February 8, 2024

The Acting 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 8, 2024. The meeting opened with a salute to the Flag.

Acting Mayor Becker 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 – Councilpersons Becker, Engelau, Kunz, Lambo, Sheldon and Tynan

 Absent – Mayor DiMaio

A presentation was given by Tom Dallessio of the Musconetcong River Watershed Association. Mr. Dalessio briefed the Town Council on the Wild and Scenic River Management Council and development of a Watershed Vision Plan, as well as requested a representative for Hackettstown.

A presentation was given by Adam Wisniewski regarding the Redevelopment of the Bergen Tool site/ Phase 2 Dunkin Donuts stop work order. Discussion was held regarding the stop work order and Developer’s Agreement with Matt Leshetz and Alex Vercon, the General Contractor for the project. Chris Morpeth, resident of 148 East Prospect Street also spoke regarding the project.

Motion was made (Sheldon) and seconded (Kunz) to lift the stop work order as of Friday, February 9, 2024.

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

 No – Tynan

Motion was made (Engelau) and seconded (Tynan) to approve the minutes of the regular meeting held on January 11, 2024 as submitted.

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

 Abstain – Tynan

Acting Mayor Becker opened the public hearing on ordinance #24-01 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 11, 2024, 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, Acting Mayor Becker closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (Lambo) that ordinance #2024-01 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, Lambo, Sheldon and Tynan

Motion was made (Sheldon) and seconded (Kunz) that ordinance #2024-02 entitled, AN ORDINANCE AMENDING SECTION 601(P) OF THE GENERAL CODE OF THE TOWN OF HACKETTSTOWN TO PERMIT DRIVE-THROUGH SERVICE AT CANNABIS DISPENSARIES, 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 14, 2024; 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 (Lambo) that ordinance #2024-03 entitled, AN ORDINANCE AMENDING SECTION 13-10 OF THE GENERAL CODE OF THE TOWN OF HACKETTSTOWN , 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 14, 2024; 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 (Tynan) to adopt the following resolution:

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 the tax lien on property known on the Tax Map and in the Tax Duplicate as the following:

 Block 41.04, Lot 6 319 W. Baldwin St.

 Tax Sale Certificate #23-00155

 Assessed to: Ferrara, Anthony

NOW, THEREFORE, BE IT RESOLVED on this 8th day of February, 2024 that the Chief Financial Officer is hereby authorized to issue a check for $830.64 plus a $1,800 premium to total $2,630.64 to the lienholder:

 Tax Lien Fund LP

 PO Box 132

 San Francisco CA 94104

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 there is presently pending before the Tax Court of the State of New Jersey, the matters entitled “Northern Petroleum Inc. vs. Town of Hackettstown”, which matters pertain to the appeals of the 2021 through 2023 tax years municipal property tax assessments for the property located at Block 127, Lot 14; 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, by approval by this governing body; and

WHEREAS, the subject property had an original total assessment for the 2021 through 2023 tax years of $745,000.00; and

WHEREAS, the proposed settlement will involve a withdrawal of the 2021 and 2022 appeals, thereby allowing the original assessment of $745,000.00 to remain in full force and effect, and will reduce the assessment on the subject property to $685,000.00 for the 2023 tax year; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of $60,000.00 for the 2023 tax year; and a decrease of $70,000.00 for the 2024 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 $2,024.40; and

WHEREAS, the taxpayer, as part of the within settlement, will waive any pre-judgement 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 the property will be further reduced to a total of $675,000.00; 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 Judgements 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 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 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, 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 unexpected and dedicated balances of General Capital Appropriations be cancelled:

ORD PROJECT AMOUNT

NUMBER DESCRIPTION CANCELLED

2020-05 Various Improvements $16,118.60

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

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

Resolution

WHEREAS, the TOWN OF HACKETTSTOWN desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately $100,000.00 to carry out a project to repair the existing Warren Stret tennis courts (three tennis/pickleball);

BE IT THEREFORE RESOLVED:

1. That the TOWN OF HACKETTSTOWN COUNCIL does hereby authorize the application for such a grant; and
2. Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the TOWN OF HACKETTSTOWN and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

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

Motion was made (Sheldon) and seconded (Engelau) to approve raffle license #1306 for Smiles for Margaret to hold a Tricky Tray, raffle license #1307 for the Hackettstown High School Baseball Booster Club to hold an On Premise 50/50, raffle license #1308 for the New Jersey Civic Youth Ballet to hold an Off Premise 50/50, raffle license #1309 for the Knights of Columbus, Joyce Kilmer Council #2483 to hold an Off Premise 50/50, raffle license #1310 for the HHS Band Boosters, Inc to hold a Tricky Tray/Basket Raffle, raffle license #1311 for The Nicholas Wihlborg Foundation to hold a Tricky Tray, raffle license #1312 for The Nicholas Wihlborg Foundation to hold an On Premise 50/50, raffle license #1313 for the Hackettstown Moose Lodge to hold a Pull Tab Raffle and bingo license #115 for the Hackettstown High School Baseball Booster Club to hold a Bingo.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the special event license application for New Jersey Civic Youth Ballet to hold a Ballet 5K & Tutu 2K Run/Walk on April 14, 2024, to waive the $50.00 application fee and to charge no Town costs, and the special event license for Smiles for Margaret to hold a Huff and Puff After you Stuff Memorial 5K on November 30, 2024, to waive the $50.00 application fee and to charge no Town costs.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2024-02 in the amount of $526,950.66 and check register #2024-3 in the amount of $3,758,550.40.

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

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

No one wished to speak at this time.

Motion was made (Sheldon) and seconded (Engelau) to adjourn this meeting at 7:44 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