November 21 2022

The Mayor and Common Council convened in open session in the Municipal Building at 215 Stiger Street, Hackettstown, New Jerseyat 7:00 PM on November 21, 2022. The meeting opened

with a salute to the Flag.

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 – Mayor DiMaio, Councilpersons Becker, Engelau, Kunz, Lambo, and

 Sheldon

 Absent – Councilperson Tynan

Motion was made (Sheldon) and seconded (Lambo) to approve the minutes of the regular meeting held on October 27, 2022 as submitted.

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

Motion as made (Sheldon) and seconded (Lambo) that ordinance #2022-10 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING SCHEDULE I OF CHAPTER 13 (ENTITLTED “TRAFFIC AND PARKING”) OF THE TOWN ORDINANCES, be introduced and passed on first reading and that public hearing be held hereon and it be considered for final passage at 7:00 PM on December 8, 2022; 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 – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Kunz) to table the introduction to ordinance #2022-11 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN ESTABLISHING BUSINESS LICENSE AND LIABILITY INSURANCE REQUIREMENTS FOR BUSINESSES AND RENTAL PROPERTIES.

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

Motion was made (Sheldon) and seconded (Engelau) that ordinance #2022-12 entitled, AN ORDINANCE TO APPROVE AND ADOPT THE 2023 BUDGET FOR THE HACKETTSTOWN BUSINESS IMPROVEMENT DISTRICT, INC., be introduced and passed on first reading and that public hearing be held hereon and it be considered for final passage at 7:00 PM on December 28, 2022; 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 – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Engelau) that ordinance #2022-13 entitled, AN ORDINANCE OF THE TOWN OF HACEKTTSTOWN AMENDING SECTION 13-28 (ENTITLED “PENALTIES-METERED PARKING”) OF CHAPTER 13 (ENTITLED “TRAFFIC AND PARKING”) OF THE TOWN ORDINANCES be introduced and passed on first reading and that public hearing be held hereon and it be considered for final passage at 7:00 PM on December 8, 2022; 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 – Becker, Engelau, Kunz and Sheldon

 Abstain – Lambo

Motion was made (Sheldon) and seconded (Becker) that ordinance #2022-14 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN REPEALING ARTICLE 8 (RETAIL FOOD ESTABLISHMENTS) OF CHAPTER 8 (BUSINESS AND OCCUPATIONS) OF THE TOWN ORDINANCES, be introduced and passed on first reading and that public hearing be held hereon and it be considered for final passage at 7:00 PM on December 8, 2022; 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 – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Kunz) to add an 8’ Western Snow Plow to the previously approved list of surplus items for sale at Municipal Auction.

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

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

Resolution

**WHEREAS** there is presently pending before the Tax Court of the State of New Jersey, the matters entitled *" 80 Main Plaza, LLC and P&D Realty Associates vs. Town of Hackettstown"*, which matters pertain to the appeals of the 2020 through 2022 tax years municipal property tax assessments for the property located at Block 41.02, Lot 30 and Block 34, Lot 5; 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 & Della Pelle, P.C., 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 property had an original total assessment for the 2020 through 2022 tax years of $4,500,000.00; and

 **WHEREAS** the proposed settlement will reduce the assessment on the subject property as follows: 2020 and 2021 tax years to $4,162,500.00; and

 **WHEREAS** the proposed settlement represents a decrease in the assessed value of the subject property of $337,500 for the 2020 and 2021 tax years; and

 **WHEREAS** the total refund due the plaintiff as a result of the within settlement are as follows:

 2020 tax year $10,560.38

 2021 tax year $10,786.50

 Total tax savings for the 2020 and 2021 tax years will be $21,346.88

 **WHEREAS** plaintiff has further agreed that the 2022 assessment on Block 41.02, Lot 30, 80 Main Street, shall remain at $3,070,700.00 and the 2022 assessment on Block 34, Lot 5, 78 Main Street, shall remain at $1,429,300.00, thereby permitting the original 2022 assessments to remain in full force and effect; and

 **WHEREAS** the plaintiff has also agreed that the 2023 assessment on the property shall remain the same as the 2022 assessments; and

 **WHEREAS**, the taxpayer, as part of the within settlement, will waive any pre-judgment interest due on any refunds; 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

 **WHEREAS** the counsel 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 appears 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 matters as set forth above;
2. The law firm of McKirdy, Riskin, Olson & Della Pelle, P.C., 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 the refunds due the taxpayer in the within matter for the 2020 and 2021 tax years.

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

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

Resolution

WHEREAS, utilities were collected as a result of the 2022 tax sale on amounts due as follows:

 Block 6, Lot 1.02 Acct #8221-2 $133.11

 Block 31, Lot 1 Acct #2518-2 $690.74

 Block 64, Lot 5 Acct #18301-1 $150.90

 Block 65.01, Lot 11 Acct #1177-1 $349.18

 Block 74, Lot 1 Acct #17627-1 $235.19

 Block 92.01, Lot 1 Acct #732-1 $1257.11

 Block 92.01, Lot 1 Acct #770-1 $1881.60

 Block 92.01, Lot 1 Acct #14990-2 $1984.82

 Block 107, Lot 101 Acct #1973-2 $1061.63

 Block 112, Lot 8 Acct #18534-1 $929.41

 Block 119, Lot 66.05 Acct #19539-3 $752.59

 Block 124, Lot 19 Acct #19839-1 $130.25

NOW THEREFORE BE IT RESOLVED on this 21st day of November, 2022 by the Mayor and Common Council of the Town of Hackettstown that the Chief Financial Officer is authorized to refund the amount of $9,556.53 to the Hackettstown Municipal Utilities Authority.

