**BOROUGH OF CALIFON**

**COUNCIL MEETING MINUTES**

**APRIL 4, 2022**

Mayor Charles Daniel called the regular meeting to order at 7:34 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, J. COLLINS, E. HAVERSANG,**

 **M. MEDEA, C. SMITH**

 **ABSENT: L. JANAS**

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

 **BURGER OF AQUA WATER CO. NJ**

 **AMY MONAHAN, CFO**

Mayor Daniel asked that we move right to Old Business on the agenda.

**OLD BUSINESS**

 **AQUA WATER- TEMPORARY TANK PLACEMENT PROJECT**

Adam Burger, Director of Operations for Aqua New Jersey advised that they have an agreed contract with the Califon Fire Company for the use of their lot off of Railroad Avenue to temporarily install three water tanks while the main tank is being cleaned and painted.

The only item they have left is the indemnification agreement with the Borough.

Mayor Daniel asked if A. Burger could give a description of these water tanks and their placements. A. Burger advised that they are approximately 10’X40’ each and about 15’ high. They look like shipping crates, not water tanks. A. Burger submitted an arial view of the placement of these tanks on the Califon Fire Company’s lot.

Mr. Burger advised that the water in the tanks is pressurized by air negating the need for engines and compressors.

 Mr. Burger advised that a 4” cast iron pipe will be connected to the water main in Railroad Ave. and installed underground. It will be confined to the Califon Fire Company property and the street right of way.

It will take at most two days to set this up and the maintenance of the main tank will take approximately 2-3 months.

The temporary tanks will be able to handle the increase in usage however there will be a reduction in volume with the fire hydrants which the Fire Company is aware.

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Mr. Burger advised that the State has just enacted a new law, making water companies replace all of the old piping going into residents’ homes. With the changes in the lead laws, even though these are not lead pipes, Aqua is now required to replace these pipes. Mr. Burger advised that these replacements will also assist in the removal of brown water that some of the households have been experiencing.

Mayor Daniel suggested we make a decision contingent on the indemnification agreement being satisfactory.

1. **APPROVAL OF THE AQUA WATER TANK MAINTENANCE PROJECT**

The following Resolution was introduced for adoption:

**RESOLTUION 2022-37**

**THE APPROVAL OF STAGING A TEMPORARY WATER TANK IN THE BOROUGH OF CALIFON, PROVIDING A WATER SOURCE FOR THE RESIDENTS WHILE THE NECESSARY MAINTENACE OF THE PERMANENT WELL IS PERFORMED.**

 **WHEREAS,** a water tank that provides water to the residents of Califon is in need of maintenance;

 **WHEREAS,** while this tank is being cleaned and painted, Aqua water has entered an agreement with the Califon Fire Company to use their land block 18, lot 15, 9 Railroad Ave, to set up temporary tanks that will provide water to the residents during the time of maintenance,

 **NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Califon hereby approve this project subject to the review and approval of the indemnification agreement between Aqua Water of NJ and the Borough of Califon, by the Borough attorney.

For: R. Baggstrom, J. Collins, E. Haversang, M. Medea, C. Smith

Opposed: None

Absent: L. Janas

**MOTION CARRIED**

**COMMENTS FROM THE PUBLIC**

Mayor Daniel asked resident Kate Matlack of 10 Pershing Ave. if she had anything to ask regarding the Aqua project? Ms. Matlack advised that she is one of the households that has experienced brown water and is concerned that this gets resolved soon.

 Ms. Matlack also advised that she was present to follow up on her request to have the Borough take down the two old, dying trees in front of her house. Ms. Matlock advised that our arborist confirmed that the trees were in decline and risk of falling and she is afraid that one of trees is going to split and fall.

Council Collins asked if this tree was on the Borough property? Mayor Daniel advised that the tree was located on the right of way, Mayor Daniel advised that we were planning on discussing this and other claims for tree removal in our next session and would get back to her regarding our decision.

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**NEW BUSINESS**

 **REVIEW OF THE 2022 PRELIMINARY MUNICIPAL BUDGET**

Mayor Daniel advised that the budget right now is the preliminary budget. Mayor Daniel advised he would like members of the council to take it home, review it and send questions to our CFO, A. Monahan.If any Council member would like to meet with him and a member of the finance team, please contact him but know that there can only be three members including himself present.

 Mayor Daniel would like to introduce the budget at the next meeting on April 18, 2022.

CFO, A. Monahan advised that the preliminary budget has a 3% increase which amounts to $65.00 for average assessed house in Califon which is a 2% increase in the rate. The salary and wage have a 2% increase.

 A. Monahan advised that she would email the budget with the areas with the changes highlighted.

Councilman Collins inquired if the revenue from any of the new houses on Wade Farm Lane has

Affected our bottom line? A. Monahan advised she would check but advised that we also have a couple of tax appeals that are offsetting.

