

September 13, 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 September 13, 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 Engelau, Kunz, Lambo and Sheldon

Absent – Councilpersons DiMaio and Tynan

Mayor DiGiovanni presented a proclamation in recognition of the Twelfth Annual Hackettstown Community Day.

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

Grace Higgins, 3 Green Street, Rustic Knolls, spoke of the conditions at 5 Birch Road relative to many dogs housed at the home, their living conditions and noise generated at all hours by the dogs and the owner.

Diane Munson asked the status of the demolition or repair of the fire damaged property at 311 Grand Avenue.

Motion was made (Sheldon) and seconded (Lambo) to approve the minutes of the regular meeting held on August 9, 2018 as submitted.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the minutes of the executive session held on August 9, 2018 as submitted.

Roll Call Vote: Engelau, Kunz, Lambo and 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, “DM Development Group, LLC vs. Town of Hackettstown”, which matters pertain to the appeals of the 2010 and 2017 tax years municipal property tax assessments for the property located at Block 75, Lot 6.01 and Block 75, Lot 8; and

WHEREAS, a proposed settlement has been reached in this matter through the negotiations of special counsel for the Town of Hackettstown, McKirdy and Riskin, PA 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, Block 75, Lot 6.01 had an original assessment for the 2010 and 2017 tax years of \$890,100.00 and Block 75, Lot 8 had an original total assessment of \$63,000.00 for the 2010 tax year, and \$31,500.00 for the 2017 tax year; and

September 13, 2018 (continued)

WHEREAS, the proposed settlements will keep the assessment on Block 75, Lot 6.01 at \$890,100.00 for the 2010 – 2017 tax years and will reduce the assessment on Block 75, Lot 8 to \$31,500.00 for the 2010 tax year, with the Freeze Act to apply for the 2011 and 2012 tax years, with the assessment remaining at \$31,500.00 for the 2017 tax year; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of \$31,500.00 for the 2010, 2011 and 2012 tax years; and

WHEREAS, the total refund due the plaintiff as a result of the within settlement are as follows: \$774.27 for the 2010 tax year, \$782.78 for the 2011 tax year and \$797.90 for the 2012 tax year. Total tax saving for the 2010-2012 tax years will therefore be \$2,354.95;

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 and 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, 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 treasure for the Town of Hackettstown are hereby authorized to issue the refund due the taxpayer in the within matter for the 2010 through 2012 tax years.

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

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 properties 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;

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:

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- The certification of the costs of removal of the debris, brush and obnoxious growth has been examined and found to be correct.
- 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 St	71	9	Grand Hack Sq	\$275.00

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

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

## Resolution

WHEREAS, the New Jersey Department of Transportation (NJDOT) intends to build a series of high industrial fences and a 60-foot concrete pyramid called a “rockfall berm” along Route 80 through the Delaware Water Gap; and

WHEREAS, the proposed Route 80 Rockfall Mitigation will be built on lands located in Knowlton and Hardwick Townships and the Delaware National Water Gap Park; and

WHEREAS, stakeholders Knowlton Township and Hardwick Township have formally opposed the project, and have not given their permission for this project within their boundaries; and

WHEREAS, construction of the Route 80 fence is slated to begin in 2020, may last two years, and will cost between \$55 and \$58 million dollars according to NJDOT estimates; and

WHEREAS, the stated intent of the fence and concrete berm is to prevent rockfall; and

WHEREAS, the NJDOT’s Concept Development Report acknowledges that “NJDOT provided limited rockfall event data, and the actual frequency of rock activity is unknown” for this project; and

WHEREAS, there are no documented rockfall events nor any recollections of significant rockfall events over the last ten years within Area “D” portion of the project where the concrete pyramid is to be placed; and

WHEREAS, there are 70 to 80 motor vehicle accidents on Route 80 in this section of Route 80 annually due to speed and poor road conditions yet this project involves no road improvements; and

WHEREAS, two years of construction on Route 80 will have significant negative impact on residents and on emergency personnel’s ability to get to nearby hospitals; and

WHEREAS, the Delaware Water Gap is a nationally prominent scenic wonder and a gateway to the one of the most widely used National Parks in the nation; and

WHEREAS, the proposed project will directly impact the viewshed of the Appalachian Trail, which has an entrance at the Delaware Water Gap Park; and

WHEREAS, in 2016, 3.7 million visitors to the Delaware National Water Gap park spent \$126.3 million in communities within 60 miles of the park and supported 1887 jobs\*; and

WHEREAS, tourism to the Delaware Water Gap and the scenic value of Northwest New Jersey will likely be negatively impacted by the proposed fence; and

WHEREAS, the millions of dollars appropriated for this non-essential project could be better directed to creating a safe passageway on Route 80 itself through the Delaware Water Gap.

