

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
December 11, 2023**

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

Mayor Hutnick led the Pledge of Allegiance.

ROLL CALL: Alvarez, Ciasullo, Cowdrick, Poyer, Ruitenberg, Mayor Hutnick

Absent: DeMeo, (arrived at 7:06pm)

Also, in attendance was Carly Clinton, 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 4, 2023.”

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

CONSENT AGENDA

1. Approval of regular meeting minutes from November 27, 2023.
2. Approval of Resolution 80-2023 approving the holiday schedule for 2024.
3. Approval of Resolution 81-2023 authorizing and approving shared services agreement between the Borough of Ogdensburg and the Township of Vernon for Animal Control Services.
4. Approval of Resolution 82-2023 appointing Jacob Brush to the full time Laborer 1 position for the Department of Public Works.
5. Approval of Resolution 83-2023 authorizing the award of a professional services contract without competitive bidding to Phoenix Advisors LLC for continuing disclosure services.
6. Approval of Resolution 84-2023 authorizing provisional appointment of Jake Kinney to the position of Assistant Supervisor of the Borough of Ogdensburg, Department of Public Works pending official action of the New Jersey Civil Service commission and Governing Body.
7. Approval of Resolution 85-2023 approving the agreement between Space Wild Animal Farms Inc. and the Borough of Ogdensburg for the removal of deer carcasses in the municipal right-of-way.
8. Approval of Resolution 86-2023 approving the transfer resolution 2023 budget.
9. Letter dated November 27, 2023 from Bruce Nimensky, Esq., representing Blue Diamond Disposal Re: Final Rate Schedule Sussex County Municipal Utilities Authority (SCMUA).
10. Accept for filing Township of Green Resolution 2023-172.
11. Accept for filing Township of Vernon Resolution #23-251.

Upon Roll call Vote:

Yeas: Alvarez, Ciasullo, Cowdrick, Poyer, Ruitenberg

Nays: None Absent: DeMeo (late 7:06pm) Abstain None

Resolution 80-2023

BE IT HEREBY RESOLVED to amend the holiday schedule and that the following holidays will be observed in the Borough of Ogdensburg in 2024 and no Borough business will be transacted on these days:

January 1st----- New Year’s Day
January 15th -----Martin Luther King Day
February 19th -----President’s Day
March 29th -----Good Friday
May 27th -----Memorial Day

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July 4th-----Independence Day
 September 2nd -----Labor Day
 October 14th -----Columbus Day
 November 11th -----Veterans' Day
 November 28th & 29th ----- Thanksgiving Holiday
 December 24th and 25th -----Christmas Recess

* If a scheduled holiday falls on a Saturday, the Friday before shall be observed as the holiday; if a scheduled holiday falls on a Sunday, the Monday after shall be observed as the holiday.

Resolution 81-2023

WHEREAS, on January 1, 2023, the Borough of Ogdensburg (“Borough”) and the Township of Vernon (“Township”) entered into a one-year shared service agreement for Animal Control Services which is set to expire on December 31, 2023; and

WHEREAS, there is a need for such services to continue to be provided for the Borough beginning January 1, 2024; and

WHEREAS, the Township is willing and able to provide such qualified services if it is compensated for the cost of such services; and

WHEREAS, pursuant to the Uniform Shared Service and Consolidation Act, N.J.S.A. 40A:65-1 et seq. and the Local Public Contract Law, N.J.S.A. 40A:11-10 et seq., the Borough and Township wish to enter into a three-year shared service agreement for Animal Control Services beginning January 1, 2024, through December 31, 2026; and

WHEREAS, the total annual compensation to be paid by the Borough to the Township for Animal Control Services shall be as follows:

2024	\$13,510.00
2025	\$13,760.00
2026	\$14,010.00

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, for a term beginning January 1, 2024 through December 31, 2026.

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 82-2023

WHEREAS, on August 14, 2023, the Borough of Ogdensburg (“Borough”) hired Jacob Brush as a non-permanent, temporary appointment to serve as Laborer 1 in the Borough of Ogdensburg Department of Public Works (“DPW”); and

WHEREAS, as a result of a recent resignation within the DPW, there is a vacancy in the permanent position of full-time Laborer 1; and

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WHEREAS, based on his performance, the Borough desires to appoint Mr. Brush to the position of full-time Laborer 1 within the DPW.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ogdensburg that Jacob Brush is hereby appointed to serve as full-time Laborer 1 within the Department of Public Works effective December 1, 2023, at an hourly rate of \$20.00.

