

BOROUGH OF HAMPTON

REGULAR MEETING

October 17, 2022

Mayor Todd Shaner called the Regular Meeting of the Hampton Borough Council to order at 7:30p.m. Council President Wotanowski 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 – Arrived 7:40PM
		Carroll Swenson	Jeff Tampier
		Rob Wotanowski	

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

Mayor Shaner asked for a moment of silence in remembrance of former Deputy Mayor/Councilman Richard Johnson who passed away. Mr. Johnson was also a member of the Hampton Fire Company.

Mayor Shaner noted that the date for the recognition of the Hampton Woman's Club will be November 21, 2022.

Motion by Cm. Wotanowski, second by Cm. Drummond to approve the Minutes of the September 19, 2022 meeting of the Borough Council.

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:

Letter from John E. Lanza, Director Board of County Commissioners re: Letter to Governor Murphy regarding the State Health Benefits Commission's drastic increases in health insurance rates for local government participants in 2023.

Request from Robert Sanchis to continue the agreement with the Borough of Hampton allowing access to his woodlot located off of Orchard Lane.

Motion by Cm. Swenson, second by Cm. Celentano to approve the continuance of the agreement between the Borough and Robert Sanchis to allow access to his lot off of Orchard Lane, and to authorize the Mayor to sign the agreement.

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

Zoning Officer's Report – 3rd Quarter – No discussion.

Tax Collector Reports – August & September 2022- No Discussion

Public Hearing and Adoption of the following Ordinance:

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

ORDINANCE NO. 09-2022 – ORDINANCE AMENDING CHAPTER 150 OF THE CODE OF THE BOROUGH OF HAMPTON TO INCLUDE ARTICLE II – BUSINESS INSURANCE REGISTRATION

ORDINANCE NO. 09-2022

ORDINANCE AMENDING CHAPTER 150 OF THE CODE OF THE BOROUGH OF HAMPTON TO INCLUDE ARTICLE II - BUSINESS INSURANCE REGISTRATION

WHEREAS, Governor Murphy signed P.L. 2022, c.92. on August 5, 2022, which requires business owners and rental unit owners to maintain certain liability insurance policies and to register the compliant certificate of insurance with the municipality annually in which the business or rental units are located; and

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

Article II of the Code of the Borough of Hampton, entitled “Business Insurance Registration,” is added as follows:

SECTION 150-2 BUSINESS INSURANCE REGISTRATION

Section 150-2 - Business insurance registration required.

It is unlawful for any owner of a business, owner of a rental unit or units, or the owner of a multi-family home of four or fewer units, one of which is owner occupied, to operate within the Borough without first registering its certificate of insurance demonstrating compliance with Section 1 of P.L. 2022, c. 92 and paying the registration fee required herein.

Section 150-3 - Entities covered by this Chapter.

The following entities are required to register their certificate of insurance under this Chapter:

- a. Businesses, which shall mean, any person intending to sell or dispose of or to offer to sell or dispose of any goods, wares, merchandise or render any services for fees within the Borough. This shall include businesses operating on a temporary basis within the Borough such as peddlers, solicitors, and transient vendors licensed pursuant to Borough Code Section 4-2 and temporary retail food establishments and mobile food units licensed pursuant to Borough Code Section 4-3.
- b. Owners of single rental dwelling units.
- c. Owners of multiple dwelling rental units.
- d. Owners of multi-family homes that include rental units, even where one unit is owner-occupied.

Section 150-4 - Registration official.

The Borough Clerk shall accept, approve, and file registration applications, and collect registration fees hereunder.

Section 150-5 - Registration Fees; Expiration; Renewal.

The registration fees of this chapter shall be \$15.00 annually. Registrations shall expire on December 31st of each year. Renewals must be submitted by December 1st of each year. After the effective date of this Section, entities covered under this Section shall be required to register by December 1, 2022, and such registration shall be valid for the 2023 calendar year.

Section 150-6 - Application and insurance requirements.

