May 27, 2021

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 May 27, 2021. 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. Posing 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 (Becker) to approve the minutes of the regular meeting held on May 13, 2021 as submitted.

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

Mayor DiMaio opened the public hearing on Ordinance 2021-04 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN AND STATE OF NEW JERSEY, AMENDING THE LAND DEVELOPMENT ORDINANCE AND PERMITTING THE OPERATION OF CANNABIS CULTIVATIONS OR MANUFACTURING BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES, which was introduced and passed on first reading on April 22, 2021 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 DiMaio closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (Becker) that ordinance 2021-04 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN AND STATE OF NEW JERSEY, AMENDING THE LAND DEVELOPMENT ORDINANCE AND PERMITTING THE OPERATION OF CANNABIS CULTIVATIONS OR MANUFACTURING BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES, 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 2021-05 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING SCHEDULE I OF CHAPTER 13 (ENTITLED “TRAFFIC AND PARKING”)OF THE TOWN ORDINANCES PROHIBITING PARKING ON MITCHELL ROAD BETWEEN VICTORIA LANE AND JAMES COURT, which was introduced and passed on first reading on April 22, 2021 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 DiMaio closed the public hearing and discussion returned to Council.

Motion was made (Sheldon) and seconded (Tynan) that ordinance 2021-05 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING SCHEDULE I OF CHAPTER 13 (ENTITLED “TRAFFIC AND PARKING”)OF THE TOWN ORDINANCES PROHIBITING PARKING ON MITCHELL ROAD BETWEEN VICTORIA LANE AND JAMES COURT, 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 2021-06 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING SECTION 48 (OCCUPANCY) OF ARTICLE 6 (RENTAL PROPERTY REGULATIONS AND LICENSING OF LANDLORDS) OF CHAPTER 7 (BUILDING REGULATIONS) TO PROVIDE FOR THE NUMBER OF OCCUPANTS PERMITTED IN AN RESIDENTIAL RENTAL UNIT, which was introduced and passed on first reading on April 22, 2021 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 DiMaio closed the public hearing and discussion returned to Council.

Motion was made (Engelau) and seconded (Kunz) that ordinance 2021-06 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING SECTION 48 (OCCUPANCY) OF ARTICLE 6 (RENTAL PROPERTY REGULATIONS AND LICENSING OF LANDLORDS) OF CHAPTER 7 (BUILDING REGULATIONS) TO PROVIDE FOR THE NUMBER OF OCCUPANTS PERMITTED IN AN RESIDENTIAL RENTAL UNIT, 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 (Becker) to adopt the following resolutions:

Resolution

WHEREAS, the Tax Collector advises of overpayment of taxes for calendar year 2021 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 39, Lot 2 $587.13

Linda Ayres

102A Vail St. Homestead credit on

Hackettstown, NJ 07840 exempt property

Resolution

WHEREAS, the Department of Veterans Affairs has determined that William Diaz Santiago, owner of property at Block 6, Lot 1.03, 604 East Baldwin Street, is totally disabled; and

WHEREAS, due to this determination, Mr. Santiago is not required to pay property taxes from February 22, 2021, and is therefore exempt from future tax payments; and

WHEREAS, an overpayment will exist and must now be refunded to the assessed owner as a totally disabled veteran:

NOW, THEREFORE BE IT RESOLVED by the Governing Body that he Tax Collector is authorized to cancel taxes from February 22, 2021 and is hereby authorized to cancel the total amount due from the tax record for 2021. The Governing Body also authorizes the Chief Financial Officer to make a refund of taxes as follows:

Block Lot Year Assessed to Amount

6 1.03 2021 Corelogic Refunds $934.44

3001 Hackberry Rd.

Irving, TX 75063

6 1.03 2021 William Diaz Santiago $2,273.22

604 E Baldwin St.

Hackettstown, NJ 07840

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

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

Resolution

WHEREAS, the Town of Hackettstown plans to improve East Baldwin Street between Main Street and East Prospect Street; and

WHEREAS, the Town has obtained a grant from the municipal aid portion of the Transportation Trust Fund to help fund the project; and

WHEREAS, the Town has appropriated monies to construct the improvements on East Baldwin Street; and

