June 24, 2021

The Mayor and Common Council convened in open session via teleconference in the Municipal Building at 215 Stiger Street, Hackettstown, New Jersey at 7:00 PM on June 24, 2021. The special meeting opened with a salute to the Flag.

Mayor DiMaio announced that adequate notice of the time, place and manner of this remote public Council meeting, being conducted via teleconference, including the means by which the public may observe and participate, has been provided in accordance with the Open Public Meetings Act by:

1. Posing said notice on the municipal building bulletin board and front window of the Municipal Building;
2. Emailing said notice to the press and all others who have requested it;
3. Posting on the official Town website; and
4. Transmission to residents via nixel notification.

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

Tynan

Absent – Engelau

Motion was made (Sheldon) and seconded (Becker) to approve the minutes of the regular meeting held on June 10, 2021 as submitted.

Roll Call Vote: Yes – Becker, Lambo and Sheldon

Abstain – Kunz and Tynan

Mayor DiMaio opened the public hearing on ordinance #2021-08 entitled, ORDINANCE PROVIDING FOR IMPROVEMENTS OR PURPOSES IN AND BY THE TOWN OF HACKETTSTOWN, IN THE COUNTY OF WARREN, NEW JERSEY AND APPROPRIATING $55,000.00, which was introduced and passed on first reading on May 27, 2021 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 comment from the public, Mayor DiMaio closed the public hearing and discussion returned to Council.

Motion was made (Lambo) and second (Tynan) that ordinance #2021-08 entitled, ORDINANCE PROVIDING FOR IMPROVEMENTS OR PURPOSES IN AND BY THE TOWN OF HACKETTSTOWN, IN THE COUNTY OF WARREN, NEW JERSEY AND APPROPRIATING $55,000.00 be adopted on second and final reading and that Notice of Final Adoption be published.

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

Motion was made (Sheldon) and seconded (Lambo) 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 on property known on the Tax Map and in the Tax Duplicate as the following municipal lien:

Block 21, Lot 15 133-135 Bergen Street

Tax Sale Certificate #16-00117

Assessed to: Eskow, Russell & Violet

NOW THEREFORE BE IT RESOLVED on this 24th day of June, 2021 that the Chief Financial Officer is hereby authorized to issue a check for $50,362.11 to the lienholder:

Christiana Trust c/f C&E Tax

PO Box 5021

Philadelphia, PA 19111

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

Motion was made (Sheldon) and seconded (Kunz) 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 regular mail; and

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

WHEREAS, the property owners failed to remove the debris, brush and obnoxious growth within ten days of their receipt of the 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 ahs 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

237 Main Street 71 9 Grand Hack Square $1,059.60

311 Grand Avenue 87 7 Carmine J. Todaro $ 819.71

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

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

Resolution

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Town Council of the Town of Hackettstown, County of Warren State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

WHEREAS, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Town Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Warren.

NOW, THEREFORE BE IT RESOLVED by the Town of Hackettstown, County of Warren, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the Hackettstown Municipal Alliance grant for fiscal year 2022 in the amount of $

DEDR $3,211.00

Cash Match $802.75

In-Kind $2,408.25

1. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance Grant Including the Administrative Compliance and audit requirements.

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

Motion was made (Sheldon) and seconded (Lambo) that ordinance #2021-09 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN AND STATE OF NEW JERSEY, AMENDING THE LAND DEVELOPMENT ORDINANCE AND PERMITTING THE OPERATION OF CLASS 5 CANNABIS RETAIL BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES, 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 August 12, 2021; 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, Kunz, Lambo, Sheldon and Tynan

Motion was made (Sheldon) and seconded (Lambo) to approve check register #2021-11 in the amount of $129,848.11.

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

Motion was made (Sheldon) and seconded (Kunz) to amend the purchase of the police vehicles as approved on June 10, 2021 as follows: to eliminate the purchase of a 2021 Dodge Durango and purchase an additional 2021 Dodge Charger.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the street closure of Madison Street between Center Street and Warren Street on August 7, 2021 for a block party.

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

Motion was made (Sheldon) and seconded (Kunz) to cancel the second meeting in July and August if they are unnecessary.

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

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

Resolution

**WHEREAS,** HACKETTSTOWN SENIOR HOUSING CORP. ("Senior Housing"), a nonprofit corporation of the State of New Jersey, organized pursuant to the Corporation and Associations Not for Profit Act as amended (N.J.S.A. 15:1-1 *et seq.),* having its principal office in the Town of Hackettstown, County of Warren, and State of New Jersey, and having entered into the Tax Abatement Agreement ("Agreement") between Hackettstown Senior Housing Corp., and the Town of Hackettstown dated January 3, 1983 and recorded in the Office of the Warren County Clerk in Deed Book 816 at page 232; and

**WHEREAS,** the aforementioned Agreement was amended by an Amendment to Tax Abatement Agreement ("Amendment") dated December 22, 1983 and recorded in the Office of the Warren County Clerk in Deed Book 858 at page 71; and

**WHEREAS**, the aforementioned Agreement was amended by a Second Amendment to Tax Abatement Agreement (“Second Amendment”) dated July 16, 2014, which amended Paragraph 7 of the Agreement and transferred the Agreement, as amended, to Hackettstown Seniors Urban Renewal, LLC (Hackettstown URE); and

**WHEREAS,** Paragraph 7 of the Second Amendment established an abatement for a term defined as:

"7. The tax exemption provided herein shall be terminated when the Sponsor or its successor and assigns and the development cease to remain subject to the provisions of the aforesaid Senior Citizens Nonprofit Rental Housing Law (N.J.S.A. 55:14I-1, et seq.) or a period of not more than 50 years from the date of the effective date of the tax exemption as set forth in paragraph 5 above, whichever event occurs first. Any refinancing of the Project shall not affect the 50-year term of the tax exemption."

