

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
November 8, 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, Mayor Hutnick

Absent: Slater

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

CONSENT AGENDA

1. Approval of regular meeting minutes and executive session minutes from October 25, 2021.
2. Approval of amended executive session minutes from September 27, 2021.
3. Approval of Resolution 77-2021 authorizing a discharge of mortgage for 51 Beardslee Hill Road, Ogdensburg.
4. Approval of Resolution 78-2021 authorizing the postponement of a mortgage lien for 9 Wallkill Terrance.
5. Accept for filing letter dated October 21, 2021 from NJDOT to Mayor Hutnick Re awarding of NJDOT Fiscal Year 2022 Municipal Aid Program for the Improvement to Plant Street Phase II Project in the amount of \$165,100.00.
6. Accept for filing Green Township Resolution 2021-171.
7. Accept for filing Borough of Franklin Resolution 2021-101.
8. Accept for filing Borough of Franklin Resolution 2021-102.
9. Accept for filing letter from Janis McGovern, Mayor of Andover Township re: County 911 Dispatch Services.

Upon Roll call Vote:

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

Nays: None Absent: Slater Abstain None

Resolution 77-2021

WHEREAS, the Borough of Ogdensburg (“Borough”) previously instituted a Home Improvement Program (“Program”) for the purpose of providing low cost home improvement financing to qualifying homeowners; and

WHEREAS, as part of this Program, the Borough granted a loan in the principal amount of \$20,000.00 to be used to rehabilitate property located at 51 Beardslee Hill Road, Ogdensburg, New Jersey, identified on the Official Tax Maps of the Borough as Block 13, Lot 41; and

WHEREAS, said loan was secured by a mortgage in favor of the Borough dated June 13, 2007 which was recorded in the Sussex County Clerk’s Office in Book 8346, at Page 150-153 (four pages); and

WHEREAS, the loan in the principal amount of \$20,000.00 was paid in full evidenced by check number 12931 issued to the Borough and endorsed by Intact Title Agency of New Jersey, Inc.

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Ogdensburg that the Mayor and Clerk are hereby authorized to execute a discharge of mortgage relative to the above-referenced property and take such further actions as are necessary to effectuate the purpose of this Resolution.

Resolution 78-2021

WHEREAS, the Borough of Ogdensburg ("Borough") holds a mortgage lien against certain real property located at 9 Wallkill Terrace, Ogdensburg, New Jersey ("Property") in connection with the Property owners' participation in the Borough's Home Improvement Program which was established to provide loans to qualifying homeowners for correcting home defects and assisting in achieving compliance with property maintenance standards; and

WHEREAS, the underlying mortgage was given to the Borough by the Property owners on January 19, 2007 for \$15,740.00 with no interest charged; and

WHEREAS, said mortgage was duly recorded in the Sussex County Clerk's Office on January 31, 2007 in Book 7985 at pages 76-79 (4 pages); and

WHEREAS, the Property owners have requested that the mortgage lien which is held by the Borough be postponed, or subordinated to a mortgage to be given to Mutual of Omaha Mortgage, Inc. having an address at 5800 Lombardo Center, Suite 200, Seven Hills, OH 44131 ("Lender") in connection with refinancing the first mortgage on the Property; and

WHEREAS, the Lender requires, as a condition of refinancing, that the Borough's mortgage lien be subordinated to its mortgage; and

WHEREAS, the Borough's mortgage contains a provision limiting the amount that can be subordinated to no more than seventy-five percent (75%) of the *assessed value* of the property at the time of application for new financing; and

WHEREAS, the Borough desires to modify the aforesaid limitation based on an appraisal report provided by the owners in connection with their refinance, which was prepared by Anthony V. DePalma of Alliance Appraisal & Research, LLC, P.O. Box 8, Bloomingdale, NJ 07403, dated October 19, 2021, and which determined the *true value* of the Property to be \$300,000; and

WHEREAS, based on the appraisal report, the amount of the loan to be refinanced is less than seventy-five percent (75%) of the *true value* of the property, which the Borough deems acceptable; and

WHEREAS, the Borough's consent to subordinate its full lien amount shall be expressly conditioned on the refinance mortgage not exceeding the principal amount of \$195,000; and

WHEREAS, the Borough's consent shall further be conditioned on full payment, by either the owners and/or their Lender, of legal fees and costs incurred by the Borough for legal services required to process owners' request for subordination, at the time of closing, as authorized under the mortgage between the Borough and the owners; and

WHEREAS, all other terms and conditions set forth in the Borough's mortgage and mortgage note shall remain in full force and effect; and

WHEREAS, it is considered to be in the best interest of the Borough that the owner's request be accommodated.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Ogdensburg that the Mayor and Clerk of the Borough of Ogdensburg are hereby authorized and directed to execute a Postponement of Mortgage subordinating the Home improvement Program

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Loan in the principal amount of \$15,740.00 to a mortgage given by the owners to Mutual of Omaha Mortgage, Inc., with a principal amount of the mortgage not to exceed \$195,000.00

BE IT FURTHER RESOLVED that the Postponement of Mortgage is further conditioned on full payment, by either the owners and/or Lender, of legal fees and costs incurred by the Borough for legal services required to accommodate owners' request for subordination at the time of closing.

