

April 12, 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 April 12, 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 Sheldon and Tynan

Mayor DiGiovanni presented a proclamation in recognition of Building Safety Month.

Mayor DiGiovanni 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 (Engelau) to approve the minutes of the regular meeting held on March 22, 2018 as submitted.

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

Abstain – DiMaio and Tynan

Town Engineer, Paul Sterbenz, reported the following:

- Main Street Public Improvements Phase III fully complete
- NJDOT repaving of Main Street, Route 46, in 2018
- COAH Settlement Conference and Compliance Hearing
- Emergency Generator Project installation status

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

WHEREAS, 2016 Mountain Hackettstown LLC, with an address of 194 Mount Airy Road, Basking Ridge, New Jersey 07920 filed an application for Preliminary and Final Major Subdivision and Preliminary and Final Major Sit Plan Approval for property located at 301 Mountain Avenue, situated just north of the Musconetcong River, also known as Block 125, Lot 9.01; and

WHEREAS, the subject property is located in the Town of Hackettstown HC zoning district; and

WHEREAS, the subject property was designated as a Non-Condemnation Area in Need of Redevelopment by the by the Town Council of the Town of Hackettstown in October 2016; and

WHEREAS, the Town Council adopted a Redevelopment Plan for the subject property on February 23, 2017; and

WHEREAS, the Town Council, by resolution dated March 9, 2017, designated 2016 Mountain Hackettstown LLC as the Redeveloper of the subject property; and

WHEREAS, 2016 Mountain Hackettstown LLC was granted approval by the Town of Hackettstown Planning Board on May 30, 2017 for Preliminary and Final Major Subdivision and Preliminary and Final Major Site Plan Approval that is consistent with the aforementioned Redevelopment Plan and allowed for the construction of a 5,558 square foot + / - Wawa
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convenience store with six (6) multi-unit fuel pumps under a 34' x 158' + / - canopy on approximately 1.8 acres (proposed Lot 9.02) and one hundred (145) apartment unites in two (2) buildings on approximately 13.9 acres, along with roadway, parking area, stormwater, utility, landscaping, lighting and other associated site improvements for the project known as "Lion Gate at Musconetcong River"; and

WHEREAS, the Town of Hackettstown Planning Board subsequently memorialized its decision by adopting a resolution of approval on June 27, 2017; and

WHEREAS, the approvals granted by the Town of Hackettstown Planning Board were subject to a number of conditions; and

WHEREAS, one of the conditions applied to the approval was the procurement of a major access permit from the New Jersey Department of Transportation ("NJDOT") for the driveway modifications and other improvements at the entrance to the site on Mountain Avenue; and

WHEREAS, the NJDOT has issued a major access permit for the site (A-182-N-10509-2017); and

WHEREAS, the major access permit is conditioned upon the adoption of a resolution by the Common Council of the Town of Hackettstown prohibiting a left turn from the proposed access driveway onto southbound Route 182; and

WHEREAS, the Town of Hackettstown in agreement with and accepts such a prohibition; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the Town of Hackettstown, in Warren County, New Jersey, by this resolution that it hereby confirms its acceptance and approval of a prohibition for left turns out of the Lion Gate at Musconetcong River access driveway onto southbound Route 182.

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

Motion was made (Lambo) and seconded (Kunz) 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 April 12, 2018 for the reason that the following subject matter will be discussed:

Mt. Laurel Litigation Status
Brotzman v. Hackettstown Federal Civil Rights Lawsuit Status
Litigation/Settlement Status of Gran Hack Square, LLC

- 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, Sheldon and Tynan

The meeting was closed at 7:14 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 (Kunz) and seconded (Lambo) to authorize the Mayor to sign the Insurance Company Settlement Offer Proposal to be made to the Plaintiff at the upcoming settlement hearing.

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

No – Sheldon

Mayor DiGiovanni opened the public hearing on ordinance #2018-05 entitled, AN ORDINANCE APPROPRIATING THE TOAL SUM OF \$395,500 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR THE FUNDING OF VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWN OF Hackettstown, IN THE COUNTY OF WARREN, NEW JERSEY, which was introduced and passed on first reading on March 22, 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 comments from the public, Mayor DiGiovanni closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (Tynan) that ordinance #2018-05 entitled, AN ORDINANCE APPROPRIATING THE TOAL SUM OF \$395,500 FROM GNERAL CAPITAL IMPROVEMENT FUND FOR THE FUNDING OF VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWN OF Hackettstown IN THE COUNTY OF WARREN, NEW JERSEY be adopted on second and final reading and that Notice of Final Adoption be published.

