

October 11, 2018

The Mayor and Common Council convened in open session in the Municipal Building at 215 Stiger Street, Hackettstown, New Jersey at 7:00 PM on October 11, 2018. 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, Kunz, Lambo Sheldon and Tynan

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

Stan Prater, JCP&L Representative, gave Mayor and Council an update on planned upgrades to JCP&L facilities and asked Council to approve a resolution in support.

Motion was made (Sheldon) and seconded (Kunz) to approve the following resolution:

Resolution

WHEREAS, the Town of Hackettstown recognizes that reliable electric service plays a crucial role in the daily lives in Town residents; and

WHEREAS, the Town of Hackettstown recognizes that reliable electric service also is critical to the local businesses within our community, as drives commerce in our Town and across the region; and

WHEREAS, the Town of Hackettstown supports efforts to enhance our energy infrastructure to continue to provide families and businesses the reliable source of energy they need; and

WHEREAS, the Town of Hackettstown supports efforts to enhance the reliability and resiliency of the electric distribution system against severe weather and reduce the number of customers affected by outages and shorten the duration of outages; and

WHEREAS, the Town of Hackettstown has been informed that Jersey Central Power and Light Company's (JCP&L) Reliability Plus includes approximately \$400 million in targeted investments above and beyond its regular annual investments to enhance JCP&L's service reliability and resiliency; and

WHEREAS, the Town of Hackettstown has been informed that the JCP&L plan includes nearly 4,000 enhancements that will help the reliability and resiliency of overhead and underground distribution lines, as well as new equipment to reduce the number of customers affected by outages and shorten the duration of outages; and

WHEREAS, the Town of Hackettstown has been informed that the JCP&L plan also outlines additional vegetation management to reduce the potential for tree damage, which is the primary cause of outages during severe storms in JCP&L's service area.

WHEREAS, the Town of Hackettstown has been informed that JCP&L expects the plan's economic benefit to customers and businesses from enhanced reliability and resiliency will be \$1.9 billion over the estimated life of the equipment installed through the program; and

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WHEREAS, the Town of Hackettstown has been informed that JCP&L estimated the initial increase on the monthly bill for an average residential customer would be about 25 cents.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of Hackettstown hereby find and declares:

That JCP&L's Reliability Plus will benefit residents and businesses in the Town of Hackettstown and throughout Warren County by making JCP&L's electric distribution system during storm and non-storm events more resistant to outages and enabling the system to recover more quickly when outages do occur and increase the distribution system's resiliency, operation flexibility, safety of security.

JCP&L's Reliability Plus should be approved by the New Jersey Board of Public Utilities.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the minutes of the regular meeting held on September 27, 2018 as submitted.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the minutes of the executive session held on September 27, 2018 as submitted.

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

Mayor DiGiovanni opened the public hearing on ordinance #2018-14 entitled, AN ORDINANCE TO AMEND SECTION 525 OF THE LAND DEVELOPMENT ORDINANCE ENTITLED "STORM WATER CONTROL", SECTION 804 OF THE LAND

DEVELOPMENT ORDINANCE ENTITLED "SUBMISSION OF PRELIMINARY MAJOR SUBDIVISION PLATS AND PRELIMINARY MAJOR SITE PLANS", AND THE VARIOUS APPLICATION CHECKLISTS IN SECTION 800 OF THE LDO TO ADDRESS NEW REQUIREMENTS IN THE TOWN'S TIER 'A' MUNICIPAL STORMWATER GENERAL PERMIT, which was introduced and passed on first reading on September 13, 2018, 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 DiGiovanni closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (Lambo) that ordinance #2018-14 entitled, AN ORDINANCE TO AMEND SECTION 525 OF THE LAND DEVELOPMENT ORDINANCE ENTITLED "STORM WATER CONTROL", SECTION 804 OF THE LAND DEVELOPMENT ORDINANCE ENTITLED "SUBMISSION OF PRELIMINARY MAJOR SUBDIVISION PLATS AND PRELIMINARY MAJOR SITE PLANS", AND THE VARIOUS APPLICATION CHECKLISTS IN SECTION 800 OF THE LDO TO ADDRESS NEW REQUIREMENTS IN THE TOWN'S TIER 'A' MUNICIPAL STORMWATER GENERAL PERMIT, be adopted on second and final reading and that Notice of Final Adoption be published.

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

Mayor DiGiovanni opened the public hearing on ordinance #2018-15 entitled, AN ORDINANCE TO AMEND THE ORDINANCE FIXING THE SALARY AND OTHER BENEFITS OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWN OF HACKETTSTOWN, NEW JERSEY FOR THE YEAR 2018, which was introduced and passed on first reading on September 13, 2018, and offered a copy of the ordinance to anyone who
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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 DiGiovanni closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (Lambo) that ordinance #2018-15 entitled, AN ORDINANCE TO AMEND THE ORDINANCE FIXING THE SALARY AND OTHER BENEFITS OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWN OF

HACKETTSTOWN, NEW JERSEY FOR THE YEAR 2018, be adopted on second and final reading and that Notice of Final Adoption be published.