NOW, THEREFORE, BE IS RESOLVED on this 13<sup>th</sup> day of September 2018, the Town of Hackettstown opposes the current NJDOT Route 80 Rockfall Mitigation Project and requests the assistance of the following elected representatives in halting the current NJDOT project.

September 13, 2018 (continued)

- U.S. Congressman Josh Gottheimer
- U.S. Senator Cory Booker
- U.S. Senator Bob Menendez
- State Senator Steven Oroho
- State Assemblyman Parker Space
- State Assemblyman Harold Wirths
- Warren County Freeholders Ed Smith, Jason Sarnoski, and Rick Gardner

BE IT FURTHER RESOLVED, that the Town of Hackettstown encourages the NJDOT to continue Route 80 rock mitigation under the conditions that:

- Rock mitigation occurs in a manner that does not harm the viewsheds of the nationally recognized Delaware Water Gap and Appalachian Trail; and
- The project includes measures that address the speeding and/or dangerous road conditions causing far more accidents annually than rockfall.

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

Motion was made (Sheldon) and seconded (Lambo) that ordinance #2018-14 entitled, AN ORDINANCE TO AMEND SECTION 525 OF THE LAND DEVELOPEMTN ORDIANNCE ENTITLED “STORM WATER CONTROL”, SECTION 804 OF THE LAND DEVELOPMENT ORDINANCE ENTITLED “SUBMISSION OF 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 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 October 11, 2018; the Town Clerk to publish the ordinance together with 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 require such copies.

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

Motion was made (Sheldon) and seconded (Engelau) 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 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 October 11, 2018; the Town Clerk to publish the ordinance together with 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 require such copies.

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

Motion was made (Sheldon) and seconded (Engelau) to approve Chapter 159 special item of revenue for the Police Department Other Expense-various donations in the amount of \$150.00.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the purchase order for a Scott Compressor System from Firefighter One in the amount of \$24,338.00.

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

Motion was made (Sheldon) and seconded (Engelau) to approve change order #1 in amount of \$1,657.58 and change order #2 in the amount of \$6,712.00 for Innovative Electrical Contract Inc. for the municipal emergency generator projects.

September 13, 2018 (continued)

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

Motion was made (Sheldon) and seconded (Lambo) to amend the Maser Consulting emergency generator contract to an amount of \$25,698.75.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register 2018-15 in the amount of \$338,069.56 and check register #2018-16 in the amount of \$1,762,908.65.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the taxi cab driver's license applications for Manuel Avegno, Fabricio Avegno, Carlos Para and Wilson Tigre through May 1, 2019.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the taxi cab owner's application for Martha Allardice, Tias Taxi & Limo, LLC through May 1, 2019.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the shared service agreement with Washington Township, Warren County for the use of an animal control vehicle.

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

Motion was made (Sheldon) and seconded (Lambo) to approve raffle license #1184 for the Hackettstown Lady Tigers Soccer Booster Club to hold an off premise 50/50, raffle license #1185 for Cataract Hose Co. #1 to hold an off premise 50/50, raffle license #1186 for the Hackettstown Rotary Club to hold an on premise 50/50, raffle license #1187 for the Hackettstown Rotary Club to hold a Tricky Tray, raffle license #1188 for the New Jersey Civic Youth Ballet, Inc. to hold an on premise raffle and raffle license #1189 for the New Jersey Civic Youth Ballet, Inc. to hold an off premise 50/50.

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

Motion was made (Engelau) and seconded (Sheldon) to approve the application for social affair permit for Centenary University.

Roll Call Vote: Yes – Engelau, Lambo and Sheldon

Abstain – Kunz

Motion was made (Engelau) and seconded (Sheldon) to approve the special event license application for the Hackettstown Elks Lodge #2331 to hold a Trunk or Treat on October 28, 2018, to waive the \$50.00 application fee and to charge no Town costs.

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

Motion was made (Sheldon) and seconded (Kunz) to approve the street closure of Canal Way on September 22, 2018 from 12:00 PM to 6:00 PM for a block party.

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

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

#### Resolution

September 13, 2018 (continued)

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HACKETTSTOWN AS FOLLOWS:



- That the public be excluded from attendance at a portion of its meeting to be held on September 13, 2018 for the reason that the following subject matter will be discussed:

COAH Litigation

- The Mayor and Common Council may exclude the public from the meeting pursuant to section 10:4-12(b) of the Open Public Meetings Law.
- 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 – Engelau, Kunz, Lambo and Sheldon

The meeting was closed at 8:05 PM and reopened at 8:35 PM. The Mayor stated that no formal action was taken by the Council during Executive Session.

Motion was made (Sheldon) and seconded (Lambo) to adjourn this meeting at 8:36 PM.

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

This is to certify that the ordinances and resolutions contained herein have been approved by me in accordance with law.

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Maria DiGiovanni, Mayor

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

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William Kuster, Jr., Town Clerk

