**BOROUGH OF CALIFON**

**COUNCIL MEETING MINUTES**

**OCTOBER 3, 2022**

Mayor Charles Daniel called the regular meeting to order at 7:36 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,**

**L. JANAS, M. MEDEA, C. SMITH**

**ABSENT:**

**ALSO PRESENT: M. ANDERSON, BOROUGH ATTORNEY, CHIEF JEFFREY ALMER, WTPD**

**APPROVAL OF MINUTES**

Motion was made by C. Smith seconded by L. Janas to approve the minutes of September 19, 2022.

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

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 $174,794.63.

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

Opposed: None

**MOTION CARRIED**

At this time, Mayor Daniel moved to Public Comments on the agenda.

Bruce Morrow of Academy St advised that the car shows have raised enough revenue to purchase all 7 flag poles for the Veterans Memorial at Califon Island Park. Mr. Morrow would like to get these installed and the area spruced up so we can have a dedication on Memorial Day. Mr. Morrow will meet with Councilman Medea who is also the Parks Committee Chairperson to come up with landscaping plan.

Joe Conte and Dr. Christina Pellegrino of 3 School Street attended the meeting to discuss ATV’s and the nuisance and noise that comes from the use. Explained history of their experiences with trying to work from home and having the constant noise of ATV’s being used bordering their property. Dr. Pellegrino researched this matter, and advised that the decibels that are emitted from ATV’s exceed the high decibel rating given on the State Noise Ordinance. Dr. Pellegrino emailed the Mayor sample ordinances from area towns that have banned the use of ATV’s on small lots, usually a 3 acre minimum.

Discussion concerning what ordinance would respond to this situation, land use? Noise, Nuisance.

Borough Attorney suggested a prohibitive ordinance restricting the use would be the most appropriate. A sample of this ordinance will be forwarded and placed on then next agenda or November 7th agenda for discussion.

It was agreed to discuss other noise issues and our current ordinance (2013) at a future date.

**Police Chief’s Report**

Chief Almer reported that they are currently experiencing a staffing shortage and he is in the process of interviewing for new officers.

**CORRESPONDENCE**

**\_**letter from J. Lanza, Director, Board of County Commissioners- re- opposing the State Health Benefits Commissions drastic increase in premiums for local govt participants.

\_email- clerk, Leb. Township prohibiting the operation of all classes of medicinal cannabis businesses- final passage on 11-2-22.

\_email-Hunterdon County Planning Board- Grown Management Plan- survey request.

**OLD BUSINESS**

1. **Resolution**

**RESOLUTION 2022-66**

**APPROVAL OF CONTRACT FOR 2022 LEAF COLLECTION WITH INTERSTATE WASTE SERVICES- $1,900 PER LOAD- DATES: 11/23,11/30,12/7, 12/14**

The following Resolution was introduced for adoption:

**RESOLUTION 2022-66**

**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 Califon Borough; and

**BE IT FURTHER RESOLVED** that the cost of this service will be $1, 900 per load inclusive of discarding the 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: 11/23, 11/30, 12/7 & 12/14 and

**BE IT FURTHER RESOLVED** that the Acting CFO of the Borough of Califon has provided a Certification of Funds to not exceed $10,000 from account# 10529099 and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to sing 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 L. Janas to adopt Resolution 2022-66.

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

Opposed: None

**MOTION CARRIED**

Mayor Daniel advised that in the light of waste removal he wanted to share some information he received when he recently attended the Government Finance Officers Association meeting in Atlantic City. Mayor Daniel stated that he attended a seminar on waste management and the increase in cost for these services have skyrocketed. A lot of the rise in cost is due to the fact that there is no money to be made for recycling at this time. They are closing down recycling plants as there is just no market. For municipalities that provide garbage and recycling pick up for their residents such as the town the mayor works for, are dealing with these increases and it is going to be difficult to stay within the 2% levy cap. The increases in garbage will be pushing municipalities over this cap.

