

BOROUGH OF HAMPTON

REGULAR MEETING

September 18, 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 Rob Wotanowski

Absent: John Drummond (Excused)

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

APPROVAL OF MINUTES:

Motion by Cm. Wotanowski, second by Cm. Rega to approve the Minutes of the August 21, 2023 Regular Meeting of the Borough Council.

Voice vote: All ayes, motion carried.

Comments and Questions from the Public:

None

Communications:

Email request from Thomas Dallessio from the Musconetcong Water Association to discuss a Water Vision Plan. – Tom Dallessio and MWA President Richard Cotton were in attendance. A packet of information was distributed to Council Members and Mr. Dallessio and Mr. Cotton both spoke briefly about their mission and goals. Both mentioned that the Musconetcong Water Association is eager to work with the Borough to meet future goals along the watershed.

Letter from the NJDOT re: Applications for the 2024 Safe Routes to School Program due November 17, 2023 – No discussion.

Copy of Resolution adopted by the Hunterdon County Commissioners opposing the removal of \$200 million for the Municipal Health Benefit Cost Relief from the State Budget. No discussion.

Tax Collector Collection Report July 2023 Received

UNFINISHED BUSINESS:

Ordinance for Public Hearing and Adoption:

Motion by Cm Rega, second by Cm. Celentano to open the Public Hearing on the following Ordinance 08-2023:

BOND ORDINANCE NO. 08-2023 – AN ORDINANCE BY HAMPTON BOROUGH IN HUNTERDON COUNTY, NEW JERSEY, AMENDING CHAPTER 205, ENTITLED “SOLID WASTE” OF THE HAMPTON BOROUGH MUNICIPAL CODE

WHEREAS, the Mayor and Council of the Borough of Hamton have determined that certain amendments to the Code of the Borough of Hampton are required.

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

SECTION ONE. Chapter 205 - Solid Waste, Article II - Collection Restrictions; Cleanup Days, of the Code of the Borough of Hampton, is hereby amended and supplemented as follows (additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

Article II. Collection Restrictions ~~Cleanup Days.~~

§ 205-5. Number and size of containers.

Residential units from which the Borough of Hampton collects garbage, refuse or trash may, without charge, put out up to two twenty-gallon containers or bags or one thirty-two-gallon containers or bag, or any combination thereof that does not exceed 40 gallons, for collection. No single container placed out for collection shall exceed 32 gallons in capacity or 50 pounds in weight. The total number of containers or bags placed out for collection shall not exceed six ~~(not including cleanup day items).~~

South Branch Emergency Services and the Hampton Fire Company, from which the Borough of Hampton collects garbage, refuse or trash, may without charge put out two thirty-two-gallon containers or bag, or any combination thereof that does not exceed 40 gallons, for collection.

§ 205-6. Stickers for additional containers; charge.

Residents of the Borough of Hampton who have their garbage, refuse and trash collected by the Borough may purchase stickers from the Borough Clerk authorizing pickup of additional containers or bags. The charge per sticker shall be at ~~\$1.75~~ ***\$3.00*** per each 25 pounds and may be changed thereafter by resolution of the Borough Council of the Borough of Hampton.

§ 205-8. ~~Cleanup days; Fees.~~ ***Deleted Per Ordinance No. – 2023.***

~~A. Cleanup items, that do not fit into authorized containers or bags may be placed at curbside for pickup on days authorized by the Borough as "cleanup days." Each cleanup item requires a cleanup pay sticker. The charge for cleanup items s (in the judgment of the scavenger) will be as follows:~~

| Weight _____ | Charge |
|------------------|--------|
| (pounds) _____ | |
| 25 to 100 _____ | \$10 |
| 100 to 300 _____ | \$20 |

~~B. No item in excess of 300 pounds will be accepted for collection. If there is a question as to the weight of an item or whether the item has the correct sticker, the scavenger will not pick up the item. Residents dissatisfied with such a decision may appeal to the Public Works Director, whose decision shall be final as to the weight or sticker required.~~

~~C. Cleanup items shall not exceed two per week.~~

~~D. During cleanup day collections, residents shall not put out for collection trees, tree stumps, stones, earth or industrial wastes, scrapped auto parts or vehicles, demolition and/or~~

~~building materials, garbage in liquid form, paper not used for wrapping garbage or tree branches.~~

SECTION 2. This Ordinance shall take effect upon final passage and publication according to law.

SECTION 3. If any part of this Ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.

SECTION 4. All ordinances, policies and or procedures or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

SECTION 5. This Ordinance shall take effect upon final passage and publication as provided by law

Voice Vote: All ayes, motion carried.

Mayor Shaner opened the Public Hearing, there were no comments or questions from the public.

Motion by Cm Rega, second by Cm. Celentano to close the Public Hearing on Ordinance 08-2023:

Voice Vote: All ayes, motion carried.

Motion by Cm. Celentano, second by Cm. Wotanowski to adopt Bond Ordinance No. 08-2023.

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

Absent: Drummond

All ayes: Motion carried.

Lumberyard – A quote for the completion of this remediation project was received from Engineering and Land Planning but needs further review by the CFO and Borough Attorney. There was a discussion. It was decided that after further review of the quotes by the CFO and Attorney a Special Meeting may be needed to take action to get the remediation to move forward. If a Special Meeting is needed it will be scheduled for Monday, September 25, 2023 at 7:30pm.

