

BOROUGH OF HAMPTON

REGULAR MEETING MINUTES

December 14, 2020

This meeting was held in person and via Zoom.

Council President Bob Baker called the Regular Meeting of the Hampton Borough Council to order at 7:30p.m. Mayor. Shaner gave the Open Public Meetings Act Statement. . This meeting was held in compliance with the Open Pubic Meetings Act. The Annual Notice was adopted on January 6, 2020 and was published in the Hunterdon Democrat on January 09, 2020. The Annual Notice has been posted on the public bulletin board and has been filed in the Office of the Municipal Clerk.

Mayor Shaner asked all to rise for the flag salute.

Roll Call:	Present:	Bob Baker, Council President	John Drummond
		Doug Rega – via Zoom	Carroll Swenson - Via Phone
		Jeff Tampier	Rob Wotanowski

Absent: Mayor Shaner

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

Cm. Drummond made a motion to approve the following minutes as presented, second by Cm. Wotanowski:

Minutes of the November 16, 2020 - Regular Meeting
Voice Vote All ayes: Motion carried.

Comments and Questions from the Public:

Fire Chief Rick Allen inquired as to whether the Council members had any questions or concerns

Communications:

Request from William Fleck for a letter from the Mayor and for the Mayor to sign his Eagle Project paperwork certifying the project is complete.

The Borough Council were all in agreement that the flags looked really nice and that the project is deemed complete.

Motion by Cm. Wotanowski, Second by Cm. Tampier to authorize the Mayor to sign off on the Eagle Project and send a letter noting that the project was complete.

Voice vote; all ayes. Motion carried.

The Council Members in attendance congratulated William Fleck and wished him luck in his future endeavors.

Request from Guliet Hirsch, Esq., for Status of Suburban Consulting Engineers non-revenue water review.

Ms. Hirsch, who represents Mr. Haberman and Mr. David Chanda from Suburban Consulting were in attendance at the meeting via Zoom. Mr. Chanda gave an in depth explanation as to what the Hampton Water Company has done during 2020 to move towards compliance regarding the unaccounted for water.

Ms. Hirsch inquired as to how the Borough will proceed to move this project along at a faster pace. Ms. Hirsch indicated that Mr. Haberman is willing to help financially if need be to move the project along.

Borough Attorney, Matt Lyons assured Ms. Hirsch that he will keep he will speak with Mr. Chanda and Mr. Brower and give her an update as soon as possible.

Letter from the State of NJ Department of Transportation informing the Borough of the awarding of the NJDOT Fiscal Year 2021 Municipal Aid for Foss Avenue Improvement Project – Section II in the amount of \$153,000.00. – No discussion.

Notice from Hampton School re: December 15, 2020 Virtual Meeting begins at 6:00pm* (New Start time & Link)**

<https://zoom.us/j/95550765997?pwd=V3FvTXZYWkcwQVIVays3YjU3QTJldz09>
Meeting ID: 955 5076 5997
Passcode: MF7xkk

Municipal Court September and October Monthly Distribution of fees.

Old Business:

Sale of Vacant Properties Owned by the Borough – Ordinance for introduction in January.

Lumberyard Property – Mr. Brower noted that samples have been taken to get the process started.

Police Shared Services – Status report was received from Town of Clinton Chief of Police.

School Study Subcommittee – No update.

REPORTS OF COMMITTEES

Cm. Tampier: Alan Brower reported that the garbage truck is out of commission and the DPW has borrowed Glen Gardner’s truck.

Cm. Baker, Cm. Drummond, Cm. Rega, Cm. Swenson and Cm. Wotanowski had no reports at this time.

New Business:

Motion by Cm. Drummond, second by Cm. Wotanowski to adopt the following resolution:

RESOLUTION No. 95-2020

WHEREAS, Hunterdon County has approved a COVID Municipal Grant Program to assist Hunterdon County's 26 municipalities with pandemic emergency response costs, and

WHEREAS, approved grants will be distributed on a per capita basis for each municipality with each jurisdiction being eligible for \$1,000, but up to a \$5,000 maximum, and

NOW, THEREFORE, BE IT RESOLVED, Hampton Borough requests \$1000.00 to cover expenses related to the response to the COVID-19 pandemic, and has attached an itemized breakdown of costs incurred with a total sum. This resolution authorizes the application for, and acceptance of, funds issued under the Hunterdon County COVID Municipal Grant Program.

Roll Call Vote: Aye: Drummond, Rega, Swenson, Tampier, Wotanowski
Abstain: Baker
All Ayes: Motion carried.

