March 24, 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 March 24, 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 minutes of the regular meeting held on February 10, 2022.

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

 Abstain – Kunz

Motion was made (Sheldon) and seconded (Lambo) to approve the minutes of the executive session held on February 10, 2022.

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

 Abstain – Kunz

Councilperson Tynan entered the meeting at 7:04 PM.

Mayor DiMaio opened the public hearing on 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, which was introduced and passed on first reading on January 13, 2022, 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.

Michelle Morpeth, 148 East Prospect Street, Hackettstown, spoke of concerns regarding the drive through impacting traffic.

Steve Mlenak, Greenbaum, Rowe, Smith & Davis, attorney/representative of the prospective redevelopers of the property, discussed ideas for historical recognition of the property and recommended keeping the current language of the shared parking.

Darrin Matusewicz, owner of 93 East Stiger Street, Hackettstown, spoke of concerns regarding the drive through impacting traffic, specifically East Stiger Street.

Russell Eskow, 135 Bergen Street, Hackettstown, spoke of concerns regarding the realignment and maintenance of the existing Bergen Street.

Chris Morpeth, 148 East Prospect Street, Hackettstown, inquired about the change of drive through requirements in the ordinance, the square footage of the development, open space being part of Phase I, the brown field aspect of the cleanup and first responder coverage for all new development coming into Hackettstown.

Holly Eskow, 135 Bergen Street, Hackettstown, spoke of concerns regarding the realignment and maintenance of the existing Bergen Street, first responder response to Bergen Street area and safety needs being met, flooding and contamination concerns, the amount of buildings expected in the area and the lack of communication/notification to residents in the area.

There being no further comments from the public, Mayor DiMaio closed the public hearing and discussion returned to Council.

Motion was made (Lambo) and seconded (Sheldon) 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 adopted with the recommended changes from the Land Use Board on second and final reading and that Notice of Final Adoption be published.

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

 No – Tynan

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

Resolution

WHEREAS, the Town of Hackettstown (the “Town”) is authorized pursuant to the Local Redevelopment and Housing Law of the State of New Jersey, *N.J.S.A.* 40A:12A-1 *et seq*. (the “Redevelopment Law”), to determine whether certain parcels of land within the Town constitute an area in need of redevelopment; and

WHEREAS, pursuant to Redevelopment Law, on December 14, 1998, the Mayor and Council (the “Governing Body”), adopted Ordinance No. 98-ORD17, designating the properties identified on the official tax map of the Town as Block 38, Lots 2, 3, 3.01, 4 and 5; Block 34, Lot 5 (formerly Lots 3, 4, 5 and 7.01); Block 30, Lots 5-9; Block 21, Lots 18.01 and 18.02; Block 41, Lots 17, 21, 22, 23, 24 and 25; Block 41.02, Lots 17, 21, 22, 23, 24, 25, 2929.01, 30 and 32; and a portion of the Bergen Street right-of-way as part of an area in need of redevelopment and referred to as the “Stiger Street Redevelopment Area”; and

WHEREAS, in furtherance of redeveloping the Redevelopment Area, on March 10, 2022 the Governing Body, by Ordinance No. 2022-02, adopted a redevelopment plan for the former Bergen Tool property located within the Stiger Street Redevelopment Area, which consists, in-part, of Lot 18.02 in Block 21 and a portion of the Bergen Street right-of-way (the “Redevelopment Area”), entitled the “Bergen Tool Redevelopment Plan” (the “Redevelopment Plan”); and

WHEREAS, the Redevelopment Plan provides for the subdivision of the Redevelopment Area into two (2) or more lots to create two (2) distinct project areas, to include a Mixed-Use Project Area and a Townhome Project Area (collectively, the “Project”); and

WHEREAS, the Governing Body, by Resolution appointed Jade Hackettstown Associates Urban Renewal, LLC and Hackettstown Crossing Associates, LLC (collectively the “Redeveloper”) as the redeveloper of the Redevelopment Area; and

WHEREAS, the Town believes that the redevelopment of the Redevelopment Area in the manner agreed to by the Parties in the Redevelopment Agreement, which is annexed hereto as Exhibit “A” and on file in the Office of the Town Clerk is in the vital and best interests of the community and promotes the health, safety, morals and welfare of the Town’s residents and is in accord with the public purpose and provisions of the Redevelopment Law and all other legal requirements; and

WHEREAS, the Parties desire to enter into the Redevelopment Agreement for the purpose of setting forth in greater detail their respective undertakings, rights and obligations in connection with the construction of the Project in accordance with the Redevelopment Plan, and applicable law and the terms and conditions of this Redevelopment Agreement hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Hackettstown, County of Warren, and State of New Jersey, that the Town of Hackettstown is hereby authorized to enter into the Redevelopment Agreement with the Redeveloper pursuant to the Local Redevelopment and Housing Law of the State of New Jersey, *N.J.S.A.* 40A:12A-1 *et seq*.; and

BE IT FURTHER RESOLVED, that the governing body hereby authorizes and directs the Mayor and Town Clerk to execute, on behalf of the Town, the Redevelopment Agreement in substantially the form annexed hereto as Exhibit “A”.

