

**BOROUGH OF CALIFON COUNCIL
REGULAR MEETING
OCTOBER 5, 2015**

Mayor Charles Daniel called the regular meeting to order at 8:00 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: K. DEBLASIO, P. FARMER, M. MEDEA, M. RICCIO
G. SMITH
ABSENT: T. FORRESTER**

COMMENTS FROM THE PUBLIC

Mayor Daniel moved “comments from the public” to the beginning of the meeting to accommodate resident Susan Oldroyd and Stan Prader of JCP&L; both wish to address Mayor and Council this evening. Susan Oldroyd, resident of 33 Main St. addressed Mayor and Council with concerns about the deteriorated and unsafe sidewalk in front of her property. Ms. Oldroyd is requesting that the sidewalk be replaced when the stormwater project construction begins on her property. Mayor Daniel said that he would have to confer with the Borough Engineer but it was his understanding that the scope of work for the stormwater project did not include replacement of sidewalks. Ms. Oldroyd passed out photos of problem areas at her property. Mr. Oldroyd reported that the contractor for the Aqua NJ water main replacement project did a poor job of restoring the 5’X5’ hole dug in the front corner of her property. Also, after hooking up the water line to her house, Mr. Oldroyd complained that there was very poor water pressure in her home, due to a build-up of sediment in the pressure relief valve. Since this is the project of Aqua NJ, Mayor Daniel stated that Aqua NJ and their contractor Penn Bower would be contacted to discuss possible remediation.

Ms. Oldroyd asked how the town plans on clearing the storm drain on the side of her property, prior to Rock Solid doing the construction work planned in that area of her property. She reminded Mayor and Council that the town has a permanent easement from her so that it is now the town’s responsibility. Mayor Daniel stated that he and Councilman Smith would contact the DPW to inspect and possibly maintain by clearing out the debris/brush, etc.

Ms. Oldroyd reminded Council that this needs to be done on the Ramirez property as well.

Ms. Oldroyd asked when she would hear back from the Mayor regarding her concerns as stated this evening. Mayor Daniel stated that he would be back to her in approximately 2 weeks.

Mayor Daniel stated that there is a new timeline for the stormwater project due to amending the contract for pricing and schedule. Mayor Daniel told Ms. Oldroyd that there will be a meeting prior to construction on her property.

Stan Prader, area Manager for JCP&L stopped by to address Mayor and Council reporting that this area, thankfully, avoided the repercussions of a big storm over the weekend. Mr. Prader reported that the hurricane veered out to sea so this area experienced mostly a wind event. Mr. Prader passed out brochures advertising a job opportunity for linemen/linewomen at JCP&L. There will be an information session regarding this job opportunity at Raritan Valley Community College on Tuesday, November 17, 2015 from 6:00 pm to 8:00 pm.

Mayor Daniel acknowledged the presence of Police Chief Jeff Almer in the audience. Mayor Daniel stated that the County re-paving project of County Rt. 512 will not need officers from Washington Twp. Police Dept. assigned to traffic control as the County has flagmen to assist with traffic control.

Mayor Daniel thanked all for their attendance tonight and closed this portion of the meeting.

APPROVAL OF MINUTES

Motion was made by G. Smith seconded by M. Riccio to approve the minutes from the meeting held on August 17, 2015.

For: K. DeBlasio, M. Riccio, G. Smith

Opposed: None

Absent: T. Forrester

Abstain: P. Farmer, M. Medea

MOTION CARRIED

Minutes from meeting held on September 14, 2015 were tabled due to lack of sufficient quorum.

Minutes from Executive session held on September 14, 2015 were tabled due to lack of sufficient quorum

LIST OF BILLS

Motion was made by P. Farmer seconded by M. Riccio to approve the list of bills with the following alteration: payment of \$500 to 15th NJVI, Inc. not authorized – adjustment to be made to debit Recreation Committee; not Parks Committee as indicated on the voucher.

For: K. DeBlasio, P. Farmer, M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: T. Forrester

MOTION CARRIED

CORRESPONDENCE

___ Highlands Council; Plan Conformance Amended Grant Agreement; reimbursement of \$25,000 allocated for work on Modules 2, 3, & 7.

___ Hunterdon County; Solid Waste & Recycling Services Program

Electronics Collection – Saturday, October 10, 2015

Hazardous Waste Collection – Saturday, November 14, 2015

Both events to take place at the Route 12, Flemington Complex

___ Fire Marshall monthly report for month of September, 2015

___ Califon Municipal Court – monthly report for month of August – paid to town: \$1202.52

OLD BUSINESS

A. RESOLUTION OF APPROVAL – AMENDMENT TO MSSDA (MUNICIPAL SHARED SERVICE DEFENSE AGREEMENT) – RETAINING THE SERVICES OF E-CONSULT

The following Resolution was introduced for adoption:

RESOLUTION 2015-80

WHEREAS, the Borough Council of the Borough of Califon entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

WHEREAS, the Borough Council of the Borough of Califon recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Borough Council of the Borough of Califon has determined that it is in the best interests of the citizens of the Borough of Califon to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA.

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

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved and/or ratified and confirmed.
2. The Mayor and Borough Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough Council of the Borough of Califon hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Borough of Califon with Econsult Solutions, Inc.

The Borough Council of the Borough of Califon hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough of Califon, with the approval of the Borough of Califon's designated counsel, such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Borough Council of the Borough of Califon further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes and to take action on behalf of the municipality, with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA, provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the Borough of Califon shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough of Califon.
6. This Resolution shall take effect immediately.

Motion was made by P. Farmer seconded by M. Medea to adopt Resolution 2015-80 as read.

