

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
June 28, 2021**

Mayor Hutnick called the meeting to order at 7:00PM.

Mayor Hutnick led the Pledge of Allegiance.

ROLL CALL: Cowdrick, DeMeo, Nardini, Nasisi, Slater, Mayor Hutnick

Absent: Alvarez

Also, in attendance was Robert McBriar, Borough Attorney, Joseph Maddaloni, Esq., Mike Marceau, CFO and Chief Gordon

STATEMENT BY MAYOR: "Notice requirements of P.L. 1975, Open Public Meeting Act, NJSA10:4-6 et.seq. have been satisfied with a schedule of all meetings, together with the time, location and agenda of same being sent to the NEW JERSEY HERALD and NEW JERSEY SUNDAY HERALD and posted on the bulletin board in the Borough Hall on January 5, 2020."

Councilwoman Slater moved Councilman Nasisi seconded motion for approval of items on the consent agenda.

CONSENT AGENDA

1. Approval of regular meeting minutes from June 15, 2021.
2. Approval of Resolution 44-2021 Chapter 159 2021 budget special item of revenue.
(Please note this resolution voted on at the June 15, 2021 meeting but there were not enough members present to have a full majority of the Council.)
3. Approval of Resolution 49-2021 approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Plant Street Improvements Phase II project.
4. Approval of Resolution 50-2021 approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Cork Hill Road Improvements Phase I project.
5. Accept for filing letter from the Sussex County office of Administrator dated June 15, 2021 Re: County Exposition building – Sussex County Farm and Horse Show.
6. Accept for filing letter from NJDOT dated June 10, 2021 re: NJDOT invoicing and record retention requirement notification.
7. Accept for filing letter from Township of Woodbridge Mayor John E. McCormac re: 2021 NJ Senior Olympics.
8. Accept for filing Franklin Borough Ordinance 06-2021.
9. Accept for filing Letter from National Association of County & City Health Officials dated June 10, 2021.
10. Accept for filing letter date June 23, 2021 to Municipal Public Information Contest Re: 60th Annual Municipal Public Information Contest.
11. Accept for filing letter dated June 23, 2021 to All New Jersey Municipal Clerks from NJ Institute of Local Government Attorneys.

Upon Roll call Vote:

Yeas: Cowdrick, DeMeo (Abstain #1), Nardini, Nasisi (Abstain #1), Slater

Nays: None Absent: Alvarez Abstain None

Resolution 44-2021 – a copy will be attached to the minutes

Resolution 50-2021- a copy will be attached to the minutes

OLD BUSINESS

Heaters Pond Update –

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Mayor Hutnick commented let's try and get this done. Mayor Hutnick commented it happens every year for the past couple of years at the same time; each year we say that we are going to fix it, the Council has the entire year to fix it and the Council as a whole including himself doesn't fix it until it is time to open the pond. Hence the pond is open. This year we have another issue on top of our normal issues with the pond usage; that is staffing issues. We don't have the appropriate amount of staff to open for hours for the days and months we have to close because we won't have staff. We are probably on of the few ponds/lakes that actually have staff.

Mayor Hutnick commented we still never resolved the final hours of operation, guest badges, the cost of doing things, or resolve none residents being part of organizations using the pond.

Mayor Hutnick asked did he miss anything we haven't resolved before we get into it. As of yet there is no ordinance so it's not resolved which means the old ordinance and everything we have talked about regarding making a new ordinance is still in play. Everything we have discussed and agreed upon can not be used because the ordinance was never created hence we never completed our job and finished the task of discussing the pond.

Mayor Hutnick commented his proposal is this; according to today's current ordinance 6-1.2 regulations for the swimming area; then read the regulations in this section. Mayor Hutnick commented we cut the hours short because we are having staffing issues we are having problems keeping people to six o'clock that is why it was knocked down to five O'clock however, the ordinance states Heaters Pond opens for recreational swimming from noon until 6:00PM during the summer season weather permitted. Mayor Hutnick commented for us to go and change all of this as you all know we have to create a new ordinance by the time this comes around the season is going to be over.

Councilman Nasisi commented we did this last year. Mayor Hutnick commented he know that but do you see an updated ordinance there isn't one; therefore, we didn't complete our job. I'm agreeing with you we went through this all last year but this is the rule he just pulled off the website and this is what we have to follow. It makes our decision for us right now as to how we are going to handle the pond. Mayor Hutnick commented we are going to handle the pond by Ordinance 6-1.2 section a and b. There is nothing else we can do to change it we can rewrite the ordinance right now Robert can do all this stuff but it's still not going to happened for at least another four weeks.

