

BOROUGH OF HAMPTON

REGULAR MEETING

September 19, 2022

Mayor Todd Shaner called the Regular Meeting of the Hampton Borough Council to order at 7:30p.m. and gave the Open Public Meetings Act Statement. The notice of this meeting was advertised in the Hunterdon Democrat on March 17, 2022. The notice was posted on the public bulletin board and is on file in the Office of the Municipal Clerk.

Roll Call:	Present:	Mayor Shaner	Rob Celentano
		John Drummond	Doug Rega
		Carroll Swenson	Jeff Tampier
		Rob Wotanowski	

The following people were also present: Matt Lyons, Esq., Attorney, Kathy Olsen, CFO, Alan Brower, CPWM

St. Ann's Painting Unveiling:

Mayor Shaner explained that several months back it was brought to his attention that there are paintings of the Hampton Churches hanging here in the Borough Hall, however, there is no painting of St. Ann's Church. Mayor Shaner reached out to Hampton School and spoke to the Art Teacher Elizabeth Kouriatis who kindly offered to do the painting of St. Ann's Church. The Mayor and Borough Council thanked Ms. Kouriatis. Father Michael was also in attendance and was appreciative that St. Ann's is now represented here in the Borough Hall.

Motion by Cm. Wotanowski, second by Cm. Rega to approve the Minutes of the following meetings of the Borough Council.

Minutes of the August 15, Regular Meeting.

Voice vote: All ayes, motion carried.

Comments and Questions from the Public:

Rick Allen, Fire Chief – discussed the placing of the new siren on the roof, prior to a new roof being put on the Municipal Building.

Chief Allen also explained the need for more volunteers for the Hampton Fire company. There are currently 12 active members and 3 live in Hampton. Chief Allen requested that information regarding this need be placed on the Municipal website and anywhere else that this need for volunteers can be seen.

Communications:

Response to Veteran's Park Letter from Joseph Racioppi:

A letter was sent to Joseph Racioppi and he was grateful for the response and the explanation regarding the discrepancy in the dates on the monuments.

LETTER RE: North Hunterdon Voorhees Submission of a Bond Proposal Question to the County Clerk – Question to the School District Voters at a School District Election to be held November 8, 2022.

Minutes: September 19, 2022

This was information purposes only. No discussion.

Letter from NJ DEP requiring new Flood Damage Prevention Ordinance's for Hunterdon County Municipalities– Engineer to address.

Borough Engineer Patrick Brennan explained that FEMA and the DEP have provided a model ordinance to make every municipality in Hunterdon County update their Flood Damage prevention Ordinance due to the effects of Hurricane IDA. The new Ordinance must be to FEMA and the DEP by November for their review. The new Flood Damage Prevention Ordinance must be adopted by February 2023.

Tax Collector Report July & August 2022 – Received, no discussion.

Municipal Court Report – July 2022 – Received, no discussion.

Unfinished Business:

Public Hearing and Adoption of the following Ordinances:

Motion by Cm. Celentano, second by Cm. Wotanowski to open the Public Hearing on the following Ordinance:

ORDINANCE NO. 07-2022 – ORDINANCE AUTHORIZING THE CONVEYANCE OF BOROUGH OWNED PROPERTY TO SOUTH BRANCH EMERGENCY SERVICES

WHEREAS, the Borough is the owner of real property known as 17 Wells Avenue, Block 4, Lot 1, Hampton Borough, Hunterdon County, New Jersey ("the Property"), commonly known as "The Rescue Squad Building;" and

WHEREAS, Borough conveyed the Property to Hampton Fire Co. Emergency Squad by deed dated June 8, 1964, and recorded in the Hunterdon County Clerk's Office in Deed Book 665, at page 554; and

WHEREAS, said deed contained the following language: "In the event that Hampton Fire Co. Emergency Squad shall be disbanded, then and in that event the lands herein conveyed shall revert to the Borough of Hampton;"

