

## BOROUGH OF HAMPTON

### REGULAR MEETING

April 17, 2023

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 January 12, 2023. 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  
Doug Rega Carroll Swenson  
Jeff Tampier

Absent: John Drummond, Robert Wotanowski

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

### APPROVAL OF MINUTES:

Motion by Cm. Swenson, second by Cm. Celentano to approve the Minutes of the March 20, 2023 Regular Meeting and the March 20, 2023 Executive Session Meeting of the Borough Council.

**Voice vote: Abstain: Jeff Tampier All ayes, motion carried.**

Motion by Cm. Swenson, second by Cm. Celentano to approve the Minutes of the March 27, 2023 Budget Workshop Meeting of the Borough Council.

**Voice vote: All ayes, motion carried.**

### Comments and Questions from the Public:

**Russ Taylor** – Inquired about multi dwelling water billing. Borough Clerk/Water Clerk Leidner and Borough Attorney Matt Lyons explained the way the billing is calculated as per the Borough Ordinance. Mr. Taylor's bill will be reviewed.

**South Branch Emergency Services** – Members brought their EMT training simulator to demonstrate all of the features that help with training members to respond to situations while on calls. The full body simulator can be programed to simulate many different health emergencies. South Branch members thanked the Borough Council for their budgetary contribution towards the purchase of this very helpful training tool in 2022.

### Communications:

Letter from Hampton Borough Planning Board re: Wild and Scenic River Grants

Zoning Officer – 1<sup>st</sup> Quarter 2023 Report – Information only, no discussion.

Tax Collector Collection Report March 2023 – Information only, no discussion.

**School Study** – Nothing to report.

**Lumberyard** – Alan Brower reported that boring and testing will be done in a couple of weeks.

**Municipal Liens** – Borough Attorney Lyons reported that 9 letters were mailed. Waiting on responses.

**Reports of Committees:** There were no reports.

**MUNICIPAL CLERK'S REPORT:**

Borough Clerk Leidner noted that the Borough Staff and Council Members are in need of the required harassment training. Ms. Leidner explained that she has been in contact with the Borough Attorney's office to schedule training. After discussion it was determined that Statewide Insurance provides training and Borough Clerk Leidner will reach out to obtain dates and times that are available.

**NEW BUSINESS:**

**INTRODUCTION OF THE FOLLOWING ORDINANCES**

**Motion by Cm. Rega, second by Cm. Celentano to approve the following Ordinance No. 02-2023 by title and to set the Public Hearing and Adoption for May 15, 2023.**

**ORDINANCE NO. 02-2023 – ORDINANCE TO EXCEED THE BUDGETS LIMITS AND ESTABLISH A CAP BANK – CALENDAR YEAR 2023**

**ORDINANCE NO. 02-2023  
CALENDAR YEAR 2023**

**ORDINANCE TO EXCEED THE BUDGET APPROPRIATIONS LIMITS AND ESTABLISH A CAP BANK**

(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Hampton, County of Hunterdon, hereby determines that this difference in the amount of \$9,683.99 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption

**Roll call vote: Celentano, Rega, Swenson, Tampier**

**Absent: Drummond, Wotanowski**

**All ayes: Motion carried.**

**Motion by Cm. Celentano, second by Cm. Tampier to approve the following Ordinance No. 03-2023 by title and to set the Public Hearing and Adoption for May 15, 2023**

**ORDINANCE 03-2023**

**ORDINANCE TO AMEND CHAPTER 157-3 OF THE LAND DEVELOPMENT ORDINANCE AND CHAPTER 163 OF THE LAND DEVELOPMENT ORDINANCE**

WHEREAS, the "Time of Application" Law, and amendment to the Municipal Land Use Law, was signed on May 5, 2010 and took effect on May 5, 2011; and

WHEREAS, the effect of this statutory change is that the municipal ordinance provisions that are in place at the time an application for development is filed are those which are applicable, regardless of whether an ordinance is amended subsequent to such an application and subsequent caselaw has clarified the legislation to state the applicable municipal ordinances are those that are in place at the time an application, which includes all “documents required by ordinance for approval”, is submitted; and

WHEREAS, the Borough of Hampton’s Land Development Ordinance does not account for this change to the Municipal Land Use Law; and

WHEREAS, the Borough of Hampton also seeks to update regulations to require tree parts, litter, brush, and other debris to be removed from sites timely and disposed of properly; and

NOW THEREFORE BE IT ORDAINED; the Governing Body of the Borough of Hampton adopts the following:

**SECTION 1: PART II: GENERAL LEGISLATIONS, CHAPTER 157 LAND DEVELOPMENT, SECTION 157-3 IS AMENDED AS FOLLOWS** (additions shown as **thus**; deletions shown as ~~**thus**~~):

**Complete Application**

**An application form completed as specified by this chapter and the rules and regulations of the Planning Board and all accompanying documents required by the applicable land use application checklist, as determined by the Planning Board. Alternatively, the Planning Board may waive some items on the checklist and determine that the necessary documents have been submitted such that they deem the application complete.**

**SECTION 2: PART II: GENERAL LEGISLATIONS, CHAPTER 163 LITTERING IS AMENDED AS FOLLOWS** (additions shown as **thus**; deletions shown as ~~**thus**~~):

**163-11. Debris removal**

**All debris consisting of tree parts, litter, brush, and other natural debris shall be removed from the property within 30 days of creation. Said debris shall not be transferred to another site in the Borough of Hampton without the appropriate approval from the Borough.**

**163-~~11~~ 12** Violations and penalties

**Roll call vote: Celentano, Rega, Swenson, Tampier**

**Absent: Drummond, Wotanowski**

**All ayes: Motion carried.**

**2023 BUDGET INTRODUCTION:**

Motion by Cm. Tampier, second by Cm. Rega to **Introduce the 2023 Municipal Budget by Title** and to set the Public Hearing date for May 15, 2023.