Councilwoman O'Dell commented this should have been done months ago. Mayor Hutnick commented yes, we have an entire room full of council people. Councilwoman O'Dell commented everyone agreed on all the new changes however, it kept getting tabled over the money issue which should have been solved. We have to change something right now because we [can't stay open until six o'clock due to lifeguard availability].

Councilman Nasisi commented last year we were in shut down so we can probably cut ourselves a little bit of slack, its ok we all agree on the changes we were going to make.

Mr. McBriar referred to subparagraph b in the ordinance doesn't obligate the hours to be open from twelve to six it states specifically that swimming is permitted when lifeguards are on duty. If for some reason a lifeguard can't be on duty for the full period of time that doesn't mean that anyone can go up there from five to six if there is no lifeguard.

Councilwoman O'Dell commented you have to have lifeguards on duty.

Mayor Hutnick questioned he talked with Councilman Nardini regarding the swim coaches having lifeguard certifications that might help out.

Councilman Nardini commented they have all of the certifications.

Mr. McBriar commented they are all qualified lifeguards. Councilman Nardini commented yes. Mr. McBriar commented that is something we would have to be looked at by George Morville from a liability prospective because it would be our employee's.

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Mayor Hutnick commented the swim team is not up there without the coaches correct. Councilman Nardini commented correct. Mayor Hutnick commented which means they would have under their employment two lifeguards.

Councilman Nardini commented he has two things; he referred to the minutes where there was documentation three times where we repeated what we talked about, talked about a potential non-resident it is in the minutes from March until now. It wasn't implemented. He brought this up in December and again in March. No changes. We can't change anything except for what is in here what is black and white in an ordinance for this town. Number two the hours were not discussed we had three changes in opening dates we did not have anything so an organization that has rented this place a month ago didn't even get an acknowledgement that the rental was active and an acknowledgment of time. That is costing them money. The ORA has always been a part of this town. The insurance is now passed on to ORA now third-party registered nonprofit. They are absorbing [costs for the] port a john for soccer they are not prepared for that. The ORA can't afford what they never paid for before.

Mayor Hutnick commented we had those discussions as far as insurance and port a john as to why that it was brought to our attention that we can't do it. According to our risk management our attorneys and the people that govern our town for the law they are saying we can't do it; therefore, we are not doing it.

Councilman Nardini commented that's fine.

Mayor Hutnick commented the ORA is not being penalized for what they are doing or who they are it's the rules of legal issues and insurance. Times have changed back 60 years ago we just paid for everything and it was ok.

Councilman Demeo commented on having a recreation department, employees and it falls under the town.

Mayor Hutnick commented if it falls under the town everything is covered, that was discussed.

Councilman Demeo commented as long as you are dealing with a public civic organization then they are outside the scope of your budget. They are outside the scope of our liability coverage.

Councilman Nasisi commented he doesn't believe ORA was always nonprofit.

Mr. McBriar commented for a very long time there was a misconception that the ORA was some sort of political subdivision of this Municipality. It is not. We made that clear two years ago when we first started looking into the issue ORA is a domestic non-profit corporation no different then Boy Scouts or any other nonprofit organization. It is a 501-c3. He doesn't know what the status is. There was a period of time where it was not current but it is his understanding it is now. Mr. McBriar commented it is not a subdivision of the municipality. We don't raise taxes on behalf of a nonprofit organization.

Councilman Nasisi commented how can we change that it is Ogdensburg Recreation.

Mr. McBriar commented there are two recommendations; either it's run in house or it is permitted through our facility use form with a third party where you can control the insurance requirements, they have to abide by the rules and regulations but that is the pleasure of this council.

Councilman Nasisi commented so the town really can not give money to the ORA to help.

Mr. McBriar commented no.

Councilwoman Slater commented even if he [Councilman Nardini] was to collect fees for those badges he then can't give it to us coming from the ORA.

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Mayor Hutnick commented there are only three organization we can donate to in town; police, fire and EMS that is all we are allowed to give to.

The discussion continued on ORA and a recreation department,

Mayor Hutnick asked Mr. McBriar, if an organization falls under us [the Borough], we set up an account Kim manages their money can they still fund raise and things like that.