ORDINANCE 11-2021

Councilman Nardini made a motion to adopt Ordinance 11-2021 "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 Councilwoman Cowdrick.

Prior to final roll call Mayor Hutnick opened the meeting to the public for any comments regarding Ordinance 11-2021.

No one from the public had any comments.

Prior to final roll call Mayor Hutnick closed the meeting to the public for any comments regarding Ordinance 11-2021.

Upon Roll call Vote:

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

Nays: None Absent: Slater Abstain None

ORDINANCE 12-2021

Councilwoman Cowdrick made a motion to introduce an ordinance 12-2021 entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF OGDENSBURG BY REPLACING CHAPTER 6 ENTITLED "PARKS AND RECREATION AREAS" IN IT ENTIRETY". Seconded by Councilman DeMeo.

Mayor Hutnick opened the meeting to the public for any comments on ordinance 12-2021.

Councilman Nardini commented he has one question; 6.1.9 Ballfield section C. We note the "or Borough Board of Education" but we don't have control of them so he thought we should take that language out.

Mr. McBriar commented that is just a correction; so, the Council is aware if it were a material/substantive change we would have to revisit. This is more ministerial to take that out. We will make that change.

Mr. McBriar commented we have a first and second if there are not other deliberations for the Governing Body then Robin do a roll call.

Upon Roll call Vote:

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

Nays: None Absent: Slater Abstain None

Public hearing will be held November 22, 2021.

ORDINANCE 13-2021

Councilwoman Cowdrick made a motion to introduce an ordinance 13-2021 entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, ARTICLE VII OF THE CODE OF THE BOROUGH OF OGDENSBURG ENTITLED "ADMINISTRATIVE FEES". Seconded by Councilman DeMeo.

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Mayor Hutnick commented we are open to the public for any discussion [on Ordinance 13-2021].

Councilman Nardini commented we don't have any indication in the ordinance for non-profits in town; we had talked about that for awhile and the daily use fee clarification for profits or who ever we say is going to be charged something. We are going from one hundred to five hundred per day to five hundred to two thousand per season per activity per event. Councilman Nardini commented that is kind of vague and asked if there could be some clarity.

Mayor Hutnick commented we did discuss non-profits

Mr. McBriar commented a seasonal use fee is if using a municipal facility during a season like summer season. What would constitute seasonal use would be three or more organized events at that facility and the range was to be an analysis by the Borough as to how many individuals there would be and other things that are required by the Borough to ensure that municipal facility.

Councilman Nardini commented his concern is the nonprofit. One of the reasons this was changed was because of swim five hundred dollars isn't a reasonable fee for them to absorb. So, the non-profit we did talk about, we had four meeting worth of talking; as long as non-profit exemptions for in town organization whether it is scouts or recreation.

Mr. McBriar commented it is an exemption so it should be clarified and if that is the case he would consider that to be material change to the ordinance. We can circulate a revised draft so we can reintroduce it and hopefully adopt it.

Mayor Hutnick commented he is ok with that. We are going to table this for now.

Ms. Hough asked we have a motion and a second to introduce the ordinance. Mr. McBriar commented whoever moved this if they want to amend their motion to table this that would be appropriate.

Councilwoman Cowdrick amended her motion to table this [Ordinance 13-2021]. Councilman DeMeo seconded it as amended.

Upon Roll call Vote to table ordinance 13-2021:

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

Nays: None Absent: Slater Abstain None

ORDINANCE 14-2021

Councilman DeMeo made a motion to introduce an ordinance 14-2021 entitled "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS ROAD IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF OGDENSBURG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$351,300 TO PAY THE COST THEREOF, TO APPROPRIATE STATE GRANTS, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF ISSUANCE OF SUCH BONDS.

Seconded by Councilman Nardini.

Mayor Hutnick opened to the public for any comments on ordinance 14-2021.

No one had any comments.

Mayor Hutnick closed to the public for any comments on ordinance 14-2021.

Upon Roll call Vote:

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

Nays: None Absent: Slater Abstain None

Public hearing will be November 22, 2021.

OLD BUSINESS

Administrative Fees for Recreation Areas and Facilities and Amendments to Regulations for Municipal Recreation Areas was covered. [See above]

NEW BUSINESS

Best Practices – Mike Marceau, CFO commented for everyone that doesn't know the State issues a best practice questionnaire every year. They require us to fill it out and basically if the Borough doesn't get enough correct answer regarding best practices they can pull a portion of your State aid. This year's survey was 48 questions, 27 were scored, 15 were not scored. You are required to score 15 of higher to get 100%; the borough had 19 so we passed.

Mr. Marceau asked if the anyone wants him to go through the questions.