WHEREAS, the Hampton Fire Co. Emergency Squad recently merged with the South Branch Emergency Services, causing the Property to automatically revert to the Borough; and

WHEREAS, the Mayor and Council of the Borough of Hampton has determined that such Property is not needed for any other Borough purpose; and

WHEREAS, South Branch Emergency Services (the "Rescue Squad") is a duly incorporated nonprofit corporation organized under the Laws of the State of New Jersey for the purpose of providing first aid services; and

WHEREAS, N.J.S.A. 40A:12-21 permits municipalities to sell real property for nominal consideration for the provision of fire protection, first aid, rescue and emergency services by an association duly incorporated for such purposes; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hampton as follows:

SECTION 1. The Mayor of the Borough of Hampton and other necessary Borough officials are hereby authorized to take all reasonable, necessary and lawful steps to effectuate the transfer of the property, including execution of the appropriate deed and transfer documents, including a deed

in substantially the same form as attached hereto as Exhibit A.

SECTION 2. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

SECTION 3. All ordinances or parts of ordinances deemed to be inconsistent with this ordinance are hereby repealed.

SECTION 4. This ordinance shall become effectively immediately upon final adoption and publication in accordance with the laws of the State of New Jersey

Mayor Shaner opened the Public Hearing, hearing no comments or questions from the public:

Motion by Cm. Wotanowski, second by Cm. Celentano to close the Public Hearing on Ordinance No. 07-2022.

Voice Vote. All ayes, motion carried.

Motion by Cm. Wotanowski, second by Cm. Celentano to adopt Ordinance No. 07-2022

Roll call vote: AYE Celentano, Drummond, Swenson, Wotanowski

Abstain: Rega, Tampier

All ayes: Motion carried.

Motion by Cm. Swenson, second by Cm. Wotanowski to open the Public Hearing on the following Ordinance:

ORDINANCE NO. 08-2022- BOND ORDINANCE PROVIDING FOR THE FOSS AVENUE PROJECT IN AND BY THE BOROUGH OF HAMPTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$147,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HAMPTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hampton, in the County of Hunterdon, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$300,000, including a \$153,000 Grant from the State of New Jersey Department of Transportation (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the project since the project is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$147,000 pursuant to the Local Bond Law. In anticipation of the issuance

of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Foss Avenue Project, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has

been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$147,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$60,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or if other than as referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Shaner opened the Public Hearing, hearing no comments or questions from the public:

Motion by Cm. Rega, second by Cm. Wotanowski to close the Public Hearing on Ordinance No. 08-2022.

Voice Vote. All ayes, motion carried.

Motion by Cm. Tampier, second by Cm. Rega to adopt Ordinance No. 08-2022

**Roll call vote: AYE Celentano, Drummond, Rega, Swenson, Tampier, Wotanowski
All ayes: Motion carried.**

Cm. Rega left the meeting for a family emergency 8:10pm

Letter from State of NJ DEP – Reassignment from a Tier B to Tier A Municipality under the Municipal Separate Storm Sewer System NJPDES Permit Program

Borough Engineer Patrick Brennan explained that previously the tiers were broken out as:

Tier A – Urban Areas – Stricter Requirements

Tier B – Rural Areas – Less Struct Requirements

The State of NJ is now requiring all towns in the State to comply with Tier A stormwater requirements.

The new requirements include expanded mapping, the current Stormwater plan must be improved and updated.

Street sweeping must be done 3x per year, uncurbed areas one time a year and any roads that are tar and chip do not have to be done.

Most of the paperwork is done by the Engineer, who will work closely with Alan.

The Mayor and Borough Council requested that Mr. Brennan submit budget numbers for the additional work needed due to this Tier Change as soon as possible.

Parking Ordinance- Alan Brower will distribute flier to the residents that park in the lot on a regular basis to obtain contact numbers. There are still a lot of questions regarding having the lot as permitted parking. One of the issues is where do people park when the Borough Hall is used for functions, like the breakfasts.

