

BOROUGH OF HAMPTON

REGULAR MEETING

November 20, 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
		Lee Hansen	Doug Rega
		Carroll Swenson	Jeff Tampier
		Rob Wotanowski	

The following Borough professionals were also present: Tara St. Angelo, Attorney, Kathy Olsen, CFO, Jeffrey Ward, Tax Assessor.

APPROVAL OF MINUTES:

Motion by Cm. Wotanowski, second by Cm. Rega to approve the Minutes of the October 16, 2023 Regular Meeting of the Borough Council.

Voice vote: All ayes, motion carried.

Comments and Questions from the Public:

Communications:

Memo received from Tax Assessor re: Letter from the Division of Taxation re: equalized valuation for 2023 increased by 10% or more from 2022.

Tax Assessor Jeffrey Ward was in attendance to explain what the letter means. Mr. Ward noted that 267 municipalities received a similar letter. This is directly related to the rapid appreciation of real estate values, low inventory and high selling prices. At this time how this will affect the Borough is unknown. The increase in equalized value will adversely affect Hampton Borough's 2024 contributions to the Regional School and County levies.

Thank you, cards were received from the Drummond and Butler families.

Email received from Borough Engineer William Burr re: receipt of award of NJDOT Municipal Aid Grant for MacKenzie Road and Dutch Hill Improvement Project from the FY 2024 Grant Program.

Tax Collector Collection Report October 2023 – Noted received, no discussion.

Municipal Court Report October 2023 – Noted received, no discussion

UNFINISHED BUSINESS:

Public hearing on Ordinance No. 09-2023:

Motion by Cm. Celentano, second by Cm. Wotanowski to open the Public Hearing on Ordinance No. 09-2023.

Voice Vote: All ayes. Motion carried.

Mayor Shaner opened the Public Hearing. There were no comments or questions.

Motion by Cm. Rega, second by Cm. Wotanowski to closed the Public Hearing on Ordinance No. 09-2023
Voice Vote: All ayes. Motion carried.

Motion by Cm. Wotanowski, second by Cm. Tampier to adopt Ordinance No. 09-2023:

ORDINANCE NO. 09-2023 - AN ORDINANCE TO AMEND CHAPTER 93 "ANIMALS" OF THE CODE OF THE BOROUGH OF HAMPTON

WHEREAS, Chapter 93 of the Code of the Borough of Hampton regulates the licensing of dogs, removal of animal feces, and inoculation of cats; and

WHEREAS, the provisions of Chapter 93 are based in part on *N.J.S.A. 4:19-15.1, et seq.* which has been amended since the last revision to Chapter 93; and

WHEREAS, the Mayor and Council wish to revise Chapter 93-2 "Dog Licensing Requirements," Subsection C (1) and(2) "Fees, renewals, expiration date of licenses," to provide for an increase of fees; and

WHEREAS, the Mayor and Council also wish to revise Chapter 93-4 "Disposition of Fees," Subsection B, to clarify payments to the State of New Jersey.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hampton, Hunterdon County, State of New Jersey, that Chapter 93 entitled "Animals" of the Code of the Borough of Hampton is hereby amended as follows:

Section 1.

§ 93-2 "Dog Licensing Requirements;" Subsection C (1) and (2) "Fees, renewals, expiration date of licenses," is amended as follows (additions indicated in boldface and italics "*thus*," deletions indicated with strike-through "~~thus~~"):

- (1) The person applying for the license and registration tag shall pay the fee established in the sum of ~~\$1~~ ***\$10.00*** for the registration tag of each dog, and for each annual renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag. The licenses, registration tags and renewals thereof shall expire on January 31 in each year.
- (2) In addition to the fee charged pursuant to Subsection C (1) above, any person applying for a license and registration tag shall pay:
 - (a) A fee of \$3 for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization to be forwarded to the State Treasurer for deposit in the Animal Population Control Fund.
 - (b) An additional fee of \$0.20 to be forwarded to the State Treasurer to fund the animal sterilization pilot clinic.

Section 2.

