

BOROUGH OF HAMPTON  
**BOROUGH COUNCIL MEETING MINUTES**

**REGULAR MEETING**

**November 18, 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.

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, Tara St. Angelo, Borough Attorney, and Linda Leidner, Deputy Borough Clerk.

The minutes of the Regular Session meeting of October 28, 2019 and the Executive Session Minutes of October 14, 2019 and October 28, 2019 were approved as presented by the Deputy Municipal Clerk by a motion that was made by Cm Drummond second by Cm Baker; Voice Vote: All ayes motion carried.

**Comments and Questions from the Public:**

**Rick Allen, Fire Chief** was excited to share that many Fire Company members are coming out for calls.

Mr. Allen also voiced concerns about the striping of the area on the side of the firehouse that would not allow the members of the fire company to park next to the firehouse during calls. Mr. Allen expressed concern that this will put strain on the members because parking is so limited.

Cm. Drummond expressed concern about the members parking in that location during business hours for the Borough.

After a lengthy discussion the following Motion was made:

Cm. Swenson made a motion to place three signs on the side of the building "No Parking between 8:30-4 Mon-Friday" which was seconded by Cm Wotanowski.

Roll Call Vote: Baker-Aye, Drummond – No, Rega-Aye, Swenson- Aye, Tampier - Abstain,  
Wotanowski-Aye. Motion carried.

**Communications:**

**Email from Guliet Hirsch** - Request for Action Response to October 2019 Suburban Consulting Engineers Water System Evaluation Report – This will be discussed in Executive Session for Contract Negotiation.

**Old Business:**

Cm. Baker made a motion to open Public Hearing on BOND ORDINANCE NO. 05-2019, which was seconded by Cm. Rega.

Voice Vote: All ayes. Motion carried.

**BOROUGH OF HAMPTON  
HUNTERDON COUNTY, NEW JERSEY  
BOND ORDINANCE NO. 05-2019**

BOND ORDINANCE PROVIDING FOR THE LUMBERYARD PROPERTY CLEANUP IN AND BY THE BOROUGH OF HAMPTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$238,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HAMPTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hampton, in the County of Hunterdon, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$250,000, including the sum of \$12,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$238,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Lumberyard Property cleanup, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any

inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$238,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Cm. Swenson inquired as to whether the Borough can go out for RFP's for this or does the Borough have to use Maser Consulting. It was explained that at the previous meeting it was decided that we would be going out for RFP's for an LSRP.

Motion by Cm. Rega, second by Cm. Baker to close the Public Hearing.

Voice Vote: All ayes, motion carried.

Motion by Cm. Rega, second by Cm. Baker to adopt Ordinance No. 05-2019 and to include the cost of advertising.

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

All ayes, motion carried.

**Livestock Ordinance** – Discussion was held regarding the creation of an Ordinance that would deal with chickens and roosters on properties. Borough Attorney Tara St. Angelo will begin working on an Ordinance to be reviewed by the Borough Council. The members of the Borough Council all agreed that the sample Califon Ordinance would be a good one to follow for Hampton. Due to the fact that the end of the year is coming the Ordinance will not be officially introduced until 2020.

**Court Shared Services** – This will be discussed in Executive Session under Contract Negotiations. Cm. Baker reported that he and Deputy Clerk Leidner have done research as to how other municipalities handle their court services.

#### **Reports of Committees:**

**Cm. Swenson** – Cm. Swenson reported that in bills and claims the Borough will be making the final payment on the 40 year loan for the water system.

DPW Director Alan Brower reported that there was a water main break on Veteran's Day while he was away. Deputy Director Matt Schafer did a great job handling the situation.

**Cm. Rega** – Reported that Chief Kubinak has started his assessment of the Borough for Crossing Guards. He has been at the school speaking to staff and parents.

**Cm. Wotanowski** had nothing to report.

**Cm. Baker** had nothing to report.

**Cm. Tampier** had nothing to report.

**Cm. Drummond** explained that DPW Director Brower asked that the part time employees that came in to work on the water main break on the Veteran's Day holiday be compensated with the time and a half that full time employees receive. All members of the Borough Council agreed that this should be approved and placed in the Personnel Policy as a permanent policy. This will need to be done by Resolution. The Personnel Committee will meet to work on making this an official part of the policy.

Cm. Drummond made a motion to pay part time per diem employees time and half when called in on an emergency call on a holiday, which was seconded by Cm. Swenson.

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

**New Business:**

**Setting Date for Reorganization Meeting** – the Borough Council will hold the Reorganization Meeting on Monday, January 6, 2020 at 7:30pm and the first Regular Meeting will be held immediately following the Reorganization Meeting.

Approval to send Request for Proposal (RFP's) for professional services or Non Fair and Open Letters with Pay to Play paperwork for the following:  
Attorney, Auditor, Bond Counsel, Municipal Engineer, Water Engineer, Municipal Planner

The Hampton Borough Council has decided to go out for RFP's for all Borough Professionals for 2020. The Deputy Borough Clerk will begin the process.