Mr. McBriar commented no it doesn't fall under us. If there was an Ogdensburg Recreation Department then it would be under this Municipality you can budget for it. Then the municipality would in charge of all the events.

Councilwoman Slater commented someone in the town would manage all of that.

Mayor Hutnick commented his opinion we have an ordinance in place there is no way we are going to get it changed in time in order to make any difference for this season. We had forever to do it, we discussed it, we made verbal agreements, we documented agreements but we never moved forward with finalizing the ordinance. So, what do we do with the information now. We agreed on price agreements but it isn't in an ordinance. He doesn't want to penalize the swim team because it is not their fault. They are prepared to swim. We have to figure out the staffing issue.

There was a discussion on the staffing of lifeguards, lifeguards need to employed by the town, guest passes, changes never made it to an ordinance and there is a subcommittee now working on the ordinance,

Mr. McBriar commented we agree the guest passes will be status quo as stated in the existing ordinance.

There was a discussion on lifeguards covering the swim meets.

Guard Shack/snack stand – Councilman Nardini commented the only thing that is left is the painting. Robin you can take this off.

Councilman Nasisi asked Mike, CFO to explain money we have in old ordinances. Mr. Marceau explained the ordinances and amounts we can cancel out and what the funds can be used for. A discussion followed as to what to use the funds on; docks, fishing docks, shack, professional engineering services and the bid threshold.

Administrative Fees for Recreation Areas and Facilities- See discussion above
Establishment of Ogdensburg Borough Parks & Recreation Committee- See discussion above.
Amendments to Regulations for Municipal Recreation Areas – See discussion above.

French Drain for Glenbrook/Thomas Place – Councilman Nardini asked Mr. McBriar if he received a rough sketch from Mike Vreeland. Mr. McBriar commented he did [receive] a rough sketch to use. Mr. Vreeland will see if the area involves any utilities.

NEW BUSINESS

There was no new business.

ADDENDUM

RESOLUTION 51-2021

Councilman Nardini made a motion to adopt resolution 51-2021 authorizing the purchase of one (1) used, single partition cage from Jefferson Township for use in Borough Police Vehicle. Seconded by Councilman DeMeo.

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Upon Roll call Vote:

Yeas: Cowdrick, DeMeo, Nardini, Nasisi, Slater
Nays: None Absent: Alvarez Abstain None

Resolution 51-2021

WHEREAS, the Borough of Ogdensburg, a municipal corporation of the State of New Jersey, desires to purchase one (1) used, single partition cage ("Cage") designed for Ford police utility vehicles from the Township of Jefferson, a municipal corporation of the State of New Jersey; and

WHEREAS, the Township of Jefferson no longer needs said Cage for public use and has authorized its sale "as is" to the Borough of Ogdensburg for \$200.00; and

WHEREAS, the Borough of Ogdensburg needs a single partition cage for its new 2021 Ford Expedition Wagon police vehicle; and

WHEREAS, the Borough of Ogdensburg desires to purchase said Cage from the Township of Jefferson for \$200.00 pursuant to, and in accordance with the provisions of N.J.S.A. 40A:11-36.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey hereby authorize the purchase of one (1) used, single partition cage, "as is" from the Township of Jefferson for \$200.00 for use in the Borough police vehicle.

BE IT FURTHER RESOLVED, the Mayor and Borough Clerk are authorized to sign the bill of sale conveying title of said Cage to the Borough of Ogdensburg.

Mike Marceau, CFO informed the Council he has received in the past few weeks a lot of guidance regarding the American Rescue Plan. The local fiscal allocations to the Borough are \$236,027.90 we get in basically in two equal installments; for this year \$118,013.7. He applied to the State last week so he isn't sure when we will hear back. Mr. Marceau commented there are a lot of rules and regulations what you can and can't spend it on and explained.

PUBLIC SESSION

Councilman Demeo moved, Councilman Nardini seconded motion to open the public session of the meeting. All were in favor.

No one from the public stepped forward.

There being no further business from the public, Councilman Nardini moved, Councilwoman Slater seconded motion to close the public session of the meeting. All were in favor.

EXECUTIVE SESSION

Councilman Demeo moved, Councilman Nasisi seconded motion to adopt the following resolution to go into executive session at 7:51pm.

Mr. McBriar commented this will be for attorney client privilege and pending litigation.

Yeas: Cowdrick, DeMeo, Nardini, Nasisi, Slater
Nays: None Absent: Alvarez Abstain None

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L., 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg, County of Sussex, State of New Jersey, as follows;

Attorney Client Privilege and pending litigation.

