

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
November 22, 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, Mike Marceau, CFO and Chief Gordon.

STATEMENT BY MAYOR: “Notice requirements of P.L. 1975, Open Public Meeting Act, N.J.S.A.10:4-6 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 Nasisi seconded motion for approval of items on the consent agenda.

CONSENT AGENDA

1. Approval of regular meeting minutes from November 08, 2021.
2. Approval of Resolution 79-2021 for Authorizing and approving the shared service agreement with Vernon Township for animal control services.
3. Approval of Resolution 80-2021 authorizing a discharge of mortgage for 10 Passaic Ave. Ogdensburg Block 25 Lot 5.
4. Accept for filing 2021 Sussex County Resurfacing Program project update notice distributed November 5, 2021.
5. Accept for filing letter dated November 8, 2021 from NJDOT to Mayor Hutnick Re: Municipal Aid grant for Cork Hill Road Improvements Phase I Project.
6. Letter to Mayor and Council from Tax Collector re: water billing date.

Upon Roll call Vote:

Yeas: Alvarez, Cowdrick, DeMeo, Nardini, Nasisi

Nays: None Absent: Slater Abstain None

Resolution 79-2021

WHEREAS, the Borough of Ogdensburg’s (“Borough”) shared service agreement for animal control services is set to expire on December 31, 2021; and

WHEREAS, there is a need for such services to be provided for the Borough beginning January 1, 2022; and

WHEREAS, the Township of Vernon (“Township”) is willing and able to provide such qualified services; and

WHEREAS, pursuant to the Uniform Shared Service and Consolidation Act, N.J.S.A. 40A:65-1 et seq., the Borough and Township wish to enter into a shared service agreement for animal control services for the calendar year 2022 at the annual cost of \$13,000 to be paid in quarterly installments to the Township for the services rendered.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg in the County of Sussex, and State of New Jersey that the Mayor and Clerk are hereby authorized and directed to execute the Animal Control Shared Services Agreement between the Borough of Ogdensburg and the Township of Vernon, in the form attached hereto,

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for the calendar year 2022 at the annual cost of \$13,000 to be paid in quarterly installments to the Township for the services rendered.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded together with executed copies of the Agreement to the Township of Vernon and Chief Financial Officer.

BE IT FURTHER RESOLVED that a copy of this Resolution and Agreement shall be kept on file in the Municipal Clerk's Office and made available to the public upon request.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:65-4(b), a certified copy of this Resolution and Agreement shall be filed with the Department of Community Affairs Division of Local Government Services.

Resolution 80-2021

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 10 Passaic Ave., Ogdensburg, New Jersey, identified on the Official Tax Maps of the Borough as Block 25, Lot 5; and

WHEREAS, said loan was secured by a mortgage in favor of the Borough dated January 7th, 2013 which was recorded in the Sussex County Clerk's Office in Book 9102, at Page 476 (four pages); and

WHEREAS, the loan in the principal amount of \$20,000.00 was paid in full evidenced by check number 21405 issued to the Borough and endorsed by Belmont Title and Settlement.

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.

Water Billing Dates – Mayor

Mayor Hutnick commented before we move on to the rest of the stuff we are going to jump to page two new business item number 2 water billing dates.

Regina Flammer, Tax Collector for the borough explained she would like to change the water billing dates. Right now, the due dates for taxes and due dates for water fall right on top of each other. Mrs. Flammer commented she also works in Hamburg; she changed the billing dates there and she is the tax collector there, it works perfectly and gave an example. Then explained the first billing cycle.

Mayor Hutnick commented is there a way we can get this written in layman terms so it is really understandable and get a mass mailer out to everyone in town.

Mike Marceau, CFO commented when we spoke to Tom Ferry [Auditor] about this last time he had some concerns regarding cash flow.

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Mayor Hutnick asked Mr. Marceau do you want to address that first. Mr. Marceau commented sure. Mayor Hutnick commented Mike will address it with the auditors to make sure everything flows in sink with money matters; Mike will ask the auditors if they are good with it then we will create something to send out to the residents to make sure everyone knows what is going on.

