BOROUGH OF HAMPTON

REGULAR MEETING

Mayor Shaner called the Regular Meeting of the Hampton Borough Council to order at 7:30p.m. Mayor Shaner gave the Open Public Meetings Act Statement. The notice of this meeting was advertised in the Hunterdon Democrat on January 13, 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	Carroll Swenson
		Jeff Tampier	Rob Wotanowski
	Absent:	Doug Rega	

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

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

Minutes of the March 7, 2022 Regular Meeting.

Voice vote: All ayes, motion carried.

Comments and Questions from the Public:

NONE

Communications:

NONE

Unfinished Business:

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

Ordinance No. 01-2022 – AN ORDINANCE BY HAMPTON BOROUGH IN HUNTERDON COUNTY, NEW JERSEY, REVISING ORDINANCE NO. 06-2021 PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHOCAL BOUNDRIES AND AMENDING SECTION 157-50(A) OF THE HAMPTON BOROUGH MUNICIPAL CODE.

Voice Vote: All Ayes, motion carried.

There were no comments or questions from the public.

Motion by Cm. Swenson, second by Cm. Wotanowski to close the Public Hearing.

Voice Vote: All Ayes, motion carried.

Minutes – March 7, 2022

March 7, 2022

Motion by Cm. Swenson, second by Cm. Celentano to adopt the following Ordinance:

ORDINANCE NO. 01 - 2022

AN ORDINANCE BY HAMPTON BOROUGH IN HUNTERDON COUNTY, NEW JERSEY, REVISING ORDINANCE NUMBER 06-2021

PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 157-50(A) OF THE HAMPTON BOROUGH MUNICIPAL CODE

BE IT ORDAINED, by the Borough Counsel of the Borough of Hampton, in the County of Hunterdon, New Jersey, as follows:

SECTION ONE. Portions of Ordinance 06-2021 adopted June 14, 2021, shall be amended and supplemented to the extent that the Ordinance pertaining to the Prohibiting the Operation of Cannabis Business shall read as follows (additions indicated in boldface and italics *thus*; deletions indicated with strike-through thus): :

2. Section 157-51 157-50(a) of the Municipal Code of the Borough of Hampton is hereby amended by adding to the list of prohibited uses, the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service."

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

Parking Ordinance- Discussion was held regarding the particulars needed to properly create this ordinance.

School Study – Cm. Celentano noted that the Hampton School Board of Ed will be having their Budget Meeting tomorrow night, March 8, 2022.

Lumberyard – Removal of dirt will begin as soon as the weather breaks.

Reports of Committees:

Cm. Swenson –

Alan Brower reported on the replacement of a pressure reducing valve.

Mr. Brower also reported that the Well #5 building continues to leak and he has not received any response from the building manufacturer. Mr. Brower has sent the manufacturer pictures and videos of the leaks.

Mr. Brower reported that the replacement of meters is ongoing. However, he has experienced some resistance from homeowners when asked to gain access to the home to replace the meter. Mr. Brower recommended that a fee be charged for those homes that do not allow access. This would need to be done by amending the fee ordinance.

CFO, Kathy Olsen reported that she has applied for a grant to replace the galvanized pipes.

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

Cm. Tampier:

Alan Brower reported that the DPW cleaned the gutters today. Also, replaced ceiling tiles.

Cm. Drummond – Inquired about what could be done regarding the numbers on Hampton Manor Apartments that are numbered 44-52 MacKenzie Road and the residence on the opposite side of the street that is number 44 MacKenzie Road. The single residence is on the even side of the street and gets incorrect deliveries that belong to the apartments as well as unknown cars coming into the driveway that belong across the street at the apartments. Something needs to be done.

Cm. Tampier noted that he tried to have this taken care of at the Post Office several years ago.

Borough Attorney Matt Lyons recommends speaking to the Tax Assessor and seeing what information can be found as to why this was numbered this way. Also ask Tax Assessor what can be done to fix the issue.

MUNICIPAL CLERK'S REPORT:

Nothng to report.

NEW BUSINESS:

Motion by Cm. Drummond, second by Cm. Wotanowski to adopt the following Resolution No. 32-2022:

Resolution #32 -2022

Acceptance of Tax Collector's 2021 Annual Report

WHEREAS, N.J.S.A.54:4-91 requires that the Tax Collector shall submit an annual statement of receipts to the governing body.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Hampton that the following Collector's Annual Report of Receipts for the Year Ending December 31, 2021, be hereby acknowledged and accepted as submitted.

