**BOROUGH OF CALIFON COUNCIL**

**REGULAR MEETING - MINUTES**

**NOVEMBER 15, 2021**

Mayor Charles Daniel called the regular meeting to order at 7:30 p.m. 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 annual notice in the Hunterdon Review and the Hunterdon County Democrat.”***

**FLAG SALUTE**

**ROLL CALL: PRESENT: R. BAGGSTROM, J. COLLINS, E. HAVERSANG, L. JANAS,**

**M. MEDEA, C. SMITH**

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

**TOM & DORE BEDELL - ADDRESS DRIVEWAY ORDINANCE AS IT CONCERNS NEIGHBOR AT 100 MAIN ST – PAVED AND EXPANDED DRIVEWAY**

Mayor Daniel introduced Tom and Dore Bedell, residents at 98 Main St. Mr. Bedell addressed Mayor and Council explaining that his neighbor at 100 Main St. has had a contractor pave their stone driveway; possibly paving to the Bedell’s property line, causing stormwater runoff onto the Bedell’s property adversely compromising their driveway and their foundation. Mr. Bedell passed out photos showing that the driveway was expanded from the footprint of the original stone driveway. Mr. Bedell explained that he spoke to both the homeowner and the contractor informing both of them that a permit is required, per Borough Ordinance, when modifying a driveway, however no permit was obtained. Mr. & Mrs. Bedell asked Council to enforce the driveway Ordinance and require the homeowner and/or contractor to obtain a permit after the fact. Mayor Daniel explained that he and the Borough Engineer, Tom Boorady, happened to be in the office when the contractor came down to Borough Hall inquiring as to whether or not he needed a permit. The contractor misrepresented the project to them stating that he was doing a re-pave so, at this time, he was told he did not need a permit if he was not making any changes to the footprint of the original driveway. Mayor Daniel stated that he is in agreement that the requirement to obtain a permit should be enforced at this point. Borough Attorney, Mark Anderson concurred that the Borough Ordinance should be enforced by the Zoning Officer to determine if the driveway expansion has caused impervious coverage issues; require that a permit be obtained and then have the Borough Engineer review the plans for the project to determine compliance or violation of the Borough driveway code. Mr. Anderson stated that issues with stormwater runoff will require civil enforcement; not Borough intervention. Mayor and Council will request that the Zoning Officer conduct an inspection and take this one step at a time. The mayor thanked the Bedells for bringing their concerns to Council and stated that status reports on progress would be forthcoming.

**APPROVAL OF MINUTES**

Motion was made by L. Janas seconded by M. Medea to approve the minutes of the meeting held on November 1, 2021 with the following correction:

Page 144 – Cathy Smith Committee report: “Enrollment is down to 84 students with a dozen students having choiced out since the “School Choice” program began.”

For: Unanimous

Opposed: None

**MOTION CARRIED**

**LIST OF BILLS**

Motion was made by M. Medea seconded by R. Baggstrom to approve the list of bills in the amount of $11,323.93.

For: Unanimous

Opposed: None

**MOTION CARRIED**

**TAX COLLECTOR’S REPORT**

The Tax Collector’s Report was reviewed and filed.

**CORRESPONDENCE**

\_\_ Aqua NJ Water Co.: Updates to fire Hydrant billing in 2022: total of 28 hydrants in Califon with a monthly charge of $51.23. The new monthly bill will be $1,434.44.

\_\_ Municipal Court report for month of October, 2021

\_\_ Califon Crier – Council lead articles:

January, February, March, 2022 – Mayor Daniel (due December 1, 2021)

April, May, June 2022 – John Collins – (due March 1, 2022)

July, August, September, 2022 – Leo Janas (due June 1, 2022)

October, November, December – Ed Haversang (due September 1, 2022)

Mayor and Council engaged in a discussion about continuing the Califon Crier newsletter going forward. It was agreed to do one more but then to reconsider the future of producing the Crier considering cost and duplication of information

\_\_ JCP&L – A Guide to Emergency Management for elected officials

\_\_ Police Report for month of October, 2021

\_\_ Worksheet from playground audit conducted by SIF with recommendations and dates for compliance

**OLD BUSINESS**

1. **RESOLUTION – RENEWAL OF INTERLOCAL SERVICES AGREEMENT BETWEEN TEWKSBURY TWP., LEBANON TWP., AND CALIFON FOR CONSTRUCTION CODE/BUILDING SERVICES FOR A TERM OF 4 YEARS: 1.1.22 TO 12.31.25**

