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**BOROUGH OF CALIFON**

**REGULAR MEETING**

**CALIFON COUNCIL**

**FEBRUARY 7, 2022**

Mayor Charles Daniel called the meeting to order at 7:30 pm 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 conducted via the online platform Zoom, has been provided in accordance with the Open Public Meetings Act by publication of the legal notice in the Hunterdon Review and the Hunterdon County Democrat.”***

***“Due to the continuing Covid-19 pandemic the Borough of Califon Council has decided to hold this meeting in person as well as offering an option to join the meeting via Zoom. Public notification regarding access to the Zoom Council meetings will be posted on the Borough website.***

**FLAG SALUTE**

**ROLL CALL PRESENT: R. BAGGSTROM J. COLLINS, E. HAVERSANG (**via Zoom), **L. JANAS, M. MEDEA, C. SMITH**

 **ABSENT:**

Also present was Borough Attorney Mark Anderson

**APPROVAL OF MINUTES**

Motion was made by M. Medea seconded by R. Baggstrom to approve the minutes from the meeting held on January 18, 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 L. Janas seconded by C. Smith to approve the list of bills in the amount of $624,417.75.

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

Opposed: None

**MOTION CARRIED**

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**OLD BUSINESS**

1. **RESOLUTION- PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE 2022-01 COLA/INDEX**

Mayor Daniel read Ordinance 2022-01 by title: **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Mayor Daniel opened the public hearing on Ordinance 2022-01. There being no comments from the public, the public hearing was closed.

The following Resolution was introduced for adoption:

**RESOLUTION 2022-32**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Califon that Ordinance 2022-01 entitled: **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPIATION LIMITS AND TO ESTABLISH A BANK CAP (N.J.S.A. 40A: 4-45.14)** is hereby adopted upon final reading; and

**BE IT FURTHER RESOLVED** that notice of Final Passage of Ordinance 2022-01 will be published in the February 16, 2022 edition of the Hunterdon Review as required by law.

Motion was made by L. Janas seconded by C. Smith to adopt Resolution 2022-32.

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

Opposed: None

**MOTION CARRIED**

1. **DISCUSSION – TERMS OF LEASE RENEWAL BETWEEN THE BOROUGH OF CALIFON AND CALIFON HISTORICAL SOCIETY.**

Discussion took place regarding the request of Don Freibergs, President of the Califon Historical Society, to extend the lease from a 5-year lease to a 25-year lease. The mayor advised that he is not comfortable making decisions with such a long-term result into the future. Councilman Collins and Councilman Baggstrom agreed. Councilwomen Smith advised that she sympathized with the Historical Society but understands that 25 years is a long time.

It was agreed that extending the lease to 10 years would be a great resolution.

The following Resolution was introduced for adoption:

**RESOLUTION -2022-33**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Califon that they would like to propose to the Califon Historical Society and extension of the lease period, for the Nellie Hoffman House and the Cabin by the River from five years to ten years;

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**BE** IT **FURTHER RESOLVED that** the Mayor and Council members are not requesting any other changes made to the lease agreement, and

**BE IT FURTHER RESOLVED** that the Mayor and Council hope that the Califon Historical Society are in agreement with this proposed change and continue to provide the Califon and area residents with opportunities to learn about Califon’s past by visiting these two great, historic sites.

Motion was made by R. Baggstrom seconded by J. Collins to adopt Resolution 2022-33 as read.

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

Opposed: None

**MOTION CARRIED**

1. **DISCUSSION-PLANET NETWORK-REQUEST TO UTILIZE PUBLIC RIGHT OF WAY.**

Robert Boyle, CEO of Planet Network, joined the meeting via Zoom to answer questions.

Councilwoman Smith inquired about what it entails when underground cables must be installed? Mr. Boyle advised that they do directional boring where machines drill under the driveway and alongside the existing utility. Then a hand hole (a shallow metal utility box) is used, which is even to the ground and has a green cover. This utility box can withstand the weight of heavy machinery, car, lawnmower ect., From the box they plow fiber into the ground up to the customer’s home.

 C. Smith asked if they go into every neighborhood in the town and install their cables? Mr. Boyle advised that they typically only install when they have 40% to 50% of the streets interest in their service. They do not pick and choose neighborhoods/streets based upon the number of homes. Planet Network only comes out to install their lines when they have enough customers signed up to warrant the expense

Borough attorney, M. Anderson stated that he is not doubting Planet Networks policies but there is a difference between their policy and their obtaining access to the right of way without restrictions. R. Boyle advised that their right of way agreement grants them access to run cable on existing poles or alongside existing cables. He advised that they would always seek separate permission from the town for any underground work that needs to be done as well as if they have to put up a pole, which is rare.

