November 8, 2021

The Mayor and Common Council convened in open session in the Municipal Building at 215 Stiger Street, Hackettstown, New Jerseyat 7:00 PM on November 8, 2021. The meeting opened

with a salute to the Flag.

Mayor DiMaio 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 DiMaio, Councilpersons Engelau, Kunz, Lambo,

 Sheldon and Tynan

 Absent – Councilperson Becker

Motion was made (Sheldon) and seconded (Tynan) to approve the minutes of the regular meeting held on October 14, 2021 as submitted.

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

Mayor DiMaio opened the public hearing on ordinance #201-11 entitled AN ORDINANCE OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN AND STATE OF NEW JERSEY, AMENDING SECTION 601.P OF THE LAND DEVELOPMENT ORDINANCE CONCERNING THE LOCATION OF CLASS 5 CANNABIS RETAIL BUSINESSES IN THE HAC AND CC ZONE DISTRICTS, which was introduced and passed on first reading on October 14, 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 (Engelau) that ordinance #21-11 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN AND STATE OF NEW JERSEY, AMENDING SECTION 601.P OF THE LAND DEVELOPMENT ORDINANCE CONCERNING THE LOCATION OF CLASS 5 CANNABIS RETAIL BUSINESSES IN THE HAC AND CC ZONE DISTRICTS, be adopted on second and final reading and that Notice of Final Adoption be published.

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

Mayor DiMaio opened the public hearing on ordinance #201-12 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN AND STATE OF NEW JERSEY, ESTABLISHING NEW CHAPTER 5A IN THE TOWN CODE REGARDING THE LICENSURE AND TAXATION OF CANNABIS BUSINESS, which was introduced and passed on first reading on October 14, 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 (Engelau) that ordinance #21-12 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN AND STATE OF NEW JERSEY, ESTABLISHING NEW CHAPTER 5A IN THE TOWN CODE REGARDING THE LICENSURE AND TAXATION OF CANNABIS BUSINESS, be adopted on second and final reading and that Notice of Final Adoption be published.

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

Mayor DiMaio opened the public hearing on ordinance #201-13 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING SECTION 709H.2 OF THE LAND DEVELOPMENT ORDINANCE CONCERNING QUORUMS FOR HISTORIC PRESERVATION COMMISSION, which was introduced and passed on first reading on October 14, 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 (Engelau) that ordinance #21-13. entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING SECTION 709H.2 OF THE LAND DEVELOPMENT ORDINANCE CONCERNING QUORUMS FOR HISTORIC PRESERVATION COMMISSION, be adopted on second and final reading and that Notice of Final Adoption be published.

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

 No – Lambo

Motion was made (Sheldon) and seconded (Engelau) that Ordinance #2021-14 entitled, AN ORDINANCE TO APPROVE AND ADOPT THE 2022 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 7:30 PM on December 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 – Engelau, Kunz, Lambo, Sheldon and Tynan

Motion was made (Sheldon) and seconded (Kunz) that Ordinance #2021-15 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN AMENDING CHAPTER 6 OF THE TOWN ORDINANCES PROHIBITING LIVESTOCK ON PROPERTIES LESS THAN TWO (2) ACRES, be introduced and passed on first reading and that a public hearing be held thereon and it be considered for final passage at 7:30 PM on December 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 – Engelau, Lambo, Sheldon and Tynan

 No – Kunz

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

Resolution

WHEREAS, the Tax Collector of the Town of Hackettstown has been paid the amount necessary to redeem with interest calculated in accordance with the New Jersey Statutes on property known on the Tax Map and in the Tax Duplicate as the following municipal lien:

 Block 91, Lot 8 616 Madison St

 Tax Sale Certificate #20-00145

 Assessed to: GWPK, LLC

NOW THEREFORE BE IT RESOLVED on this 8th day of November, 2021 that the Chief Financial Officer is hereby authorized to issue a check for $69,600.73 to the lienholder:

 BALA Partners, LLC

 PO Box 303

 Pottersville, NJ 07979

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 Auditor

Municipal Prosecutor

Town Planner

Land Use Planner

Land Use Engineer

Proposals must be received by the Hackettstown Town Clerk on Wednesday, December 17, 2021 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 adopt the following resolution:

Resolution

WHEREAS, certain bills have been presented for payment for which there are insufficient funds in the 2021 budget to pay; and

WHEREAS, NJSA 40A:4-58 permits the transfer of funds from accounts with a surplus to cover such demands.

