

BOROUGH OF HAMPTON
BOROUGH COUNCIL MEETING MINUTES

REGULAR MEETING

October 14, 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, Kathy Olsen, CFO, Matthew Lyons, Borough Attorney, and Linda Leidner, Deputy Borough Clerk.

The minutes of the Regular Session meetings of September 9, 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:

Lisa Moretti – 26 West Grand Street inquired as to the progress of the proposed Livestock Ordinance. Deputy Clerk Leidner explained that the council has not received any additional sample ordinances to review from the Borough Attorney's office.

Fire Chief Rick Allen inquired as to whether the Borough Council has any questions regarding the Hampton Fire Company. There were none.

Communications:

Memo from JCP&L regarding the installation of New Automated Devices to help reduce duration of Power Outages.

Notification from NJ Highlands Council regarding RMP Addendum 2019-2 – See Resolution No. 63-2019

Letter from Hunterdon County Board of Chosen Freeholders requesting the Borough Council to adopt a resolution opposing Penn East Company's permit applications similar to the one they have adopted. Borough Attorney Matt Lyons explained that Penn East was denied the permit they were requesting, so there is no need to consider a resolution at this time.

3rd Quarter 2019 Zoning Officer's Report

3rd Quarter 2019 Municipal Violations/Code Enforcement Officer's Report

Letter from State of New Jersey Department of Transportation regarding requirement to award FY2018 Main Street Improvement Project by February 21, 2020

Memo from PAIC re: Return of Surplus Check for the 12/13/17 Fund Year received in the amount of \$1,439.00

Email received from NJDEP re: Initiative on Unwanted Residential Soil Dumping

Cm. Drummond made a motion, seconded by Cm. Rega to authorize the Borough Attorney to obtain sample ordinances from soil ordinances from other municipalities and present them to the Borough Council for review.

Voice Vote: All ayes, motion carried.

Old Business:

Public Hearing and Adoption of the following Ordinance:

Cm. Wotanowski made a motion to open the Public Hearing on Ordinance No. 04-2019, which was seconded by Cm. Rega.

Voice Vote: All ayes, motion carried.

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.

There were no comments or questions from the public.

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

Voice Vote: All ayes, motion carried.

Motion by Cm. Rega, second by Cm. Wotanowski to adopt Ordinance No. 04-2019 and to include the cost of advertising.

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

All ayes, motion carried.

Livestock Ordinance – This discussion was tabled to the next meeting, no sample ordinance were available at this time.

Lumberyard Property - Borough Attorney Matt Lyons explained that due to the nature of this discussion it should be discussed during Executive Session as Contract Negotiations and Potential Litigation.

Reports of Committees:

Cm. Swenson reported that he has been in contact with Borough Engineer Bill Burr regarding the update of the Tax Maps. Once Tax Assessor is back from medical leave they can meet to discuss and finalize changes.

Cm. Rega – Reported that he had the opportunity to speak with Corey Kubinak, Chief of Police, Town of Clinton as well as Mayor Kovach regarding the possibility of a Shared Service for crossing guards. This will be discussed in more detail during Executive Session under Contract Negotiations.

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. Wotanowski had nothing to report.

Cm. Baker – Reported that he reached out to the High School Business Administrator to get the names and addresses of the students they have listed as Hampton residents. The will not release that information to the Borough. Mr. Baker will continue to try to get the information. Matt Lyons indicated that he may be able to make a formal request on behalf of the Borough.

Cm. Tampier noted that the paving of is done. Mr. Brower added that he is waiting to hear from the company that will be doing the line striping in the parking lots. It is hoped that this will be done over the weekend.

Mr. Brower reported that the State Fire did his inspection and the Borough received violations. Mr. Brower has already corrected what he is able to, which included getting a burn permit.

Mr. Brower also reported that during the inspection it was noted that the Borough needs to install a fire door at the top of the stairs. Mr. Brower is looking into the best way to proceed with this requirement.

Mr. Brower also reported that he interviewed 7 people for the part time DPW position. Mr. Brower would like to hire Robert Coates

Motion by Cm. Swenson to hire Robert Coates as a Part Time Laborer, which was seconded by Cm. Rega.

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

All ayes, motion carried.

Cm. Drummond had nothing to report.

New Business:

Hampton Woman's Club – Sign Proposal – Lisa Cregar and Lynne Cote, Members of the Hampton Woman's Club were in attendance to discuss the replacement of the Welcome to Hampton signs. The Woman's Club offered to redesign and replace the existing signs at no cost to Hampton Borough. All of the members of the Borough Council felt that it was a very generous offer. When the final design is prepared the members of the Woman's Club will bring the design for the Borough Council Members to review and approve.

Motion was made by Cm. Drummond, which was seconded by Cm. Tampier to authorize the Hampton Woman's Club to move forward with the plan to redesign and replace the Welcome to Hampton signs.

Voice Vote: All ayes, motion carried.

The signs would become the property of the Borough and added to the fixed asset list once they are placed.

The Borough Council Members also noted that the banners and Christmas decorations that the Woman's Club donated last year really looked great.