Councilman Collins stated that the resolution that Planet Network has provided does not reference the process Planet Network will take if they have to install new poles. Councilman Collins advised that the language of this resolution should be more rigorous and reference this process.

R. Boyle advised that they can have the language revised in the resolution to state that Planet Network must seek permission from the municipality if they need to establish a new pole.

Councilman Baggstrom suggested that we table this for at least another two weeks so we could have these changes made and any other issues addressed.

Borough attorney, M. Anderson, Esq agreed that at this time the council should table this until all of the agreements could be adequately reviewed and necessary changes implemented.

R. Boyle advised that this would be fine.

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**NEW BUSINESS**

1. **RESOLUTION – APPROVAL OF A SUPER 50/50 RAFFLE SPONSORED BY THE CALIFON FIRE COMPANY.**

The following Resolution was introduced for adoption:

**RESOLUTION 2022-34**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Califon that Raffle License application 2022-02 RL to hold a Super 50/50 Raffle as submitted by the Califon Fire Company is approved for raffle license issuance #2022-02RL; and

**BE IT FURTHER RESOLVED** that the Califon Fire Company is duly authorized to hold the Super 50/50 Raffle #2022-02RL and

**BE IT FURTHER RESOLVED** that a copy of the raffle application, findings and determination; and a copy of the sample ticket, along with the Fire Company’s $20.00 fee will be forwarded to the Legalized Games of Chance Control Commission for their review and approval; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk is duly authorized to issue Raffle License # 2022-02RL to the Califon Fire Co. for the purpose of holding the Super 50/50 on July 21, 2022 at 7:00 pm at the Califon Fire Company.

Motion was made by C. Smith seconded by L. Janas to adopt Resolution 2022-34 as read.

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

Opposed: None

**MOTION CARRIED**

1. **RESCHEDULING OF NEXT COUNCIL MEETING DUE TO PRESIDENTS DAY HOLIDAY.**

Municipal Clerk advised that this can be removed from agenda as we included the rescheduling of this meeting in our Annual Notice.

1. **RESOLUTION – APPROVAL OF 2022 PROFESSIONAL SERVICES CONTRACT FOR J. KYLE OF KYLE MCMANUS ASSOCIATES.**

The following Resolution was introduced for adoption:

**RESOLUTION 2022-35**

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**RESOLUTION AUTHORIZING CONTRACT FOR PLANNER SERVICES FOR THE BOROUGH OF CALIFON-2022**

**WHEREAS,** the Borough of Califon has a need to acquire Planning services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS,** the Chief Financial Officer has determined and certified in writing that the value of the acquisition may exceed $17,500; and

**WHEREAS,** the anticipated term of this contract is one year; and

**WHEREAS, JAMES KYLE, P.P. OF KYLE & MCMANUS ASSOCIATES**, has completed and submitted a Business Entity Disclosure Certification which certifies that JAMES KYLE, P.P. has not made any reportable contributions to a political or candidate committee in the Borough of Califon in the previous one year, and that the contract will prohibit JAMES KYLE, P.P. from making any reportable contributions through the term of the contract; and

**WHEREAS,** the required certificate for the availability of funds has been filed by the Chief Financial Officer providing that legally appropriated balances are available to cover the PLANNER services for the Borough of Califon shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for Federal program or by inclusion in an appropriate bond ordinance.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Califon authorizes the Mayor and Municipal Clerk to enter into a contract with JAMES KYLE, P.P., DYLE & MCMANUS ASSOCIATES as described herein for the year 2022; and

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification be placed on file with this resolution; and

**BE IT FURTHER RESOLVED** that a notice of this action shall be printed once in the Hunterdon Review.

Motion was made by R. Baggstrom seconded by J. Collins to adopt Resolution 2022-35 as read.

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

Opposed: None

**MOTION CARRIED**

**COMMENTS FROM THE PUBLIC**

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Julia Gill, resident of 38 School St asked if there was anything the town could do about the flooding she has been experiencing in her home. Ms. Gill advised that water has been coming down from the playground on the school yard, behind her house. Mayor Daniel asked if she had spoken with the Califon Board of Education yet and Ms. Gill advised yes but she did not receive any response.

Ms. Gill advised that this has been going on a few years now, especially noticed after the playground equipment was installed. She advised she tried to put in a small drain on her property but there is too much water.

Councilwoman Smith advised that she is a liaison to the Board of Education and she suggested that she talk to the school again. C. Smith advised she also would advise the Board of her attending the Council meeting to discuss this matter.

