November 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 November 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, Lambo, Sheldon

and Tynan

Mayor DiMaio administered the Oath of Office to SRO Officers Matthew Frauen and Mark Ramos.

Motion was made (Sheldon) and seconded (Engelau) to approve the minutes of the executive session meeting held on August 11, 2022.

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

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

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

Motion was made (Sheldon) and seconded (Engelau) to approve the minutes of the executive session held on October 12, 2023.

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

Motion was made (Sheldon) and seconded (Lambo) that ordinance #2023-08 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN ESTABLISHING NEW ARTICLE 9 IN CHAPTER 7 ESTABLISHING LEAD PAINT INSPECTION PROCESS FOR RESIDENTIAL RENTAL UNITS, 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 December 14, 2023; 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, Lambo, Sheldon and Tynan

No – Kunz

Motion was made (Sheldon) and seconded (Lambo) that ordinance #2023-11 entitled, AN ORDINANCE TO APPROVE AND ADOPT THE 2024 BUDGET FOR THE HACKETTSTOWN BUSINESS IMPROVEMENT DISTRICT, INC., 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 December 14, 2023; 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, Sheldon and Tynan

Motion was made (Sheldon) and seconded (Becker) that ordinance #2023-12 entitled, ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF THE TOWN OF HACKETTSTOWN, ENTITLED “HEALTH AND SANITATION”, IS AMENDED TO ADD AN ARTICLE 14 ENTITLED “PRIVATELY OWNED SALT STORAGE”, 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 December 14, 2023; 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, Sheldon and Tynan

Motion was made (Lambo) and seconded (Engelau) that ordinance #2023-13 entitled, ORDINANCE TO REQUIRE THE ISSUANCE OF A CERTIFICATE OF CONTINUING OCCUPANCY FOR RESIDENTIAL AND COMMERCIAL PROPERTIES”, 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 December 14, 2023; 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 and Lambo

No – Engelau, Kunz, Sheldon and Tynan

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

Resolution

WHEREAS, there is presently pending before the Tax Court of this State of New Jersey, the matters entitled “Mark Buzin vs. Town of Hackettstown”, which matters pertain to the appeals of the 2020 through 2023 tax years municipal property tax assessments for the property located at Block 44, Lot 4.03, C1152; and

WHEREAS, a proposed settlement has been reached in this matter through negotiations of special counsel for the Town of Hackettstown, McKirdy, Riskin, Olson & DellaPelle, 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, the subject property had an original total assessment for the 2020 through 2023 tax years of $409,000.00; and

WHEREAS, the proposed settlement will involve a withdrawal of the 2020, 2021 and 2022 appeals, thereby allowing the original assessment of $409,000.00 to remain in full force and effect, and will reduce the assessment on the subject property to $365,000.00 for the 2023 tax years; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of $44,000.00 for the 2023 tax year; and

WHEREAS, the total refund due the plaintiff as a result of the within settlement for the 2023 tax year will be approximately $1,484.56; and

WHEREAS, the taxpayer, as part of the within settlement, will waive any pre-judgment interest due on any refunds and will accept credits in lieu of a cash refund for the 2023 tax year; and

WHEREAS, as an additional condition of settlement, the 2024 assessment on property will be further reduced to a total of $350,000.00; 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 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 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, 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 credit the refund due the taxpayer in the within matter for the 2023 tax year against future tax bills on the subject property.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Tynan  
  
 No – Sheldon

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

Resolution

WHEREAS, there is presently pending before the Tax Court of the State of New Jersey, the matters entitled “Reliable Holdings LLC vs. Town of Hackettstown”, which matters pertain to the appeals of the 2021, 2022 and 2023 tax years municipal property tax assessments for the property located at Block 127, Lots 15, 15.021, 15.022, 15.023, 15.024, 15.025, 15.026, 15.027, 15.028, 15.029, 15.0210; 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 & DellaPelle, 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, the subject property had an original total assessment for the 2021 through 2023 tax years for $4,728,400.00; and

WHEREAS, the proposed settlement will affirm the assessment for the 2021 tax year and will reduce the assessment on the subject property as follows: 2022 tax year to $4,350,000.00 and; 2023 tax year to $4,250,000.00; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of $378,400 for the 2022 tax year and $478,400.00 for the 2023 tax year; and

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

2022 tax year $12,350.98

2023 tax year $16,141.22

Total tax savings for the 2022 and 2023 tax years will be $28,492.20.

