

BOROUGH OF HAMPTON
BOROUGH COUNCIL MEETING MINUTES

REGULAR MEETING

September 9, 2019

Mayor Cregar called the Regular Meeting of the Hampton Borough Council to order at 7:30 p.m. The Open Public Meetings Act Statement was read by the Deputy Municipal Clerk. The notice of this meeting was advertised in the Hunterdon Democrat on January 10, 2019. The annual notice has been posted on the public bulletin board and has been filed in the Office of the Municipal Clerk.

The Municipal Clerk also noted that this meeting of the Borough Council and all future meeting of the Borough Council will be recorded.

Roll Call:	Present:	Mayor Cregar	Bob Baker
		John Drummond	Doug Rega
		Carroll Swenson	Jeff Tampier
		Rob Wotanowski	

The following people were also present: Alan Brower, CPWM, Kathy Olsen, CFO, Leslie Parikh, Borough Attorney, and Linda Leidner, Deputy Borough Clerk.

The minutes of the Regular Session meetings of August 12, 2019 were approved as presented by the Deputy Municipal Clerk by a motion that was made by Cm Drummond second by Cm Rega; Voice Vote: All ayes motion carried.

Comments and Questions from the Public:

Pamela Bailey inquired as to whether while the Borough Council is looking at the new Grass Ordinance if they will be addressing the issue of unsightly “junk” on front porches. The Code Enforcement Officer offered to take a look at the properties.

Fire Chief Rick Allen noted that a member of the Fire Company, Adam Fox, is renting the hall for a party to be held on Saturday, October 5 and would like permission for the party to go until 2am.

Cm. Baker made a motion to approve the time extension request, Cm. Rega seconded the motion.
Voice Vote: All ayes; motion carried.

Fire Chief Allen requested that the Lease Agreement discussion be moved to this portion of the meeting. Borough Attorney Leslie Parikh inquired as to whether Fire Chief Allen and the Fire Company approves the changes in the Lease Agreement. Chief Allen noted that all changes are acceptable.

Motion by Cm. Drummond, second by Cm, Baker to rescind the Lease Agreement between the Hampton Fire Company No. 1 and Hampton Borough that was approved at the Borough Council Meeting of July 8, 2019.

Roll Call Vote: AYES: Baker, Drummond, Rega, Swenson, Wotanowski
Abstain: Tampier
Motion carried.

Motion by Cm. Baker, second by Cm. Rega to adopt the Lease Agreement between the Hampton Fire Company No. 1 and Hampton Borough with the reflected changes.

Roll Call Vote: AYES: Baker, Drummond, Rega, Swenson, Wotanowski
Abstain: Tampier
Motion carried.

Lisa Moretti, 26 W. Grand Street inquired as to progress regarding the requests she made in her letter to the Mayor and Borough Council regarding roosters and other livestock.

Borough Attorney Leslie Parikh noted that she had a sample of a Livestock Ordinance from another municipality. Ms. Parikh offered that she will obtain several other sample ordinances from similar municipalities and get them to the Borough Council members by the end of the week.

This will be further discussed at the next meeting of the Borough Council.

Communications:

Letter from Bowman Consulting regarding Haberman Proposed Amendment to Upper Delaware Water Quality Management Plan requesting a Resolution from the Mayor and Council defining their position on this proposed amendment.

Ms. Parikh explained there is no resolution for this evening. Mr. Cushing is working with Ms. Gullet Hirsch on a formal response to this amendment.

Letter from NJLM regarding registration for the League of Municipalities Convention – November 19-21, 2019. Deputy Clerk Leidner advised the Borough Council that is anyone is interested in attending the League of Municipalities Convention to let her know.

Email from Groendyke Insurance advising the Borough that January 1, 2020 is the 3 year anniversary with Statewide and in order to entertain quotes from other markets a letter needs to be sent to Statewide no later than October 1, 2019. All members of the Council were in agreement that a letter should be sent to Statewide.

Old Business:

Revision and possible reintroduction of the following:

Motion by Cm. Drummond, second by Cm. Rega to reintroduce the following Ordinance with the addition of a fixed fee of \$100.00 for each time the DPW needs to take care of a property.

ORDINANCE NO. 04-2019 - AN ORDINANCE ADDING CHAPTER 99 ENTITLED "BRUSH, GRASS AND WEEDS" TO THE CODE OF THE BOROUGH OF HAMPTON

ORDINANCE NO.04-19

**AN ORDINANCE ADDING CHAPTER 99 ENTITLED "BRUSH GRASS AND WEEDS"
TO THE CODE OF THE BOROUGH OF HAMPTON**

WHEREAS, the Borough of Hampton hereby finds that tall grass and weeds can have a blighting effect on neighborhoods and can provide a refuge for vermin and insects; and

WHEREAS, the purpose of this ordinance is to secure the public health, safety and general welfare of the residents and property owners of the Borough of Hampton by regulating the height of grass and weeds.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hampton, the County of Hunterdon, that Chapter 99 entitled “Brush, Grass, and Weeds” of the Code of the Borough of Hampton (“Code”) is hereby added as follows:

SECTION 1. Chapter 99 of the Code of the Borough of Hampton entitled “Brush, Grass, and Weeds” is hereby added as follows:

§ 99 -1 Definitions

GRASS - any type of grass or weed, but not including crops grown as a source of income, including but not limited to corn, oats or barley.

