**BOROUGH OF CALIFON**

**COUNCIL MEETING MINUTES**

**SEPTEMBER 19, 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**

Council President, M. Medea advised that the Sunshine Statement refers to Mayor Daniel calling the meeting to order, when in fact he called the meeting to order.

Motion was made by C. Smith seconded by E. Haversang to approve the minutes of September 6, 2022 with the above correction noted.

For: J. Collins, E. Haversant, L. Janas, M. Medea, C. Smith

Abstain: R. Baggstrom

Opposed: None

**MOTION CARRIED**

**LIST OF BILLS**

Motion was made by R. Baggstrom seconded by L. Janas to approve the list of bills in the amount of $9,875.16.

For: Unanimous

Opposed: None

**MOTION CARRIED**

**CORRESPONDENCE**

**\_** email from NJ Highlands Council announcing Benjamin Spinelli, Esq has taken on the role of Executive Director.

\_email from resident K. Hammermueller advising that the Crestmore St and Cloverhill sign by his house is still the old sign.

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\_Memo from the NJLM on the new law S-1368 requiring all business owners and owners of multifamily rental units must maintain certain levels of liability insurance. They must also register a certificate of insurance with the municipality.

\_Zoning Permit Application 9-8-22 for Block 22 Lot 13 advising a change of use.

\_email from DPW with photo of arrow road sign down along the river by #103 River Rd. They have put the sign back up 3 times in the last three weeks and have now placed the sign in our garage.

\_email from Aqua Water with photos of the completed water tank.

\_ email from Hunterdon County Economic Development advising that the Communities Grant Program has been closed out but will be available next year.

\_ email from Manda Tree Services with estimate for the removal of 20 dead ash trees at the park-$9000.00.

\_email from Deputy Clerk B. Thomas advising her computer is not functioning. Needs an increase in RAM which will cost about $200 or replacement.

\_ memo from Elizabethtown gas noticing public hearing scheduled Sept 29th

**CHIEF ALMER- MONTHLY REPORT**

Chief Almer advised that last month was a good month in Califon.

Chief Almer advised that overall domestic disturbance calls have gone up.

Chief Almer advised that he is working on Bail reform with the State and County. Advised that we need to get the message out to car thief’s and bail reform is a good way to start. Califon has not been affected with stolen vehicles as much as the eastern states, probably do to our location.

Discussion on the no pursuit directive that was issued by the Attorney General in April will be put back into place.

Chief Almer advised that there is some gang activity from Allentown and Easton coming out this way.

**OLD BUSINESS**

**STREET TREE ORDINANCE REVIEW**

Mayor Daniel advised that many municipalities have been facing this issue due to the Ash Tree Borer. Mayor Daniel opened this subject up for questions.

Councilman Medea asked if a tree expert or arborist would be considered an engineer in this ordinance? Attorney Anderson advised yes.

Councilman Janas inquired if there are laws established advising who is responsible for the trees along County roads? Does the County have more or less responsibility as the town? Attorney Anderson advised that it is the same as a municipality although the County may not follow the same policies.

Mayor Daniel inquired about a development in town where the developer planted swamp maples along the development road (Lime Rock, Crestmore and Clover Hill) does this also apply to this situation?

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Attorney Anderson advised yes; these trees are not the responsibility of the municipality but the adjoining land owner. The property owner is required to maintain and or remove the tree aligning the road.

1. **RESOLUTION- HOLD HARMLESS AGREEMENT WITH THE COUNTY OF HUNTERDON DURING THE DEAD TREE REMOVAL/TAKING DOWN NEAR THE CALIFON ISLAND PARK**

The following Resolution was introduced for adoption:

**RESOLUTION 2022-63**

**HOLD HARMLESS AGREEMENT WITH THE COUNTY OF HUNTERDON**

**Hold Harmless Agreement**

**THIS AGREEMENT** is made this 19 day of September, 2022 by and between the Borough of Califon, residing at Califon Island Park, hereinafter designated as “The Borough of Califon” and the County of Hunterdon, a body politic, whose principal offices are located at 71 Main Street, P.O. Box 2900, Flemington, New Jersey 08822-2900, hereinafter designated as “County”.

**WHERAS**, the Borough of Califon is the owner of Block 21, Lot 4 in the Borough of Califon, also known as 132 Bank Street; hereinafter referred to as “the Property”; and

**WHEREAS** the Property is adjacent to Bank Street Califon Borough/Block 21 Lot 3 Califon Park; and

**WHEREAS**, the Borough of Califon have notified the County, or the County has otherwise become aware, of a tree(s) located on County Property and/or the Borough of Califon’s property but within the County Right of Way, is/are dead or dying and need of removal for the safety of the property owner and the motorist using the County Road; and

**WHEREAS** it is in both parties’ and the public’s best interest that the tree(s) be removed; and

**WHEREAS,** due to the size and/or location of the tree(s), the County must hire a tree service to properly remove the tree(s); and

**WHEREAS** it may be necessary for the County and/or its agents to enter the Borough of Califon’s property in order to perform the tree removal.

**NOW THERFORE**, in consideration of the mutual covenants contained herein the parties agree as follows:

1. The Borough of Califon agree to allow the County of Hunterdon and/or a tree service (agent) hired on its behalf to enter their property for the purpose of removing a tree(s) located within the Right of Way of County Park or Roadway.

