

**BOROUGH OF CALIFON COUNCIL
REGULAR MEETING
OCTOBER 19, 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: T. FORRESTER, M. MEDEA, M. RICCIO, G. SMITH
ABSENT: K. DEB LASIO, P. FARMER**

MAYORAL PROCLAMATION – FOSTER CHILDREN’S DAY – HONORING BERT BARON FOR HIS WORK WITH AND COMMITMENT TO FOSTER CHILDREN

The following PROCLAMATION was read by Mayor Daniel:

WHEREAS, Edison resident and former foster child Heather O’Neil is responsible for the creation of *FOSTER CHILDREN’S DAY* in the State of New Jersey; and

WHEREAS, Heather, with the assistance and support of individuals, businesses and advocacy groups endeavors to make *FOSTER CHILDREN’S DAY* a Nationally recognized day for foster children; and

WHEREAS, support for Heather and her commitment for the creation of a national *FOSTER CHILDREN’S DAY* would not be possible without the advocacy and assistance of the within named individual: **BERT BARON; a resident of Hoffman Drive in the Borough of Califon, County of Hunterdon, State of New Jersey;** and

WHEREAS, as an advocate, **BERT BARON** believes that a significant way to improve the quality of life for Foster Children is to work with local, county and state legislators, community leaders, businesses and media outlets to provide opportunities and increase the likelihood of higher education, employment and community life.

NOW, THEREFORE, I, CHARLES DANIEL, MAYOR OF THE BOROUGH OF CALIFON, NEW JERSEY, do hereby recognize December 12th as

FOSTER CHILDREN’S DAY

IN THE BOROUGH OF CALIFON and encourage all residents to honor the individuals, such as **BERT BARON of Califon Borough**, who have been instrumental in bringing awareness to the needs of foster children not only in the Borough of Califon but throughout the County of Hunterdon.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Borough of Califon to be affixed, this 19th day of October in the **Year Two Thousand Fifteen**.

Mayor Charles Daniel read the Proclamation above declaring December 12th as FOSTER CHILDRENS DAY in Califon Borough and honoring Bert Baron, resident of 34 Hoffman Dr., for his work with and commitment to foster children. At the conclusion of Mayor Daniel's reading of the Proclamation, he read a short bio of Mr. Baron, provided by Heather O'Neil, lead spokesperson for the Foster Children's Advocacy Group. The bio spoke of Mr. Baron's years of work on behalf of foster children; in particular his work with and support of Ms. O'Neil, was highlighted.

Mayor Daniel introduced Mr. Baron, who was in the audience tonight with his wife Kay. Mr. Baron spoke briefly of his advocacy on behalf of foster children and in particular of his work with and support of Mr. O'Neil's efforts to bring attention to the plight of foster children in this state and nationally. Mr. Baron spoke too of his work with radio station 1450-New Brunswick and said that this Proclamation read tonight will be read on his station on December 12th; the official "Foster Children's Day". Mayor Daniel stated that a resolution would be adopted tonight by Council, declaring December 12th as "Foster Children's Day" in the Borough of Califon. Mayor Daniel thanked Mr. Baron for his dedication to foster children and for his attendance at tonight's meeting. Mayor Daniel further stated that a copy of the sealed Proclamation and a certified copy of the resolution will be forwarded to Mr. Baron. Mr. Baron thanked the Mayor and Council for this honor.

The following Resolution was introduced for adoption:

RESOLUTION 2015-83

EXPRESSING SUPPORT FOR THE DESIGNATION OF DECEMBER 12, 2015 AS FOSTER CHILDREN'S DAY

WHEREAS, as of June, 2011, approximately 408,000 children are in some type of foster care; and

WHEREAS, the average age of a foster child is 9 years old, with an average of 14 to 25 months in the foster care system, 48 percent of foster children will be placed in a nonrelative home; and

WHEREAS, of the 408,000 children, only 107,000 were eligible for adoption, only 53,000 were adopted and only 51 percent are reunited with their parents or original guardians; and

