

This Meeting was held in Person following all Covid Guidelines.

BOROUGH OF HAMPTON

REGULAR MEETING

April 12, 2021

Mayor Shaner called the Regular Meeting of the Hampton Borough Council to order at 7:30p.m. Mayor Shaner gave the Open Public Meetings Act Statement. The notice of this meeting was advertised in the Hunterdon Democrat on January 14, 2021. 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
		John Drummond	Doug Rega
		Carroll Swenson	Jeff Tampier
		Rob Wotanowski	

The following people were also present: Kathy Olsen, CFO, Alan Brower, DPW Director, Rob Vance, Tax Assessor, Patrick Brennan, Borough Engineer, Matt Lyons, Borough Attorney

Motion by Cm. Drummond, second by Cm. Rega to approve the Minutes of the March 22, 2021 Regular Meeting and the March 16, 2021 Budget Meeting.

Voice Vote. All ayes, motion carried.

Comments and Questions from the Public:

Mayor Shaner moved the Lumberyard discussion to this portion of the meeting. Mr. Raes from Engineering and Land Planning, the Hampton Borough LSRP gave a report as to the progress of the Lumberyard Remediation process and the steps required to be in compliance. Mr. Raes will provide a new proposal that includes all steps through the end of the process and what the Borough is looking at as far as the cost. This proposal will be presented for approval at the next meeting of the Borough Council.

Clinton Police Chief Corey Kubinak gave a report on the Borough's Crossing Guards. Chief Kubinak also offered other possible Shared Services options for the Borough Council to consider.

Mr. Bruton 122 Main Street: Requested the Borough Council to consider making an exception to the existing street opening permit moratorium that is in place until 2024. Mr. Bruton would like to hook into the gas line that is available on Main Street. Mr. Bruton explained that if he does not hook in within a year he will miss the ability to do so at no charge.

The Borough Engineer explained the reasons why authorizing a disturbance in the newly paved roadway is an issue. This road project was done with a Grant from the State of New Jersey and there are certain requirements that were required to be met and followed in order to obtain the grant.

Fire Chief Rick Allen inquired as to which municipal professional would be available 24/7 and would have the authority to deem a building unsafe and take the proper steps to secure the area after an event such as a building collapse. It was noted that Chapter 107 gives the Municipal Violations Officer the authority to do so. The proper steps would be for Hunterdon Communications to be contacted and they would reach out to the Municipal Violations Officer to report to the scene.

This Meeting was held in Person following all Covid Guidelines.

Chief Allen also asked the Borough Council for permission to reach out the DPW during the day if there is an emergency in the Borough. The daytime crew is very small and there may be times when the Fire Company needs assistance.

Communications:

Request from Fire Chief Rick Allen to discuss what Borough Official should be on call 24/7 and has the ability to condemn/block off an area during an emergency.

Fire Chief Rick Allen inquired as to which municipal professional would be available 24/7 and would have the authority to deem a building unsafe and take the proper steps to secure the area after an event such as a building collapse. It was noted that Chapter 107 gives the Municipal Violations Officer the authority to do so. The proper steps would be for Hunterdon Communications to be contacted and they would reach out to the Municipal Violations Officer to report to the scene.

Chief Allen also asked the Borough Council for permission to reach out the DPW during the day if there is an emergency in the Borough. The daytime crew is very small and there may be times when the Fire Company needs assistance.

Email from TRC Companies re: Local Government Energy Audit Program – Webinar April 14, 2021 11:00am. –Municipal Clerk will attend and report back to the Borough Council.

Zoning Officer – First Quarter 2021 Report – No discussion.

Tax Collector – March 2021 Report – No discussion.

Unfinished Business:

PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCES:

Motion by Cm. Drummond, second by Cm. Rega to open the Public Hearing on the following Ordinance: ORDINANCE NO. 04-2021

**ORDINANCE #04-2021
ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE
RIGHTS OF THE PUBLIC IN A PORTION OF PAPER STREETS AND
ALLEYWAYS**

WHEREAS, there exists in the Borough of Hampton unimproved paper streets known as Alleys between New Street and Foss Avenue, as shown on the Official Tax Map of Hampton (the “Unimproved Streets”) that serves no public purpose, requires unwarranted Borough maintenance costs, and needs to be vacated; and

