

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
October 25, 2021**

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

Mayor Hutnick led the Pledge of Allegiance.

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

Also, in attendance was Robert McBriar, Borough Attorney and Mike Marceau, CFO

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.”

Councilman Nardini moved Councilwoman Cowdrick seconded motion for approval of items on the consent agenda.

CONSENT AGENDA

1. Approval of regular meeting minutes from October 13, 2021.
2. Approval of executive session meeting minutes from September 27, 2021.
3. Accept for filing Note Bid Tabulation Sheet to Mike Marceau and Bidders from Pete Calhoun Ogdensburg bids.
4. Accept for filing letter to Robin Hough, Borough of Ogdensburg from Michael Restel, Wantage Township Administrator Re: Shared Services Agreement for Animal Control.
5. Accept for filing letter to all Sussex County Municipal Utilities Authority Re: FY2022 Proposed Rate Schedule Effective December 1, 2021.
6. Accept for filing letter to Robin Hough, Municipal Clerk from Sussex County Department of Engineering and Planning Re: Municipal Stormwater Control Ordinances.
7. Accept for filing letter dated October 8, 2021 from NJ State League of Municipalities Re: Hospitality Functions, Housing, Shuttle Bus [for the 106th Annual League Conference].
8. Borough of Franklin Ordinance 13-2021.

Upon Roll call Vote:

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

Nays: None Absent: None Abstain None

REVIEW OF 2020 AUDIT

Discussion on the 2020 Audit.

Mike Marceau, CFO briefly explained the 2020 Audit.

RESOLUTION 75-2021

Councilman DeMeo made a motion to adopt resolution 75-2021 certifying the Borough of Ogdensburg Governing Body has reviewed the 2020 Audit comments and recommendation as required by N.J.A.C. 5:30-6.5. Seconded by Councilman Nasisi.

Upon Roll call Vote:

Yeas: Alvarez, Cowdrick, DeMeo, Nardini, Nasisi, Slater

Nays: None Absent: None Abstain None

After adoption of resolution 75-2021 the Governing Body signed the Certification of the Annual Audit Group Affidavit Form.

Resolution 75-2021

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WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Mayor and Council* of the *Borough of Ogdensburg*, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION 76-2021

Councilman DeMeo made a motion adopt resolution 76-2021 accepting and approving the corrective action plan for the Audit Report 2020 prepared the Borough Chief Financial Officer. Seconded by Councilman Nasisi.

Upon Roll call Vote:

Yeas: Alvarez, Cowdrick, DeMeo, Nardini, Nasisi, Slater

Nays: None Absent: None Abstain None

Resolution 76-2021

WHEREAS, a Corrective Action Plan for the Audit Report year 2020 has been prepared and filed by the Chief Financial Officer, Michel Marceau; and

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WHEREAS, said Plan has been reviewed by the Mayor and Council of the Borough of Ogdensburg.

NOW, THEREFORE, BE IT RESOLVED by the governing Body of the Borough of Ogdensburg the Corrective Action Plan for the Audit Report year 2020 is accepted and approved for filing in the Borough Clerk's Office.

ORDINANCE 11-2021

Councilman DeMeo made a motion to introduce an ordinance 11-2021 entitled "AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 16 "WATER AND SEWER" TO INCREASE WATER RATES AND CERTAIN FEES." Seconded by Councilman Nardini.

Upon Roll call Vote:

Yeas: Alvarez, Cowdrick, DeMeo, Nardini, Nasisi, Slater

Nays: None Absent: None Abstain None

Public hearing will be held November 8, 2021.

OLD BUSINESS

Mr. McBriar commented items one and two; at the last meeting draft ordinance were circulated for both items one and two. If members of the Council have looked at them and reviewed them; we should be able to put this on for the next agenda.

Mr. McBriar commented under new business Fire Marshal he requests we go into executive session to discuss that line item.

Administrative Fees for Recreation Areas and Facilities- see above.

Amendments to Regulations for Municipal Recreation Areas – see above.

