February 9, 2023

The Mayor and Common Council convened in open session in the Hackettstown Municipal Building, 215 Stiger Street, Hackettstown, New Jersey at 7:00 PM on February 9, 2023. 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 and NJ Herald;
3. Posting notice on the Municipal website www.Hackettstown.net.
4. Furnishing a notice of said meeting to anyone requesting it in accordance with the Open Public Meetings Act; and
5. Filing a notice of said meeting with the Town Clerk.

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

 Absent – Sheldon and Tynan

Motion was made (Lambo) and seconded (Engelau) to approve the minutes of the regular meeting held on January 12, 2023 as submitted.

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

Mayor DiMaio opened the public hearing on ordinance #23-01 entitled, ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK, which was introduced and passed on first reading on January 12, 2023, 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 comments from the public, Mayor DiMaio closed the public hearing and discussion returned to Council.

Motion was made (Lambo) and seconded (Becker) that ordinance #2023-01 entitled, ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK, be adopted on second and final reading and that Notice of Final Adoption be published.

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

Mayor DiMaio opened the public hearing on ordinance #23-02 entitled, AN ORDINANCE BY THE MAYOR AND COUNCIL AMENDING THE TOWN OF HACKETTSTOWN CODE OF ORDINANCES TO REPEAL CHAPTER 17 (FLOOD DAMAGE PREVENTION ORDINANCE OF THE TOWN OF HACKETTSTOWN); TO ADOPT A NEW CHAPTER 17 TO BE KNOWN AS “FLOODPLAIN MANAGEMENT REGULATIONS”; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE, which was introduced and passed on first reading on January 12, 2023, 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 comments from the public, Mayor DiMaio closed the public hearing and discussion returned to Council.

Motion was made (Lambo) and seconded (Kunz) that ordinance #2023-02 entitled, AN ORDINANCE BY THE MAYOR AND COUNCIL AMENDING THE TOWN OF HACKETTSTOWN CODE OF ORDINANCES TO REPEAL CHAPTER 17 (FLOOD DAMAGE PREVENTION ORDINANCE OF THE TOWN OF HACKETTSTOWN); TO ADOPT A NEW CHAPTER 17 TO BE KNOWN AS “FLOODPLAIN MANAGEMENT REGULATIONS”; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE, be adopted on second and final reading and that Notice of Final Adoption be published.

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

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

Resolution

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed or cancelled; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to Capital Improvement Fund or Capital Surplus.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Hackettstown that the following unexpended and dedicated balances of General Capital Appropriations be cancelled:

ORD PROJECT AMOUNT

NUMBER DESCRIPTION CANCELLED

2020-05 Various Improvements $16,118.60

TOTALS: $16,118.60

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 2022 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 2022 Budget Appropriation Reserve transfers be authorized;

 TRANSFER FROM: TRANSFER TO:

Engineering O/E $2,800.00 Telephone O/E $2,800.00

Totals \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_

 $2,800.00 $2,800.00

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

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

Resolution

WHEREAS, there are open Municipal Alliance prior year grant reserves on the Current Fund Balance Sheet, as well as Municipal Alliance grant receivables; and

WHEREAS, these grant periods are over, and it is necessary to formally cancel the remaining appropriated balances and receivables to close these grants,

NOW THEREFORE BE IT RESOLVED, that the following Balance Sheet line items be cancelled:

 Municipal Alliance Cash Match 2021 $418.30

 Municipal Alliance Cash Match 2022 $241.55

 Municipal Alliance State 2022 $1,527.40

 Municipal Alliance State 2022 Receivable $2,122.00

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

Mayor DiMaio appointed Gregory Chontow to the position of Alternate Construction Official and Alternate Building Subcode Official for 2023.

Motion was made (Becker) and seconded (Kunz) to confirm Mayor DiMaio’s appointment of Gregory Chontow to the position of Alternate Construction Official and Alternate Building Subcode Official for 2023.

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

Motion was made (Lambo) and seconded (Engelau) to approve the Recreation purchase order in the amount of $17,350.00 for the 2023 Annual Fertilizer Program from Code Green Lawn Care, Great Meadows, NJ.

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

Motion was made (Becker) and seconded (Lambo) to hire Amber Thompson to the position of part time fill in/on call clerk to the Municipal Court at a rate of $14.13 per hour effective immediately.

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

Motion was made (Becker) and seconded (Kunz) to appoint Rachel Marlowe to the vacant position of the Library Board of Trustees.

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

Motion was made (Becker) and seconded (Engelau) to extend the leave of absence for Carolyn Cavanagh to March 6, 2023.