WHEREAS, the entirety of Unimproved Streets is neither open to the public for the purposes of vehicular traffic nor publicly maintained as a street; therefore, this vacation ordinance is not subject to review by the Commissioner of the New Jersey Department of Transportation with regard to the traffic regulations thereon pursuant to N.J.S.A. 39:4-8; and

WHEREAS, N.J.S.A. 40:67-1b and N.J.S.A. 40:67-19 empowers the governing body of a municipality to make, amend, repeal and enforce ordinances to vacate any public street, including the vacation of any portion of any public street, and to vacate any street, or any part thereof,

This Meeting was held in Person following all Covid Guidelines.

dedicated to public use but not accepted by the municipality, whether or not the same, or any part, has been actually opened or improved; and

WHEREAS, the Mayor and Council of the Borough of Hampton, have considered evidence that the Unimproved Streets and Alley Ways to be vacated are not needed by the general public as a public thoroughfare and lends itself to higher and better use than as and for a public thoroughfare and for use by the general public, and the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have in and to the below described Unimproved Streets and Alley Ways; and

WHEREAS, the portion of the Unimproved Street to be vacated known as the alley between beginning at Charlestown Road at Block 1, Lots 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 12.01, 12.02 and 12.03, and where it ceases in the direction of South Street at Block 1, Lots 9 and 9.02, as depicted on the Tax Map of the Borough of Hampton attached hereto as Exhibit A (hereafter the area to be vacated shall be referred to as the “Charlestown Road Vacation Area”); and

WHEREAS, the public right-of-way to be vacated shall revert to the corresponding property owners of the property, each getting a portion, identified as Block 1, Lots 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 12.01, 12.02 and 12.03; and

WHEREAS, the portion of the Unimproved Street to be vacated known as the alley, between New Street and Foss Avenue, beginning at Moore Street at Block 9, Lots 7 and 9, and where it ceases in the direction of New Street at Block 9, Lots 1 and 3, as depicted on the Tax Map of the Borough of Hampton attached hereto as Exhibit A (hereafter the area to be vacated shall be referred to as the “Moore Street Vacation Area”); and

WHEREAS, the public right-of-way to be vacated shall revert to the corresponding property owners of the property, each getting a portion, identified as Block 9, Lots 1, 2, 3, 4, 5, 7, 9, and 12, and

WHEREAS, the portion of the Unimproved Street to be vacated known as the alley, between New Street and Foss Avenue, beginning at Madeline Street at Block 10, Lot 3, and where it ceases in the direction of Moore Street at Block 10, Lots 5 and 15, as depicted on the Tax Map of the Borough of Hampton attached hereto as Exhibit A (hereafter the area to be vacated shall be referred to as the “Madeline Street Vacation Area”); and

WHEREAS, the public right-of-way to be vacated shall revert to the corresponding property owners of the property, each getting a portion, identified as Block 10, Lots 1, 3, 5, 12 and 15; and

WHEREAS, the Mayor and Council of the Borough of Hampton have determined that the vacation of the public right-of-way being a portion of the Unimproved Streets identified as Charlestown Road Vacation Area, Moore Street Vacation Area, and Madeline Street Vacation Area will better serve the public interest.

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

SECTION 1. Subject to the conditions set forth herein, the rights of the public in and to a portion of the Unimproved Streets, identified as Charlestown Road Vacation Area, Moore Street Vacation Area, and Madeline Street Vacation Area, is hereby released, extinguished and vacated.

SECTION 2. The Charlestown Road Vacation Area, being a portion of the Unimproved Streets, which is hereby vacated, shall revert to the owners of, and shall merge, consolidate with, and become a part of the property identified as New Street, Block 1, Lots 2, 3, 4, 5, 6, 7 and 8; and Foss Street, Block 1, Lots 10, 11, 12, 12.01, 12.02 and 12.03, on the Official Tax Map of the Borough of Hampton.

This Meeting was held in Person following all Covid Guidelines.

SECTION 3. The Moore Street Vacation Area, being a portion of the Unimproved Streets, which is hereby vacated, shall revert to the owner of, and shall merge, consolidate with, and become a part of the property identified as New Street, Block 9, Lots 1, and 3; Moore Street, Block 9, Lots 2, 7, and 9; East Main Street, Block 9, Lots 4 and 5; and Foss Street, Block 9, Lot 12, on the Official Tax Map of the Borough of Hampton.

