

**BOROUGH OF CALIFON COUNCIL
REGULAR MEETING
FEBRUARY 3, 2020**

Mayor Charles Daniel called the regular meeting of the Borough of Califon Council to order at 7:35 pm with the reading of the following Sunshine Law announcement: *“I would like to announce and have placed in the minutes that adequate notice of this regular meeting of the Califon Borough Council has been provided in accordance with the Open Public Meetings Act by publication of the legal notice in the Hunterdon Review and the Hunterdon County Democrat.”*

FLAG SALUTE

**ROLL CALL: PRESENT: J. COLLINS, E. HAVERSANG, L. JANAS, M. MEDEA,
C. SMITH
ABSENT: R. BAGGSTROM**

APPROVAL OF MINUTES

Motion was made by C. Smith seconded by L. Janas to approve the minutes from the meeting held on January 21, 2020.

For: J. Collins, E. Haversang, L. Janas, M. Medea, C. Smith

Opposed: None

Absent: R. Baggstrom

MOTION CARRIED

LIST OF BILLS

Motion was made by M. Medea seconded by E. Haversang to approve the list of bills in the amount of \$182,848.80.

For: J. Collins, E. Haversang, L. Janas, M. Medea, C. Smith

Opposed: None

Absent: R. Baggstrom

MOTION CARRIED

TREASURER’S REPORT

The Treasurer’s Report was reviewed and filed.

POLICE CHIEF REPORT

Police Chief Almer reported that the month of January was very active with over 1000 logs.

Chief Almer reminded the Mayor and Council about the comedy night sponsored by the Morris County Chief of Police Assn. to be held in Mountain Lakes on Friday, February 21st.

Chief Almer reported that there was another complaint about speeding on N. Main St. so the speed sign will be placed on N. Main St. for a while. There has also been reports of speeding on

Philhower Ave. so that the Police Dept. will run radar at the Frog Hollow garage. Chief Almer stated that there is also an issue with people parking in front of the Stop sign on the corner of Philhower Ave. and Main St.

CORRESPONDENCE

__ letter from Tim Weiler to Mayor, Council and Borough Engineer regarding flooding event at 43 Main St. from blocked storm culvert behind Califon Fire Co. during heavy rain on January 25th; with photos showing flooding in basement and in area flowing to the river

__ Bruce Morrow proposing the “Wall that Heals”; Vietnam Veterans Memorial; Replica and Mobile Education Center; to be installed in the Park in 2021.

__ Beckage Sealcoating; estimate for striping crosswalk at corner of Pershing Ave. and School St. in the amount of \$450.00

__ ANJEC; information on the importance of reducing single-use bags, polystyrene foam food products and straws with the adoption of a municipal ordinance

__ e-mail from County Clerk Mary Melfi; nominating petitions for local and County Committee will be due in Clerk’s office by March 30th at 4:00 pm

__ Lisa Hibbs from Commercial Utility – HAEC’s growing participating membership: Washington Twp., Chester Twp., Mendham Twp.; Delaware Twp., Kingwood Twp., Frenchtown, Lambertville, Stockton, Alexandria Twp.

__ Relay for Life sponsored “Febrewary” to be held on February 21st 7:00 to 10:00 pm at the Holiday Inn in Clinton

OLD BUSINESS

A. RESOLUTION – FINAL ADOPTION OF ORDINANCE 2020-01 COLA/INDEX FOLLOWING PUBLIC HEARING

The Clerk read the Ordinance 2020-01 by title: **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

Mayor Daniel opened the public hearing on Ordinance 2020-01. There being no comments from the public, the public hearing was closed.

The following Resolution was introduced for adoption:

RESOLUTION 2020-32

BE IT RESOLVED by the Mayor and Council of the Borough of Califon that Ordinance 2020-01 entitled: **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)** is hereby adopted upon final reading; and

BE IT FURTHER RESOLVED that Notice of Final Passage of Ordinance 2020-01 is to be published in the February 12, 2020 edition of the Hunterdon Review as required by law.