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

Motion was made (Engelau) and seconded (Becker) to approve check register #2023-2 in the amount of $574,176.74.

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

Motion was made (Engelau) and seconded (Lambo) to approve check register #2023-3 in the amount of $3,641,247.44.

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

Motion was made (Lambo) and seconded (Kunz) to approve raffle license #1283 for the Hackettstown Moose Lodge 816 to hold a pull tab raffle.

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

Motion was made (Kunz) and seconded (Becker) to approve raffle license #1284 for the HHS Band Boosters, Inc. to hold a tricky tray.

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

Motion was made (Becker) and seconded (Lambo) to approve the special event license application for West End Properties, LLC to hold a West End Farmer’s Market every Sunday from May 7, 2023 through October 29, 2023, to charge the $50.00 application fee and charge no Town costs.

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

Motion as made (Lambo) and seconded (Kunz) to approve the special event license application for the Hackettstown BID to hold a Hackettstown MaiFest and International Day on May 20, 2023, to waive the $50.00 application fee and to charge Town costs in the amount of $3,300.00.

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

Motion was made (Kunz) and seconded (Lambo) to designated the following areas as “No Parking Tow-Away” zones from 9:00 am to 8:00 pm on Saturday, May 20, 2023 with a rain date of Sunday, May 21, 2023.

1. Valentine St. between Route 46 and Washington St. Requesting that section to be closed to vehicular traffic.
2. Grand Avenue between Route 46 and Washington St. Requesting that section to be closed to vehicular traffic.

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

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

WHEREAS there is presently pending before the Tax Court of the State of New Jersey, the matters entitled *“Hackettstown Interstate, LLC vs. Town of Hackettstown"*, which matters pertain to the appeals of the 2020 through 2022 tax years municipal property tax assessments for the property located at Block 125, Lot 9 and Block 125, Lot 10: and

WHEREAS a proposed settlement has been reached in this matter through the negotiations of special counsel for the Town of Hackettstown, McKirdy, Riskin, Olson & Della Pelle, P.C., and counsel for the property owner, 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 Block 125, Lot 9 had an original total assessment for the 2020 through 2022 tax years of $25,000,000.00; and Block 125, Lot 10 had an original total assessment for the 2020 through 2022 tax years of $792,100.00.

WHEREAS the proposed settlement will reduce the assessment on Block 125, Lot 9 as follows: 2020 tax year to $24,107,900.00; 2021 tax year to $23,957,900.00; 2022 tax year $23,707,900.00, and

WHEREAS the proposed settlement represents a decrease in the assessed value of the subject property of $892,100.00 for the 2020 tax years; $1,042,100.00 for the 2021 tax year and $1,292,100.00 for the 2022 tax year; and

WHEREAS the total refund due the plaintiff as a result of the within settlement are as follows:

 2020 tax year $27,913.81

 2021 tax year $33,305.52

 2022 tax year $42,174.14

 Total tax savings for the 2020 through 2022 tax years will be $103,393.47.

WHEREAS plaintiff has further agreed that the 2022 assessment on Block 125, Lot 10, 213 Mountain Avenue, shall remain at $792,100.00 for the 2020 thorough 2023 tax years, with the 2023 assessment on Block 125 Lot 9 to be $23,207,900.00; 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 judgments by the Tax Court; and

WHEREASthe 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

WHEREASthe counsel for 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 appears that the settlement is fair and indicative of the true market value of said property;

NOW, THEREFORE, BE IT RESOLVEDby 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 & Della Pelle, P.C., 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 the refunds due the taxpayer in the within matter for the 2020, 2021 and 2022 tax years.

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 Gerald DiMaio be appointed as a member of the Town of Hackettstown Municipal Utilities Authority for a term of five years expiring February 1, 2028,

And;

BE IT FURTHER RESOLVED, that a copy of this resolution duly certified by the Clerk of the Town of Hackettstown shall be filed forthwith in the Office of the Secretary of State of New Jersey; and

BE IT FURTHER RESOLVED, that this resolution shall take effect on February 9, 2023.

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

Motion was made (Lambo) and seconded (Engelau) to accept Stephen Gast as an Active Honorary member of the Hackettstown Fire Department Vigilant Hook and Ladder Co. #1.

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

Mayor DiMaio asked if anyone from the public had any comments at this time.

Tyler Adams, Hoffman Road, Port Murray, NJ, followed up with the Mayor and Council about the proposed E-Scooter business.

Motion was made (Lambo) and seconded (Engelau) to adjourn this meeting at 7:24 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 P.J. Reilly, Town Clerk/Administrator