**WHEREAS,** Hackettstown URE requests that paragraph 7 be amended as follows:

“7. The tax exemption provided herein shall be extended as long as the Sponsor or its successor and assigns and the development remain subject to the affordability control provisions of the 36-year HAP Contract entered into between Hackettstown Seniors Urban Renewal, LLC and the U.S. Department of Housing and Urban Development effective June 1, 2020. In the event the 36-year HAP Contract is terminated, the Sponsor or its successor and assigns are obligated to inform the Municipality within 30-days of such termination.”**NOW, THEREFORE, BE IT ADOPTED** by Mayor and Common Council of the Town of Hackettstown that:

1. The Mayor or designated representative of the Town of Hackettstown is authorized to execute a Third Amendment to the Tax Abatement Agreement dated January 3, 1983 in order to amend Paragraph 7 of the Agreement to read as follows:

“7. The tax exemption provided herein shall be extended as long as the Sponsor or its successor and assigns and the development remain subject to the affordability control provisions of the 36-year HAP Contract entered into between Hackettstown Seniors Urban Renewal, LLC and the U.S. Department of Housing and Urban Development effective June 1, 2020. In the event the 36-year HAP Contract is terminated, the Sponsor or its successor and assigns are obligated to inform the Municipality within 30-days of such termination.”

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

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

Resolution

WHEREAS, on May 30, 2017, the Planning Board of the Town of Hackettstown (the "Planning Board") granted 2016 Mountain Hackettstown, LLC, whose address is 194 Mount Airy Road, Basking Ridge, New Jersey 07920 (the "Applicant") Preliminary and Final Major Subdivision and Preliminary and Final Major Site Plan approvals for the construction of a Wawa convenience store with fuel dispensing facilities and limited approval for the general site plan aspects of two (2) residential apartment buildings containing 145 apartments on property located at 301 Mountain Avenue; and

WHEREAS, the subject property is located in the Town of Hackettstown's HC zoning district; and

WHEREAS, the subject property is otherwise known as Lot 9.01 in Block 125; and

WHEREAS, the subject property was designated as a Non-Condemnation Area in Need of Redevelopment by the Town Council of the Town of Hackettstown in October 2016; and

WHEREAS, the Town Council adopted a Redevelopment Plan for the subject property on February 23, 2017 (the "Redevelopment Plan"); and

WHEREAS, the May 30, 2017 approval granted by the Planning Board was memorialized by resolution dated June 27, 2017; and

WHEREAS, the Applicant subsequently requested an amendment of the June 27, 2017 memorializing resolution to remove the requirement to construct a pedestrian recreation trail and accompanying pedestrian easement along the Musconetcong River; and

WHEREAS, the Applicant's request to amend the June 27, 2017 memorializing resolution was approved by the Planning Board and said approval was memorialized in a resolution dated February 27, 2018; and

WHEREAS, in February of 2018, the Town Council of the Town of Hackettstown entered into a Redevelopment Agreement By and Between The Town of Hackettstown as Redevelopment Entity and 2016 Mountain Hackettstown, LLC as Redeveloper and Liongate at Musconetcong River, LLC as Residential Developer (the “Redevelopment Agreement”); and

WHEREAS, the Redevelopment Agreement set forth specific requirements for phasing the project and constructing same; and

WHEREAS, the Applicant has encountered various delays in constructing the project; and

WHEREAS, on March 23, 2021 via Zoom Meeting, the Applicant was granted approval by the Planning Board for two and a half (2 ½) retroactive one-year extensions of the statutory period of protection from zoning changes (through December 31, 2021); and

WHEREAS, on May 27, 2021 the Applicant requested from the Town Council the ability to modify certain terms of the Developers Agreement relating to phasing of construction; and

WHEREAS, the Applicant proposed a revised Construction Timetable which would allow the Applicant additional time to construct the project. A copy of the Construction Timetable is attached to this Resolution as Exhibit A.

WHEREAS, on June 24, 2021, the Town Council of the Town of Hackettstown considered said request by the Applicant; and

WHEREAS, the Applicant is seeking no other changes or modifications to the Developers Agreement; and

WHEREAS, the Town Council concludes that the amendment to the Developers Agreement and the Construction Timetable is necessary; and

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 amendment to the Construction Timetable in the Developers Agreement.
2. The Mayor and Town Clerk are hereby authorized to revise the Developers Agreement with the revised Construction Timetable.
3. An executed copy of the Amended Developers Agreement shall be certified by and be filed with the Office of the Town Clerk.
4. The Mayor and Town Clerk are hereby authorized to take such action and to execute such other documents on behalf of the Town as necessary to effectuate the terms of the Developers Agreement, as deemed advisable by the Town Attorney.
5. Except as modified herein, all of the terms and conditions of the 2018 Developers Agreement shall remain in full force and effect.

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

No – Sheldon

Mayor DiMaio 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 (Lambo) to adjourn this meeting at 7:40 PM.

Roll Call Vote: Yes – Becker, 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