

**BOROUGH OF CALIFON COUNCIL
REGULAR MEETING
JANUARY 23, 2012**

The meeting was called to order at 8:00 p.m. by Mayor Charles Daniel 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. ANDERSEN, R. BAGGSTROM, J. BEARD,
M. MEDEA, J. SALISBURY, G. SMITH**

APPROVAL OF MINUTES

Motion was made by J. Salisbury seconded by R. Baggstrom to approve the minutes from the meeting held on December 19, 2011.

For: K. Andersen, R. Baggstrom, M. Medea, J. Salisbury

Opposed: None

Abstain: J. Beard, G. Smith

MOTION CARRIED

Motion was made by R. Baggstrom seconded by G. Smith to approve the minutes from the meeting held on January 3, 2012 with the following correction:

Page 20; paragraph two under “Committee Reports”; delete the following portion of Sentence 2 – “which they feel should be focusing solely on recycling issues”.

For: Unanimous

Opposed: None

MOTION CARRIED

LIST OF BILLS

Motion was made by J. Beard seconded by K. Andersen to approve the list of bills in the amount of \$155,380.33.

For: Unanimous

Opposed: None

MOTION CARRIED

CORRESPONDENCE

__ N.J. State League of Municipalities; re: property tax in New Jersey special report. Brochure can be found on the league website: www.njslom.org/tax_brochure.html.

__ Tewksbury Twp. DPW report for the month of Dec. 2011.

__ Superior Court of New Jersey; Municipal Division; 2011/2012 Annual Visitation of the Califon Borough Municipal Court

- ___ Califon Municipal Court report for the month of December, 2011 and final YTD.
- ___ Councilmember 2012 schedule for Califon Crier lead articles as follows:
 - January/February, 2012 – Mayor Charles Daniel
 - March/April – Councilman Gill Smith
 - May/June – Councilwoman Kathleen Andersen
 - July/August – Councilman Jason Beard
 - September/October – Councilman Michael Medea
 - November/December – Councilwoman Judy Salisbury

OLD BUSINESS

There was no old business to come before Mayor and Council at tonight’s meeting.

NEW BUSINESS

A. RESOLUTION – INTRODUCTION OF 2012 INDEX/COLA ORDINANCE

The Clerk read Ordinance 2012-01 by title: **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

The following Resolution was introduced for adoption:

RESOLUTION 2012-22

BE IT RESOLVED by the Mayor and Council of the Borough of Califon that Ordinance 2012-01 entitled **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)** is hereby introduced upon first reading; and
BE IT FURTHER RESOLVED that Ordinance 2012-01 is scheduled for public hearing and final adoption on February 21, 2012; and
BE IT FURTHER RESOLVED that Notice of Ordinance is scheduled for publication in the February 1, 2012 edition of the Hunterdon Review as required by law.

Motion was made by R. Baggstrom seconded by M. Medea to adopt Resolution 2012-22 as read.
For: Unanimous
Opposed: None
MOTION CARRIED

B. RESOLUTION – APPROVAL OF FIREWORKS DISPLAY SPONSORED BY FIRE CO. DURING THEIR ANNUAL WINTERFEST

The following Resolution was introduced for adoption:

RESOLUTION 2012-23

BE IT RESOLVED by the governing body of the Borough of Califon, County of Hunterdon, State of New Jersey, that the Borough of Califon approves a Fireworks display to be conducted by the Califon Fire Co. on Saturday, January 28, 2012 (with a snow date of Saturday, February 4, 2012), during the Fire Company's Annual Winter Fest; subject to submission by the Califon Fire Co. of a copy of a Certificate of Insurance naming the Borough of Califon as additional insured.

Motion was made by G. Smith seconded by J. Beard to adopt Resolution 2012-23 as read.

For: Unanimous

Opposed: None

MOTION CARRIED

c. RESOLUTION – EXEMPTION FROM APPOINTMENT OF PUBLIC WORKS MANAGER

The following Resolution was introduced for adoption:

RESOLUTION 2012-24

WHEREAS, on December 2, 2006, the Borough of Califon was granted an exemption from having to appoint a Principal Public Works Manager; this exemption being granted by the Division of Local Government Services for a five year period; and

WHEREAS, the five year exemption expired on December 2, 2011; requiring the Borough of Califon to apply for a renewal of this exemption; and

BE IT RESOLVED by the Mayor and Council of the Borough of Califon that the Mayor and Council respectfully request that the Director of the Division of Local Government Services grant an exemption to the Borough of Califon from the requirement of each municipality to appoint a Principal Public Works Manager under N.J.S.A. 40A:9-154.6g.d.

BE IT FURTHER RESOLVED that this exemption be granted for a five (5) year period, commencing December 2, 2011 and expiring on December 2, 2016.