Resolution 83-2023

WHEREAS, the Borough of Ogdensburg, in the County of Sussex, New Jersey has previously issued its bonds, bond anticipation notes and/or other debt obligations (the “Bonds”); and

WHEREAS, in connection with the issuance of certain Bonds and for purposes of assisting underwriters to comply with Rule 15c-12 under the Securities Exchange Act of 1934, the Borough of Ogdensburg has covenanted and/or entered into one or more undertakings or agreements to provide Continuing Disclosure Agent Services Agreements (the “CDA”) to the public marketplace; and

WHEREAS, it is beneficial to retain assistance of appropriately registered experts in the field of municipal bond finance, with knowledge and experience in these matters, to assist in assuring compliance with CDA’s and to stand ready to provide advice as needed with the issuance of municipal debt as Municipal Advisor; and

WHEREAS, Phoenix Advisors LLC provides such Continuing Disclosure Agent Services and is an independent registered Municipal Advisor under the SEC regulations; and

WHEREAS, Phoenix Advisors LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Borough of Ogdensburg with the elected officials in the previous one year, and that the contract will prohibit the firm of Phoenix Advisors, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has recommended that Phoenix Advisors, LLC be retained to provide Continuing Disclosure Agent Services agreement services to the Borough of Ogdensburg.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Ogdensburg, Sussex County, State of New Jersey the following:

1. The Mayor and Borough Clerk be and are hereby authorized to execute a contract with Phoenix Advisors, LLC for Continuing Disclosure Agent Services applicable to bonds in an amount not to exceed the base fee \$1,600.00 (for up to three outstanding issues).
2. This contract is awarded without competitive bidding as a “Professional Service” pursuant to N.J.S.A. 19:44A-20 et seq. and the local public contract law.
3. The term of this contract shall be from January 1, 2024 through December 31, 2024.
4. The total fee authorized for this contract shall not exceed \$1,600.00 without prior written approval of the Governing Body.
5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Borough Clerk.

Resolution 84-2023

WHEREAS, the Borough of Ogdensburg (“Borough”) is in need of an Assistant Supervisor for the Borough Department of Public Works (“DPW”); and

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WHEREAS, the position of “Assistant Supervisor, Public Works” is described as Title Code 06651 under the Local Title List promulgated by the New Jersey Civil Service Commission (“NJCSC”) and is considered a competitive appointment; and

WHEREAS, as of September 18, 2023, there was no complete list of eligibles available from NJCSC for this job title; and

WHEREAS, a provisional appointment to this position will trigger an open competitive job announcement by NJCSC requiring the appointee to file for and take an examination with NJCSC in accordance with its regulations; and

WHEREAS, after the closing date for the submission of applications for this job title, NJCSC will notify the Borough of candidates eligible for appointment from its Eligible List; and

WHEREAS, until official action is taken by NJCSC, the Borough desires to provisionally appoint Jake Kinney to the position of Assistant Supervisor of the Borough DPW beginning December 27, 2023; and

WHEREAS, the Borough has determined that Jake Kinney meets the minimum qualifications for the job title and the failure to make this provisional appointment will seriously impair the work required to be performed by the Borough; and

WHEREAS, Jake Kinney shall be paid an annual salary of \$55,000.00; and

WHEREAS, this appointment shall not exceed 12 months; and

WHEREAS, this appointment is subject to the Borough’s receipt of a negative criminal history background check.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey that Jake Kinney be provisionally appointed Assistant Supervisor, Department of Public Works effective December 27, 2023, at the annual salary of \$55,000.00 subject to the terms and conditions set forth herein and pending official action of the New Jersey Civil Service Commission and Governing Body.

Resolution 85-2023

WHEREAS, the Governing Body of the Borough of Ogdensburg to enter into an agreement with Space Wild Animal Farms Inc. for the removal of deer carcasses from the municipal road right-of-way for the fee of \$29.00 per deer;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Ogdensburg to approve an agreement between Space Wild Animal Farm Inc. and the Borough of Ogdensburg for removal of deer carcasses from the municipal road right a way at a fee of \$29.00 per deer payable monthly through December 31, 2024.

Resolution 86-2023

BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg, County of Sussex, New Jersey, that the following transfer of Appropriations (2023 Municipal Budget) in accordance with N.J.S.A. 40A:4-58 be and is hereby approved:

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Account Description		From:	To:
Computer Services O/E	01-201-20-140-099	\$ 225.00	
Snow Removal O/E	01-201-26-290-297	7,500.00	
Financial Administration O/E	01-201-20-130-061		\$ 225.00
Streets & Roads O/E	01-201-26-290-099		7,500.00
TOTALS		\$ 7,725.00	\$ 7,725.00

EXECUTIVE SESSION MINUTES

Councilman Ciasullo to approve the executive session minutes from November 27, 2023. Seconded by Councilman Poyer.