Ms. Gill also asked if there was something the town could do about the water that accumulates in front of her house on School Street next to the storm drain. She advises that the drain gets clogged up with debris and asked if the town could construct something to keep this from happening.

Councilman Bergstrom advised he would look into the maintenance of this storm drain and did note that it is downhill from School St and Lime Rock where debris can travel.

There were no further comments from the public

**CORRESPONDENCE**

**-**Email from Aqua requesting a meeting with members of the Council as well as the Califon Fire Co. to discuss the installation of holding tanks for spring tank maintenance.

 Discussion took place regarding the need for the Fire Company to meet with Aqua first and come to an agreement. Borough attorney, M. Anderson advised that he has no problems looking at their agreement but he would have to advise that the Califon Fire Company obtain their own counsel. If the Borough grants him permission, he would review the Fire Company’s agreement with Aqua and Aqua would be required to pay for these legal services.

Councilman Smith advised that she has a lot of questions regarding how this is going to work.

Councilman Janas advised that he is concerned with whether or not they will be able to meet the increase in demand for water. All agreed that this is something that needs to be done sooner rather than later.

-email from Borough engineer, T. Boorady asking to discuss future paving projects. He advised that the 2021 Grant for the entire section of Philhower, the remainder of River Rd and the portion of Bank St between Mill and the Tewksbury line expense was a concern. T. Boorady, PPE suggested that we could finish River Rd and do Bank Street and place Philhower on hold until 2023.

 Mayor Daniel advised that we had spoken about these upcoming costs and although we could use some or all of the $100,000.00, we have received as part of the American Rescue plan for offsetting the cost of this paving project, we also need a new roof on the Municipal Building.

- Community Tree Recovery Program- Environmental Commission will be meeting tomorrow night but they may ask assistance for the cost of tree guards.

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-email from Delaware Valley Septic advising that they have taken the port o john unit from the park due to people placing beer cans and bottles in their unit clogging the hose. Discussion concerning installing possible surveillance at the park by the port o john.

-letter-US Census Bureau – reminding municipalities to participate in the BAS boundary survey of their town in order to make sure that the Census Bureau’s records are accurate with your

Town’s boundary information.

-letter from Liberty Board of Realtors sent by our Tax Assessor regarding OPRA requests under Daniels Law

-Letter from John Lanza of the Board of County Commissioners advising he has been elected as the director for 2022.

**COMMITTEE REPORTS**

Councilman Medea reported that the Parks and Recreation will be meeting on Wednesday, February 9th. He advised that LTAA baseball and softball will be using the park in the spring and summer months and he is still in discussion with Mark Gibson about the batting cage.

Councilman Haversang advised that the Trout Fest will be taking place on Saturday, May 14th. This event is sponsored by Trout Unlimited along with the Califon Parks and Recreation Committee.

Councilman Janas advised that the Planning Board will meet on Wednesday, February 16th for its reorganization meeting.

Councilwoman Smith advised that the Board of Education met on January 19th. Califon School’s enrollment is up by two with 86 students’ total. The Superintendent advised of a new assessment from the State of NJ called Start Strong for grades 3 to 8. Califon students got their results and they did very well, over all.

Councilman Medea advised that the Califon School is partaking in a contest to collect enough plastic bags to build a bench. They would like to reach out to the residents about this program and the collection. Clerk Mastro advised to send her the information and we can put it on our website and Facebook page and suggested that a drop box be brought to the municipal building to add to their collection sites. Councilwoman Smith advised that this is exactly what the school is looking to do, work together with the community!

Councilman R. Baggstrom reported the police activity report.

Councilman Collins advised the Environmental Commission meets tomorrow night.

**MAYORS REPORT**

Mayor Daniel reported that we have gone over most items but he did want to advise that he will be probably attending a webinar on Friday, February 18th regarding municipalities and the cannabis law. Mayor Daniel advised that High Bridge just voted against cultivation of cannabis in their municipality. Councilman Collins shared that High Bridge opted in by default. He

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advised that in order to obtain a license the town had to issue a letter advising that the applicant in compliance with the local zoning laws. This went to the zoning board and no letter was sent.

Councilman Collins advised that this is why it is so important to make sure you have all of your ducks in a row before you opt in.

Borough attorney, M. Anderson inquired about the request for tree removal from the resident at 22 Academy St. Clerk Mastro advised that this was taken off the agenda so we could obtain more information.

There being no further business to come before Council at this time, motion was made by C. Smith seconded by R. Baggstrom to adjourn at 9:24 p.pm.