January 13, 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 January 13, 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 and Lambo

 Absent – Councilpersons Sheldon and Tynan

Mayor DiMaio appointed the following to Council Committees:

Fire: Tynan Sheldon, Engelau

Sanitation: Tynan, Sheldon, Becker

Police: Kunz, Tynan, Becker

Welfare: Kunz, Engelau, Becker

Lighting: Lambo, Kunz, Tynan

Recreation: Engelau, Lambo, Sheldon

Printing, License & Franchise: Lambo, Engelau, Becker

Public Works: Sheldon, Tynan, Becker

Ordinance & Municipal Affairs: Sheldon, Tynan, Lambo

Finance: Engelau, Lambo, Kunz

Ad Hoc Committees:

Insurance: Tynan, Sheldon

Personnel & employee Negotiation Sheldon, Kunz

Rescue Squad Coordinating: Sheldon, Kunz

Community Development: Kunz, Sheldon, Engelau

Board of Ed Liaison: Lambo, Engelau, Kunz

University Liaison: Engelau, Tynan

Parking Authority Liaison: Engelau

BID Liaison: Engelau, Kunz

Mayor DiMaio appointed the following to the positions of Police Matrons and Crossing Guards: Ann Bell, Kim Carvino, Carolyn Cavanagh, Patricia Crane, Derek Owens, Dolores Reagle, Kim Smith, Judith Stone, Maureen Tice, Mariellen Tynan, Pauline Volkert, Steven Carter, Christina Culp.

Motion was made (Kunz) and seconded (Engelau) to confirm Mayor DiMaio’s appointment of the following to the positions of Police Matrons and Crossing Guards: Ann Bell, Kim Carvino, Carolyn Cavanagh, Patricia Crane, Derek Owens, Dolores Reagle, Kim Smith, Judith Stone, Maureen Tice, Mariellen DiMaio, Pauline Volkert, Steven Carter, Christina Culp.

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

January 13, 2022 (continued)

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

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

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

Mayor DiMaio appointed William O’Connor to the position of Alternate Construction Official with a term expiring December 31, 2022 and William O’Connor to the position of Alternate Building Subcode Official with a term expiring December 31, 2022.

Motion was made (Lambo) and seconded (Engelau) to confirm Mayor DiMaio’s appointment of William O’Connor to the position of Alternate Construction Official with a term expiring December 31, 2022 and William O’Connor to the position of Alternate Building Subcode Official with a term expiring December 31, 2022.

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

Mayor DiMaio stepped down from the dais at this time. Acting Mayor Engelau ran the meeting.

Acting Mayor Engelau appointed Darren Tynan to the position of Deputy Emergency Management Coordinator with a term expiring December 31, 2022 and Gerald DiMaio, Jr. to the position of Deputy Emergency Management Coordinator with a term expiring December 31, 2022.

Motion was made (Lambo) and seconded (Kunz) to confirm Acting Mayor Engelau’s appointment of Darren Tynan to the position of Deputy Emergency Management Coordinator with a term expiring December 31, 2022 and Gerald DiMaio, Jr. to the position of Deputy Emergency Management Coordinator with a term expiring December 31, 2022.

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

Mayor DiMaio returned to the dais at this time.

Mayor DiMaio appointed Mary Matusewicz to the position of Historic Preservation Commission Clerk with a term expiring December 31, 2022.

Motion was made (Kunz) and seconded (Lambo) to confirm Mayor DiMaio’s appointment of Mary Matusewicz to the position of Historic Preservation Commission Clerk with a term expiring December 31, 2022.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

Mayor DiMaio appointed Steven Wolfrum to the position of Municipal Land Use Board, Class II Member with a term expiring December 31, 2022.

Motion was made (Engelau) and seconded (Kunz) to confirm mayor DiMaio’s appointment of Steven Wolfrum to the position of Municipal Land Use Board, Class II Member with a term expiring December 31, 2022.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

Mayor DiMaio appointed Jody Becker to the position of Municipal Land Use Board Class I Member with a term expiring December 31, 2022.

January 13, 2022 (continued)

Motion was made (Kunz) and seconded (Engelau) to confirm Mayor DiMaio’s appointment of Jody Becker to the position of Municipal Land Use Board Class I Member with a term expiring December 31, 2022.

Roll Call vote: Yes – Engelau, Kunz and Lambo

 Abstain – Becker

Mayor DiMaio appointed Al Camporini to the position of Municipal Land Use Board Class IV Member with a term expiring December 31, 2025 and Robert Moore to the position of Municipal Land Use Board Class IV Member with a term expiring December 31, 2025.