Mayor Hutnick commented it doesn't give you the answer.

There was a brief discussion on changing the water billing.

ORDINANCE 13-2021

Councilman DeMeo 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" [Note: This ordinance was tabled at the November 8, 2021 meeting.] Seconded by Councilman Nardini.

Public Hearing will be held December 13, 2021.

Mr. McBriar commented this is an introduction on the fee ordinance it was tabled [at the last meeting]; this is the introduction there is a motion and a second so it would be appropriate to listen to any comments from the Governing Body about it and then afterwards you are free to vote on the introduction. There will be a second reading which will then have a public hearing.

Mayor Hutnick commented since we have Rich Fluhr here from the ORA and he came specifically for this.

Councilman DeMeo commented after the last meeting we revisited the fees and went back and did some changes to the format. We also adjusted the seasonal use fee bringing the bottom line down to two fifty from five hundred it was based on Councilman Nardini's comments. Other than that it is exactly how it was introduced last time.

Councilman DeMeo explained this is a fee for facility use at the pond, the pavilion. This is for every field. Mayor Hutnick commented [the field on Bridge Street] we don't own. We don't charge fees on Bridge Street that is DEP property.

Councilman Nardini commented you still have to complete a facility use form and that comes here to approve.

Mayor Hutnick commented they still need to get permission to use the field and complete the form as if it was our field.

Mr. Fluhr commented his biggest question is does anything change specifically for the ORA. So, if the Bridge Street field is the same then it is basically the pavilion which is rarely used and the pond which is used frequently.

Councilman DeMeo commented the pavilion the old fee was fifty dollars it is now one hundred and fifty dollars for the pavilion. The daily use fee for Municipal facilities went up but you guys don't pay a daily fee for the pond, we have a seasonal fee that is new. The seasonal use fee which is for three uses per season or more per facilities is between two fifty and two thousand per season and that is determined by the Council based on the nature and the intensity of the purposed used and the number of participants. One of the things we discuss for example if we are going to have a softball tournament and there is going to be twenty teams and there are fifteen kids per team playing that is different then if you are having wheel barrel races with the five-year-old and there are twenty kids running across the field.

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Mr. Fluhr commented the frequency of three or more we will be more then that at the pond from a financial prospective he is trying to get a feel for what you guys think the impact would be to us.

Councilman DeMeo commented he thinks everyone up here with the discussions that we had we wanted to make sure there was a range so there wasn't to much of a hardship on ORA. The general feeling is ORA should be paying the minimum or somewhere there about.

Mr. Fluhr asked are we expecting a two-hundred-and-fifty-dollar bill or are were expecting a two-thousand-dollar bill. That is a pretty big range for a non-profit. So, he is trying to get a handle on what is going to be happening.

Councilman DeMeo commented we can't tell you now that it is going to be an X amount of dollars but the consensus and discussions over four or five different meetings was that ORA would be a group we would be looking at the bottom of the range.

Ms. Hough asked the applications will come to her then I put the application before the Council and Council determines the fee they are going to pay.

Mayor Hutnick commented we are going to have some kind of chart to base it on.

Councilman Nasisi commented I thought at the last meeting we were going to have some exemptions for our local nonprofits. For example, our Boy Scouts.

Mayor Hutnick commented we were talking about having exemptions for town organization that fall under the town.

Councilman Nasisi commented he did swim team before Councilman Nardini that it is a struggle, there is barely any money you can't collect it is a small group.

Mayor Hutnick commented it is a small group but unfortunately the town has to pay for the facilities the man power to clean up etc. It is anyone using the facilities it isn't just swim team.

Councilman DeMeo commented the use of the facilities is for residents only.

Councilman Nasisi commented it is limited to residents and their guests.

Mayor Hutnick commented it isn't to make money it is to cover what we have.