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2. The Borough of Califon agree to agree, contract and covenant to fully save, indemnify and hold harmless the County, its employees and/or agents from any and all damages, claims, liabilities, judgments, verdicts or other expenses arising from the County’s entry and presence on the Borough of Califon’s property for tree removal, including reasonable defense costs and attorney’s fees in the event of a legal claim or lawsuit being asserted against the County as a result of such use with the exception of any damages or claims arising from the gross negligence on the part of the County, its employees and/or agents.

Motion was made by M. Medea seconded by C. Smith to adopt Resolution 2022-63 as read.

For: Unanimous

Opposed: None

**MOTION CARRIED**

**WEISS MILL DAM – DISCUSSION**

Mayor Daniel advised that the Phase One Environmental Study completed by   
Trout Unlimited was forwarded to the Borough engineer for review and comments as well as David Blair, PE who is a member of our Environmental Commission as well as our Board of Health. The Borough engineer questioned whether or not Turners of Califon was run on the property in question. It was determined that it was not on the site, only the mill was located there.

After a brief discussion it was the consensus of all members of the governing body that they would like to continue discussions with the County on the possible transfer of this property to the Borough.

**NEW BUSINESS**

**RESOLUTION 2022-64 LEAF PICK UP CONTRACT-**This agenda item was removed as it was determined that a Certification of Funds from our CFO is necessary before approving. This will be placed on the October 3rd Agenda.

**RESOLUTION 2022-65 APPOINTMENT OF SUBSTITUTE CROSSING GUARD**

**WHEREAS, Califon** Borough has no substitute crossing guards to cover either of the two posts if needed;

**WHEREAS,** resident, Jessica Tippman applied for the substitute crossing guard position and is recommended for hire by Municipal Clerk, K. Mastro;

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Califon that Jessica Tippman is appointed as a substitute Crossing Guard upon a the receipt of a satisfactory background check and finger printing.

Motion was made by C. Smith seconded by L. Janas to approve the hiring of Jessica Tippman as a substitute Crossing Guard.

**Unanimous**

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**COMCAST OF NORTHWEST NJ, LLC FRANCHISE RENEWAL**

Borough attorney, M. Anderson advised that the Borough is required to act on this franchise renewal agreement. If the Borough is satisfied with the service that Comcast has been providing then the renewal will be straightforward. If the Council has concerns about their reliability or that they are not providing the same service to other areas in the Borough, then this would have to be brought up before granting renewal.

C.Smith inquired if there were any other providers servicing Califon. Borough attorney, M. Anderson advised no.

Members of Council agreed that they have found their service reliable.

R. Baggstrom suggested that maybe we have a representative come speak with the council about opportunities that they may have for our community, especially our school.

**FLOOD DAMAGE ORDINANCE- ADVISORY**

The letter from the DEP of 8-19-22 advising that FEMA has recommended that the DEP revise the model flood damage prevention ordinance to make sure that all of the NJ municipalities are in compliance with the National Flood Insurance Program. A new model ordinance was since developed and Califon along with all of the municipalities have been asked to adopt this ordinance. We must adopt this ordinance by February 15, 2023.

The DEP has provided a copy of the ordinance.

This matter will be introduced on October 3, 2022.

**MAYOR’S REPORT**

Mayor Daniel advised that he will do his report now as it is related to the above subject matter.

Mayor Danie advised that the DEP has reassigned our municipality from a Tier B to a Tier A under the NJ Pollutant Discharge Elimination System, Municipal Separate

Storm Sewer System permitting program. The DEP is taking this action as it has been determined from testing the river in our area that stormwater runoff from our municipality discharges pollutants into a high-quality classification water which requires a higher level of protection. It is not just our town but all towns along the So. Branch of the Raritan River have been reassigned to a Tier A. The DEP has a long list of things that we will have to do to reduce the pollutants into the storm drains- river.

Mayor Daniel advised that our Borough engineer is aware of these changes and he will be involved in assisting us in the MS4 Permit process.

The DEP has advised that there are grants available to assist with the financial burden this will place on municipalities.

**COMMITTEE REPORTS**

Councilman Medea reported that the Street Fair committee had a meeting last week and the event is 3 weeks away. Things are in good shape and there is a sign-up genius going around for people who can sign up to help out.

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The dedication to the batting cage at the park in honor of Gerry Sabatini was attended by 50 to 60 people from all over the country. There was an old timer’s game after the dedication which everyone seemed to enjoy.

Councilman Haversang reported that they put up the big banners for the Street Fair in town again and he hopes that we do not get any hurricanes or wind storms.

Councilman Janas advised that there is a Planning Board meeting on Wednesday, September 21st where the final draft of the Open Space and Recreation Plan will be reviewed.

Councilwoman Smith advised that there is a Califon BOE meeting and a Voorhees /North BOE meeting coming up this next week.

Councilman Baggstrom advised that he recently received a storm drain inventory from Kevin at the DP W and there are quite a few drains that need repair. He will have a better idea by the next meeting.

Councilman Collins advised the EC meeting was cancelled; he has nothing to report.

**PUBLIC COMMENT**

Jane from the Hunterdon Review stated that regarding the stormwater ordinance, towns along Lake Hopatcong have received a watershed improvement grant that has helped.

There being no further business to come before the Council at this time, motion was made by C. Smith seconded by R. Baggstom and unanimously accepted to adjourn at 9:06 pm.

Respectfully Submitted,

Karen Mastro, RMC