WHEREAS, the parties have further agreed that the 2024 assessment on the subject properties shall be a total of $4,000,000.00; 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;

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 counsel for the Town of Hackettstown, being the governing body of the said Town, has deemed it to be in the public interest to approve said settlement; and it 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, 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 2022 and 2023 tax years.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Tynan  
  
 No – Sheldon

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

Resolution

WHEREAS, the Pay-to-Play law under Ch. 19, P.L. 204 requires that all contracts in excess of $17,500.00 even if normally exempt be publicly bid under the pay-to-play legislation or in the alternative be awarded under the non-fair procedures; and

WHEREAS, the Mayor and Common Council have determined that it is in the best interest of the Town to follow the open and fair public bidding process for professional service contracts for 2024,

THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HACKETTSTOWN as follows:

1. Subsequent to the determination by the Town of Hackettstown that a contract shall be in excess of $17,500 the Town shall utilize the fair and open process delineated below to select the business entity, including those providing professional services, to which the Town shall enter into such contract. In accordance with Ch. 19, P.L. 204, the criteria delineated below as to what constitutes a fair and open process is the final decision of the Town of Hackettstown
2. The Fair and Open Process established by the Town of Hackettstown shall be as follows:
   1. The solicitation of qualifications for any contract to be determined in excess of $17,500, and for which a bid solicitation shall not be required under Local Public Law, shall be published and advertised by the Town either in the official newspaper of the Town of Hackettstown for publication of notices or on the Town of Hackettstown website not later than ten (10) days prior to the date set for the receipt of said request for qualifications. The published notice shall set forth the description of the requested goods and services, the time, date and place that proposals must be submitted, the contact information for obtaining a proposal document and a statement that the proposals are being solicited through the fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq.
   2. The Town shall require that any entity responding to the request for qualifications shall include, at a minimum the following:
      1. Full name and business address;
      2. Any professional licenses held by the applicant in the State of New Jersey or any other State including a "Certificate of Good Standing" or other documents evidencing that the license is not presently suspended or revoked;
      3. The number of licensed professionals employed by, or associated with, the applicant;
      4. A listing of all degrees (college and/or graduate degrees) held by the applicant and any associated professionals in the business entity;
      5. A listing of all public entities for whom the business entity has had a contractual relationship, either currently or previously, including the dates of service and the position held;
      6. A listing of any professional affiliations or membership in any professional societies or organizations, including any offices or honors held.

The Town of Hackettstown shall review the responses to the request for qualifications and appoint or award a contract to a business entity for the goods or services advertised subsequent to such review. The resolution awarding the contract shall state that the contract was awarded after a fair and open process and shall state the number of responses received.

Contracts subject to the Fair and Open Process delineated herein are subject to additional requirements as provided by ordinances adopted by the Town of Hackettstown and any other applicable laws including, but not limited to, the Local Public Contracts Law.

1. SELECTION CRITERIA
   1. Qualifications of the individuals who will perform the tasks and the amount of their respective participation;
   2. Experience in providing the services requested by the Town of Hackettstown and referenced related thereto;
   3. Ability to perform the tasks in a timely fashion, including staffing and familiarity with the subject matter and the Town of Hackettstown.
   4. Recent, current and projected work load of the individual or firm;
   5. Thoroughness and completeness of the applicant's submittal.

In accordance with N.J.S.A. 19:44A-20.5 et seq. the Town of Hackettstown is soliciting proposals for the following positions:

Municipal Prosecutor  
Town Auditor   
Town Planner  
Land Use Planner   
Town Engineer  
Land Use Engineer

Proposals must be received by the Hackettstown CFO/QPA on Friday, December 1, 2023 at 10:00 a.m. prevailing time at the Hackettstown Municipal Building, 215 Stiger Street, Hackettstown, NJ 07840 at which time said proposals will be opened and read in public.

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

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

Resolution

WHEREAS, pursuant to NJSA 40:5-17.1 promulgated by the New Jersey State Legislature, all unpaid real estate property tax and special charges or credit balances for 2023 of less than $10.00 are to be canceled of record.

NOW, THEREFORE, BE IT RESOLVED on this 9th day of November, 2023 by the Mayor and Common Council of the Town of Hackettstown that the Tax Collector is hereby authorized and empowered, pursuant to NJSA 40:5-17.1 to cancel and remove from the records all unpaid real estate property tax and special charges or credits for 2023 of less than $10.00.

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, the General Code of the Town of Hackettstown, Chapter 11, Article 1 – Removal of Debris, Plant Growth, Etc. Required authorizes the Department of Public Works to remove debris, brush and obnoxious growth after providing the notice required by the ordinance; and

WHEREAS, the required notice was sent to the below property by certified mail return receipt requested and posted to the property; and

WHEREAS, ten days has elapsed since the notices were mailed and posted; and

WHEREAS, the property owners failed to remove the debris, brush and obnoxious growth within ten days of notice; and

WHEREAS, the Department of Public Works has caused the debris, brush and obnoxious growth to be removed; and

WHEREAS, the Director/Superintendent of the Department of Public Works has certified to the Mayor and Common Council the cost of the removal of the debris, brush and obnoxious growth.

