August 11, 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 August 11, 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 Engelau, Kunz, Lambo, Sheldon and

 Tynan

 Absent – Councilperson Becker

Mayor DiMaio presented a proclamation in recognition of the retirement of William Kuster, Jr. as Town Clerk/Administrator.

Motion was made (Sheldon) and seconded (Engelau) to approve the minutes of the regular meeting held on July 14, 2022 as submitted.

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

 Abstain – Tynan

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 adopted on January 21, 2022; or the twenty-fifth calendar day after the tax bills were mailed; and

WHEREAS, the Tax Collector mailed or otherwise delivered the 2022 Final/2023 Preliminary tax bills on July 27, 2022; and, the due date for the third-quarter payment is August 26, 2022, which is more than 25 days from the mailing date of July 27, 2022.

NOW, THEREFORE, BE IT RESOLVED on this 11th day of August, 2022 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 26, 2022.

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

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

Resolution

WHEREAS, a contract was awarded at the June 9, 2022 Mayor and Council meeting to United Ford for the purchase of a Ford F250 pickup truck, through the ESCNJ cooperative purchasing contract, and

WHEREAS, due to the volatility of the current vehicle market, the vendor was notified by Ford that all 2022 vehicle orders had been cutoff due to unavailability.

NOW, THEREFORE BE IT RESOLVED, that the award to United Ford LLC is hereby rescinded.

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

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

Resolution

WHEREAS, the Department of Veterans Affairs has determined that Michael Rine, owner of property at Block 3, Lot 7.02, 706 E. Baldwin Street, is totally disabled; and

WHEREAS, due to this determination, Mr. Rine is not required to pay property taxes from April 6, 2022 and is therefore exempt from future tax payments; and

WHEREAS, an overpayment will exist and must now be refunded to the assessed owner as a totally disabled veteran:

NOW THEREFORE BE IT RESOLVED by the Governing Body that the Tax Collector is authorized to cancel taxes from April 6, 2022 and is hereby authorized to cancel the total balance due from the tax record for 2022. The Governing Body also authorizes the Chief Financial Officer to make a refund of taxes as follows:

Block Lot Year Assessed To Amount

3 7.02 2022 Michael Rine $2,395.18

 706 E. Baldwin St

 Hackettstown, NJ 07840

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

Motion was made (Sheldon) 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 as to 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 Law 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.

WHEREAS, the Town has previously authorized the operation of two Class 5 cannabis retailers within its jurisdiction.

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 confirms that the imposed limit on two of licensed cannabis Class 5 retail businesses will not be exceeded due to the issuance of a license by the Commission to Hackettstown Dispensary LLC would not exceed that limit.
3. 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.
4. Based on the preceding and given that Hackettstown Dispensary LLC (and/or its assigns) has received a conditional Class 5 Retail Recreational Adult Use License from the CRC, the Town grants its support approval for Hackettstown Dispensary LLC.
5. The Town also authorizes it 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.
6. This resolution shall take effect immediately.

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

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

Resolution

WHEREAS, the Town of Hackettstown has decided to retire a police canine dog in its police department; and

WHEREAS, the Town owns a police dog named Edo; and

WHEREAS, pursuant to NJSA 40A:11-36, the Town Council may authorize by Resolution the sale of its personal property not needed for public use; and

WHEREAS, the officer with whom the dog was trained to work, retiring Police Officer Chris Laver of the Hackettstown Police Department, has bonded with and wishes to purchase the dog; and

WHEREAS, the dog does not have commercial value if sold by itself; and

WHEREAS, the governing body wishes to sell the dog to retiring Police Officer Chris Laver.

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Hackettstown, that:

1. Police dog, Edo, will be sold to retiring Police Officer Chris Laver for one ($1.00) dollar.
2. Chris Laver shall use Edo for private purposes as a domestic pet and not for public or private police or investigative purposes.
3. Chris Laver will be fully responsible for the care and maintenance of Edo.
4. Chris Laver shall indemnify and hold the Town harmless from any liability arising from Edo after the sale of Edo.
5. The Mayor and Clerk are hereby authorized and directed to execute an agreement of sale, subject to the above-recited terms, with Chris Laver for Edo.
6. This Resolution shall take effect immediately.