WHEREAS, the Town plans on utilizing South State Inc., (“South State”) through its membership in the Morris County Cooperative Pricing Council (“MCCPC”) to perform the required milling and paving work on East Baldwin Street; and

WHEREAS, South State is a qualified contractor and has been found to be in compliance with the contract documents and technical specifications; and

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL of the Town of Hackettstown that the Town shall utilize South State for the improvements on East Baldwin Street through the Town’s membership in the MCCPC in the amount of $140,240.00 as follows:

1. HMA Milling, 11,700 square yards at a 2” depth at a unit price of $2.70 per square yard for a total of $31,590.00 (South State);
2. HMA 9.5M64 Surface Course, 2” thick, 1,450 tons at a unit price of $67.00 per ton for a total of 97,150.00 (South State);
3. Fuel Price Adjustment at $1,500.00 (South State);
4. Asphalt Price Adjustment at $10,000.00 (South State);

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to the NJDOT’s Division of Local Aid and Economic Development.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2021-09 in the amount of $371,460.78.

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

Council considered and discussed a revised PILOT structure offered by the developers of the proposed Victoria Mews development (Phase II of Bergen Tool Redevelopment), as set forth in the PILOT analysis of Todd Poole, 4Ward Planning dated May 24, 2021.

Motion was made (Lambo) and seconded (Kunz) to authorize entering into negotiations with the developer regarding a redevelopment plan and subsequent financial agreement, and Council to retain jurisdiction over the redevelopment process.

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

No – Tynan

Motion was made (Sheldon) and seconded (Kunz) to approve the taxicab drivers license for Ada Garcia through May 1, 2022.

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

Motion was made (Engelau) and seconded (Kunz) to approve the taxi owners license for Sergio Rojas, Metro Car Service, for a 2015 Toyota, VIN# 5TDKK3DC7F5632573 through May 1, 2022.

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

Motion was made (Sheldon) and seconded (Lambo) to accept John Hackney as an Active Honorary member of the Hackettstown Fire Department Vigilant Hook and Ladder Co. #1.

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

Motion was made (Lambo) and seconded (Engelau) to approve the Permit for Social Affair for Centenary University to hold an event on August 11, 2021, and the Permit for Social Affair for Centenary University to hold an event on July 21, 2021.

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

Abstain – Kunz

Motion was made (Engelau) and seconded (Becker) to approve the Social Affair Permit and the Special Event License application for Czig Meister Brewery to hold a Czig Meister Brewery’s 5th Anniversary Event on June 12, 2021, to charge the $50.00 application fee and to charge Town Police costs in the amount of $2,095.80.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the special events license application for the Foundation for Hackettstown Town Medical Center to hold a Colors for Cancer Run/Walk on September 25, 2021, to waive the $50.00 application fee and to charge no Town costs.

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

Motion was made (Lambo) and seconded (Engelau) to approve the special event license application for the New Jersey Civic Youth Ballet to hold a Ballet AK and Tutu 2K Run/Walk on July 18, 2021, to waive the $50.00 application fee and charge no Town costs.

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

Motion was made (Sheldon) and seconded (Lambo) to approve raffle license #1244 for the Knights of Columbus Augusta J. Rampone Assembly #2450 to hold an off premise raffle.

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

Motion was made (Lambo) and seconded (Tynan) that Mayor and Council meetings resume to in person meetings beginning July 8, 2021.

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

No – Sheldon

Motion was made (Kunz) and seconded (Becker) that ordinance 21-08 entitled, ORDINANCE PROVIDING FOR IMPROVEMENTS OR PURPOSES IN AND BY THE TOWN OF HACKETTSTOWN, IN THE COUNTY OF WARREN, NEW JERSEY, AND APPROPRIATING $55,000.00, 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 June 24, 2021; 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 – Becker, Engelau, Kunz, Lambo, Sheldon and Tynan

Motion was made (Sheldon) and seconded (Lambo) to identify a portion of East Moore Street, from Main Street to Maple Avenue, as Dr. Frank L. Fowler Way.

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.

Several residents of Rustic Knolls spoke of concerns regarding the number of dogs on a property, barking, running loose and the breeding and selling of dogs.

Motion was made (Sheldon) and seconded (Becker) to adjourn this meeting at 7:51 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