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 October 22, 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: Mayor DiMaio, Councilpersons Engelau, Kunz, Lambo, Sheldon and Tynan

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

Resolution

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL of the Town of Hackettstown as follows:

1. That the public be excluded from attendance at a portion of its meeting to be held on October 22, 2020 for the reason that the following subject matter will be discussed:

Bergen Tool Property Phase II Pilot Request

1. The Mayor and Common Council may exclude the public from the meeting pursuant to section 10:4-12(b) of the Open Public Meetings Law.
2. Matters to be discussed will be revealed to the public after Council determines action to be taken, if anu, and other litigation has been resolved and employees involved contacted.

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

The meeting was closed at 7:01 PM and reopened at 7:30 PM. The Mayor stated that no formal action was taken by the Council during Executive Session.

Motion was made (Lambo) and seconded (Kunz) to approve the minutes of the regular meeting held on September 24, 2020 as submitted.

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

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

Resolution

WHEREAS, as the public health emergency associated with the COVID-19 pandemic continues, the most significant negative financial impacts faced by county and municipal governments throughout New Jersey result from extreme economic contraction, deficits in tax and fee revenues, and extraordinary increases in public safety and health and human services expenditures; and

WHEREAS, severe fiscal stress limits the ability of counties and municipalities to maintain essential services and take the steps necessary to fight COVID-19; and

WHEREAS, without substantial federal assistance, residential taxpayers would absorb the primary impact of meeting these extraordinary needs and closing any associated operating deficits; and

WHEREAS, the Department of Community Affairs (“DCA”), through the Division of Local Government Services (“DLGS” or “Division”), has been deemed the lead agency for the distribution of the Local Government Emergency Fund (the “LGEF” or “Program”), provide through an allocation of the State of New Jersey’s CARES Act Coronavirus Relief Fund (CRF Funds); and

WHEREAS, counties and municipalities excluded from the federal government’s directed CRF allocation plan, as well as those counties and municipalities that are currently the most impacted by COVID-19 in comparison to their available resources, are eligible for LGEF funds pursuant to a maximum distribution determined by formula; and

WHEREAS, a total of $60 million is currently being made available under the Program, with a potential $60 million more to be allocated; and

WHEREAS, LGEF Grants exist to support costs incurred as part of a local unit’s response to COVID-19.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Hackettstown, that eh Town of Hackettstown will apply for a LGEF Grant in the amount of $91,040.00.

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

Absent – Sheldon

Councilperson Sheldon left the meeting.

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

Resolution

WHEREAS, Emergency Remote Meeting Protocol for Local Public Bodies, NJAC 5:39-1 et seq. have been adopted; and

WHEREAS, these regulation, at NJAC 5:39-1.4h, require the adoption of a resolution setting forth standard procedures and requirements for public comment made during remote public meetings as well as for public comment submitted in writing ahead of a remote public meeting.

NOW THEREFORE BE IT RESOLVED as follows:

1. Any presentations or documents that would otherwise be viewed or made available to members of the public physically attending a Council meeting shall be made visible on a video board, or the Internet website or webpage of the Town. If a document would be made available to individual members of the public in hard copy while physically attending a meeting, the document shall be made available in advance of the meeting for download through an internet link appearing either on the meeting notice, or near the posting of the meeting noticed both on the website and at the building where the meeting would otherwise be held.
2. When holding a remote public meeting the Council shall allow members of the public to make public comment by audio, or by audio and video if the remote public meeting is held over both audio and video, during the meeting. In advance of the remote public meeting, the Council shall allow public comments to be submitted to the Town Clerk by electronic mail and in written letter form not later than seventy-two (72)hours prior to the commencement of the remote public meeting. The Council has the discretion to accept text-based public comment received during a remote public meeting held through an electronic communications platform or internet-accessible technology. Public comments timely submitted before the remote public meeting through electronic mail or by written letter shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and public. The Council now imposes a time limit of five (5) minutes on public comments. This same time limit is placed on the reading of written comments. Each comment shall be read from the beginning, until the time limit is reached. The Council may pass over duplicate written comments; however, each duplicate comment shall be noted for the record with the content summarized. If the Council elects to summarize duplicative comments, it must not summarize certain duplicative comments while reading other duplicative comments individually.
3. Public participation during remote public meetings shall be as follows:
   1. The Council shall facilitate a dialogue with the commenter to the extent permitted by the electronic communications technology.
   2. If a member of the public becomes disruptive during a remote public meeting including during any period for public comment, the Town Clerk or person charged with running the remote public meeting shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption my result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.
   3. A member of the public who continues to act in a disruptive manner after receiving an initial warning may be muting while other members of the public are allowed to proceed with their questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment. Should the person remain disruptive, the individual my be muted to kept on mute for the remainder of the remote public meeting or removed from the remote public meeting.
4. This Resolution shall take effect immediately.

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

Motion was made (Kunz) 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 RESOVED, that the 2020 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 and Lambo

Abstain – Tynan

Motion was made (Lambo) and seconded (Engelau) to authorize the purchase of Fire Department SCBA Cylinders from Firefighter One, Sparta NJ, in the amount of $7,246.80.

Roll Call Vote: Yes – Engelau, Kunz and Lambo

Abstain – Tynan

Motion was made (Engelau) and seconded (Kunz) to authorize the purchase of Fire Department Protective Gear from Witmer Public Safety Group, Coatesville, PA, in the amount of $21,978.32.

Roll Call Vote: Yes – Engelau, Kunz and Lambo

Abstain – Tynan

Motion was made (Engelau) and seconded (Tynan) to approve a change order on the 2020 milling and paving program.

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

Motion was made (Lambo) and seconded (Engelau) to authorize payment to Tilcon, New York, Inc. for the East Prospect Street and various other street milling and paving project in the amount of $209,620.74.

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

Motion was made (Engelau) and seconded (Lambo) to approve check register #2020-19 in the amount of $2,214,657.23.

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

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

Michael Selvaggi, Esquire, representing Jade Associates, asked questions regarding the return of Jade Associates back to the Land Use Board for possible amendments to the Land Use Board approved plans.

Robert Goldsmith, Esquire, representing Jade Associates, asked if a Council Committee could meet with representatives of Jade Associates.

Michele Morpeth, 148 East Prospect Street, asked if the pre-construction conference on the Jade Associates project had been held yet.

Motion was made (Kunz) and seconded (Engelau) to adjourn this meeting at 8:01 PM.

Roll Call Vote: Yes – Engelau, Kunz, Lambo 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