**BOROUGH OF CALIFON**

**REGULAR MEETING**

**June 5, 2023**

Mayor Daniel called the regular meeting to order at 7:00 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**

**ALSO PRESENT: Mark Anderson, Borough Attorney** and

 Borough Engineer, Thomas Boorady attended via Zoom

Mayor Daniel moved to item F on the Agenda

**RESOLUTION 2023-57 APPROVAL OF APPLICATION TO NJDOT FOR 2024 GRANT PROGRAM**

Borough engineer, T. Boorady advised that we have until July 1st to apply for the NJDOT Fiscal year 2024 Grant Program. Discussion concerning which roads were in line for paving and prioritizing which road should be considered next. T. Boorady suggested either the rest of River Rd or Philhower should be the candidate as Bank St should be saved to do as a cooperative with Tewksbury.

Mayor Daniel asked what the ballpark estimate of River Rd and Philhower would be.

T. Boorady advised Philhower would be $350,000 to $375,000 including repairs to inlets and additional drainage with perforated piping.

River Rd would be around $450,000. This can fluctuate with the cost of asphalt. The DOT may award up to $250,000.

Couniclman Baggstrom advised he is tentative about River Rd at this time as the breached dam issue has not been resolved and the river is still running up against River Rd now. The paving should be done after the dam is taken down or repaired.

It was agreed that Philhower Ave should be the next road that gets paved. It was also agreed that the water issues on Philhower Ave have to be addressed and resolved before or at the same time as the paving project takes place.

T. Boorady advised that if we apply now, we have two years to begin the project. This will give us two years to prepare for the capital expenses of this project. It would not begin to show up in our budget until the fall of 2025.

**APPROVAL OF MINUTES**

Motion was made by L. Janas to approve the minutes for both the public meeting of May 15, 2023 and the minutes from the executive session of May 15, 2023, seconded by J. Ruggiero.

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

Opposed: None

**MOTION CARRIED**

**LIST OF BILLS**

no list of bills.

**CLERKS REPORT**

Clerk, K. Mastro advised that the basketball pole padding came in and Kevin from our DPW installed it for us. Playground supplies have been ordered and will be installed by the playground company, so it meets the insurance requirements.

Three estimates for the municipal buildings roof replacement were forwarded to our QPA for review. Kathleen submitted her analysis and recommended Wagner Roofing. Wagner Roofing’s estimate came to $19, 350, Alte Roofing came in at $24,000k and Deegan Brothers estimate came to $21,000.

Clerk Mastro advised that the dumpster for cleaning out the downstairs office has been placed on hold as she was able to fill up the 2 yard dumpster over the last month. The metal cabinets will be given to a recycler and the couch can be placed out on household goods day.

The recreation boxes in the garage still need to be sorted and gone through.

The County has agreed to do a shared service for the crosswalk painting. They have submitted an estimate for $3,025.00 . Breckenridge who we have used in the past, submitted an estimate for $3950.00.

**CORRESPONDENCE**

**\_** May 23, 2023- Notice of public hearing from Tewksbury Township for an amendment to the Housing Element and Fair Share Plan of 2003 Master Plan.

\_ May 24th, email from K. Pyatt of DPW advising that the brush pick up was in line with the previous year and came to $4,954.54. He advised they are working on street sweeping and mowing to get ready for the weekend.

\_ May 25th, email from K. Pyatt, They repaired the holes in Scheffer Court today.

\_ May 24th, letter from Senator Steinhardt asking for Califon to support bill S-3906 “Give it Back” bill for tax relief.

\_ June 1, 2023 email from Angela Mostwill Raritan Basin advising their carpenter can repair the door to the Hoffman house.

**OLD BUSINESS**

1. **RESOLUTION -PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE 2023-04- SALARY AND WAGE**

The Mayor read Ordinance 2023-04 by title: **AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS OF THE BOROUGH OF CALIFON IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY**

Mayor Daniel opened the public hearing on this ordinance. There being no comments from the public the public hearing was closed.

Motion was made by C. Smith seconded by L. Janas to adopt Ordinance 2023-04.

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

Opposed: None

**MOTION CARRIED**

**NEW BUSINESS**

**CONSENT AGENDA**

(Adoption upon Roll Call)

 “Consent Agenda items are routine and will be enacted with a single motion. Any items that require expenditures are supported by a certification of funds; any item requiring discussion will be removed from the Consent Agenda; all Consent Agenda items will be reflected in the full minutes.”

