

September 14, 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 September 14, 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, Engelau, Kunz, Lambo and Sheldon

Absent – Councilperson DiMaio and Tynan

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

Larry Mew, 200 Main Street, requested that parking spaces be reserved and signs be posted allowing parking for Purple Heart recipients.

David Wagner, 103 E. Prospect Street, requested the Mayor and Council approve the opening of E. Prospect Street to allow Elizabethtown Gas to run natural gas service to his home.

Motion was made (Sheldon) and seconded (Lambo) to approve the opening of the road at 103 E. Prospect Street for Elizabethtown Gas to install a gas line.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the minutes of the regular minutes held on August 10, 2017 as submitted.

Roll Call Vote: Yes – Engelau, Kunz and Lambo

Abstain – Sheldon

Motion was made (Sheldon) and seconded (Lambo) to approve a ten year Interlocal Service Agreement for the provision of 9-1-1 Telecommunications Service, non-emergency call-taking radio dispatching and related services with the County of Warren.

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

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

Resolution

WHEREAS, the Town of Hackettstown is a municipal corporation of the State of New Jersey; and

WHEREAS, THE County of Warren is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Town and the County has entered into an Interlocal Service Agreement for the Provision of 9-1-1 Telecommunications Service, Non-Emergency Call-Talking, Radio Dispatching (Where Applicable), and Related Services (hereinafter referred to as “Agreement for the Provision of 9-1-1 Telecommunication Services”); and

September 14, 2017 (continued)

WHEREAS, the Town, the Hackettstown Fire Department, and the Hackettstown First Aid and Rescue Squad hold licenses for the following radio frequencies: Hackettstown Police repeater frequencies (154.875/156.030 MHz); Hackettstown EMS simplex frequency (47.500 MHz) (hereinafter, collectively referred to as the “Town’s Frequencies”); and

WHEREAS, in connection with the Agreement for the Provision of 9-1-1 Telecommunication Services, the Town has permitted to County to utilize the Town’s Frequencies.

NOW, THEREFORE, with the foregoing recitals incorporated herein by reference and in consideration of One Dollar (\$1.00) and other good and valuable consideration, including the mutual covenants contained herein, the parties hereto intending to be legally bound hereby agree as follows:

1. Services

The Town, the Hackettstown Fire Department, and the Hackettstown First Aid and Rescue Squad permits the County to use the following radio frequencies, owned and licensed by the Town, in furtherance of the County fulfilling its obligation under the Agreement for the Provision of 9-1-1 Telecommunication Services:

- Hackettstown Police repeater frequencies (154.875/156.030 MHz)
- Hackettstown EMS simplex frequency (47.500 MHz); and
- Hackettstown Fire simplex frequency (46.520 MHz).

The Town shall retain all ownership interests in any radio frequency license they exclusively hold.

The County retains all ownership interest in any radio frequency license they exclusively hold, which includes the following radio frequencies:

- Warren County Mobile Data Terminal (MDT) frequencies (frequencies not listed for security purposes);
- Fire-1 (46.140 MHz) for base station, tone altering/dispatching, or siren activation purposes);
- Warren County Fire Ground frequencies (45.980, 45.880, 46.060, 45.220, 46.120 MHz) for events occurring within the borders of the Town of Hackettstown;
- Warren County TAC-1 repeater pair (158.160/156.015 MHz), and
- EMS tactical frequencies (155.235 and 158.940 MHz) for events occurring within the borders of the Town of Hackettstown.

2. Term & Renewal

The Contract term shall commence upon execution of the Agreement and shall continue for a period of one (1) year. This Agreement shall be automatically renewed on an annual basis, unless either party provides written notice of non-renewal sixty (60) days prior to the end of the contract term.

3. Termination

Either party to this Agreement may, by fiving written notice to the other party, terminate this Agreement upon sixty (60) days written notice.

4. Entire Agreement

This Agreement sets forth the entire understanding of the parties hereto with respect to its subject matter. The Agreement shall not be modified, except by writing signed by each of the Parties hereto.

5. Governing Law

September 14, 2017 (continued)

This Agreement shall, in all respects, be governed by and construed under the laws of the State of New Jersey.