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

Motion was made (Engelau) and seconded (Tynan) to approve the RAVE Memorandum of Understanding Agreement.

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

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

Resolution

WHEREAS, on January 18th 2010, Governor Corzine signed the New Jersey Compassionate Use Medial Marijuana Act, NJSA 24:61-1 et seq., which provided for the legalization of medical marijuana and creation of a program to allow persons suffering from qualifying debilitating medical conditions to obtain medical marijuana in a safe, timely and compassionate manner; and

WHEREAS, the State of New Jersey in 2018 amended its regulatory scheme so as to expand the scope of citizens to whom medical marijuana may be prescribed and so as to make medical marijuana more accessible and available to many of the citizens who need it; and

WHEREAS, on November 3, 2020, the Marijuana Legalization Amendment was approved by voters in New Jersey, which legalized the possession and use of cannabis for residents twenty one years of age or older; and

WHEREAS, on February 22, 2021, Governor Phil Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Act, which established the adult use cannabis program in the State of New Jersey.

WHEREAS, the Town of Hackettstown endorses the adult use cannabis program in the state of New Jersey, as well as the medical use program, which provides needed relief to the many persons suffering from chronic and/or debilitating illnesses who may benefit from this program; and

WHEREAS, the Town of Hackettstown supports the safe and appropriate siting of a Class 5 Cannabis Retailer within the Highway Commercial (HC) and Community Commercial (CC) zones of the Town of Hackettstown to the extent consistent with applicable state and local statutes, rules, regulations and ordnances; and

WHEREAS, Skunk Father, LLC has expressed interest in the siting of such a facility within the Town of Hackettstown.

NOW THEREFORE, BE IT RESOLVED, that Town Council of Hackettstown supports the safe and appropriate sighting of a Class 5 Cannabis Retailer within the HC and CC zones of the Town of Hackettstown by The Skunk Father, LLC to the extent consistent with applicable state and local statutes, rules, regulations and ordinances.

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

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

Resolution

WHEREAS, by the Municipal Council of the Town of Hackettstown, in the County of Warren, State of New Jersey, that Patricia Noll is hereby appointed as Tax Collector for the Town of Hackettstown; and

NOW THEREFORE BE IT RESOLVED, that the Tax Collector is appointed pursuant to N.J.S.A. 40A:9-141 and N.J.S.A. 40A:9-142 and shall hold office for a term of four (4) years effective January 1, 2022; and

BE IT FURTHER RESOLVED that the Tax Collector shall be appointed by the Mayor, with the advice and consent of the Municipal Council; and

BE IT FURTHER RESOLVED pursuant to N.J.S.A 40A:9-145, et seq., the Tax Collector shall be qualified and certified as required and shall be subject to tenure rights and removal procedures as set forth in said statutory provisions.

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

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

Resolution

WHEREAS, pursuant to N.J.S.A. 40A:9-133, in every municipality there shall be a Municipal Clerk appointed for a three-year term by the governing body of the municipality; and

WHEREAS, pursuant to N.J.S.A. 26:8-14, the governing body shall also appoint a Local Registrar; and

WHEREAS, pursuant to N.J.S.A. 26:8-13, if the Local Registrar is the Municipal Clerk, the term of office as Local Registrar shall be concurrent with the term of Office of Municipal Clerk; and

WHEREAS, as of September 1, 2022, there exists a need for the appointment of a Municipal Clerk/Administrator and a Local Registrar for the the Town of Hackettstown, in the County of Warren, State of New Jersey, as mandated by the statutory law described herein, for the purpose of providing the Town with the duties, tasks and services proscribed at N.J.S.A. 40A:9-133 and 26:8-25; and

WHEREAS, Paola J. Reilly has served as the Deputy Municipal Clerk/Administrator and Deputy Registrar for the Town of Hackettstown for 28 years; and

WHEREAS, Paola J. Reilly has successfully completed the required courses offered through Rutgers, the State University, and passed the required State examination administered by the Division of Local Government Services, Department of Community Affairs, and has been certified as a Registered Municipal Clerk in accordance with the requirements of Chapter 174, Law of 1985.

