**BOROUGH OF CALIFON**

**REGULAR MEETING**

**April 3, 2023**

Mayor Charles Daniel called the regular meeting to order at 7:30 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 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, E. Haversang, L. Janas, M. Medea, J. Ruggiero C. Smith**

 **ABSENT: None**

**ALSO PRESENT: Mark Anderson, Borough Attorney** (via Zoom)

**APPROVAL OF MINUTES**

Councilman Ruggiero advised of a spelling/typo under new business paragraph E - the word Brank should be Branch.

Councilman Janas noted a spelling/typo in the third sentence in his committee report. The word “by” should be but should be “but”.

Motion was made by L. Janas seconded by J. Ruggiero to approve the minutes from March 20, 2023, with the above-mentioned corrections.

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

Opposed: None

**MOTION CARRIED**

**CORRESPONDENCE**

\_March 22nd-Statewide Insurance Fund announcement that Califon Borough has been awarded a grant towards general safety and risk management control in the amount of $361.00.

\_March 29th-Califon Public School Public notice of meeting date change

\_ March 31st- email from K. Psyatt, Superintendent of DPW advising that they made the repairs to the pipe and basin on River Rd.

\_March 30th- letter from Bureau of Fire Prevention, Long Valley, from M. Lopez, Fire Marshal advising the DCA that he agrees to incorporate the responsibilities of all required inspections in Califon Borough.

\_ April 3rd- email from DCA concerning Financial Disclosure Statement changes. They are waiting for the Governor to decide on changes before they send out requests.

\_Warren County Municipal Clerks Mini Conference on April 25th. Clerk Mastro will be attending.

At this time Mayor Daniel asked to move to Public Comments on the Agenda.

**PUBLIC COMMENT**

Dave Bolles of 7 Kellie Court who is also a member of the Califon Recreation Committee advised that the recreation committee would like to have a gazebo placed at the new little park behind the post office, (Califon Commons) This gazebo could serve as a picnic area for people visiting the downtown as well as an area the Recreation Committee could host small events. Discussion took place as to whether the Highlands would restrict this type of installation. It was agreed that we would inquire with our planner at the next Planning Board meeting to see if this would be allowable.

Kyle Pickens of 5 Cozy Lane, Califon, advised that over the last few years his neighbor has worked on multiple outside landscaping projects utilizing an excavator or other heavy machinery. The projects have ranged from retaining walls to driveway excavation to the last being the installation of what he believes are Koi Ponds.

Mr. Pickens played recordings from various days over the years of the noise omitted from the machinery from his neighbors.

He advised that Califon’s Board of Health Secretary, had been in touch with the County Health Department regarding monitoring the noise and he was contacted by a representative from the County that advised they utilize these noise meters in commercial / industrial settings, and it would be difficult to respond to a residential situation like this due to the timing. He has not heard anything further.

Mr. Pickens stated that he would like to know how much time would be a reasonable amount of time for someone to operate a commercial piece of equipment, such as an excavator in a residential neighborhood? The hours of operation vary. Sometimes it is all day and others it is from 4pm to 8pm. Mr. Pickens advised that this is the 45 month of consistent construction, and it is beginning to take its toll on their overall health.

 Mr. Pickens asked that the Council review the Borough’s current noise/nuisance ordinance and to consider making any changes necessary to the ordinance so it can respond to situations like this. Mr. Pickens advised that if this does not suit the noise level then it fits the definition of a nuisance.

Mr. Pickens was asked if he had tried speaking with his neighbor? Mr. Pickens stated that he did try and speak with his neighbor, but it did not go anywhere. Mr. Pickens advised that he would be open to meeting with an arbitrator to try and settle this amicably.

Councilman Medea suggested that this is less of a construction issue and more of a nuisance.

Mayor Daniel advised that we have had other noise issues come up and we have been talking about making some changes.

The Borough Attorney responded that noise ordinances fall into two categories, subjective and objective. Califon’s ordinance is subjective as it is not specific. Subjective ordinances can be more difficult to prosecute as the judge must be convinced beyond a reasonable doubt that the noise is unreasonable and or excessive. Objective ordinances prohibit some specific activities during specific time periods. This has the advantage that if the activity occurs outside the allowable time frame or not within the parameters set forth in the ordinance then the violation is easy to demonstrate. The downside to this type of ordinance is that it is inflexible.

Councilwomen Smith stated that we should make whatever changes to our ordinance that would assist residents if this type of situation should arise.