§ 93-4 "Disposition of Fees" Subsection B is amended as follows (additions indicated in boldface and italics "*thus*," deletions indicated with strike-through "~~thus~~"):

- B. The registration tag fee of \$1 for each dog shall be forwarded within 30 days after collection by the Borough Clerk or other designated official to license dogs to the State Department of Health and Senior Services, which Department shall forward the sum to the State Treasurer,

who shall place all such moneys in a special account for use only by the State Department of Health and Senior Services in administering this article and for the prevention and control of rabies throughout the state, and such account is hereby declared to be a trust fund not subject to legislative appropriation. At the end of the third fiscal year following the adoption of this article, and at the end of each fiscal year thereafter, there shall be withdrawn from this trust fund and transferred to the general funds of the state any amount then in such fund which is in excess of the total amount paid into such fund during the last two fiscal years next preceding.

C. ***Pursuant to § 93-2 Subsection C (2) (a) (b), an additional \$3.20 is being forwarded to the State of New Jersey as follows:***

(a) A fee of \$3 for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization to be forwarded to the State Treasurer for deposit in the Animal Population Control Fund.

(b) An additional fee of \$0.20 to be forwarded to the State Treasurer to fund the animal sterilization pilot clinic for each dog in Section (a) above.

Section 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 4. If any section, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction for any reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 5. This Ordinance shall take effect upon final passage and publication according to law.

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

All ayes: Motion carried.

Lumberyard – No update.

Municipal Liens – Attorney Tara St. Angelo explained that there was a Supreme Court Ruling on a case | United States Supreme Court’s decision in Tyler v. Hennepin County, 598 U.S. ____, 143 S. Ct. 1369 (2023), the New Jersey Supreme Court temporarily has suspended Office of Foreclosure recommendations of final judgment in tax sale certificate cases filed after May 25, 2023. The Court Order also has relaxed certain Court Rules governing in rem and in personam tax foreclosures. Attorney St. Angelo recommended going over the list of properties, due to the fact this the new rules will prove to be costly.

Reports of Committees:

Cm. Swenson explained that the Department of Public Works will be down an employee due to illness and we have a part-time person that he would like to recommend authorizing him to work full time hours to fill the temporary vacancy.

Motion by Cm. Swenson, second by Cm. Wotanowski to authorize current part time DPW employee Anthony Schiraldi to work full time hours to fill the temporary vacancy of a DPW employee due to illness.

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

All ayes: Motion carried.

Cm. Swenson also inquired about the ability for the Borough to obtain a credit card for ease purchasing and so that employees don't have to use their own for Borough purchases. Both CFO Olsen and Borough Attorney St. Angelo explained that under State law, municipalities are not allowed to have credit cards.

Cm. Tampier inquired as to why the Borough was fined by the State Fire Code Enforcement Officer. It was explained that this is the ongoing issue of the fire door in the hallway of Borough Hall. The Code Enforcement officer has not responded to our DPW Director regarding the inspection of the door. Approval is needed before the State Fire Code Enforcement Officer will note that the requirement for the fire door is fulfilled.

Cm. Rega reported that he spoke to the Animal Control Officer Robbie Lagonera regarding next year's contract. Cm. Rega noted that Mr. Lagonera was asking if the Borough was interested in entering into a shared service. Borough Attorney St. Angelo explained that this not allowed due to the fact that Mr. Lagonera is not an employee of the borough.

Cm. Wotanowski noted that there will be an Executive Session regarding personnel, specifically filling the Tax Collector vacancy due to retirement.

Cm, Celentano and Cw. Hansen had nothing to report.

MUNICIPAL CLERK'S REPORT:

No Report

New Business:

BEST PRACTICES DISCUSSION:

Kathy Olsen, CFO explained that the Best Practices was submitted and received by the State and Hampton Borough will not lose any State Aid.

Motion by Cm. Rega, second by Cm. Wotanowski to approve the following Resolution No. 66-2023

RESOLUTION # 66-2023

AUTHORIZATION TO EXECUTE ALL AGREEMENTS NECESSARY FOR A SHARED SERVICES AGREEMENT FOR THE DISPOSAL OF LEAVES AT THE DEWEY AVENUE NATURAL RECYCLING CENTER IN THE BOROUGH OF HIGH BRIDGE, BETWEEN THE BOROUGH OF HAMPTON AND THE BOROUGH OF HIGH BRIDGE

WHEREAS, the Borough of Hampton and the Borough of High Bridge wish to enter into a Shared Services Agreement for the disposal of leaves collected by Hampton at the Dewey Avenue Natural Recycling Center (the "Yard") effective November 3, 2023, whereby the Borough of High Bridge will accept the disposal of Hampton's leave collection; and pursuant to and permitted by the Uniform Shared Services and Consolidation Act., N.J.S.A. 40A:65A-1, et seq.; and

WHEREAS, the Shared Services Agreement (attached hereto) will provide access to the Yard by the Borough of Hampton as outlined in the Agreement; and

WHEREAS, the Shared Services Agreement shall be for a period of three (3) years and may be terminated by either party by at least one year's written notice of in advance of the date of the termination; and

WHEREAS, the Borough of Hampton shall pay to the Borough of High Bridge a fee of \$16 per cubic yard up to 200 yards per year, which fee includes the cost of administrative supplies, equipment and vehicle usage; and

WHEREAS, said fee shall be for one year, and subject to future adjustments agreed to between the parties.