The Following Resolutions were approved with one roll call vote:

1. **RESOLUTON- STRIKING SPECIFIC SALARIES FOUND IN RANGES IN THE SALARY AND WAGE ORDINANCE**

The following Resolution was introduced for adoption:

 **RESOLUTION 2023-50**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Califon that the

Following salaries be established and approved for certain employees of the Borough of Califon for the calendar year of 2023:

 Clerk: $56,100.00

 Treasurer: $10,200.00

 Zoning Officer: $10,264.00

**BE IT FURTHER RESOLVED** that the aforementioned salaries along with the salaries of the remainder of the employees of the Borough of Califon be authorized by Ordinance 2023-04 entitled: **AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS OF THE BOROUGH OF CALIFON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY,** scheduled for final adoption on June 5, 2023.

1. **RESOLUTION – GOVERNING BODY CERTIFICATION OF ANNUAL AUDIT WITH GROUP AFFADAVIT**

 **CERTIFICATION OF THE ANNUAL AUDIT**

**RESOLUTION 2023-51**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Califon Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon con­viction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Califon Borough Council, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON June 5, 2023

**RESOLUTION 2023-52**

**BE IT RESOLVED** by the Borough Council of the Borough of Califon, County of Hunterdon, State of New Jersey, that the following Plenary Retail Distribution License be issued in the Borough of Califon, to be effective at 9:00 a.m. prevailing time on July 1, 2023; 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 license to the following licensee:

NAME LICENSE NO ADDRESS

Jalaram Liquors 1004-44-001-005 430 County Rd, Rt. 513

T/A Califon Wine and Spirits Califon, NJ 07830

**BE IT FURTHER RESOLVED** that a copy of this Resolution be certified to be a true copy by the Municipal Clerk and forwarded to the Division of Alcoholic Beverage Control.

**RESOLUTION 2023-53**

 **BE IT RESOLVED** by the Borough Council of the Borough of Califon, County of Hunterdon, State of New Jersey, that the following Plenary Retail Consumption Liquor License be issued in the Borough of Califon, to be effective at 9:00 a.m. prevailing time, on July 1, 2023; 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 license to the following licensee:

NAME AND TRADE NAME, IF ANY LICENSE NO. ADDRESS

**KOHA, LLC 1004-33-003-003 438 Route 513**

**t/a Brasserie 513 Califon, N.J. 07830**

**RESOLUTION 2023-54**

 **BE IT RESOLVED** by the Borough Council of the Borough of Califon, County of Hunterdon, State of New Jersey, that the following Club Liquor License be issued in the Borough of Califon, to be effective at 9:00 a.m. prevailing time, on July 1, 2023; 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 license to the following licensee:

NAME AND TRADE NAME, IF ANY LICENSE NO. ADDRESS

Califon Fire Co. 1004-31-002-002 P.O. Box 178

 41 Main St.

 Califon, N.J.

 07830

 **BE IT FURTHER RESOLVED** that a copy of this Resolution is certified to be a true copy by the Municipal Clerk and forwarded to the Division of Alcoholic Beverage Control.

**RESOLUTION 2023-55**

*WHEREAS,* invasive species are considered the second greatest threat to biodiversity after outright habitat destruction, and

*WHEREAS,* New Jersey has been severely impacted by a wide variety of invasive species, causing harm to agricultural and natural lands, leading to economic and ecological losses, and

*WHEREAS,* the New Jersey Senate and New Jersey Assembly have introduced legislation to regulate invasive species and form the New Jersey Invasive Species Council to address mitigating invasive species impacts.

*NOW, THEREFORE BE IT RESOLVED* by the Borough of Califon Committee as follows:

"We support the enactment of S2186/A3677 which Prohibits sale, distribution, or propagation of certain invasive plant species without permit from Department of Agriculture; establishes NJ Invasive Species Council."

*AND BE IT FURTHER RESOLVED* that copies of this Resolution shall be forwarded to all municipalities in Hunterdon County, the New Jersey League of Municipalities, Chairman of Senate Environment and Energy Committee, Bob Smith, and Chairman of Assembly Agriculture and Food Security , Roy Freiman.

