

August 9, 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 August 9, 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 Heaven Sent Nursey School's 30-year anniversary.

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

Rick Stanics, 120 East Prospect Street, requested approval from the Town to have Elizabethtown Gas open East Prospect Street to allow the installation of natural gas service to his home.

Bill Lerman, Hackettstown realtor, spoke about the proposed CCO ordinance, which is under consideration by the Town for adoption.

Debbie Sayer, Exit Realty, spoke concerning her thoughts on the CCO ordinance.

Motion was made (Sheldon) and seconded (DiMaio) to approve the opening of the road to allow for the installation of gas service at 120 East Prospect Street.

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

Motion was made (Sheldon) and seconded (DiMaio) to approve the minutes of the regular meeting held on July 12, 2018 as submitted.

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

Abstain – Tynan

Motion was made (Sheldon) and seconded (Engelau) to approve the minutes of the executive session held on July 12, 2018 as submitted.

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

Abstain – Tynan

Mayor DiGiovanni opened the public hearing on ordinance #2018-12 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN ACCEPTING THE DEDICATION OF RUSSELL COURT AS PART OF THE MUNICIPAL ROAD SYSTEM OF THE TOWN OF HACKETTSTOWN AND AMENDING SCHEDULE I OF CHAPTER 13 (ENTITLED “TRAFFIC AND PARKING”) OF THE TOWN CODE, which was introduced and passed on first reading on June 28, 2018, and offered a copy of the ordinance to anyone who desired a copy. The title of the was read aloud, and the Town Attorney explained the contents and purpose of the ordinance. The Town Clerk sated 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

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Building, and that copies of the ordinance were made available to members o 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 (DiMaio) that ordinance #2018-12 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN ACCEPTING THE DEDICATOIN OF RUSSELL COURT AS PART OF THE MUNICIPAL ROAD SYSTEM OF THE TOWN OF HACKETTSTOWN AND AMENDING SCHEDULE I OF CHAPTER 13 (ENTITELD “TRAFFIC AND PARKING”) be adopted on second and final reading and that Notice of Final Adoption be published.

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

No – Sheldon

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

Resolution

WHEREAS, pursuant to NJSA 54:4-66.3d which provides that third quarter property taxes shall not be subject to interest until the later of: August 1; or, the ten-day grace period, as authorized by a resolution of the governing body on January 11, 2018; or the twenty-fifth calendar day after the tax bills were mailed; and

WHEREAS, the Tax Collector mailed the 2018 Final/2019 Preliminary tax bills on August 3, 2018; and, the due date for the third-quarter payment is August 28, 2018, which is 25 days from the mailing date of August 3, 2018.

NOW, THEREFORE, BE IT RESOLVED on this 9th day of August 2018 by the Mayor and Common Council of the Town of Hackettstown that the Tax Collector is hereby authorized and empowered, pursuant to NJSA 54:4-66.3d to hold interest charges until after August 28, 2018.

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

Motion was made (DiMaio) 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 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:

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- The certification of the costs of removal of the debris, brush and obnoxious growth has been examined and found to be correct.
- 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 as taxes, and shall be collect and enforced by the Tax Collector in the same manner as taxes:

Property Address	Block	Lot	Property Owner	Cost
206 W. Valley View	36	5	Donald Hatchard	\$275.00
226 Park Ave	55	5.01	US Bank Trust NA	\$285.00
237 Main St	71	9	Grand Hack Sq	\$275.00

612 Willow Grove	119	20	Christina Ko	\$385.00
128 Willow Grove	119	95.01	Fulton Bank of NJ	\$285.00

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

Abstain – Lambo

Motion was made (Sheldon) and seconded (Kunz) to table the introduction of an ordinance to require a Continuing Certificate of Occupancy (CCO).