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

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

Resolution

WHEREAS, the salary ordinance for the Town of Hackettstown was adopted by the Mayor and Council at a meeting held on March 10, 2016; and

WHEREAS, the salary ordinance was amended on October 11, 2018 amending the salaries of certain officers.

NOW, THEREFORE BE IT RESOLVED that the following 2018 salaries are established for employees currently in the following positions:

UCC Special Inspections	\$150 per inspection
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Roll Call Vote: Yes – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

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

Resolution

WHEREAS, the State of New Jersey Paid Sick Leave Act was signed into law on May 2, 2018 and will go into effect on October 29, 2018

NOW THEREFORE BE IT RESOLVED, that the Town of Hackettstown personnel policy manual hereby be amended as follows:

SICK PAY FOR PART TIME EMPLOYEES

Effective October 29, 2018, all part time employees will begin to accrue sick leave. For the purposes of the is Act, the benefit year is hereby established as the calendar year. Current employees begin accruing sick leave on the effective date of this Act. New employees hired after the effective date of the act begin accruing sick time on the first date of their employments.

Sick leave will accrue at 1 hour for every 30 hours worked up to a maximum of 40 hours per year. Employees may carry up to 40 hours per year into the next benefit year.

Employees may begin to use their accrued time 120 days after the enactment of this law. Or 120 days after their date of hire. Employees may use no more than 40 hours of accrued sick leave in any benefit year. Sick leave may be used for:

- The diagnosis, care, treatment, recovery from an employee's own mental or physical illness, injury or condition, or for their preventive care;

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- Aid or care for a covered family member during diagnosis, care or treatment of – or recovery from – the family member's mental or physical illness, including preventive medical care.
- Circumstances related to an employee's or their family member's status as a victim of domestic or sexual violence (including the need to obtain related medical treatment, seek counseling, relocate or participate in related legal services.
- Closure of an employee's workplace or of a school/childcare of an employee's child because of a public official's order relating to a public health emergency.
- Time to attend a meeting requested or required by school staff to discuss a child's health condition or disability.

In foreseeable circumstances, employees should provide advance notice, to their department head, of no less than 3 days of their intent to use the leave and the expected duration. Employees should make a reasonable effort to schedule the use of their sick leave in a manner that does not unduly disrupt the operations of the employer. Department heads may prohibit employees from using foreseeable sick leave on certain dates, whose dates will be determined on an annual basis by the department head and such dates provided to the employees of their department by January 1 of each benefit year. The department head may require reasonable documentation if sick leave that is not foreseeable is used during those dates.

For unforeseeable absences, notification must be made to the department head or immediate supervisor of their intent to use sick leave prior to the start of his/her scheduled work day.

If an employee is absent for at least three consecutive days, the employer may require documentation that confirms that the employee used sick leave for a covered purpose.

Upon separation of employment, for any reason, no payment will be made for unused sick leave. If an employee is separated from employment but then reinstated within six months, all of the employee's unused and accrued sick time will be reinstated.

Accounting of part time paid sick leave will be maintained in the office of the CFO.

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

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

Resolution

WHEREAS the Tax Collector advises of overpayment of taxes due to New Jersey State tax appeal Judgments and recommends a refund of the overpaid amount.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body to authorize the Chief Financial Officer to make the following refunds of taxes as follows:

Block	Lot	Refund To	Year	Amount
125	10	Interstate Property	2010	\$1,774.68
		c/o Zipp & Tannenbaum LLC	2011	<u>\$2,485.00</u>
		280 Raritan Center Parkway		
		Edison NJ 08837	Total	\$4,259.68
127	14	Northern Petroleum Inc	2010	\$4,928.29
		c/o Zipp & Tannenbaum LLC	2011	\$4,982.43
		280 Raritan Center Parkway	2012	\$2,915.48
		Edison NJ 08837	2013	\$3,005.26
			2014	\$3,111.15
			2015	\$4,473.19
			2016	\$4,668.52
			2017	<u>\$5,962.62</u>
			Total	\$34,046.94

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

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

Resolution

WHEREAS, there is presently pending before the Tax Court of the State of New Jersey, the matters intitled, “Hackettstown Commerce Park I, II, III +& IV vs. Town of Hackettstown”, which matters pertain to the appeals of the 2010 through 2017 tax years municipal property tax assessments of the property listed above; and

WHERAS, a proposed settlement has been reached in this matter through the negotiations of special counsel for the Town of Hackettstown, McKirdy, Riskin Olson & DellePelle, 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

WHEREAS, the subject properties had original total assessments for the 2010-2017 tax years of \$17,978,000.00; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of \$2,177,400.00 for each of the tax years under appeal; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of \$2,177,400.00 for each of the tax years under appeal; and

WHEREAS, the total refund due the plaintiff as a result of the within settlement for the 2012-2017 tax years will be \$359,750.04; and

WHEREAS, the taxpayer, as part of the within settlement, will waive any pre-judgment interest due on any refunds provided same 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 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:

- The Town Council hereby approves the proposed settlement in these matters as set forth above;
- 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;
- 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 2012-2017 tax years.

