January 10, 2019

The Mayor and Common Council convened in open session in the Municipal Building at 215 Stiger Street, Hackettstown, New Jerseyat 7:00 PM on January 10, 2019. 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, Hinrichs, Kunz,

 and Sheldon

 Absent – Councilperson Tynan

Mayor DiGiovanni presented a proclamation in recognition of School Choice Week.

Acting Mayor DiMaio administered the Oath of Allegiance to Police Officer Ryan Blankenship.

Mayor DiGiovanni administered the Oath of Allegiance to Police Officer Robert J. Salus.

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

No one wished to speak at this time.

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

 Fire: DiMaio, Sheldon, Kunz

 Sanitation: Hinrichs, Sheldon, Engelau

 Police: DiMaio, Tynan, Kunz

 Welfare Tynan, Kunz, Hinrichs

 Lighting: Tynan, Kunz, Hinrichs

 Recreation: Engelau, Tynan, Sheldon

 Printing, License & Franchise: Hinrichs, Tynan, Engelau

 Public Works: Sheldon, DiMaio, Tynan

 Ordinance & Municipal Affairs: Kunz, Tynan, DiMaio

 Finance: Engelau, DiMaio, Hinrichs

 Ad Hoc Committees:

 Insurance: Tynan, Sheldon, Hinrichs

 Personnel & Employee Negotiation: Sheldon, DiMaio, Kunz

 Rescue Squad Coordinating: Sheldon, Kunz, Engelau

 Community Development: Kunz, Sheldon, Hinrichs

Board of Ed Liaison: Hinrichs, Engelau, Kunz

University Liaison: Engelau, DiMaio, Tynan

Parking Authority Liaison: DiMaio, Engelau

BID Liaison: Kunz, Engelau

Mayor DiGiovanni appointed the following as police matrons: Joann Armstrong, Ann Bell, Kim Carvino, Carolyn Cavanagh, Patricia Crane, Cynthia Thielitz-Jones, Shirley Kuipers, Derek Owens, Dolores Reagle, Kim Smith, Judith Stone, Maurine Tice, Mariellen Tynan, Pauline Volkert.

January 10, 2019 (continued)

Motion was made (Sheldon) and seconded (DiMaio) to confirm Mayor DiGiovanni’s appointment of the following as police matrons: Joann Armstrong, Ann Bell, Kim Carvino,

Carolyn Cavanagh, Patricia Crane, Cynthia Thielitz-Jones, Shirley Kuipers, Derek Owens, Dolores Reagle, Kim Smith, Judith Stone, Maurine Tice, Mariellen Tynan, Pauline Volkert.

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

Mayor DiGiovanni appointed Edward Syfor to the position of Fire Police Chief, Charles Syfor to the position of Assistant Fire Police Chief and Mike Palko, Jr. to the position of Fire Police Member.

Motion was made (Sheldon) and seconded (Engelau) to confirm Mayor DiGiovanni’s appointment of Edward Syfor to the position of Fire Police Chief, Charles Syfor to the position of Assistant Fire Police Chief and Mike Palko, Jr. to the position of Fire Police Member.

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

Mayor DiGiovanni appointed James O’Connor to the position of Alternate Construction Official with a term expiring December 31, 2019 and James O’Connor to the position of Alternate Building Subcode Official with a term expiring December 31, 2019.

Motion was made (Sheldon) and seconded (Hinrichs) to confirm Mayor DiGiovanni’s appointment of James O’Connor to the position of Alternate Construction Official with a term expiring December 31, 2019 and James O’Connor to the position of Alternate Building Subcode Official with a term expiring December 31, 2019.

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

Mayor DiGiovanni appointed Darren Tynan to the position of Deputy Emergency Management Coordinator with a term expiring December 31, 2019, Gerald DiMaio, Jr. to the position of Deputy Emergency Management Coordinator with a term expiring December 31, 2019, Mary Matusewicz to the position of Historic Preservation Commission Clerk with a term expiring December 31, 2019, Brian Weaver to the position of Municipal Land Use Board, Class II Member with a term expiring December 31, 2019, Joseph Bristow to the position of Municipal Land Use Board, Class I Member with a term expiring December 31, 2019, Donald Sherman to the position of Municipal Land Use Board Alternate #1 with a term expiring December 31, 2019 and James Lambo to the position of Municipal Land Use Board Alternate #2 with a term expiring December 31, 2020.