Motion was made by J. Collins seconded by L. Janas to adopt Resolution 2020-32 as read.

For: J. Collins, E. Haversang, L. Janas, M. Medea, C. Smith

Opposed: None

Absent: R. Baggstrom

MOTION CARRIED

B. RESOLUTION – APPROVAL OF 2020 PROFESSIONAL SERVICES CONTRACTS – PLANNING BOARD ATTORNEY AND PLANNING BOARD ENGINEER

The following Resolutions were introduced for adoption:

RESOLUTION 2020-33

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES – LEGAL SERVICES FOR PLANNING BOARD/BOARD OF ADJUSTMENT - 2020

WHEREAS, the Borough of Califon has a need to acquire LEGAL SERVICES FOR CALIFON PLANNING BOARD/BOARD OF ADJUSTMENT as a non-fair and open contract pursuant to provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, MARK ANDERSON, ESQ. OF WOOLSON, ANDERSON, PEACH, P.C. has submitted a proposal, indicating that the fee for all LEGAL SERVICES rendered shall be \$165.00 per hour; and

WHEREAS, MARK ANDERSON, ESQ. OF WOOLSON, ANDERSON, PEACH, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that MARK ANDERSON, ESQ. has not made any reportable contributions to a political or candidate committee in the Borough of Califon in the previous one year and that the contract will prohibit MARK ANDERSON, ESQ. from making any reportable contributions through the term of the contract; and

WHEREAS, the required certificate for the availability of funds has been filed by the Chief Financial Officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C. 5:30-14.5 and that fees for the aforementioned legal services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions by budget amendments for Federal program spending.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Califon, authorizes the Chairman and Secretary of the Califon Planning Board/Board of Adjustment to enter into a contract with MARK ANDERSON, ESQ. OF WOOLSON, ANDERSON, PEACH, P.C. as described herein as Attorney on behalf of the Borough of Califon Planning Board/Board of Adjustment for the year 2020; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Hunterdon Review; Califon Borough's legally designated publication.

Motion was made by M. Medea seconded by E. Haversang to adopt Resolution 2020-33 as read.
For: J. Collins, E. Haversang, L. Janas, M. Medea, C. Smith

Opposed: None

Absent: R. Baggstrom

MOTION CARRIED

RESOLUTION 2020-34

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES – ENGINEERING SERVICES FOR PLANNING BOARD/BOARD OF ADJUSTMENT - 2020

WHEREAS, the Borough of Califon has a need to acquire ENGINEERING SERVICES FOR CALIFON PLANNING BOARD/BOARD OF ADJUSTMENT as a non-fair and open contract pursuant to provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, THOMAS BOORADY, P.E. OF DARMOFALSKI ENGINEERING ASSOCIATES, INC. has submitted a proposal, indicating that the fee for all ENGINEERING SERVICES rendered shall be \$135.00 per hour; and

WHEREAS, THOMAS BOORADY, P.E. OF DARMOFALSKI ENGINEERING ASSOCIATES, INC. has completed and submitted a Business Entity Disclosure Certification which certifies that THOMAS BOORADY, P.E. has not made any reportable contributions to a political or candidate committee in the Borough of Califon in the previous one year and that the contract will prohibit THOMAS BOORADY, P.E. from making any reportable contributions through the term of the contract; and

WHEREAS, the required certificate for the availability of funds has been filed by the Chief Financial Officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C. 5:30-14.5 and that fees for the aforementioned

engineering services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions by budget amendments for Federal program spending.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Califon, authorizes the Chairman and Secretary of the Califon Planning Board/Board of Adjustment to enter into a contract with THOMAS BOORADY, P.E. OF DARMOFALSKI ENGINEERING ASSOCIATES, INC. as described herein as Engineer on behalf of the Borough of Califon Planning Board/Board of Adjustment for the year 2020; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Hunterdon Review; Califon Borough's legally designated publication.