**Motion by Cm. Drummond, second by Cm. Wotanowski to adopt the following resolution:
RESOLUTION No. 96-2020**

WHEREAS, the Borough of Hampton requires the hiring of new Crossing Guards, that will be under the supervision of The Town of Clinton Chief of Police, and;

WHEREAS, the position was advertised for, applications accepted and interviews performed, and;

WHEREAS, the Chief of Police of the Town of Clinton recommends that Candice Renee Pozarycki and Juliette Renee Warren be hired to fill the open position at a rate of \$19.90 per hour; and;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hampton hire Candice Renee Pozarycki and Juliette Renee Warren to fill the open position of Crossing Guard effective November 16, 2020.

Roll Call Vote: Aye: Drummond, Rega, Swenson, Tampier, Wotanowski
Abstain: Baker
All Ayes: Motion carried.

Motion by Cm. Drummond, second by Cm. Swenson to adopt the following resolution:

**RESOLUTION 97-2020
REGARDING EMERGENCY REMOTE MEETING PROTOCOL, PROCEDURES AND REQUIREMENTS
FOR PUBLIC PARTICIPATION AT REMOTE MEETINGS**

WHEREAS, the purpose of N.J.A.C. 5:39-1 et seq, Emergency Remote Meeting Protocol for Local Public Bodies, is to ensure that local public bodies can continue to conduct official business in an open and transparent manner whenever a declared emergency exists that prohibits physical attendance by members of the public; and

WHEREAS, a "Declared Emergency" means a public health emergency pursuant to the Health Powers Act (N.J.S.A. 26:13-1 et seq.), or a state of emergency, pursuant to P.L. 1942, c. 251 or both, or a state of local disaster emergency which has been declared by the Governor and is in effect; and

WHEREAS, N.J.A.C. 5:39-1.3 permits a local public body to hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents a local public body from safely conducting public business at a physical location with members of the public present; and

WHEREAS, if during a declared emergency the Borough of Hampton (the “Borough”) holds a physical meeting in a location where, pursuant to State/Federal guidelines meant to mitigate risk, capacity restrictions are required to reduce the number of individuals that can be present in a meeting, the Borough Council shall either:

- 1) Hold the public meeting at another location with adequate capacity for the reasonable expected attendance by the public; or
- 2) Hold the public meeting as both an in-person and a remote public meeting; and

WHEREAS, no in person meeting shall proceed if the room capacity does not permit any member of the public to attend; and

WHEREAS, a public meeting held in person shall not prohibit members of the public from attending in person; and

WHEREAS, pursuant to N.J.A.C. 5:39-1, if the Borough holds a remote meeting to conduct public business they shall use electronic communication technology routinely used in business settings that can be accessed by the public at no cost and with participant capacity consistent with the reasonable expectations of the public body for the type of public meeting being held and shall, at minimum, not be limited to fewer than 50 public participants (beyond those persons required to conduct business at the meeting); and

WHEREAS, remote public meetings may be held by the Borough in a format as selected by the governing body, by means including but not limited to, audio-only teleconferencing, electronic communications platforms with video and audio or live streaming via the internet and shall, additionally, provide a telephonic conference line to allow members of the public to dial in by telephone to listen and to provide public comment; and

WHEREAS, when the Borough holds a remote public meeting they shall allow members of the public to make public comment by audio or by audio and video if the meeting is being held over both; and

WHEREAS, any remote public meeting where sworn testimony is being taken shall be broadcast by video as well as audio and all individuals giving sworn testimony shall appear by video in addition to audio; and

WHEREAS, any presentation or documents that would otherwise be viewed or made available to members of the public physically attending a local public meeting shall be made visible on a video broadcast of the remote public meeting or made available on the internet website (www.hamptonboro.org) of the Borough; and

WHEREAS, in addition to making public comments at any remote public meeting, the Borough Council, in advance of the remote meeting shall allow public comments to be submitted to the Clerk by electronic mail and/or in written letter form by noon the day of the meeting to hamptonboroclerk@hamptonboro.org if electronic mail or Borough of Hampton, Attn: Borough Clerk, 1 Wells Avenue, PO Box 418, Hampton, NJ 08827 if in written letter as shall be established and posted on the website (www.hamptonboro.org) in advance of the remote public meeting; and

WHEREAS, public comments submitted prior to the remote public meeting through electronic or regular mail shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public; and

WHEREAS, a time limit of three minutes shall be placed on the reading of written comments, which shall be read from their beginning until the time limit is reached; and

WHEREAS, the electronic communications used for a remote public meeting shall have a function that allows the Borough to mute the audio of all members of the public as well as allow members of the public to mute themselves and same shall be announced at the beginning of every remote public session; and

WHEREAS, adequate notice of the remote public meeting shall also include, in addition to the OPMA requirements of N.J.S.A. 10: 4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment and how to access any public documents on their internet website in the manner as set forth at N.J.A.C. 5:39-1.5; and

