June 10, 2021

The Mayor and Common Council convened in open session via teleconference in the Municipal Building at 215 Stiger Street, Hackettstown, New Jersey at 7:00 PM on June 10, 2021. The special meeting opened with a salute to the Flag.

Mayor DiMaio announced that adequate notice of the time, place and manner of this remote public Council meeting, being conducted via teleconference, including the means by which the public may observe and participate, has been provided in accordance with the Open Public Meetings Act by:

1. Posing said notice on the municipal building bulletin board and front window of the Municipal Building;
2. Emailing said notice to the press and all others who have requested it;
3. Posting on the official Town website; and
4. Transmission to residents via nixel notification.

Roll Call Vote: Present – Mayor DiMaio, Councilpersons Becker, Engelau, Lambo and

Sheldon

Absent – Kunz and Tynan

Motion was made (Sheldon) and seconded (Lambo) to approve the minutes of the regular meeting held on May 27, 2021 as submitted.

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

Mayor DiMaio opened the public hearing on ordinance 21-07, which reads as follows:

WHEREAS, by Resolution, and pursuant to the Local Redevelopment and Housing Law, NJSA 40A:12A-1, et seq. (the “Redevelopment Law”), the Town Council of the Town of Hackettstown (the “Council”) previously designated certain real property (the “Property”) located at Lots 1.01 and 2 in Block 45 as shown on the Tax Map of the Town of Hackettstown as a “non-condemnation area in need of redevelopment” (the “Redevelopment Area”); and

WHEREAS, pursuant to Ordinance, the Council previously adopted the “Bilby Road Redevelopment Plan” (the “Redevelopment Plan”) for the Redevelopment Area; and

WHEREAS, by Resolution and pursuant to the Redevelopment Law, the Council designated Moudro Urban Renewal, LLC (“Moudro”) as the redeveloper of the Redevelopment Area in accordance with the Redevelopment Law; and

WHEREAS, Moudro intends to redevelop the Redevelopment Area with a residential project consisting of the 275 total residential units, of which 55 units are “affordable” rental units (the “Project”); and

WHEREAS, the Council has determined that the Project will qualify for a tax exemption under the Long Term Tax Exemption Law, NJSA 40A:20-1 et seq. (the “LTTEL”); and

WHEREAS, in accordance with the LTTEL, Moudro has filed with the Mayor of the Town of Hackettstown an application for approval of a long term tax exemption (the “Long Term Tax Exemption”) for the Project, which application is incorporated herein by reference (the “Application”); and

WHEREAS, the Mayor submitted the Application to the Council with his recommendation for approval on April 22, 2021; and

WHEREAS, the Council approved the Application by unanimous vote on April 22, 2021; and

WHEREAS, WITH THE application, Moudro also submitted to the Mayor a form of financial agreement (the “Financial Agreement”), to be executed by the Mayor, on behalf of the Town of Hackettstown and Moudro, establishing the rights, responsibilities, and obligations of Moudro in accordance with the LTTEL; and

WHEREAS, the Council made the following findings in accordance with NJSA 40A:20-11.a and NJSA 40:20-11.b regarding the relative benefits and costs of granting the tax abatement for the Project, and the importance of the tax abatement in realizing the development of the Project:

The Town finds that the Long Term Tax Exemption granted pursuant to the Financial Agreement will benefit the Town and the community by assuring the success of the redevelopment of the Property, which as exhibited the statutorily recognized redevelopment criteria for years. The benefits of granting the Long Term Tax Exemption. The Long Term Tax outweigh the costs, if any, associated with the Long Term Tax Exemption. The Long Term Tax Exemption is important to the Town and Moudro because without the incentive of the Long Term Tax Exemption, it is unlikely that the Project which will address a portion of the Township’s Third Round affordable housing obligation, would be undertaken. The high costs associated with the development and construction of the Project and the real estate taxes that would otherwise be levied upon the Project would operate a a disincentive to the redevelopment of the Property and would therefore frustrate the goals and objectives of the Redevelopment Plan and would make the Project materially less competitive in the marketplace.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Hackettstown, in the County of Warren, State of New Jersey, as follows:

1. The Application is hereby approved.
2. The Mayor and Township Clerk are hereby authorized to execute the Financial Agreement with Moudro.
3. An executed copy of the Financial Agreement shall be certified by and be filed with the Office of the Township Clerk.
4. Within the (10) calendar days following the later of (i) the effective date of this Ordinance following its final adoption by the Town Council approving the Long Term Tax Exemption or (ii) the execution of the Financial Agreement by Moudro, the Town Clerk shall file certified copies of the Ordinance and the Financial Agreement with the Tax Assessor of the Township and the Chief Financial Officer of Warren County and to Warren County Counsel, in accordance with NJSA 40A:20-12.
5. The Mayor and Town Clerk are hereby authorized to take such action and to execute such other documents on behalf of the Township as is necessary to effectuate the terms of the Financial Agreement, as deemed advisable by the Township Attorney.
6. The Town Clerk shall publish notice of this ordinance in a newspaper of general circulation int eh Town and in Warren County, in accordance with NJSA 40A:20-12.
7. This Ordinance shall take effect upon adoption and publication according to law,

Which was introduced and passed on first reading on May 13, 2021, 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 DiMaio closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (Engelau) that Ordinance #2021-07 be adopted on second and final reading and the Notice of Final Adoption be published.

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

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

Resolution

WHEREAS the following applicants have submitted applications for 2021/2022 Alcoholic Beverage Licenses of the type stated;

NOW THEREFORE BE IT RESOLVED, that subject to approval of the N.J. Division of Alcoholic Beverage Control, the liquor licenses hereafter listed be issued, signed on behalf of the governing body, and delivered by the Town Clerk to:

TYPE OF

LICENSEE LICENSED PREMISES LICENSE LICENSE #

Mama’s Pizza, Inc. 260 Mountain Avenue P R C 2108-33-001-008

L E O

Apple Food Service 215-225 Mountain Avenue E T N 2108-33-002-007

Of Hackettstown 908-684-5859 N A S

A I U

David’s Country Inn 314 Main Street R L M 2108-33-006-002 908-850-0224 Y P

T

Oscjo Enterprises Inc. 169-171 Main Street I 2108-33-004-006 908-852-2446 O

N

Bea McNally’s Irish Pub 109 Grand Avenue 2108-33-003-013

And Catering, Inc. 908-813-1900

Hackettstown 80-80 Main Street PLENARY 2108-44-005-007

Beverage Inc. 908-852-3511 RETAIL

DISTRIBUTION

American Legion Willow Grove Street CLUB 2108-31-007-002

Blue Ridge Post #164 908-852-1629

Hackettstown 142 Liberty Street CLUB 2108-31-010-001

Columbus Club, Inc. 908-852-9758

Hackettstown Elks 210 Mountain Avenue CLUB 2108-31-009-002

Lodge #2331 908-852-9723

Loyal Order of 263 Main Street CLUB 2108-31-011-002

Moose Lodge #816

BE IT FURTHER RESOLVED that the effective dates of the foregoing licenses shall be from July 1, 2021 to June 30, 2022.

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

Motion was made (Engelau) and seconded (Lambo) to approve check register #21-10 in the amount of $1,838,498.08.

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

Motion was made (Becker) and seconded (Engelau) to approve the Police Department purchase requisition for Police Vehicle Leases in the amount of $43,211.40 for a 2021 Dodge Charger and $48,215.55 for a Dodge Durango from Byer of Morristown, Morristown, NJ.

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

Motion was made (Sheldon) and seconded (Becker) to approve the special event license application for Peace NJ to hold a PEACE NJ Celebrating Latino Conservation Week on July 25, 2021, to waive the $50.00 application fee and to charge no Town costs.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the special event license application for the Hackettstown BID to hold Late Night Thursdays from July 8, 2021 through August 26, 2021, to waive the $50.00 application fee and charge no Town costs.

Roll Call Vote: Becker, Engelau, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Becker) to approve the taxi cab owner’s license for Martha Allardice for a 2005 Toyota, VIN# 35T5ZA22C355376316, through May 1, 2022.

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

Motion was made (Sheldon) and seconded (Engelau) to approve raffle license #1245 for Smiles for Margaret to hold an on premise 50/50.

