**BOROUGH OF CALIFON COUNCIL**

**REGULAR MEETING**

**OCTOBER 18, 2021**

Mayor Charles Daniel called the regular meeting to order at 7:45 p.m. with the reading of the following Sunshine Law announcement: ***“I would like to announce and have placed in the minute that adequate notice of this regular in person meeting of the Califon Borough Council has been provided in accordance with the Open Public Meetings Act by publication of the annual notice in the Hunterdon Review and the Hunterdon County Democrat.”***

**FLAG SALUTE**

**ROLL CALL: PRESENT: J. COLLINS, E. HAVERSANG, L. JANAS, C. SMITH**

 **ABSENT: R. BAGGSTROM, M. MEDEA**

 **ALSO PRESENT: MARK ANDERSON, BOROUGH ATTORNEY**

**LARRY CARSON, AQUA NJ – DISCUSSION OF OPTIONS FOR PLACEMENT OF WATER STORAGE TANKS DURING CLEANING AND PAINTING OF TANK FOR MAIN WELL**

**Mr. Carson passed out a flyer to Mayor and Council illustrating Options 1A, 1B, and 2 for the temporary storage of two (2) water tanks, 20,000 gallons each, to be placed in a secure location for an uninterrupted water supply during Aqua’s proposed painting and cleaning of the main water tank.**

**Mr. Carson explained that option 1A shows the location of the two water tanks, side by side, along the easement in front of the train museum; Option 1B shows the location of the tanks to be nose to nose on this same location; Option 2 shows the placement of the tanks on the Fire Company parking lot requiring a trench across Academy St. to accommodate piping. Mr. Carson further explained that all three options would require connecting to the fire hydrant on Railroad Ave. The duration of the storage of water tanks would be 2-3 months; perhaps longer. Mr. Carson stated that Aqua NJ would prefer the Mayor and Council approving either Option 1A or 1B. Rich Bergmann, Fire Chief, informed Council that the Fire Co. is fine with Option 2 but also suggested that Mayor and Council and Mr. Carson consider the Fire Co. lot #9 on Railroad Ave. be considered. (Option 9). Mayor and Council engaged in a lengthy discussion about all options, citing concerns with Option 1A, 1B & 2, due to the proposed proximity of the tanks to the Columbia Trail and the Columbia Gas transmission line. It was with the consensus of Council that Mayor Daniel stated that Option #9; along the easement of Railroad Ave. and in close proximity to the fire hydrant, would be the most advantageous location for the placement of the water tanks. Fire Chief Bergmann agreed and stated that this location was preferred by the Fire Co. as well.**

**There was further discussion concerning conditions to be imposed if all agreed to placement of the water tanks on Fire Co. owned Lot 9: written agreement indemnifying the Fire Dept. for incidents arising from placement of the tanks; Aqua to provide certification of insurance; verification that Borough right-of-way/easement can include placement of water tanks; boundary line along easement staked out from Academy to edge of lot 9. Mayor Daniel stated that the Borough Engineer will be in town on October 20th and will look at the site; will speak to homeowner on corner of Railroad and Academy to explain project and perhaps obtain a copy of a survey. Attorney Anderson commented that the engineer be asked to comment on whether or not it is permitted to place these tanks on the Borough easement and further stated that the property should be staked out. Attorney Anderson stated that he is happy to review any agreements pertaining to this project however, any fees incurred for his services should be paid by Aqua. Mr. Carson agreed to conditions as outlined however, because of the time frame to meet these conditions, the project may have to be delayed until spring of 2022. Residents in the audience had the following questions: 1) why has it taken so long for Aqua to come before Council for approval and why the rush to push this through now? 2) if project begins now, how will the cold weather affect the painting of the main tank? 3) will there be enough water supply with the 2 tanks if there is a fire in town? Mr. Carson answered that the delay was caused by supply chain problems; pipes would be heated to prevent freezing; and the Fire Co. would need to address water supply issues in the event of a fire.**

**Mayor and Council concurred to grant approval to proceed and move forward with this project subject to conditions as outlined and agreed to by Aqua NJ.**

**COMMENTS FROM THE PUBLIC**

**Bruce Morrow, who spearheaded the Traveling Vietnam Wall event this past weekend, thanked Mayor Daniel for his support of and his speeches both during the opening ceremony and the closing ceremony. Mayor Daniel thanked Mr. Morrow for organizing this moving tribute to all Vietnam veterans; passed and living. Matt Taylor, who assisted Mr. Morrow with this event, informed Council that he recorded the entire ceremony and it available for public viewing.**

**APPROVAL OF MINUTES**

**Approval of minutes from the meeting held on October 4 was tabled until November 1st meeting due to lack of adequate quorum.**