WHEREAS, at the commencement of a remote public meeting the Mayor or his designee, shall announce publicly and shall cause to be entered into the minutes an accurate statement regarding adequate and electronic notice or an explanation of the reason or reasons it was not adequately provided as set forth in N.J.A.C. 5:39-1.5(g); and

WHEREAS, prior to the commencement of a remote public meeting the Borough Council shall make a copy of the agenda available to the public for download on the website at www.hamptonboro.org and shall post same at the building where the meeting would otherwise be held, including posting of same at any designated and clearly delineated handicap access entrance to the building; and

WHEREAS, in support of and respect for an open, fair and informed decision-making process, the Borough Council recognizes that civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and

WHEREAS, in an effort to preserve the intent of open government and maintain a positive environment for citizen input and Borough Council decision making, it has been decided that policies and rules should be established to promote civility and maintain decorum at local public meetings and remote public meetings in accordance with N.J.A.C. 5:39-1.4 (f)-(h); and

WHEREAS, if a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Mayor or his designee, shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting; and

WHEREAS, disruptive conduct at a public or remote public meeting includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity; and

WHEREAS, any member of the public who continues to act in a disruptive manner at a remote public meeting after receiving an initial warning, may be muted while other members of the public are allowed to proceed with their questions or comments; and

WHEREAS, if time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment and, if the person still

remains disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting; and

WHEREAS, the content of the electronic notice shall be posted on the main access door of the building where the public would routinely attend public meetings of the local public body in person and the notice must be viewable from the outside; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hampton that the standards and procedures for emergency remote meeting protocol as set forth in this resolution and as codified in N.J.A.C. 5:39-1 et seq. are hereby established and adopted; and

BE IT FURTHER RESOLVED that procedures and requirements for public participation are hereby established and adopted in order to safeguard public participation in any public or remote public meetings in the Borough of Hampton and shall apply to all members of the public in attendance at any public or remote public meeting in the Borough of Hampton.

Roll Call Vote: Aye: Drummond, Rega, Swenson, Tampier, Wotanowski
Abstain: Baker
All Ayes: Motion carried.

Motion by Cm. Rega, second by Cm. Drummond to adopt the following resolution:

**RESOLUTION NO. 98 – 2020
CANCELLATION OF TAX SALE CERTIFICATE**

WHEREAS, Executive Order 190 issued on October 15, 2020 prohibited interest being charged on delinquent water charges, and

WHEREAS, Pro Cap 8, LLC paid on October 20, 2020 subsequent water charges on Block 9, Lot 7 in the amount of \$202.07.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Hampton, County of Hunterdon and State of New Jersey that the Chief Financial Officer be authorized to issue a refund check to ProCap 8, LLC, 2500 McClellan Avenue, Suite 200, Pennsauken, NJ, 08109 in the amount of the subsequent water payment of \$202.07 on Block 9, Lot 7.

Roll Call Vote: Aye: Drummond, Rega, Swenson, Tampier, Wotanowski
Abstain: Baker
All Ayes: Motion carried.

Motion by Cm. Tampier, second by Cm. Rega to adopt the following resolution:

RESOLUTION #99-2020

**RESOLUTION RECINDING RESOLUTION NO. 44-2020 OF THE BOROUGH OF HAMPTON
AND RE-AUTHORIZING A SHARED SERVICES AGREEMENT FOR A SHARED MUNICIPAL
COURT BETWEEN THE TOWNSHIP OF CLINTON AND THE BOROUGH OF HAMPTON**

WHEREAS, the Borough of Hampton and the Township of Clinton are interested in creating a Shared Municipal Court; and

WHEREAS, an agreement to enter into a shared service for municipalities is permitted under *N.J.S.A. 40A:65-1 et seq.*, the “Uniform Shared Services and Consolidation Act”; and

WHEREAS, N.J.S.A. 2B:12-1(c) allows for the establishment of Shared Municipal Courts; and
WHEREAS, on January 6, 2020, the Hampton Borough Mayor and Council, adopted Resolution No. 29-2020 approving a shared court between the Clinton Township and Hampton Borough and authorizing the Mayor and Clerk to execute the appropriate agreement and other documents to enter into said shared court effective January 1, 2020; and

WHEREAS, on January 22, 2020, the Clinton Township Mayor and Council adopted Resolution #20-30 approving a shared court between the Township and Board and authorizing the Mayor and Clerk to execute the appropriate agreement and other documents to enter into said shared court, effective January 1, 2020; and

WHEREAS, the agreement was subsequently submitted for approval to the assignment judge for Vicinage XIII, the Honorable Yolanda Ciccone, A.J.S.C.; and

WHEREAS, on February 3, 2020, Judge Ciccone approved the formation of the shared court but required that revisions be made to the previously-approved shared services agreement; and