Motion was made (Kunz) and seconded (Becker) to confirm Mayor DiMaio’s appointment of Al Camporini to the position of Municipal Land Use Board Class IV Member with a term expiring December 31, 2025 and Robert Moore to the position of Municipal Land Use Board Class IV Member with a term expiring December 31, 2025.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

Mayor DiMaio appointed Eric Anthony to the position of Municipal Land Use Board Class IV Member with a term expiring December 31, 2024.

Motion was made (Becker) and seconded (Lambo) to confirm Mayor DiMaio’s appointment of Eric Anthony to the position of Municipal Land Use Board Class IV Member with a term expiring December 31, 2024.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

Mayor DiMaio appointed Thomas Graf to the position of Municipal Land Use Board Class IV Member with a term expiring December 31, 2023.

Motion was made (Engelau) and seconded (Kunz) to confirm Mayor DiMaio’s appointment of Thomas Graf to the position of Municipal Land Use Board Class IV Member with a term expiring December 31, 2023.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

Mayor DiMaio appointed Diane Medcraft Simonson to the position of Municipal Land Use Board Alternate #1 Member with a term expiring December 31, 2023.

Motion was made (Becker) and seconded (Kunz) to confirm Mayor DiMaio’s appointment of Diane Medcraft Simonson to the position of Municipal Land Use Board Alternate #1 Member with a term expiring December 31, 2023.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

Mayor DiMaio appointed Steven Wolfrum to the position of Environmental Commission Member with a term expiring December 31, 2022.

Motion was made (Lambo) and seconded (Becker) to confirm Mayor DiMaio’s appointment of Steven Wolfrum to the position of Environmental Commission Member with a term expiring December 31, 2022.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

January 13, 2022 (continued)

Motion was made (Engelau) and seconded (Becker) to appoint Councilperson Lambo to the position of Municipal Land Use Board, Class III Member with a term expiring December 31, 2022.

Roll Call vote: Yes – Becker, Engelau and Kunz

 Abstain – Lambo

Motion was made (Kunz) and seconded (Becker) to appoint Ciro Lala to the position of HMUA Board Member with a term expiring February 1, 2027.

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

Motion was made (Becker) and seconded by (Engelau) to appoint Patricia Noll to the position of Tax Search Officer with a term expiring December 31, 2022.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Kunz) and seconded (Becker) to appoint William Kuster, Jr. to the position of Assessment Search Officer with a term expiring December 31, 2022.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Lambo) and seconded (Becker) 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 Retirement System and the NJ Social Security Agency.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

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

Resolution

Be it resolved that the Town Clerk/Administrator is hereby designated as certifying agent of the NJ Department of Personnel (Civil Service).

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

Motion as made (Becker) and seconded by (Lambo) to adopt the following resolution:

Resolution

Be it resolved that he 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 – Becker, Engelau, Kunz and Lambo

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

January 13, 2022 (continued)

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 – Becker, Engelau, Kunz and Lambo

Motion was made (Becker) and seconded (Engelau) 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 – Becker, Engelau, Kunz and Lambo

Motion was made (Becker) and seconded (Lambo) 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 – Becker, Engelau, Kunz and Lambo

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

Resolution

WHEREAS, NJSA 54:4-66 provides that taxes are payable in quarterly installments on the first 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 aid within 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 TRUTHER RESOLVED that no interest shall be charged senior citizens who pay their taxes with their social security check with thirty (30) days of the taxes due date; and

January 13, 2022 (continued)

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to hold a tax sale in accordance with the law.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

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

Resolution

Be it resolved that William Kuster be appointed Public Agency Compliance Officer of the year 2022.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

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

Resolution

Be it resolved that William Kuster be appointed Health Benefits Administrator for the year 2022.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

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

Resolution

Be it resolved that the Cash Management Plan for the Town of Hackettstown be readopted for 2022.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

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

Resolution

Resolution authorized the Municipal Assessor to file municipal appeals and enter into stipulations on behalf of the Town of Hackettstown.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Becker) and seconded (Engelau) to approve the minutes of the regular meeting held on December 9, 2021.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Kunz) and seconded (Becker) to approve the minutes of the executive session held on December 9, 2021.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Lambo) and seconded (Engelau) that ordinance #2022-01 entitled, ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK, 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 10, 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 bord in the lobby of the Municipal

January 13, 2022 (continued)

Building, and to make copies of the ordnance available to members of the general public who request such copies.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

Motion was made (Engelau) and seconded (Becker) that ordinance #2022-02 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN ADOPTING THE REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, NJSA 40A:12a-1, ET SEQ. FOR PROPERTY LOCATED AT BLOCK 21,

LOTS 18.01 AND 18.02, 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 March 10, 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 bord in the lobby of the Municipal Building, and to make copies of the ordnance available to members of the general public who request such copies.