6. Severability

If any term or condition of this Agreement, or any application of this Agreement shall be determined to be contrary to the laws of the State of New Jersey or the United States, such terms or conditions or application shall not be deemed to be valid, except to the extent permitted by law, but all other terms and conditions and application shall continue in full force and effect.

7. Public Inspection

Each party shall maintain a copy of this Agreement of file at its offices, which shall be open to the public for inspection.

8. Notices

All notices and other communication hereunder shall be in writing and shall be deemed to have been given when delivered, or three (3) days after mailed by first class, registered or certified mail, postage prepaid addressed to:

To Town Clerk: Town of Hackettstown
215 Stiger Street
Sheldon, NJ 07840

To County Administrator: County of Warren
Wayne R. Dumont, Jr. Administration Building
165 Route 519
Belvidere, NJ 07823

9. Agreement Approval

This Agreement has been approved by both parties to the Agreement at a duly convened public meetings. The Freeholder Director, on behalf of the County of Warren, and the Sheldon, on behalf of the Town of Sheldon, are authorized to execute this Agreement.

Roll Call Vote: Yes – Engela, Kunz and Lambo

No – Sheldon

Motion was made (Sheldon) and seconded (Lambo) 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 59, Lot 5 147 Liberty St
Tax Sale Certificate #15-00111
Assessed to: Giraldo, Jesus & Rengifo, Francy
147 Liberty St
Sheldon, NJ 07840

NOW THEREFORE BE IT RESOLVED on this 14th day of September, 2017 that the Chief Financial Officer is hereby authorized to issue a check for \$1,383.98, plus premium of \$700.00 for a total of \$2,083.98 to the lien holder:

US Bank Cust f/PC5 Sterling Nat
50 South 16th Street, Suite 2050

September 14, 2017 (continued)

Philadelphia, PA 19102

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

Motion was made (Lambo) and seconded (Sheldon) 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 properties by certified mail return receipt requested and regular mail; and

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

WHEREAS, the property owners failed to remove the debris, brush and obnoxious growth within ten days of their receipt of the 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 of 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 ads taxes, and shall be collected and enforced by the tax collector in the same manner as taxes:

<u>Property Address</u>	<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Cost</u>
178 College View	114	8	Stoesenrether, T	\$190.00
237 Main St	71	9	Grand Hack Square	\$190.00

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

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

Resolution

WHEREAS, the salary ordinance for the Town of Hackettstown was adopted by the Mayor and Common Council at a meeting held on March 10, 2016; and

WHEREAS, the salary ordinance provides for ranges of salary.

NOW THEREFORE BE IT RESOLVED, that the following 2017 salaries are established for employees currently in the following positions, effective October 1, 2017:

Zoning Officer	\$39,106	annual
----------------	----------	--------

(this increases the salary by \$3,008 annually for an additional 4 hours per month, for the purpose of implementing Ordinance #2017-04, Regulation of Vacant and Abandoned Properties)

September 14, 2017 (continued)

Roll Call Vote: Yes – Engelau, Kunz and Lambo

No – Sheldon

Motion was made (Sheldon) and seconded (Lambo) to authorize the Mayor and Council to review the Parking Authority and Municipal Utilities Authority to review the current state of operations, and that they are successfully fulfilling the mission for which the ordinance created them to perform. The Mayor and Council found that each authority is fully staffed; each board has a full membership that meets regularly to review the operations of the authorities. Each board also contains a municipal employee or council member, which helps to facilitate the communication between the authorities and the municipality. The Mayor and Council have determined that each authority continues to effectively and efficiently serve the public interests of the residents of the Town of Hackettstown.

Roll Call Vote: Yes – Engelau, Lambo and Sheldon

Abstain – Kunz

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2017-15 in the amount of \$345,744.76 and check register #2017-16 in the amount of \$1,625,193.10.

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

Motion was made (Sheldon) and seconded (Engelau) to approve raffle license #1155 for the Hackettstown Elks Lodge #2331 to hold a Wheelbarrow of Cheer.