Interest	\$30,053.16
2022 Taxes Prepaid	\$47,354.07
2021 Taxes	\$4,438,280.87
2020 Taxes	\$182,028.60
Municipal Lien Redeemed	\$0.00
Outside Liens Redeemed	\$52,772.13
Miscellaneous	\$10.00
Total	<u>\$4,750,498.83</u>

TAX COLLECTION OFFICE FOR THE YEAR ENDING DECEMBER 31, 2021

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

Motion by Cm. Drummond, second by Cm. Wotanowski to adopt the following Resolution No. 33-2022:

RESOLUTION NO. 33-2022

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$1,255,000 BONDS OF THE BOROUGH OF HAMPTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY AND FURTHER AUTHORIZING THE EXECUTION OF VARIOUS AGREEMENTS, ALL PURSUANT TO THE NEW JERSEY WATER BANK FINANCING PROGRAM

WHEREAS, the Borough of Hampton, in the County of Hunterdon, New Jersey (the "Local Unit"), has determined that there exists a need within the Local Unit to provide for constructing a new back-up well to address NJDEP along with other associated improvements and the preparation and implementation of an Asset Management Plan (the "Project") as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the New Jersey Water Bank Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Bonds, to the I-Bank (the "I-Bank Loan Bond") and the Local Unit's Bonds, to the State (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$1,255,000, pursuant to the terms of the Local Bond Law of the State, constituting Chapter 2 of Title 40A of the Revised Statutes of the State (the "Local Bond Law"), other applicable law and the Loan Agreements;

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth herein;

WHEREAS, the I-Bank and the State have expressed their desire to close the Loans in escrow, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms on file with the Local Unit Clerk, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document in relation to the execution and delivery thereof.

In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. Section 3. 58:11B-9(a), the Local Unit hereby sells and awards its I-Bank Loan Bond to the I-Bank and its Fund Loan Bond to the State, in a total aggregate principal amount not to exceed \$1,255,000, all in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in bond ordinance #5-11 of the Local Unit, finally adopted on October 10, 2011, entitled "Bond Ordinance Providing for the Construction of a New Backup Well in and by the Borough of Hampton, in the County of Hunterdon, Appropriating \$300,000 Therefor and Authorizing the Issuance of \$285,000 Bond or Notes of the Borough to Finance Part of the Cost Thereof", as supplemented by Bond Ordinance #5-12, finally adopted December 12, 2012, entitled, Bond Ordinance of the Borough of Hampton, in the County of Hunterdon, New Jersey Providing a Supplemental Appropriation of \$250,000 for the Construction of a New Backup Well and Authorizing the Issuance of \$250,000 Bonds or Notes of the Borough for Financing Part of the Appropriation", as supplemented by Bond Ordinance #5-2018, finally adopted April 23, 2018, entitled, "Bond Ordinance Providing a Supplemental Appropriation of \$740,000 for the Construction of a Backup Well in and by the Borough of Hampton, in the County of Hunterdon, New Jersey, and Authorizing the Issuance of \$740,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof," and as supplemented by Bond Ordinance #09-2020, finally adopted September 28, 2020, entitled, Bond Ordinance Providing a Supplemental Appropriation of \$30,000 for the Construction of a Backup Well in and by the Borough of Hampton, in the County of Hunterdon, New Jersey, and Authorizing the Issuance of \$30,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof," and Bond Ordinance #10-2020, finally adopted October 26, 2020, entitled, "Bond Ordinance Providing for the Preparation and Implementation of an Asset Management Plan in and By the Borough of Hampton, in the County of Hunterdon, New Jersey, Appropriating \$100,000 Therefor and Authorizing the Issuance of \$100,000 Bond or Notes of the Borough to Finance the Cost Thereof." These aforementioned ordinances were finally adopted by the Local Unit at

a meeting duly called as set forth above, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 4. The Chief Financial Officer of the Local Unit is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the I-Bank Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 30 years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 5. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 6 hereof.

Section 6. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered R 1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 7. The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 8. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 9. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 10. This resolution shall take effect immediately.

Section 11. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

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

Motion by Cm. Drummond, second by Cm. Tampier to adopt the following Resolution No. 34-2022: RESOLUTION NO. 34-2022

> **RESOLUTION PROVIDING FOR THE COMBINATION OF** CERTAIN ISSUES OF BONDS OF THE BOROUGH OF HAMPTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY INTO Α SINGLE ISSUE OF BONDS AGGREGATING NOT TO EXCEED \$1,255,000 IN PRINCIPAL AMOUNT FOR SALE THROUGH THE NEW **JERSEY** INFRASTRUCTURE BANK **FINANCING PROGRAM**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HAMPTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Borough of Hampton, in the County of Hunterdon, New Jersey (the "Borough") authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of Bonds in the principal amount of \$1,255,000 for sale to the New Jersey Infrastructure Bank and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection pursuant to the New Jersey Water Bank.