**Resolution- 2022-69 Stormwater Remediation-**Mayor Daniel advised that he would like to postpone this matter as he will be meeting with the engineer on Friday at site location to discuss possible modification to this project. He would like the contractor to also be there if possible.

**NEW BUSINESS**

1. **RESOLUTION**

**RESOLUTION 2022-67**

**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:

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:

Friday, October 28, 2022 through Tuesday, November 1, 2022

1. **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.
2. **Exceptions to Curfew**. The above established curfew shall not apply to juveniles:
3. When the juvenile is engaged in an errand involving a medical emergency
4. 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
5. When the work time of the juvenile who is gainfully and lawfully employed overlaps the curfew hours
6. When the juvenile is an attendant as a bona fide student at an evening school of instruction
7. When the juvenile is accompanied by a parent or guardian or other adult having the care and custody of the juvenile
8. Where the juvenile is upon an emergency errand or legitimate business directed by the juvenile’s parent or guardian
9. **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.
10. **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.
11. **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 C. Smith seconded by J. Collins to adopt Resolution 2022-68.

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

Opposed: None

**MOTION CARRIED**

1. **RESOLUTION**

**RESOLUTION 2022-68**

**WHEREAS,** the 2022 Local Municipal Budget was introduced on the 18th day of April, 2022 and,

**WHEREAS,** during the fiscal year 2022 the Borough of Califon has been allocated a grant from the Association of New Jersey Environmental Commission in the amount of $1,500,

**NOW, THEREFORE, BE IT RESOLVED,** that petition be made herewith to the Director of the Division of Local Government Services that the 2022 Local Municipal Budget include a special item of revenue under the heading of “**Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations:”**

**Association of New Jersey Environmental Commissions (ANJAC)**

**Open Space Stewardship Project Total: $1,500.00**

Motion was made by E. Haversang seconded by L. Janas to adopt Resolution 2022-68.

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

Opposed: None

**MOTION CARRIED**

1. **RESOLUTION 2022-69 AN INTRODUCTION TO ORDINANCE 2022-03** **AMENDING THE REVISED BOROUGH CODE OF THE BOROUGH OF CALIFON BY ESTABLISING ABUTTING OWNER RESPONSIBILITY FOR MAINTENANCE OF STREET TREES.**

**BE IT RESOLVED** that Ordinance 2022-03 entitled “AN **ORDINANCE** **AMENDING THE REVISED BOROUGH CODE OF THE BOROUGH OF CALIFON BY ESTABLISHING ABUTTING OWNER RESPONSIBILITY FOR MAINTENANCE OF STREET TREES.”**

Is hereby adopted.

**ORDINANCE NO. 2022-03**

**AN ORDINANCE AMENDING THE REVISED BOROUGH CODE OF THE BOROUGH OF CALIFON BY ESTABLISHING ABUTTING OWNER RESPONSIBILITY FOR MAINTENANCE OF STREET TREES**

**BE IT ORDAINED** by the Borough Council of the Borough of Califon that the Borough Code adopted August 24, 2000 and heretofore amended be further amended as follows:

**SECTION ONE**:

Title 12 of the Borough Code is hereby amended by adding a new chapter 12.24, entitled "STREET TREE MAINTENANCE", as follows:

**Chapter 12.24 STREET TREE MAINTENANCE**

**12.24.010 - Definitions**.

Unless the context clearly indicates otherwise, the meaning of terms used in this chapter shall be as follows:

"Engineer" shall mean the Borough Engineer or any other person designated by the Engineer or the Borough Council to enforce this chapter.

"Owner" shall mean either the owner of the land abutting a street right-of-way in which a street tree is located or the land on which a street tree is located.

"Maintain" shall mean to maintain a street tree in a healthy and safe condition and to prune or remove part or all of a street tree that, in the opinion of the Engineer, cannot otherwise be maintained in a healthy and safe condition.

"Street tree" shall mean any tree that is located in street right-of-way which is open to the public.