SECTION 4. The Madeline Street Vacation Area, being a portion of the Unimproved Streets, which is hereby vacated, shall revert to the owner of, and shall merge, consolidate with, and become a part of the property identified as New Street, Block 10, Lots 1 and 5; Madeline Street, Block 10, Lot 3; Foss Street, Block 12, Lot 12; and Moore Street, Block 10, Lot 15, on the Official Tax Map of the Borough of Hampton.

SECTION 5. Pursuant to N.J.S.A. 40:67-1b. all public easements, right and interests to the portions of the Unimproved Street described herein below, are hereby vacated, released and extinguished except for said easements and rights specifically set forth in the description herein below and except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any Cable Television Company, as defined in the “Cable Television Act,” N.J.S.A. 48:5A-1, et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions, unless otherwise noted, shall be satisfied prior to the said vacation being effective.

SECTION 6. Pursuant to N.J.S.A. 40:67-21, the Borough Clerk shall within sixty (60) days after this Ordinance becomes effective file a copy of this Ordinance, certified by her, under the seal of the Borough of Hampton, to be a true copy of such Ordinance, together with a copy of proof of publication, if publication be required, in the office where conveyances of lands are recorded in Hunterdon County and such certified copy shall be recorded in a book with proper index to be provided for the purpose and entitled “Vacations.”

SECTION 7. After introduction, this Ordinance shall be referred to the Hampton Borough Planning Board for review and comment pursuant to N.J.S.A. 40:55D-26, -32, and -33, since vacation of a public street or portion thereof constitutes a change to the official map of Hampton Borough, Hunterdon County and the closing of a public street, albeit a paper unimproved street.

SECTION 8. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be given by the Borough Clerk to the owners of all real property, as shown on the current tax map duplicates, to be located within 200 feet in all directions of the T Charlestown Road Vacation Area, Moore Street Vacation Area, and Madeline Street Vacation Area between New Street and Foss Avenue. At least ten (10) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with the notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be published at least once in a newspaper published and circulated in the Township. This is the notice required by N.J.S.A. 40:67-19 and N.J.S.A. 40:49-6.

SECTION 9. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 10. 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 11. This ordinance shall become effectively immediately upon final adoption and

This Meeting was held in Person following all Covid Guidelines.

publication in accordance with the laws of the State of New Jersey.

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

Several residents that would be affected by this Ordinance asked if the Borough will be marking the new property lines in some way.

It was explained that ordering a survey for each property would create a large financial burden on the Borough. Therefore, there will be no lot line markings of any kind done by the Borough.

Borough Attorney, Matt Lyons noted that this Ordinance will be filed in the Hunterdon County Clerk's Office and will be recorded with the adjustment to each property affected by the vacation of alley ways. The Borough Clerk will send a copy of the Ordinance to all residents, along with the proper page of the Tax Map showing the change in property line, when provided by the Borough Engineer.

It was also noted there will be no improvements of any kind will be made by the Borough of Hampton on the existing alley ways.

Hearing no further questions Mayor Shaner closed the Public Hearing on Ordinance No. 04-2021.

Motion by Cm. Swenson to adopt Ordinance No. 04-2021, second by Cm. Drummond.

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

Motion by Cm. Rega, second by Cm. Wotanowski to open the Public Hearing on the following Ordinance: ORDINANCE NO. 05-2021

ORDINANCE NO. 05-2021

CALENDAR YEAR 2021

ORDINANCE TO EXCEED THE BUDGET APPROPRIATIONS LIMITS AND ESTABLISH A CAP BANK

(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Hampton, County of Hunterdon, hereby determines that this difference in the amount of \$22,978.95 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the

Minutes: April 12, 2021

This Meeting was held in Person following all Covid Guidelines.

next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

Mayor Shaner opened the Public Hearing. Seeing no comments or questions from the public, Mayor Shaner closed the Public Hearing.

Motion by Cm. Rega to adopt Ordinance No. 05-2021, second by Cm. Wotanowski.

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

Introduction of the following Ordinance Tabled – This Ordinance will be placed on subsequent agendas until all necessary information to move forward is available.

ORDINANCE NO. 01-2021 – ORDINANCE AUTHORIZING THE SALE OF BOROUGH OWNED PROPERTIES LOCATED AT 12 MACKENZIE ROAD, 202 ROUTE 31 NORTH AND 141 NJ ROUTE/31 BOWLBY STREET -

Discussion – Parking Ordinance - No updates.

