**BOROUGH OF CALIFON**

**REGULAR MEETING**

**December 05, 2024**

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: E. Haversang, L. Janas, M. Medea, J. Ruggiero, C. Smith\* J. Ruggiero present via Zoom**

 **ABSENT: R. Baggstrom**

**Also Present, Borough Attorney, M. Anderson, Chief of Police, J. Almer**

**APPROVAL OF MINUTES:** C. Smith made a motion to approve the minutes of November 21, 2024 seconded by L. Janas.

For: E. Haversang, L. Janas, J. Ruggiero, C. Smith

Abstain: M. Medea

Absent: R. Baggstrom

**MOTION CARRIED**

**LIST OF BILLS:** M. Medea made a motion to approve the list of bills for $ 37,497.31 seconded by C. Smith

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

Absent: R. Baggstrom

Opposed: None

**MOTION CARRIED**

**PUBLIC COMMENT**

Resident D. Andreas, 76 Main Street, inquired with the council when a decision would be made regarding short-term rentals in Califon. She expressed her frustration with being unable to utilize her home to generate income. D. Andreas also inquired about school taxes and increased property taxes.

The public made no further comments.

**NEW BUSINESS**

**RESOLUTION- 2024-70- Adoption of the 2024 Hunterdon County Hazard Mitigation Plan Update**

The following Resolution was introduced for adoption:

**RESOLUTION 2024-70**

**AUTHORIZING THE ADOPTION OF THE 2024 HUNTERDON COUNTY, NEW JERSEY HAZARD MITIGATION PLAN UPDATE**

**WHEREAS**, all jurisdictions within Hunterdon County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

**WHEREAS**; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post-disaster hazard mitigation programs; and

**WHEREAS**, a coalition of Hunterdon County municipalities with similar planning objectives has been formed to pool resources and create consistent mitigation strategies within Hunterdon County and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Califon:

1. Adopts, in its entirety, the 2024 Hunterdon County Hazard Mitigation Plan Update (the “Plan”) as the jurisdiction’s Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
2. Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of identified hazards.
3. The strategies identified in the Plan will be coordinated with other planning programs and mechanisms under its jurisdictional authority.
4. Will continue its support of the Mitigation Planning Committee as described within the Plan.
5. This will help to promote and support the mitigation successes of all participants in this plan.
6. Will incorporate mitigation planning as an integral component of government and partner operations.
7. Will update the Plan with the County no less than every five years.

Motion was made by M. Medea Seconded by E. Haversang to adopt Resolution 2024-70 as read.

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

Absent: R. Baggstrom

Opposed: None

**MOTION CARRIED**

**CONSENT AGENDA**

 *(Adoption upon Roll Call)*

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

1. **Resolutions** –**2024-71**-**Resolution 2024-75**
	1. **Resolution – 2024-71**Appointment of Risk Management Consultant - Groendyke Associates
	2. **Resolution – 2024-72**Approval of Risk Management Consultant Agreement between Califon and Groendyke Associates
	3. **Resolution -2024-73** Appointment of Fund Commissioner
	4. **Resolution** – **2024-74** Approval of eligible participants for LOSAP benefits in 2023 in the Califon Fire Company and Califon First Aid Squad.
	5. **Resolution** – **2024-75** Resolution supporting amendment of the Fair Housing Act (FHA) as Proposed by the New Jersey Institute of Local Government Attorneys

Mayor Daniel advised that, regarding the Fair Housing Act, the Borough of Montvale, along with twenty-eight other municipalities, is asking for a short-term stay of the requirements that the DCA is imposing. Mayor Daniel advised that he did not suggest that we join them as we do not have the required funds. M. Anderson advised that this Resolution supports the amendment of the Fair Housing Act as proposed by the NJ Institute of Local Government Attorneys, of which M. Anderson is a member. M. Anderson advised that the NJ Institute of Local Government Attorneys developed a more accurate way to calculate the share of housing units for municipalities.

Mayor Daniel requested a motion to approve Resolutions 2024-71- 2024-75.