Councilman Medea advised that we should have something in place that can be responded to by our Zoning Officer. If there was a violation, then the Zoning Official could issue a summons. Attorney M. Anderson stated that unless the code enforcement official had personal knowledge of the event, then the resident that is pursuing the violation must be available to testify in court.

Councilman Medea stated that at some point, residents may have to hire a professional when it comes to these types of situations, whether it is a surveyor or an attorney. We can have the ordinances in place to respond to these situations, but they may have to have their interests represented.

Mayor Daniel asked the clerk to email council members the sample ordinance that was just sent to Attorney M. Anderson this afternoon for review. Mayor Daniel advised that we will discuss this at our next meeting and perhaps set up a committee to look into the ordinance.

Mayor Daniel asked that the South Branch Outfitters be moved up the agenda.

**SOUTH BRANCH OUTFITTERS-**

Abraham and Lindsey Beates were present to update the mayor and council members on the upcoming Trout Festival on April 15th.

Abraham passed out a map of the park depicting where the vendors and demonstrations will be placed.

Abraham and Lindsey Beates were present to update the mayor and council members on the upcoming Trout Festival.

Abraham passed out a map of the park depicting where the vendors will be placed, and demonstrations will take place.

Abraham advised that they were just advised that High Rail Brewing Company of High Bridge did not get the permit from ABC so there will not be a beer garden this year.

The Joe Cirotti Trio will be performing at the festival and there will be hamburgers and hot dogs for sale through the Califon Fire Company.

Right now, they have 19 vendors and will keep it under 25.

An additional port a john has been ordered and they have received permission to use the dumpster that has been secured for the Stream Clean up if there is room.

Califon Fire and Police have been notified of this event.

Insurance COI has been received.

River Clean Up starts at 9am and the vendors will be arriving to set up at 10:30 to 11:45.

12:pm the Trout Fest Event begins with remarks. Zack Rich Hunterdon County Commissioner may be leading the opening remarks.

At 12:30 the casting competition and casting clinic will begin and there will be an historical angling demonstration that will take place.

At 2:00 pm will be the kids fishing derby at the pond. South Branch Outfitters will be stocking the pond with 100 blue gils. Members of Trout Unlimited will be assisting the kids at this event and have sponsored the worms.

Clean up begins at 4:00 pm.

There is no Rain Date.

**NEW BUSINESS**

1. **RESOLUTION- ADDITION OF SEPTEMBER 5TH TO THE MEETING SCHEDULE AND MEETING TIME CHANGE TO 7:00 PM BEGINNING MAY 1, 2023.**

The following Resolution was introduced for adoption:

 **RESOLUTION 2023-38**

**ADDING TUESDAY, SEPTEMBER 5, 2023, TO THE COUNCIL MEETING SCHEDULE AND BEGINNING MAY 1, 2023, CHANGING THE MEETING TIME TO 7:00 P.M.**

**WHEREAS** at the time of the reorganization of the Borough of Califon’s meeting schedule, there was only one meeting to take place in September, and

**WHEREAS the** council members agreed to add Tuesday, September 5th to the meeting schedule; and

**WHEREAS** council members all agreed that it would be beneficial for all to change the council meeting times from 7:30 pm to 7:00 pm beginning May 1, 2023.

**THEREFORE, BE IT RESOLVED,** beginning May 1, 2023, the Califon Borough Council will meet at 7:00 pm and there will be a council meeting on Tuesday, September 5, 2023.

Motion was made by R. Baggstrom seconded by J. Ruggiero to adopt Resolution 2023-38 as read.

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

Opposed: None

**MOTION CARRIED**

1. **RESOLUTION – CHANGE IN COST OF PAVING PROJECT “IMPROVEMENTS TO COKESBURY, CLOVERHILL, LIMEROCK AND CRESTMORE ST.”**

The following Resolution was introduced for adoption:

 **RESOLUTION 2023-39**

**CHANGE IN COST OF PAVING PROJECT “IMPROVEMENTS TO COKESBURY, CLOVERHILL, LIMEROCK AND CRESTMORE ST.”**

**WHEREAS,** on May 20, 2022, the Borough of Califon awarded the contract for the improvements to Cokesbury Road, Cloverhill Drive, Crestmore Street and Limerock Road to American Asphalt & Trucking, LLC; and

**WHEREAS** the said contract was for total price of $420,426.07 and

**WHEREAS** a supplemental quantitate on bid items has been presented which includes an increase in the amount of $25,894.52 to American Asphalt & Trucking, LLC with a revised contract amount of $446,320.59; and

**NOW, THEREFORE, BE IT RESOLVED** by the Califon Borough Mayor and Council, that the contract price for the Cokesbury Road, Cloverhill Drive, Crestmore Street and Limerock Road paving project shall be adjusted in accordance with this change order increase of $25,894.52. The new total contract shall be in the amount of $446,320.59.