Roll Call vote: Yes – Becker, Engelau, Kunz and Lambo

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

Resolution

BE IT RESOLVED by the Mayor and Common Council for the Town of Hackettstown, N.J. as follows:

1. The following schedule for the regular meetings of the Mayor and Council for 2022 is hereby adopted:

January 1… 1:00 pm May 12…7:00pm September 22…7:00pm

January 13…7:00pm May 26…7:00pm October 13…7:00pm

January 27…7:00pm June 9…7:00pm October 27…7:00pm

February 10…7:00pm June 23…7:00pm November 10...7:00pm

February 24…7:00pm July 14…7:00pm November 21…7:00pm

March 10…7:00pm July 28…7:00pm December 8…7:00pm

March 24…7:00pm August 11…7:00pm December 28…6:30pm

April 14…7:00pm August 25…7:00pm

April 28…7:00pm September 8…7:00pm

1. All regular meetings will be held in the Municipal Building, 215 Stiger Street,

Hackettstown, N.J., on the date and time indicated.

1. A copy of the Resolution will be prominently posted by the Town Clerk throughout

2022 on the bulletin board in the lobby of the Municipal Building.

1. The Town Clerk, upon adoption of this Resolution, will mail copies to the Daily

Record, Parsippany, N.J., and the New Jersey Herald, Newton, N.J., which are designated as the official newspapers for publication of legal notifications; 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, P.L. 1975); and will cause to be published in said newspaper a notice of the time, place and date of all regular meetings.

1. The Town Clerk will file a copy of this Resolution in the Town Clerk’s Office, and

this Resolution shall remain on file throughout 2022.

1. A copy of this Resolution, or any revision thereto, or any advance written notice of

any regular, special or rescheduled meeting during 2022 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 P.L. 1975) upon payment by said person of FIFTEEN DOLLARS ($15.00) to the Town Clerk. Notices of meetings requested by the news 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.

January 13, 2022 (continued)

1. 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

1. 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

1. mailing or delivering a copy of the schedule of regular meetings for 2022 to

those persons requesting the same pursuant to the Open Public Meetings Act; and

1. filing a copy of the schedule of all regular meetings for 2022 with the Town

Clerk/Administrator.

1. 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.

1. 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, a 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 – Becker, Engelau, Kunz and Lambo

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

Resolution

WHEREAS, Planet Networks Inc. (“Planet Networks”) is a provider of telecommunications services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

WHEREAS, Planet Networks has petitioned the municipality for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

WHEREAS, the Federal Communications Commission has held that that “an effective prohibition (under the Telecommunications Act of 1996) occurs where a state or local legal requirement materially inhibits a providers’ ability to engage in any of a variety of activities related to its provision of a covered service…not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services.” Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No 17-84, FCC-18-133A1, at para. 35, p. 15-16; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

WHEREAS, NJSA 48:3-19 provides that “(t)he consent of the municipality shall be obtained for the use by a person of the poles of ‘-another person unless each person has a lawful right to maintain poles in such street, highway or other public place,” and

January 13, 2022 (continued)

WHEREAS, NJSA 27:16-6 provides, in part that “(t)he board of chosen freeholders shall not grant an easement, right of way, or use in, under or over any portion of a county road in a municipality, unless the governing body of the municipality…shall consent thereto;” and

WHEREAS, NJSA 48:17-8 provides that “(a)ny telegraph or telephone company organized under the laws of the or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the

soil to the erection of such poles, and through, across or under any of the waters within this Sate and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same.”

WHEREAS, NJSA 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but hat a municipality may impose reasonable fees for actual services made by any municipal agency; and

WHEREAS, it is in the best interests of the municipality and its citizens to grant consent to Planet Networks.

