

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
August 23, 2021**

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

Mayor Hutnick led the Pledge of Allegiance.

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

Absent: Alvarez, Nasisi

Also, in attendance was Robert McBriar, Borough Attorney.

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, 2021.”

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

CONSENT AGENDA

1. Approval of regular meeting minutes from August 9, 2021.
2. Accept for filing letter dated August 13, 2021 from Michael G, Vreeland, Borough Engineer to Richard Loveless, NJDOT Re: Improvements to Passaic Avenue.

Upon Roll call Vote:

Yeas: Cowdrick (abstain #1) DeMeo, Nardini, Slater

Nays: None Absent: Alvarez, Nasisi Abstain None

RESOLUTION 57-2021

Councilwoman Slater made a motion to adopt resolution 57-2021 of the Borough of Ogdensburg, County of Sussex, and State of New Jersey Approving a temporary appointment to Thomas S. Dixon for the position of Code Enforcement Officer/Zoning Officer. Seconded by Councilman DeMeo.

Upon Roll call Vote:

Yeas: Cowdrick, DeMeo, Nardini, Slater

Nays: None Absent: Alvarez, Nasisi Abstain None

WHEREAS, the Borough of Ogdensburg’s Code Enforcement Officer/Zoning Officer retired effective July 30, 2021; and

WHEREAS, the Borough is in need of filling the vacancy beginning August 24, 2021; and

WHEREAS, pursuant to, and in accordance with N.J.A.C. 4A:4-1.7, the Borough desires to hire Thomas S. Dixon as a part-time temporary appointee to serve as the Borough’s Code Enforcement Officer/Zoning Officer beginning August 24, 2021, and ending February 24, 2022; and

WHEREAS, Mr. Dixon shall be paid at the rate of \$30.00 per hour during the six-month term; and

WHEREAS, unless otherwise authorized, Mr. Dixon’s hours shall be 4 hours per week; and

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WHEREAS, the temporary appointee shall meet the minimum qualifications for the title including all licensing requirements; and

WHEREAS, in accordance with N.J.A.C. 4A:4-1.7(a), this temporary appointment shall not exceed an aggregate period of six months in a 12-month period.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey that Thomas S. Dixon is hereby appointed as a part-time temporary appointee to the position of Code Enforcement Officer/Zoning Officer pursuant to N.J.A.C. 4A:4-1.7 beginning August 24, 2021 and ending February 24, 2022 for the salary and hours set forth above, and said appointment shall not exceed six months in a 12-month period.

ORDINANCE 08-2021

A motion is in order to introduce an Ordinance 08-2021 entitled “AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY REPLACING CHAPTER 13 OF THE BOROUGH CODE ENTITLED “FIRE PREVENTION AND PROTECTION” (Ordinance 08-2021 was tabled at the August 9, 2021 meeting.) Seconded by Councilman DeMeo.

Mr. McBriar commented we still have not heard back from the State of New Jersey Division of Fire; it would be premature to introduce this ordinance this evening. It would be appropriate at this time to motion to remove this from the agenda until such time that we get those comments and submit a final draft to review.

Councilwoman Slater made a motion to remove [Ordinance 08-2021] from the agenda. Seconded by Councilman DeMeo.

Upon Roll call Vote:

Yeas: Cowdrick, DeMeo, Nardini, Slater

Nays: None Absent: Alvarez, Nasisi Abstain None

ORDINANCE 09-2021

Councilwoman Slater made a motion to adopt Ordinance 09-2021 entitled “AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 2, ARTICLE V AND THE BOROUGH CODE ENTITLED “BOARDS, COMMITTEES AND COMMISSIONS” TO ESTABLISH A COMMUNITY AND CULTURAL EVENTS ADVISORY COMMITTEE.” Seconded by Councilman DeMeo.

Prior to final roll call Mayor Hutnick opened to the public for any comments regarding Ordinance 09-2021.

No one from the public had any comments.

Prior to final roll call Mayor Hutnick closed to the public for any comments regarding Ordinance 09-2021.

Upon Roll call Vote:

Yeas: Cowdrick, DeMeo, Nardini, Slater

Nays: None Absent: Alvarez, Nasisi Abstain None

Mayor Hutnick commented before we move on with old business the [resolution] 57-2021 we hired a temporary Zoning Officer he will begin on Thursday and he will take over all the duties of zoning, code enforcement and housing that Kevin did. A six-month temporary appointment; that gives us six months to figure out what Civil Service wants us to do.

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Ms. Hough asked does that includes CCO's. Mayor Hutnick commented yes.

Mr. McBriar commented that would include CCO's which part of that would be the inspection required for smoke alarm, fire extinguisher and which are conducted at the time of closing.

Ms. Hough commented we have a closing tomorrow. Mayor Hutnick commented we will have to go with the self-inspection asking if this was discussed already.

Mr. McBriar commented it was not, we did have a resolution prepared that would allow the Borough to accept a notarized self-inspection which was typically done during COVID; where the homeowner would certify that those alarms are in the appropriate locations that would be a notarized document that we would keep on file and we would use that to be able to issue a CCO. If that is what the Council would like to do.