Dated: April 3, 2023

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 Karen Mastro, RMC

 Municipal Clerk/Administrator

CERTIFICATION OF FUNDS

 I, Amy Monahan hereby certify that funds are available for payment of Change Order in the amount of $25,894.52 and that the full contract price in the amount of $446,320.59.

Dated: April 3, 2023

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Motion was made by J. Ruggeiro seconded by C. Smith to adopt Resolution 2023-39 as read.

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

Opposed: None

**MOTION CARRIED**

1. **BRUSH PICK UP-** Clerk Mastro advised that the DPW will be picking up the brush the week of May 15th. Cards advising the residents of the date and restrictions will be mailed out again this year as this seems to help assist with the volume the residents put out.
2. **CALIFON SCHOOL CROSSING GUARD LUNCH TIME CROSSING**

Clerk Mastro advised that during the budget review process it was decided to advise Califon School that we would no longer be paying for crossing guard coverage for the hour lunch time at Main and School Street, Monday through Friday. Clerk Mastro advised that she received correspondence from the school advising that they have eliminated this program for the middle school students. This is beginning in the fall of 2023. There is usually only one student that crosses over Main St during this lunch break.

1. **PLAYGROUND EQUIPMENT –** Clerk Mastro advised that we have received an estimate from Ben Schaffer Recreation for the replacement of some swing seats, swing chains, and basketball padding.Councilman Medea gave contact for the company that we purchased the original playground equipment from. We will obtain a quote from there and then proceed to get the equipment ordered.

 It was noted that there is a wrap around padding that needs to be replaced around the back stop of the basketball back as well.

1. **DUMPSTER-** Clerk Mastro asked if the council members are still interested and willing to assist in the cleaning out of the garage bays and downstairs. We have obtained quotes for a 30 yard dumpster and will order the same if everyone is still interested. Council members agreed that this needs to be done and advised June would probably be the best time to schedule the dumpster. Councilman J. Ruggiero advised he can get a quote from Cortese.

**OLD BUSINESS**

1. **PUBLIC HEARING & FINAL ADOPTION OF ORDINANCE 2023-03-**

Mayor Daniel opened the meeting up for a public hearing on Ordinance 2023-03.

There being no comments from the public, Mayor Daniel closed the public hearing.

BOROUGH OF CALIFON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2023-03

AN ORDINANCE AMENDING THE REVISED BOROUGH CODE OF THE
BOROUGH OF CALIFON BY REPLACING CHAPTER 8.24 WITH A NEW
CHAPTER 8.24 ENTITLED "BUREAU OF FIRE PREVENTION"

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 8 of the Borough Code is hereby amended by replacing 8.24, entitled "BUREAU OF FIRE PREVENTION" in its entirety with the following:

Chapter 8.24 BUREAU OF FIRE PREVENTION
8.24-010 Local enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et *seq.,* the New Jersey Uniform Fire Code, N.J.A.C. 5:70-1.1 et *seq.,* shall be locally enforced in the Borough of Califon.

8.24-020 Enforcing agency.

The local enforcing agency for fire code services, including local amendments, fee schedules and non-life-hazard-use inspection schedules, shall be the Washington Township (Morris County) Office of Fire Prevention with which the Borough of Califon has a shared services agreement pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et *seq.*

8.24-030 Duties of the enforcing agency.

The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Borough of Califon, other than owner-occupied one- and two-family dwellings, and shall faithfully, comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

**8.24-040 Non-life-hazard uses.**

A. In addition to the registrations required by the Uniform Fire Code, the following non-life-hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected once per year and shall pay an annual fee as set forth below:

**Use**

**Assembly Use Group**

A-1 Eating establishment under 50

A-2 Take-out food service (no seating)

A-3 House of worship not exclusively used for religious purposes

**Annual Fee**

$50.00

$50.00

$50.00

A-4 Recreation centers, multipurpose, etc.