Motion was made by M. Medea seconded by E. Haversang to adopt Resolution 2020-34 as read.
For: J. Collins, E. Haversang, L. Janas, M. Medea, C. Smith

Opposed: None

Absent: R. Baggstrom

MOTION CARRIED

C. DISCUSSION – RECREATION SPONSORED ACTIVITIES AT CALIFON SCHOOL – NEW FEES, REQUIREMENTS, ETC.

Council discussed the ongoing issue at the Califon School of Recreation/town sponsored recreational activities that, currently and in the past, have used the school facility. The school has updated their policy for use of the school facility and are now enacting the collection of fees from adult basketball and volleyball. Councilman Medea asked if the town wishes to continue ensuring these activities under the Borough insurance and allowing these activities to continue. Councilman Collins stated that the Borough needs to establish a policy as well as the school. As to the question of who is responsible for the collection and payment of fees, it was agreed that the Borough would receive the invoice from the school then collect the fee from the organization and pay the school. There was a discussion on whether it made more sense to collect a seasonal, one-time fee or pay monthly, etc.

All agreed that Tom Murin, who is chairman of the recreation sponsored adult basketball, would be asked to attend the next Recreation Committee meeting to sort out the outstanding issues.

NEW BUSINESS

A. RESOLUTION – APPOINTING 2020 P.A.C.O. (PUBLIC AGENCY COMPLIANCE OFFICER)

The following Resolution was introduced for adoption:

RESOLUTION 2020-35

WHEREAS, the State of New Jersey; Dept. of the Treasury, Division of Purchase and property Contract Compliance & Audit Unit; EEO Monitoring Program requires that, by law, every public agency must designate a Public Agency Compliance Officer (P.A.C.O.); and

WHEREAS, an individual designated to serve as the Public Agency Compliance Officer (P.A.C.O.) will be the point of contact for all matters concerning implementation and administration of the legal requirements of the Equal Employment Opportunity Monitoring Program; as well as being responsible for administering contracting procedures pertaining to equal employment regarding both the Public Agency and its service providers; and

WHEREAS, the P.A.C.O. must have the authority to recommend changes to effectively support the implementation of the statute and regulations.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Califon, Hunterdon County, New Jersey hereby designates the Municipal Clerk/Administrator, Laura G. Eidsvaag, as the official Public Agency Compliance Officer (P.A.C.O.) for the Borough of Califon; and

BE IT FURTHER RESOLVED that the official form designating the Borough of Califon P.A.C.O. will be forwarded to the division of Purchase and Property, Contract Compliance and Audit Unit, EEO Monitoring Program by the deadline of January 10, 2020, as required by law.

Motion was made by C. Smith seconded by E. Haversang to adopt Resolution 2020-35 as read.
For: J. Collins, E. Haversang, L. Janas, M. Medea, C. Smith

Opposed: None

Absent: R. Baggstrom

MOTION CARRIED

B. RESOLUTION – RESERVE BUDGET TRANSFER

The following Resolution was introduced for adoption:

RESOLUTION 2020-36

WHEREAS, IT APPEARS THAT THE UNEXPENDED BALANCE IN THE FOLLOWING ACCOUNT WILL NOT BE SUFFICIENT TO PAY OUTSTANDING BILLS:

10531099A Buildings & Grounds: OE

10514099A Computerized Data Processing: OE

AND WHEREAS, IT APPEARS THAT THERE WILL BE AN UNEXPENDED BALANCE IN THE FOLLOWING 2019 ACCOUNT:

10510010A General Admin: SW

10518020A Planning Board: OE

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CALIFON THAT THE FOLLOWING TRANSFERS BE AUTHORIZED AND WITHIN RESOLUTION IS THE AUTHORITY OF THE BOROUGH TREASURER TO MAKE SAID TRANSFERS:

AMOUNT	FROM	TO	AMOUNT
\$ 760.00	General Admin: SW	Buildings & Grounds: OE	\$ 1,927.52
\$1,519.52	Planning Board: OE	Computerized Data: OE	\$ 352.00

Motion was made by J. Collins seconded by M. Medea to adopt Resolution 2020-36 as read.

