following as Police Matrons and Crossing Guards: Joann Armstrong, Ann Bell, Kim Carvino, Judith Finn, Cynthia Thielitz-Jones, Shirley Kuipers, Dolores Reagle, Kim Smith, Linda Stadtler, Judith Stone, Mariellen Tynan, Pauline Volkert, Helena Weingarten.

Motion was made (Sheldon) and seconded (DiMaio) to confirm Mayor DiGiovanni's appointment of the following as Police Matrons and Crossing Guards: Joann Armstrong, Ann Bel, Kim Carvino, Judith Finn, Cynthia Theilitz-Jones, Shirley Kuipers, Dolores Reagle, Kim Smith, Linda Stadtler, Judith Stone, Mariellen Tynan, Pauline Volkert, Helena Weingarten.

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

Mayor DiGiovanni appointed Edward Syfor to the position of Fire Police Chief, Charles Syfor to the position of Fire Police Assistant Chief and the following as Fire Police Members: Kjell Hektoen, Bill Welsh and Mike Palko, Jr.

Motion was made (Sheldon) and seconded (Tynan) to confirm Mayor DiGiovanni's appointment of Edward Syfor to the position of Fire Police Chief, Charles Syfor to the position of Fire Police Assistant Chief and the following as Fire Police Members: Kjell Hektoen, Bill Welsh and Mike Palko, Jr.

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

Mayor DiGiovanni appointed Arthur Sheldon to the position of Parking Authority Member with term expiring December 31, 2021.

Motion was made (Sheldon) and seconded (Engelau) to appoint Arthur Sheldon to the position of Parking Authority Member with a term expiring December 31, 2021.

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

Abstain – Sheldon

Mayor DiGiovanni appointed James O'Connor to the position of Alternate Construction Official with a term expiring December 31, 2017.

Motion was made (DiMaio) and seconded (Tynan) to confirm Mayor DiGiovanni's appointment of James O'Connor to the position of Alternate Construction Official with a term expiring December 31, 2017.

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

Mayor DiGiovanni appointed James O'Connor to the position of Alternate Building Subcode Official with a term expiring December 31, 2017.

Motion was made (Sheldon) and seconded (Lambo) to confirm Mayor DiGiovanni's appointment of James O'Connor to the position of Alternate Building Subcode Official with a term expiring December 31, 2017.

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

Mayor DiGiovanni appointed Charles Carro, Esquire to the position of Deputy Municipal Prosecutor with a term expiring December 31, 2017.

Motion was made (Sheldon) and seconded (Tynan) to confirm Mayor DiGiovanni's appointment of Charles Carro, Esquire to the position of Deputy Municipal Prosecutor with a term expiring December 31, 2017.

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

Mayor DiGiovanni appointed Roger Skoog, Esquire to the position of Deputy Municipal Prosecutor with a term expiring December 31, 2017.

Motion was made (Sheldon) and seconded (Tynan) to confirm Mayor DiGiovanni's appointment of Roger Skoog, Esquire to the position of Deputy Municipal Prosecutor with a term expiring December 31, 2017.

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

Mayor DiGiovanni appointed Mary Matusiewicz to the position of Historic Preservation Commission Clerk with a term expiring December 31, 2017, Joseph Bristow to the position of

Planning Board Class I Member: (Mayor's Alternate) with a term expiring December 31, 2017, Joseph Clarke to the position of Planning Board Class II Member (Environmental Commission) with a term expiring December 31, 2017, Robert Stead to the position of Planning Board Class IV Member with a term expiring December 31, 2020, Corey Tierney to the position of Planning Board Member Class IV Member with a term expiring December 31, 2020 and Patrick Swaszek to the position of Planning Board Class IV Member with a term expiring December 31, 2019.

Motion was made (DiMaio) and seconded (Tynan) to appoint Councilperson Lambo to the position of Planning Board Class III Member with a term expiring December 31, 2017.

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

Abstain – Lambo

Motion was made (DiMaio) and seconded (Engelau) to appoint Michele Morpeth to the position of Zoning Board of Adjustment Member with a term expiring December 31, 2020.

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

Motion was made (DiMaio) and seconded (Engelau) to appoint Michael Wozniak to the position of Zoning Board of Adjustment Member with a term expiring December 31, 2020.

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

Motion was made (DiMaio) and seconded (Engelau) to appoint Roger Burd to the position of Zoning Board of Adjustment with a term expiring December 31, 2020.

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

Motion was made (DiMaio) and seconded (Sheldon) to appoint Donna Walling to the position of Zoning Board of Adjustment, 1st Alternate with a term expiring December 31, 2018.

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

Motion was made (DiMaio) and seconded (Tynan) to appoint Leonard Kunz, Jr. to the position of HMUA Board Member with a term expiring February 1, 2022.

