April 11, 2019

The Mayor and Common Council convened in open session in the Municipal Building at 215 Stiger Street, Hackettstown, New Jerseyat 7:00 PM on April 11, 2019. The meeting opened

with a salute to the Flag.

Mayor DiGiovanni 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 DiGiovanni, Councilpersons, DiMaio, Engelau, Hinrichs,

 Kunz,

 Absent – Sheldon and Tynan

Mayor DiGiovanni presented a proclamation in recognition of Warren County Community College Month.

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

Srinivas Valluri, 51 Musky Ridge Drive, and neighbors asked for the Town’s assistance in restricting persons from trespassing on their properties to access Riverfront Park.

Cheryl Petrillo, asked the status of the goat that escaped from the Livestock Auction and access by protestors to sidewalks at the auction.

Tamala Lester, Director of the Barnyard Sanctuary, spoke of animals escaping from the Auction Market and that they should lose ownership of the the animal if they escape.

Vicki, a Hackettstown resident at 301 First Street, spoke of the need for animal safety at the Auction Market, that the Town ACO should be contacted immediately and truck traffic at the auction.

Sergio Rojas, owner of Metro Taxi, asked the status of this request to have the Town consider reducing it’s taxi insurance requirements.

Representatives of the roofing contractor working on Hackettstown High School repairs appeared and requested extended work hours due to the urgency of the roof work needing to be done in a short period of time.

Motion was made (Hinrichs) and seconded (Kunz) to allow roof work to be done at the Hackettstown High School from 6:00 am to 9:00 pm Monday through Friday, and from 7:00 am to 9:00 pm Saturday and no work on Sunday from April 19, 2019 through April 28, 2019.

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs and Kunz

Motion was made (DiMaio) and seconded (Engelau) to approve the minutes of the regular meeting held on March 28, 2019 as submitted.

Roll Call Vote: Yes – DiMaio, Engleau, Hinrichs and Kunz

Motion was made (Engelau) and seconded (Kunz) to approve the minutes of the executive session held on March 28, 2019 as submitted.

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs and Kunz

April 11, 2019 (continued)

Motion was made (Hinrichs) and seconded (Kunz) to adopt the following resolutions:

Resolution

WHEREAS, the Department of Veterans Affairs has determined that Charles Bell, owner of property at Block 47, Lot 12, 118 Louis Lane, is totally disabled; and

WHEREAS, due to this determination, Mr. Bell is not required to pay property taxes from September 24, 2018 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 September 24, 2018 and is hereby authorized to cancel the amount due from the tax record for 2019. The Governing Body also authorizes the Chief Financial Officer to make a refund of taxes as follows:

Block Lot Year Assessed to: Amount

47 12 2018 Bell, Charles $1,974.06

47 12 2018 Bell, Charles $3,899.50

Resolution

WHEREAS, the Department of Veterans Affairs has determined that John Holochwost, owner of property at Block 101, Lot 1, 515 Grand Ave, is totally disabled; and

WHEREAS, due to this determination, Mr. Holochwost is not required to pay property taxes from August 1, 2018 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 August 1, 2018 and is hereby authorized to cancel the amount due from the tax record for 2019. The Governing Body also authorizes the Chief Financial Officer to make a refund of taxes as follows:

Block Lot Year Assessed to Amount

101 1 2018 Holochwost, John $3,489.93

101 1 2019 Holochwost, John $2,310.89

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs and Kunz

Motion was made (Kunz) 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 “FSQR, LLC vs. Town of Hackettstown”, which matters pertain to the appeals of the 2015-2017 tax years municipal property tax assessments for the property located at Block 127, Lot 16; 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, PC, 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

April 11, 2009 (continued)

WHEREAS, the subject properties had an original total assessment of the 2015 through 2018 tax years of $1,101,100.00; and

WHEREAS, the proposed settlement involves a withdrawal of the appeals for the 2015, 2016 and 2017 tax years and reduction the 2018 tax year to $1,046,000.00; and

WHEREAS, the assessment on the subject property for the 2019 tax year will be reduced to $980,900.00; and

WHEREAS the proposed settlement represents a decrease in the assessed value of the subject property of $55,100.00 of the 2018 tax year, and $120,200.00 for the 2019 tax year; and

WHEREAS, the total refund due the plaintiff as a result of the with in settlement are as follows: $1,666.00 for the 2018 tax year; 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 Judgment by the Tax Court; 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 Judgment s to be issued in accordance therewith; and

WHEREAS, the Town Council 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 it 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, PC 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 refunds due the taxpayer in the within matter for the 2018 tax year.

