**BOROUGH OF CALIFON**

**COUNCIL MEETING MINUTES**

**OCTOBER 17, 2022**

Mayor Charles Daniel called the regular meeting to order at 7:37 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 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: R. BAGGSTROM (VIA ZOOM),**

 **L. JANAS, C. SMITH**

 **ABSENT: J. COLLINS, E. HAVERSANG, M. MEDEA**

**ALSO PRESENT: M. ANDERSON, BOROUGH ATTORNEY, (ZOOM)**

**APPROVAL OF MINUTES**

Councilman Janas advised that his last name was misspelled Jana in the third paragraph of his Committee Report.

Motion was made by C. Smith seconded by R. Baggstrom s to approve the minutes with the above noted change of October 3, 2022.

For: R. Baggstrom L. Janas, C. Smith, Mayor Daniel

Opposed: None

**MOTION CARRIED**

**LIST OF BILLS**

Motion was made by C. Smith seconded by R. Baggstrom to approve the list of bills in the amount of $627,405.83.

For: R. Baggstrom, L. Janas, C. Smith & Mayor Daniel

Opposed: None

**MOTION CARRIED**

**TAX COLLECTOR REPORT**

The Tax Collector report was reviewed and filed.

**PUBLIC COMMENT**

Mayor Daniel moved to Public Comment on the agenda.

Resident Jason Ruggiero of Hoffman Drive asked about last weeks meeting concerning the ATV complaint. Mr. Ruggiero asked if the Borough had received any other complaints regarding ATV riding at this property on School Street? Mr. Ruggiero stated that this could be a slippery slope if the town decides to enact an ordinance based upon one resident’s complaint. Mr. Ruggiero also advised that he has driven by this property many times and has never seen any ATV’s out and he could not see any tracks on the neighboring property.

Mayor Daniel advised that the Borough offices have received complaints about ATV riding from another areas in town from multiple residents. We are looking at addressing this issue for a number of areas in town and not just one. Discussion concerning the increase use of ATV’s around different neighborhoods and as well as on the streets took place. Councilman Janas, stated that this is something that maybe we need to have provisions for.

With no further comments from the public the meeting moved to Correspondence.

**CORRESPONDENCE**

**\_** 10-3-22-Aqua New Jersey- Public Notice of Hearing on October 26th for the 2022 initial DSIC Filing

\_10-7-22, email Somerset County Purchasing System advising that the Borough of Califon has been approved as a member.

\_10-17-99, email from Hunterdon County Board of Elections reminding that 10-18-22 is the last day to register to vote.

\_ 10-13-22, email from R. Cianfrani of Aqua NJ, advising that Montana Construction would be at the Railroad Ave site to repair the road.

10-13-22, email from Rick Henry of Stryker advising that a new ignitor and flame sensor electrodes needs to be installed in the Municipal furnace. Cost $464.00.

\_10-14-22, email from Kevin Pyatt, DPW, advising that they opened up the manhole on Main Street on the 12th to clean out any debris that may have built up since last year.

**OLD BUSINESS**

**RESOLUTION 2022-73**

**APPROVAL OF CONTRACT FOR STORMWATER REMEDIATION WITH TOBY BARKMAN EXCAVATION, INC FOR $17, 499.00**

The following Resolution was introduced for adoption:

**RESOLUTION 2022-73**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Califon that the Borough of Califon has awarded a Municipal contract to Toby Barkman Excavation, Inc for the stormwater remediation project;

**BE IT FURTHER RESOLVED** that this project includes but is not limited to, the installation of a headwall with concrete blocks along with the installation of large core stone in front of the inlet and the removal of rocks and debris from the stream bed

**BE IT FURTHER RESOLVED** that this project is located at and around 41 Main Street, Block 20 Lot 6

**BE IT FURTHER RESOLVED** that the Acting CFO of the Borough of Califon has provided a

Certification of Funds to not exceed the proposal of $17,500 from account # 30A360, 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 Toby Barkman Excavating for this service.

Motion was made by C. Smith seconded by L. Janas to adopt Resolution 2022-73 as read.

For. R. Baggstrom, L. Janas, C. Smith and Mayor Daniel

Opposed: None

Absent: J. Collins, E. Haversang, M. Medea

**MOTION CARRIED**

**NEW BUSINESS**

1. **RESOLUTION 2022-74- A RESOLUTION IN OPPOSITION OF THE REASSIGNMENT BY THE NJDEP OF ALL MUNICIPALITIES CURRENTLY DESIGNATED TIER B UNDER THE MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT PROGRAM TO TIER A DESIGNATION.**

Clerk Mastro advised that she had received a copy of a Resolution opposing this mandate from the NJDEP from a few neighboring municipalities and had also received an email from what appears to be a law firm that is offering its’ assistance to municipalities that would like to oppose this mandate.

Mayor Daniel advised that the requirements that go along with changing from Tier B to Tier A will have a substantial impact on our municipal budget. The DEP has stated that there will be some grants available to assist the municipalities but this will not cover all the increases.

Mayor Daniel read the following Resolution which was introduced for adoption.