NOXIOUS PLANT OR WEED - Any plant likely to have an adverse effect on the health or comfort of human beings, including but not limited to ragweed, goldenrod, poison oak, poison ivy, and sumac (poisonous and nonpoisonous).

WEEDS - grasses, annual plants and vegetation, other than trees or shrubs, provided however, that this term shall not include cultivated flowers, vegetables, and gardens.

§ 99-2 Exceptions

This chapter shall not apply to:

- A. Land used for agricultural purposes including weeds in fields devoted to growing any small grain crops such as wheat, oats, barley, or rye.
- B. Naturally wooded areas, regulated wetlands or meadows.
- C. Areas designated as undeveloped open space.

§ 99-3 Prohibited Conditions

- A. Grass and weeds over ten inches.

It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof, in the Borough, to permit or maintain on any lot or land or on or along the sidewalk, street or alley adjacent to the same any growth of grass, weeds or any other vegetation to a greater height than ten inches in any part or portion of said lot or land, or any accumulation of weeds, grass or brush.

B. Poisonous or noxious plants.

It shall be unlawful for owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof, in the Borough, to cause, suffer or allow poison ivy, ragweed or other poisonous and noxious plant or plants detrimental to health to grow on any lot or land or along the sidewalk, street, or alley adjacent to the same, or allow the seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.

C. Obstruction of public property or right-of-way

It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof, in the Borough, to cause, suffer, or allow vegetation to overhang or grow onto or into any public property or right-of-way, including, but not limited to any public alley, land, sidewalk, or street, so as to cause an obstruction to any person or vehicle using such property or right-of-way.

D. Dead, decaying, or diseased trees or vegetation.

It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof, in the Borough, to cause, suffer, or allow dead, decayed, or diseased trees or other vegetation to be present on any land or lot where such constitutes a fire hazard or is a detriment to the public health, safety, or welfare.

§ 99-4 Enforcement

A. This Ordinance shall be enforced by the Borough Code Enforcement Officer, Zoning Officer, Police Officers, or their designees.

§ 99-5 Violations, Penalties

A. Notice of First Offense. Any person violating the provisions of this Chapter, shall be served with a notice to abate the condition within ten (10) calendar days. Failure to abate such condition shall result in the issuance of summonses and the imposition of fines.

B. For a second violation of this Chapter within one year, any person shall, upon conviction, pay a fine or penalty in the sum of \$25 plus applicable court costs.

C. For a third or subsequent violation of this Chapter within one year, any person shall, upon conviction thereof, pay a fine or penalty as follows: for a third offense within one year, the sum of up to \$50 plus court costs; for a fourth offense within one year, the sum of up to \$300 plus court costs; for all subsequent offenses within one year, the sum of up to \$500 plus court costs.

D. Each day that violations continue shall constitute a separate offense, each day to be measured from the date the notice was received until the date the violation is corrected.

E. All notices required pursuant to this Chapter shall be served within any twelve-month period and this notice shall remain valid for the ensuing twelve-month period as notice for any subsequent violations. Such notices issued under this Chapter may be served personally or by Certified Mail.

F. The imposition and collection of the fine or penalty imposed by the provisions of this Chapter shall not constitute any bar to the right of the Borough to place a lien on the subject property pursuant to Section 99-6 hereunder.

§ 99-6 Removal by Borough; cost to be lien on the property.

Should the person upon whom such notice is served fail, neglect or refuse to cut and remove or cause to be cut and removed or otherwise destroyed such grass, weeds, rank vegetation, dead weeds, grass or brush, poison ivy or other poisonous or noxious plant or plants as hereinbefore described within 10 days after the service of such notice, the Borough may cause such grass, weeds or vegetation to be cut and removed. The actual cost of such cutting and removal shall be certified by the Code Enforcement Officer to the collector of taxes and shall become a lien on the property on which such grass, weeds, vegetation or poisonous plants were located and shall be added to and form part of the taxes next to be assessed on said lot or tract of land and shall be collected and enforced by the same office and in the same manner as taxes. The property in violation will be assessed a fee of \$100.00 per cutting and removal of items described in this paragraph.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall take effect upon final passage and publication according to law.

Roll Call Vote: AYES: Baker, Drummond, Rega, Swenson, Tampier, Wotanowski.
All ayes, motion carried.

Reports of Committees:

Cm. Swenson reported that the well building is up.

Mr. Brower explained that the new well project is going along well. Right now the electric is being done. All piping is for electric from one building to other is done.

Mr. Brower explained that when calculating for the fence the size of the generator was never considered. The generator increases the size of fence and there is also a need for double gates to be able to get a truck in to service the generator. The footprint of the fence is about 40 feet for and the cost for these additions is approximately \$8000.00. Must be able to access the generator.