**LIST OF BILLS**

**Motion was made by J. Collins seconded by L. Janas to approve the list of bills in the amount of $17,452.13.**

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

**Opposed: None**

**Absent: R. Baggstrom, M. Medea**

**MOTION CARRIED**

**TAX COLLECTOR’S REPORT**

**The Tax Collector’s Report was reviewed and filed.**

**CORRESPONDENCE**

**\_\_ Municipal Court report for month of September, 2021**

**\_\_ Hunterdon Area Energy Cooperative; program update letter from Mayor Daniel to all residents; informing residents that the contract with IDT is ending November 30th and all service will be returned to JCP&L until the program can resume at a future date**

**\_\_ HAEC e-mail from Lisa Hibbs; auction scheduled for October 20th with 5 suppliers with the hope of favorable pricing**

**OLD BUSINESS**

**NONE**

**NEW BUSINESS**

1. **REVIEW AND DISCUSSION – ORDINANCE 2021-11- ELECTRIC VEHICLE SERVICE EQUIPMENT/PARKING SPACES**

**Borough Attorney, Mark Anderson, remarked that the copy the Mayor and Council are reviewing is a model ordinance from the State reflecting new legislation requiring municipalities to adopt an ordinance based on their model. Mr. Anderson noted that there are many blanks in the model that must be filled out. Mr. Anderson emphasized that there is no urgency to take action on this at this time; not necessary to do anything right now. Since this ordinance will be a land use ordinance, Mr. Anderson recommended that a copy of this model ordinance be forwarded to the Borough Planner and to the Califon Planning Board requesting their input and comments and assistance in filling out the numerous blanks.**

1. **RESOLUTION – AMENDMENT #1 TO 2021 CAPITAL BUDGET FOR VARIOUS ROADWAY IMPROVEMENTS TO COKESBURY RD., CLOVERHILL DR., CRESTMORE ST AND LIMEROCK LANE (METHOD OF FINANCING)**

**The following Resolution was introduced for adoption:**

**RESOLUTION 2021-82**

 **WHEREAS**, the Borough of Califon, County of Hunterdon, desires to amend the 2021 Capital Budget of said municipality by inserting thereon or correcting the items therein as shown in such budget for the following reason:

**“Various roadway improvements” to Cokesbury Rd.., Cloverhill Dr., Crestmore St. and Limerock Ln.**

 **NOW, THEREFORE, BE IT RESOLVED** by the Borough Committee of the Borough of Califon of the County of Hunterdon, as follows:

 **Section 1.** the 2021 Capital Budget of the Borough of Califon is hereby amended by adding thereto a Schedule to read as follows:

**AMENDMENT NO. 1**

 **CAPITAL BUDGET OF THE**

**BOROUGH OF CALIFON, COUNTY OF HUNTERDON**

**Projects Schedules for 2021**

**Method of Financing**

 ESTIMATED NJDOT GENERAL

 PROJECT COST Grant Notes/Bonds NOTES/BONDS

As Listed Above -

 $ 620,000 $ 220,000 $ 400,000

 **Section 2.** The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects for 2021 Capital Budget, to be included in the 2021 Capital Budget as adopted.

Motion was made by C. Smith seconded by J. Collins to adopt Resolution 2021-82 as read.

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

Opposed: None

Absent: R. Baggstrom, M. Medea

**MOTION CARRIED**

1. **ESTABLISHMENT OF 2021 HALLOWEEN CURFEW**

**The following Resolution was introduced for adoption:**

**RESOLUTION 2021-83**

**ESTABLISHING AND DECLARING A JUVENILE CURFEW IN THE BOROUGH OF CALIFON**

**WHEREAS,**  (N.J.S.A. 40:48-2.52) authorizes and empowers a municipality to adopt a Resolution making it unlawful for a juvenile of any age under 18 years within the discretion of the municipality to be on any public street or in a public place between hours as so designated by the governing body unless engaged in, or traveling from a business or activity which the laws of this State authorize a juvenile to perform and making it unlawful for any parent or guardian to allow an unaccompanied juvenile to be on any public street or in any public place during those hours; and

**WHEREAS,** the Mayor and Council of the Borough of Califon have determined the need for a curfew for juveniles and have determined that the Governing Body shall, by resolution, declare a curfew in the Municipality for a period of not more than ninety (90) days and under such conditions as are prescribed by the Governing Body and such curfew shall commence not earlier than 9:00 p.m. and shall end not later than 5:00 a.m. during each of the curfew dates established.