WHEREAS, approximately 20,000 foster children will "age out" when they turn 18; of these children only 38 percent of them will hold a job for more than a year; 55 percent of them will be arrested and 18 to 26 percent of them will be incarcerated and will leave the foster system with little financial or emotional support; and

WHEREAS, the overwhelming majority of foster children end up in foster care after being removed from an abusive or neglectful household; and

WHEREAS, 7 years old is the average age that children are removed from their homes to enter the foster care system; and

WHEREAS, foster children are more likely to have a disability and the occurrence of every disability is 2 to 3 times higher among foster children than among those not in foster care;

WHEREAS, it is essential for the United States to recommit itself to recognizing the unique needs and experiences of foster children and to aid in facilitating permanent placement of these children as well as encouraging Federal, State and local government, private organizations and the general public to become involved with foster children through charitable efforts which acknowledge that these children are important and loved; and

WHEREAS, December 12, 2015 would be an appropriate date to designate as Foster Children's Day; and

NOW, THEREFORE, BE IT RESOLVED that the Borough of Califon supports the designation of Foster Children's Day in the United States to recognize the unique needs and experiences of foster children and to provide an opportunity for Federal, State and local government, private organizations and the general public to engage in charitable efforts which acknowledge that these foster children are important and loved.

Motion was made by M. Medea seconded by T. Forrester to adopt Resolution 2015-83 as read.

For: T. Forrester, M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: K. DeBlasio, P. Farmer

MOTION CARRIED

WILLIAM GIBBY AND NEIGHBORS OF S. MAIN ST. – ELIZABETHTOWN GAS SERVICE

Mr. Gibby and the following residents were present in the audience to address Council regarding their 3 year effort to have the gas main extended up S. Main St. for 800 ft. to provide gas service to six residences: Lloyd & Wendy Tiger, Rich Clickner and Lorraine Robinson; Matt and Rebecca Newbold and Pablo and Alexandra Bueono. Mr. Gibby, spokesman for the group, reviewed the letter he drafted to the Mayor and Council on behalf of the group. Mayor and Council had received this letter and the supporting documentation prior to tonight's meeting to familiarize them with the issues. In the letter, Mr. Gibby and the residents asked that the Mayor and Council approve their request to have the Borough Attorney, Peter Jost, provide a "legal interpretation" of Section 5 of the Califon Ordinance establishing a 50 year franchise with Elizabethtown Gas which states "the work of laying or repairing gas mains and/or distribution lines and laterals shall be done by the Company in a careful, prudent and workmanlike manner **at its own expense.**" Mr. Gibby explained that in the 3 year time frame dealing with

Elizabethtown Gas, the cost quoted by EG for hooking up to gas has skyrocketed to \$7500 per household. They would like the legal interpretation, if favorable, for leverage when they resume negotiations with EG for a satisfactory solution. Mr. Gibby spoke of his conversations with a resident of Railroad Ave. who, along with several others, got their gas service hookups with EG done in early 2015 at a cost of \$3,000 per household.

Mayor Daniel did agree that Section 5 of the Ordinance seems cut and dry that there should be no charge; Council concurred. Mayor Daniel did say that he spoke with Harold Kunze, one of the residents on Railroad Ave. who recently received his gas service after a struggle of 1-1/2 years. Council checked the remaining funds in the legal budget line item and, when satisfied that there were sufficient funds, approved the Borough Attorney providing a written "legal interpretation" of Section 5 of the franchise Ordinance.

Mayor Daniel thanked Mr. Gibby and the residents of S. Main St. for attending the meeting.

The following Resolution was introduced for adoption:

RESOLUTION 2015-84

BE IT RESOLVED by the Mayor and Council of the Borough of Califon that Peter Jost, Borough Attorney, is hereby authorized to provide to the Mayor and Council a formal, written "legal interpretation" of Section 5 of the Califon Ordinance issuing a 50 year Franchise to Elizabethtown Gas on 6/3/1985; expiring in 2035; and

BE IT FURTHER RESOLVED that, when received from Mr. Jost, this "legal interpretation" will be shared with 11 concerned citizens of S. Main St. to assist them in their negotiations with Elizabethtown Gas for gas services to their homes on S. Main St.