School Study – There is a Voorhees Regionalization Study, a meeting will be held sometime in October with Board Members of all school districts that would be involved.

Lumberyard – Work will continue on this remediation project in October.

Reports of Committees:

Cm. Swenson – Mr. Brower reported that Well #4 is down, waiting for parts to get it back up and running.

Discussion was held regarding possibly helping Glen Gardner with water due to issues with their water system.

Leaf Collection – Alan Brower explained that the Borough needs to find somewhere else to bring leaves. The DEP and Board of Health now require that leaves be brought to a State Licensed property for the leave to be composted. Mr. Brower noted that by next year the Borough may be able to bring leaves to Hight Bridge. Mr. Brower is looking into ways to still collect leaves and dispose of them in the manner that is approved by the DEP and Board of Health. Most methods will be costly.

Cm. Celentano reported that the Master Plan Re-Examination Committee met and has requested quotes from the Engineer and Attorney to accomplish what is needed to complete this process, in order to prepare for next year's budget.

Cm. Drummond, Cm. Tampier, Cm. Wotanowski had no report.

MUNICIPAL CLERK'S REPORT:

Clerk Leidner inquired as to whether the Council would like to go out for RFPs for 2023 professionals. It was determined that the current professionals are working well for the Borough and the Borough will appoint them by the Non-Fair and Open Process for 2023.

Mrs. Leidner also reported that the file boxes have been moved to the File Bank. Mrs. Leidner also reported that thanks to DPW Director Brower, the 2 new (used) file cabinets have been placed and at a much lower cost than initially budgeted for one fireproof cabinet.

NEW BUSINESS:

Introduction of the following Ordinance by title and setting the date for Public Hearing and Adoption for October 17, 2022.

Motion by Cm. Drummond, second by Cm. Wotanowski to approve the following Ordinance on First Reading and to set Public Hearing for October 17, 2022.

ORDINANCE NO. 09-2022 -REQUIRING PROOF OF LIABILITY INSURANCE FOR BUSINESS OWNERS AND RENTAL UNIT OWNERS

Roll call vote: Ayes – Celentano, Drummond, Swenson, Tampier, Wotanowski

Absent – Rega

Motion carried.

Motion by Cm. Wotanowski, second by Cm. Celentano to adopt the following Resolution No. 56-2022:

RESOLUTION No. 56-2022

WHEREAS, the Borough of Hampton requires the hiring of new Crossing Guards, that will be under the supervision of The Town of Clinton Chief of Police, and;

WHEREAS, the position was advertised for, applications accepted and interviews performed, and;

WHEREAS, the Chief of Police of the Town of Clinton recommends that Gage Phillips be hired to fill the open position at a rate of \$20.00 per hour; and;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hampton hire Gage Phillips to fill the open position of Crossing Guard effective September 7, 2022.

Roll call vote: AYE: Celentano, Drummond Swenson, Tampier, Wotanowski

Absent: Rega

All ayes: Motion carried.

RAFFLE LICENSE:

Motion by Cm. Drummond, second by Cm. Wotanowski to approve the following:

Raffle License Application received from the Hampton Fire Company Ladies Auxiliary to hold an Off Premise Merchandise Raffle on October 18, 2022.

Voice Vote, all ayes. Motion carried.

PARK RENTAL APPLICATIONS FOR APPROVAL: None

Bills and Claims: Motion by Cm. Tampier, second by Cm Wotanowski to approve the CFO to pay bills as presented on the bill list of September 19, 2022 and to authorize the CFO to pay bills between meetings.

Roll call vote: Celentano, Drummond, Swenson, Tampier, Wotanowski

Absent: Rega

All ayes: Motion carried.

Adjournment: Motion by Cm Swenson second by Cm Wotanowski to adjourn the Regular Meeting of the Hampton Borough Council. Voice Vote: All ayes, motion carried. The meeting adjourned at 8:50p.m.

Respectfully submitted,

Linda Leidner, RMC
Municipal Clerk