Councilman Nasisi commented he thinks it is fairer then it was last time, he thought we were addressing something that was for our in-town organizations; whether they are directly run by the town or not.

Mayor Hutnick commented we don't have anything directly run by the town.

Mr. Fluhr commented we are in town.

Mayor Hutnick commented you are in town but it is not run by the town.

Mr. McBriar commented the distinction is between government agency it's departments, boards and commissions and a recognized domestically filed 501c3 corporations. The current ordinance does contemplate that the Borough reserves the right to waive facility use fees for events or activities that are sponsored by the Borough by any of its departments and or committees. For example, the Borough recently adopted an ordinance adopting the Culture Event committee. If the Borough were through its committee approve an event at one of the Municipal Facilities clearly that would fall under the ability of the Governing Body to waive that fee. You can't

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distinguish between the 501c3 family who is going to pay or not. The range is reasonable and when a facility use form is received by the Clerk that will be looked at. Again, it really comes down to the nature and intensity of the proposed use. He thinks by now there is a very clear understanding of how ORA operates what the nature of their use is at the pond. This isn't tailored to ORA this is really tailored broad based to all organizations that want to use a Municipal Facility. There is a limited reservation right to wave use fee under limited circumstances.

Councilman Nasisi commented with that being said I think everything seems pretty fair; just thinking what a potential future Council may or may not have the discretion to do.

Mr. Fluhr commented it seems fair, thank you for explaining it, it makes a lot of sense; obviously we will go through the application and when it goes to the board we will see what it comes in at we hope it is favorable and we appreciate it.

Councilman Nasisi commented we will treat everybody fairly.

Mayor Hutnick asked if anyone had any questions, comments or concerns on this ordinance.

Upon Roll call Vote on Introduction Ordinance 13-2021:

Yeas: Alvarez, Cowdrick, DeMeo, Nasisi

Nays: Nardini Absent: Slater Abstain None

ORDINANCE 12-2021

Councilman DeMeo made a motion to adopt Ordinance 12-2021 "AN ORDINANCE AMENDING AND SUPPLEMENTG THE CODE OF THE BOROUGH OF OGDENSBURG BY REPLACING CHAPTER 6 ENTITLED "PARKS AND RECREATION AREAS" IN ITS ENTIRETY." Seconded by Councilwoman Cowdrick.

Prior to final roll call Mayor Hutnick opened the meeting to the public for any comments regarding ordinance 12-2021.

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 12-2021.

Upon Roll call Vote:

Yeas: Alvarez, Cowdrick, DeMeo, Nardini, Nasisi

Nays: None Absent: Slater Abstain None

ORDINANCE 14-2021

Councilman Nardini made a motion to adopt Ordinance 14-2021 "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 ANTICIAPTION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS. "Seconded by Councilman DeMeo.

Prior to final roll call Mayor Hutnick opened the meeting to the public for any comments regarding ordinance 14-2021.

No one from the public had any comments.

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Prior to final roll call Mayor Hutnick closed the meeting to the public for any comments regarding ordinance 14-2021.

Upon Roll call Vote:

Yeas: Alvarez, Cowdrick, DeMeo, Nardini, Nasisi

Nays: None Absent: Slater Abstain None

OLD BUSINESS

Administrative Fees for Recreation Areas and Facilities- Already covered
Amendments to Regulations for Municipal Recreation Areas – All ready covered.

Town Notification System – Mayor Hutnick commented he is still looking [into company's providing this service] and asked Councilman Nardini if he received any responses from anybody. Councilman Nardini commented he did reach out to one that he used in his old company. Mayor Hutnick commented he reached out to two so far.

Mayor Hutnick commented we are looking to put in a permanent notification system so that anything we do in town will send out a blast to everybody, phones emails, texts whatever people choose to be notified by. They would sign up and put down however they would like to be notified.

NEW BUSINESS

Extra Duty Solutions- Councilman Alvarez commented himself, Mike Marceau and Chief Gordon are working on getting Extra Duty Solutions [agreement] to sign maybe next year.