**RESOLUTION 2024-71**

 **RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT**

**2025 Fund Year**

**WHEREAS**, THE BOROUGH OF CALIFON (hereinafter “Local

Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq*.; and

**WHEREAS**, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws if requested to do so by the “Fund”; and

**WHEREAS,** the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant and

**WHEREAS**, the “Fund” has requested its members to appoint individuals or entities to that position; and

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of “Local Unit”, in the

County Of HUNTERDON and the State of New Jersey, as follows:

1. BOROUGH OF CALIFON hereby appoints.

GROENDYKE ASSOCIATES its Risk Management Consultant.

1. The BOROUGH CLERK/ADMINISTRATOR and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year **2025** in the form attached hereto.

**RESOLUTION 2024-72**

**STATEWIDE INSURANCE FUND**

 **RISK MANAGEMENT CONSULTANT’S AGREEMENT**

Among the Statewide Insurance Fund (“Fund”), a joint insurance fund of the State of New Jersey:

**THIS AGREEMENT** entered on December 5, 2024.

**BOROUGH OF CALIFON(“member”) and (“RISK MANAGEMENT CONSULTANT”)** through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4

**WHEREAS,** the CONSULTANT has offered to the MEMBER professional risk management consulting services as required by the Bylaws of the FUND; and

**WHEREAS,** the CONSULTANT has advised the FUND that he/she is familiar with the terms, conditions and operations of the FUND; and

**WHEREAS,** the MEMBER desires these professional services from the CONSULTANT and

**WHEREAS**, the MEMBER has complied with relevant law in regard to the appointment of a Risk Management Consultant; and

**WHEREAS,** the Bylaws of the FUND require that members engage a CONSULTANT and that the CONSULTANT comply with certain requirements set forth therein.

**NOW, THEREFORE,** the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

1. For and in consideration of the amount stated hereinafter, the CONSULTANT shall:

1. assist in evaluating the MEMBER’S exposures and advise on matters relating to the Member’s operation and coverage.
2. explain to the MEMBER, or its representatives, the various coverages available from the FUND.
3. explain to the MEMBER, or its representatives, the terms of the member’s commitment and obligations to the FUND.

 (d) explain to the MEMBER, or its representatives the operation of the FUND.
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1. prepare applications, statements of values, etc., on behalf of the MEMBER, if required by the FUND
2. review the MEMBER’S assessment and assist in the preparation of the MEMBER’S insurance budget.
3. review losses and engineering reports and provide assistance to the MEMBER’S safety committee, if required.
4. assist in the claim settlement process, if required, by MEMBER or FUND.
5. attend the majority of meetings of the Fund Commissioners or Executive Committee, if requested, and perform such other services as required by the MEMBER or the FUND.
6. comply with the obligations imposed upon Risk Managers in the FUND’s Bylaws.
7. act in good faith and fair dealing to the FUND.
8. perform other duties for the FUND as may be required from time to time by the FUND.

2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:

1. The CONSULTANT shall be paid by the FUND, on behalf of the MEMBER, a fee as compensation for services rendered. Said fee, an apportionment of the MEMBER’s assessment: 6% of workers’ compensation (excluding any fees, PLIGA, and loss ratio apportionment); 7.5% of non WC assessment (excluding any fees, PLIGA, and loss ratio apportionment);
2. The CONSULTANT shall be entitled to compensation for services provided during any calendar year only if the CONSULTANT has been appointed and holds the position of Risk Management Consultant, as of January 31 of the said calendar year for counties and municipalities holding general elections and July 30 for municipalities holding regular elections.
3. For any insurance coverages authorized by the MEMBER to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND’s assessment in computing the fee set forth in 2(a).
4. If the MEMBER shall require of the CONSULTANT extra services other than those outlined above, the CONSULTANT shall be paid by the MEMBER a fee at a rate to be negotiated by the parties.
5. The term of this Agreement shall be from **January 1, 2025** to **January 1, 2026**. However, this Agreement may be terminated by either party at any time by mailing to the other thirty (30) days written notice, certified mail return receipt.
6. The CONSULTANT shall comply with all laws applicable to producers who provide insurance products to public entities and shall comply with all applicable statutes and regulations relating to joint insurance funds.
7. The CONSULTANT agrees to comply with all affirmative action laws applicable in accordance with Exhibit A and to submit all necessary documentation establishing compliance within seven (7) days of this Agreement.