Ms. Hough commented the questioner was in the packets.

There was a brief discussion on best practices.

Town Notification System – Mayor Hutnick explained he and Councilman Nardini are working on a town wide notification system; we are looking into several different products. With any luck we will have this in place for the start of the new year. Once we get it set up this will be a permanent line item in our budget that will never go away; it will always be there as long as we are all on Council.

Councilman Nardini explained the call with himself, Mayor Hutnick and Dave Astor, -Superintendent of Ogdensburg Elementary School; the call was regarding the Honeywell system the school uses for notification and possibly getting a shared service with them for the expense.

Mayor Hutnick commented we are going to try and get this finished in the next couple of weeks; so, we can start off the new year with it.

PUBLIC SESSION

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

Gabrielle Nardini, 5 Ridge Court, Ogdensburg. Mr. Nardini explained he is working on his eagle project for boy scouts; he decided to build benches for the soccer field down by the mine. He needs approval to do that.

Councilman Nasisi asked what kind of benches are you going to make. Mayor Hutnick asked if he was going to secure them to the ground.

Michele Nardini, Gabrielle's mom explained what he planned on doing.

There was a discussion on the location, size of the benches and the field being State land.

Mayor Hutnick commented why don't we say yes; you can put your plan design together. Put together what you want to do, the dimensions, materials, and we can show the State. They will be moveable.

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Councilman Nardini commented he still has to present this to eagle board so there might be some small changes. You will be back here for the final approval.

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

EXECUTIVE SESSION

There was no executive session.

PAYMENT OF VOUCHERS

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

Upon Roll call Vote:

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

Nays: None Absent: Slater Abstain None

Current

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
11/9/2021	32353	Action Data Services, Inc.	160.51
11/9/2021	32354	Amazon	463.79
11/9/2021	32355	Aquatic Analysts, Inc.	490.00
11/9/2021	32356	Bullseye Calibration of NJ	185.00
11/9/2021	32357	CenturyLink	144.08
11/9/2021	32358	Complete Security Systems, Inc.	24.20
11/9/2021	32359	County of Sussex	30.69
11/9/2021	32360	Dolan & Dolan Esqs.	199.50
11/9/2021	32361	Fred Yarosz Janitorial Services LLC	403.00
11/9/2021	32362	JCP&L	493.38
11/9/2021	32363	Michel Marceau	180.23
11/9/2021	32364	Municipal Capital	119.00
11/9/2021	32365	My Corporate Hosting Solutions, LLC	232.50
11/9/2021	32366	Office Basics, Inc.	941.80
11/9/2021	32367	Ogdensburg Board of Education	212,734.00
11/9/2021	32368	ReadyRefresh	25.25
11/9/2021	32369	Schenck Price Smith & King LLP	7,171.66

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11/9/2021	32370	Staples Business Advantage	178.23
11/9/2021	32371	Sussex County Treasurer	301,089.72
11/9/2021	32372	Sussex County Treasurer	21,061.24
11/9/2021	32373	Sussex County Treasurer	1,171.38
11/9/2021	32374	Township of Sparta, Police Dept.	14,750.25
11/9/2021	32375	TRI STATE PAPER & CLEANING SUPPLIES	88.40
11/9/2021	32376	US Postal Service	170.00
11/9/2021	32377	Valley Vision Care, LLC	281.00
11/9/2021	32378	Van Cleef Engineering Assoc. LLC	260.00
11/9/2021	32379	W.B. Mason Co., Inc.	42.25
11/9/2021	32380	Wallkill Valley Regional H.S.	87,005.00
11/9/2021	32381	Weldon Asphalt	1,081.04
11/9/2021	32382	Wielkotsz & Company, LLC	19,875.00
			=====
			=
			671,052.10

Dog Fund

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
11/9/2021	274	NJ Dept of Health & Senior Service	1.20
			=====
			1.20

General Capital

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
11/9/2021	1154	Van Cleef Engineering Assoc. LLC	376.25
			=====
			376.25

Payroll

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
11/9/2021	1117	AFLAC	627.28
			=====
			627.28

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Unemployment Fund

DATE	CHECK #	PAID TO	AMOUNT
11/9/2021	119	State of NJ Division of Employer Ac	202.48
			=====
			202.48

Water Op

DATE	CHECK #	PAID TO	AMOUNT
11/9/2021	5163	Agra Environmental Services	122.00
11/9/2021	5164	Hank Sanders Inc	3,016.00
11/9/2021	5165	One Call Concepts, Inc.	17.16
11/9/2021	5166	Reliable Restoration Logistics	1,600.00
11/9/2021	5167	Staples Business Advantage	11.11
11/9/2021	5168	W.B. Mason Co., Inc.	4.64
11/9/2021	5169	Wielkotz & Company, LLC	925.00
			=====
			5,695.91

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

Meeting adjourned at 7:20p.m.

Robin Hough, Borough Clerk

George P. Hutnick, Mayor

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