Mr. Marceau commented for those of you that don't know many towns in New Jersey have the ability for our officers to work quasi-public outside police services basically directing traffic for contractors. So, over the years the attorney general has issued a couple of opinions on how it should be run, the Division of Local Government Services has weighed in, so there are a lot of rules and regulations regarding the accounting for that and how it should be handled.

Mr. Marceau commented Extra Duty Solutions is a company that basically insures the Borough is in compliance with all those laws, they will charge whatever fees we request of them as far as our administrative fees and then they will put a fee on type for themselves and handle all of the scheduling and billing of the outside employment of our police officers. This has been an issue for the Borough for quite a while, as long as he has been here maybe longer. The bottom line is we are supposed to be collecting escrow in advance from all these contractors and gave an example. It has come to a head lately we got stiffed twice this year which we are still working on collecting. We are \$2,385 from the Borough of Franklin and \$2,300 from Riverview contracting. It is a big concern for the finance department. Basically, we are trying to come up with a solution, this is the solution that the police are putting forth. At some point you will have to decide if this is something you want to do or not. We probably wouldn't start until the beginning of the year because it is nice to keep our contracts on calendar years so there is no point in deciding in December and signing a one-month contract and then turn around and signing another contract.

Councilman Nasisi commented it is only about the escrows. Mr. Marceau commented he and Kim have been trying for awhile now to get the escrow payments in and as of yet we haven't received a lot of support with that prior to them starting work.

Mayor Hutnick commented if you give me the information for Franklin he will call them.

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Mr. Marceau commented the finance department is looking for a resolution for this; basically, our point of view is it should be done the way it is supposed to be done.

Councilman Nasisi commented we can't handle it if it is just an escrow for what they estimate to be there asked for one and a half times [the amount]. You are not allowed to start the job unless you have escrow.

Mr. Marceau commented is has worked flawlessly in his other town; at this point we are just looking for some sort of resolution, this is the solution the police department has come up with.

Councilman Alvarez ask Chief Gordon for his thoughts.

Chief Gordon commented we are having an issue with the contractor that did Plant Street; they didn't give us an escrow check before they started they gave us one during the course of it and it ran over at the very end of the job of the last day they were paving. We have been having an issue collecting from them for whatever reason. Mike CFO, provide him with ordinances and they will not putting a shovel in the ground until they have escrow period, if their escrow runs out they are done that is how it is going to work from now on. He is tired of dealing with it and he doesn't want to have any future problems.

Chief Gordon commented where EDS comes into play each officer is given a log in and the rates are given to EDS that includes the officer, car and administrative fee. The officer gets the job logs in and their rates are in. The difference with EDS is when the job is done at the end of the day they write a check; not sure how the funds get here but they guarantee surety of payment in lieu of escrow. Chief Gordon commented he is responsible and he is trying to make it right.

There was a brief discussion on using Extra Duty Solutions and the Council asked questions.

Mr. Marceau commented if this is something you are interested in we will probably have the resolution at the reorganization meeting or the meeting after.

Tank Cleaning Update – Councilman Nardini commented we successfully cleaned both tanks; there are no issues but last week he received an email. They had taken pictures inside the tanks when it was empty and explained a crack in the concrete that is too big for them to repair. They said we need a concrete expert. Councilman Nardini commented he is working with Rob Lawler on this. This is something we have to do sooner rather then later.

Mayor Hutnick commented get the quotes and we will take it from there. Maybe this is something we can submit to insurance.

Mr. Marceau commented we will have the ARP money and there is almost nothing we can spend it on other then utility improvements 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.

Mayor Hutnick commented for anyone that doesn't know this is Ken Poyer, he is newly elected and will sitting up here with us [next year].

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

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There was no executive session.