For: J. Collins, E. Haversang, L. Janas, M. Medea, C. Smith

Opposed: None

Absent: R. Baggstrom

MOTION CARRIED

COMMITTEE REPORTS

Councilman Medea reported that the parks Committee has not met. Nathan Snyder will be invited to attend the next Parks Committee meeting to discuss his proposal for recreational trails to Island Park.

Councilman Haversang reported that the Recreation Committee met on January 22nd. Amanda Altavilla will be the Chairperson for just one more year. The next Rec meeting will be held on Wednesday, February 12th. The Recreation Committee has scheduled a public meet and greet on Thursday, February 27th, 7:30 pm to 8:30 pm at the Municipal Bldg. for the purpose of recruiting new membership. There is a full schedule of 2020 Rec events both in the Califon Crier and on the website. Councilman Haversang read some of the events highlighting the Camp-Out at the Park on Friday, May 1st with the Trout Fest scheduled for Saturday, May 2nd and the Street Fair that will be held on Sunday October 11th.

Councilman Janas reported that the Planning Board met and reorganized on January 22nd. Art Owens is the Chair; Tom Bedell, the V. Chair; John Lynch, the Secretary. At the regular meeting, the Board heard an appeal from the resident of 44 Main St. concerning the legality of an apartment on the 1st floor. The property owner testified that it has always been an apartment so is grandfathered. The property owner was asking the Board to provide a certificate of non-conforming use. The PB attorney, Mark Anderson, told the property owner that the burden of proof is her responsibility and offered the option of returning to the PB with the proper evidence. Also discussed at this meeting was the current ordinance regulating solar panels.

Councilman Janas reported that the Board of Education has temporarily merged the long-range planning committee with the steering committee. To date there has been no meeting this year and there is currently no meeting scheduled.

Councilwoman Smith reported that the Board of Education met on January 29th. They have been interviewing CSA candidates; 9 to date and it has narrowed down to one. The final choice will be announced by April 1st.

Dr. Roberto announced that there is pending legislation in the state legislature that will require all public schools to be closed on election day.

Councilman Collins reported that the Board of Health will hold a special meeting on February 10th to consider approval of a septic waiver for a septic installation at 24 Academy St.

The Environmental Commission will meet on February 11th for their regular meeting. The annual Stream Clean-up will take place on April 18th and someone from the EC will be taking over this project from Karen Mastro; who has run it for the last few years.

Councilman Collins gave a status report on the Weis Dam project. He explained that there was a meeting recently held with the Mayor, Clerk, Borough attorney and engineer, Brian Cowden and Thomas Mathews from the County Engineer's office, to discuss next steps toward the removal of the remnants of the dam, following the recent removal of the concrete slab done by Hunterdon County. Councilman Collins explained that, during the conversation, it was clear that there will be costs incurred by the Borough if the Borough proceeds with plans to accept the donation from the County of approx. 14 acres of parkland extending from the dam, along the river and park, down to the site of the old mill. With the acceptance of this parkland by the town, would come the responsibility of removing the remnants of the dam; with a potential stream/river restoration project to follow.

Both the Engineer and Attorney have begun billing and the Borough Attorney is recommending that a Phase 1 Environmental Study be done; with particular emphasis on the site of the mill as a potential liability. Councilman Collins explained that the County has never done an Environmental Study and they would have to give approval as a prerequisite to donating the land to the town. Potential costs for the Environmental Study would run from \$3,000 to \$5,000 and some financial resources would need to be researched; such as tapping into potential funding from the Highlands Council. Councilman Collins stated that the mill, rather than the dam, is more the issue because of the potential liability. The Historical Society has expressed enthusiasm to acquire the site of the old mill; leave the foundation; remove the equipment and fill in the pit. Councilman Collins expressed hope that the town engage with the County to share ideas to improve the scope of this project. He did express that this project will not happen quickly and potentially will take a few years to fruition.

