**BOROUGH OF CALIFON**

**REGULAR MEETING**

**May 15, 2023**

Richard Baggstrom called the regular meeting to order at 7:05 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, J. Ruggiero, C.Smith**

 **ABSENT: E. Haversang, M. Medea**

**ALSO PRESENT: Mark Anderson, Borough Attorney** and **Chief J. Almer, WTPD**

**Councilman Haversang arrived at 7:30 pm**

**Mayor Daniel arrived at 7:30 pm**

**APPROVAL OF MINUTES**

L. Janas advised he also arrived late on May 1st and was not noted in minutes. Councilman J. Ruggiero advised his last name misspelled on first page.

Motion was made by C. Smith seconded by L. Janas to approve the minutes of the May 1, 2023, with the changes noted.

For: R. Baggstrom, L. Janas, J. Ruggiero, C. Smith

Opposed: None

Absent: E. Haversang M. Medea

**LIST OF BILLS**

Motion was made by L. Janas seconded by J. Ruggiero to approve the list of bills in the amount of $769,310.21.

For: R. Baggstrom, L.Janas, J. Ruggiero, C. Smith

Opposed: None

Absent: E. Haversang, M. Medea

**CORRESPONDENCE**

**\_** Park Use Application 5-10-23- S. Vanarelli completed an application to use the park for a birthday party on 5-27-23. Bouncy House will be used – company that owns bouncy house has provided proof of Insurance and has named Califon Borough as an additional insured.

\_ Park Use Application – Lower Valley Presbyterian Church-reserved Park for church services on June 4, 2023.

\_ 5-3-23- letter from Township of Readington asking for our support of the NJ Invasive Species Legislation \* Councilman Baggstrom asked that this Resolution be placed on the next agenda for consideration.

\_5-15-23 – email from Lisa Hibb of Commercial Utility Consultants advising the DCA has Approved the HAEC Cooperative Pricing System. Renewal is for 5 years.

\_5-9-23-email DCA – Advising the Audit Deadline Extension: GASB 68 &75 for Municipal and County Audits

Councilwoman Smith asked if she could ask a question concerning last week’s meeting now while we are waiting for Mayor Daniel to arrive? C. Smith asked Borough attorney, M. Anderson if he would recommend the Borough installing a large round mirror at the intersection of Main and River Rd as discussed at last week’s meeting. M. Anderson advised he did not recommend anything but did advise that the Borough would be sufficiently protected and would not let potential liability get in the way of what the Council may feel is a good decision. Discussion about where the mirror could be placed and if the County would need to be involved. Councilman Ruggiero advised that it may be worthwhile looking into.

**NEW BUSINESS**

1. Hoffman Property- Biannual Monitoring Report from NJWSA

Council members reviewed the April 14, 2023, report of this property located at 51 River Rd and is owned 50% by NJWSA and 50% by the Borough of Califon. Consists of 31.37 Acres.

Areas that need attention will have to be done by volunteers. Clerk Mastro has contacted a metal recycler that will take the old scrap metal; however, we will need volunteers to pull it out from under the shrubs close to the driveway.

The storm cellar door needs to be repaired and a down cable wire needs to be removed. Califon Borough and NJWSA will try and take care of these issues with volunteers.

1. 15 and 25 Academy Street Property Dispute- Borough Attorney, M. Anderson

explained that this dispute is currently in litigation and is considered public record. Due to the nature of the dispute, M. Anderson believes that the Borough should know the basic facts behind this dispute.

The seller of 15 and 25 Academy Street would like to sell this property with a deed restriction allowing the seller who lives at 17 Academy St, to continue to drive through the parking lot of 15 and 25 Academy St to access Academy St. 17 Academy is located down a long driveway off the parking lot of 15 and 25 Academy St. The seller and her neighbor of 19 Academy only have access to Academy Street through this parking lot.

 M. Anderson advised that if the court sides with the buyer by not allowing this route, then the seller and the neighboring resident will be landlocked and have no way to access a road from their driveway. A new route will have to be established. Access to Center Street from the driveway could be built but will require permission from the neighbor at 22 Center Street. Another possibility would be to build a connecting road from Railroad Ave, over the Columbia Trail to the driveway of 17 and 19 Academy. M. Anderson advised that whether this is a matter the Borough should have interest in should probably be in closed session as it is a legal issue and involves attorney client privilege.

At this time, it was decided to move the executive session to the end of the agenda and move to Public Comments.

**PUBLIC COMMENTS**

John Kostick of 59 River Road approached the council. Mr. Kostick read from a prepared statement where he advised that he has an issue with the taxes in Califon and how the tax money is spent, especially on legal fees.

Mr. Kostick owns two lots in Califon, 59 River Rd, Block 17 Lot 4 and 61 River Road, Block 17 Lot 3. Mr. Kostick filed the tax appeal for the assessment of Block 17 Lot 3, which is a wooded, unimproved lot. The current assessment of this lot is $24,400 and is a little over two acres.