BE IT FURTHER RESOLVED that the Mayor, Charles Daniel, be duly authorized to sign and fully execute the application for renewal of the exemption to hire a Principle Public Works Manager and forward the application, along with a certified copy of this resolution, to the Division of Local Government Services.

Motion was made by K. Andersen seconded by J. Salisbury to adopt Resolution 2012-24 as read.

For: Unanimous

Opposed: None

MOTION CARRIED

D. RESOLUTIONS – APPROVAL OF PROFESSIONAL SERVICES CONTRACT

The following Resolutions were introduced for adoption:

RESOLUTION 2012-25

RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES FOR 2012

WHEREAS, the Borough of Califon has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, anticipated term of this contract is one year; and

WHEREAS, J. PETER JOST, ESQ. has completed and submitted a Business Entity Disclosure Certification which certifies that J. PETER JOST, ESQ. has not made any reportable contributions to a political or candidate committee in the Borough of Califon in the previous one year, and that the contract will prohibit J. PETER JOST, ESQ. from making any reportable contributions through the term of the contract; and

WHEREAS, the Borough Chief Financial Officer has certified to the governing body the availability of funds for said contract in a line item entitled Legal Services, OE; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Califon authorizes the Mayor and Clerk to enter into a contract with J. PETER JOST, ESQ. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a Notice of this action shall be printed once in the Hunterdon Review.

Motion was made by J. Beard seconded by R. Baggstrom to adopt Resolution 2012-25 as read.

For: Unanimous

Opposed: None

MOTION CARRIED

RESOLUTION 2012-26

PROFESSIONAL SERVICES RESOLUTION/MUNICIPALENGINEER

WHEREAS, the Borough of Califon has a need to acquire engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, DONALD SCOTT, P.E. OF THE FIRM OF KELLER & KIRKPATRICK has completed and submitted a Business Entity Disclosure Certification which certifies that DONALD SCOTT, P.E. OF THE FIRM OF KELLER & KIRKPATRICK has not made any reportable contributions to a political or candidate committee in the Borough of Califon in the previous one year and that the contract will prohibit DONALD SCOTT P.E. from making any reportable contributions through the term of the contract; and

WHEREAS, the Borough's Chief Financial Officer has certified to the governing the availability of funds for said contract in a line item entitled Engineering Services, OE; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Califon authorizes the Mayor and Clerk to enter into a contract with DONALD SCOTT, P.E. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a Notice of this action shall be printed once in the Hunterdon Review.

Motion was made by J. Beard seconded by R. Bagstrom to adopt Resolution 2012-26 as read.

For: Unanimous

Opposed: None

MOTION CARRIED

RESOLUTION 2012-27

RESOLUTION FOR THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES – MUNICIPAL PLANNER

WHEREAS, the Borough of Califon has a need to acquire Planning services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, ELIZABETH MCKENZIE, P.P. has completed and submitted a Business Entity Disclosure Certification which certifies that ELIZABETH MCKENZIE, P.P. has not made any reportable contributions to a political or candidate committee in the Borough of Califon in the previous one year, and that the contract will prohibit ELIZABETH MCKENZIE, P.P. from making any reportable contributions through the term of the contract; and

WHEREAS, the Borough Chief Financial Officer has certified to the governing body the availability of funds for said contract in a line item entitled Other Professionals, OE; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Califon authorizes the Mayor and Clerk to enter into a contract with ELIZABETH MCKENZIE, P.P. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Hunterdon Review.

Motion was made by J. Beard seconded by R. Baggstrom to adopt Resolution 2012-27 as read.

For: Unanimous

Opposed: None

MOTION CARRIED

RESOLUTION 2012-28

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES – MUNICIPAL AUDITOR

WHEREAS, the Borough of Califon has a need to acquire a municipal Auditor as a non-fair and open contract pursuant to provisions of N.J.S.A.19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will not exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, ARDITO & CO., LLP has submitted a proposal, indicating they will provide the auditor services for the anticipated fee of \$17,378; and

WHEREAS, ARDITO & CO., LLP has completed and submitted a Business Entity Disclosure Certification which certifies that ARDITO & CO., LLP has not made any reportable contributions to a political or candidate Council in the Borough of Califon in the previous one year, and that the contract will prohibit ARDITO & CO., LLP from making any reportable contributions through the term of the contract; and

WHEREAS, the required certificate for the availability of funds has been filed by the Chief Financial Officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C. 5:30-14.5 and that fees for the aforementioned auditing and non-auditing services shall be made available by appropriate inclusion in either an annual municipal budget which includes current revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Califon, authorizes the Mayor and Clerk of the Borough of Califon to enter into a contract with ARDITO & CO., LLP, as described herein as auditors on and in behalf of the Borough of Califon for the year **2012**; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Hunterdon Review.