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs and Kunz

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

Resolution

WHEREAS, $11,700 in fees were collected for CCO certifications in 2018; and

WHEREAS, these fees were reserved while under review by the Mayor and Council, and after review and consideration it is now the desire of the Mayor and Council to refund said fees,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Hackettstown that the CCO certification fees totaling $11,700 be refunded to their respective payors.

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs and Kunz

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

April 11, 2019 (continued)

Resolution

WHEREAS, NJSA 40A:4-5 as amended by P.L. 2017, c. 183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United Sates Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Record in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” as amended, 42 U.S.C. 2000e et seq. (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Common Council of the Town of Hackettstown, hereby states that it has complied with NJSA 40A:4-5, as amended by PL 2017, c.183, by certifying that the locals unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs and Kunz

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

Resolution

WHEREAS, in accordance with the New Jersey Scenic Byways Program, Route 57 from MP 2.07 in Greenwich Township to MP 20.54 in Hackettstown was designated as a State Scenic Byway in 2009 based on the intrinsic beauty of the byway and the important cultural, historic, recreation and natural resource values of the scenic byway; and

WHEREAS, the mission of the New Jersey Scenic Byways Program is to recognize and preserve New Jersey’s unique historic, cultural and natural heritage; improve roadway safety and appearance; create and nurture partnerships among citizens and all levels of government; provide opportunities for commerce through heritage, cultural and nature-based tourism; enhance quality of life and instill pride in local communities; and

WHEREAS, the scenic byway can further benefit the community by fostering economic development consistent with the regions rural character, providing access to local parks, waterbodies and unique natural vistas; and

WHEREAS, the six municipalities that are located within the designated Warren Heritage Scenic Byway filed resolutions of support for the scenic byway designation and include the Township of Franklin, the Township of Greenwich, the Town of Hackettstown, the Township of Mansfield, the Township of Washington and the Borough of Washington; and

WHEREAS, these six municipalities worked together with Warren County as the Route 57 Scenic Byway Committee and assisted in designating the byway in 2009 and completing a corridor management plan (CMP) in 2011; and

WHEREAS, public meeting opportunities were provided to obtain public input from the general public throughout the application and CMP process; and

WHEREAS, the byway name was revised from the Route 57 Scenic Byway to the Warren Heritage Scenic Byway (WHSB); and

WHEREAS, a formal organization referred to as the Warren Heritage Scenic Byway Committee (WHSB) consisting of members of the six municipalities, Warren County government agencies and committees, business improvement districts, and other interested non-profit organizations now meet quarterly to monitor implementation of the Corridor Management Plan and to assist the stakeholders, individually and

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collectively, in dealing with matters concerning the Warren Heritage Scenic Byway and its communities; and

WHEREAS, the Warren Heritage Scenic Byway Committee realizes that this important resource would benefit the public by being extended to the Delaware River in the west and to Waterloo Village in the east; and

WHEREAS, the route of the Scenic Byway, is recommended to be amended and lengthened through the acceptance of all municipalities and counties along this extended WHSB Route; and

WHEREAS, the southern extension of the byway begins at its western terminus at MP 2.07 at the Greenwich/Lopatcong Twp. border and travels south on NJ 57 to County Route 519 south. Continuing on CR 519 south through Lopatcong, Greenwich, and Pohatcong Townships, the route proceeds to the intersection with NJ 122 (South Main Street) and turns right. Staying on South Main Street, (NJ 122, CR 678) the byway ends at Union Square in Phillipsburg.

WHEREAS, the northern extension of the byway begins at the eastern terminus at the intersection of NJ 57 and State Route 182 (Mountain Avenue), and continues north on Route 182, turns left onto Route 46 (Mill Street) for 1 block before turning onto County Route 604 (Willow Grove Street) Staying on CR 604 through Hackettstown and Allamuchy Township the byway route proceeds through Allamuchy Mountain State Park and then ends at Waterloo Village in Byram Township, Sussex County; and

WHEREAS, extension of the byway route involves a coordinated effort and support among the additional municipalities and counties through which it passes; and

WHEREAS, an application to extend the designated byway must be prepared and submitted to the New Jersey Department of Transportation for approval; and

WHEREAS, administration of the extended byway, once formally designated, further requires continuing commitment in the form of participation of the County of Warren as an active member of the Warren Heritage Scenic Byway Committee; and

NOW, THEREFORE BE IT RESOLVED by the Board of Chosen Freeholders supports the concept of extending the Warren Heritage Scenic Byway ad commits to participating in the process necessary for its implementation including the development of the Application for Scenic Byway Designation and if approved by the NJDOT, the Addendum to the corridor Management Plan; and

BE IT FURTHER RESOLVED that the County of Warren will work with the Warren Heritage Scenic Byway Committee in the development of the Application for Scenic Byway Designation to the NJDOT and in the ongoing planning efforts that support the designation, recognition and retention of the Byway.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Town of Phillipsburg, the Borough of Washington and the Townships of Pohatcong, Greenwich, Lopatcong, Franklin, Washington, Mansfield and Allamuchy, the County of Sussex and Byram Township, Warren Heritage Scenic Byway Committee, and the NJDOT Scenic Byway Coordinator.