Upon Roll call Vote:

Yeas: Alvarez, Ciasullo, Cowdrick, Poyer, Ruitenberg
Nays: None Absent: DeMeo (late 7:06pm) Abstain None

ADOPTION ORDINANCE 15-2023

Councilwoman Cowdrick made a motion to adopt ordinance 15-2023 “AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING SECTION 30-502.1 OF THE LAND DEVELOPMENT REGULATIONS OF THE BOROUGH ENTITLED “STORMWATER MANAGEMENT”. Seconded by Councilwoman Ruitenberg.

Prior to final roll call Mayor Hutnick opened the meeting to the public for any comments regarding ordinance 15-2023.

There was no public present.

Prior to final roll call Mayor Hutnick closed the meeting to the public for any comments regarding ordinance 15-2023.

Upon Roll call Vote:

Yeas: Alvarez, Ciasullo, Cowdrick, Poyer, Ruitenberg
Nays: None Absent: DeMeo (late 7:06pm) Abstain None

ADOPTION ORDINANCE 16-2023

Councilwoman Cowdrick made a motion to adopt ordinance 16-2023 “AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF OGDENSBURG BY DELETING AND REPLACING CHAPTER 14 ENTITLED “PROPERTY MAINTENANCE” IN ITS ENTIRETY. Seconded by Councilman Poyer

Prior to final roll call Mayor Hutnick opened the meeting to the public for any commented regarding ordinance 16-2023.

There was no public present.

Prior to final roll call Mayor Hutnick closed the meeting to the public for any commented regarding ordinance 16-2023.

Upon Roll call Vote:

Yeas: Alvarez, Ciasullo, Cowdrick, Poyer, Ruitenberg
Nays: None Absent: DeMeo (late 7:06pm) Abstain None

Councilman DeMeo arrived at 7:06pm.

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OLD BUSINESS

Plan for lead line replacement report – Councilman Poyer commented Councilwoman Ruitenberg will be starting the survey's and hopefully getting them out soon to the public.

Grant Writers – Councilman DeMeo asked if there were any responses [for the grant writers RFP]?

Ms. Hough commented two are in. Councilman DeMeo asked what was the final deadline for submission. Ms. Hough commented Wednesday, Mike and I will open them together.

Hiring of Police Officers – Councilman Ciasullo asked if there was anything new on this.

Chief Gordon commented we are just waiting for the ordinance to get on the books.

Ms. Clinton commented Mr. McBriar said he would be working on a draft and it will be on the agenda next year.

Draft Ordinance Pond Badges – Ms. Clinton commented Mr. McBriar mentioned this will be on a new agenda next year in January. He will be working on the draft.

School Crossing Guard – Chief Gordon commented we have another applicant; we just have to do the interviews.

DPW Personnel – Mayor Hutnick commented we hired two employees; both employees accepted the positions. One employee is already on the job the other employee will start the end of month.

This can be removed from the agenda.

Storm Drain Cleaning – Mayor Hutnick commented he is working with DPW to come up with a plan of some sort to figure out the cost and how we are going to do this. Mayor Hutnick asked Mr. Marceau if the Borough has any money left over in regards to water.

Mr. Marceau commented all he can think of is the old storm water grant unless you want to explore some sort of shared service.

Easement Request – Mayor Hutnick commented he doesn't think we need this on here.

Ms. Clinton commented she can provide an update; our engineer Mike Vreeland has been trying to get in contact with Lakeland to get some items corrected on the survey. Once those have been corrected then things can move forward. It is our understanding that work started on the easement area; which should not be permitted so their attorney has been notified to stop work until the survey has been updated and to be in compliance. We are waiting for that to be completed. The Borough

PEOSH violations – Ms. Hough explained everything is in the packets, she had to ask for an extension for one item but she received a picture from the DPW supervisor it was fixed. So, everything is done.

Alternate Route – Mayor Hutnick explained that fell under hiring of police officer.

RFP Water Operator – Mayor Hutnick commented the RFP for water operator has gone out.

NEW BUSINESS

Increase in tonnage rate for solid waste pickup – Mayor Hutnick explained the letter in the packet from Blue Diamond's attorney; SCMUA's rates have increased to from ninety-six dollars a ton to one hundred and seven dollars a ton this is an eleven dollar a ton increase.

Mr. Marceau explained we are looking at an increase somewhere around twelve thousand a year.

Councilman Ciasullo asked if anything comes to us from SCUMA directly to the town.

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Councilman DeMeo commented there was something in the packets about a month ago about a rate increase.

Councilman DeMeo asked with our contract does it allow for Blue Diamond to raise the rate mid contract.

Ms. Clinton commented Mr. McBriar did review it and it does allow for this; the two options would be to either accept the increase or to cancel the contract and rebid but because they are probably the only company that would bid the fear is it would be a hire contract rate.

Mayor Hutnick commented on the plus side we saved twelve thousand a year by switching the day.

PUBLIC SESSION

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

There were no comments from the public.

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

Mayor Hutnick commented we are going to back track to new business.

