

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
January 27, 2020**

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

Mayor Hutnick led the Pledge of Allegiance.

ROLL CALL: Alvarez, Cruz, Nardini, Nasisi, O'Dell, Slater, Mayor Hutnick

Also in attendance was Robert McBriar, Borough Attorney.

STATEMENT BY MAYOR: "Notice requirements of P.L. 1975, Open Public Meeting Act, NJS10:4- 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 3, 2020."

Councilman Nardini moved Councilwoman O'Dell seconded motion for approval of items on the consent agenda.

CONSENT AGENDA

1. Approval of regular meeting minutes and executive session minutes from January 13, 2020.
2. Approval of Budget Workshop meeting minutes from January 20, 2020.
3. Approval of Resolution 18-2020 in support of New Jersey Legislation Which Concerns Vegetation Management (S424/A260- "Vegetation Management Response Act"), Urging Legislators to Pass the Bills for Vegetation Management Related to Electric Utility Infrastructure.
4. Approval of Resolution 19-2020 Recognizing the Importance of the 2020 Census.
5. Approval of application for Peddlers, Hawkers, Solicitors & Canvassers License for Luis Ponce to solicited Financial Services under the trade name of Edward Jones.
6. Township of Stillwater resolution declaring support of second amendment rights.
7. Borough of Franklin resolution declaring support for second amendment rights.

Upon Roll call Vote:

Yeas: Alvarez, Cruz, Nardini, Nasisi, O'Dell, Slater

Nays: None Absent: None Abstain None

Resolution 18-2020

WHEREAS, it is the desire of the Mayor and Council of the Borough of Ogdensburg, Sussex County, New Jersey, to promote matters which benefit the health, welfare, comfort and safety of the citizens of the Borough ;and

WHEREAS, the Mayor and Council finds that Superstorm Sandy, Hurricane Irene and recent snow storms and nor'easters have inflicted unprecedented damage on the citizens of the Borough; and

WHEREAS, these storms left extensive downed or damaged utility poles leaving Borough residents and businesses without power and, as a result, the Board of Public Utilities ordered the State's electric public utilities to undertake additional efforts to better prepare for any major weather event in the future; and

WHEREAS, the Mayor and Council feel it is necessary for electric public utilities to maintain, remove and replace dangerous vegetation to prevent future power disruptions and preserve the uninterrupted transmission and distribution of power to the residents and businesses in the Borough of Ogdensburg.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Ogdensburg, County of Sussex, New Jersey, supports the passage of New Jersey Senate Bill S434/Assembly Bill A260 which concerns "Vegetation Management Response Act" and urges the legislative leadership to ensure this bill becomes law in the New Year 2020.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Governor Phil Murphy, Senate President Stephen Sweeney, Assembly Speaker Craig Coughlin, Minority Leader Jon Bramnick, Republican Leader Thomas Kean, Jr., Senator Steven Oroho, Assemblyman Parker Space, Assemblyman Harold "Hal" Wirths, New Jersey League of

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Municipalities Executive Director Mike Darcy, New Jersey League of Municipalities Deputy Executive Director Mike Cerra, New Jersey League of Municipalities Legislative Analyst Lori Buckelew, New Jersey League of Municipalities President James Perry, Sr., Sussex County Freeholders, Sussex County League of Municipalities, and Sussex County Emergency Management Coordinator.

Resolution 19-2020

WHEREAS, the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy; and

WHEREAS, the Borough of Ogdensburg, County of Sussex is committed to ensuring every resident is counted; and

WHEREAS, Federal and State funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing; and

WHEREAS, census data helps determine how many seats each State will have in the U.S. House of Representatives and is necessary for an accurate and fair redistricting of State Legislative Seats, County and Municipal Councils, and voting districts; and

WHEREAS, information from the 2020 Census and American Community Survey are vital tools for economic development and increase employment; and

WHEREAS, the information collected by the census is confidential and protected by law; and