An application for a business insurance registration shall be accompanied by the required fee and shall be made to the Borough Clerk upon forms provided by the Clerk. It shall contain the following information:

- a. Name and address of the applicant. If the applicant is a corporation, the name and address of its registered agent.
- b. The address of the rental dwelling units or business as applicable. If the registration applies to a transient business or a mobile food unit, a general description of the time frame for operation and area where the business will be operated.
- c. A description of the nature of the business and the goods, property or services to be sold or supplied.
- d. A certificate of insurance reflecting the following amounts of insurance in compliance with P.L. 2022, c. 92.
 - i. Except as provided in subsection ii. of this section, the owner of a business or the owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.
 - ii. The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

Section 150- 7- Violations and penalties.

- A. Any person who violates the terms of this Chapter shall pay the license fee, plus a fine of not less than \$500.00 but no more than \$5,000.00 plus court costs.
- B. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.
- C. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.
- D. This Ordinance shall take effect after passage and publication in the manner provided by law.

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. 09-2022.

Voice Vote. All ayes, motion carried.

Motion by Cm. Wotanowski, second by Cm. Celentano to adopt Ordinance No. 09-2022

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

Parking Ordinance- No update.

School Study – The Voorhees Regionalization Study meeting of all sending districts will be held in High Bridge on October 18, 2022.

Lumberyard – Final phase should begin soon.

Motion by Cm. Swenson, second by Cm. Celentano to approve the Proposal from Capital Environmental Services for transportation and disposal of non-hazardous soil from the Lumberyard in the amount of \$9050.00.

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

Reports of Committees:

Cm. Swenson – Mr. Brower reported that Well #5 went dark last Monday. Power Company and the electrician came out, the frequency drive blew. The manufacturer sent a new frequency drive and the Well was working by Friday.

Mr. Brower also reported that the Water Company has been changing meters as quickly as possible and he anticipates that by the next Council Meeting they will be 99% done with changing the meters.

Cm. Drummond:

Leaf Collection – Alan Brower explained that he received a quote from Down2 Earth Farms, the company will drop off a 40 yard dumpster, the DPW will fill it and then the company will haul leaves away at a cost of \$488.00 per dumpster. Mr. Brower is waiting for one more quote, but needs to move forward as soon as possible since leaf season is here.

Motion by Cm. Celentano, second by Cm. Rega to authorize DPW Director Brower to enter into an agreement with Down 2 Earth or the best quote received with a CAP of \$6000.00 for the 2022 leaf season.

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

In addition, Mr. Brower is asking residents to mulch their leaves or place them in a wooded area if they can to cut down on the cost of removing the leaves for the 2022 leaf season.

Cm. Rega: Reported that he was approached by a parent that is very concerned about the Middle School bus stop located on the corner of New Street and Upper Skillman Street. There are 10-15 kids that are assigned to that bus stop and there is nowhere to stand safely. The parent was inquiring as to whether a crossing guard could be placed there to cross the students. The bus picks up a half hour prior to when the crossing guards are posted for the elementary school.

The consensus of the Mayor and Borough Council members was to reach out to Cory Kubinak, Police Chief and request that the bus stop be moved to another location.

Cm. Tampier: Mr. Brower reported that the fire doors that the State Fire Inspector required to be installed are in place. The cost to have the doors programmed to close when there is a fire would be \$1700.00.

Cm. Celentano, Cm. Wotanowski had nothing to report.

MUNICIPAL CLERK'S REPORT:

Clerk Leidner reported that the Hampton Fire company has set the annual Halloween Parade for 1:30pm on Sunday October 30, 2022. She inquired as to a time for Trick or Treat. The hors will be from 2pm-6pm on October 30.

Mrs. Leidner also noted that the Tax Collector would like permission to have remote access to the Tax Program with Edmunds so that she can work on inputting old lien information into the system. All members of the Borough Council were in agreement that remote access to the Edmunds Tax system should be authorized.

Clerk Leidner reported that she received notification from St. Hubert's Animal Control indicating that they will not be renewing our contract for animal control services in 2023 due to the rise is the cost to provide the service. Clerk Leidner requested permission to seek another vendor for this service. Members of the Borough Council gave permission to Clerk Leidner to move forward with the search.