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

 No – Tynan

Motion was made (Sheldon) and seconded (Engelau) that ordinance #2022-03 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 18 (FIVE-YEAR TAX EXEMPTIONS) 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 12, 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

 No – Tynan

Motion was made (Sheldon) and seconded (Becker) that ordinance $2202-04 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A LONG-TERM TAX EXEMPTION AGREEMENT, PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ., WITH JADE HACKETTSTOWN ASSOCIATES URBAN RENEWAL LLC, 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 12, 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

 No – Tynan

Motion was made (Sheldon) and seconded (Tynan) 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, N.J.S.A.

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 "New Jersey Cannabis Laws"); and

WHEREAS,the State of New Jersey recognizes both the beneficial uses of medical cannabis as well as the intent 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; and

WHEREAS**,** the Town of Hackettstown (the "Town") recognizes that the ultimate decision to approve any new cannabis licensees is guided by the standards identified within the New Jersey Cannabis Laws and vested in the discretion of the Cannabis Regulatory Commission ("CRC"); and

WHEREAS**,** the New Jersey Cannabis Laws nevertheless recognize the necessity of ensuring that any potential licensees, such as Hackettstown Dispensary LLC, (and/or its assigns) have the support of the local community for the suitability of the location, 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 operations of the proposed cannabis business by a potential licensee, such as Hackettstown Dispensary LLC (and/or it assigns); and

WHEREAS,the New Jersey Cannabis Laws also require, in addition to the resolution identifying support of the local community for the proposed business location as suitable or advantageous for the local community and the surrounding area, that a letter or affidavit be issued from appropriate officials of the municipality stating that the activity will conform to local zoning requirements allowing for activities related to the operation of the proposed cannabis operation to be conducted at the proposed cannabis business location, and any variances granted concerning the operation of cannabis business.

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

1. The Council believes that the Town of Hackettstown will benefit from the properly sited and vetted location of a cannabis-related facility within the Town's boundaries, which may include Class *5* Cannabis Retail Business under New Jersey's Cannabis Laws.
2. The Town recognizes that the proposed cannabis-related operation to be conducted at the building located in the HC Zone District at 319-320 Mountain Avenue, Hackettstown, NJ 07840, (the "Property") will bring with it positive economic development for the surrounding area and Town as a whole, subject to receipt of all necessary approvals, permits, licenses and/or variances from the Town. Further, the operation of a cannabis retail store will create jobs in the town.
3. Based on the preceding and provided Hackettstown Dispensary LLC (and/or its **assigns)** or another potential licensee receives an appropriate license from the CRC, the Town is satisfied that the intended location of a cannabis-related operation of Hackettstown Dispensary LLC, and/or its assigns, or another licensed cannabis business will have a positive impact on the Town and community at large.
4. The Town also authorizes its solicitor and/or zoning officer to issue any required letter or affidavit confirming that the Property conforms to local zoning requirements for activities related to the operation of a said cannabis-related facility.
5. This resolution shall take effect immediately.

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

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

Resolution

WHEREAS, the 2022 Temporary Budget of the Mayor and Council of the Town of Hackettstown, as adopted January 1, 2022, appropriated sufficient funds to cover the Town’s financial obligations for the first three months of the calendar year, and

WHEREAS, due to a revision in the State budget calendar the 2022 budget will not be adopted by March 31,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Hackettstown, that the temporary budget be extended, and that the appropriations be increased by one twelfth of appropriations made for debt service, capital improvement fund and public assistance.

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

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

Resolution

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board of February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Town of Hackettstown has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2022 budget year,

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Town of Hackettstown that in accordance with N.J.A.C. 5:30-7.6a and 7.6b and based upon the Chief Financial Officer’s certification, the governing body has found that the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

 a. Payment of interest and debt redemption charges

 b. Deferred charges and statutory expenditures

 c. Cash deficit of preceding year

 d. Reserve for uncollected taxes

 e. Other reserves and non-disbursement items

 f. Any inclusion of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., and fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

 a. All estimated of revenue are reasonable, accurate and correctly stated,

 b. Items of appropriation are properly set forth

 c. In itemization, form, arrangement and content, the budget will permit the

 exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local government Services upon adoption.