PAYMENT OF VOUCHERS

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

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> | <u>REASON</u> |
|-------------|--------------------|-----------------------------------|---------------|---------------|
| 11/17/2021 | 32383 | Vital Communications, Inc | 184.87 | |
| 11/23/2021 | 32384 | Action Data Services, Inc. | 785.67 | |
| 11/23/2021 | 32385 | Associated Appraisal Group, Inc. | 600.00 | |
| 11/23/2021 | 32386 | Atlantic Tomorrows Office | 115.75 | |
| 11/23/2021 | 32387 | Bassani Power Equipment, LLC | 46.59 | |
| 11/23/2021 | 32388 | Blue Diamond Disposal, Inc. | 17,775.00 | |
| 11/23/2021 | 32389 | CNP Fittest of NJ, LLC | 375.00 | |
| 11/23/2021 | 32390 | Dave's Towne Service | 874.80 | |
| 11/23/2021 | 32391 | Elizabethtown Gas | 447.08 | |
| 11/23/2021 | 32392 | ESO Solutions, Inc | 1,633.00 | |
| 11/23/2021 | 32393 | Fedex | 77.35 | |
| 11/23/2021 | 32394 | Horizon BC/BS of NJ | 1,872.60 | |
| 11/23/2021 | 32395 | Horizon BC/BS of NJ | 525.24 | |
| 11/23/2021 | 32396 | JCP&L | 6,156.04 | |
| 11/23/2021 | 32397 | Laddey, Clark & Ryan | 312.50 | |
| 11/23/2021 | 32398 | LINA | 216.00 | |
| 11/23/2021 | 32399 | New Jersey Herald | 287.40 | |
| 11/23/2021 | 32400 | NJ Division of Alcoholic Beverage | 12.00 | |
| 11/23/2021 | 32401 | Quandient Leasing USA, Inc. | 411.30 | |
| 11/23/2021 | 32402 | Staples Business Advantage | 168.16 | |
| 11/23/2021 | 32403 | US Postal Service | 182.00 | |
| 11/23/2021 | 32404 | Verizon Wireless | 122.73 | |

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| | | | |
|------------|-------|----------------------|-----------|
| 11/23/2021 | 32405 | W.B. Mason Co., Inc. | 171.61 |
| | | | ----- |
| | | | 33,352.69 |
| | | | 33,352.69 |

Voided Checks

| | | | | |
|-----------|-------|---------------------------|----------|--------------|
| 2/25/2021 | 31910 | Vital Communications, Inc | (184.87) | Lost In Mail |
| 11/9/2021 | 32376 | US Postal Service | (170.00) | Wrong Amount |

| | |
|-----------|---|
| | ----- |
| (354.87) | Voided Checks Issued In An Earlier Period |
| ===== | |
| 32,997.82 | |

Grant Fund

| <u>DATE</u> | <u>CHEC K #</u> | <u>PAID TO</u> | <u>AMOUNT</u> |
|-------------|---------------------|---------------------------|---------------|
| 11/23/202 | | | |
| 1 | 32406 | Atlantic Tomorrows Office | 257.00 |
| 11/23/202 | | | |
| 1 | 32407 | MPH Industries, Inc. | 6,297.00 |
| 11/23/202 | | Sussex County Municipal | |
| 1 | 32408 | Utility | 148.80 |
| | | | ===== |
| | | | = |
| | | | 6,702.80 |

Water Op

| <u>DATE</u> | <u>CHECK #</u> | <u>PAID TO</u> | <u>AMOUNT</u> |
|-------------|--------------------|-----------------------------|---------------|
| 11/23/202 | 5170 | Agra Environmental Services | |
| 1 | | | 22.00 |
| 11/23/202 | 5171 | Genserve, LLC | |
| 1 | | | 8,213.45 |
| 11/23/202 | 5172 | Hamburg Plumbing Supply Co | |
| 1 | | | 46.00 |
| 11/23/202 | 5173 | W.B. Mason Co., Inc. | |
| 1 | | | 9.96 |
| | | | ===== |
| | | | 8,291.41 |

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

Meeting adjourned at 7:45p.m.

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Robin Hough, Borough Clerk

George P. Hutnick, Mayor