Mr. Kostick advised that he was disappointed that the town would not accept his appeal and let the matter go through the hearing process. Mr. Kostick advised that he was further disappointed that the Borough chose to send the Borough attorney to the hearing to represent the Borough. Mr. Kostick stated he believes that the Borough spent more money in fighting his appeal than what it would cost to accept his request of appeal. Mr. Kostick stated that at the hearing the borough attorney, M. Anderson, told him that he had the authority to force him to merge his two lots. Mr. Kostick advised that he wants to be reassured that there will be no repercussions from the council or town regarding his property’s status. He wants to hear from the Council that they have no intention of forcing him to merge properties. Mr. Kostick then submitted his written statement to Mayor Daniel.

Mayor Daniel asked Borough attorney, M. Anderson, to speak as he was present at this tax appeal hearing.

M. Anderson advised that he was present along with the Borough’s Tax Assessor on Thursday, May11th for the tax appeal hearing with the County Tax Commissioners. M. Anderson advised that the County Tax board’s rule requires the Borough attorney, or an attorney hired by the Borough must be present during a hearing. This was not a choice made by the Borough but made by the tax board’s rules.

M. Anderson advised that the purpose of an appeal is to appeal the assessment not the taxes. By Statute and the NJ Constitution, every property must be assessed at a fair market value. M. Anderson advised that the Borough’s Tax Assessor felt that this property was assessed at a fair market value which is why it went to the County Board of Commissioners.

After hearing the case, the Board of Commissioners agreed and sustained the appeal.

Mayor Daniel asked M. Anderson if Mr. Kostick has a right to appeal in this case. M. Anderson advised that yes, he can appeal to the State level.

Mayor Daniel inquired about the issue of merging lots. M. Anderson advised that he did hear this issue come up but was not made by him. Mr. Kostick disagreed with this and advised that he could have the hearing transcribed.

Mayor Daniel told Mr. Kostick that the Council does not have any reason or intention to require him to merge his properties. Mayor Daniel stated that at this point it has never been brought to the town’s attention and that there is no plan or desire by the town to have his lots merged. Councilman Ruggiero advised that if there was a discussion, it would be before the planning board. Councilman Janas advised that as the Council liaison to the Planning Board, there has been no discussions that he has heard of or been a party to regarding this subject.

M. Anderson assured Mr. Kostick that he does not have the power to make him merge his lots.

Mr. Kostick at this time thanked the Council members for their time and gave his statement to Mayor Daniel.

Mayor Daniel asked if there were any other members of the public that would like to speak. Hearing no one, Mayor Daniel closed public comment.

**COMMITTEE REPORT**

Councilman Haversang advised that the pollinator garden will be planted this week at the park. He had nothing further to report.

Councilman Janas advised that there is a Planning and Zoning meeting scheduled for Wednesday, May17th.

Councilman Baggstrom advised that his laptop is down but from his recollection the numbers for police calls are steady and there was nothing unusual to report.

Councilman Baggstrom advised that regarding the Aqua lead line replacement project, all the work has been done. Aqua sent out a complete list of all the locations where restoration was completed and the addresses where there still needs some additional work. Councilman Ruggiero stated that he did notice that when there have been issues during this project, the contractor was very quick to respond to the calls and do the repairs.

Councilwoman Smith pointed out that School Street seems to be covered in patches from all the road openings not just from this project but many, over the last few years. She suggested that maybe we include this street on the waiting list for paving.

Clerk Mastro advised that the Borough engineer asked to be contacted by Aqua when they are ready for the final inspections.

Councilman Ruggiero advised that he would report on Parks and Recreation as Councilman Medea was not at the last meeting. Councilman Ruggiero advised that the Memorial Day Parade is all set. There will be no music this year as the bagpipes were too expensive and none of the local high schools could commit to performing. Councilman Medea’s daughter is helping with the bike parade and may sing the anthem at the ceremony.

There will be an Open House at the park from 2-4pm on June 24th. Light refreshments will be served. As of now the Fire Company, Califon First Aid, Califon Parks and Rec, and Califon Environmental Comm will all have tables at the park and be available to answer questions for interested residents.

 Parks and Recreation also discussed having a budget meeting so they can submit a formal request for their next budget.

Summer Fun Days may have a new Chairperson for this program.

 Street Fair registration is live and vendors are signing up. Member, David Bolles is soliciting for sponsors.

The Townwide Tag Sale was discussed, and it was agreed that they will find out from the First Aid Squad if they would like to head this up as the Parks and Recreation do not have this in their budget for signs or any other expenses that may come up.

Regarding technology, there was a question on whether the town should purchase an old domain name that is now up for sale. Councilman Ruggiero conferred with Nate Bauer our website consultant and he advised that there is no reason.

Discussion on resolving the email problems we have been having which have now seemed to be resolved.

Mayor Daniel asked Washington Township Police Chief, Jeff Almer if he has anything to report.

Chief Almer advised that he did not have anything to report.

**MAYORS REPORT**

Mayor Daniel reported that we already went over everything, and he had nothing further to report.

He stated that we will now go into executive session.

Clerk Mastro read;

 **RESOLUTION 2023-49**

**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.

Motion was made by C. Smith seconded by L. Janas to close the public meeting and go into executive session. There will not be a public meeting after the conclusion of the executive session.

All members of council were in Favor.

Respectfully submitted,

Karen Mastro, RMC