Motion was made (DiMaio) and seconded (Sheldon) to appoint Councilperson Engelau to the position of Municipal Land Use Board, Class III Member with a term expiring December 31, 2019.

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

 Abstain – Engelau

Motion was made (Engelau) and seconded (Kunz) to appoint John DiMaio to the position of HMUA Board Member with a term expiring February 1, 2024.

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

Motion was made (Sheldon) and seconded (DiMaio) to appoint Patricia Noll to the position of Tax Search Officer with a term expiring December 31, 2019.

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

Motion was made (Sheldon) and seconded (DiMaio) to appoint William Kuster, Jr. to the position of Assessment Search Officer with a term expiring December 31, 2019.

January 10, 2019 (continued)

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

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 Retirements System, and the NJ Social Security Agency.

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

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, Hinrichs, Kunz adn Sheldon

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

Resolution

BE IT RESOLVED that the Town Clerk/Administrator or his Deputy be 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, Hinrichs, Kunz and Sheldon

Motion was made (Sheldon) and seconded (DiMaio) 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, Hinrichs, Kunz and Sheldon

Motion was made (Sheldon) and seconded (Hinrichs) 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, Hinrichs, Kunz and Sheldon

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

Resolution

BE IT RESOLVED that prior to the placement of any purchase order in excess of $500.00, the Town Clerk/Administrators approval must be received.

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

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

January 10, 2019 (continued)

WHEREAS, NJSA 54:4-66 provides that taxes are payable in quarterly installments on the fist 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, Hinrichs, Kunz and Sheldon

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

Resolution

BE IT RESOLVED THAT William Kuster be appointed Public Agency Compliance Officer for the year 2019.

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

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 2019.

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

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

Resolution

BE IT RESOLVED that the Cash Management Plan for the Town of Hackettstown be readopted for 2019.

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

January 10, 2019 (continued)

Motion was made (Sheldon) and seconded (Engelau) that ordinance #2019-01 entitled, AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND

TO ESTABLISH A CAP BANK (NJSA 40A:4-45.14), 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 13, 2019; 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 int eh 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, Hinrichs, Kunz and Sheldon

Motion was made (Sheldon) and seconded (Kunz) that ordinance #2019-02 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING SCHEDULE I OF CHAPTER 13 (ENTITLED “TRAFFIC AND PARKING) OF THE TOWN ORDINANCES PROHIBITING PARKING ON CERTAIN PORTIONS OF MITCHELL ROAD, 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 13, 2019; 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 int eh 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, Hinrichs, Kunz and Sheldon

Motion was made (Sheldon) and seconded (Kunz) that ordinance #2019-03 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING SECTION 13-6 (ENTITLED “PARKING RESTRICTIONS ON ALL STREETS”) OF ARTICLE 2 (ENTITLED “PROHIBITED PARKING, TIME-LIMIT PARKING, METERED PARKING AND METERED PARKING LOTS”) OF CHAPTER 13 (ENTITLED “TRAFFIC AND PARKING”) OF THE TOWN ORDINANCES PROHIBITING PARKING WITHIN FIVE FEET OF A DRIVEWAY, 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 13, 2019; 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 int eh 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, Hinrichs, Kunz and Sheldon

Motion was made (Sheldon) and seconded (DiMaio) 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 2019 is hereby adopted:

January 01…1:00 pm May 09…7:00 pm September 26…7:00 pm

January 10…7:00 pm May 23…7:00 pm October 10…7:00 pm

January 24…7:00 pm June 13…7:00 pm October 24…7:00 pm

February 13…7:00 pm June 27…7:00 pm November 14…7:00 pm

February 28…7:00 pm July 11…7:00 pm November 25…7:00 pm

March 14…7:00 pm July 25…7:00 pm December 12…7:00 pm

March 28…7:00 pm August 08…7:00 pm December 30…7:00 pm

April 11…7:00 pm August 22…7:00 pm

April 25…7:00 pm September 12…7:00 pm

1. All regular meetings will be held in the Municipal Building, 215 Stiger Street, Hackettstown, NJ on the date and time indicated.