The introduction of the budget will be on April 18, 2022 with the public hearing and adoption on May 16, 2022.

**APPROVAL OF MINUTES**

Motion was made by R. Baggstom seconded by J. Collins to approve the minutes from the meeting held on March 21, 2022.

For: R. Baggstrom, J. Collins, E.Haversang, M. Medea, C. Smith

Opposed: None

Absent: L. Janas

**MOTIN CARRIED**

**LIST OF BILLS**

Motion was made by C. Smith seconded by E. Haversang to approve the list of bills in the amount of $3,506.06.

For: R. Baggstrom, J. Collins, E. Haversang, M. Medea, C. Smith

Opposed: None

Absent: L. Janas

**MOTION CARRIED**

**CORRESPONDENCE**

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\_Email from the DCA, April 4, 2022 regarding the Local Finance Notice 2022-06- Information regarding the annual Financial Disclosure Statement which must be filed by all Local Government Officers by April 30, 2022.

\_ Notice from Elizabethtown Gas- March 2022- that they have scheduled public hearings regarding rates.

\_ estimate was received for the property damage claim to the Nellie Hoffman House.

\_estimate from the Hunterdon County Print Shop for postcard mailing to residents advising about the May 16, 2022 curbside brush pickup- $126.00 for postage and $156.00 in cost of printing the postcard.

\_ email from resident at 1 Linfield Lane who advised that there are 4 dead or dying ash trees that are along their driveway, but located in a conservation easement that they allege is owned by the Borough.

Conservation easement was located and forwarded to Borough attorney for review.

At this time, Borough attorney, M. Anderson advised that he briefly looked at this easement and from what he reviewed it did not appear that the Borough has any responsibility for maintenance of this area. M. Anderson advised that this was a joint driveway agreement that was created when the land was subdivided. The conservation easement gives the Borough certain rights if it chooses to exercise. Example would be that the Borough has the right to preclude people from building on this parcel but there is nothing to indicate that the Borough owns this property or has an obligation to maintain this property.

Discussion took place regarding the multiple tree claims that are being made involving trees that are in the “Right of Way” Mr. Anderson, advised that a right of way is a form of easement, it is not an ownership of property. People tend to think that the streets are owned by the Borough, but it is not the case. In some minor instances streets can be owned by a town but that is usually not the case. If the trees along the street were planted and maintained by the Borough, then the Borough would be responsible for removing them when they become diseased.

 It was agreed that when we receive a notice from a resident regarding a failing tree, the burden of the proof of ownership should be placed upon the resident.

Councilman Collins suggested that residents should show that the Borough owned the property or we maintained the property.

\_ email – 4-2-22- from resident of Lime Rock Lane advised that the bottom of their driveway was damaged during the winter plowing. Brian from our DPW was notified and advised that this could be hot patched.

**COMMITTEE REPORTS**

Councilman Medea reported that the scavenger hunt and the easter bunny on the fire truck was a huge success. They had a big turnout and everyone seemed to enjoy the event.

Councilman Haversang reported that the fishing derby may be postponed until next year.

Councilman Haversang reported that PVC tube fishing line receptacles were installed at four different locations along the river to help cut down on fishing line littering the banks. These were installed by Councilman Haversang and resident J. Kinney who and donated by Trout Unlimited.

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Councilwoman Smith advised that she attended the Califon School Board of Education meeting on March 23, 2022. The school’s improved budget to be submitted to the County has a 0 percent increase. The school lost $82,000.00 in state aid but was able to offset this loss through covid grants and tuition. There will be a public hearing on the budget on April 27th.

Councilman R. Baggstrom did not have anything to report.

Councilman J. Collins reported that the Stream Clean Up will be on April 23rd at the Califon Island Park from 9 am to 12 pm.

**MAYORS REPORT**

Mayor Daniel reported that there was a preliminary construction meeting last week regarding the upcoming pavement of Crestmore, Lime Rock, Cloverhill and Cokesbury. We are waiting for a start date but it looks like May/June. Project will move fast and should only last a few days.

Mayor Daniel reported that Cedar Ridge installed the Gabion basket for the stormwater improvement. It is installed up from the channel behind the firehouse and should result in a huge difference.

**EXECUTIVE SESSION**

The following Resolution was introduced for adoption:

**RESOLUTION 2022-38**

**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 pending tax appeal litigation and contract negotiations with Aqua.

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**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 on April 4, 2022 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.

Mayor Daniel advised that since we have no further business to address during the regular meeting this meeting can be closed and will not reopen after the executive session.

Motion was made by C. Smith seconded by R. Baggstom to approve Resolution 2022-38 as read and to adjourn the regular meeting at 9:17 pm.

For: R. Baggstrom, J. Collins, E. Haversang, M. Medea, C. Smith

Opposed: None

Absent: L. Janas

**MOTION CARRIED**

Respectfully Submitted,

Karen Mastro, RMC

Municipal Clerk/Administrator