WHEREAS, the revised shared services agreement approved by the court is entitled "Shared Services Agreement for a Shared Municipal Court Among the Township of Clinton and the Borough of Hampton" and is marked "Final Draft 02/03/2020; and

WHEREAS, Judge Ciccone also required the Borough and Township to adopt new resolutions re-authorizing the formation of the share court effective April 1, 2020 and approving the revised agreement;

WHEREAS, on February 10, 2020 the Hampton Borough Mayor and Council, adopted Resolution No. 44-2020 rescinding Resolution No. 29-2020 approving a shared court between the Clinton Township and Hampton Borough and authorizing the Mayor and Clerk to execute the appropriate agreement and other documents to enter into said shared court effective April 1, 2020; and

WHEREAS, on December 14, 2020, by the request of Judge Ciccone, that the Hampton Borough Mayor and Council, adopt Resolution No. 99-2020 and rescinding Resolution No. 29-2020 and Resolution No. 44-2020, re-approving a shared court between the Clinton Township and Hampton Borough and authorizing the Mayor and Clerk to execute the appropriate agreement and other documents to enter into said shared court effective April 1, 2020; and

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

1. The formation of a Shared Municipal Court between the Township of Clinton and the Borough of Hampton is hereby re-authorized and re-approved on the terms and conditions set forth in that certain agreement entitled "Shared Services Agreement for a Shared Municipal Court Among [sic] the Township of Clinton and the Borough of Hampton" and marked "Final Draft 02/03/2020."

2. The Mayor and Clerk are hereby authorized and directed to execute the said agreement on the Township's behalf.

3. The Mayor, Clerk, Administrator, Attorney, Municipal Court Administrator and other court personnel are hereby authorized and directed to undertake any and all acts and sign any and all documents as may be required to implement the terms hereof.

4. The shared court shall begin on April 1, 2020.

5. The Clerk shall cause a certified copy of this resolution and the fully executed agreement to be provided forthwith to the Honorable Yolanda Ciccone, A.J.S.C., Assignment Judge for Vicinage XIII.

6. This resolution shall take effect immediately.

Roll Call Vote: Aye: Drummond, Rega, Swenson, Tampier, Wotanowski
Abstain: Baker
All Ayes: Motion carried.

**Motion by Cm. Drummond, second by Cm. Swenson to adopt the following resolution:
RESOLUTION NO. 100– 2020**

RESOLUTION AUTHORIZING THE PURCHASE OF A 2005 STERLING DUMP TRUCK

WHEREAS, the Hampton Borough Department of Public Works is in need of a dump truck, and

WHEREAS, Cedar Ridge Landscaping & Excavating has a 2005 Sterling Dump Truck, VIN#2FZAAWDCD55AN02753 for sale for \$15,000 in as is condition, and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hampton, County of Hunterdon and State of New Jersey that the Director of Public Works is authorized to purchase the 2005 Sterling Dump Truck, VIN#2FZAAWDCD55AN02753 in as is condition for \$15,000.00 from Cedar Ridge Landscaping & Excavating, 166 Rt. 31, PO Box 419, Hampton, NJ 08827.

Roll Call Vote: Aye: Drummond, Rega, Swenson, Tampier, Wotanowski
Abstain: Baker
All Ayes: Motion carried.

SETTING THE DATE FOR THE 2021 REORGANIZATION MEETING – The meeting will be held on Monday, January 4, 2021 at **7:00pm**. The first Regular Meeting of the Borough Council will follow at 7:30pm. There will not be a meeting on Monday, January 11, 2021. These meetings will be held in person only.

RABIES CLINIC – The Borough Clerk noted that the Free Rabies Clinic is scheduled for Saturday, January 9, 2020 from 8:30 to 10:00am.

Motion by Cm. Drummond, second by Cm. Tampier to approve the CFO to pay bills as presented on the bill list of December 14, 2020 and to authorize the CFO to pay bills between meetings.

Roll Call Vote: Aye: Drummond, Rega, Swenson, Tampier, Wotanowski
Abstain: Baker
All Ayes: Motion carried.

Borough Clerk Leidner announced that she received a letter this evening advising the Hampton borough Mayor and Council that he will be reigning his position as Council Member for the Borough of Hampton as of December 31, 2020 due to retiring and relocating to Florida.

Motion by Cm. Drummond accepting, with regret, the resignation of Councilman Bob Baker as of December 31, 2020, seconded by Cm. Tampier.

Roll call vote: Aye (with regret); Rega, Swenson, tamper, Wotanowski
All ayes, motion carried.

Adjournment: Motion by Cm Swenson, second by Cm. Tampier to adjourn the Regular Meeting of the Hampton Borough Council. Voice Vote: All ayes, motion carried. The meeting adjourned at 8:19p.m.

Respectfully submitted,

Linda Leidner, RMC
Municipal Clerk