MAYOR'S REPORT

Mayor Daniel reported on a 3-phase meeting that took place on January 29th with the Borough Engineer and the DPW. The first phase of the meeting included the Mayor, Clerk, Streets & Roads Commissioner, Rich Baggstrom, Borough Engineer Tom Boorady, Kevin Pyatt and Brian Conner from the DPW, to discuss grants recently received from and approved by the DOT for Borough road projects. In 2020 the road improvement project for S. Main St. will get underway in the spring and the River Rd. improvement project will commence in the later part of the summer. In 2021, Cokesbury Rd./Crestmore/Cloverhill/Limerock improvement project will commence; however, this year the DPW will do a full depth repair and top coat with the full paving to occur in 2021.

Mayor Daniel explained that the 2nd phase of the meeting was the Bid opening for the Main St. Improvement project. The lowest bidder was Top Line at \$385,000. The bid will need to be reviewed and approved by our Borough Attorney and, before the bid can be awarded by Council, there are some specification issues with the bid package that need to be worked out between the

DOT and the Borough Engineer, Tom Boorady. We will be notified soon as to when the Council can award the contract for the Main St. Improvement Project.

The 3rd phase of the meeting concerned the Weis Dam project and was attended by the Mayor, Clerk, Borough Engineer, Tom Boorady, Borough Attorney, Peter Jost and Tom Mathews, Hunterdon County Engineer. Mayor Daniel reiterated the report given by Councilman Collins emphasizing that Hunterdon County is interested in donating the parkland to the Borough but they have no interest in expending funds, conducting environmental studies, etc.; the land would be donated as is.

Also discussed at this meeting was the flooding event experienced on Saturday that resulted in significant flooding of Tim Weiler's building and Bob Grant's home on Main St. Mayor Daniel explained that the rain was heavy and fast and the culvert in back of the firehouse became blocked at the grate and pooled; flood waters pouring across Railroad Ave. and flooding the two previously mentioned properties and headed down Main St. to the river. Mayor Daniel discussed that the DPW is conscientious about cleaning all the grates at all of the culverts prior to predicted storms, but the grates get blocked easily with leaves and debris when the rain is heavy and comes down fast. Mayor Daniel suggested that perhaps building a berm with high curbing on Railroad Ave.; channeling the water away from the downward slope and extending the water down Railroad Ave. with rip rap, might be a fairly inexpensive and easy solution. He will speak to the Borough Engineer and the DPW to discuss further; this is a serious problem and needs to be addressed.

Mayor Daniel stated that after this recent heavy rain, he noticed that the two catch basins; one in front of the circle at the post office and one in front of 1 Railroad Ave. are blocked with debris and the grates need to be cleaned out. The Clerk will contact the DPW to initiate the clean-out.

The Mayor and Council concurred that the next budget work session will be held on Wednesday, February 19th at 6:30 pm prior to the Council meeting that will begin at 7:30 pm.

COMMENTS FROM THE PUBLIC

Jane P., reporter from the Hunterdon Review asked if the Mayor and Council had heard from the Lebanon Twp. Old Schoolhouse Museum about their donation to Califon of an outhouse that they wish to move from behind their museum. The Mayor, Council and Clerk said that no one had heard of any such plans as yet. This may be an issue to discuss with the Historical Society at some point.

There being no further business to come before Council at this time, motion was made by C. Smith seconded by L. Janas and unanimously accepted to adjourn the meeting at 9:33 p.m.

Respectfully submitted:

Laura G. Eidsvaag, RMC
Municipal Clerk/Administrator