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Hackettstown, County of Warren, State of New Jersey that Paola J. Reilly be appointed Municipal Clerk/Administrator and Registrar for a term of three (3) years in accordance with N.J.S.A. 40A:9-133 and 26:8-13 , effective September 1, 2022; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Local Government Services, Department of Community Affairs.

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

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

Resolution

WHEREAS, pursuant to N.J.S.A. 40A:9-135, the governing body of any municipality may provide for the appointment of a Deputy Municipal Clerk; and

WHEREAS, the governing body of any municipality may also appoint a Deputy Registrar for the Town of Hackettstown; and

WHEREAS, there exists a need for the appointment of a Deputy Municipal Clerk and a Deputy Registrar for the Town of Hackettstown, County of Warren, State of New Jersey, for the purpose of providing the Town with the duties, tasks and services for the residents.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the Tow of Hackettstown, County of Warren, State of New Jersey, that Mary Matusewicz be and is hereby appointed Deputy Municipal Clerk and Deputy Local Registrar of the Town of Hackettstown commencing on September 1, 2022.

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

Motion was made (Sheldon) and seconded (Engelau) to award the Police Department Cyber Security updates to Pascack Data in the amount of $18,050.00.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the Chapter 159 in the amount of $18,050.00 from ARP funding for Police Department Cyber Security updates.

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

Motion was made (Sheldon) and seconded (Engelau) to award the contract to Timothy Hoffman, LLC for the preparation of appraisals for the State Tax Court Appeals.

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

Motion was made (Tynan) and seconded (Kunz) to approve splitting the Land Use Board Clerk position into two clerk positions.

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

Motion was made (Engelau) and seconded (Tynan) to approve check register #2022-14 in the amount of $570,431.45.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2022-15 in the amount of $1,932,056.77.

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

Motion was made (Sheldon) and seconded (Engelau) to approve raffle license #1268 for Hackettstown Lady Tigers to hold an off premise 50/50.

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

Motion was made (Sheldon) and seconded (Tynan) to approve raffle license #1269 for the Hackettstown Moose Lodge 816 to hold an on premise 50/50.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the special event license application for Czig Meister Brewing Co. to hold a Live Music in the Biergarten at Czig Meister on August 13, August 20 and August 27, 2022, to charge the $50.00 application fee and to charge no Town costs.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the special event license application for the Hackettstown BID to hold a Saturday Sidewalk Sales on Saturdays from August 27 through October 29, 2022, to waive the $50.00 application fee and to charge no Town costs.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the special event license application for the Foundation for Hackettstown Medical Center to hold a Hackettstown Holiday Lights Festival on November 19, 2022, to waive the $50.00 application fee and to charge Town costs in the amount of $1,257.48.

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

Motion was made (Sheldon) and seconded (Engelau) to appoint Sheryl Deiter to the position of part time crossing guard effective immediately.

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

Motion was made (Sheldon) and seconded (Lambo) to extend the previously approved special event license application for the Hackettstown BID Late Night Thursdays/Farmer’s Markets to include the dates of September 10, 2022 and October 8, 2022.

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

Motion was made (Sheldon) and seconded (Tynan) to appoint Colin Baker to the position of Fire Subcode Official effective August 24, 2022 at a rate of $9,500.00 per year.

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

Motion was made (Kunz) and seconded (Engelau) to request a certified civil service list for Police Lieutenant and Police Sergeant.

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

Motion was made (Sheldon) 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 August 11, 2022 for the reason that the following subject matter will be discussed:

Litigation Matters

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.
2. 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 – Engelau, Kunz, Lambo, Sheldon and Tynan

The meeting was closed at 7:25 PM and reopened at 7:35 PM. The Mayor stated that no formal action was taken during Executive Session.

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

Kevin Babilonia, The Skunk Father, spoke to wanting to have a cannabis business in the Town of Hackettstown.

Motion was made (Sheldon) and seconded (Kunz) to adjourn this meeting at 7:37 PM.

Roll Call Vote: Yes – 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