NOW THEREFORE BE IT RESOLVED that:

1. That the governing body does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to stall new utility poles, upon the following terms and conditions.:
	1. Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
	2. Planet Networks shall obtain nay applicable permits in connection with the installation of its facilities;
	3. Planet Networks shall indemnify, defend and hold harmless the municipality, its officials, agents and employees from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network’s use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the municipality.
	4. Planet Networks shall procure and maintain, at is cost and expense, commercial general liability insurance with limits no less than $1,000,000 for injury to or death of one or more persons in any one occurrence and $500,000 for damage or destruction to property in any one occurrence and shall include the municipality as an additional insured on said insurance policy.
	5. Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities.
	6. Notwithstanding any provision contained herein, neither the municipality nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.
	7. Planet Network shall provide the Town with an addition $1,000.00 to an escrow account to cover the costs of legal and engineering review. The Town reservices the right to request the escrow account be replenished as needed.
	8. That the Mayor is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of this resolution.

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

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

January 13, 2022 (continued)

Resolution

WHEREAS, there is presently pending before the Tax Court of the State of New Jersey, the matters entitled “Daniel Tickner & Michael Tickner vs. Town of Hackettstown”, which matters pertain to the appeals of the 2019 through 2021 tax years municipal property tax assessments for the property located at Block 41.02, Lot 32; and

WHEREAS, a proposed settlement has been reached in this matter through the negotiations of special counsel of the Town of Hackettstown, McKirdy, ,Riskin, Olson & DellaPelle, PC, and counsel for the property owner, and the Hackettstown tax assessor 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 2019 through 2021 tax years of $1,946,400.00; and

WHEREAS, the proposed settlement will affirm the assessment for the 2019 tax year at $1,946,400.00 and reduce the assessment to $1,850,000.00 for the 2020 tax year, reduce the assessment to $1,750,000.00 for the 2021 tax year; and reduce the assessment for the 2022 tax year to $1,500,000.00.

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of $0.00 for the 2019 tax year, and $96,400.00 for the 2020 tax year, $196,400.00 for the 2021 tax year; and $446,400.00 for the 2022 tax year; and

WHEREAS, the total refund due the plaintiff as a result of the withing settlement are as follows: $3,016.36 for the 2020 tax year and $6,276.94 for the 2021 tax year. Total tax savings for the 2020 and 2021 tax years will, therefore, be $9,293.30; 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 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

WHEREAS, the Town Council of 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 is 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 matters 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 refunds due the taxpayer in the within matter for the 2019 through 2021 tax years.

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

Motion was made (Becker) and seconded (Engelau) to adopt eh following resolution:

January 13, 2022 (continued)

Resolution

WHEREAS, the Tax Collector of the Town of Hackettstown has been paid the amount necessary to redeem with interest calculated in accordance with the New Jersey Statutes on property known on the Tax Map and in the Tax Duplicate as the following municipal lien:

 Block 87, Lot 7 311 Grand Ave

 Tax Sale Certificate #20-00143

 Assessed to: Todaro, Carmine

NOW THEREFORE BE IT RESOLVED on this 13th day of January, 2022 that the Chief Financial Officer is hereby authorized to issue a check for $15,951.54 plus a $13,000 premium for a total refund of $28,951.54 to the lienholder:

 ATCF II NJ LLC, Taxserv as Cust

 PO Box 69239

 Baltimore, MD 21264

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

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

Resolution

WHEREAS, the State of New Jersey, Department of Transportation (NJDOT) has determined certain segments of State Highways Route 182/57/46, which said portions are located within the boundaries of the Town of Hackettstown, are in need of mobility improvements, and;

WHEREAS, NJDOT has submitted a narrative description of said improvements (copy attached), and;

WHEREAS, said improvements have been reviewed by Town Officials and the Town Engineer without objection.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council have no objection and support such improvements as outlined.

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

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

Resolution

WHEREAS, the Town of Hackettstown, NJ, has experienced natural hazards that result in public safety hazards and damages to private and public property, and;

WHEREAS, the hazard mitigation planning process set for the by the State of New Jersey and the Federal Emergency Management Agency offer the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risks, and;

WHEREAS, the New Jersey Office of Emergency Management has provided federal mitigation funds to support development of an updated mitigation plan, and;

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan has been developed by the County Department of Public Safety and Mitigation Planning Committee, and;

January 13, 2022 (continued)

WHEREAS, the Multi-Jurisdictional Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time will help minimize and reduce safety threats and damage to private and public property, and;

WHEREAS, the draft plan was provided to each participating jurisdiction through a website hosted by Michael Baker International, Inc. (Michael Baker), the contracted vendor assisting with the planning process. Links were links also posted on the Department of Public Safety

website so as to introduce the planning concept and to solicit questions and comments and to present the Plan and request comments, as required by law, and;