Swim Docks- Councilman Nardini commented you can take off the swim docks, there are going to come and inspect it but it will be a month or two. So, when that happens we will put that back on [the agenda].

Water Tank Cleaning – Councilman Nardini commented the water tank cleaning is on for 11/2 and 11/3 it is half days at the school; there is only going to be one tank cleaned at a time and a deeper inspection of the smaller tank. The school knows, DPW knows, water knows we should be good to go; there are additional pressure valves being put in place so there is no interruption. Councilman Nardini commented he will put something on the board so everybody knows what is happening.

Water Rates – Councilman Nardini commented you can take this off. That is the ordinance we just passed [introduced].

Internet/emails – Councilman Nardini commented we can take this off for now. We do have a contact for Borough employees here on this level and he is working on getting a combined deal so the police can get the same benefit reduced rate and increased speed. DPW will also get a boost; if we can do all three at once we are trying to get a better deal to switch it.

NEW BUSINESS

Fire Marshall- Mayor Hutnick commented Mr. McBriar already mentioned the fire marshal.

Mayor Hutnick commented we are going to do a presentation to our senior of the year this Wednesday the 27th at the Fire House at 6:30 if anybody wishes to attend.

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Mayor Hutnick commented the Borough Christmas Party is going to be December 12, Sunday at the fire house at one o'clock.

There was a discussion regarding the time. The party will be 11:00am to 2:00pm.

PUBLIC SESSION

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

Mary Ann Collins, 150 Kennedy Ave., stepped forward to explain a problem they have with one of the neighbors. Our neighbor that lives at 55 Yurchak Road, his back yard is our back yard. He built a fire pit and loves burning wood and smoke to the point where we have a fog in our back yard. Ms. Collins commented she doesn't know exactly what he is burning but he is burning something that makes a lot of smoke. We both have conditions now with the smoke inhalation. We both go to a doctor and we are both taking medicine for it. We would like some help in trying to stop this from continuing. We have a presentation you can see, we took pictures and films of what has been happening and our neighbor Mr. Amodeo and Mr. Smith [are being affected].

Ms. Collins commented you said there is no code for this but maybe you can make a code; do something if you are really endangering other people there should be a code that doesn't allow that to happen. You have leaf burning rules but there is nothing about someone having a big fire pit and burning wet wood.

Cristian Zamfir, 150 Kennedy Ave., stepped forward with his computer and a presentation of pictures to show the Mayor and Council of the situation with the smoke. Mr. Zamfir showed the pictures and explained to the council what was happening.

Mayor Hutnick commented Council should know the reason the fire pit was built is because the person originally wanted to be a Brazilian chef for cooking meat on open fires.

Councilman Nasisi commented that's old it has been there for a long time it has stone. Mayor Hutnick commented he probably rebuilt the one that was there.

Mr. Zamfir continued to explain his presentation of photos. There was a discussion and Council asked Mr. Zamfir questions during his presentation.

Mayor Hutnick commented he had explained to you it is out of the town's hands, we have done a town investigation we have done fire and county investigations.

Mr. McBriar commented this is not the proper forum if you have a complaint with a neighbor and this is a private nuisance this isn't the appropriate forum to litigate this. You are saying a lot of hearsay statements Mr. McBriar commented we appreciate you coming here and sharing with the Council these photos and video. You indicated you tried to send this to Robin and it was bounced back he would encourage you to photo copy them and send them. Mr. McBriar commented he was copied on your email and he is reviewing it with the prosecutor. The Mayor and the County have looked at this in great detail. Generally, Municipalities don't get involved in private nosiness.

Mr. Zamfir commented we have a letter last year that was sent to the Council which is in the file when our neighbor Bill Amedo signed it. Mr. Zamfir explained the conditions that fire pit is causing.

Mr. McBriar asked Mr. Zamfir who he spoke to at the County. Mr. Zamfir commented Maureen Theese.