Ms. Hough commented she has the resolution.

Mayor Hutnick commented let's move forward with it; the originally plan was he was supposed to start on Tuesday but due to scheduling conflict he can't start until Thursday so that is what's throwing us off.

Mr. McBriar commented do to the nature of this we should entertain that tonight. Ms. Hough went to get the resolution.

OLD BUSINESS

Administrative Fees for Recreation Areas and Facilities- Mayor Hutnick asked if we are finalized this.

Mr. McBriar commented we have some final comments; he will incorporate them and have that in an upcoming meeting.

Councilman Slater commented the fire truck should be done in production November 18.

Senior Citizen of the year – Mayor Hutnick commented he received a suggestion for a senior of the year. If anybody has any more ideas [let him know].

Mr. McBriar read into the record Resolution 58-2021

**RESOLUTION TEMPORARILY ACCEPTING APPLICATIONS AND
CERTIFICATIONS IN LIEU OF INSPECTIONS FOR CERTIFICATE OF
SMOKE ALARM, CARBON MONOXIDE ALARM, AND PORTABLE FIRE
EXTINGUISHER COMPLAINE**

WHEREAS, the Uniform Fire Code, N.J.A.C. 5:70-1 et seq. ("Fire Code") requires that before any one- and two- family or attached single family structure is sold, leased, or otherwise made subject to a change in occupancy for residential purposes, the owner shall obtain a certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance, evidencing compliance with N.J.A.C. 5:70-4.19 from the appropriate enforcing agency;

WHEREAS, the Fire Marshall of the Borough of Ogdensburg ("Borough") is responsible for conducting inspections in accordance with the Fire Code and issuing Certificates of Continued Occupancy as required by local ordinance; and

WHEREAS, the Borough's Fire Marshall retired effective July 30, 2021 creating a vacancy in said office; and

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WHEREAS, the Borough is presently considering filling the vacancy, or otherwise delegating such responsibilities, in whole or in part, to another officer or Local Enforcement Agency in accordance with applicable law; and

WHEREAS, in the interim, the Borough desires to temporarily accept applications and notarized certifications in lieu of inspections for certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance (“Application and Certification”) from the owner of property subject to the Fire Code, or authorized representative of the owner, in the form attached hereto as **Exhibit A**; and

WHEREAS, to prevent delays that could affect the sale, lease, or occupancy of local properties, the Borough has determined that until the vacancy has been filled, or responsibilities delegated, a Certificate of Continued Occupancy may be issued upon final determination by the Borough that the Application and Certification is complete, signed, notarized, and the requisite fee has been paid.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey that a Certificate of Continued Occupancy may be issued upon satisfactory completion and submission of an application and notarized certification in lieu of inspection for certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance from the owner of property subject to the Uniform Fire Code, N.J.A.C. 5:70-1, et seq. or authorized representative of the owner, in the form attached hereto as **Exhibit A**.

BE IT FURTHER RESOLVED that applications in lieu of inspections will not be accepted once the Borough fills the position of Fire Marshall, or otherwise delegates such responsibilities to another official or Local Enforcement Agency as permitted by law, at which point in time in-person inspections shall resume without further action by the governing body.

Councilman DeMeo made a motion to adopt resolution 58-2021. Seconded by Councilwoman Slater.

Upon Roll call Vote:

Yeas: Cowdrick, DeMeo, Nardini, Slater

Nays: None Absent: Alvarez, Nasisi Abstain None

RFP for water treatment operator – R. McBriar, Esq.

At this time the request for proposals received for Water Treatment Operator were opened.

Mr. McBriar commented we recently authorized receiving request for proposals, RFP specks were prepared with the Borough Engineer; they were published and the return date was August 12. Mr. McBriar asked Robin, I believe we received one envelope. Ms. Hough gave Mr. McBriar the one sealed proposal the Borough received.

Mr. McBriar opened and stated specific items. Mr. McBriar commented this is the first and only proposal provided it is from Reliable Restoration Logistics LLC. from the address of 249 Munsonhurst Road, Rob Lawler. Mr. McBriar commented he will review the context of this with our engineer and CFO and see if we are in a position to put a resolution together. Are there any concerns about the process?

Councilman Nardini asked what date would you make it effective.

Mr. McBriar commented we have to discuss this; he thinks the contract calls for September 1, through December 31 so we can discuss that. The contract price for September 1, 2021 to December 31, 2021 is \$6,400.00. For additional services the labor rate is \$75.00 per hour 7:00am to 5:00pm Monday through Friday, Saturday, Sunday’s and Holiday’s \$115.00 per hour.

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Material is Manufacturer's list price plus 20%. Mr. McBriar commented those are the contract price details.

Mayor Hutnick asked if anybody had anymore old business. There were no comments.

NEW BUSINESS

Lake Closure, badges/cost and new ordinance – Councilwoman Cowdrick commented the lake is officially closing on August 25; all the lifeguards are leaving for college. Councilwoman Cowdrick commented we already covered an update for the ordinance.