The following Resolution was introduced for adoption:

**RESOLUTION 2021-88**

**WHEREAS,** The Borough of Califon the Township of Tewksbury and the Township of Lebanon have previously entered into a valid Interlocal Services Agreement for the provision of State Uniform Construction Code Enforcement Services by the Township of Tewksbury; and

**WHEREAS,** the aforesaid municipalities have concluded that it would be in their best interests to extend this agreement prior to its expiration on December 31, 2021; and

**WHEREAS,** the Agreement, in the form attached hereto, between the Borough of Califon, the Township of Tewksbury and the Township of Lebanon shall be for a term of 4 years which will commence on January 1, 2022 and which continues until December 31, 2025.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Califon, County of Hunterdon, New Jersey, that the Mayor and Municipal Clerk are hereby authorized and directed to execute and attest, respectively, the attached Agreement with the Township of Tewksbury and the Township of Lebanon, for the provision of State Uniform Construction Code Enforcement Services by the Township of Tewksbury, as per N.J.S.A. 52:27D-119, et seq. and N.J.S.A. 40A:65-1, et seq.; and

**BE IT FURTHER RESOLVED** that the Tewksbury Township Construction Code Official is hereby authorized to provide the services to the Borough of Califon and the Township of Lebanon in accordance with the terms of the Agreement.

**BE IT FURTHER RESOLVED** that the Municipal Clerk and the Borough Attorney are authorized to take any and all reasonable or necessary action to effectuate the Agreement; and

**BE IT FURTHER RESOLVED,** that this Resolution shall take effect immediately upon adoption.

Motion was made by R. Baggstrom seconded by E. Haversang to adopt Resolution 2021-88 as read.

For: Unanimous

Opposed: None

**MOTION CARRIED**

**NEW BUSINESS**

1. **RESOLUTION – APPROVAL OF CONTRACT FOR 2021 LEAF COLLECTION WITH INTERSTATE WASTE SERVICES - $1700 PER LOAD – DATES: 4 WEDNESDAYS: 11.24; 12/1; 12/8; 12/15**

The following Resolution was introduced for adoption:

**RESOLUTION 2021-89**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Califon that the Borough of Califon has awarded a Municipal Contract to Interstate Waste Services for the curbside collection of leaves in biodegradable bags within the boundaries of the Borough of Califon; and

**BE IT FURTHER RESOLVED** that the cost of this service will be $1700 per load inclusive of discarding of leaves at a certified recycling farm; and

**BE IT FURTHER RESOLVED** that the Borough-wide collection of leaves will be held on the following 4 Wednesdays: 11.24; 12.1; 12.8; and 12.15; and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to sign and fully execute the Municipal Contract between the Borough of Califon and Interstate Waste Services for this service.

Motion was made by R. Baggstrom seconded by C. Smith to adopt Resolution 2021-89 as read.

For: Unanimous

Opposed: None

**MOTION CARRIED**

1. **RESOLUTION – AWARD OF CONTRACT TO AMERICAN ASPHALT & TRUCKING FOR DOT PROJECT KNOWN AS “COKESBURY RD., CLOVERHILL DR., CRESTMORE ST. AND LIMEROCK LANE**

The following Resolution was introduced for adoption:

**RESOLUTION 2021-90**

**RESOLUTION OF THE BOROUGH OF CALIFON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY authorizing the award of A contract FOR THE Cokesbury Rd., Cloverhill Dr., Crestmore ST., Limerock lane road improvements to american asphalt & trucking, LLC**

**WHEREAS,** the Borough of Califon received sealed competitive bids on November 9, 2021 for performance of the Cokesbury Rd., Cloverhill Dr., Crestmore St., Limerock Lane Road Improvements; and

**WHEREAS**, seven (7) sealed bids were received by the Borough Clerk and Borough Engineer, opened and read aloud before the public on November 9, 2021, in accordance with the bid specifications, and summarized as follows:

1. American Asphalt & Trucking, LLC $420,426.07
2. Reivax Contracting Corp. $460,734.05
3. Top Line Construction Corp. $469,014.84
4. Onorati construction Co., Inc. $500,433.05
5. Your Way Construction, Inc. $509,935.79
6. South State, Inc. $511,181.78
7. Capital Paving & Contracting, LLC $533,358.13

