August 12, 2021

The Acting Mayor and Common Council convened in open session in the Municipal Building at 215 Stiger Street, Hackettstown, New Jerseyat 7:00 PM on August 12, 2021. The meeting opened

with a salute to the Flag.

Acting Mayor Engelau 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 – Councilpersons Becker, Engelau, Kunz, Lambo, Sheldon and Tynan

 Absent – Mayor DiMaio

Motion was made (Sheldon) and seconded (Tynan) to approve the minutes of the regular meeting held on July 8, 2021 as submitted.

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

Acting Mayor Engelau opened the public hearing on ordinance #2021-09 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 CLASS 5 CANNABIS RETAIL BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES, which was introduced and passed on first reading on June 24, 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.

Hugh Giordano, Union Representative, UFCW Local 152, spoke in support of the ordinance and recommended the Town follow merit based employment.

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

Motion was made (Sheldon) and seconded (Kunz) that ordinance #2021-09 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 CLASS 5 CANNABIS RETAIL 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, Engleau, Kunz, Lambo, Sheldon and Tynan

Motion was made (Sheldon) and seconded (Becker) that ordinance #2021-10 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING ARTICLE 7 OF CHAPTER 11 (ENTITLED “SMOKING PROHIBITED AT ALL RECREATIONAL FACILITIES”) OF THE TOWN ORDINANCES PROHIBITING SMOKING OF CANNABIS AT TOWN RECREATIONAL FACILITIES, 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 September 9, 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 (Becker) to adopt the following resolution:

Resolution

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the section s of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S 52:27BB-52: A local officer or member of local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Common Council of the Town of Hackettstown, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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, pursuant to NJSA 54:4-66.3d which provides that third quarter property taxes shall not be subject to interest until the later of: August 1; or, the ten-day grace period, as authorized by a resolution of the governing body adopted on January 14, 2021; or the twenty-fifth calendar day after the tax bills were mailed; and,

WHEREAS, the Tax Collector mailed or otherwise delivered the 2021 Final/2022 Preliminary tax bills on July 26, 2021; and, the due date for the third-quarter payment is August 23, 2021, which is 25 days from the mailing date of July 26, 2021.

NOW, THEREFORE, BE IT RESOLVED on this 12th day of August 12, 2021 at the Municipal Building, 215 Stiger Street, Hackettstown, New Jersey.

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 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 property 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 tier receipt of the noticer; 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 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:

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 land, to bear interest at the same rate as taxes, and shall be collected and enforced by the tax collector int eh same manner as taxes:

Property Address Block Lot Property Owner Cost

237 Main Street 71 9 Grand Hack Square $887.50

311 Grand Ave 87 7 Carmine J Todaro $662.50

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

Motion was made (Sheldon) and seconded (Becker) to authorize entering into a financial agreement with the Moudro Corp. for the Residence at Bilby Road project.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the Recreation purchase requisition to purchase a 2022 Ford F350 Regular Cab 4x4 Pick Up Truck with a Ultramount Plow and Snow Deflector in the amount of $36,453.00 through the Morris County Cooperative Pricing Council, from DFFLM, LLC., Ditschman/Flemington Trucks, Flemington, NJ.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2021-13 in the amount of 2,413,845.94.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2021-14 in the amount of $1,927,192.13.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the special event license application for Czig Meister Brewing Co. to hold an Oktoberfest-Live Music at Czig Meister Brewery on September 25 and September 26, 2021, to charge the $50.00 application fee and charge Town costs in the amount of $1,676.64.

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

Motion was made (Sheldon) and seconded (Tynan) to approve the special event license application for the Hackettstown Elks #2331 and the Hackettstown Recreation Department to hold a Batting Competition on September 18, 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 (Sheldon) and seconded (Lambo) to approve the special event license application for Wilfredo Contreras to hold an Outdoor Sunday School on September 12, 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 the special event license application for the Hackettstown Business Improvement District to hold an Autumn Lamplight Dinner on September 9, 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 (Tynan) and seconded (Becker) to approve the permit for social affair for the Hackettstown Business Improvement District to hold and Autumn Lamplight Dinner on September 9, 2021.

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

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

Resolution

WHEREAS, the Town of Hackettstown desires to accept funding in the amount of $40,760.00 with no match under the SFY21 Body-Worn Camera Grant Program, State Account No. BFY21-100-066-1020-495, Award Number 21-BWC Subaward Period: January 1, 2021-December 31, 2025; and

WHEREAS, the Town of Hackettstown has reviewed the accompanying application and has approved said requests; and

WHEREAS, this project is a joint effort between the Department of Law and Public Safety Office of the Attorney General and the Hackettstown Police Department for the purpose described in the application.

NOW THEREFORE BE IT RESOLVED, on this 13th day of August, 2021, by the Town Council of the Town of Hackettstown, County of Warren, and State of New Jersey, that:

1. AS a matter of public police, the Hackettstown Police Department wishes to participate to the fullest extent possible with the Department of Law and Public Safety, Office of the Attorney General;
2. The Attorney General will receive funds on behalf of the applicant;
3. The Office of the Attorney General will be responsible for the receipt and review of the application for said funds;
4. The Office of the Attorney General will initiate allocations to each applicant as authorized.

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

Motion was made (Sheldon) and seconded (Tynan) to hire Maureen Tice to the position of part time crossing guard at a rate of $18.04 per hour.

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

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

Joseph Chiariello, 512 Madison Street, spoke concerning deteriorating sidewalks the Town installed in front of his property fifteen years ago and he is requesting the Town replace them.

Motion was made (Sheldon) and seconded (Kunz) to adjourn this meeting at 7:30 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