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

The Mayor and Clerk are hereby authorized to execute the attached Shared Services Agreement for the disposal of leaves between the Borough of Hampton and the Borough of High Bridge.

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately

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

All ayes: Motion carried.

Motion by Cm. Swenson, second by Cm. Rega to adopt the following Resolution No. 69-2023

RESOLUTION N. 69-2023

RESOLUTION NO. 69-2023

RESOLUTION REQUESTING REFUND OF INTEREST PAYMENT

WHEREAS, the owners of 20 MacKenzie Road, Block 17 L 7, Diane & John Becker authorized a tax payment from PNC Bank to be paid on August 7, 2023; and

WHEREAS, as of September 21, 2023 the check had not been received by the Borough, therefore Diane and John Becker were assessed interest in the amount of \$26.44 on their taxes due to the payment being received after the grace period; and

WHEREAS, on September 21, 2023 John Becker issued a check in the amount of \$1917.30, principal \$1890.86 and interest \$26.44; and

WHEREAS, on October 25, 2023 their PNC Bank issued check dated August 7, 2023 was placed in the Municipal Building drop box in a plain white envelope, along with other bank issued checks for that date; and

WHEREAS, it appears evident that the checks were delivered to another PO Box and were finally dropped in the Borough drop box on October 25, 2023; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council that the CFO issue a refund check to John and Diane Becker in the amount of \$26.44.

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

All ayes: Motion carried.

Motion by Cm. Wotanowski, second by Cm. Swenson to approve the Application for Membership to the New Jersey Firemen's Association for Stephen C. Watson and for the Municipal Clerk to sign the application.

Roll call vote: Celentano, Hansen, Swenson, Tampier
Abstain: Rega, Tampier 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 December 13, 2023.

Abstain: Rega, 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 November 20, 2023 Bill list and to pay bills between meetings.

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

Motion by Cm. Swenson, second by Cm. Rega to adopt the following Resolution No. 67-2023

RESOLUTION NO. 67-2023

WHEREAS, the Open Public Meetings Act; N.J.S.A. 10:4-6 et seq., declares it to be the public policy of the State to ensure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognized exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the N.J.S.A. 40:4-12B5; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Hampton, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic (s) as permitted by N.J.S.A. 40:4-12:

Personnel

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subjects identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated to be: One Year

BE IT FURTHER RESOLVED that the Mayor and Borough Council for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

The meeting was closed to the public at 7:50pm for Executive Session for the purpose of a single matter Attorney Client Privilege/Potential Litigation.

Voice Vote: All ayes. Motion carried.

Meeting was closed to the public at 8:07pm with the Borough Clerk announcing that action will be taken after the Executive Session.

Kathy Olsen left the meeting at 8:07pm.

Motion by Cm. Wotanowski, second by Cm. Rega to close the Executive Session at 8:27pm.

Voice vote, all ayes. Motion carried

Kathy Olsen, CFO reentered the meeting at 8:27pm.

A brief discussion was held between the Borough Council members and CFO Kathy Olsen.

Motion by Cm. Swenson, second by Cm. Rega to adopt the following Resolution No. 68-2023:

RESOLUTION NO. 68-2023

APPOINTMENT OF TAX COLLECTOR

WHEREAS, the Borough of Hampton, Hunterdon County, New Jersey, is in need of a Tax Collector due to retirement; and

WHEREAS, the Hampton Borough Personnel Committee recommends the appointment of Kathy Olsen, Certified Tax Collector to the position; and

WHEREAS, by law the appointment of a Tax collector is a 4-year term; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Hampton, Hunterdon County, New Jersey, hereby appoints Kathy Olsen, CTC as Tax Collector at a salary of \$ 14,500.00 effective December 1, 2023, term expiring December 1, 2027.

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

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 8:37p.m.

Respectfully submitted,

Linda Leidner, RMC
Municipal Clerk