Mr. McBriar commented we have had very few discussions; we are still making progress on the rec ordinance policy and procedures. Mr. McBriar commented he can assure you this isn't something that will be left for next season.

Councilwoman Cowdrick commented Kim brought up that our ordinance should be checked regarding Heater Pond vs. Memorial Park and do we require badges for our fisherman.

Councilwoman Slater commented fisherman would have to have badges on them. They used to have boat decal which she doesn't think they require anymore; if they have a badge they are allowed.

Councilwoman Cowdrick commented she wants it clarified which is it. Councilwoman Slater commented no boating pass; if they have a badge they can fish, on a boat, khaki or the pond; and Memorial Park no there is nothing for that.

Mayor Hutnick commented we have one more item that came in from ORA. The ORA is asking for some assistance with [Plant Street] field; it has been suggested by the State Parks Department since we have to get a permit every year to use that field since it went back to the State it was suggested that the town apply for a permit to use the field which would then allow the ORA to use the field. Because it belongs to the State it becomes a bidding process for anybody that wants to use the field in town or out of town. So, if we apply for a three year permit the town has the field the ORA won't have any problems using the field and we don't have to worry about anybody else.

Councilwoman Slater commented we were doing the permits.

Mayor Hutnick commented ORA was made responsible for getting it. The town stepped away from it but the State has since said that it is State land anybody can apply.

Councilman DeMeo asked do we have to bid or just pay a fee.

Mayor Hutnick commented he would have to look into it but he thinks we just have to apply. Mayor Hutnick commented everything seems to be changing this year.

Chief Gordon explained he sat in on the meeting with Josh and he explained there is a long-standing agreement with the municipality that if the municipality comes forward and says we want to lease your land the state goes ok here you go and the municipality gets it no problem very little formalities and you sign a document pay the fee and you are done. As, it was explained by Josh who is the regional manager for State Parks of New Jersey, if the municipality gives it up and it comes to a nonprofit, private entity or even an LLC business it goes to a bidding process. This is much more involved and he said it is more less the State has no interest in doing this amount of work and explained.

Mayor Hutnick commented so basically, we are just going back to the way it was.

Mr. McBriar commented he will review this information he just received.

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There was a brief discussion on the field use for fall soccer.

PUBLIC SESSION

Councilwoman Slater moved, Councilman DeMeo seconded motion to open the public session of the meeting. All were in favor.

No one from the public had any comments.

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

EXECUTIVE SESSION

There was no executive session.

PAYMENT OF VOUCHERS

Councilwoman Slater made a motion to approve the payment of vouchers and departmental finance reports. Seconded by Councilman DeMeo.

Upon Roll call Vote:

Yeas: Cowdrick, DeMeo, Nardini, Slater

Nays: None Absent: Alvarez, Nasisi Abstain None

Current					<u>RE AS ON</u>
<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>	<u>DATE</u>	
8/10/2021	32222	State Toxicology Laboratory			
8/23/2021	32232	Action Data Services, Inc.	109.32		
8/23/2021	32233	Clean Team, Inc.	443.00		
8/23/2021	32234	Elizabethtown Gas	213.44		
8/23/2021	32235	Garden State Highway Products, Inc.	130.00		
8/23/2021	32236	Horizon BC/BS of NJ	1,872.60		
8/23/2021	32237	Horizon BC/BS of NJ	525.24		
8/23/2021	32238	JCP&L	1,814.17		
8/23/2021	32239	LINA	229.50		
8/23/2021	32240	Municipal Capital	119.00		
8/23/2021	32241	Noah's Ark Prot-a-Jon	539.00		
8/23/2021	32242	Quandient Leasing USA, Inc.	411.30		
8/23/2021	32243	Staples Business Advantage	56.76		

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8/23/2021	32244	State Toxicology Laboratory	90.00
8/23/2021	32245	State Treasurer	150.00
8/23/2021	32246	Sussex County Lock & Safe	9.00
8/23/2021	32247	Van Cleef Engineering Assoc. LLC	1,912.75
8/23/2021	32248	W.B. Mason Co., Inc.	212.70
8/23/2021	32249	W.B. Mason Co., Inc.	24.71
8/23/2021	32250	Wottle, Dennis	214.99

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8/11/2021

8/10/2021	32222	State Toxicology Laboratory	(180.00)
			=====
			8,897.48

Water Op

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
8/23/2021	5135	Agra Environmental Services	1,162.00
8/23/2021	5136	Harper Haines Fluid Control Icn.	2,545.60
8/23/2021	5137	Staples Business Advantage	6.68
8/23/2021	5138	W.B. Mason Co., Inc.	53.51
			=====
			=
			3,767.79

Payroll

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
8/23/2021	1103	AFLAC	627.28
			=====
			=
			627.28

Grant Fund

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DATE	CHECK #	PAID TO	AMOUNT
8/25/2021	32231	Van Cleef Engineering Assoc. LLC	2,299.50
			=====
			=
			2,299.50

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

Meeting adjourned at 7:27p.m.

Robin Hough, Borough Clerk

George P. Hutnick, Mayor