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

Abstain – Kunz

Motion was made (Sheldon) and seconded (Kunz) to appoint Regina McKenna to the position of Tax Search Office with a term expiring December 31, 2017.

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

Motion was made (DiMaio) and seconded (Kunz) to appoint William Kuster, Jr. to the position of Assessment Search Officer with a term expiring December 31, 2017.

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

Motion was made (Sheldon) and seconded (Tynan) to appoint Joann Fascenelli to the position of Recycling Coordinator with a term ending December 31, 2017.

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

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

Resolution

BE IT RESOLVED that the Chief Financial Officer be designated as the certifying agent for the Public Employee Retirement System, Police and Fire Retirement System, and the NJ Social Security Agency.

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

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

Resolution

BE IT RESOLVED that the Town Clerk/Administrator is hereby designated as certifying agent for the NJ Department of Personnel (Civil Service).

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

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

Resolution

BE IT RESOLVED that the Town Clerk/Administrator is hereby designated as the official responsible for checking and verification of all delivery slips and vouchers for items payable by the Town of Hackettstown.

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

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

Resolution

BE IT RESOLVED that the Police Manual of the Town of Hackettstown, NJ, containing the rules and regulations governing the Hackettstown Police Department be readopted.

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

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

Resolution

BE IT RESOLVED that except in cases of extreme emergency, any necessary expenditure of \$7,500.00 or more, whether current budget, operating expense or capital budget must have prior approval of the Common Council before the encumbrance of funds.

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

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

BE IT RESOLVED that prior to the placement of any purchase order in excess of \$5,000.00, the Town Clerk/Administrators approval must be received.

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

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

Resolution

WHEREAS, NJSA 54:4-66 provides that taxes are payable in quarterly installments on the first of February, May, August and November in each year with installments becoming delinquent if not paid on or before those dates; and

WHEREAS, NJSA 54:4-67 has been amended to permit the fixing of said rate of eight (8) percent per annum on the first \$1,500.00 of the delinquency, and eighteen (18) percent per annum on any amount in excess of \$1,500.00 and allows an additional penalty of 6% to be

collected against a delinquency in excess of \$10,000.00 on accounts that fail to pay the delinquency prior to the end of the fiscal year; and

NOW THEREFORE BE IT RESOLVED that in accordance with NJSA 54:4-67, the Tax Collector is hereby authorized and directed to charge eight (8) percent per annum on the first \$1,500.00 of tax or assessment delinquency after the due date and eighteen (18) percent per annum on any tax or assessment delinquency after the due date in excess of \$1,500.00. An additional penalty of six (6) percent shall be charged against the total delinquency if the arrears of \$10,000.00 remain at the end of the fiscal year; and

BE IT RESOLVED that no interest shall be charged if any installment is paid within ten (10) calendar days after the date upon which the same is due. However, if paid after the expiration of the ten (10) calendar days after the date upon which the same is due. However, if paid after the expiration of the ten (10) day grace period the interest charged shall be calculated from the original due date and not from the end of the grace period; and

BE IF FURTHER RESOLVED that no interest shall be charged senior citizens who pay their taxes with their social security check within thirty (30) days of the taxes due date; and

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to hold a tax sale in accordance with law.

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

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

Resolution

BE IT RESOLVED that William Kuster be appointed Public Agency Compliance Office for the year 2017.

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

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

Resolution

BE IT RESOLVED that William Kuster be appointed Health Benefits Administrator for the year 2017.

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

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

Resolution

BE IT RESOLVED that the Cash Management Plan for the Town of Hackettstown be readopted for 2017.

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

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

Resolution

BE IT RESOLVED by the Mayor and Common Council for the Town of Hackettstown, NJ as follows:

1. The following schedule for the regular meetings of the Mayor and Council for 2017 is hereby adopted:

January 1...1:00 pm	May	11...7:00 pm	September 28...7:30 pm
January 12...7:00 pm	May	25...7:00 pm	October 12...7:30 pm

January 26...7:00 pm	June	08...7:00 pm	October 26...7:30 pm
February 09...7:00 pm	June	22...7:00 pm	November 09...7:30 pm
February 23...7:00 pm	July	13...7:00 pm	November 20...7:30 pm
March 09...7:00 pm	July	27...7:00 pm	December 14...7:30 pm
March 23...7:00 pm	August	10...7:00 pm	December 28...6:30 pm
April 13...7:00 pm	August	24...7:00 pm	
April 27...7:00 pm	September	14...7:00 pm	