Political Contribution Disclosure: This contract has been awarded to Ardito & Co., LLP based on the merits and abilities of Ardito & Co., LLP to provide the goods and services as described herein. This contract was not awarded through a "fair and open" process pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that Ardito & Co., LLP its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16 in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19 affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party Council in the municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate Council of any person serving in an elective public office of the municipality when the contract is awarded.

Exhibit "A" (Mandatory Affirmative Action Language), Exhibit "B" (Affirmative Action Plan/Report Filing Information), Exhibit "C" (Business Registration Certificate), Exhibit "D" (Business entity Disclosure Certification) and Exhibit "E" (Political Contributions Disclosure Certification) are attached to and made a part of this contract.

Motion was made by J. Beard seconded by R. Baggstrom to adopt Resolution 2012-28 as read.

For: Unanimous

Opposed: None

MOTION CARRIED

COMMITTEE REPORTS

Councilman Medea reported that the Parks Committee will meet next Thursday February 2nd, to reorganize. Councilman Medea reported that he may have as many as three candidates for membership on the Committee. Councilman Medea is working on costs for repairs at the Park.

CAMPA will be meeting this Thursday @ 7:30 p.m. at the Municipal Building and Councilman Medea is hoping for good attendance. Ed Varty, President of CAMPA is looking at stepping down and a replacement will need to be found.

Councilman Medea met with Councilwoman Salisbury and newly appointed Recycling Coordinator, Steven Stanaback to discuss the status of Recycling and SWAC. Mr. Stanaback is looking into recertifying his position as Recycling Coordinator and hoping that he will only need to take a refresher course. Mr. Stanaback will be the alternate SWAC rep. and the Mayor will be the third alternate. The Recycling Committee will meet once during each quarter.

Councilwoman Salisbury reported that the Board of Health met for their reorganization meeting. The regular meeting date will remain the first Wednesday of each month. Nancy Boyd is a new BOH member. Chairman James Morgan has announced that 2012 will be his last year on the BOH.

Councilwoman Salisbury reported that Sustainable Jersey met with representatives from the Lower Valley Presbyterian Church, Rev. Chad Rogers and Lynn Magee, to further discuss plans for the community garden; a joint effort between the Borough of Califon and the LVPC.

Councilwoman Salisbury reported that the minister has big plans for the purchase of soil, lumber, fencing, irrigation, which, hopefully, the church session will approve the funding for.

Councilman Medea asked about the idea of a farmers market for the sale of the produce grown. There will be another meeting on February 21st and then plans will be made for a meeting with the church session. Councilman Baggstrom asked if there was any way that the Christmas trees that will need to be taken down to build the raised beds for the garden can be relocated.

Councilwoman Salisbury thought this sounded like a good idea and she would see about getting this effort incorporated into the plans.

Councilwoman Salisbury reported that Bob Runge, resident of River Rd. has volunteered to be a member of the Sustainable Jersey Green Team.

Councilman Baggstrom reported that the Planning Board will meet for their 2012 reorganization meeting on Wednesday, January 28th. NORWESCAP is asking the town to talk to them about abandoning their plans to build a senior home on the old basket factory lot, which was part of our affordable housing obligation. Councilman Baggstrom would like to speak to Betsy McKenzie, Borough Planner, about this and perhaps he will invite her to a meeting of the Finance Committee along with CFO, Bonnie Holborow and Councilman Beard.

Councilman Baggstrom met with Councilwoman/Police Commissioner Andersen to discuss Police matters and Councilwoman Andersen met with the Police Chief as well.

Councilman Baggstrom reported that he will speak with Dep. Clerk/Environmental Commission Secretary, Karen Mastro, to go over what projects the EC has been working on.

Councilman Beard reported that the Board of Education met on Wednesday. The BOE is discussing long range plans which include discussions on consolidation. The BOE is working on a survey that would go out to the town to determine public interest in school consolidation. A similar survey went out to the town a few years ago to determine public interest in a school addition.

Councilman Beard reported that the BOE is interested in looking into using a new payroll firm and asked if there was any support for the town and the school to share payroll firms as a shared service initiative.

Councilman Beard reported that a bill was passed in the legislature this week which would allow Boards of Education to opt in to moving the school election to November. The Califon BOE will be voting on this decision at their next meeting.

Councilman Smith reported that the newly formed Emergency Management Committee met last Thursday. The members are as follows: Lloyd Tiger – Fire Co.

Ann Ryan – First Aid Squad

Beth Wolfmayer – OEM Coordinator

Lieutenant Doug Compton – Police

Chief Bailey – Police

At this meeting, Councilman Smith reported that they discussed swift water rescue; the importance of purchasing a generator; communication during evacuations and reverse 911. Another meeting of this Committee will be held within a month.