NOW THEREFORE BE IT RESOLVED by the Town of Hackettstown:

1. The Warren County Multi-Jurisdictional Hazard Mitigation Plan, as submitted on September 14, 2021 by the Warren County Department of Public Safety to the Federal Emergency Management Agency and subsequently approved by both agencies on November 5, 2021, be an is hereby adopted as an official plan of the County of Warren; with the required yearly updates and minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of the Emergency Management may be incorporated without further action.
2. The Town of Hackettstown departments identified in the Plan are hereby directed to further pursue potential or suggested implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Town of Hackettstown, and this resolution shall not be interpreted so an to mandate any such appropriation.
4. The Town of Hackettstown Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date agreed upon by all stakeholders.

BE IT FURTHER RESOLVED that the Town Clerk forward a certified true copy of this resolution to the Warren County Department of Public Safety and Emergency Management Coordinator.

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

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

Resolution

WHEREAS, both the medical and adult use of cannabis is authorized in the State of New Jersey (“State”), for medical sales under the Jake Honig Compassionate Use Medical Cannabis Act, NJSA 24:61-1 et seq. (“Jake Honig Law”), as well as for adult use sales pursuant to the recent passage of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“CREAMMA”) (the Jake Honig Law and CREAMMA collectively referred to as the “Cannabis Laws”).

WHEREAS, the State of New Jersey recognizes both the beneficial uses of medical cannabis as well as the internet of the people of New Jersey to adopt a new approach to cannabis policies by controlling and legalizing cannabis in a similar fashion to the regulation of alcohol for adults.

WHEREAS, there are currently twelve (12) licensed Alternative Treatment Centers (“ATC”), operating in the State licensed by the New Jersey Department of Health, Medical Marijuana Program (“DOH”), with an additional fourteen (14) medical cannabis licenses recently awarded by the Cannabis Regulatory Commission, as the successor entity to DOH (“CRC”).

January 13, 2022 (continued)

WHEREAS, the State of New Jersey recognizes the need for additional cannabis licenses, both in the medical and adult use programs, both of which will collectively be regulated by the CRC.

WHEREAS, the Town of Hackettstown (the “Town”) recognizes that the ultimate decision to approve any new cannabis licenses is guided by the standard identified within the New Jersey Cannabis Laws and vested to the discretion of the CRC.

WHEREAS, the Cannabis Laws nevertheless recognize the necessity of ensuring that any potential licenses/permittees have the support of the local community, as evidenced by a resolution adopted by said municipality’s governing body indicating that the intended location is appropriately located or otherwise suitable for the activities related to the cultivation, manufacturing, or dispensing of medical cannabis, cannabis products, and related supplies as will be conducted at the proposed facility.

WHEREAS, the Cannabis Laws also require, in addition to the resolution identifying support of the local community: (1) an indication that the proposed property is suitable or advantageous of the community in terms with the location specifically as well as the surrounding area; and d(2) a letter or affidavit from appropriate officials of the municipality that the location will conform to local zoning requirements allowing for activities related to the operation of the proposed lawful cannabis use.

WHEREAS, the Town supports cannabis businesses that might otherwise seek to operate within it, subject to eh reasonable time, place, and manner restrictions imposed by the lawfully enacted Ordinance No. 2021-09 (the “Ordinance”), which authorized the retail sale of cannabis and cannabis products within the Town, subject to reasonable limitations associated with specified zoning districts for specific license types, and the conditions by which those applicants/licensees/permitees may operate within the Town.

WHEREAS, the Town recognizes ample benefits to its community associated with permitting a cannabis retail facility to be located within its borders, including, but not limited to, job creation use of local vendors for build-out and ongoing operational needs, as well as anticipated tax revenues associated with hosting a cannabis manufacturing and/or processing facility within the borders of the Town.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Hackettstown, int eh County of Warren, State of New Jersey, as follows:

1. The Mayor and Town Council believe that the Town of Hackettstown will benefit from the location of an adult-use cannabis retail facility within the Town’s boundaries, subject to compliance with the Ordinance.
2. The owners of High Street Wellness LLC have introduced themselves to the Town, have identified numerous aspects of its business plan, including but not limited to its intended location at 811 High Street, Hackettstown, NJ (the “Property”), and its intended use of the Property as a Class 5 Microcannabis Retail Facility, if and when it is permitted to do so by the CRC.
3. The Town recognizes not only the suitability of the operation of a retail facility at the Property, but also as to the benefits that a company such as High street Wellness would bring to our community as a whole
4. The ordinance plainly identifies that the operation of a retail facility by High Street Wellness at the Property is consistent with the zoning rules identified therein, which expressly permits retail facility in the CC Zone, which is where the Property is located.
5. Based on the preceding, the Town is satisfied not only that the Property High Street Wellness seeks to utilize is compliant with our zoning rules and requirements outlined by the Ordinance, but also that High Street Wellness will be a valuable addition to the group of Class 5 Microcannabis Retail Facility license holders awarded by the CRC and that its business operations will have a positive impact on the Town and community at large.

