

July 13, 2017

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 July 13, 2017. 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.

Property owner of 117 Valentine Street, spoke about noise issues he is having with Czig Meister Brewing, who is his neighbor. Council indicated they will review his concerns and advise him.

Jeff Saunders, 122 Washington Street, asked Council to remove the disabled parking meters and posts in front of his home.

Dr. David Haney, President of Centenary University, presented a check to the Town for its portion of the process raised in the University Banner project. Dr. Haney also reported on the status of the Men's Baseball Field project and the President's House rebuilding project.

Motion was made (Sheldon) and seconded (Lambo) to evenly split the funds raised by Centenary University for the Banner project between The Town and the Business improvement District.

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

Abstain – Kunz

Motion was made (Sheldon) and seconded (Lambo) to approve the minutes of the regular meeting held on June 22, 2017 as submitted.

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

Abstain – DiMaio and Kunz

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 "Rite Aid #595-3 v. Town of Hackettstown", which matters pertain to the appeals of the 2016 and 2017 tax year municipal property tax assessments for the property located at Block 123, Lot 23; and

WHEREAS, a proposed settlement has been reached in this matter through the negotiations of special counsel for the Town of Hackettstown, McKirdy & Riskin, P.A., 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

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WHEREAS, the subject property had an original total assessment for the 2016 and 2017 tax years of \$2,000.00; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of \$300,000.00 for the tax year; and

WHEREAS, the total refund due the plaintiff as a result of the within settlement for the 2017 tax year will be approximately \$8,748.00; and

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

1. The Town Council hereby approves the proposed settlement in these matters as set forth above:

2. 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;

3. The tax collector and treasurer for the Town of Hackettstown are hereby authorized to issue the refund due the taxpayer in the within matter for the 2017 tax year.

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 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 69, Lot 13 115 Maple Avenue
Tax Sale Certificate #16-00121
Assessed to: Kasper, Horst M
13 Forest Drive
Warren Township, NJ 07059

NOW, THEREFORE, BE IT RESOLVED on this 13th day of July, 2017 that the Chief Financial Officer is hereby authorized to issue a check for \$36,467.97, plus premium of \$37,000.00 for a total of \$73,467.97 to the lien holder:

MTAG Cust for Empire VIII NJ Portfolio LLC
PO Box 2208
Hicksville, NY 11802

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

July 13, 2017 (continued)

Motion was made (Sheldon) and seconded (DiMaio) 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; and

WHEREAS, the Director/Superintendent of the 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:

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 and, 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:

<u>Property Address</u>	<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Cost</u>
206 W Valley View	36	5	Hatchard, Donald	\$190.00

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

Abstain – Lambo

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

Resolution

WHEREAS, a resolution dated May 25, 2017 authorized the cancellation of stale dated checks outstanding in the Town of Hackettstown Claims Account; and

WHEREAS, after the cancellation the vendor contacted the Chief Financial Officer and requested that the check be reissued.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Hackettstown that the following stale dated check be rescinded and a replacement check be reissued:

<u>Check #</u>	<u>Issued To:</u>	<u>Issue Date</u>	<u>Amount</u>
45340	Phil Seabeck	9/26/16	\$50.00

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

July 13, 2017 (continued)

Motion was made (Sheldon) and seconded (Engelau) to approve the contract with Maser Consulting for the Master Plan Reexamination at a cost not to exceed \$20,000.00.

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

No – Sheldon

Motion was made (Engelau) and seconded (Sheldon) to approve Check Register #2017-12 in the amount of \$2,050,168.94.

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

Motion was made (Sheldon) and seconded (Tynan) to add a Jacobsen Turfest T4280 to the municipal auction list.

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

Motion was made (Lambo) and seconded (Sheldon) to approve raffle license #1149 for the Knights of Columbus, #2450 Augustus J. Rampone Assembly to hold an off premise raffle.

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

Motion was made (Sheldon) and seconded (Engelau) to approve raffle license #1150 for the Hackettstown Moose Lodge 816 to hold a pull tab raffle.

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

Motion was made (Engelau) and seconded (Tynan) to approve raffle license #1151 for Centenary University to hold an off premise raffle.

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

Abstain – Kunz

Motion was made (Engelau) and seconded (Tynan) to deny the performance bond release to AutoZone.

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

Motion was made (Sheldon) and seconded (DiMaio) to approve the street closure for a block party on Madison Street between Center Street and Warren Street on August 12, 2017, with the condition that the event will end at 10 PM and the music will stop and the street will be reopen.

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

Motion was made (DiMaio) and seconded (Sheldon) that the following areas be designated as “No Parking Tow Away” zones from 2:00 a.m. to 8:00 p.m. on September 17, 2017.

1. Main St. (Rt. 46) from Grand Avenue to East Plane St.; both sides
2. Franklin Street from East Plane St. to High St. (Rt. 517); North Side
3. West More St. from Washington St., to Rt. 46; both sides
Also requesting road be closed
4. East Moore St. from Sharp St. to Rt. 46; both sides
Also requesting road be closed.
5. Church St., from Washington St. to Rt. 46; both sides
Also requesting road be closed.
6. West Plane St. from Washington St. to Rt. 46; both sides

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

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Motion was made (DiMaio) and seconded (Sheldon) that the following areas be designated as “Tow Away” zones from 11:00 a.m. to 9:00 p.m. on September 30, 2017.

1. Valentine St. from Route 46 to Madison St.
2. Grand Ave. from Route 46 to Washington St.
3. Washington St. from Grand Ave. to Valentine St.

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

Motion was made (Kunz) and seconded (Sheldon) to approve the FY2018 Municipal Alliance County Contract with the Town of Hackettstown contribution in the amount of \$2,634.00 for a total grant of \$8,781.00.

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

Motion was made (Sheldon) and seconded (Lambo) 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 July 13, 2017 for the reason that the following subject matter will be discussed:

Contract 911 Communications

(2) 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.

(3) Matter 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, Kunz, Lambo, Sheldon and Tynan

The meeting was closed at 8:00 PM and reopened at 8:15 PM. The Mayor stated that no formal action was taken by the Council during Executive Session.

Motion was made (Sheldon) and seconded (Engelau) to adjourn this meeting at 8:16.

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

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

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.

William Kuster, Jr., Town Clerk