**RESOLUTION 2022-74**

**WHEREAS,** it has come to the attention of the Mayor and Council of the Borough of Califon that the New Jersey Department of Environmental Protection (‘NJDEP’) intends to reassign to ‘Tier A’ designation under the Municipal Separate Storm Sewer System permit program (‘Permit Program’) all New Jersey municipalities currently designated ‘Tier B’ (‘Reassignment Plan’); and

**WHEREAS,** compliance with the Permit Program for a municipality designated ‘Tier A’ (‘Tier A’) is far costlier and more onerous than compliance for a municipality designated ‘Tier B’ (‘Tier B’); and

**WHEREAS,** under the existing designation system(‘Existing Designation System’)**,** the Tier B designation was specifically created for municipalities that are located in more rural areas and non-coastal regions, while the Tier A designation was created for municipalities that are located within the more densely populated regions of the state or along or near the coast; and

**WHEREAS,** the Existing Designation System makes logical sense, as the costly and onerous compliance required for municipalities designated Tier A is necessitated by the population densities and environmental concerns of Tier A municipalities; and

**WHEREAS,** the Existing Designation System makes logical sense also for municipalities designated Tier B, as Tier B municipalities generally do not have the population densities and environmental concerns of their Tier A counterparts; and

**WHEREAS,** many municipalities designated Tier B under the Existing Designation System simply do not have the resources to comply with Tier A designation, unlike their Tier A counterparts; and

**WHEREAS,** the State, however well-intentioned in its actions, continues to saddle municipalities with additional responsibilities via its unfunded mandates; and

**WHEREAS,** reassignment by the NJDEP to Tier A designation for all New Jersey municipalities currently designated Tier B under the Existing Designation System will result in a redistribution of these municipalities’ limited resources, away from their crucial government functions; and

**WHEREAS,** the Borough wholeheartedly supports taking action to better protect and improve the quality of its own waterways, as well as waterways throughout the State; and

 **WHEREAS,** the Borough simply views the NJDEP’s Reassignment Plan as a costly, unfair, and ineffectual approach to improving the wellbeing of the State’s waterways.

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

1. The Borough of Califon hereby urges members of the New Jersey Assembly and Senate to support, co-sponsor, and adopt legislation that would prevent the New Jersey Department of Environmental Protection (‘NJDEP’) from reassigning to ‘Tier A’ designation under the Municipal Separate Storm Sewer System permit program New Jersey municipalities that are currently designated ‘Tier B.’

2. The Borough of Califon hereby urges the Governor of the State of New Jersey to sign any legislation adopted by the State Assembly and Senate which legislation would prevent the New Jersey Department of Environmental Protection (‘NJDEP’) from reassigning to ‘Tier A’ designation under the Municipal Separate Storm Sewer System permit program New Jersey municipalities that are currently designated ‘Tier B.’

1. A certified true copy of this Resolution upon its adoption shall be furnished to New Jersey State Governor **Philip D. Murphy,** New Jersey State Senator Michael J. Doherty, New Jersey State Assemblyman Erik C. Peterson, New Jersey Assemblyman John DiMaio, the New Jersey Department of Environmental Protection, the New Jersey State League of Municipalities, and the Municipal Clerks of all the Hunterdon County Municipalities.
2. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.
3. This Resolution shall take effect immediately.

Motion was made by L. Janas, seconded by C. Smith to adopt Resolution 2022-74 as read.

For. R. Baggstrom, L. Janas, C. Smith and Mayor Daniel

Opposed: None

Absent: J. Collins, E. Haversang, M. Medea

**MOTION CARRIED**

**COMMITTEE REPORT**

Councilman Janas advised that he does not have anything new to report as the next Planning Board meeting will be on November 16th.

Councilwoman Smith advised that the Board of Education meetings will be taking place this week so she does not have anything to report at this time.

Councilman Baggstrom reported that he does not have anything new to report.

**MAYOR’S REPORT**

Mayor Daniel advised that he has appointed Councilman Baggstrom to attend the Planning Board meetings for the next few months as he is unable to attend.

Mayor Daniel reported that the Street Fair was an overwhelming success! Main street was packed with people enjoying the great music and food and seemed to be having a great time.

Mayor Daniel reported that the preliminary rate increase in the Local Government Employee Group, State Health Benefits is still up 23% for next year which has been published. The state employees have negotiated their rate increase to around 3% but for the municipalities it still is at 23%. There is an enormous amount of pushback from all municipalities and it will take a coalition of municipalities to fight this.

Mayor Daniel opened the meeting up for Public Comment once again.

Arthur Owens of Scheffer Court inquired as to whether the Walgreens has cleaned out their storm drains as required by their agreement, Clerk Mastro advised that it was done and reviewed by our Engineer this year.

J. Ruggeirio of Hoffman Dr, inquired about the long grass at the house that is in foreclosure on 11 Pershing Ave. Clerk Mastro advised that the holding company has been contacted regarding this matter.

Bruce Morrow of Academy St advised that he is currently assisting Washington Township in the coordination of having the traveling Vietnam Memorial Wall come to their municipality next year.

With no further business to attend, motion was made by C. Smith seconded by R. Baggstrom to adjourn the meeting at 8:22p.m.

Respectfully Submitted,

Karen Mastro, RMC