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Mayor Hutnick commented he cannot walk up to him and say he can not burn we can't write an ordinance that specifically says you can't burn and you can't burn wet wood.

Mr. Zamfir commented he is burning garbage. Mayor Hutnick asked is he taking a bag of garbage out of his house and putting it in his firepit. Mr. Zamfir commented yes. Mayor Hutnick commented he is taking household trash in the garbage; do you have photos of that or is it pictures of him burning cardboard. Mr. Zamfir commented he has pictures of him burning the cardboard. Mayor Hutnick commented cardboard is allowed it is a fire started.

Mr. McBriar commented he thinks you should finish your presentation make sure the clerk receives the information you are showing us.

Mr. Zimphar continued with his presentation; council members asked questions.

Mayor Hutnick commented you and I have been going back and forth for over a year and a half [with this], we met in private had discussions sent emails back and forth we have the same topics and give you the same answers that never change. I have always offered to help you in any way I can but I have maximized what the town can do. With our legal representation already here and he has explained to you we will see if there is anything else we can do outside of the town boundaries.

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

EXECUTIVE SESSION

Councilwoman Slater moved, Councilman DeMeo seconded motion to adopt the following resolution

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.

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

Anticipated Litigation Fire Marshal

It is anticipated at this time that the above stated subject matter will be made public when settled. Action may be taken on the above listed matter/matters or on other matters discussed in closed session. This resolution shall take effect immediately.

Upon Roll call Vote:

Yeas: Alvarez, Cowdrick, DeMeo, Nardini, Nasisi, Slater

Nays: None Absent: None Abstain: None

The Mayor and Council returned from executive session at 7:55PM.

PAYMENT OF VOUCHERS

Councilwoman Slater made a motion to review payment of vouchers and review department finance reports. Seconded by Councilman Nasisi.

Upon Roll call Vote:

Yeas: Alvarez, Cowdrick, DeMeo, Nardini, Nasisi, Slater

Nays: None Absent: None Abstain: None

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Current

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
10/26/2021	32342	Campbell Supply Company of Sussex	6,102.70
10/26/2021	32343	CenturyLink	1,811.34
10/26/2021	32344	Elizabethtown Gas	250.21
10/26/2021	32345	General Code	3,380.50
10/26/2021	32346	Horizon BC/BS of NJ	1,872.60
10/26/2021	32347	Horizon BC/BS of NJ	525.24
10/26/2021	32348	JCP&L	4,385.41
10/26/2021	32349	LINA	216.00
10/26/2021	32350	New Jersey Herald	141.90
10/26/2021	32351	Township of Sparta, Police Dept.	14,750.25
10/26/2021	32352	Verizon Business	107.39
		=====	
		=	
			33,543.54

Dog Fund

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>	<u>REASON</u>
10/15/2021	271	NJ Dept of Health & Senior Service	6.60	
10/26/2021	272	Courtney Scairpon	350.00	
10/26/2021	273	FRA Technologies, Inc	675.00	

			1,031.60	
<u>VOID</u>				
9/14/2021	264	NJ Dept of Health & Senior Service	(3.00)	Returned By State-Need One Check
9/28/2021	267	NJ Dept of Health & Senior Service	(3.60)	Returned By State-Need One Check
		=====		
		=		
			1,025.00	

Water Op

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<u>DATE</u>	<u>CHECK</u> <u>#</u>	<u>PAID TO</u>	<u>AMOUNT</u>
10/26/2021	5157	Braen Aggregates, LLC	
1			1,710.85
10/26/2021	5158	Core & Main	
1			577.65
10/26/2021	5159	Genserve, LLC	
1			450.00
10/26/2021	5160	Hamburg Plumbing Supply Co	
1			90.39
10/26/2021	5161	One Call Concepts, Inc.	
1			25.74
10/26/2021	5162	USA Blue Book	
1			1,536.01
			=====
			=
			4,390.64

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

Meeting adjourned at 7:57p.m.

Robin Hough, Borough Clerk

George P. Hutnick, Mayor