School Study - No discussion.

Cannabis Legislation – Borough Attorney Matt Lyons explained that municipalities may prohibit the operation of any one or more classes of cannabis establishment or distribution by ordinance within 180 days of the effective date if the State Recreational Cannabis Law which is August 22, 2021. If the Borough Council takes no action than all 6 categories will be allowed in the Borough of Hampton.

An Ordinance will be created and considered for Introduction by the Borough Council.

Reports of Committees:

Cm. Swenson deferred to Alan Brower, DPW Director who reported that Well #5 is moving much closer to be fully functional.

CM. Drummond noted that Mr. Brower has requested to sell 2 items on Gov Deals.

Motion by Cm. Drummond, second by Cm. Wotanowski to authorize DPW Alan Brower to place for sale on Gov Deals a 1995 Ford 3930 Tractor and a 2002 F-450 Mason Dump.

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

Minutes: April 12, 2021

This Meeting was held in Person following all Covid Guidelines.

All ayes: Motion carried.

Borough Attorney Matt Lyons noted that Mr. Brower should provide the VIN numbers to the Borough Clerk at his earliest convenience.

Cm Celentano, Cm. Rega, Cm. Tampier, Cm. Wotanowski had nothing to report.

Municipal Clerk's Report – Linda Leidner, Borough Clerk requested that the date for the August Council Meeting be changed from Monday, August 16 to Monday August 9, 2021 due to a scheduling conflict.

Motion by Cm. Celentano, second by Cm. Rega to change the August Regular Council Meeting date from August 16, 2021 to August, 9, 2021.

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

All ayes: Motion carried.

New Business:

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

RESOLUTION NO. 42-2021: GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

RESOLUTION No. 42-2021

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the *Mayor and Council* of the *Borough of Hampton*, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

This Meeting was held in Person following all Covid Guidelines.

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

All ayes: Motion carried.

All members of the Borough Council signed the certification of compliance and this document will be on file with the Municipal Clerk.

Motion by Cm Rega, second by Cm Wotanowski to adopt the following Resolution:

RESOLUTION NO. 43-2021 TAX SALE REDEMPTION Certificate No. 19-004 in the amount of \$3,469.92.

**RESOLUTION NO. 43-2021
TAX SALE REDEMPTION**

WHEREAS, the Tax Collector has been paid by for the redemption of Tax Sale Certificate No. 19-004 in the amount of \$3,469.92, and

WHEREAS, the lienholder paid at the time of sale \$300.00 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 \$3,769.92, 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. 19-004.

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

All ayes: Motion carried.

Motion by Cm Celentano, second by Cm Swenson to adopt the following Resolution:

RESOLUTION NO. 44-2021 AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE SHARED SERVICE AGREEMENT WITH POLLUTION CONTROL AUTHORITY OF WARREN COUNTY

RESOLUTION NO. 44-2021

BE IT RESOLVED by the Council of the Borough of Hampton that the Mayor and Municipal Clerk are hereby authorized to execute the following agreement between the Borough of Hampton and the Pollution Control Financing Authority of Warren County for the period March 1, 2021 through February 28, 2022.

BE IT FURTHER RESOLVED that this Resolution shall become effective upon the approval of the Council of the Borough of Hampton.

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

All ayes: Motion carried.

Application for Raffle Licenses from Hampton Fire Company Ladies Auxiliary – License No. 03-2021 to be held on April 22, 2021 and License No. 04-2021 to be held on May 20, 2021.

Voice Vote; all ayes. Motion carried.

Park Rental Applications:

This Meeting was held in Person following all Covid Guidelines.

Motion by Cm. Rega, second by Cm. Drummond to approve the following **Park Rental Applications**.

Park Rental Application from Warren Hills FFA to use the Borough Park for an Awards Banquet on June 6, 2021. Approx. 75 participants. Port-A-John will be rented for the event.

Park Rental Application, fees and Port-A John Rental from Tammi McPherson for the use of the Borough Park on May 22, 2021 for a Memorial of Life. Approx. 80 participants

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

Bills and Claims: Motion by Cm Drummond second by Cm. Rega to approve the request from the Chief Financial Officer to pay the bills on the bill list of April 12, 2021.

Roll call vote: Celentano, Drummond, Rega, Swenson, Tampier, 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 8:50p.m.

Respectfully submitted,

Linda Leidner, RMC
Municipal Clerk