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

Motion was made (Sheldon) and seconded (DiMaio) to approve the Department of Public Work's purchase of a Weldment-Door and Plate Door Cover for repairs to the Street Sweeper from W.E. Timmerman Co., Inc. Whitehouse Station, NJ in the amount of \$8,600.28.

Roll Call Vote: Yes – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan
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Motion was made (Engelau) and seconded (DiMaio) to approve check register #2018-18 in the amount of \$1,743,115.66.

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

Motion was made (Sheldon) and seconded (DiMaio) to approve raffle license #1192 for Hackettstown Chapter No. 2352 Women of the Moose Inc. to hold a 50/50 cash drawing.

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

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

Resolution

WHEREAS, the Local Redevelopment and Housing Law, NJSA 40A:12A-1 et seq., provides a mechanism to empower and assist local government in efforts to promote programs of redevelopment; and

WHEREAS, Moudro Corporation has approached the Town of Hackettstown (“Town”) with a plan for redevelopment of the property identified as Lots 1.01 and 2, Block 45 located on Bilby Road (“Property”); and

WHEREAS, the Local Redevelopment and Housing Law sets forth a specific procedure for establishing an area in need for redevelopment; and

WHEREAS, NJSA 40A-4 provides that a municipal governing body shall have the power to cause a preliminary investigation to be made pursuant to NJSA 40A:12-6 as to whether an area is in need of redevelopment; and

WHEREAS, NJSA 40A:12A-6 permits the governing body, by resolution, to authorize the planning board to undertake the preliminary investigation for the proposed redevelopment area; and

WHEREAS, Moudro Corporation will post escrow monies for the payment of Town professionals to participate in tis investigation and will continue to keep current on the escrow accounts; and

WHEREAS, the Town Council desires to direct the Town Planning Board to undertake such preliminary investigation to determine whether the Property meets the criteria for designation as a non-condemnation area in need of redevelopment pursuant to NJSA 40A:12-A5 and in accordance with the investigation and hearing process set forth in NJSA 40A:12A-6.

NOW, THEREFORE BE IT RESOLVED that the Town Mayor and Common Council hereby directs the Town of Hackettstown Planning Board to conduct the necessary investigation and to hold a public hearing to determine whether the Property defined hereinabove qualifies for designation as a non-condemnation area in need of redevelopment under the criteria and pursuant to the public hearing process set for the in NJSA 40A:12A-1et seq.

BE IT FURTHER RESOLVED that the Hackettstown Planning Board shall submit its findings and recommendations to the Town Mayor and Council in the form of a resolution with supportive documentation.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Town Planning Board and Planning Board Secretary.

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

Motion was made (Sheldon) and seconded (Engelau) that ordinance #2018-16 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING THE FEE FOR OBTAINING A CERTIFICATE OF OCCUPANCY, be introduced and passed on first reading
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and that a public hearing be held thereon and it be considered for final passage at 7:00 PM on November 8, 2018; 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 – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

Motion was made (Sheldon) and seconded (Engelau) that ordinance #2018-17 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING THE RESIDENT PERMIT PARKING PROGRAM TO REQUIRE A PERMIT TO PARK ON FIRST AVENUE BETWEEN GRAND AVENUE AND MOORE STREET, 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 November 8, 2018; 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 – DiMaio, Engelau, Kunz, Lambo, Sheldon and Tynan

Motion was made (DiMaio) and seconded (Sheldon) to hire Derek Owens and Maureen Tice to the positions of part time crossing guards at a rate of \$12.46 per hour.

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

Motion was made (Tynan) and seconded (Sheldon) to approve the special event license application for the Hackettstown Business Improvement District to hold a Hometown Holiday event on November 30, 2018, to waive the \$50.00 application fee and to charge no Town costs.

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

Mayor DiGiovanni established the 2018 Trick or Treat hours to be held on October 31, 2018 from 4:00 PM to 8:00 PM.

Motion was made (Sheldon) and seconded (Engelau) to adjourn this meeting at 7:56 PM.

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

This is to certify that the

This is to certify that all

ordinances and resolutions
contained herein have been
approved by me in accordance
with law.

Mayor Maria DiGiovanni

proper notices, postings and
filings required by the Open
Public Meetings Act (Chapter
231, P.L. 1975) were provided
for this meeting.

William Kuster, Jr., Town Clerk