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

Motion was made (Sheldon) and seconded (Becker) to introduce the 2022 municipal budget.

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

Motion was made (Sheldon) and seconded (Becker) to approve the Recreation Department purchase order for pool chemicals from Buckman’s, Inc. in the amount of $21,642.00.

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

Motion was made (Sheldon) and seconded (Becker) to approve the Recreation Department purchase order for Little League Baseball registrations to Colonial Baseball in the amount of $9,495.00.

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

 Abstain – Lambo

Motion was made (Engelau) and seconded (Tynan) to approve check register #2022-04 in the amount of $400,105.89.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2022-05 in the amount of $1,838,849.68.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2022-06 in the amount of $409,972.09.

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

Motion was made (Sheldon) and seconded (Kunz) to approve the extension of the outdoor dining fees for 2022 as requested by the Zoning Official.

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

Motion was made (Sheldon) and seconded (Becker) to approve amended raffle license #1255A for the Knights of Columbus, Joyce Kilmer Council #2483 to hold a calendar raffle.

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

Motion was made (Becker) and seconded (Engelau) to approve raffle license #1263 for the NJ Civic Youth Ballet to hold an off premise 50/50.

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

 Abstain – Kunz

Motion was made (Sheldon) and seconded (Becker) to approve the raffle license #1264 for the Hackettstown Rotary Club to hold a tricky tray.

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

Motion was made (Sheldon) and seconded (Becker) to approve raffle license #1265 for the Hackettstown Rotary Club to hold an on premise 50/50.

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

Motion was made (Sheldon) and seconded (Becker) to approve raffle license #1266 for the Hackettstown Moose Lodge 816 to hold a pull tab raffle.

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

Motion was made (Sheldon) and seconded (Becker) to approve hiring Savannah Hettman to the position of part time fill in-on call clerk/typist to the municipal court at a rate of $13.00 per hour.

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

Mayor DiMaio appointed Mary Painter to the position of Board of Health Member retroactive to January 1, 2022 with a term expiring December 31, 2026.

Motion was made (Sheldon) and seconded (Lambo) to confirm Mayor DiMaio’s appointment of Mary Painter to the position of Board of Health Member retroactive to January 1, 2022 with a term expiring December 31, 2026.

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

Motion was made (Becker) and seconded (Sheldon) to approve the special event license application for Czig Meister Brewing Co. to hold 90’s Party event on April 30, 2022, and to charge no Town costs.

Motion a made (Sheldon) and seconded (Engelau) to approve the special event license application for the Hackettstown Business Improvement District to hold an International Global Day on May 14, 2022, to waive the $50.00 application fee and charge Town costs in the amount of $2,700.00.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the purchase of a 2022 charger at the same price as the previously approved 2021 charger.

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

Motion was made (Kunz) and seconded (Tynan) to approve the following areas be designated at “No Parking Tow Away” zones from 8:00 am to 9:00 pm on Saturday, May 14, 2022.

1. Main St. (Rt. 46) from Grand Avenue to East Plane St; both sides
2. West Moore St. from Washington St. to Rt. 46; both sides

Also requesting road be closed

1. East Moore St. from Sharp St. to Rt. 46; both sides

Also requesting road be closed

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

Motion was made (Kunz) and seconded (Lambo) to approve the following areas be designated as “Tow-Away” zones from 7:00 am to 12:00 pm on May 30, 2022.

1. Main Street (Rt. 46) from Grand Avenue to Rt. 182; both sides
2. Willow Grove Street from Rt. 46 to Franklin Street; both sides
3. Franklin Street from Willow Grove Street to Liberty Street; both sides
4. Liberty Street from Rt. 46 to Franklin Street; both sides
5. Washington Street from Valentine Street to Grand Avenue; both sides
6. Washington Street from Warren Street to Bells Lane; both sides
7. Bells Lane from Washington Street to Rt. 182; both sides
8. Rt. 182 (Mountain Avenue) from its intersection with Rt. 46 South to the cemetery gates; both sides
9. Victoria Lane – the entire length; both sides
10. Valentine St. from Rt. 46 to Beatty St.; both sides

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

Motion was made (Sheldon) and seconded (Kunz) to approve the list of projects for the Capital Ordinance 2022 Capital Improvement items.

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

Motion was made (Lambo) and seconded (Engelau) to approve hiring an architect for preliminary costs for municipal building renovations under the American Rescue Plan.

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

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

Shanjay (unknown), resident of Randolph Township, spoke about a potential cannabis cultivation business in Hackettstown.

Motion was made (Sheldon) and seconded (Engelau) to adjourn this meeting at 8:27 P.M.

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

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