**Roll call vote: Celentano, Rega, Swenson, Tampier**

**Absent: Drummond, Wotanowski**

**All ayes: Motion carried.**

Motion by Cm. Rega, second by Cm. Celentano to adopt the following Resolution No. 39-2023:

**RESOLUTION #39-2023**

**A RESOLUTION TO AFFIRM THE BOROUGH OF HAMPTON'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS**, it is the policy of the Borough of Hampton to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**BE IT RESOLVED** by the Borough Council of the Borough of Hampton that:

**Section 1:** No official, employee, appointee or volunteer of the Borough of Hampton by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** All persons are encouraged to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution immediately to the Municipal Clerk, Mayor or Department Head

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline

**Section 6:** The Municipal Clerk shall ensure that anti-harassment training is made available for all officials, employees, appointees or volunteers of the Borough of Hampton

**Section 7:** This resolution shall take effect immediately and will be adopted at all future reorganization meetings.

**Section 8:** A copy of this resolution shall be become part of the official meeting minutes of the Borough of Hampton.

**Roll call vote: Celentano, Rega, Swenson, Tampier**

**Absent: Drummond, Wotanowski**

**All ayes: Motion carried.**

**DRAFT**

**Motion by Cm. Celentano, second by Cm. Rega to adopt the following Resolution No. 40-2023:**

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S  
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in  
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

**RESOLUTION NO. 40-2023**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the *Mayor and Council* of the *Borough of Hampton*, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

**Roll call vote: Celentano, Rega, Swenson, Tampier**

**Absent: Drummond, Wotanowski**

**All ayes: Motion carried.**

**Motion by Cm. Rega, second by Cm. Wotanowski to adopt the following Resolution No. 41-2023:**

**RESOLUTION NO. 41-2023**

**TAX SALE REDEMPTION**

**WHEREAS**, the Tax Collector has been paid by the homeowner for the redemption of Tax Sale Certificate No. 22-00004 in the amount of \$3,246.27, and

**WHEREAS**, the lienholder paid a premium at the time of sale in the amount of \$2,400.00.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Hampton, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check in the amount of \$6,046.27 made payable to BALA Partners LLC, PO Box 303, Pottersville, New Jersey 07979 for the redemption of Tax Sale Certificate No. 22-00004.

**Roll call vote: Celentano, Rega, Swenson, Tampier**

**Absent: Drummond, Wotanowski**

**All ayes: Motion carried.**

**DRAFT**

**Motion by Cm. Rega, second by Cm. Swenson to adopt the following Resolution No. 42-2023:**

**RESOLUTION NO. 42-2023**

**RESOLUTION AUTHORIZING BOROUGH ATTORNEY TO REPRESENT HAMPTON BOROUGH  
IN TAX MATTERS**

**WHEREAS**, a Resolution of the governing body is required in order for the Borough Attorney to represent the Borough before the Hunterdon County Board of Taxation, and to sign documents relating to tax appeals and other real property tax matters before such board;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Hampton, County of Hunterdon and State of New Jersey that the Borough Attorney and the Tax Assessor, or any other Attorney duly authorized by the Hampton Borough Council, is authorized to represent Hampton Borough before the Hunterdon County Board of Taxation, in connection therewith to sign and file petitions of appeal or counter-petitions, to sign and file answers, to make motions and to sign motion papers, to sign stipulations, including stipulations of settlement, and to take all other actions and sign all other documents appropriate to the representation of Hampton Borough before the Hunterdon County Board of Taxation and New Jersey Tax Court, as applicable.

**Roll call vote: Celentano, Rega, Swenson, Tampier**

**Absent: Drummond, Wotanowski**

**All ayes: Motion carried.**

**RAFFLE LICENSE:**

**Motion by Cm. Rega, second by Cm. Celentano to approve the following:**

Raffle License Application received from the Hampton Fire Company Ladies Auxiliary to hold an Off Premise Merchandise Raffle on May 16, 2023.

**Voice Vote: Abstain Tampier. All Ayes: Motion carried**

Raffle License Applications received from the Hampton Fire Company Ladies Auxiliary to hold a Duck Race on October 7, 2023 and to hold a 50/50 On premise raffle on October 7, 2023.

**Voice Vote: Abstain Tampier. All Ayes: Motion carried**

**Bills and Claims:** Motion by Cm. Rega, second by Cm. Tampier to authorize the CFO to pay bills listed on the April 17, 2023 Bill list and to pay bills between meetings.

**Roll call vote: Celentano, Rega, Swenson, Tampier**

**All ayes: Motion carried.**

Chief Financial Officer Kathy Olsen recommended setting the date and time of the Budget Workshop Meeting. The Mayor and Borough Council decided on Monday, March 27, 2023 at 6:00pm. Borough Clerk Leidner will advertise as required by law.

**Adjournment:** Motion by Cm Swenson second by Cm. Rega to adjourn the Regular Meeting of the Hampton Borough Council. Voice Vote: All ayes, motion carried. The meeting adjourned at 8:25p.m.

Respectfully submitted,

Linda Leidner, RMC  
Municipal Clerk

Minutes: April 17, 2023