NEW BUSINESS:

Motion by Cm. Drummond, second by Cm. Rega to adopt the following Resolution No. 57-2022:

RESOLUTION No. 57-2022

OPPOSING THE INCREASES TO THE STATE HEALTH BENEFITS PROGRAM

WHEREAS, the State Health Benefits Program (SHBP), governed by N.J.S.A. 52:14-17.25 et seq., offers medical, prescription drug, and dental coverage to qualified State and participating local government public employees, retirees, and eligible dependents; and

WHEREAS, all SHBP plans are self-funded meaning that the money paid out for benefits comes directly from a SHBP fund supplied by the State, participating local employers, and member premiums; and

WHEREAS, the Division of Pensions and Benefits is responsible for the daily administrative activities of the SHPB, the State Health Benefits Commission is the executive organization responsible for overseeing the SHBP; and

WHEREAS, the State Health Benefits Commission, comprised of state officials and union representatives, annually consider the calendar year premium levels for the Local Government Employer Group of the SHBP based on recommendations found in the Rate Setting Recommendation Analysis of the Local Government Employee Group; and

WHEREAS, the rate increase for the 2023 Local Government Employer Group is 22.8%, which includes a 21.6% increase for Active, a 13% increase in Early Retiree, and a 0.7% increase for Medicare Retiree; and

WHEREAS, subsequent news accounts has Department of Treasury noting “rates for active members and early retirees would likely be increase between 12-20% across the various plans for the upcoming year”; and

WHEREAS, such proposed exorbitant rate increases will fall upon the local property taxpayer along with the local public employees at a time where there is record inflation, and

WHEREAS, the premium increase for most active employees will take thousands more out of their paychecks annually and lead to huge costs for local governments that will translate into higher property tax bills for struggling families; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Hampton in the county of Hunterdon call up the State Health Benefit Commission to reconsider the rate increase and strike a rate increase that is appropriate in the current economic conditions; and

BE IT FURTHER RESOVLED, that the governing body of the Borough of Hampton in the county of Hunterdon urge the legislature to adopt legislation expanding the composition of the State Health Benefits Commission to include representatives from both municipal and county government management; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Murphy, State Treasurer Muoio, Senate President Scutari, Assembly Speaker Coughlin, State Senator Michael Doherty, Assemblyman Erik J. Peterson Assemblyman John DiMaio, and New Jersey State League of Municipalities.

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

All ayes: Motion carried.

Motion by Cm. Drummond, second by Cm. Celentano to adopt the following Resolution No. 58-2022:

**A RESOLUTION IN OPPOSITION OF THE REASSIGNMENT BY THE
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
OF ALL MUNICIPALITIES CURRENTLY DESIGNATED TIER B
UNDER THE MUNICIPAL SEPARATE STORM SEWER SYSTEM
PERMIT PROGRAM TO TIER A DESIGNATION**

WHEREAS, it has come to the attention of the Mayor and Council of the Borough of Hampton that the New Jersey Department of Environmental Protection (‘NJDEP’) intends to reassign to ‘Tier A’ designation under the Municipal Separate Storm Sewer System permit program (‘Permit Program’) all New Jersey municipalities currently designated ‘Tier B’ (‘Reassignment Plan’); and

WHEREAS, compliance with the Permit Program for a municipality designated ‘Tier A’ (‘Tier A’) is far costlier and more onerous than compliance for a municipality designated ‘Tier B’ (‘Tier B’); and

WHEREAS, under the existing designation system (‘Existing Designation System’), the Tier B designation was specifically created for municipalities that are located in more rural areas and non-coastal regions, while the Tier A designation was created for municipalities that are located within the more densely populated regions of the state or along or near the coast; and

WHEREAS, the Existing Designation System makes logical sense, as the costly and onerous compliance required for municipalities designated Tier A is necessitated by the population densities and environmental concerns of Tier A municipalities; and

WHEREAS, the Existing Designation System makes logical sense also for municipalities designated Tier B, as Tier B municipalities generally do not have the population densities and environmental concerns of their Tier A counterparts; and