WHEREAS, a united voice from business, government, community-based and faith-based organizations, educators, media and other will enable the 2020 Census message to reach more of our citizens.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Ogdensburg, Governing Body; That the Borough of Ogdensburg, County of Sussex, is committed to partnering with the U.S. Census Bureau and the State of New Jersey and will;

1. Support the goals and ideals for the 2020 Census and will disseminate 2020 Census information.
2. Encourage all Borough of Ogdensburg residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation.
3. Provide Census advocates to speak to the Borough of Ogdensburg and Community Organizations. Support census takers as they help our Municipality complete an accurate count.
4. Strive to achieve a complete and accurate count of all persons within our borders.

INTRODUCTION ORDINANCE 01-2020

Councilman Nasisi made a motion to introduce an ordinance 01-2020 entitled “AN ORDINANCE APPROPRIATING \$12,000 FROM THE GENERAL CAPITAL, CAPITAL IMPROVEMENT FUND FOR MUNICIPAL BUILDING ROOF REPLACEMENT PROJECT”.

Public Hearing will be held February 10, 2020.

Seconded by Councilman Nardini.

Upon Roll call Vote:

Yeas: Alvarez, Cruz, Nardini, Nasisi, O’Dell, Slater

Nays: None Absent: None Abstain None

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OLD BUSINESS

Borough Hall Roof– Councilman Nasisi commented the Borough Hall roof is done, we had some changes once we got the roof off we realized the sheathing was not in great shape lots of gaps. We would have voided the warrantee if we resheathe over the existing so that was done. There was some additional damage to the Yankee gutters.

Mayor Hutnick commented they also cleaned all the downspouts and gutters while they were up there.

Councilman Nasisi commented at first they said the gutters were damaged all the way around. Councilman Nasisi went on the roof and disagreed this is just an isolated spot and you may have some other isolated spots and they agreed.

Employee Handbook- Mr. McBriar commented he is still waiting for some insurance stipend info which we may be discussing later on. Councilwoman Slater commented we are going back to what it was and leaving it as it was before. Mr. McBriar commented he will incorporate that and we should have copy for you at the next meeting.

Water/DPW duties/Projects – Councilman Nardini commented nothing new with DPW, he has a meeting with Chris and Councilman Cruz on Wednesday morning and we will go over the budget. Councilman Nardini commented this item can be removed.

Building/Grounds Differentiations – Councilman Nasisi commented there is nothing new on this item yet; it is just a collection work in progress.

Salt Shed Roof – Councilman Nasisi commented he finally received the detailed breakdown description [for the salt shed roof] we can now get bids for exactly what we want to have done. Hopefully we will have this by the next meeting so we can get that fixed.

Brush Clean Up Tree Removal – Councilman Nardini commented brush removal is continuing, Chris and his crew are getting there as fast they can. They are still attending to their own duties they have to turn water on and they had a valve break on Main Street. They got Plant Street done all of President; they are cleaning up the best they can.

NEW BUSINESS

Overview of JCP&L meeting – Mayor Hutnick commented last Tuesday Ogdensburg hosted a round table meeting with the JCP&L President, Vice President and different management people as well as Congressman and woman, Senators and Mayors. The meeting was to discuss the last storm, recent power outages and to hear what JCP&L has planned on getting services back up. JCP & L took suggestions on how to handle things better. We will see what comes from this.

There was a brief discussion on the meeting, a big item is for everyone to report when their power is out, to let JCP&L know if there is a tree on your property that is a danger to power lines and JCP&L never came back to trees that were previously tagged.

FOHP Town Wide Garage Sale – Councilwoman Slater commented the Friends of Heaters Pond (FOHP) is looking to set a date with the town for April 19th for our town wide garage sale. We did fairly well [at last year's garage sale] and the residents liked it.

There was a discussion on the date being the Sunday after Easter and spring break for the students; people being away for spring break and would be just coming home.

Councilman Nardini commented we can decide the next meeting.

Councilwoman O'Dell commented we will table it for now and get a new date.