**Motion by C. Drummond, second by Cm. Baker to approve the following Resolution:**

**Resolution No. 68-2019** Resolution Calling for Study Commission to Review the Open Public Records Act

**RESOLUTION NO. 68-2019  
Resolution Calling for Study Commission to Review the Open Public Records Act**

**WHEREAS**, the Borough of Hampton strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

**WHEREAS**, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

**WHEREAS**, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

**WHEREAS**, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

**WHEREAS**, the Borough of Hampton has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

**WHEREAS**, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

**WHEREAS**, the Borough of Hampton received and responded to 16 OPRA requests in 2017, 28 OPRA requests in 2018, and to date has received and responded to 28 OPRA requests as of September 1, 2019; and

**WHEREAS**, the Hampton Borough municipal staff has spent approximately 100 hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 250 hours since 2017; and

**WHEREAS**, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Hampton must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees; and

**WHEREAS**, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

**WHEREAS**, as the current law approaches its twentieth (20<sup>th</sup>) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

**NOW, THEREFORE BE IT RESOLVED** that the governing body of the Borough of Hampton appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission’s findings to perform a comprehensive reform of OPRA; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to Assemblyman John DiMaio and Assemblyman Erik C. Peterson, Senator Michael J. Doherty, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

Voice Vote. All Ayes, motion carried.

**Motion by Cm. Rega, second by Cm. Wotanowski approve the following Resolution:**

**RESOLUTION # 69-2019**

**WHEREAS**, it has been determined that there will be excesses in certain appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations for the year 2019 and it has also been determined that certain appropriations are deemed to be insufficient to fulfill the purposes of such appropriations; and

**WHEREAS**, N.J.S.A. 40A:4-58 provides for the transfer of the amount of such appropriations as may be deemed in excess to such appropriations as may be deemed to be insufficient; and

**WHEREAS**, the transfers about to be authorized do not affect any appropriations, to which or from which transfer are prohibited under the statutes;

**NOW, THEREFORE, BE IT RESOLVED** that the following transfers between 2019 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

		<u>From</u>	<u>To</u>
Municipal Clerk	Other Expenses	\$ 2,000.00	
Group Insurance	Other Expenses	\$ 5,000.00	
Finance Administration	Other Expenses	\$ 500.00	
Gasoline	Other Expenses	\$ 5,000.00	

Natural Gas	Other Expenses	\$ 2,000.00	
Audit	Other Expenses	\$ 1,500.00	
Municipal Clerk	Salary & Wages		\$10,000.00
Engineering	Other Expenses		\$ 5,000.00
Parks & Playgrounds	Other Expenses		\$ 1,000.00
<b>TOTALS</b>		<u>\$ 16,000.00</u>	<u>\$16,000.00</u>

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

**Motion by Cm. Rega second by Cm. Wotanowski to approve the following Resolution:**  
**RESOLUTION NO 70-2019**

**WHEREAS**, the Borough of Hampton, Hunterdon County, New Jersey desires to amend the 2019 Capital Budget of said municipality by inserting thereon as shown in such budget for the following reason:

LUMBERYARD PROPERTY CLEANUP

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

Section 1. the 2019 Capital Budget of the Borough of Hampton is hereby amended by adding thereto a Schedule to read as follows:

AMENDMENT NO. 1				
CAPITAL BUDGET OF THE				
BOROUGH OF HAMPTON, NEW JERSEY				
Project Schedules for 2019				
Method of Financing				
	Est.	Capital	Grants	General
<u>Project</u>	<u>Cost</u>	<u>Imp. Fund</u>	<u>In Aid</u>	<u>Bonds</u>
Lumberyard				
Cleanup	\$250,000	\$12,000	\$0	\$238,000

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

**Bills and Claims:**

Motion by Cm Baker second by Cm. Wotanowski to authorize the payment of the November 18, 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.

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

**BOROUGH OF HAMPTON  
RESOLUTION AUTHORIZING EXECUTIVE SESSION  
RESOLUTION NO. 71 -2019**

**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 insure 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. 40:4-12; 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:

**CONTRACT NEGOTIATIONS**

**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.

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

Executive Session began at 8:30pm

Motion by Cm. Baker, second by Cm. Rega to close the Executive Session and to go into Public Session

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

Executive Session ended at 9:08pm

Results of Executive session:

**Motion was made by Cm Swenson, seconded by Cm. Rega** to authorize Cm. Baker to reach out to Clinton Township Court to discuss a Shared Services for Municipal Court Service.

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

**Adjournment:** Motion by Cm Swenson second by Cm Drummond to adjourn the Regular Meeting of the Hampton Borough Council. Voice Vote: All ayes motion carried. The meeting adjourned at 9:09p.m.

Respectfully submitted,

Linda Leidner, RMC  
Deputy Municipal Clerk