For: K. DeBlasio, P. Farmer, M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: T. Forrester

MOTION CARRIED

COMMITTEE REPORTS

Councilman Medea reported that the guardrail in the park is failing in two areas and this will need to be repaired as soon as possible with treated wood.

The report on the park bridge inspection should be received from the Borough Engineer by the next meeting.

Councilman Medea reported that the Street Fair held on Sunday was a huge success attended by approximately 500 people. Special thanks go to Jason Beard for his excellent management skills. There will be a meeting at Tony's Bistro at 7:30 pm to thank everyone.

Mayor Daniel reminded Council that the 100 year celebration of Califon Borough will be in 2018; plans need to be formulated for this event.

Councilwoman Riccio read the Court report for the month of August; citing a net to the Borough of \$621.52. Chief Almer spoke about his instituting a "fresh" approach for Califon patrols since he has been installed as Chief. He has personally asked the patrolmen to get out of their cars and walk; greeting residents and businesses. Councilman Medea spoke about the recent increase of graffiti on the floor of the pavilion at the Park and asked for increased Park patrols. Chief Almer does not think the installation of cameras at the park is a good idea.

Councilman Farmer reported that Mayor Daniel has asked the Environmental Commission to take the lead on the alternative septic issue that has recently sparked interest from the DEP and the Highlands Council. It has been reported through the Highlands Council, specifically Maryjude Haddock-Weiler and Margaret Nordstrom, that the DEP is ready and willing to seriously discuss alternative septic designs for Califon and would like to come together with the Borough soon. Councilman Farmer stated that the Chair of the EC, Tom Baker, will set up a meeting to move forward with the Highlands and the DEP.

Councilman Medea asked Councilman Farmer if he has had a status report on the installation of a new septic system at the Keefe building. Councilman Farmer stated that he is not sure of the status at this time.

Councilman Smith reported that the DPW has been working on pot hole repair. The DPW has identified 4 catch basins that need repair; there are 2 on Eisenhower; 1 on Center St. and 1 on First St.

Mayor Daniel asked Councilman Smith to speak to Hayden Hull, Director of the DPW regarding his understanding of the maintenance of the storm drain at 33 Main St. (Oldroyd) before and after the construction. Councilman Medea asked to check the easement on file to see if it states anything about maintenance. The Clerk said she would get Councilman Medea a copy of the easement.

Councilwoman DeBlasio reported on the status of some of the businesses as a result of the water main and stormwater projects. Councilwoman DeBlasio reported that her business at her shop has tripled since the projects have started. Rambo's business has increased also and the flower shop business has increased by 68%. Councilwoman DeBlasio wanted to share this information and was happy to report that to date, the effects of the construction projects have been positive; not negative as was originally feared.

Councilwoman DeBlasio reported that there is a rumor going around that the County plans on closing the bridge again due to a problem with the recent construction of the decking. The Clerk reported that she suspects this is false and just a rumor; but will call the County to double check. Councilwoman DeBlasio reported that the flag at the park was on the ground and her husband Clark put it back up.

MAYOR'S REPORT

Mayor Daniel had no further business to report. Mayor Daniel did reach out to the Police Chief to set up a date for lunch.

EXECUTIVE SESSION

The following Resolution was introduced for adoption:

RESOLUTION 2015-81

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Borough Council of the Borough of Califon is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Borough Council of the Borough of Califon to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

Matters Relating to Negotiations: Any pending or anticipated contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his/her ethical duties as a lawyer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Califon, assembled in public session on October 5, 2015 that an Executive Session closed to the public shall be held on October 5, 2015, at 9:15 P.M. in the Califon Municipal Building, 39 Academy St., Califon, N.J. 07830, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

Motion was made by M. Medea seconded by P. Farmer to adopt Resolution 2015-81 as read.

For: K. DeBlasio, P. Farmer, M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: T. Forrester

MOTION CARRIED

Motion was made by G. Smith seconded by M. Medea to resume the regular meeting at 9:55 pm.
For: K. DeBlasio, P. Farmer, M. Medea, M. Riccio, G. Smith
Opposed: None
Absent: T. Forrester
MOTION CARRIED

The following Resolution was introduced for adoption:

RESOLUTION 2015-82

BE IT RESOLVED by the Mayor and Council of the Borough of Califon that the proposal for Change Orders 1 & 2 in the Lump Sum amount of \$200,000 as submitted by Rock Solid, Inc., contractor for the project known as “Railroad Avenue/Main Street Stormwater Project” in the Borough of Califon, has been agreed upon by Califon Borough and Rock Solid and is hereby formally approved; and

BE IT FURTHER RESOLVED that this proposal for a Lump Sum amount of \$200,000 is hereby subject to approval by Borough Engineer, Kelly Kimiecik, P.P. of the formal change order request detailing the specific scope of work and in accordance with all NJDEP and EPA requirements.

BE IT FURTHER RESOLVED that this proposal for a Lump Sum amount of \$200,000 is hereby subject to approval by NJDEP and EPA as it relates to approval of the allotment of funds for the Change Order.

Motion was made by M. Medea seconded by M. Riccio to adopt Resolution 2015-82 as read.
For: K. DeBlasio, P. Farmer, M. Medea, M. Riccio, G. Smith
Opposed: None
Absent: T. Forrester
MOTION CARRIED

There being no further business to come before Council at this time, motion was made by P. Farmer seconded by M. Riccio and unanimously accepted to adjourn the meeting at 9:57 pm.

Respectfully submitted:

Laura G. Eidsvaag, RMC
Municipal Clerk/Administrator