Municipal Liens –

Motion by Cm. Rega, second by Cm. Swenson to adopt the following Resolution 58-2023:

RESOLUTION #58-2023

RESOLUTION AUTHORIZING BOROUGH ATTORNEY TO FORECLOSE CERTAIN PROPERTIES FOR DELINQUENT TAXES

WHEREAS, the Tax Assessor and Tax Collector of the Borough of Hampton have noted that the Borough of Hampton holds the tax sale certificates on the following properties designated as follows on the Tax Maps of the Borough of Hampton:

- Block 18, Lot 3
- Block 18, Lot 9
- Block 19, Lot 4
- Block 11, Lot 4.5

- Block 21, Lot 2.026
- Block 21, Lot 2.028
- Block 24, Lot 29.02
- Block 25, Lot 5

; and

WHEREAS, N.J.S.A. 54: 5-104.35 provides in pertinent that the Governing Body may, by resolution, foreclose any of the tax sale certificates held by it, by the summary proceedings In Rem as provided in the In Rem Foreclosure Act [L.1948, c, 96]; and

WHEREAS, municipal foreclosure on these properties will result in benefits the Borough that may include:

- Compelling the payment of taxes,
- Removing non-performing properties from tax rolls,
- Increasing the collection rate to lower the reserve for uncollected taxes,
- Controlling abandoned properties,
- Stabilizing the tax base.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hampton that the Borough Attorney, is hereby authorized to foreclose the property noted below:

| Block | Lot | Property Address | Property Owner Name |
|--------------|------------|-------------------------|-----------------------------------|
| 11 | 4.5 | Charlestown Road | Stefanka Pavlov |
| 18 | 3 | Kensel Drive | Custom Development, LLC |
| 18 | 9 | Carville Drive / Rear | Custom Development, LLC |
| 19 | 4 | Kensel Drive | Custom Development, LLC |
| 21 | 2.026 | 162 Route 31 N, Unit #6 | Pinnacle Management Services, LLC |
| 21 | 2.028 | 162 Route 31 N, Unit #8 | Pinnacle Management Services, LLC |
| 24 | 29.02 | John Street | Estate of D. Lipka |
| 25 | 5 | Charlestown Road | Jeffery R. Jerman |

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

Absent: Drummond

All ayes: Motion carried.

Reports of Committees:

Cm. Swenson – Alan Brower, Director of the DPW reported that the garbage truck should be repaired within the next week. Once it is repaired the truck should be good for at least 10 years.

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

Cm. Tampier – Inquired as to whether the Borough Council would like to have a demonstration of the new rescue truck from South Branch Emergency Services. The members present agreed and would if a

Special Meeting is scheduled the demonstration will take place on Monday September 25 prior to the meeting.

MUNICIPAL CLERK'S REPORT:

The Municipal Clerk inquired as to whether the Borough professionals will be appointed by the non-fair and open process or if the Council wanted to go out for RFP's. This needs to be decided by next meeting.

New Business:

Motion by Cm. Rega, second by Cm. Wotanowski to adopt the following Resolution No. 59-2023, Certification of Funds was received from CFO:

RESOLUTION NO, 59-2023

RESOLUTION TO AWARD HCESC BID FOR BACKHOE

WHEREAS, the Borough of Hampton, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-9.7, may by resolution and without advertising for bids, lease or purchase any goods or services under the Hunterdon County Educational Services Commission Purchasing Program for any contracts entered into; and

WHEREAS, the Borough of Hampton has the need on a timely basis to purchase goods or services utilizing the Hunterdon County Educational Services Commission (HSESC) Purchasing Program to purchase a new Backhoe; and

WHEREAS, Powerco, Inc. has been awarded HSESC Contract #HCESC-Cat/Serv-23-06; and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the 2023 580SN WT T4 Final Backhoe Loader is not to exceed \$140,842.54; and

WHEREAS, the Finance Officer has certified the availability of \$140,842.54 under the General Capital Budget, Ordinance 04-2023, and the Water Capital Budget, Ordinance 06-2023.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hampton that Powerco, Inc. be awarded the contract for the new Backhoe.

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

Absent: Drummond

All ayes: Motion carried.

Motion by Cm. Rega, second by Cm. Tampier to adopt the following Resolution No. 60-2023

RESOLUTION NO. 60-2023

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

RESOLUTION NO. 60-2023

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C 5:30-6.5, and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Hampton, hereby states that it has complied with N.J.A.C. 5:30-6.5, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Absent: Drummond

All ayes: Motion carried.

Motion by Cm. Wotanowski, second by Cm. Rega authorizing the Mayor to sign the Client Authorization form from Colliers to provide services pertaining to the Stormwater Pollution Plan required for NJDEP Stormwater Assistance Grant.

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

RAFFLE LICENSE FOR APPROVAL:

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

Raffle License Application received from the Hampton Fire Company Ladies Auxiliary to hold an Off Premise Merchandise Raffle on October 17, 2023.

Abstain: Tampier

Voice vote: All ayes, motion carried.

Bills and Claims: Motion by Cm. Rega, second by Cm. Wotanowski to authorize the CFO to pay bills listed on the August 21, 2023 Bill list and to pay bills between meetings.

Roll call vote: Celentano, Rega, Swenson, Tampier, Wotanowski
Absent: Drummond
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 8:10p.m.

Respectfully submitted,

Linda Leidner, RMC
Municipal Clerk