January 13, 2022 (continued)

1. The town also confirms that though it has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the license applicant by the CRC does not exceed that limit.
2. In light of that, and in the event that the CRC issues High street Wellness a license/permit to operate in a Class 5 Microcannabis Retail Facility (under either the Jake Honig Law or CREAMMA), this Resolution should be viewed by the State as unequivocal support by the Town of High Street Wellness’ application, and an indication that the intended
3. location is appropriately located or otherwise suitable for the activities related to the dispensing of cannabis, cannabis products, and related supplies as will be conducted at the proposed facility.
4. The Town also authorizes our solicitor and/or zoning officer to issue any required letter or affidavit identifying that the Property will conform to local zoning requirements allowing for activities related to the operation of a retail facility, as outlined in the Ordinance, subject to the understanding and agreement with High Street Wellness that it will comply with any and all conditions required by the Ordinance for the use identified by the Ordinance, including, but not limited to, site plan approval, which the Town understands and agrees will not occur until after High Street Wellness obtains preliminary approval by the CRC.
5. This resolution shall take effect immediately.

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

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

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

Resolution

WHEREAS, certain bills have been presented for payment for year 2021 charges for which there are insufficient budget reserves to pay, and

WHEREAS, NJSA 40A:4-59 permits transfers of appropriation reserves within the first three months of the succeeding year to cover said charges.

NOW THEREFORE BE IT RESOLVED, that the following 2021 Budget Appropriation Reserve transfers be authorized;

 TRANSFER FROM: TRANSFER TO:

Senior Coordinator O/E $6,000.00 Telephone/Internet O/E $6,000.00

Total: $6,000.00 $6,000.00

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

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

Resolution

Resolution authorizing the Municipal Assessor of the Town of Hackettstown to file municipal appeals and enter into stipulations on behalf of the Town of Hackettstown.

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

Motion was made (Engelau) and seconded (Lambo) to approve check register #2021-23 in the amount of $77,483.07 and check register #2022-01 in the amount of $1,605,133.25.

January 13, 2022 (continued)

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

Motion was made (Lambo) and seconded (Becker) to authorize the release of the Quick Chek Performance Bond in the amount of $507,744.31.

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

Motion was made (Engelau) and seconded (Becker) to approve the Special Events License application for the Hackettstown Business Improvement District to hold Winterfest 2022 on January 22, 2022, to waive the $50.00 application fee and to charge no Town costs.

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

Motion was made (Kunz) and seconded (Lambo) to approve the taxicab drivers application for Andre Abad through May 1, 2022.

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

Motion was made (Lambo) and seconded (Engelau) to approve the taxicab drivers application for Joshua Owen Hawksworth through May 1, 2022.

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

Motion was made (Lambo) and seconded (Kunz) to approve raffle license #$1259 for the HHS Band Boosters to hold a Tricky Tray.

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

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

No one wished to speak at this time.

Mayor DiMaio appointed Juan Ocampo and Kevin MacQuesten to the position of step 2 police officers at a salary of $68,851.41 effective March 1, 2022.

Motion was made (Becker) and seconded (Engelau) to confirm Mayor DiMaio’s appointment of Juan Ocampo and Kevin MacQuesten to the position of step 2 police officers at a salary of $68,851.41 effective March 1, 2022.

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

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

Resolution

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HACKETTSTOWN AS FOLLOWS:

1. That the public be excluded from attendance at a portion of its meeting to be held on January 13, 2022 for the reason that the following subject matter will be discussed:

Personnel Matters
Administration Office Staffing

1. 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.

January 13, 2022 (continued)

1. 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 – Becker, Engelau, Kunz and Lambo

The meeting was closed at 7:42 PM and reopened at 8:35 PM. The Mayor stated that no formal action was taken by the Council during Executive Session.

Motion was made (Lambo) and seconded (Kunz) to adjourn this meeting at 8:36 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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Gerald DiMaio, Jr., Mayor William Kuster, Jr., Town Clerk