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

Motion was made (Sheldon) and seconded (Lambo) to acknowledge the resignation/retirement of Patti Zotti effective September 30, 2017.

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

Motion was made (Lambo) and seconded (Sheldon) to hire Shannon Drylie to the positions of Planning Board Secretary and Zoning Board of Adjustment Secretary at a combined salary of \$15,000.00 (\$7,500.00 per Board).

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

Motion was made (Sheldon) and seconded (Engelau) that ordinance #2017-12 entitled, AN ORDINANCE TO AMEND THE ORDINANCE FIXING THE SALARY AND OTHER BENEFITS OF CERTAIN OFFICERS AND EMPLOYEES OF TH TOWN OF Hackettstown, NEW JERSEY FOR THE YEAR 2017, 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 October 12, 2017; the Town Clerk to publish the ordinance together with Notice of Haring in the Daily Record, to post the ordinance and Notice of Haring 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 – Engelau, Kunz, Lambo and Sheldon

Motion was made (Engelau) and seconded (Kunz) to hire Ryan Dimiceli to the position of Department of Public Works Laborer at \$16.50 per hour effective October 2, 2017 with the condition he obtain his CDL in one year.

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

Motion was made (Sheldon) and seconded (Lambo) to hire Patricia Crane and Carolyn J. Cavanagh to the positions of part time crossing guards at a rate of \$12.10 per hour.

September 14, 2017 (continued)

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

Motion was made (Engelau) 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 September 14, 2017 for the reason that the following subject matter will be discussed:

Payment in Lieu of Taxes
WAWA & Apartments

2. The Mayor and Common Council may exclude the public from the meeting pursuant of 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 contacts.

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

The meeting was closed at 7:45 PM and reopened at 8:10 PM. The Mayor stated that no formal action was taken by the Council during Executive Session.

Motion was made (Sheldon) and seconded (Engelau) to award the Stand-By Power Generator Installation at Town Hall, the DPW Building and Moore Street Firehouse, Fema Generator Grant, to Innovative Electrical Contracting, Flanders, NJ in the amount of \$134,717.00.

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

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

Resolution

WHEREAS, the Planning Board of the Town of Hackettstown, County of Warren, State of New Jersey, (the “Board”) adopted its current Master Plan pursuant to NJSA 40:55D-28 in 1988, and adopted Master Plan Reexaminations in 2001, 2008 and 2012; and

WHEREAS, the Master Plan includes a Housing Element pursuant to NJSA 40:55D-28b(3); and

WHEREAS, NJAC 5:97-2.1(a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

WHEREAS, NJAC 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the total 1987-2018 fair share obligation of the Town of Hackettstown; and

WHEREAS, NJAC 5:97 has been the subject of litigation initiated by the Fair Share Housing Center; and

WHEREAS, the Town of Hackettstown wishes to be certified complaint with its constitutional obligation to provide affordable housing; and

WHEREAS, on January 12, 2017, the Town of Hackettstown entered into a Settlement Agreement with the Fair Share Housing Center was approved by the New Jersey Superior Court; and

WHEREAS, the Board directed its professional planner to prepare a Housing Element and Fair Share Plan (“HEFSP”) in accordance with the approved Settlement Agreement between the

September 14, 2017 (continued)

Town of Hackettstown and the Fair Share Housing Center, in accordance with guidance provided by the courts; and

WHEREAS, the Board’s professional planner prepared a HEFSP for the period between 1999 and 2025; and

WHEREAS, NJAC 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

WHEREAS, upon notice duly provided pursuant to NJSA 40:55D-13, the Planning Board of the Town of Hackettstown held a public hearing on the Housing Element and Fair Share Plan on July 25, 2017; and

WHEREAS, the Planning Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the Town of Hackettstown’s current Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are into eh public interest and protect public health and safety and promote the general welfare.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Town of Hackettstown, County of Warren, State of New Jersey, that the Planning Board hereby adopts the July 2017 Housing Element and Fair Share Plan.

Roll Call Vote: Yes – Engellau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Kunz) to adjourn this meeting at 8:30 PM.

Roll Call Vote: Yes – Engellau, Kunz, Lambo and Sheldon

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