The Acting 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 November 12, 2020. The special meeting opened with a salute to the Flag.

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

Absent – Mayor DiMaio

Acting Mayor Engelau presented a proclamation in recognition of School Choice Week.

Motion was made (Sheldon) and seconded (Tynan) to approve the minutes of the regular meeting held on October 8, 2020 as submitted.

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

Abstain – Sheldon

Motion was made (Kunz) and seconded (Lambo) to approve the minutes of the regular meeting held on October 22, 2020 as submitted.

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

Abstain – Sheldon

Motion was made (Sheldon) and seconded (Kunz) to approve the minutes of the executive session held on October 22, 2020 as submitted.

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

Motion was made (Sheldon) and seconded (Lambo) that ordinance 2020-08 entitled, AN ORDINANCE TO APPROVE AND ADOPT THE 2021 BUDGET FOR THE HACKETTSTOWN BUSINESS IMPROVEMENT DISTRICT, INC., 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 December 10, 2020; 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 – Engelau, Kunz, Lambo, Sheldon and Tynan

Motion was made (Sheldon) and seconded (Kunz) that ordinance entitled, ORDINANCE TO AMEND SECTION 525 OF THE LAND DEVELOPMENT ORDINANCE ENTITLED “STORMWATER CONTROL” TO REFLECT AMENDMENTS TO THE NEW JERSEY STORMWATER MANAGEMENT RULES AT NJAC 7:8, ADOPTED MARCH 2, 2020, , 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 December 10, 2020; 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 – Engelau, Kunz, Lambo, Sheldon and Tynan

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

FAIR AND OPEN PROCESS RESOLUTION

WHEREAS, the Pay-to-Play law under Ch. 19, P.L. 204 requires that all contracts in excess of $17,500.00 even if normally exempt be publicly bid under the pay-to-play legislation or in the alternative be awarded under the non-fair procedures; and

WHEREAS, the Mayor and Common Council have determined that it is in the best interest of the Town to follow the open and fair public bidding process for all professional service contracts.

THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HACKETTSTOWN as follows:

1. Subsequent to the determination by the Town of Hackettstown that a contract shall be in excess of $17,500 the Town shall utilize the fair and open process delineated below to select the business entity, including those providing professional services, to which the Town shall

enter into such contract. In accordance with Ch. 19, P.L. 204, the criteria delineated below as to what constitutes a fair and open process is the final decision of the Town of Hackettstown

1. The Fair and Open Process established by the Town of Hackettstown shall be as follows:
   1. The solicitation of qualifications for any contract to be determined in excess of $17,500, and for which a bid solicitation shall not be required under Local Public Law, shall be published and advertised by the Town either in the official newspaper of the Town of Hackettstown for publication of notices or on the Town of Hackettstown website not later than ten (10) days prior to the date set for the receipt of said request for qualifications. The published notice shall set forth the description of the requested goods and services, the time, date and place that proposals must be submitted, the contact information for obtaining a proposal document and a statement that the proposals are being solicited through the fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq.
   2. The Town shall require that any entity responding to the request for qualifications shall include, at a minimum the following:
      1. Full name and business address;
      2. Any professional licenses held by the applicant in the State of New Jersey

or any other State including a "Certificate of Good Standing" or other documents evidencing that the license is not presently suspended or revoked;

* + 1. The number of licensed professionals employed by, or

associated with, the applicant;

* + 1. A listing of all degrees (college and/or graduate degrees) held by the applicant and any associated professionals in the business entity;
    2. A listing of all public entities for whom the business entity has had a contractual relationship, either currently or previously, including the dates of service and the position held;
    3. A listing of any professional affiliations or membership in any professional societies or organizations, including any offices or honors held.

The Town of Hackettstown shall review the responses to the request for qualifications and appoint or award a contract to a business entity for the goods or services advertised subsequent to such review. The resolution awarding the contract shall state that the contract was awarded after a fair and open process and shall state the number of responses received.

Contracts subject to the Fair and Open Process delineated herein are subject to additional requirements as provided by ordinances adopted by the Town of Hackettstown and any other applicable laws including, but not limited to, the Local Public Contracts Law.