Councilwoman Ruitenberg commented she had been in touch with someone from Statewide in updating and getting everything up to date as far as all the employee's and trainings that are required. She would like to work on that as a project for 2024 to make sure the Borough is up to date with training we need.

Mayor Hutnick commented there have been numerous employee trainings that have come out in regards to harassment policies and other things. There is also a training policy with regards to DPW, police department; we just want to go through to make sure we have all the training. The Council is required to take training also.

There was a brief discussion on training.

Ms. Clinton recommend to reopen and close to the public because we went back to new business.

Councilwoman Ruitenberg made a motion to open to the public. Seconded by Councilman DeMeo. All were in favor.

No one from the public had any comments.

Councilman DeMeo made a motion to close to the public. Seconded by Councilman Ciasullo. All were in favor.

EXECUTIVE SESSION

There was no executive session.

PAYMENT OF VOUCHERS

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

Upon Roll call Vote:

Yeas: Alvarez, Ciasullo, Cowdrick, DeMeo, Poyer, Ruitenberg

Nays: None Absent: None Abstain: None

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CURRENT

DATE	CHECK #	PAID TO	AMOUNT
12/6/2023	34126	TRI STATE PAPER & CLEANING SUPPLIES	491.5
12/11/202	3	34127 Action Data Services, Inc.	194.63
12/11/202	3	34128 Amazon	739.28
12/11/202	3	34129 Aurora Computer Urgent Care LLC	217
12/11/202	3	34130 Bassani Power Equipment, LLC	71.49
12/11/202	3	34131 Blue Diamond Disposal, Inc.	21,000.00
12/11/202	3	34132 Braen Aggregates, LLC	239.23
12/11/202	3	34133 Brightspeed	50.88
12/11/202	3	34134 Brightspeed	56.58
12/11/202	3	34135 Bullseye Calibration of NJ	145
12/11/202	3	34136 Complete Security Systems, Inc.	29.2
12/11/202	3	34137 Dolan & Dolan Esqs.	470.69
12/11/202	3	34138 Finch Fuel Oil Co., Inc.	629.76
12/11/202	3	34139 Fire Fighter One LLC	1,218.50
12/11/202	3	34140 Fred Yarosz Janitorial Services LLC	463
12/11/202	3	34141 General Code	837
12/11/202	3	34142 Kuiken Brothers	26.2
12/11/202	3	34143 Lafayette Auto Parts	28
12/11/202	3	34144 Lumen Technologies Group	125.62
12/11/202	3	34145 MGL Printing Solutions	380
12/11/202	3	34146 Michel Marceau	59.05
12/11/202	3	34147 Morris County Public Safety	100
12/11/202	3	34148 Morton Salt, Inc.	11,252.99
12/11/202	3	34149 Napa Auto Parts	710.57
12/11/202	3	34150 NJ League of Municipalities	115
12/11/202	3	34151 Ogdensburg Board of Education	228,970.66
12/11/202	3	34152 Ogdensburg Fire Department	4,200.00

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12/11/202	3	34153	Quadient Leasing USA, Inc.	411.3
12/11/202	3	34154	Smith, Ken	822.61
12/11/202	3	34155	Staples Business Advantage	160.41
12/11/202	3	34156	Township of Sparta, Police Dept.	15,046.75
12/11/202	3	34157	US Postal Service	216
12/11/202	3	34158	Varcadipane Jr, William J.	1,930.50
12/11/202	3	34159	Verizon Business	105.77
12/11/202	3	34160	Verizon Wireless	122.04
12/11/202	3	34161	Witmer Public Safety Group, Inc.	1,161.00

292,798.21
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11/27/202	3	34117	Tri-State Rentals	-491.5
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292,306.71

RCA VERNON

DATE	CHEC K #	PAID TO	AMOUNT
12/11/202	3	154 ER Home Improvement, LLC	20,000.00

20,000.00
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WATER OPERATING

DATE	CHEC K #	PAID TO	AMOUNT
12/11/202	3	5332 Agra Environmental Services	544
12/11/202	3	5333 Chlorinator & Instrument Services	1,035.95
12/11/202	3	5334 Grainger	817.62
12/11/202	3	5335 MGL Printing Solutions	603
12/11/202	3	5336 Northeast Water Technology	497.5
12/11/202	3	5337 Reliable Restoration Logistics	1,684.00
12/11/202	3	5338 Smith Tractor & Equipment, Inc.	157.5

5,339.57

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5,339.57

GRANT FUND

DATE	CHEC K #	PAID TO	AMOUNT
12/11/202			
3	34162	General Code	1,837.00
12/11/202			
3	34163	Sussex County Municipal Utility	355.05

			2,192.05
			=====
			2,192.05

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

Meeting adjourned at 7:18p.m.

Robin Hough, Borough Clerk

George P. Hutnick, Mayor