THEREFORE, Be it Resolved by the Mayor and Common Council of the Town of Hackettstown as follows:

1. The certification of the costs of removal of the debris, brush and obnoxious growth has been examined and found to be correct.
2. The tax collector is hereby directed that the following costs shall be charged against the land and shall be added to and become part of the taxes next to be assessed and levied upon such land, to bear interest at the same rate as taxes, and shall be collected and enforced by the tax collector in the same manner as taxes:

Property Address Block Lot Property Owner Cost  
203 Mountain Ave 125 11 Friedman Equities LLC $702.88

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

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

Resolution

WHEREAS, certain bills have been presented for payment for which there are insufficient funds in the 2023 budget to pay, and

WHEREAS, NJSA 40A:4-58 permits the transfer of funds from accounts with a surplus to cover such demands,

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that the Chief Financial Officer be and is herby authorized to make the following transfers:

TRANSFER FROM: TRANSFER TO:  
Police S/W 10,000.00 Police O/E 10,000.00

Economic Devel Comm O/E 2,600.00 Court S/E 2,600.00

Totals: 12,600.00 12,600.00

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, utilities were collected as a result of the 2023 tax sale on amounts due as follows:

Block 11, Lot 6 Acct #18107-2 $521.51

Block 31, Lot 9 Acct #13738-2 $216.58

Block 80, Lot 6 Acct #15385-2 $535.00

Block 139, Lot 14 Acct #13090-1 $1106.59

NOW, THEREFORE, BE IT RESOLVED on this 9th day of November, 2023 by the Mayor and Common Council of the Town of Hackettstown that the Chief Financial Officer is authorized to refund the amount of $2,379.68 to the Hackettstown Municipal Utilities Authority.

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, the American Rescue Plan funding provides for purchases for emergency services equipment and supplies, and

WHEREAS, it has been determined that various needs have arisen within the Police, Fire, and Public Works departments that meet this criterion.

NOW, THEREFORE BE IT RESOLVED, that the Town of Hackettstown hereby approves the use of ARP funding for the following purposes:

1) Police Department-$18,000 for the purchase of mobile radios and the outfitting of 2

new police vehicles

2)Fire Department - $12,000 for the upgrade of the firehouse computer and Wi-Fi for use

of the I AM RESPONDING fire alert system.

3)Public Works-$18,000 for the replacement of the Fuelmaster System which provides

gasoline and diesel to all municipal vehicles, emergency vehicles, HMUA, and Board

of Education.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the Chapter 159 for American Rescue Plan-Emergency Service Equipment for American Rescue Plan-Emergency Services Equipment in the amount of $48,000.00.

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

Motion was made (Sheldon) and seconded (Tynan) to approve the 2024 Warren County Nutrition Program Lease of the Senior Center.

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

Motion was made (Sheldon) and seconded (Becker) to approve Change Order #1 for Tilcon for the Grand Avenue Improvement Project Phase 2.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the final payment to Tilcon for the Grand Avenue Improvement Project Phase 2 in the amount of $190,912.61.

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

Motion was made (Sheldon) and seconded (Engelau) to approve Change Order #1 for Nava Construction for the Grand Avenue Improvement Project Phase 1.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the final payment to Nava Construction for the Grand Avenue Improvement Project Phase 1 in the amount of $20,286.79.

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

Motion was made (Sheldon) and seconded (Engelau) to approve Change Order #1 for Denville Lines for the Grand Avenue Improvement Project Phase 2.

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

Motion was made (Sheldon) and seconded (Tynan) to approve the final payment to Denville Lines for the Grand Avenue Improvement Project Phase 2 in the amount of $6,861.85.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the final payment to Road Safety Systems for the Grand Avenue Improvement Project Phase 1.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the purchase order for the purchase of a Fuelmaster System from Syntech, Tallahassee, FL, in the amount of $14,033.25.

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

Motion was made (Sheldon) and seconded (Kunz) to approve the purchase order for the purchase of Police Radios from Motorola, West Berlin, NJ, in the amount of $8,245.64.

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

Motion was made (Sheldon) and seconded (Becker) to approve the release of the bond for Michael Laurano, 204 Vail Street, Hackettstown, NJ.

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

Abstain – Lambo

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2023-20 in the amount of $407,682.29.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2023-21 in the amount of $2,412,848.84.

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.

Peter Tynan, 208-210 Warren Street, Hackettstown, expressed his concerns regarding the lead based paint ordinance.

Motion was made (Sheldon) and seconded (Becker) to adjourn this meeting at 7:46 PM.

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 P.J. Reilly, Town Clerk/Administrator