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

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

Resolution

RESOLUTION to authorize the CFO to act as the authorized representative of the Town for the American Rescue Plan Act of 2021, sign the required documents and make application to the division of local government services to receive the ARP funding.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the Heritage House PILOT extension.

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

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

Resolution

WHEREAS, on May 30, 2017, the Planning Board of the Town of Hackettstown (the "Planning Board") granted 2016 Mountain Hackettstown, LLC, whose address is 194 Mount Airy Road, Basking Ridge, New Jersey 07920 (the "Applicant") Preliminary and Final Major Subdivision and Preliminary and Final Major Site Plan approvals for the construction of a Wawa convenience store with fuel dispensing facilities and limited approval for the general site plan aspects of two (2) residential apartment buildings containing 145 apartments on property located at 301 Mountain Avenue; and

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

WHEREAS, the subject property is otherwise known as Lot 9.01 in Block 125; and

WHEREAS, the subject property was designated as a Non-Condemnation Area in Need of Redevelopment 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 (the "Redevelopment Plan"); and

WHEREAS, the May 30, 2017 approval granted by the Planning Board was memorialized by resolution dated June 27, 2017; and

WHEREAS, the Applicant subsequently requested an amendment of the June 27, 2017 memorializing resolution to remove the requirement to construct a pedestrian recreation trail and accompanying pedestrian easement along the Musconetcong River; and

WHEREAS, the Applicant's request to amend the June 27, 2017 memorializing resolution was approved by the Planning Board and said approval was memorialized in a resolution dated February 27, 2018; and

WHEREAS, in February of 2018, the Town Council of the Town of Hackettstown entered into a Redevelopment Agreement By and Between The Town of Hackettstown as Redevelopment Entity and 2016 Mountain Hackettstown, LLC as Redeveloper and Lionsgate at Musconetcong River, LLC as Residential Developer (the “Redevelopment Agreement”); and

WHEREAS, the Redevelopment Agreement set forth specific requirements for phasing the project and constructing same; and

WHEREAS, the Applicant has encountered various delays in constructing the project; and

WHEREAS, on March 23, 2021 via Zoom Meeting, the Applicant was granted approval by the Planning Board for three (3) retroactive one-year extensions of the statutory period of protection from zoning changes (through June 27, 2022); and

WHEREAS, on May 27, 2021 the Applicant requested from the Town Council the ability to modify certain terms of the Developers Agreement relating to phasing of construction; and

WHEREAS, the Applicant proposed a revised Construction Timetable which would allow the Applicant additional time to construct the project. A copy of the Construction Timetable is attached to this Resolution as Exhibit A; and

WHEREAS, on June 10, 2021, the Town Council of the Town of Hackettstown considered said request by the Applicant; and

WHEREAS, the Applicant is seeking no other changes or modifications to the Developers Agreement; and

WHEREAS, the Town Council concludes that the amendment to the Developers Agreement and the Construction Timetable is necessary; and

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 amendment to the Construction Timetable in the Developers Agreement;
2. The Mayor and Township Clerk are hereby authorized to revise the Developers Agreement;
3. An executed copy of the Amended Developers Agreement shall be certified by and be filed with the Office of the Township Clerk.
4. The Mayor and Town Clerk are hereby authorized to take such action and to execute such other documents on behalf of the Township as necessary to effectuate the terms of the Developers Agreement, as deemed advisable by the Township Attorney.
5. Except as modified herein, all of the terms and conditions of the 2018 Developers Agreement shall remain in full force and effect.
6. This Resolution shall take effect immediately.

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

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

Jeremy Reed, 1 The Trail South, spoke about the property at 4 Oak Lane. He said they are removing trees and encroaching on the Hunter’s Brook Conservation Easement and they are erecting structures without Town approvals.

Nancy Joyce Simmons, 5 Birch Road, spoke of unfounded accusations being reported agains her by other Rustic Knolls neighbors.

Motion was made (Sheldon) and seconded (Engelau) to adjourn this meeting at 7:38 PM.

Roll Call Vote: Yes – Becker, Engelau, Lambo 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 William Kuster, Jr., Town Clerk