Motion was made by T. Ledbetter seconded by M. Riccio to adopt Resolution 2015-84 as read.

For: T. Forrester, M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: K. DeBlasio, P. Farmer

MOTION CARRIED

APPROVAL OF MINUTES

Motion was made by T. Forrester seconded by M. Riccio to approve the minutes from the meeting held on 9.14.15.

For: T. Forrester, M. Riccio

Opposed: None

Absent: K. DeBlasio, P. Farmer

Abstain: M. Medea, G. Smith

MOTION CARRIED

Motion was made by T. Forrester seconded by M. Riccio to approve the minutes from the Executive Session held on 9.14.15.

For: T. Forrester, M. Riccio

Opposed: None

Absent: K. DeBlasio, P. Farmer

Abstain: M. Medea, G. Smith

Motion was made by M. Medea seconded by G. Smith to approve the minutes from the meeting held on 10.5.15.

For: M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: K. DeBlasio, P. Farmer

Abstain: T. Forrester

MOTION CARRIED

Motion was made by M. Medea seconded by M. Riccio to approve the minutes from the Executive Session held on 10.5.15.

For: M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: K. DeBlasio, P. Farmer

Abstain: T. Forrester

MOTION CARRIED

LIST OF BILLS

Motion was made by G. Smith seconded by M. Medea to approve the list of bills in the amount of \$2,317.26.

For: T. Forrester, M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: K. DeBlasio, P. Farmer

MOTION CARRIED

TAX COLLECTOR'S REPORT

The Tax Collector's Report was reviewed and filed.

TREASURER'S REPORT

The Treasurer's Report was reviewed and filed.

CORRESPONDENCE

___ Proposed amendment to LDO regarding allowable impervious coverage in each zone
As drafted by John Lynch, member of the Planning Board – Council asked to review and have
Chairman, Bruce Morrow, attend the next meeting to clarify outstanding issues

___ Califon Municipal Court; re: monthly report for month of September

OLD BUSINESS**A. RESOLUTION – APPROVAL OF 2015 LEAF PICKUP BY RUBINETTI-PRIVATE DISPOSAL**

The following Resolution was introduced for adoption:

RESOLUTION 2015-85

BE IT RESOLVED by the Mayor and Council of the Borough of Califon that the 2015 leaf pickup program shall be conducted by Peter Rubinetti of Rubinetti-Private Disposal on the following Saturday dates: Saturday November 21st; November 28th, December 5th and December 12th; leaves are to be placed curbside, bagged in biodegradable paper bags; and **BE IT FURTHER RESOLVED** that the cost for the 2015 leaf pick up program shall be \$1,500.00 per load.

Motion was made by T. Forrester seconded by M. Riccio to adopt Resolution 2015-85 as read.

For: T. Forrester, M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: K. DeBlasio, P. Farmer

MOTION CARRIED

B. RESOLUTION – AMENDING RESOLUTION 2015-82 – STORMWATER CHANGE ORDER #1

The following Resolution was introduced for adoption:

RESOLUTION 2015-86

BE IT RESOLVED by the Mayor and Council of the Borough of Califon that the proposal for Change Order #1 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 Change Order #1 includes a Contract extension of time of 12 working days (16 calendar days) solely related to this Change order; 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; and

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 this Change Order.

Motion was made by M. Medea seconded by M. Riccio to adopt Resolution 2015-86 as read.