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

Friday, October 22, 2021 through Monday, November 1, 2021

1. **Establishment of Juvenile Curfew.** A juvenile curfew is hereby established and declared in the Borough of Califon commencing at 9:00 p.m. and ending 5:00 a.m. on the following curfew dates:
2. **Conditions of Curfew**. During the curfew established herein, it shall be unlawful for any juvenile under the age of 18 years to be on any public street, or in a public place, either on foot or in a vehicle, within the Borough of Califon during the above designated time.
3. **Exceptions to Curfew**. The above established curfew shall not apply to juveniles:
4. When the juvenile is engaged in an errand involving a medical emergency
5. When the juvenile is in attendance at an extracurricular school activity sponsored by a religious or community-based organization, or other cultural, educational, or social event
6. When the work time of the juvenile who is gainfully and lawfully employed overlaps the curfew hours
7. When the juvenile is an attendant as a bona fide student at an evening school of instruction
8. When the juvenile is accompanied by a parent or guardian or other adult having the care and custody of the juvenile
9. Where the juvenile is upon an emergency errand or legitimate business directed by the juvenile’s parent or guardian
10. **Responsibility of Parent or Guardian**. During the curfew herein established, it shall be unlawful for any parent or guardian of a juvenile to allow an unaccompanied juvenile to be on any public street or in any public place in violation of hereunder.
11. **Posting, Publication and Distribution of Curfew Notice**. Copies of the above Resolution shall be posted in such public or quasi-public places as may be designated by the Governing Body and may be published in such newspapers as the Governing Body shall designate. Copies shall also be supplied to area schools with a request that they make students aware of the curfew. Failure to post, publish or distribute this Resolution shall not relieve any person from the obligation of complying with the terms of the curfew imposed hereunder.
12. **Notification to Law Enforcement Agencies**. Certified copies of this Resolution shall be sent by the Municipal Clerk to law enforcement agencies, including the Municipal Police Dept., and the New Jersey State Police.

Motion was made by J. Collins seconded by E. Haversang to adopt Resolution 2021-83 as read.

For: Unanimous

Opposed: None

Absent: R. Baggstrom, M. Medea

**MOTION CARRIED**

1. **MAYORAL APPOINTMENT OF JASON BITTAY TO PLANNING BOARD – TO FILL UNEXPIRED TERM OF MARY PHILLIPS - TERM TO EXPIRE 12/31/21**

**Mayor Daniel formally appointed Jason Bittay, resident at 3 Big Oak Way, to the membership of the Califon Planning Board as Citizen Member, to fill unexpired term of Mary Phillips, who resigned from the Board in August. Mr. Bittay’s term will expire on 12/31/21 with the option to continue his membership, if he so chooses, beginning January 1, 2022 for a 4-year term.**

**COMMITTEE REPORTS**

**Councilman Haversang reported that the Street Fair was a resounding success; all vendors and attendees were happy with the day’s events. The band, scheduled to play, did cancel however, there was a substitute trio that wowed the crowds. There will be a meeting of the Street Fair Committee on Thursday, October 21st.**

**Councilman Janas reported that there will be a Planning Board meeting on Wednesday, October 20th.**

**Councilwoman Smith reported that the Board of Education will meet this Wednesday. Councilwoman Smith also reported that the popcorn stand that she manned for the Street Fair was very busy and she was able to give away a huge amount of popcorn.**

**Councilman Collins reported that the Board of Health will run a Rabies Clinic on Saturday January 8th 2022 from 1:00 pm to 3:00 pm for cats and dogs. The Environmental Commission had a table at the Street Fair that was very popular thanks to the mini-pumpkin plant craft that the EC hosted.**

**MAYOR’S REPORT**

**Mayor Daniel once again commended Bruce Morrow for the excellent job he did organizing the Traveling Vietnam Wall this past weekend. The speakers were all excellent and the event was very well attended and very moving.**

**Mayor Daniel will be meeting this Wednesday with the Borough Engineer, Tom Boorady, Natalie and Eric Gast, residents at 1 Railroad Ave., and Charlie Matarazzo, at the site of the culvert behind the firehouse to finalize plans for Mr. Matarazzo’s approved proposal for his part of the stormwater mitigation project.**

**COMMENTS FROM THE PUBLIC**

**John Kostick, resident of River Rd., asked Council if they can divulge the contents of the Executive Session held on June 21st. Mayor Daniel and Borough Attorney Anderson explained the regulations in the Open Public Meetings Act and confirmed that they cannot speak about the content of the Executive Session under attorney-client privilege.**

**Mr. Kostick asked why the Mayor and Council recently adopted a Resolution for Emergency Appropriation in the amount of $34,000. Mayor Daniel explained it was to cover Legal Expenses not anticipated. Mr. Kostick also asked about the Capital Ordinance adopted at the last meeting in the amount of $15,000. The Clerk responded that the ordinance was to appropriate funds for the new fire alarm system for the Municipal Building out of the Capital Improvement Fund.**

**Mr. Kostick and John Folsom asked if the Calendar on the website can be updated and if Police Reports can be posted on the website for the public to view. Both requests will be accommodated.**

**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 9:21 pm.**

**Respectfully submitted:**

**Laura G. Eidsvaag, RMC**

**Municipal Clerk/Administrator**