NOW THEREFORE BE IT RESOLVED (not less than two thirds of all members thereof affirmatively concurring) that the Chief Financial Officer is hereby authorized to make the following transfers:

TRANSFER FROM: TRANSFER TO:

COAH S/W $2,028.64 PFRS O/E $697.37

ECONOMIC COMM O/E $5,000.00 PERS O/E $6,331.27

ASSESSOR-APPRAISALS $1,000.00 ASSESSOR-TAX MAPS $1,000.00

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

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

Resolution

WHEREAS, the Town of Hackettstown, Warren County, State of New Jersey (hereinafter referred to as the “Town” is a jurisdiction governed by Title 11A and the Civil Service Rules and Regulations established under title 4A of the Administrative Code; and

WHEREAS, recently adopted State Legislation, approved as PL2021, C.7, permits a municipality to exempt any person for an entry level law enforcement person from taking Civil Service Law Enforcement Exam, as long as they have completed the full Basic Course for Police Officer Training Course at a school approved and authorized by the New Jersey Police Training Commission; and

WHEREAS, PL2021, C.7 permits municipalities to hire police officers who may not have taken an open competitive examination for the title of Police Officer, but are otherwise duly qualified, have completed training and hold a valid NJ Police Training Commission Certificate as Police Officer (Basic Course for Police Officer); and

WHEREAS, the legislation also requires that a municipal or county police department may hire a person under this exemption only upon adoption of a conflict of interest and nepotism policy; and

WHEREAS, THE Town has duly established written policies governing nepotism and conflicts of interest;

WHEREAS, in order to effectuate this policy, a municipality must affirmatively “opt in” by adopting a Resolution authorizing such a hiring policy; and

WHEREAS, Chief James A. Macaulay has recommended that the Town effectuate this policy and “opt in” to this program in the interests of efficiency, expediency and the promotion of public safety with the Town; and

WHEREAS, this “opt in” provision shall remain valid until changed by a rescinding resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Town Council of the Town of Hackettstown for the reasons set forth above that the Town hereby authorizes such hiring policies related to the examination exemption as set forth in P.L 2021, c.7.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted to the New Jersey Civil Service Commission.

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

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

Resolution

WHEREAS, there is an annually budgeted line item for volunteer fire department clothing allowance; and

WHEREAS, the individual amount to be paid to the respective volunteers is to be set annually by resolution of the Mayor and Council.

NOW THEREFORE BE IT RESOLVED, that the 2021 clothing allowance is hereby established to be $300 per member payable based on the qualified list submitted by the Fire Chief.

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

 Abstain – Tynan

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

Resolution

WHEREAS, the Town of Hackettstown (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in NJSA 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

WHERE, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Warren and State of New Jersey, as follows:

1. Town of Hackettstown (Local Unit) hereby appoints Randall W. May its Risk Management Consultant.
2. The Mayor (authorized representative of the public entity) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2022 in the form attached hereto.

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

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

Resolution:

WHEREAS, the Town of Hackettstown (hereinafter “Local Unit”) is a member of the statewide Insurance Fund (hereinafter “Fund”), a joint insurance funds as defined in NJSA 40A:10-36 et seq.; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Town of Hackettstown that Eric Tynan, Councilperson, is hereby appointed as the Fund Commissioner of the Local Unit of the Fund Year 2021; and

BE IT FURTHER RESOLVED that William Kuster, Town Clerk/

Administrator, is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the Fund Year 2022; and

BE IT FURTHER RESOLVED that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

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

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

Motion was made (Engelau) and seconded (Tynan) to request a Civil Service certified list for Police Sergeant.

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

Motion was made (Sheldon) and seconded (Engelau) to approve Change Order #1 for the East Baldwin Street repaving project.

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

Motion was made (Sheldon) and seconded (Engelau) to approve payment to South State Inc. for the East Baldwin Street Improvement Project in the amount of $124,018.07.

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

Moton was made (Engelau) and seconded (Sheldon) to approve check register #2021-19 in the amount of $404,660.97 and check register #2021-20 in the amount of $3,785,169.49.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the Senior Center lease agreement with the Warren County Nutrition Program for 2022.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the purchase order for the Fire Department in the amount of $14,735.55 for Fire Department Gear.

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

Moton was made (Sheldon) and seconded (Tynan) to approve raffle license #1252 for Centenary University to hold a basket raffle and raffle license #1253 for Centenary University to hold an on premise 5050.

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

 Abstain – Kunz

Motion was made (Sheldon) and seconded (Lambo) to approve raffle license #1254 for the New Jersey Civic Youth Ballet to hold an off premise 50/50.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the application from the Hackettstown First Aid and Rescue Squad to hold a Coin Toss on December 18 & 19, 2021.

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

Motion was made (Sheldon) and seconded (Lambo) to approve the taxicab transfer license for Ada Garcia, A&G Taxi and Limo Service, LLC for a 2012 Toyota, VIN# 5TDDK3DCDC5030618 through May 1, 2022.

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

Motion was made (Sheldon) and seconded (Engelau) to approve the special event license applications for the Hackettstown Business Improvement District to hold a Hometown Holiday event on December 3, 2021, and to hold a Hometown Holiday event on December 4 &5, 2021, to waive the $50.00 application fees but to charge Town costs in the amount of $1,500.00.

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 the New Jersey Highlands Coalition to hold a Pub Crawl from December 11, 2021 through December 19, 2021, 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 (Engelau) to approve the special event license application for the Business Improvement District to hold a Candy Cane Lane event on December 4 &5, 2021, to waive the $50.00 application fee and to charge no Town costs.

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

 No – Lambo

Motion was made (Sheldon) and seconded (Tynan) to authorize the Police Chief to start the civil service process to hire a police officer.

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

Motion was made (Sheldon) and seconded (Tynan) to authorize the Clerk/Administrator to request a certified list from civil service for a police sergeant.

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

Motion was made (Sheldon) and seconded (Lambo) to adjourn this meeting at 7:56 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