2. All regular meetings will be held in the Municipal Building, 215 Stiger Street, Hackettstown, NJ, on the date and time indicated except for January 1st held in the Hackettstown High Auditorium, Warren Street, Hackettstown, NJ.
3. A copy of the Resolution will be prominently posted by the Town Clerk throughout 2017 on the bulletin board in the lobby of the Municipal Building.
4. The Town Clerk, upon adoption of this Resolution, will mail copies to the Daily Record, Parsippany, NJ, which is designated as the official newspaper for publication of legal notification; which said newspaper is hereby designated to receive notices of the meetings of the Mayor and Common Council of the Town pursuant to Section 3 (d) of the Open Public Meetings Act (Chapter 231, P.L. 1975); and will cause to be published in said newspaper a notice of the time, place and date of all regular meetings.
5. The Town Clerk will file a copy of this Resolution in the Town Clerk's Office, and this Resolution shall remain on file throughout 2017.
6. A copy of this Resolution, or any revision thereto, or any advance written notice of any regular, special or rescheduled meeting during 2017 will be mailed by regular mail to any person making written application for the same pursuant to Section 14 of the Open Public Meetings Act (Chapter 231 P.L. 1975) upon payment by said person of FIFTEEN DOLLARS (\$15.00) to the Town Clerk. Notices of meetings requested by the news media in writing shall be mailed by regular mail to said news media without charge. All requests for notices made shall terminate on December 31st of each year, but shall be subject to renewal upon a new written request to the Mayor and Common Council.
7. At the commencement of all regular meetings, the Mayor or the Acting Mayor will announce publicly and shall cause to enter into the minutes of the meeting an accurate statement substantially as follows:

“Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by:

 - (1) posting a schedule of all regular meetings of the Mayor and Common Council on the bulletin board in the lobby of the Municipal Building; and
 - (2) mailing a copy of the schedule of regular meetings to the Daily Record and causing a notice of said schedule to be published in said newspaper; and
 - (3) mailing or delivering a copy of the schedule of regular meetings for 2017 to those persons requesting the same pursuant to the Open Public Meetings Act; and
 - (4) filing a copy of the schedule of all regular meetings for 2017 with the Town Clerk/Administrator.
8. The Town Clerk shall keep reasonably comprehensive minutes of all meetings of the Mayor and Common Council, showing the time and place, the members present, the subjects considered, the action taken, the vote of each member, and any other information required by law which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with Section 7 of the Open Public Meetings Act.
9. The minutes of each meeting shall become public as soon as they are prepared by the Town Clerk promptly after each meeting. Before releasing the minutes prior to formal approval by the Mayor and Common Council, a statement is to be placed at the top of them stating: “These minutes have not been formally approved and are subject to change or modification by the Mayor and Common Council at its next meeting”.

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

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

Resolution

RESOLUTION authorizing the Municipal Attorney of the Town of Hackettstown to file municipal appeals and enter into stipulations on behalf of the Town of Hackettstown.

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

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

Resolution

WHEREAS, certain properties must be added or deleted from the Business Improvement District listing; and

WHEREAS, the following properties must be deleted due to change in classification:

Block 61, Lot 10 – Account #22-0 – Class 2
Block 77, Lot 8 – Account #115-0 – Class 2
Block 129, Lot 17 – Account #212-0 – Class 1
Block 77, Lot 5 – Account #113-0 – merged with Block 77, Lot 4
Block 77, Lot 6 – Account #114-0 – merged with Block 77, Lot 4

NOW, THEREFORE, BE IT RESOLVED on this 12th day of January, 2017 by the Mayor and Common Council of the Town of Hackettstown that the above changes are in effect.

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

Motion was made (Engelau) and seconded (Kunz) that ordinance entitled, ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK, be introduced and passed on first reading and that a public hearing be held thereon and it be considered for final passage at 7:00 PM on February 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 members of 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) that ordinance 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 for final passage at 7:00 PM on January 26, 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 members of the general public who request such copies

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

Motion was made (DiMaio) and seconded (Kunz) to approve the installation of informational signs for St. James Church at four locations in Town with the approval of the DPW Director and a Certificate of Insurance provided to the Town.

Roll Call vote: Yes – DiMaio, Engelau, Sheldon and Tynan

No – Kunz and Lambo

Motion was made (Lambo) and seconded (Kunz) to request the Recreation Commission members to attend the January 26, 2017 Council meeting to discuss open space use at the former Bergen Machine property.

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

No – DiMaio and Sheldon

Motion was made (DiMaio) and seconded (Sheldon) to award the police in-car camera system upgrade to Advanced Electronics Design, North Attleboro, MA, in the amount of \$32,233.00 under the New Jersey State Contract #81300.

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

Motion was made (Kunz) and seconded (Sheldon) 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 January 12, 2017 for the reason that the following subject matter will be discussed:

Contractual Matters

2. 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.
3. 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 – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

The meeting closed at 7:50 PM and reopened at 8:00 PM. The Mayor stated that no formal action was taken by the Council during Executive Session.

Motion was made (Sheldon) and seconded (Kunz) to adjourn this meeting at 8:01 PM.

Roll Call Vote: 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.

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.

Maria DiGiovanni, Mayor

William Kuster, Jr., Town Clerk