; and

**WHEREAS,** said bids have been duly reviewed and analyzed by the Borough Engineer and the Borough Attorney; and

**WHEREAS**, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, responsive bidder; and

**WHEREAS,** the bid received from American Asphalt & Trucking, LLC in the total amount of $420,426.07 has been found to be in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; and

**WHEREAS,** the Chief Financial Officer has certified that sufficient funds are available for this purchase.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Califon, in the County of Hunterdon, and State of New Jersey as follows:

1. The Borough Council hereby awards a contract to American Asphalt & Trucking, LLC for the Cokesbury Rd., Cloverhill Dr., Crestmore St., Limerock Lane Road Improvements in accordance with the bid specifications in the total amount of $420,426.07.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with American Asphalt & Trucking, LLC in accordance with its bid for the Cokesbury Rd., Cloverhill Dr., Crestmore St., Limerock Lane Road Improvements.

3. The Borough’s Chief Financial Officer has certified the availability of funds for this contract.

4. This resolution and contract shall be available for public inspection in the office of the Borough Clerk.

This Resolution shall take effect immediately.

Motion was made by C. Smith seconded by E. Haversang to adopt Resolution 2021-90 as read.

For: Unanimous

Opposed: None

**MOTION CARRIED**

**COMMITTEE REPORTS**

Councilman Medea reported that the Parks and Recreation Committee met and established December 4, 2021 as the date for the Christmas Tree Lighting and festivities. Santa will arrive and drive thru town between 3:30 – 4:00 pm; Santa will be at the tree to talk to children between 4:00 – 5:00 pm and at 5:00 pm the tree will be lit. There will be music and caroling at the tree and decorating for the day will be scheduled for November 28th. There was a brief discussion on bringing back the tradition of putting out luminaries for Christmas Eve. Candles are available at Califon Lumber and word will go out via flyers thru town and by e-mail blasts.

Councilman Medea reported that Matt Bell has asked for assistance to pay for the materials for his Eagle Scout project.

Councilman Haversang had no report for tonight.

Councilman Janas reported that the Planning Board met on 11.17 and discussed the Re-examination report being drafted by Planner Jim Kyle.

Councilwoman Smith reported that the Board of Education will meet tomorrow night.

Councilman Baggstrom read the Municipal Court report for the month of October. He also reported on the Police Report for the month of October; 710 calls. He reported that the police have been out in force lately.

Councilman Collins had no report for tonight.

**MAYOR’S REPORT**

None

**COMMENTS FROM THE PUBLIC**

None

**EXECUTIVE SESSION**

The following Resolution was introduced for adoption:

**RESOLUTION 2021-91**

**RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-6 ET SEQ.**

**WHEREAS,** the Borough Council of the Borough of Califon is subject to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6. Et seq; and

**WHEREAS,** the Open Public Meetings Act, specifically N.J.S.A. 10:4-12, provides that an “Executive Session”, a portion of a meeting not open to the public, may be held for certain specified purposes when authorized by resolution; and

**WHEREAS,** the Borough Council of the Borough of Califon has determined that it is necessary to discuss in an Executive Session, not open to the public, certain matters relating to the item or items authorized by N.J.S.A. 4-12b and designated below:

1. “Matters relating to contract negotiations: pending or anticipated contract negotiation in which the Borough is, or may become, a party.”
2. “Matters relating to personnel; terms and conditions of employment”

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Califon that an Executive Session, not open to the public, shall be held AT 8:48 PM on November 15, 2021 in the Califon Municipal Building, 39 Academy St., Califon, N.J. 07830, immediately after the adoption of this Resolution, for the discussion of the specific items designated above.

At the conclusion of the Executive Session, the regular meeting:

1. Depending on the outcome of the discussion in Executive Session, may continue, and if so, further public discussion and action may occur.

It is anticipated that minutes of the Executive Session may be disclosed to the public:

1. The attorney-client privilege has no expiration date. The minutes may be disclosed to the Borough Council when and if it is determined that the public interest no longer requires confidentiality.

Motion was made by E. Haversang seconded by C. Smith to adopt Resolution 2021-91 as read.

For: Unanimous

Opposed: None

**MOTION CARRIED**

**Motion was made by R. Baggstrom seconded by C. Smith to reconvene the regular meeting at 9:16 p.m.**

**For: Unanimous**

**Opposed: None**

**MOTION CARRIED**

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 9:17 p.m.

Respectfully submitted:

Laura G. Eidsvaag, RMC

Municipal Clerk/Administrator

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