Discussion and Review of the Best Practices Worksheet CY2019/SFY 2020 as completed and filed by Kathy Olsen, CFO. All members of the Borough Council received a copy and were able to review it. Ms. Olsen noted that there were 92 questions this year, many were just informational. Our score was a 35.5 Hampton Borough will not have any loss in State Aid.

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

RESOLUTION NO. 63-2019

A RESOLUTION CONSENTING TO THE PROSPED HABERMAN HAMPTON SITE-SPECIFIC WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT

WHEREAS, THE Hampton Borough Council desires to provide for the orderly development of wastewater facilities within Hampton Borough; and

WHEREAS, the October 26, 2015 Amended Litigation Settlement Agreement between the Borough of Hampton and Jacob Haberman, as amended by July 24, 2017 Revision and Schedule B thereto,

requires the Borough to support and consent to any wastewater management plan amendment to allow on-site ground water disposal/sewage treatment on the Haberman site; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment publicly noticed in the New Jersey Register on September 3, 2019 for Haberman Hampton has been prepared by Tony DiLodovico of Bowman Consulting Group,

NOW, THEREFORE, BE IT RESOLVED on this 14th day of October 2019, by the Borough Council of the Borough of Hampton that:

1. The Hampton Borough Council hereby consents to the Haberman Hampton amendment, as publicly noticed in the attached 9/3/2019 notice in the New Jersey Register, and incorporation into the applicable WQM plan.
2. This consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.

I do hereby certify that the forgoing is a true copy of a Resolution passed by Hampton Borough Council at a meeting duly held on October 14, 2019.

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

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

**RESOLUTION NO. 64-2019
RESOLUTION ADDING CERTAIN ORDINANCE VIOLATIONS TO THE LOCAL
OFFENSE LIST**

WHEREAS, the Borough of Hampton (the “Borough”) adopted Ordinance No.04-2019 on October 14, 2019 which sets standards for lawn maintenance and sets forth penalties for violations of such standards and is attached hereto; and

WHEREAS, it is the intent of the Borough to *not* require court appearances for first and second offenses of the above-referenced ordinance; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. First violations of Ordinance 04-2019 within a one-year period shall be subject to notice only.
2. Second violations of Ordinance 04-2019 shall be subject to a \$25 fine plus applicable court costs and shall be added to the Local Offense List and shall not require a court appearance.

3. Third and subsequent violations of Ordinance 04-2019 shall be subject to a range of fines as set forth therein and shall require a court appearance.

4. A copy of this Resolution and attached ordinance shall be forwarded to the Raritan Township / Borough of Hampton Municipal Court Administrator.

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

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

RESOLUTION NO. 65-2019

RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY VIA PUBLIC AUCTION

WHEREAS, N.J.S.A.40A:11-36 permits a municipality to sell personal property not needed for public use via public auction; and

WHEREAS, the Borough of Hampton has determined that the items listed in the attached exhibit represent the municipal property that they would like to attempt to sell via public auction; and

WHEREAS, the N.J.S.A.:11-2 allows municipalities to purchase any goods or services under any contract or contracts for such goods or services entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, GovDeals has been awarded a Contract from the State by the Division of Purchase and Property in the Department of the Treasury for the provision of internet-based auctioneering services in order to dispose of public property; and

WHEREAS, the Borough of Hampton desires to utilize the services provided by GovDeals, in accordance with the terms and conditions of their State Contract for purposes of expanding the visibility of their auction.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hampton, Hunterdon County, New Jersey, that it hereby authorized the following:

1. Public Auction of the items listed in the attached exhibit in accordance with the Local Public Contracts Law. (**Canon Copier, RICOH Copier & Leaf Vac**)
2. Use of State Contract for the provision of internet-based auctioneering services.

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

Bills and Claims:

Motion by Cm Baker second by Cm Rega to authorize the payment of the October 14, 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 Rega to adopt the following resolution:

**BOROUGH OF HAMPTON
RESOLUTION AUTHORIZING EXECUTIVE SESSION
RESOLUTION NO. 66 -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:

PERSONNEL, POTENTIAL LITIGATION AND 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 8:36pm

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 9:02pm

Public Comment section of meeting was reopened so that Mr. Hal Danielson could speak as he didn't have an opportunity to do so during the first session with a Motion by Cm. Rega, second by Cm. Wotanowski.

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

Harold Danielson – 7 Dutch Hill Road and Pine stone. Mr. Danielsohn is having an issue of dumping on his property and would like to fence off his property. Mr. Danielsohn tried to contact the landowner that is adjacent to his property to see if they would like to sell the property to him. Without this property fenced in there would be a 40 foot piece of property that will be vulnerable to the dumping. The Borough Council recommended to him to speak to the Zoning Officer about the fence. The Borough Council has no authority to take any action regarding the property in question.

Motion to close the reopened Public Comment Section was made by Cm Drummond, which was seconded by Cm. Rega.

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

Motion was made by Cm. Baker, second by Cm. Wotanowski to advertise for a RFP for an LSRP for the Lumberyard Property.

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

Motion was made by Cm Drummond, seconded by Cm. Baker to name Matthew Schafer as Deputy Director of Public Works retroactive to January 1, 2019.

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 9:22p.m.

Respectfully submitted,

Linda Leidner, RMC
Deputy Municipal Clerk