WHEREAS, many municipalities designated Tier B under the Existing Designation System simply do not have the resources to comply with Tier A designation, unlike their Tier A counterparts; and

WHEREAS, the State, however well-intentioned in its actions, continues to saddle municipalities with additional responsibilities via its unfunded mandates; and

WHEREAS, reassignment by the NJDEP to Tier A designation for all New Jersey municipalities currently designated Tier B under the Existing Designation System will result in a redistribution of these municipalities' limited resources, away from their crucial government functions; and

WHEREAS, the Borough wholeheartedly supports taking action to better protect and improve the quality of its own waterways, as well as waterways throughout the State; and

WHEREAS, the Borough simply views the NJDEP's Reassignment Plan as a costly, unfair, and ineffectual approach to improving the well-being of the State's waterways.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hampton, in the County of Hunterdon State of New Jersey as follows:

1. The Borough of Hampton hereby urges members of the New Jersey Assembly and Senate to support, co-sponsor, and adopt legislation that would prevent the New Jersey Department of Environmental Protection ('NJDEP') from reassigning to 'Tier A' designation under the Municipal Separate Storm Sewer System permit program New Jersey municipalities that are currently designated 'Tier B.'

2. The Borough of Hampton hereby urges the Governor of the State of New Jersey to sign any legislation adopted by the State Assembly and Senate which legislation would prevent the New Jersey Department of Environmental Protection ('NJDEP') from reassigning to 'Tier A' designation under the Municipal Separate Storm Sewer System permit program New Jersey municipalities that are currently designated 'Tier B.'

3. A certified true copy of this Resolution upon its adoption shall be furnished to New Jersey State Governor **Philip D. Murphy**, New Jersey State Senator Michael J. Doherty, New Jersey State Assemblyman Erik C. Peterson, New Jersey Assemblyman John DiMaio, the New Jersey Department of Environmental Protection, the New Jersey State League of Municipalities, and the Municipal Clerks of all the Hunterdon County Municipalities.

4. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.
This Resolution shall take effect immediately upon publication.

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

Motion by Cm. Drummond, second by Cm. Rega to adopt the following Resolution No. 59-2022:

RESOLUTION NO. 59-2022

**RESOLUTION TO AWARD CONTRACT FOR FOSS AVENUE
IMPROVEMENT PROJECT PURSUANT TO PUBLIC BIDDING TO REIVAX
CONTRACTING CORP. THE MAYOR AND COUNCIL OF THE BOROUGH OF
HAMPTON COUNTY OF HUNTERDON STATE OF NEW JERSEY**

WHEREAS, the Borough of Hampton did advertise for and accept bids for the Foss Avenue Improvement Project – Section II, within the Borough; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and upon recommendation of the Borough Engineer, Reivax Contracting Corp. has been determined to be the lowest responsible bidder; and

WHEREAS, a certificate of available funding has been presented;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hampton, County of Hunterdon, State of New Jersey, that a contract be awarded to Reivax Contracting Corp. in the amount of \$290,132.00 for the base bid of the Foss Avenue Improvement Project – Section II, and that the Mayor and Borough Clerk of the Borough of Hampton are hereby authorized, respectively, to execute and attest to an agreement with Reivax Contracting Corp. pursuant to the bid specifications, and subject to approval by the Borough Attorney.

TAKE NOTICE, that the foregoing Resolution was adopted by the Mayor and Council of the Borough of Hampton, County of Hunterdon, at a regular meeting held on October 17, 2022.

Roll call vote: AYE: Celentano, Drummond, Rega, Swenson, Tampier, Wotanowski
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 November 15, 2022.

Voice Vote, all ayes. Motion carried.

Bills and Claims: Motion by Cm. Wotanowski, second by Cm. Rega to approve the CFO to pay bills as presented on the bill list of October 17, 2022 and to authorize the CFO to pay bills between meetings.

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

Adjournment: Motion by Cm Swenson second by Cm Celentano to adjourn the Regular Meeting of the Hampton Borough Council. Voice Vote: All ayes, motion carried. The meeting adjourned at 8:30p.m.

Respectfully submitted,

Linda Leidner, RMC
Municipal Clerk