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Subordination Request Block 23 Lot 4 – Mr. McBriar commented the Borough received a request to subordinate a loan that it has; essentially the Borough has a \$13,710.00 lien on a property from the Borough Home Improvement Program. The program was established to provide a low cost financing to individuals to help with home improvement to bring none compliance features into compliance and then the loan would be paid back when the individual moves. In this instant the home owner is seeking to refinance their property and the bank has requested that the Borough subordinate its loan to the banks loan which is not unusual when there is a bank refinance. However, there is a provision in the existing mortgage which states the Borough will only subordinate up to ½ of the lien amount so that would be roughly \$6,500.00. The bank state the value of the home is \$250,000.00 and they are refinancing \$164,000.00. So the Borough will have to make the determination whether or not it wants to subordinate its \$13,710.00 loan to the banks new loan which would be for \$164,000.00.

Mr. McBriar commented if it is the pleasure of this Council you can authorize me via motion to prepare a draft resolution for your review and consideration for the next meeting. Mr. McBriar commented he would recommend that the fees be in that if they do decide to do that the bank and/or applicant provides for the cost in review and drafting any of the necessary paperwork. Mr. McBriar asked if anyone has any questions otherwise it would be appropriate to entertain a motion authorizing him to prepare a draft resolution subordinating the Borough's loan and charging the cost or any cost for us associated with doing that.

Councilman Nasisi asked Mr. McBriar, you state that somewhere it states the Borough will only subordinate up to 50%; I wonder why that was in there. We have done these before and he doesn't remember hearing that.

Mr. McBriar commented there have been a lot of different iterations of the mortgage language; we did do these previously, some of them were mandatory if it was a refinance or something to that affect. In this instant there is an expressed provision in paragraph 10 that somehow limits that. Mr. McBriar commented he is not sure what the rational was back in 2005 for that but what is important to consider is that banks idea of the value is \$250,000.00 and the amount of the loan is \$164,000.00 so although we haven't received an appraisal report at least there indicates there may be some additional equity there to cover the amount of the lien. It is really up to your discretion. If the Borough decided not to do it he doesn't yet know if that will detain the finance deal; often homeowners are looking to benefit from a lower rate. He doesn't know any of those details.

Councilman Nasisi commented as you mentioned we can have the fees covered.

Mr. McBriar commented he think that would be appropriate because it is the request of the Borough, the bank is requesting it. Councilman Nasisi commented to cover legal fees.

Mr. McBriar commented again you are just authorizing me to prepare a proposed resolution to consider at the next meeting.

Councilman Nasisi made a motion to have our attorney Robert McBriar prepare a resolution for subordination for \$13,710.00 for 72 Passaic Ave. with the prevision the bank covers any cost of legal fees. Seconded by Councilman Cruz.

Upon Roll call Vote:

Yeas: Alvarez, Cruz, Nardini, Nasisi, O'Dell, Slater

Nays: None Absent: None Abstain: None

PUBLIC SESSION

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

No one from the public stepped forward.

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

EXECUTIVE SESSION

Mr. McBriar commented at the time it would be appropriate to entertain a motion to go into executive session to discuss Police contract negotiations.

Councilman Nasisi moved, Councilwoman Slater 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;

Police Contract Negotiations

The public shall be excluded from discussion of an action upon the hereinafter specified subject matter(s). The general nature of the subject matter to be discussed is as follows:

Police Contract Negotiations

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, Cruz, Nardini, Nasisi, O'Dell, Slater
Nays: None Absent: None Abstain: None

The Mayor and Council returned from executive session at 7:27p.m.

PAYMENT OF VOUCHERS

Councilman Alvarez made a motion to review and payment of voucher and departmental finance reports. Seconded by Councilman Cruz.

