

January 25, 2018

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 25, 2018. 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, and Sheldon

Absent – Councilperson Tynan

Acting Mayor DiMaio presented a proclamation in honor of Gerald DiMaio, Sr.

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

Gus Bordi, member of the Hackettstown Board of Education, spoke of the Board's wishes to improve the lines of communication, and as such, he will be the contact person from the Board to the Town Council and Mayor.

Motion was made (Sheldon) and seconded (DiMaio) to approve the minutes of the regular meeting held on December 28, 2017 as submitted.

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

Abstain – Lambo

Motion was made (DiMaio) and seconded (Sheldon) to approve the minutes of the regular meeting held on January 1, 2018 as submitted.

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

Mayor DiGiovanni opened the public hearing on ordinance #2018-01 entitled, ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA 40A:4-45.14), which was introduced and passed on first reading on January 11, 2018 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 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 comment from the public, Mayor DiGiovanni closed the public hearing and discussion returned to Council.

Motion was made (DiMaio) and seconded (Engelau) that ordinance #2018-01 entitled, **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA 40A:4-45.14)** be adopted on second and final reading and that Notice of Final Adoption be published.

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

January 25, 2018 (continued)

Motion was made (DiMaio) and seconded (Sheldon) that ordinance #2018-03 entitled, **AN ORDINANCE OF THE TOWN OF Hackettstown GRANTING A UTILITY EASEMENT TO THE Hackettstown MUNICIPAL UTILITIES AUTHORITY FOR THE PURPOSE OF OPERATING, REPAIRING, ALTERING, AND PERPETUALLY MAINTAINING A UTILITY LINE OR LINES ON PORTION OF LOT 22, LOT 71,** 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 8, 2018; 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 – Engelau, Lambo and Sheldon

Abstain – DiMaio and Kunz

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

Resolution

BE IT RESOLVED by the Council of the Town of Hackettstown that effective January 25, 2018 the following Town officials are hereby authorized to sign checks where a combination of three principal signatures are required:

Maria DiGiovanni, William Kuster, Jr., Danette Dyer and Paola J. Reilly

This resolution applies to the following Fulton Bank Accounts only:

Claims Account	0101021364
Money Market	0301004153
General Capital Account	0101021410

Dog Trust Account	0101021429
Performance Bond Account	0101021445
Special Pool Account	0101021453
POAA Account	0101021461
Recreation Account	0101021488
Recycling Account	0101021496
Unemployment Account	0101021518
Fire Prevention Penalty Trust	0101026552
Police Off-Duty Traffic	0101034415
Business Improvement District	0201034158
COAH Trust Fund	0101039433
Fire Department Penalty Trust	0120004191
Developers Escrow Account	0090009834
Forfeiture Account	0007884219

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

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

Resolution

WHEREAS, the Town of Hackettstown (hereinafter referred to as the “Employer”) by resolution previously adopted a Deferred Compensation Plan (hereinafter referred to as the “Plan”) for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation 1,.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree and Employer Recovery act of 2008 and the Small Business Act of 2010 amended sections of the Internal Revenue Code
January 25, 2018 (continued)

(the “Code”) and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the “Acts and Regulations”); and

WHEREAS, the Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations; and

WHEREAS, the Employer desires to adopt a restated plan that conforms with the changes in the Code and Treasury regulations resulting rom the Acts and Regulations; and

WHEREAS, such revised plan shall supersede the previously adopted plan; and

NOW, THEREFORE BE IT RESOLVED that the Employer hereby adopts a revised Plan 92-PD-Lincoln-121316.

BE IT FURTHER RESOLVED that Lincoln Retirement Services, LLC (hereinafter referred to as “Lincoln” has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

BE IT FURTHER RESOLVED that Lincoln will continue to provide for the benefit of the participants the Multi-Fund Variable Annuity contract; and or Alliance account; and

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any official and a representative of Lincoln in the selection of a provider pursuant to NJAC 5:37-5.7.

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to execute an Administrative Services Agreement with Lincoln (94-SA-Lincoln-112017 & 92-SA-Lincoln-121316) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to serve as the “Administrator” of the plan, represent the Employer, and execute individual deferred compensation agreements with each said employee; and

BE IT FURTHER RESOLVED by the Employer that the Clerk forward a certified true copy of this resolution to the Chief Financial Officer; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at PO Box 803; Trenton, NJ 08625-0803.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2018-01 in the amount of \$3,906,146.10.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the taxi cab drivers license application for Larry Piedra through May 1, 2018.

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

Motion was made (Kunz) and seconded (Lambo) to authorize the Town Attorney to prepare and ordinance for no parking on Fifth Avenue, northside from the intersection of Reese Avenue to a point 450 west.

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

January 25, 2018 (continued)

Motion was made (Engelau) and seconded (Sheldon) to approve the special event license application for the Hackettstown BID to hold a St. Patrick's Day Parade on March 11, 2018, to waive the \$50.00 application fee and to charge no Town costs.

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

Motion was made (Engelau) and seconded (Sheldon) to approve the special event license application for the Hackettstown BID to hold a Winterfest on February 17, 2018, to waive the \$50.00 application fee and to charge no Town costs.

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

Motion was made (Engelau) and seconded (Sheldon) to approve the special event license application to hold a Special Olympics-Area 3 Track and Field Competition on May 5, 2018, to waive the \$50.00 application fee and to charge no Town costs.

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

Motion was made (Engelau) and seconded (Sheldon) to approve the special event license application to hold a Smiles for Margaret 5K Run on November 24, 2018, to waive the \$50.00 application fee and to charge no Town costs.

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

Motion was made (Sheldon) and seconded (DiMaio) to approve the extended medical leave of absence for David Krolak through February 28, 2018.

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

Motion was made (Engelau) 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:

- That the public be excluded from attendance at a portion of its meeting to be held on January 25, 2018 for the reason that the following subject matter will be discussed:

Contract Negotiations
Mobilitie

- 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.
- 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 and Sheldon

The meeting was 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.

Mayor DiGiovanni appointed Terrie Allen to the position of Class C Member of the Historic Preservation Commission from Second Alternate position with a term expiring December 31, 2021.

January 25, 2018 (continued)

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

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

Roll Call Vote: Yes – DiMaio, Engelau, 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