December 30, 2019

The Mayor and Common Council convened in open session in the Municipal Building at 215 Stiger Street, Hackettstown, New Jerseyat 6:30 PM on December 30, 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 and Sheldon

 Absent – Councilperson Tynan

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

Ann Lugo requested Town permission to open a business catering to permanent makeup as current zoning laws do not allow tattoo businesses in the zone she wants to locate.

Motion was made (DiMaio) and seconded (Hinrichs) to approve the minutes of the regular meeting held on December 12, 2019 as submitted.

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

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

Resolution

WHEREAS, the Tax Collector advises of overpayment of taxes for calendar year 2019 due to a duplicate payment 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 refund of taxes:

Block 5, Lot 4 $1,621.62

 Corelogic / Refunds Dept

 PO Box 9202

 Coppell, TX 75019

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

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

Resolution

WHEREAS, in accordance with In the Matter of the Adoption of NJAC 5:96 &5:97 by the New Jersey Council on Affordable Housing, 221 NJ 1 (2015), the Town of Hackettstown filed and action for declaratory judgment requesting that the Court declare that the Town has complied with its constitutional obligation to provide a realistic opportunity for the development of housing that is affordable to low-and moderate-income families and individuals; and

December 30, 2019 (continued)

WHEREAS, the Town entered into a Settlement Agreement with the Fair Share Housing Center dated December 16, 2016, which was reviewed by the Court at a Fairness Hearing held on March 9, 2017; and

WHEREAS, following the Fairness hearing, the Court entered an Order dated June 23, 2017, determining that the Settlement Agreement adequately protects, and is fair and reasonable to, low and moderate income households in the Town and its housing region; and

WHEREAS, the Court Order dated June 23, 2017 ordered the Town to prepare and adopt an amended Housing element and Fair Share Plan and ordinances necessary to implement the Settlement Agreement; and

WHEREAS, per the terms of the Court Order dated June 23, 2017 and Settlement Agreement, the Towns’ Planner prepared a Housing Element and Fair Share Plan, which as reviewed by the Planning Board, and endorsed by Council on September 14, 207; and

WHEREAS, the Town proceeded to schedule a compliance hearing before the Hon. Thomas C. Miller, P.J.Cv., to determine its satisfaction of conditions precedent to settling the declaratory judgment lawsuit, on August 31, 2018; and

WHEREAS, at the time Moudro Corporation sought to intervene in the subject litigation, which was denied by Judge Miller, however, issues raised by Moudro placed the Court finding the Town in compliance in doubt, so the Town determined to amend its Housing Element and Fair Share Plan to address these newly raised issued;

WHEREAS, the Town’s Planner prepared a revised Housing Element and Fair Share Plan, attached hereto as Attachment A, and upon notice duly provided pursuant to NJSA 40:55D-13, the Town of Hackettstown Planning Board held a public hearing and adopted the Housing Element and Fair Share Plan on December 17, 2019, and will adopt a Resolution memorializing the adoption of the Housing Element and Fair Share on January 28, 2020; and

WHEREAS, the Town Council and Mayor desire to endorse the Housing Element and Fair Share Plan, and seek approval of the Housing Element and Fair Share Plan from the Court.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Hackettstown, County of Warren, State of New Jersey as follows:

1. That it hereby endorses the Housing Element and Fair Share Plan, which is attached hereto as Attachment A, as adopted by the Town of Hackettstown Planning Board.
2. That it authorizes and directs its professionals to file with the Court:
	1. The Housing Element and Fair Shar Plan; and
	2. Any additional documents the professionals deem necessary or desirable to demonstrate compliance with the Settlement Agreement.
3. That it authorizes its professionals to seek Court approval of the Housing Element and Fair Share Plan at a properly notice Compliance Hearing.
4. That it reserves the right to amend the Housing Element and Fair Share Plan, should it necessary

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

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

Resolution

WHEREAS, there are stale dated checks outstanding in the Town of Hackettstown Municipal Court Bail Account; and

WHEREAS, every avenue has been extinguished to trace these this checks,

December 30, 2019 (continued)

NOW THEREFORE BE IT RESOLVED, by the Council of the Town of Hackettstown that the following stale dated checks be cancelled and credited to the Town of Hackettstown Surplus;

 Check # Issue Date Amount

 3315 6/12/2019 $11.00

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

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

Resolution

WHEREAS, there are stale dated checks outstanding in the Town of Hackettstown Municipal Court General Account, and

WHEREAS, every avenue has been extinguished to trace these this checks,

NOW THEREFORE BE IT RESOLVED, by the Council of the Town of Hackettstown that the following stale dated checks be cancelled and credited to the Town of Hackettstown Surplus;

 Check # Issue Date Amount

 2813 6/4/2019 $.25

Roll Call Vote: Yes – DiMaio, Engelau and Hinrichs

 No – Kunz and Sheldon

Motion was made (Engelau) and seconded (DiMaio) to approve check register #2019-23 in the amount of 812,498.39

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

Motion was made (Hinrichs) and seconded (DiMaio) to approve the special event license application for Marty’s Reliable Cycle to hold a bike ride on January 4, 2020, to pay the $50.00 application fee and to charge no Town costs.

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

Motion was made (Sheldon) and seconded (DiMaio) to adjourn this meeting at 6:50 PM.

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

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