For: T. Forrester, M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: K. DeBlasio, P. Farmer

MOTION CARRIED

NEW BUSINESS

A. Resolution – Establishment of 2015 Halloween Curfew

The following Resolution was introduced for adoption:

RESOLUTION 2015-87

ESTABLISHING AND DECLARING A JUVENILE CURFEW IN THE BOROUGH OF CALIFON

WHEREAS, P.L. 1992, Chapter 133 (N.J.S.A. 17:16F-20 et seq) authorizes and empowers a municipality to adopt a Resolution making it unlawful for a juvenile of any age under 18 years within the discretion of the municipality to be on any public street or in a public place between hours as so designated by the governing body unless engaged in, or traveling from a business or activity which the laws of this State authorize a juvenile to perform and making it unlawful for any parent or guardian to allow an unaccompanied juvenile to be on any public street or in any public place during those hours; and

WHEREAS, the Mayor and Council of the Borough of Califon have determined the need for a curfew for juveniles and have determined that the Governing Body shall, by resolution, declare a curfew in the Municipality for a period of up to ten (10) days and under such conditions as are prescribed by the Governing Body and such curfew shall commence not earlier than 9:00 p.m. and shall end not later than 5:00 a.m. during each of the curfew dates established.

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

1. **Establishment of Juvenile Curfew.** A juvenile curfew is hereby established and declared in the Borough of Califon commencing at 9:00 p.m. and ending 5:00 a.m. on the following curfew dates:

Monday, October 26, 2015 through and including Saturday, October 31, 2015.

2. **Conditions of Curfew.** During the curfew established herein, it shall be unlawful for any juvenile under the age of 18 years to be on any public street, or in a public place, either on foot or in a vehicle, within the Borough of Califon during the above designated time.
3. **Exceptions to Curfew.** The above established curfew shall not apply to juveniles:
 - a. When the juvenile is engaged in an errand involving a medical emergency
 - b. When the juvenile is in attendance at an extracurricular school activity sponsored by a religious or community-based organization, or other cultural, educational, or social event
 - c. When the work time of the juvenile who is gainfully and lawfully employed overlaps the curfew hours
 - d. When the juvenile is an attendant as a bona fide student at an evening school of instruction
 - e. When the juvenile is accompanied by a parent or guardian or other adult having the care and custody of the juvenile
 - f. Where the juvenile is upon an emergency errand or legitimate business directed by the juvenile's parent or guardian
4. **Responsibility of Parent or Guardian.** During the curfew herein established, it shall be unlawful for any parent or guardian of a juvenile to allow an unaccompanied juvenile to be on any public street or in any public place in violation of hereunder.
5. **Posting, Publication and Distribution of Curfew Notice.** Copies of the above Resolution shall be posted in such public or quasi-public places as may be designated by the Governing Body and may be published in such newspapers as the Governing Body shall designate. Copies shall also be supplied to area schools with a request that they make students aware of the curfew. Failure to post, publish or distribute this Resolution shall not relieve any person from the obligation of complying with the terms of the curfew imposed hereunder.

6. **Notification to Law Enforcement Agencies.** Certified copies of this Resolution shall be sent by the Municipal Clerk to law enforcement agencies, including the Municipal Police Dept., and the New Jersey State Police.

Motion was made by T. Forrester seconded by M. Medea to adopt Resolution 2015-87 as read.

For: T. Forrester, M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: K. DeBlasio, P. Farmer

MOTION CARRIED

Councilwoman Riccio read an e-mail from Chief Almer which outlined his plans for additional patrols during the week of the Halloween curfew and on Mischief night and Halloween night. Mayor Daniel stated that he would be, once again, driving around and patrolling during mischief night and invited other Council members to join him.

B. RESOLUTION – APPROVAL OF SUBMISSION OF 2015 BEST PRACTICES INVENTORY TO STATE

Mayor and Council had copies of the completed and filed 2015 “Best Practices Inventory”. Mayor Daniel reported that he reviewed the document; completed by the Municipal Clerk and the CFO, before the Clerk filed it with the State of NJ. Mayor Daniel explained that there are 50 questions; if not in compliance by a certain percentage, the state will withhold a certain percentage of the municipality’s state aid. Mayor Daniel reported that out of 50 questions, the Borough earned 47 points, with no penalty to state aid. Clerk, Eidsvaag, that a further requirement of the Best Practices Inventory is that the Mayor and Council review the inventory and the results.