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

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

Resolution

WHEREAS, the Department of Veterans Affairs has determined that Rodolfo Tejada Jr., owner of property at Block 127, Lot 53, 16 Mitchell Road, is totally disabled; and

WHEREAS, due to this determination, Mr. Tejeda is not required to pay property taxes from September 29, 2022 and is therefore exempt from future tax payments; and

WHEREAS, an overpayment will exist and must now be refunded to the assessed owner as a totally disabled veteran:

NOW THEREFORE BE IT RESOLVED by the Governing Body that the Tax Collector is authorized to cancel taxes from September 29, 2022 and is hereby authorized to cancel the first and second quarters of 2023. The Governing Body also authorizes the Chief Financial Officer to make a refund of taxes as follows:

Block Lot Year Assessed to Amount

127 53 2022 Rodolfo Tejada, Jr. $2,067.31

 16 Mitchell Rd

 Hackettstown, NJ 07840

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

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

Resolution

WHEREAS, certain bills have been presented for payment for which there are insufficient funds in the 2022 budget to pay, and

WHEREAS, NJSA 40A:4-58 permits the transfer of funds from accounts with a surplus to cover such demands,

NOW THEREFORE BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that the Chief Financial Officer is hereby authorized to make the following transfers:

TRANSFER FROM TRANSFER TO

Admin S/W $12,625.00 Emergency Management O/E $2,100.00

Clerk S/W $12,625.00 Computer Data Processing $9,150.00

 Mayor and Council S/W $14,000.00

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

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

Resolution

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Town of Hackettstown strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHERAS, the Town of Hackettstown hereby acknowledges that the residents of the Town of Hackettstown desire a stable, sustainable future for themselves and future generations; and

WEHREAS, the Town of Hackettstown wishes to support a model of government which benefit our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path the Town of Hackettstown is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the Town of Hackettstown we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community.

NOW THEREFORE BE IT RESOLVED that to focus attention and effort within the Town of Hackettstown on matters of sustainability, the Mayor and Common Council wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED by the Mayor and Common Council of the Town of Hackettstown that we do hereby authorize Councilperson Leonard Kunz to serve as the Town of Hackettstown agent for the Sustainable Jersey Municipal Certification process and authorize Leonard Kunz to complete the Municipal Registration on behalf of the Town of Hackettstown.

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

 Abstain – Kunz

Motion was made (Sheldon) and seconded (Kunz) to approve the purchase of Fire Department gear and equipment from Firefighter One, Sparta, NJ in the amount of $17,808.78.

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

Motion was made (Sheldon) and seconded (Becker) to approve the purchase of Epoxy Floor Systems in Pool Restrooms from Creative Epoxy System, LLC, Clifton, NJ in the amount of $9,156.00.

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

Motion was made (Sheldon) and seconded (Becker) to hire Anthony Cossio as a police officer effective January 1, 2023 at a Step 2 salary of $73,044.46.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the leave of absence for Carolyn Cavanagh through February 4, 2023.

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

Motion was made (Sheldon) and seconded (Becker) to appoint Nancy Luteran to the position of substitute crossing guard effective November 11, 2022 at a rate of $14.01 per hour.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2022-21 in the amount of $3,604,756.70.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2022-22 in the amount of $376,048.60.

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

Motion was made (Engelau) and seconded (Sheldon) to approve the Coin Toss application for the Hackettstown First Aid and Rescue Squad to be held on December 17, 2022.

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

Motion was made (Sheldon) and seconded (Becker) to approve raffle license #1281 for the Knights of Columbus, Joyce Kilmer Council #2483 to hold a calendar raffle and raffle license #1282 for the Church of the Assumption BVM to hold an off premise 50/50.

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

Motion was made (Sheldon) and seconded (Becker) to approve the special event license application for the Hackettstown BID to hold Candy Cane Lane on December 3, 2022, to waive the $50.00 application fee and to charge Town costs in the amount of $600.00.

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

Motion was made (Sheldon) and seconded (Kunz) to approve the special event license application for the new Jersey Civic Youth Ballet to hold a Ballet 5K & Tutu 2K Run/Walk on April 23, 2023, to waive the $50.00 application fee and charge no Town costs.

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

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

No one wished to speak at this time.

Motion was made (Sheldon) and seconded (Lambo) to adjourn this meeting at 7:21 PM.

Roll Call Vote: Yes – Becker, Engelau, Lambo, Kunz 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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Gerald DiMaio, Jr., Mayor P.J. Reilly, Town Clerk/Administrator