**12.24.020 - Responsibility for Maintenance of Street Trees**.

The owner shall be responsible to maintain every street tree.

**12.24.030 - Certification of Need for Maintenance**.

Whenever the Engineer has reason to believe that any street tree needs to be maintained, the Engineer shall cause the street tree to be inspected and shall notify the owner in writing of the need for and extent of any necessary maintenance and the time during which the maintenance shall be completed.

**12.24.040 - Service of Notice**.

Notice pursuant to this chapter may be served personally or by mail, postage prepaid, to the owner's post office address as last recorded in the records of the Borough Tax Collector. Service on any owner shall be deemed to be notice to all owners.

**12.24.050 - Failure to Comply; Work to be Done by the Borough; Cost to Become Lien**.

A. Upon expiration of the time provided for maintenance in the Engineer's notice, if the Owner has not complied with the required maintenance, the Engineer may cause the maintenance to be performed by the Borough or for the Borough and paid for out of Borough funds available for that purpose.

B. Whenever any maintenance is performed by or at the cost of the Borough, the reasonable cost of the maintenance shall be certified by the Engineer and filed with the Tax Collector. Upon the filing of the certificate, the certified cost shall be and become a lien upon the owner's property to the same extent that taxes are liens in the Borough, shall be collected in the manner provided by law for the collection of taxes, and shall bear interest at the same rate.

C. The Borough may commence in any court of competent jurisdiction an action against the owner to compel compliance with the street tree maintenance requirements of this chapter.

D. The Borough may also commence in any court of competent jurisdiction an action against the owner to recover the reasonable cost of maintenance performed by or for the Borough.

E. Any person violating any provisions of this chapter shall be subject to the penalties stated in chapter 1.08.

SECTION TWO:

Effective Date. This Ordinance shall take effect immediately upon publication of Notice of Final Passage in the manner provided by law.

Motion was made by L. Janas seconded by M. Medea to adopt Resolution 2022-69

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

Opposed: None

**MOTION CARRIED**

1. **RESOLUTION 2022-70-** An Introduction to Ordinance No. 2022-04- Capital Improvement for Center Street Inlet repairs and Computer replacement.

**RESOLUTION 2022-70**

**BE IT RESOLVED** that Ordinance 2022-04 entitled AN “**ORDINANCE OF THE BOROUGH OF CALIFON, HUNTERDON COUNTY, NEW JERSEY, APPROPRIATING THE SUM OF $8,500 FROM THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND OF THE BOROUGH OF CALIFON FOR THE INLET REPAIRS ON CENTER STREET AND COMPUTER UPGRADE.” IS HEREBY ADOPTED.**

**ORDINANCE 2022-04**

**AN ORDINANCE OF THE BOROUGH OF CALIFON, HUNTERDON COUNTY, NEW JERSEY, APPROPRIATING THE SUM OF $8,500 FROM THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND OF THE BOROUGH OF CALIFON FOR THE INLET REPAIRS ON CENTER STREET AND COMPUTER UPGRADE FOR DEPUTY CLERK.**

**BE IT ORDAINED** by the Borough Council of the Borough of Califon, Hunterdon County, New Jersey, as follows:

1. It is hereby appropriated from the Capital Improvement Fund of the General Capital Fund of the Borough of Califon, the sum of $ 8,500 for inlet repairs on Center St, and a computer upgrade.
2. There is no debt incurred by the passage of this Ordinance.
3. This Ordinance shall take effect immediately upon final passage and publication according to law.

Motion was made by R. Baggstrom seconded by C. Smith to adopt Resolution 2022-70.

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

Opposed: None

**MOTION CARRIED**

1. **RESOLUTION**

**RESOLUTION 2022-71**

**WHEREAS,** the members of the Califon Council and Mayor have received and reviewed the application of Kyle Pickens to become a member of the New Jersey Fireman’s Association.