**RESOLUTION #2023-56**

**RESOLUTION IN SUPPORT OF PROPOSED SENATE BILL NO. 861 ALLOWING
MUNICIPALITIES TO CONDUCT ANNUAL EVENT FOR OPEN BURNING OF
CHRISTMAS TREES.**

WHEREAS, for many years, the Borough of Califon held annual holiday gatherings where open burnings (bonfires) were conducted using discarded Christmas trees under the watchful eyes of the Califon Volunteer Fire Department; and

WHEREAS, Food, and entertainment for children served as an excellent complement to the bonfire on a cold winter night; and

WHEREAS, this event was enjoyed by thousands of residents over the years and is wonderful community events for all that attend; and

WHEREAS, by holding this successful event, it also allowed the Borough to utilize the trees as fuel for the bonfire rather than have taxpayers fund the cost to have them disposed of through traditional solid waste means and be brought to a landfill; and

WHEREAS, many years ago, the New Jersey Department of Environmental Protection, Division of Air Quality (NJDEP) advised municipalities that opening burning events where Christmas trees were utilized were now prohibited as they considered these trees "rubbish", which was prohibited from being burned in this fashion; and

WHEREAS, since the inception of this enforcement action by NJDEP, the Borough of Califon was no longer able to burn Christmas trees at our annual holiday event and was forced to utilize other material that was not deemed "rubbish" by the NJDEP, as well as pay to have the discarded trees disposed of; and

WHEREAS, Senate Bill No. 861 is being considered by the New Jersey Legislature that permit NJDEP to establish rules, regulations, and standards for the open burning of Christmas trees by municipalities within the State, and would permit municipalities to conduct annual events for open burning of Christmas trees.

**Roll Call Vote – Resolutions 2023-50- 2023-56**

 Councilman Baggstrom made a motion to approve Resolutions 2023-50 through 2023-56, seconded by Councilman Medea.

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

Opposed: None

**MOTION CARRIED**

1. **RESOLUTION 2023-58** **Change of Council Meeting Days to: First and Third Thursdays of every Month.**

Councilman Baggstrom made a motion to change the council meeting days to the first and third Thursday of each month, with Councilman Ruggiero seconding this motion.

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

Opposed: None

**MOTION CARRIED**

**COMMITTEE REPORT**

Councilman Medea reported that the Memorial Day parade and program at the park was a great success. Councilwoman Smith commented on how nice the park looked.

Councilman Ruggiero asked what the long-term plan was for the rain barrel that was donated and moved to the garage. Councilman Medea advised that the Environmental Commission should work with the parks committee and come up with a plan for the permanent, installation.

Councilman Ed Haversang advised that he did not have much to report on the Environmental Commission. The pollinator garden has been planted and is doing well. Councilman Haversang reported that he and Mayor Daniel met with Chief Morris at Chief Morris’s request to discuss the Lebanon Township Rescue Squad and Califon Rescue Squad.

At this time Mayor Daniel asked that this matter be discussed in executive session as it involves contractual matters. We will move to the executive session at the end of this public meeting.

Councilman Janas reported that the Planning and Zoning meeting of May 17th was cancelled, and the next scheduled meeting is June 21st.

Councilwoman Smith advised she did not have a report.

Councilman Baggstrom had nothing to report.

Councilman Ruggiero reported that the June/ July Crier was emailed out.

Mayor Daniel reported that the Califon School will be graduating the 8th grade class on June 15th, and he will be giving out the Jim Ball Citizenship Award on behalf of the council.

Mayor Daniel reported that he would like to move into executive session. This will only be a meeting of discussion; no decisions will be made. After the executive session is closed there will be no public meeting.

RESOLUTION 2023

RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN
ACCORDANCE WITH THE NEW JERSEY OPEN PUBLIC MEETINGS ACT

BE IT RESOLVED by the Borough Council of the Borough of Califon that an Executive Session, not open to the public, shall be held immediately following the adoption of this Resolution for the purposes of

discussion of contract negotiations.

attorney-client discussion with the Borough Attorney.

At the conclusion of the Executive Session, the regular meeting will continue, and further public discussion and action may occur.

It is anticipated that the minutes of the Executive Session may be disclosed to the public as to personnel issues, after action is taken or it is determined that action will not be taken.

as to contract negotiations, when the contract negotiations are concluded or terminated, and the public interest no longer requires confidentiality.

as to discussions with the Borough Attorney, since the attorney-client privilege has no specific expiration date, the minutes may be disclosed by the Borough Council when it determines that the public interest no longer requires confidentiality.

Councilman Baggstrom made a motion to approve the above Resolution to enter executive session and to close the public meeting. There will not be a public meeting after the conclusion of the executive session.

**ALL IN FAVOR**

Respectfully submitted,

Karen Mastro, RMC