The following Resolution was introduced for adoption:

RESOLUTION 2015-88

BE IT RESOLVED by the Mayor and Council of the Borough of Califon that after review of the 2015 Best Practices Inventory, Mayor and Council are in agreement that with a score of 47, Califon is in compliance with “best practices” as defined and mandated by the State of NJ and are satisfied that Califon will receive its full share of state aid based on this score; and

BE IT FURTHER RESOLVED that the Mayor and Council approve submission of the completed 2015 Best Practices Inventory to the State of NJ as required by law.

Motion was made by G. Smith seconded by M. Medea to adopt Resolution 2015-88 as read.

For: T. Forrester, M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: K. DeBlasio, P. Farmer

MOTION CARRIED

C. RESOLUTION – RELEASING THE TAX COLLECTOR FROM THE COLLECTION OF TAXES ON PROPERTIES OF UNKNOWN OWNERSHIP

The following Resolution was introduced for adoption:

RESOLUTION 2015-89

BE IT RESOLVED by the Mayor and Council of the Borough of Califon that the taxes on the following properties of unknown ownership, as listed in the tax duplicate of the Borough of Califon, are deemed to be uncollectible and that being so and according to New jersey law 54:91-2, the tax collector is hereby released from the collection thereof and these taxes are therefore cancelled:

BLOCK	LOT	AMOUNT
5	28	\$ 6.04
6	25	39.27
11	1.03	21.15
21	5.01	18.13
22	18	\$129.90
31	13	60.42

Motion was made by T. Forrester seconded by M. Riccio to adopt Resolution 2015-89 as read.

For: T. Forrester, M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: K. DeBlasio, P. Farmer

MOTION CARRIED

COMMITTEE REPORTS

Councilman Medea had no report for tonight's meeting. The Parks Committee has not met.

Councilwoman Riccio reported that two representatives of the Recreation Committee will be attending the next Council meeting to discuss establishing a "Farmer's Market" in the parking lot of the UMC.

Councilwoman Riccio read the Court report for the month of September. Revenue was low due to a lower volume of traffic because of the the construction projects in the town.

Councilman Forrester had no report

Councilman Smith reported that the DPW has been working on repairing 4 catch basins in town. Three (3) new street signs were ordered to be put back up.

Councilman Medea asked Councilman Smith to ask Mr. Hull if they would be willing to make the repairs to two sections of the guard rail in the Park;

Councilman Smith agreed to discuss with Mr. Hull.

Councilman Smith reported that we are due to receive the 3rd quarter DPW report from Tewksbury. The Clerk reported that the 4 garbage cans along the river have been removed; thanks go to Karen Mastro and the DPW for their assistance. The "carry in-carry out" signs will be installed.

EXECUTIVE SESSION

The following Resolution was introduced for adoption:

RESOLUTION 2015-90

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 19, 2015 that an Executive Session closed to the public shall be held on October 19, 2015, at 9:26 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 T. Forrester seconded by M. Riccio to adopt Resolution 2015-90 as read.

For: T. Forrester, M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: K. DeBlasio, P. Farmer

MOTION CARRIED

Motion was made by T. Forrester seconded by M. Medea to resume the regular meeting at 9:55 p.m.

For: T. Forrester, M. Medea, M. Riccio, G. Smith

Opposed: None

Absent: K. DeBlasio, P. Farmer

MOTION CARRIED

MAYOR'S REPORT

Mayor Daniel had no further report for this meeting.

There being no further business to come before Council at this time, motion was made by M. Riccio seconded by M. Medea and unanimously accepted to adjourn the meeting at 9:56 p.m.

Respectfully submitted:

Laura G. Eidsvaag, RMC
Municipal Clerk/Administrator

WILLIAM GIBBY AND RESIDENTS OF S. MAIN ST. – ELIZABETHTOWN GAS SERVICE