 **RESOLUTION 2024-73**

**RESOLUTION APPOINTING FUND COMMISSIONER
2025 Fund year**

**WHEREAS, BOROUGH OF CALIFON** (hereinafter “Local Unit”) is a

member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

**WHEREAS**, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the BOROUGH OF CALIFON that Micheal Medea, Council President, *is* hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2025** and

**BE IT FURTHER RESOLVED** that Karen Mastro, Municipal Clerk is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2025 until February 1, 2025, where Caitlin Haughey, RMC will be the appointed Alternate Fund Commissioner**, and

**BE IT FURTHER RESOLVED** that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as the Fund requires.

**RESOLUTION 2024-74**

**APPROVAL OF LOSAP LISTS FOR 2023-2024**

**WHEREAS,** the LOSAP program requires that a certified list of eligible volunteers from an emergency service organization be submitted for review by the sponsoring agency and

**WHEREAS,** said required list of members eligible to receive LOSAP benefits for 2023-2024 was received from the Califon Fire Company and the Califon First Aid Squad, and

**WHEREAS,** the sponsoring agency has 30 days to review the submitted list and request any records deemed necessary to ensure the list is accurate and

**WHERAS,** the sponsoring agency, has accepted the list as submitted.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Califon Council that the list submitted by the Califon Fire Company and the Califon First Aid is hereby approved and

**BE IT FURTHER RESOLVED** that a copy of the eligible member list, together with a copy of this Resolution, be returned to the Califon Fire Company or the Califon First Aid for the 30-day required posting.

 **BOROUGH OF CALIFON**

**RESOLUTION 2024-75**

**RESOLUTION SUPPORTING AMENDMENT OF THE FAIR HOUSING ACT (FHA) AS PROPOSED BY THE NEW JERSEY INSTITUTE OF LOCAL GOVERNMENT ATTORNEYS (NJILGA)**

 **WHEREAS,** the current standards embodied in the New Jersey Fair Housing Act (“FHA”) impose unrealistic burdens on municipalities as demonstrated by the fact that the FHA calls for the imposition of a statewide affordable housing obligation of 84,698 just for Round 4 on municipalities that issued only 99,956 Certificates of Occupancy for all housing units in the 2010-2020 period that was used to establish prospective need obligations for Round 4; and

 **WHEREAS**, the imposition of unrealistic obligations does not advance the realistic opportunity for the construction of more affordable housing, but instead encourages opposition and litigation; and

 **WHEREAS**, the imposition of excessive obligations disincentivizes municipalities to comply voluntarily with the Mount Laurel doctrine – an overarching goal of all three branches of government. Unrealistic housing obligations force municipalities to overdevelop with inclusionary housing, thereby causing resistance to affordable housing.

 **WHEREAS,** compliance with the obligation proposed by the Department of Community Affairs places the cost of the obligation on the shoulders of municipal taxpayers to implement measures to address the secondary impacts of overdevelopment; and

 **WHEREAS**, even-handed justice requires that the obligations imposed by our laws must be realistic in order to justify imposing an obligation of constitutional dimension on municipalities to create a realistic opportunity for affordable housing; and

 **WHEREAS**, the unrealistic obligations imposed by the current laws can be easily addressed by redefining the manner in which the regional need is calculated to be faithful to a principle embodied in the FHA despite its many changes over almost forty years; and

 **WHEREAS**, more specifically, the FHA has consistently defined the prospective need to include “a projection of housing needs based on development and growth which is *reasonably likely to occur* in a region or a municipality, as the case may be, as a result of actual determination of public and private entities” N.J.S.A. 52:27D-304 (j); and