Ms. Olsen, CFO indicated that we may be able to reach out to I Bank to do as a Change Order.

Bob Vance Tax Map and he is pretty sure he has all the information he needs and then he will send to Engineer Bill Burr and will include alley ways.

Cm. Baker noted that he did not have the opportunity to touch base with Mr. Farley regarding the need to be sure that the Borough is only being charged for the students that live in Hampton that attend North Warren. Mr. Baker will be contacting the Regional Office to obtain names and addresses of the students that are registered in the schools to be sure the addresses are in the Borough of Hampton.

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

Cm. Tampier had nothing. Mr. Brower reported that the State Fire Inspector will be here on Thursday to inspect the Municipal Building and DPW.

Cm. Drummond reported that the catch basins are done.

Mr. Brower reported that the contractors tried to do all of the scheduled paving in town on one day. Unfortunately there was an issue at the asphalt plant and not all paving was completed as planned. Weather permitting South Street, the squad lot and municipal lot will be paved this coming Thursday.

Mr. Brower also reported that the permits were pulled for the work to connect gas from the Municipal Building to the kitchen. The DPW will be drilling holes to prepare for that over the next couple of days.

New Business:

Motion by Cm Baker second by Cm Drummond to adopt the following resolution:

**BOROUGH OF HAMPTON
COUNTY OF HUNTERDON
RESOLUTION NO. 59-2019**

**RESOLUTION RESCINDING RESOLUTION NO. 58-2019 AUTHORIZING
ASSIGNMENT OF TAX SALE CERTIFICATE BY PRIVATE SALE**

WHEREAS, the Borough of Hampton (the "Borough") has received notification that the request from GTech Capital, LLC to take assignment of Certificate #2018, Block 21, Lot 26, which property is located at 10 Musconetcong River Rd in the Borough for the full redemptive value of the Certificate has been cancelled by requestor; and

NOW, THEREFORE, BE IT RESOLVED, that RESOLUTION NO. 58-2019 has been rescinded.

Roll Call Vote: AYES: Baker, Drummond, Rega, Swenson, Tampier, Wotanowski.
All ayes, motion carried.

Motion by Cm Drummond second by Cm Baker to adopt the following resolution:

**RESOLUTION NO. 60-2019
RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE**

WHEREAS, Certificate of Sale No. 19-001 were issued to the Borough of Hampton for delinquent taxes on Block 2, Lot 8.1 at a tax sale held on June 20, 2019; and

WHEREAS, the assessed owners, Randall Newmann and Elizabeth Manner have redeemed Certificate of Sale 19-002 by paying the full amount of the delinquency, \$2,132.48.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council that the Mayor and Municipal Clerk are hereby authorized to endorse Certificate of Sale No. 19-002 for cancellation.

Roll Call Vote: AYES: Baker, Drummond, Rega, Swenson, Tampier, Wotanowski
All ayes, motion carried.

Motion by Cm Baker second by Cm Drummond to adopt the following resolution:

**RESOLUTION NO. 61-2019
TAX SALE REDEMPTION**

WHEREAS, the Tax Collector has been paid by for the redemption of Tax Sale Certificate No. 19-002 in the amount of \$13,886.25, and

WHEREAS, the lienholder paid at the time of sale \$22,100.00 as a premium.

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 \$35,986.25, made payable to US Bank Cust for PC7 Firstrust Bank, TLSG, 50 S. 16th Street, Suite 2050, Philadelphia, PA for the redemption of Tax Sale Certificate No. 19-002.

Roll Call Vote: AYES: Baker, Drummond, Rega, Swenson, Tampier, Wotanowski.
All ayes, motion carried.

Motion by Cm Baker second by Cm Drummond to adopt the following resolution:

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
RESOLUTION NO. 62 -2019**

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 2018 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: AYES: Baker, Drummond, Rega, Swenson, Tampier, Wotanowski
All ayes, motion carried.

Deputy Clerk Leidner inquired as to the date and time for the Halloween Parade. Fire Chief Rick Allen noted that the annual Halloween Parade hosted by the Hampton Fire Company will be held on Sunday October 27 beginning at 1pm.

Cm. Rega inquired as to whether the second meeting of the month should be canceled. Cm. Baker noted he would agree with not having that meeting. All members of the Hampton Borough Council agreed to cancel the second meeting of September unless something comes up that would cause the meeting to be held.

Bills and Claims: Motion by Cm Baker second by Cm Drummond to authorize the Chief Financial Officer to pay all routine bills and claims prior to the next meeting of the Council.

Roll Call Vote: AYES: Baker, Drummond, Rega, Swenson, Tampier, Wotanowski.
All ayes, motion carried.

Motion by Cm Baker second by Cm Rega to authorize the payment of the September 9, 2019 bills and claims as submitted by the Chief Financial Officer.

Roll Call Vote: AYES: Baker, Drummond, Rega, Swenson, Tampier, Wotanowski.
All ayes, motion carried.

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 8:15 p.m.

Respectfully submitted,

Linda Leidner, RMC
Deputy Municipal Clerk