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs and Kunz

Motion was made (Engelau) and seconded (DiMaio) to approve check register #2019-06 in the amount of $2,496,859.82.

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs and Kunz

Motion was made (DiMaio) and seconded (Engelau) to approve the taxi owner’s application for Milton Caceres for a 2007 Toyota, VIN #5TDZK23C675024264 through May 1, 2020, the taxi cab owner’s application for Sergio Rojas for a 2012 Toyota Sienna, VIN #5TDZK3DC3C5194449 through May 1, 2020 and the taxi cab owner’s application for Martha Allardice for a 2005 Toyota Sienna, VIN # 5TDZA22C355376316 through May 1, 2020.

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs and Kunz

Motion was made (Engelau) and seconded (Hinrichs) to approve the taxi cab driver’s applications for Marci Abad-Rojas, Maggie Yoza, Serjio Rojas, Robert Seiler, Martha Allardice, Ana Ramirez and Sam Poff through May 1, 2020.

April 11, 2019 (continued)

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs and Kunz

Motion was made (Engelau) and seconded (DiMaio) 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 April 11, 2019 for the reason that the following subject matter will be discussed:

Moudro Pilot Agreement

Centenary Tannery Field Agreement

Police Contract Negotiations

1. The Mayor and Common Council may exclude the public for 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 – DiMaio, Engelau, Hinrichs and Kunz

The meeting was closed at 8:29 PM and reopened at 9:26 PM. The Mayor stated that no formal action was taken by the Council during Executive Session.

Motion was made (DiMaio) and seconded (Engelau) to adopt a resolution to approve the NJ ABC Special Permit for Social Affair for William Maxx, LLC, 109 Grand Avenue, Hackettstown, NJ with the following conditions:

The applicant has two off duty police officers on the exterior premises on Saturday, May 18, 2019 from noon to 6:00 pm and then three officers from 6:00 pm until the end of the event at 10:00 pm and on Sunday, May 19, 2019, there be two off duty police officers on the exterior premises from noon to 6:00 pm.

Roll Call Vote: Yes – DiMaio, Engelau and Hinrichs

 No – Kunz

Motion was made (DiMaio) and seconded (Engelau) to approve an application entitled “Application for Long Term Tax Abatement” filed by Moudro Urban Renewal LLC with the Town of Hackettstown for properties known as Lots 1.01 and 2 in Block 45 situated at 104 Bilby Road in the Town subject to the following conditions:

1. The Application for Long Term Tax Abatement” being amended to address the comments issues by Todd Poole of 4WARD Planning Inc. on March 21, 2019.
2. The adoption of an ordinance by the Common Council approving the “Application for Long Term Tax Abatement” filed by Moudro Urban Renewal LLC (Note: The ordinance will be Exhibit B in the application or long term tax abatement).

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs and Kunz

Motion was made (Hinrichs) and seconded (Engelau) to approve the special event license application for the Hackettstown Business Improvement District to hold Maifest on May 18, 2019, to close Valentine Street between Main Street and Washington Street and Grand Avenue between Main Street and Washington Street, to waive the $50.00 application fee and to charge Town costs in the estimated amount of $2,700.00.

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs and Kunz

April 11, 2019 (continued)

Motion was made (Hinrichs) and seconded (Engelau) to approve the special event license application for Centenary University to hold an Earth Day Celebration on April 27, 2019, to waive the $50.00 application fee and charge no Town costs.

Roll Call Vote: Yes – DiMaio, Engelau and Hinrichs

 Abstain – Kunz

Motion was made (Hinrichs) and seconded (Engelau) to approve the special event license application for Centenary University to hold 2019 Commencement Exercises on May 11, 2019, to waive the $50.00 application fee and to charge Town costs in the estimated amount of $1,918.14.

Roll Call Vote: Yes – DiMaio, Engelau and Hinrichs

 Abstain – Kunz

Motion was made (DiMaio) and seconded (Engelau) to adjourn this meeting at 9:50 PM.

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs and Kunz

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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Maria DiGiovanni, Mayor William Kuster, Jr., Town Clerk