 **WHEREAS,** a determination of the number of new residential housing units, adjusted to remove tear down/rebuilds, represents a far more solid foundation to project “development and growth which is *reasonably likely to occur”* than the FHA’s current formula, which is based on “household change,” a nebulous and undefined term; and

 **WHEREAS**, establishing prospective need for affordable units based on 20 percent of residential housing units *actually constructed* over a prior ten-year period accords with New Jersey’s long-standing policies of empowering municipalities to cure the abuse of exclusionary zoning with traditional inclusionary zoning; and

 **WHEREAS**, the demand for market-rate housing is a reasonable basis for determining whether and to what extent a realistic opportunity for the creation of affordable housing may exist, and the issuance of certificates of occupancy for new residential units is a reliable indicator of such demand; and

 **WHEREAS,** a standard aimed at ensuring that the number of affordable housing units in our state will increase commensurately with the number of market units constructed will put the doctrine on a sustainable trajectory that will avoid the tendency of municipalities to oppose implementation of affordable housing obligations; and

 **WHEREAS**, the New Jersey Institute of Local Government Attorneys (”NJILGA”) has expressed its support for an amendment to the FHA by which “development and growth which is *reasonably likely to occur”* would bebased upon the net number of new housing units constructed over each ten-year period for which the state’s affordable housing rounds are established; and

 **WHEREAS**, for the above reasons, the Borough of Califon has determined that its prospective need, and the prospective need for all New Jersey municipalities for the fourth round and all future rounds of affordable housing obligations, should be calculated using NJILGA’s proposed net housing unit based on certificates of occupancy as a methodology rather than the current FHA methodology based on “household change;”

 **NOW, THEREFORE, BE IT RESOLVED**, by the Borough of the Califon, in the County of Hunterdon, and State of New Jersey, that the New Jersey Legislature is hereby requested to enact the amendment to the Fair Housing Act that has been recommended by the New Jersey Institute of Local Government Attorneys; and

 **AND BE IT FURTHER RESOLVED** that the Borough Clerk of the Borough of Califon is also hereby directed to send a copy of this signed, dated Resolution within five days after its adoption, by mail and email to the following additional listed persons and entities:

 Governor Phil Murphy

Senator Douglas J. Steinhardt

Assemblyman John DiMaio

Assemblyman Erik Peterson

New Jersey Institute of Local Government Attorneys

E. Haversang made a motion to approve Resolutions 2024-71- 2024-75 seconded by C. Smith as read.

Motion was made by M. Medea Seconded by E. Haversang to adopt Resolution 2024-70 as read.

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

Absent: R. Baggstrom

Opposed: None

**MOTION CARRIED**

**COMMITTEE REPORTS**

M. Medea reported that the PARCS committee will host the Tree Lighting on Sunday, December 8th, and the Menorah lighting on December 30th.

Zadlock Nurseries cleaned out the triangle property in front of the post office and is decorating it for the Holiday season. M. Medea thanked Zadlock’s for their generosity in dressing up this focal point in our town center, which looks nice for the residents and visitors. Zadlock’s also planted a new tree for our tree lighting as our old one was diseased.

E. Haversang advised that Raritan Headwaters reported that Mud Snails had been found in the South Branch River, jeopardizing the lives of trout.

L. Janas reported the next Planning / Zoning meeting will be on December 18th.

C. Smith and J. Ruggiero had nothing to report.

**MAYOR’S REPORT**

Mayor Daniel advised he had nothing to report.

The following Resolution was introduced for adoption.

 **RESOLUTION 2024-76**

**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

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 minutes of the Executive Session may be disclosed to the public as to

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

Mayor Daniel Advised that Council will not be taking any formal action following the executive session.

Smith motioned to adopt Resolution 2024-76 as read and seconded by L. Janas at 7:31 pm.

All In Favor

Meeting was moved to Executive Session 7:31pm

The council returned to the regular meeting where C. Smith made a motion, seconded by L. Janas, to adjourn this meeting at 8:36 pm.

All In Favor

Meeting Adjourned

Respectfully submitted,

Karen Mastro