December 10, 2020

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 December 10, 2020. 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. Posting 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, Engelau, Kunz, Lambo,

 Sheldon and Tynan

Motion was made (Sheldon) and seconded (Engelau) to approve the minutes of the regular meeting held on November 23, 2020 as submitted.

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

 Abstain – Tynan

Mayor DiMaio opened the public hearing on ordinance #2020-08 entitled, AN ORDINANCE TO APPROVE AND ADOPT THE 2021 BUDGET FOR THE HACKETTSTOWN BUSINESS IMPROVEMENT DISTRICT, INC., which was introduced and passed on first reading on November 12, 2020 and offered a copy of the ordinance to anyone who desired a copy. The title of the ordinance was read a loud 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 comments from the public, Mayor DiMaio closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (Engelau) that ordinance #2020-08 entitled AN ORDINANCE TO APPROVE AND ADOPT THE 2021 BUDGET FOR THE HACKETTSTOWN BUSINESS IMPROVEMENT DISTRICT, INC, be adopted on second and final reading and that Notice of Final Adoption be published.

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

Mayor DiMaio opened the public hearing on ordinance #2020-09 entitled, AN ORDINANCE TO AMEND SECTION 525 OF THE LAND USE DEVELOPMENT ORDINANCE ENTITLED “STORMWATER CONTROL” TO REFLECT AMENDMENTS TO THE NEW JERSEY STORMWATER MANAGEMENT RULES AT N.J.A.C. 7:8, which was introduced and passed on first reading on November 12, 2020 and offered a copy of the ordinance to anyone who desired a copy. The title of the ordinance was read a loud 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.

December 10, 2020 (continued)

There being no comments from the public, Mayor DiMaio closed the public hearing and discussion returned to Council.

Motion was made (Engelau) and seconded (Lambo) that ordinance #2020-09 entitled AN ORDINANCE TO AMEND SECTION 525 OF THE LAND USE DEVELOPMENT ORDINANCE ENTITLED “STORMWATER CONTROL” TO REFLECT AMENDMENTS TO THE NEW JERSEY STORMWATER MANAGEMENT RULES AT N.J.A.C. 7:8, be adopted on second and final reading and that Notice of Final Adoption be published.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the Chapter 159 for the 2020 Statewide Insurance Fund Risk Control Grant in the amount of $3,000.00.

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

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

Resolution

WHEREAS, the Tax Collector advises of overpayments of taxes for calendar year 2020 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 55, Lot 3 $2,936.00

Corelogic/Refunds Dept

3001 Hackberry Rd. Payment on exempt property

Irving, TX 75063

Block 72, Lot 1 $727.83

Epp LLC

432 Mt. Bethel Hwy Credit due to tax appeal

Bango, PA 18013

Block 82, Lot 7 $1,941.10

Corelogic/Refunds Dept

3001 Hackberry Rd Duplicate payment

Irving, TX 75063

Block 109, Lot 13 $1,163.99

Ruben Duarte

921 Grand Avenue Credit due to tax appeal

Hackettstown, NJ 07840

Block 119, Lot 1.49 $1,602.05

Niranjan Joginipally

74 Helm’s Mill Rd Credit due to tax appeal

Hackettstown, NJ 07840

Block 119, Lot 95.01 $4,568.34

Merle & Wally

6 Petersburg Rd Credit due to tax appeal

Hackettstown, NJ 07840

December 10, 2020 (continued)

Block 125, Lot 5 $1,251.60

East Avenue Service Park

108 East Avenue Credit due to tax appeal

Hackettstown, NJ 07840

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

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

Resolution

WHEREAS, there is presently pending before the Tax Court of the State of New Jersey, the matters intitled “210 Vail Street LLC vs. Town of Hackettstown”, which matters pertain to the appeals of the 2018, 2019 and 2020 tax year municipal property tax assessments for the property located at Block 40, Lot 4.02; and

WHEREAS a proposed settlement has been reached in this matter through the negotiations of special counsel for the Town of Hackettstown, McKirdy, Riskin, Olson & DellaPelle, P.C., 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 property had an original total assessment for the 2018, 2019 and 2020 tax years of $230,800.00; and

WHEREAS, the proposed settlement will involve a withdrawal of the 2018 appeal, thereby allowing the original assessment of $230,800.00 to remain in full force and effect, and will reduce the assessment on the subject property to $210,000.00 of the 2019 and 2020 tax years; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of $20,800.00 for the 2019 and 2020 tax years; and

WHEREAS, the total refund due the plaintiff as a result of the within settlement for the 2019 tax year will be approximately $633.15; and the total refund due of the 2020 tax year will be approximately $650.83; 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 of 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 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, Olson & DellaPelle, P.C., as special counsel for the Town of Hackettstown, is hereby authorized to enter into such Stipulation of

December 10, 2020 (continued)

Settlement and execute on behalf of the Town all necessary instruments and furtherance thereof;

1. 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 2019 and 2020 tax years.