**WHEREAS,** it is agreed by all members that we are fortunate to have members of our volunteer

Fire company become active in this worthy association,

**NOW THEREFORE BE IT RESOLVED** by the Borough of Califon, County of Hunterdon, State of New Jersey that the Mayor and Council support the application of Kyle Pickens into the NJ State Fireman’s Association.

Motion was made by E. Haversang seconded by L. Janas to adopt Resolution 2022-71.

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

Opposed: None

1. **RESOLUTION**

**RESOLUTION 2022-72**

**APPROVAL OF SOCIAL AFFAIRS PERMIT FOR CALIFON FIRE COMPANY**

**FOR OCTOBER 9, 2022 STREET FAIR.**

**BE IT RESOLVED** by the Borough Council of the Borough of Califon, County of Hunterdon, State of New Jersey, that the following application for Social Affairs Permit has been approved to be issued in the Borough of Califon for the one day, Califon Street Fair event on October 9, 2022; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk or her duly authorized agent is hereby authorized, directed and ordered to sign, issue and deliver such permit to the following licensee:

NAME Club License No ADDRESS

Califon Fire Company 1004-31-002-002 41 Main St

Califon, NJ 07830

Motion was made by C. Smith seconded by E. Haversang to adopt Resolution 2022-72.

For: Unanimous

**COMMITTEE REPORTS**

Councilman Medea advised that there was a wrap up meeting last Thursday for the Street Fair. No major changes. There will not be a trailer for the stage just a tent that will be set up the morning of the event.

Councilman Janas reported that the Planning/Zoning Board met on the 21st of September. Minutes were reviewed and the main discussion was the Open Space and Recreation Plan.

The exact wording that was used in the Open Space referendum is going to need to be reviewed as it may have an impact on what the plan will call for us to do. The other component is the Recreation and Open Space inventory. Our plan has to include an inventory of properties that are designated for current or future use. Many of the properties are currently restricted and this plan also places restrictions.

The next meeting will be a second public hearing and the public hearing and adoption will be November 16th.

Councilman Jana advised that they are also looking into reviewing the current driveway regulations as well as what is or may be available through Highlands. Need to decide if we have concluded the historic area designations and if so close this out and see if the balance from the Highlands could possibly be used elsewhere.

They also discussed the need for new members.

Councilwoman Smith reported that she attended the September 21st Califon Board of Education meeting. The NJ School Boards gave a presentation informing, not advocating new legislation regarding opportunities in regionalization. There will be funding available for feasibility studies. There was a discussion about the difficulties involved in regionalization.

The High School Board of Education Meeting was on September 20th. They spoke about the Bond referendum. There will be a 0% increase for tax payers. 40% of the cost is coming from the state and 60% is being covered by the school.

Councilman Baggstrom reported that he has been going over the storm drain inventory provided by the DPW and he would like to meet with Kevin and Brian regarding many of the drains listed as needing repairs. He is not sure if it is in their contract to perform any of the repairs or if this all has to be contracted out.

Councilman Collins wanted to mention that he was recently approached by a couple of residents of Califon that were concerned about the Coles Mill Dam. Councilman Collins stated for the record that he has not had any conversation with the owner or Trout Unlimited or any other organization regarding the Coles Mill Dam. Councilman Collins explained what the Environmental Commissions role is regarding the Weiss Mill Dam remnants. These residents would like to come to an Environmental Commission meeting to express their concerns.

**MAYORS REPORT**

Mayor Daniel advised that we have covered everything he would like to cover tonight. He advised he is looking forward to the Street Fair on the 9th and will be participating in the Pie Eating Contest!

**PUBLIC COMMENT**

Jane Primerano from the Hunterdon Review advised that Clinton Town has just removed garbage from their budget and will now be billing the residents separately for the garbage pickup.

With no further business to attend, C. Smith made a motion to adjourn the meeting at 9:25 seconded by R. Baggstrom.

All in Favor

Respectfully Submitted,

Karen Mastro