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

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

Resolution

WHEREAS, the Town of Hackettstown desires to become a member of the Somerset County Cooperative Pricing System, #2-SOCCP, effective April 12, 2018 and, that such membership shall be for the period ending December 31, 2018, and each renewal thereafter of the system, unless Town of Hackettstown elects to formally withdraw from the system;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Clerk/Administrator are hereby authorized to execute the attached agreement for such membership.

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

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

Resolution

WHEREAS, there are stale dated checks outstanding in the Town of Hackettstown Municipal Court General Account; and

WHEREAS, every avenue has been extinguished to trace these this checks,

NOW, THEREFORE BE IT RESOLVED, by the Council of the Town of Hackettstown that the following stale dated checks be cancelled and credited to the Town of Hackettstown Surplus;

Check #	Issue Date	Amount
2647	07/03/2017	\$2.00
2661	09/06/2017	\$1.00

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 SECTION 71 (VIOLATIONS AND
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PENALTIES) OF ARTICLE 5 (TAXICABS) OF CHAPTER 8 (BUSINESS AND OCCUPATION INDEX) OF THE TOWN CODE, 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 May 10, 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 – 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 CHAPTER 3, ARTICLE 8, SECTION 3-65 OF THE CODE OF THE TOWN OF Hackettstown REGARDING MEMBERSHIP TO THE RECREATION COMMISSION, 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 May 10; 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 (Engelau) and seconded (Sheldon) to approve check register #2018-06 in the amount of \$2,481,270.41.

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

Motion was made (Sheldon) and seconded (Kunz) to award the Police Department Infrastructure Upgrades to Pascack Data Service, Inc., Hawthorne, NJ in the amount of \$74,141.12 through NJ State Contract A89967.

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

Motion was made (Sheldon) and seconded (Engelau) to approve raffle license #1172 for the House of the Good Shepherd to hold two on premise 50/50's, Raffle license #1173 for the Hackettstown Rotary Foundation to hold an on premise 50/50 and raffle license #1174 for the Special Olympics New Jersey to hold an on premise 50/50.

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

Motion was made (Sheldon) and seconded (Tynan) to approve the raffle license #1175 for the New Jersey Civic Youth Ballet, Inc. (NJCYB) to hold an off premise 50/50 and raffle license #1176 for the New Jersey Civic Youth Ballet, Inc. (NJCYB) to hold a tricky tray.

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

Abstain – Kunz

Motion was made (Sheldon) and seconded (Engelau) to extend the medical leave of absence for Linda Baylor through May 31, 2018.

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

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

Resolution

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

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WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2017 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycle and to indicate the assent of the Town of Hackettstown to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Town of Hackettstown Committee of the Town of Hackettstown that the Town of Hackettstown hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and

designates JoAnn Fascenelli, Certified Recycling Professional to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

Motion was made (DiMaio) and seconded (Sheldon) that the following streets be closed from 12:00 PM to 5:00 PM on May 12, 2018 for the Spring 2018 Centenary University

Commencement:

- Jefferson St. between West Plane St. and West Moore St.
- Church St. between Jefferson St. and Monroe St.

and that the following areas be designated as “Tow-Away” zones from 10:00AM to 10:00PM on May 19, 2018 for Hackettstown MaiFest:

- Valentine St. between Route 46 to Madison St.; also requesting that section to be closed.
- Grand Ave. between Route 46 to Washington St.; also requesting that section to be closed.
- Main St. (Route 46) between Liberty St. to Grand Ave.; also requesting that section to be closed.
- Franklin St. between High St. (County Route 517) to Liberty St.
- Liberty St. between Franklin St., to Main St., (Route 46).
- High St., (County Route 517) between Route 46 (Main St) and Franklin St.; also requesting the southbound lane of that section of High St. closed.

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

Abstain – Kunz

Motion was made (Sheldon) and seconded (Engelau) to approve the special event license application for Gina Calleo to hold a 4th Annual Mars For Life Charity 5K Run/Walk on May 23, 2018, special event license application for Marketspace Vendor Events to hold a Craft Market and Hopped Up Pub Crawl on April 21, 2018, special event license application for the Hackettstown Rotary Club Foundation to hold a Memorial Motor Madness Car Show 2018 on May 27, 2018, special events license application for the Hackettstown BID to hold a Hackettstown MaiFest on May 20, 2018 and special event license application for the Ginger April 12, 2018 (continued)

Gormley Scholarship Fund to hold a Ginger Gormley Scholarship Fund-5K Run/Walk on May 6, 2018.

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

Motion was made (Sheldon) and seconded (Kunz) to adjourn this meeting at 8:40 PM.

Roll Call Vote: Yes – 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.

Maria DiGiovanni, Mayor

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.

William Kuster, Jr., Town Clerk