Resolution

WHEREAS, there is presently pending before the Tax Court of the State of New Jersey, the matters intitled “308 Main LLC vs. Town of Hackettstown”, which matters pertain to the appeals of the 2018, 2019 and 2020 tax year municipal property tax assessments for the property located at Block 79, Lot 11; and

WHEREAS a proposed settlement has been reached in this matter through the negotiations of special counsel for the Town of Hackettstown, McKirdy, Riskin, Olson & DellaPelle, P.C., 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 property had an original total assessment for the 2018, 2019 and 2020 tax years of $405,900.00; and

WHEREAS, the proposed settlement will involve a withdrawal of the 2018 appeal, thereby allowing the original assessment of $405,900.00 to remain in full force and effect, and will reduce the assessment on the subject property to $350,000.00 of the 2019 and 2020 tax years; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of $55,900.00 for the 2019 and 2020 tax years; and

WHEREAS, the total refund due the plaintiff as a result of the within settlement for the 2019 tax year will be approximately $1,701.60; and the total refund due of the 2020 tax year will be approximately $1,749.11; 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 of 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 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, Olson & DellaPelle, P.C., 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 Treasure for the Town of Hackettstown are hereby authorized to issue the refund due the taxpayer in the within matter for 2019 and 2020 tax years.

December 10, 2020 (continued)

Resolution

WHEREAS, there is presently pending before the Tax Court of the State of New Jersey, the matters intitled “Michael Xavier Laurano vs. Town of Hackettstown”, which matters pertain to the appeals of the 2018, 2019 and 2020 tax year municipal property tax assessments for the property located at Block 40, Lot 2; and

WHEREAS a proposed settlement has been reached in this matter through the negotiations of special counsel for the Town of Hackettstown, McKirdy, Riskin, Olson & DellaPelle, P.C., 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 property had an original total assessment for the 2018, 2019 and 2020 tax years of $296,300.00; and

WHEREAS, the proposed settlement will involve a withdrawal of the 2018 appeal, thereby allowing the original assessment of $296,300.00 to remain in full force and effect, and will reduce the assessment on the subject property to $275,000.00 of the 2019 and 2020 tax years; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of $21,300.00 for the 2019 and 2020 tax years; and

WHEREAS, the total refund due the plaintiff as a result of the within settlement for the 2019 tax year will be approximately $648.00; and the total refund due of the 2020 tax year will be approximately $666.48; 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 of 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 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, Olson & DellaPelle, P.C., 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 Treasure for the Town of Hackettstown are hereby authorized to issue the refund due the taxpayer in the within matter for 2019 and 2020 tax years.

Resolution

WHEREAS, there is presently pending before the Tax Court of the State of New Jersey, the matters intitled “302 West Valley View Ave LLC vs. Town of Hackettstown”, which matters pertain to the appeals of the 2018, 2019 and 2020 tax year municipal property tax assessments for the property located at Block 40, Lot 4.01; and

December 10, 2020 (continued)

WHEREAS a proposed settlement has been reached in this matter through the negotiations of special counsel for the Town of Hackettstown, McKirdy, Riskin, Olson & DellaPelle, P.C., 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 property had an original total assessment for the 2018, 2019 and 2020 tax years of $246,800.00; and

WHEREAS, the proposed settlement will involve a withdrawal of the 2018 appeal, thereby allowing the original assessment of $246,800.00 to remain in full force and effect, and will reduce the assessment on the subject property to $225,000.00 of the 2019 and 2020 tax years; and

WHEREAS, the proposed settlement represents a decrease in the assessed value of the subject property of $21,800.00 for the 2019 and 2020 tax years; and

WHEREAS, the total refund due the plaintiff as a result of the within settlement for the 2019 tax year will be approximately $663.59; and the total refund due of the 2020 tax year will be approximately $682.12; 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 of 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 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, Olson & DellaPelle, P.C., 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 Treasure for the Town of Hackettstown are hereby authorized to issue the refund due the taxpayer in the within matter for 2019 and 2020 tax years.

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

 Abstain – Lambo

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

Resolution

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

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

December 10, 2020 (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

 2867 4/13/20 $2.00

 2868 4/13/20 $1.00

 2869 4/13/20 $4.00

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

Motion was made (Engelau) to approve check register #2020-22 in the amount of $1,795,474.68.

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

Motion was made (Sheldon) and seconded (Kunz) to amend the PILOT analysis contract with 4ward Planning, Inc. relative to the Moudro project.

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

Motion was made (Kunz) and seconded (Becker) to approve a three year contract for the Chief of Police.

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

Motion was made (Sheldon) and seconded (Lambo) to award the 2021 DPW supplies and services contracts: Spring and Fall Cleanup to Sanico, Garbage Services to Sanico, Oil Burner Service to TGM, Plumbing Service to TGM and Leaf Trucking to All Terrain.

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

Motion was made (Sheldon) and seconded (Engelau) to award the bid for tree trimming and stump removal for 2021 to Peterson and Sons Tree Services.

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

Motion was made (Sheldon) and seconded (Kunz) to hire Michael Ennis to the position of DPW Laborer at a rate of $16.50 per hour effective December 14, 2020.

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

Motion was made (Sheldon) and seconded (Lambo) to approve raffle license #1237 for Project Graduation of Hackettstown, Inc. to hold an off premise raffle.

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

Motion was made (Tynan) and seconded (Lambo) to approve the special event license application for the Hackettstown Business Improvement District to hold a Candy Cane Lane on December 12, 2020, to waive the $50.00 application fee and to charge Town costs in the amount of $600.00.

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

Motion was made (Sheldon) and seconded (Becker) to approve an interlocal service agreement with the HMUA for road resurfacing.

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

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

James Bragg, 409 Grand Avenue, requested that his name be noted in the meeting as attending.

Motion was made (Sheldon) and seconded (Kunz) to adjourn this meeting at 7:25 PM.

Roll Call Vote: Yes – Becker, Engelau, 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