Section 2. The principal amount of Bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Number of Ordinance	Description of Improvement and Date of Adoption of Ordinance	Useful Life
\$1,155,000	2020	Construction of a backup well, finally adopted October 10, 2011, December 17, 2012, April 23, 2018, September 28, 2020.	40 years
\$100,000	#10-2020	Preparation and implementation of an asset management plan, finally adopted October 26, 2020.	5

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 37.95 years.

b. The Bonds of the combined issue shall be designated as may be required by the New Jersey Infrastructure Bank and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof has been sold or issued heretofore*, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which a deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

^{*}Bond Ordinance #05-11, as supplemented by #5-12, #5-18 and #9-20, authorizes a total of \$1,305,000 in bonds and notes. \$150,000 was borrowed in October of 2014 which leaves \$1,155,000 left to be issued under this bond ordinance

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

Motion by Cm. Wotanowski, second by Cm. Celentano to adopt the following Resolution No. 35-2022:

RESOLUTION #35-2022

WHEREAS, various 2021 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2021 Budget Appropriation Reserve in the last two months of 2021; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hampton that transfers in the amount of \$10,000.00 be made between the 2021 Budget Appropriation Reserves as follows:

	FROM	<u>TO</u>
Water Utility Salary & Wages Water Utility	\$10,000.00	
Other Expenses		\$10,000.00
TOTALS	\$10,000.00	\$10,000.00

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

Cm. Drummond brought up a discussion as to the need to hold 2 Council Meetings per month. The members present discussed the fact that all business could be successfully conducted holding one meeting per month. Therefore, the following Resolution was presented and a vote was taken to approve one Borough Council Meeting per month beginning in April 2022.

Motion by Cm. Celentano, second by Cm. Drummond to adopt the following Resolution No. 36-2022:

RESOLUTION NO. 36-2022

RESOLUTION RESCINDING AND REPLACING RESOLUTION NO. 01-2022 OPEN PUBLIC MEETINGS

WHEREAS, the Mayor and Borough Council members have realized that borough business can be sufficiently conducted with one Regular Council Meeting per month; and

WHEREAS, the Mayor and Borough Council members have opted to hold the Regular Borough Council Meetings on the 3rd (third) Monday of each month at 7:30pm beginning in April 2022; and

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Hampton, pursuant to the Open Public Meetings Act as follows:

The regular meetings of the Mayor and Borough Council will be **held in person** on the **Third Monday** of each month at 7:30 p.m. at the Hampton Borough Hall, Main Street and Wells Avenue, Hampton, NJ 08827. If it becomes necessary to not allow the public into a meeting, a Virtual Meeting and or Conference call will be set up for the members of the Public to participate in the meeting. This change will be noted on the Borough Website www.hamptonboro.org. There will no longer be two meetings per month. Action may be taken at all scheduled meetings.

The 2022 Regular Council Meetings will be held as follows:

-	-	
January 3, 2022 Reorganization		
January 3, 2022	January 24, 2022	
February 7, 2022	February 21, 2022	
March 7, 2022	April 18, 2022	
May 16, 2022	June 20, 2022	
July 18, 2022	August 15, 2022	
September 19, 2022	October 17, 2022	
November 21, 2022	December 19, 2022	

- 1. The Hunterdon Democrat is designated as the official newspaper of the Borough of Hampton. The Courier News and Star Ledger are designated as the newspapers to receive other official notices which may require proper dissemination.
- 2. Copies of this Resolution will be disseminated in accordance with the Open Public Meetings Act.
- 3. The Municipal Clerk is authorized to act for the Borough under Section 14 of the Open Public Meetings Act.

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

RAFFLE LICENSE FOR APPROVAL:

Motion by Cm. Celentano, second by Cm. Wotanowski to approve the following Raffle License:

Raffle License Application received from the Hampton Fire Company Ladies Auxiliary to hold an Off Premise Merchandise Raffle on April 14, 2022.

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

Bills and Claims: Motion by Cm. Drummond, second by Cm Rega to approve the CFO to pay bills as presented on the bill list of March 7, 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.

REMINDER – WEDNESDAY MARCH 16, 2022 – BUDGET MEETING 6:30PM THE MARCH 21 2022 REGULAR MEETING IS CANCELED

Adjournment: Motion by Cm Swenson second by Cm Drummond to adjourn the Regular Meeting of the Hampton Borough Council. Voice Vote: All ayes, motion carried. The meeting adjourned at 8:27p.m.

Respectfully submitted,

Linda Leidner, RMC Municipal Clerk