(fewer than 50) $75.00

A-5 Court rooms, library, fraternal organizations,

condominium centers (fewer than 50) $75.00

A-6 Senior centers (fewer than 50) $75.00

**Business Use Group**

B-1 Professional use one- and two-story (up to

1,000 square feet) $42.00

B-2 One- and two-story (1,001 to 2,500 square feet) $50.00

B-4 Three-to-five story (less than 5,000 square feet) 100.00

(5,001 to 10,000 square feet) 150.00

B-5 Three-to-five story (10,001 square feet or more) $190.00

**Retail/Mercantile Use Group**

M-1 One- and two-story (less than 5,000 square feet) $125.00

M-2 One- and two-story (more than 5,000 square feet

and less than 12,000 square feet) $150.00

M-4 Three- to five-story (less than 5,000 square feet) $200.00

M-5 Three- to five-story (more than 5,000 square feet

and less than 12,000 square feet) $225.00

**Manufacturing/Factory Group**

F-1 One- and two-story (less than 5,000 square feet) $100.00

F-2 One- and two-story (more than 5,000 square feet

and less than 12,000 square feet) $125.00

F-4 Three- to five-story (less than 5,000 square feet) $175.00

F-5 Three- to five-story (more than 5,000 square feet

and less than 12,000 square feet) $200.00

**Storage Use Group**

S-1 One- and two-story (less than 5,000 square feet) $75.00

S-2 One- and two-story (more than 5,000 square feet

and less than 12,000 square feet) $125.00

S-4 Three- to five-story (less than 5,000 square feet) $175.00

S-5 Three- to five-story (more than 5,000 square feet

and less than 12,000 square feet) $200.00

**Residential Use Group**

R-1 As defined in Uniform Fire Code $75.00

R-2 As defined in Uniform Fire Code See section 8.24-4 E

R-3 As defined in Uniform Fire Code See section 8.24-4 E

R-4 As defined in Uniform Fire Code See section 8.24-4 E

**Utilities Use Group**

U-1 Under 2,500 square feet $100.00

U-2 2,500 and over square feet $125.00

**Common Areas Use Group**

E-1 One- and two-story (less than 5,000 square feet) $75.00

E-2 One- and two-story (more than 5,000 square feet

and less than 12,000 square feet) $100.00

E-3 One- and two-story (more than 12,000 square feet) $125.00

E-4 Three- to five-story (less than 5,000 square feet) $125.00

E-5 Three- to five-story (more than 5,000 square feet

and less than 12,000 square feet) $150.00

E-6 Three- to five-story (more than 12,000 square feet)$200.00

**Agricultural Use Group**

Initial Registration $75.00

Subsequent Annual Registration $50.00

1. Uses not classified above that are subject to the Uniform Fire Code shall be classified as business uses.
2. Uses required to register with the state as life-hazard uses shall not be required to register under this chapter.
3. Municipal-owned buildings, buildings owned and occupied by municipal fire companies and/or rescue squads, buildings owned and occupied by nonprofit religious organizations that are used solely for religious purposes and buildings owned and occupied by nonprofit organizations used solely for nonprofit purposes shall be exempt from registration fees.
4. All residential uses except R-1 Uses shall be inspected in the common areas only and the fees established for the Common Areas Use Group shall apply.
5. Failure to pay registration fee shall result in a penalty of double the outstanding registration fee, in addition to the initial registration fee.

**8.24-050 Certificate of smoke detector and carbon monoxide alarm and Portable Fire Extinguisher compliance (CSDCMACPFE).**

A. Before any existing single family, two family or multifamily dwelling, on or after the effective date of this ordinance, is sold, leased or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke detector and carbon monoxide alarm compliance. No dwelling unit shall change occupancy until one or more smoke detectors (or other approved fire alarm system) are installed for each dwelling unit subject to changing of occupancy in accordance with all the requirements of the New Jersey Uniform Construction Code and the Uniform Fire Code.

B. Certificate of smoke detector and carbon monoxide alarm compliance certificate:

|  |  |
| --- | --- |
| 1. Requests for a CSDCMACPFE received more than 10 business days prior to the change of occupant
2. Requests for a CSDCMACPFE received four to 10 business days prior to the change of occupant
3. Requests for a CSDCMACPFE received fewer than four business days prior to the change of occupant
 | $40.00$70.00$125.00 |

1. The fee for each additional inspection after failure(s) of subsection B(1), (2), or (3) above shall be the same as the fee for the initial inspection.

C. Failure to obtain a Certificate of smoke detector and carbon monoxide alarm, portable fire extinguisher compliance certificate in accordance to section A, shall result in a penalty of $250.00

**8.24-060 Reserved.
8.24-070 Reserved.
8.24-080 Appeals.**

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the Construction Board of Appeals of Hunterdon County.