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

Motion was made (Sheldon) and seconded (Engelau) that ordinance # 2018-13 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING SECTION 105 (PROHIBITED USES) OF THE TOWN LAND DEVELOPMENT ORDINANCE, 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 September 27, 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 (Engelau) and seconded (Sheldon) to approve check register #2018-13 in the amount of \$407,287.61.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2018-14 in the amount of \$4,005,449.66.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the transfer of the taxi owner's license for Ada Garcia for a 2007 Toyota, VIN# 5TDZK23C27Z013519 through May 1, 2019.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the taxi driver's license for Marcia Abad-Rojas, Rigaud Saintarre and Robert Seiler through May 1, 2019

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

Motion was made (Sheldon) and seconded (DiMaio) to approve raffle license #1181 for the Hackettstown Community Hospital Foundation to hold an off premise 50/50.

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

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Motion was made (Sheldon) and seconded (DiMaio) to approve raffle license #1182 for the Church of the Assumption of the Blessed Virgin Mary to hold an off premise raffle.

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

Motion was made (Sheldon) and seconded (Engelau) to appoint Rosaura Murillo-Romero to the position of Court Recorder effective August 1, 2018 at an hourly rate of \$11.44 per hour.

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

Motion was made (DiMaio) and seconded (Kunz) to approve raffle license #1183 for the Vigilant Hook & Ladder Co. #1 to hold an off premise 50/50.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the application for Coin Toss permit from the Vigilant Hook & Ladder Co. #1.

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

Motion was made (DiMaio) and seconded (Tynan) to approve the following roadways be designated as “Closed To Thru Traffic” from 12:00 pm to 6:00 pm on September 23, 2018.

- Cook St. between Liberty St and High St
- Liberty St between Cook St and Franklin St

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

Motion was made (DiMaio) and seconded (Sheldon) to authorize contact to Civil Service for a certified list for the position of police officer.

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

Motion was made (Tynan) and seconded (Sheldon) to approve the special event license application for Bea McNally’s to hold Bike Night on August 15, 22, 29, September 5, 12, 19, 26 from 6:30 PM to 10:30 PM, to pay the \$50.00 application fee and to charge no Town costs.

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

No – Kunz and Tynan

Motion was made (Tynan) and seconded (Sheldon) to approve the special event license application for the Hackettstown Medical Center Foundation to hold a Holiday Lights Festival and Fireworks Display on November 17, 2018, to waive the \$50.00 application fee and charge no Town costs.

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

Motion was made (Tynan) and seconded (Sheldon) to approve the special event license application for the Church of the Assumption to hold a Community Festival on September 23, 2018, to waive the \$50.00 application fee and to charge no Town costs.

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

Motion was made (Tynan) and seconded (Lambo) to approve the special event license application for Mars to hold a 5K on September 26, 2018, to waive the \$50.00 application fee and to charge no Town costs.

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

Motion was made (Tynan) and seconded (Sheldon) to approve the special event license application for the Hackettstown Business Improvement District to hold an Oktoberfest on September 28, 29 & 30 and the closure of Main Street between Grand Avenue and Liberty Street with detour, High Street to Franklin Street to Liberty Street, to waive the \$50.00 application fee and to charge Town costs in the amount of \$3,600.00.

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

Mayor DiGiovanni appointed Len Carida to the position of Land Use Board Alternate #3 Member with a term expiring December 31, 2018 and Steven Wolfrum to the position of Land Use Board Alternate #4 Member with a term expiring December 31, 2019.

Motion was made (Sheldon) and seconded (Tynan) to confirm Mayor DiGiovanni's appointment of Len Carida to the position of Land Use Board Alternate #3 Member with a term expiring December 31, 2018 and Steven Wolfrum to the position of Land Use Board Alternate #4 Member with a term expiring December 31, 2019.

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

Motion was made (Sheldon) 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:

- That the public be excluded from attendance at a portion of its meeting to be held on August 9, 2018 for the reason that the following subject matter will be discussed:

COAH/Grand Hack Litigation

- 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.
- 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 8:16 PM and reopened at 8:38 PM. The Mayor stated that no formal action was taken by the Council during Executive Session.

Motion was made (Sheldon) and seconded (Kunz) to adjourn this meeting at 8:41 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.

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