Councilman Baggstrom stated that it might be a good idea to get Comcast involved in the communication effort as a public service station.

Councilman Smith stated that multiple options need to be in place for the most effective communication possible in emergencies.

The Committee discussed grants for the purchase of generators and the need to purchase road signs and barriers.

Councilman Smith read the December, 2011 DPW report.

Councilwoman Andersen read the Court report for December, 2011.

Councilwoman Andersen was in attendance at the Emergency Management Committee meeting and she met and spoke with Police Chief Michael Bailey and Lieutenant Doug Compton.

Councilwoman Andersen reported that Lieutenant Compton has just been promoted to lieutenant and she read the new assignments for the three Police lieutenants:

Lt. Mark Niemynski – traffic

Lt. Art Adams – school

Lt. Doug Compton – patrol

Councilwoman Andersen reported that she discussed with the Chief and Lieutenant the issues of traffic and park vandalism in town. Councilwoman Andersen reported that on January 7th there was a drug bust in the park; 2 males and 1 female; at around 11:00 p.m.

Councilwoman Andersen reported that the fireplace in the Nellie Hoffman house has been successfully plugged.

Mayor Daniel reported that he and Councilwoman Andersen will meet with the Califon Court Prosecutor, MaryAnn McCoy and they will visit the Court while it is in session as well.

Councilwoman Salisbury reported that she forgot to report that the Board of Health held the annual Rabies Clinic on January 14th with many volunteers who helped to make the clinic very successful. The Califon Fire Co. Fire Police helped with traffic control this year and their assistance helped to make the event organized and efficient.

Councilman Beard stated that he also forgot to mention in his previous report that the Recreation Committee cancelled their reorganization meeting. They are trying to find members and a Chairperson. The Recreation Committee is planning a movie night at the school for March 23rd.

High school members on the Committee are: Maggie Link, Kevin Smith, Gabriella Daniel, and Abby Flagler.

MAYOR'S REPORT

Mayor Daniel reported that he attended a shared services seminar on school consolidation sponsored by Freeholder Rob Walton. Freeholder Walton and Mayor John King of Raritan Twp. are asking for support of their proposal to conduct a high level study of the consolidation of all schools in Hunterdon County; Kindergarten through 8th grade. Mayor King has been circulating a resolution for support of this effort; however, there is a statement in the last paragraph that has been controversial, prohibiting municipalities from adopting this resolution. Mayor King has advised that municipalities can delete this portion of the paragraph that refers to "mandatory compliance" and adopt the resolution of support for the state Dept. of Education to conduct a county wide feasibility study for county-wide consolidation of all Hunterdon County schools; kindergarten through 8th grade.

Mayor Daniel asked that this resolution be on the agenda for the next Council meeting on February 6th.

Mayor Daniel reported that at this same seminar there were three members comprising a Committee called the South County Regionalization Committee, which represents three municipalities: Stockton, Lambertville and West Amwell. This Committee spoke about their three year effort to gain approval, among all three municipalities, for a feasibility study for the consolidation/regionalization of all three school districts, elementary and high school. The Committee was able to get this proposal on the ballot as a referendum question and it did pass among all three municipalities. Five bids were received to conduct the feasibility study and one was approved in the amount of \$50,000. The study has been completed by the law firm hired and the results will be discussed at a meeting to be held on February 8th at 7:00 p.m. Both Mayor Daniel and Councilman Baggstrom will attend this meeting to hear the results of this feasibility study.

Mayor Daniel has been speaking with the Administrator of Tewksbury Township about their mutual disappointment with JCP&L's handling of the emergencies that occurred following the two storms that occurred at the end of August and at the end of October. Mayor Daniel reported that Tewksbury Twp., Califon, Lebanon Twp. and Hampton may join together to file a formal complaint with the BPU about JCP&L's poor handling of the crises; such as the complaint that the town of Robbinsville just filed. Mayor Daniel will call the Borough attorney to discuss and get his opinion.

Mayor Daniel asked that this topic be an agenda item for the next meeting. In the meantime, Tewksbury Twp. will be hosting a meeting with JCP&L on February 28th, which Mayor Daniel will attend. This meeting will be to discuss what occurred during the two storms and how JCP&L can better handle municipal emergencies of this nature.

The Clerk will forward to all Council members a copy of the Robbinsville complaint.

COMMENTS FROM THE PUBLIC

There being no comments from the public, this portion of the meeting was closed.

There being no further business to come before Council at this time, motion was made by J. Beard seconded by R. Baggstrom and unanimously accepted to adjourn the meeting at 9:58 p.m.

Respectfully submitted:

Laura G. Eidsvaag, RMC
Municipal Clerk/Administrator