**8.24-090 Permit fees.**

A. All state permit fees and Fire Code status fees shall be as established by the Uniform Fire Code, N.J.A.C. 5:70-1.1 et seq., except for the following, as permitted by N.J.A.C. 5:70­2.9(f):

(1) Failure to pay permit application fee shall result in a penalty of double the outstanding permit fee, in addition to the initial fee.

**8.24-010 Rapid Entry Key Systems.**

1. All buildings within the Borough of Califon having an automatic fire detection or suppression system shall be equipped with a rapid entry key lock box. However, this requirement shall not apply to owner-occupied one and two-family dwellings identified by the Uniform Construction Code, N.J.A.C. 5:23 et *seq.,* as R3 and R4.
2. All commercial and industrial properties within the Borough of Califon protected by fences, gates, and related barriers presently secured by using a padlock, or electronically operated or automatic gates or other control circuits, shall be equipped with a high-security padlock or high-security key switch as approved by the fire marshal and fire chief. The high-security padlock and key switches shall be located in a manner as directed by the fire marshal and fire chief.
3. Rapid Entry Key Lock Box, High Security Padlock and Key Switch Types. The rapid entry key lock box and high-security padlock and key switches shall be Underwriter Laboratories (UL) certified, and approved by the fire marshal and 'fire chief.
4. Location. The rapid entry key lock box shall be located at or near the main entrance to the building or property. The key lock box shall be mounted at a minimum of five feet and a maximum of six feet above final grade.
5. Key Lock Box Contents. The key lock box shall contain labeled keys, easily identified in the field, to provide access into the property, and/or building and to any locked areas within the said building, and as may be further directed by the fire marshal and fire chief.
6. Compliance. All existing buildings shall comply with the provisions of this chapter by April 1, 2024. All newly constructed buildings, not yet occupied, or buildings

currently under construction shall comply with the terms hereof prior to the fire detection or suppression system being accepted and approved for service.

8.24-011 Penalties.

Any property or building owner failing to comply with or in violation of the terms of this chapter shall, upon conviction thereof, be punishable by a fine not to exceed $1,250.00 and/or imprisonment for up to 90 days, and/or by a period of community service not exceeding 90 days, in the discretion of the court. Each and every day that such a violation continues shall be considered a separate and specific violation of this chapter.

SECTION TWO:

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

Councilwoman Smith made a motion seconded by Councilman Medea to approve Ordinance 2023-03 for final adoption.

Vote after public hearing and upon final adoption.

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

Opposed: None

**MOTION CARRIED**

**COMMITTEE REPORTS**

Councilman Medea reported that the Easter bunny was seen riding around town on the fire truck and was escorted to the park for the festivities. Councilman Medea advised that a new resident, Kaitlyn Schobert chaired this event, and he heard it was a big success.

Councilman Medea advised that the plants around the Veteran’s Memorial at the park will take place mid- April.

Councilman Medea noted that some of the siding on the shed has come loose and needs to be reattached.

Councilman Haversang advised that he placed snowplow markers up on the Nellie Hoffman Property to designate parking.

There is another parking area on River Rd that is green acres property that can provide parking.

Councilman Haversang advised he will get some signs out there.

The port o potty was delivered at this location for local fisherman/ women and hikers.

Councilman Janas advised that there is a planning and zoning meeting on April 19th

Councilman Smith had nothing to report.

Councilman Baggstrom advised that the Aqua project is still going on. There are some sidewalks that were disturbed for the lead line replacement that still need to be repaired. The contractor confirmed that once the projects are all completed, they will come back and have the sidewalks professionally repaired.

Councilman Baggstrom suggested that maybe we should invite some of the homeowners that did receive a new lead line to attend the wrap up meeting for any punch ticket items that may remain.

Councilman Ruggiero suggested that he could send out a survey to the residents that received replacement lines to tell us their experience and if there are any pending issues.

Councilman Ruggiero reported that the Crier is coming out this week and he is looking for someone to volunteer to film the Minute With segment for Facebook.

**MAYOR’S REPORT**

Mayor Daniel reported that we covered everything, and he has nothing further to add.

**PUBLIC COMMENT -** There was no public comment.

**ADJOURNMENT -** Councilwoman Smith made a motion to adjourn the meeting at 9:02 seconded by councilman Baggstrom.

Respectfully Submitted