1. SELECTION CRITERIA
   1. Qualifications of the individuals who will perform the tasks and the amount of their respective participation;
   2. Experience in providing the services requested by the Town of Hackettstown and referenced related thereto;
   3. Ability to perform the tasks in a timely fashion, including staffing and familiarity with the subject matter and the Town of Hackettstown.
   4. Recent, current and projected workload of the individual or firm;
   5. Thoroughness and completeness of the applicant's submittal.

In accordance with N.J.S.A. 19:44A-20.5 et seq. the Town of Hackettstown is soliciting proposals for the following positions:

Town Attorney

Town Engineer

Town Auditor

Municipal Prosecutor

Town Planner

Land Use Planner

Land Use Engineer

Proposals must be received by the Hackettstown Town Clerk on Wednesday, December 16, 2020 at 10:00 AM prevailing time at the Hackettstown Municipal Building, 215 Stiger street, Hackettstown, NJ 07840 at which time said proposals will be opened and read in public.

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

Motion was made (Sheldon) and seconded (Tynan) to approve the 2021 Warren County Nutrition Program Lease of the Senior Center.

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

Motion was made (Lambo) and seconded (Sheldon) to approve the 2020 Best Practices Program review.

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

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2020-20 in the amount of $3,067,936.16.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the NJABC permit application for Man Skirt Brewing for a Covid-19 expansion of premises permit and the NJABC permit for Czig Meister Brewing for a Covid-19 expansion of premises permit.

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

Motion was made (Sheldon) and seconded (Tynan) to approve the special event license application for Foundation for Hackettstown Medical Center to hold a Holiday Lights Festival on November 21, 2020, to waive the $50.00 application fee and charge no Town costs.

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

Motion was made (Sheldon) and seconded (Kunz) to approve the special event license application for the Hackettstown Business Improvement District to hold a Hometown Holiday on December 4, 2020, to waive the $50.00 application fee and charge no Town costs.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the Chapter 159 for K-9 Funds in the amount of $7,375.77.

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

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

Resolution

WHEREAS, in accordance with applicable Council on Affordable Housing (“COAH”) regulations, the New Jersey Uniform Housing Affordability Control (“UHAC”) (NJAC 5:80-26., et seq.) and the terms of a Settlement Agreement between the Town of Hackettstown and Fair Share Housing Center (“FSHC”), which was entered into as part of the Two’s Declaratory Judgment action entitled In the Matter of the Application of the Town of Hackettstown, Docket No. WRN-L-234-15, which was filed in response to Supreme Court decisions In re NJAC 5:96 and 5:97, 221 NJ 1, 30 (2015) (“Mount Laurel IV”), the Town o f Hackettstown is required to adopt an “Affordable Housing Trust Fund Spending Plan”; and

WHEREAS the Town of Hackettstown adopted a mandatory development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees to be used for providing low-and moderate-income housing in the Town; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of construction of affordable units on-site, barrier free escrow funds, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

WHEREAS, NJAC 5:93-8.18 requires a municipality with an affordable housing trust fund to receive approval of a spending plan from the Council on Affordable Housing or a court of competent jurisdiction prior to spending any funds in its housing trust fund; and

WHEREAS NJAC 5:93-8.18 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on historic development activity;
2. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
3. A description of the anticipated use of all development fees;
4. A schedule for the creation or rehabilitation of housing units;
5. If the municipality envisions being responsible for public sector or non-profit construction of housing, a pro-forma statement of the anticipated costs and revenues associated with the development; and
6. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan.

WHEREAS the Town of Hackettstown has prepared a spending plan, dated September 24, 2020, consistent with NJAC 5:93-5.1 (c) and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Hackettstown as follows:

1. The “Affordable Housing Trust Fund Spending Plan”, dated September 24, 2020 and annexed hereto as Schedule A, is hereby adopted by the Town of Hackettstown.
2. The Superior Court of New Jersey is requested to review and approve the said spending plan.
3. The appropriate Town officials and professionals are authorized to take all actions required to implement the terms of this Resolution.
4. This resolution shall take effect immediately.

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

Motion was made (Sheldon) and seconded (Lambo) to adjourn this meeting at 7:18 PM.

Roll Call Vote: Yes – 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