The Mayor and Council returned from executive session at 8:34PM.

Please note: Councilwoman Slater left at 8:15pm during executive session

PAYMENT OF VOUCHERS

Councilman Nasisi made a motion to review payment of vouchers and departmental finance reports. Seconded by Councilman DeMeo.

Yeas: Cowdrick, DeMeo, Nardini, Nasisi

Nays: None Absent: Alvarez, Slater (left during executive session) Abstain None

Current

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
6/25/2021	32135	Change Fund	50.00
6/29/2021	32136	Amazon	563.09
6/29/2021	32137	CenturyLink	1,132.77
6/29/2021	32138	CenturyLink	851.37
6/29/2021	32139	Horizon BC/BS of NJ	1,872.60
6/29/2021	32140	Horizon BC/BS of NJ	525.24
6/29/2021	32141	JCP&L	2,903.16
6/29/2021	32142	LINA	229.50
6/29/2021	32143	Maggie Rodriguez	159.83
6/29/2021	32144	McNeil & Company	3,088.08
6/29/2021	32145	Municipal Capital Statewide Insurance	119.00
6/29/2021	32146	Fund Statewide Insurance	27,744.75
6/29/2021	32147	Fund	11,037.25
			=====
			50,276.64

General Capital

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
6/29/2021	1145	Amazon	380.37

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6/29/2021	1146	CSI Masonry LLC	1,500.00
=====			

1,880.37

Payroll

DATE	CHECK #	PAID TO	AMOUNT
6/29/2021	1099	AFLAC	627.28
=====			
			627.28

There being no further business, Councilman Nasisi moved, Councilwoman Cowdrick seconded motion to adjourn the meeting. All were in favor.

Meeting adjourned at 8:35p.m.

Robin Hough, Borough Clerk

George P. Hutnick, Mayor

BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX
RESOLUTION 44-2021

CHAPTER 159 RESOLUTION 44-2021 2021 BUDGET

WHEREAS, N.J.S. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Ogdensburg, in the County of Sussex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$5,950.34 which is now available as a revenue from:

Miscellaneous Revenues -

Special Items of General Revenue Anticipated with Prior Written

Consent of the Director of Local Government Services -

Public and Private Revenues Off-set with Appropriations:

Clean Communities Grant \$5,950.34

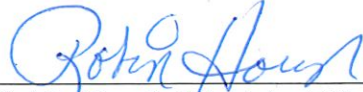
BE IT FURTHER RESOLVED that a like sum of \$5,950.34 be and the same is hereby appropriated under the caption of:

(A) Operations – Excluded from “CAPS”

Public and Private Programs Offset By Revenues:

Clean Communities Grant \$5,950.34

CERTIFICATION: I hereby certify that the above resolution is a true copy of the resolution adopted by the Mayor and Council of the Borough of Ogdensburg, New Jersey, at a meeting held on June 28, 2021.



Robin Hough, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez				x
Councilwoman Cowdrick	x			
Councilman DeMeo	x			
Councilman Nardini	x			
Councilman Nasisi	x			
Councilwoman Slater	x			
Mayor Hutnick (Tie Only)				

Borough of Ogdensburg
Resolution No. 49-2021

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the **Plant Street Improvements Phase II** project.

NOW, THEREFORE, BE IT RESOLVED that Council of **the Borough of Ogdensburg** formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the **Mayor** and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2022-Plant Street Improvements Phase II-00251** to the New Jersey Department of Transportation on behalf of **the Borough of Ogdensburg**.

BE IT FURTHER RESOLVED that **Mayor** and Clerk are hereby authorized to sign the grant agreement on behalf of **Borough of Ogdensburg** and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council
On this 28th day of June, 2021


Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL


(Clerk)


(Presiding Officer)

Borough of Ogdensburg
Resolution No. 50-2021

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the **Cork Hill Road Improvements Phase I** project.

NOW, THEREFORE, BE IT RESOLVED that Council of **the Borough of Ogdensburg** formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the **Mayor** and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2022-Cork Hill Road Improvements Phase I-00465** to the New Jersey Department of Transportation on behalf of **the Borough of Ogdensburg**.


BE IT FURTHER RESOLVED that **Mayor** and Clerk are hereby authorized to sign the grant agreement on behalf of **Borough of Ogdensburg** and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council
On this 28th day of June, 2021


Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL


(Clerk)


(Presiding Officer)