Upon Roll call Vote:

Yeas: Alvarez, Cruz, Nardini, Nasisi, O'Dell, Slater
Nays: None Absent: None Abstain: None

Current

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
1/28/2020	31050	Allied Oil	656.69
1/28/2020	31051	Amazon	37.55
1/28/2020	31052	Arthur J. Gallagher Risk Management	300.00
1/28/2020	31053	Atlantic Tomorrows Office	171.89

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1/28/2020	31054	Aurora Electrical Supply	124.31
1/28/2020	31055	Brimar Industries	109.07
1/28/2020	31056	Bullseye Calibration of NJ	135.00
1/28/2020	31057	Career Development Institute Inc.	389.00
1/28/2020	31058	CenturyLink	1,264.12
1/28/2020	31059	CenturyLink	552.79
1/28/2020	31060	Certified Speedometer Service	416.00
1/28/2020	31061	Chelbus Cleaning Company, Inc.	225.00
1/28/2020	31062	LINA	229.75
1/28/2020	31063	Coast To Coast Solutions	133.30
1/28/2020	31064	Complete Security Systems, Inc.	48.40
1/28/2020	31065	Division of Consumer Affairs	100.00
1/28/2020	31066	Elizabethtown Gas	48.34
1/28/2020	31067	Finch Fuel Oil Co., Inc.	620.55
1/28/2020	31068	Fred Rowett Trucking	500.00
1/28/2020	31069	Golden Rule Creations	40.00
1/28/2020	31070	Gordon, Stephen	33.05
1/28/2020	31071	Horizon BC/BS of NJ	1,068.90
1/28/2020	31072	Horizon BC/BS of NJ	361.50
1/28/2020	31073	Horizon BC/BS of NJ	1,796.07
1/28/2020	31074	JCP&L	1,883.67
1/28/2020	31075	Joseph Silerto	30.00
1/28/2020	31076	Laddey, Clark & Ryan	625.00
1/28/2020	31077	Lakeland Auto Parts	15.49
1/28/2020	31078	Leppert Group, LLC	620.00
1/28/2020	31079	Mathew Bender & Co. Inc.	77.22
1/28/2020	31080	Municipal Capital Finance	119.00
1/28/2020	31081	North Jersey Garage Doors, LLC	595.00
1/28/2020	31082	Ogdensburg Fire Department	1,952.00
1/28/2020	31083	Schenck Price Smith & King LLP	5,447.56

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1/28/2020	31084	Staples Business Advantage	207.06
1/28/2020	31085	Struble, Jim	30.00
1/28/2020	31086	Sussex County Municipal Clerk Assoc	75.00
1/28/2020	31087	Sussex County Treasurer	268,777.64
1/28/2020	31088	Sussex County Treasurer	18,514.08
1/28/2020	31089	Sussex County Treasurer	1,131.56
1/28/2020	31090	Township of Sparta, Police Dept.	14,461.00
1/28/2020	31091	Treasurer, State of New Jersey	50.00
1/28/2020	31092	Verizon Business	194.01
1/28/2020	31093	Witmer Public Safety Group, Inc.	522.00
1/28/2020	31094	Wottle, Dennis	30.00
			=====
			324,718.57

General Capital

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
1/28/2020	1120	Mark Lindsay & Son Plumbing & Heating Inc.	8,813.00
1/28/2020	1121	Rogut McCarthy LLC	786.19
			=====
			9,599.19

Grant Fund

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
1/28/2020	31095	Atlantic Tomorrows Office	248.50
			=====
			248.50

Payroll

<u>DATE</u>	<u>CHECK #</u>	<u>PAID</u>	<u>AMOUNT</u>
1/28/2020	1031	AFLAC	980.34
			=====

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980.34
RCA Vernon

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
1/28/2020	142	MAJP Contracting LLC	19,450.00
			=====
			19,450.00

Water Op

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
1/28/2020	4970	JCP&L	449.16
1/28/2020	4971	Nielsen Ford, Inc.	2,467.42
1/28/2020	4972	North Jersey Water Conference	250.00
1/28/2020	4973	Staples Business Advantage	9.27
			=====
			3,175.85

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

Meeting adjourned at 7:28p.m.

Robin Hough, Borough Clerk

George P. Hutnick, Mayor