January 10, 2019 (continued)

1. A copy of the Resolution will be prominently posted by the Town Clerk throughout 2019 on the bulletin board in the lobby of the Municipal Building.
2. The Town Clerk, upon adoption of this Resolution, will mail copies to the Daily Record, Parsippany, NJ and the New Jersey Herald, Newton, NJ, which said newspapers are 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, PL 1975); and will cause to be published in said newspaper a notice of the time, place and date of all regular meetings.
3. The Town Clerk will file a copy of this Resolution in the Town Clerk’s Office, and this Resolution shall remain on file throughout 2019.
4. A copy of this Resolution, or any revision thereto, or any advance written notice of any regular, special or rescheduled meeting during 2019 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 PL 1975) upon payment by said person of FIFTEEN DOLLARS ($15.00) to the Town Clerk. Notices of meetings requested by the new 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.
5. 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 the NJ Herald, causing a notice of said schedule to be published in said newspapers; and
3. Mailing or delivering a copy of the schedule of regular meetings for 2018 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 2019 with the Town Clerk/Administrator.
5. 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.
6. 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, as 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, Hinrichs, Kunz and Sheldon

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

Resolution

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, and faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

Whereas, the Town Council of the Town of Hackettstown, County of Warren, Sate of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

January 10, 2019 (continued)

WHEREAS, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Town Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Warren.

NOW THEREFORE BE IT RESOLVED by the Town of Hackettstown, County of Warren, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the Hackettstown Municipal Alliance grant for fiscal year 2020 in the amount of:

DEDR $8,033.00

Cash Match $2,410.00

In-Kind $6,025.0

1. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

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

Resolution

WHEREAS, there is presently pending before the Tax Court of the Sate of New Jersey, the matters intitled “Hudson City c/o M&T Bank vs. Town of Hackettstown”, which matters pertain to the appeals of the 2017 and 2018 tax years municipal property tax assessments for the property located at Block 74, Lot 11 and Block 80, Lot 3; and

WHEREAS, a proposed settlement has been reached in this matter through the negotiations of special counsel for the Town of Hackettstown, McKirdy, Riskin, Olson & DellaPelle, PC, and counsel for the property owner, and the Tax Court of New Jersey having been advised of the facts of the proposed settlement, subject, however, to approval by this governing body; and

WHEREAS, the subject properties had an original total assessment for the 2017 and 2018 tax years of $1,261,500.00; and

WHEREAS, the proposed settlement will reduce the total combined assessments on the subject properties to $1,150,000.00; for the 2017 tax year and $1,125,000.00 for the 2018 tax year; and

WHEREAS, the total combined assessment on the subject properties for the 2019 tax year will also be $1,125,000.00; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of $111,500.00 for the 2017 tax year, and $136,500.00 for the 2018 tax year; and

WHEREAS, the total refund due the plaintiff as a result of the within settlement are as follows: $3,305.98 for the 2017 tax year and $4,127.76 for the 2018 tax year; and

WHEREAS, the taxpayer, s part of the within settlement, will waive any pre-judgment interest due on any refunds provided the refunds are paid within 60 days of the date of entry of the Judgment by the Tax Court; and

WHEREAS, the within settlement shall be effectuated by way of Stipulation of Settlement executed by counsel for the property owner and special counsel for the Town of Hackettstown, said Stipulation to be filed with the Clerk of the Tax Court and appropriate Judgments to be issued in accordance therewith; and

January 10, 2019 (continued)

WHEREAS, the Town Council for the Town of Hackettstown, being the governing body of said Town, has deemed it to be in the public interest to approve said settlement; and it appearing that the settlement is fair and indicative of the true market value of said property.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Hackettstown by its governing body as follows:

1. The Town Council hereby approves the proposed settlement in these mattes as set forth above;
2. The law firm of McKirdy, Riskin, Olson & DellaPelle, PC, as special counsel for the Town of Hackettstown, is hereby authorized to enter into such Stipulation of Settlement and execute on behalf of the Town all necessary instruments and furtherance thereof;
3. The Tax Collector and treasurer for the Town of Hackettstown are hereby authorized to issue refund due the taxpayer in the within matter for the 2017 and 2018 tax years.

Resolution

WHEREAS, there is presently pending before the Tax Court of the Sate of New Jersey, the matters intitled “Mountain 320, LLC vs. Town of Hackettstown”, which matters pertain to the appeals of the 2017 and 2018 tax years municipal property tax assessments for the property located at Block 129, Lot 18; and

WHEREAS, a proposed settlement has been reached in this matter through the negotiations of special counsel for the Town of Hackettstown, McKirdy, Riskin, Olson & DellaPelle, PC, and counsel for the property owner, and the Tax Court of New Jersey having been advised of the facts of the proposed settlement, subject, however, to approval by this governing body; and

WHEREAS, the subject properties had an original total assessment for the 2017 and 2018 tax years of $1,575,000.00; and

WHEREAS, the proposed settlement will reduce the 2017 and 2018 assessments on the subject property to $1,200,000.00; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of $375,000.00 for 2017 and 2018 tax years; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of $111,500.00 for the 2017 tax year, and $136,500.00 for the 2018 tax year; and

WHEREAS, the total refund due the plaintiff as a result of the within settlement are as follows: $11,118.75 for the 2017 tax year and $11,340.00 for the 2018 tax year; and

WHEREAS, the taxpayer, as part of the within settlement, will waive any pre-judgment interest due on any refunds provided the refunds are paid within 60 days of the date of entry of the Judgment by the Tax Court; and

WHEREAS, the provisions of the Tax Court Freeze Act, NJSA 54:51A, will apply for the 2019 tax year; and

WHEREAS, the within settlement shall be effectuated by way of Stipulation of Settlement executed by counsel for the property owner and special counsel for the Town of Hackettstown, said Stipulation to be filed wit the Clerk of the Tax Court and appropriate Judgments to be issued in accordance therewith; and

WHEREAS, the Town Council for the Town of Hackettstown, being the governing body of said Town, has deemed it to be in the public interest to approve said settlement; and it appearing that the settlement is fair and indicative of the true market value of said property.

January 10, 2019 (continued)

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Hackettstown by its governing body as follows:

1. The Town Council hereby approves the proposed settlement in these mattes as set forth above;
2. The law firm of McKirdy, Riskin, Olson & DellaPelle, PC, as special counsel for the Town of Hackettstown, is hereby authorized to enter into such Stipulation of Settlement and execute on behalf of the Town all necessary instruments and furtherance thereof;
3. The Tax Collector and treasurer for the Town of Hackettstown are hereby authorized to issue refund due the taxpayer in the within matter for the 2017 and 2018 tax years.

Resolution

WHEREAS, there is presently pending before the Tax Court of the Sate of New Jersey, the matters intitled “Prim Acres by White Castle Systems, Inc. vs. Town of Hackettstown”, which matters pertain to the appeals of the 2014 and 2015 tax years municipal property tax assessments for the property located at Block 129, Lot 17; and

WHEREAS, a proposed settlement has been reached in this matter through the negotiations of special counsel for the Town of Hackettstown, McKirdy, Riskin, Olson & DellaPelle, PC, and counsel for the property owner, and the Tax Court of New Jersey having been advised of the facts of the proposed settlement, subject, however, to approval by this governing body; and

WHEREAS, the subject properties had an original total assessment for the 2014 and 2015 tax years of $1,328,100.00; and

WHEREAS, the proposed settlement will reduce the total combined assessments on the subject property to $1,063,500.00; for each of the the 2014 and 2015 tax years; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of $264,600.00 for each of the tax years in question; and

WHEREAS, the total refund due the plaintiff as a result of the within settlement are as follows: $7,152.14 for the 2014 tax year, and $7,392.52 for the 2015 tax year. Total tax savings for both tax years under appeal will, therefore, be $14,545.06; and

WHEREAS, the provisions of the Tax Court Freeze Act, NJSA 54:51A-8, will not apply to the within settlement; and

WHEREAS, the taxpayer, s part of the within settlement, will waive any pre-judgment interest due on any refunds provided the refunds are paid within 60 days of the date of entry of the Judgment by the Tax Court; and

WHEREAS, the within settlement shall be effectuated by way of Stipulation of Settlement executed by counsel for the property owner and special counsel for the Town of Hackettstown, said Stipulation to be filed wit the Clerk of the Tax Court and appropriate Judgments to be issued in accordance therewith; and

WHEREAS, the Town Council for the Town of Hackettstown, being the governing body of said Town, has deemed it to be in the public interest to approve said settlement; and it appearing that the settlement is fair and indicative of the true market value of said property.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Hackettstown by its governing body as follows:

1. The Town Council hereby approves the proposed settlement in these mattes as set forth above;
2. The law firm of McKirdy, Riskin, Olson & DellaPelle, PC, as special counsel for the Town of Hackettstown, is hereby authorized to enter into such Stipulation of

January 10, 2019 (continued)

Settlement and execute on behalf of the Town all necessary instruments and furtherance thereof;

1. The Tax Collector and treasurer for the Town of Hackettstown are hereby authorized to issue refund due the taxpayer in the within matter for the 2017 and 2018 tax years.

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

Motion was made (Sheldon) and seconded (Kunz) to adjourn this meeting at 7:40 PM.

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