

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF OGDENSBURG  
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM  
January 27, 2025**

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

Mayor Hutnick led the Pledge of Allegiance.

**ROLL CALL:** Ciasullo, Cowdrick, Gandarinho, Lame, Ruitenberg, Mayor Hutnick

Absent: DeMeo

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 3, 2025.”

Councilwoman Ruitenberg made a motion to approve the consent agenda. Seconded by Councilwoman Cowdrick

**CONSENT AGENDA**

1. Approval of regular meeting minutes from January 13, 2025.
2. Approval of Resolution 19-2025 authorizing to redeem a third-party tax sale certificate #2024-007 for 11 Sterling Parkway Block 24 Lot 10.04 in the amount of \$1,111.06 to Christiana T C/F CE FIRSTRUST, PO Box 5021, Philadelphia, PA 19111-5021.
3. Approval of Resolution 20-2025 authorizing to redeem a third-party tax sale certificate #2024-003 for 335 Main Street, Block 3.07 Lot 1 in the amount of \$1,562.42 to Christianna T C/F CE1 FIRSTRUST, PO Box 5021, Philadelphia, PA 19111-5021.
4. Approval of Resolution 21-2025 authorizing and approving she shared services agreement with Sussex County Municipal Utilities Authority for Certified Recycling Professional Services including certification and submission of its 2024 recycling tonnage report to New Jersey Department of Environmental Protection.
5. Approval of application for Peddler, Hawkers, Solicitors & Canvassers License from Avelino Janinto representing Planet Networks, 4 Park Place Newton NJ 07860.
6. Accept for filing Borough of Hamburg resolution 2025-24.
7. Accept for filing Sandyston Township resolution R-20-2025.
8. Accept for filing Stillwater Township Resolution 2025-030.
9. Accept for filing Sussex County Board of County Commissioner resolution reappointment of Dr William Truran as County Historian.

**Upon Roll call Vote:**

Yeas: Ciasullo, Cowdrick, Gandarinho, Lame, Ruitenberg

Nays: None Absent: DeMeo Abstain None

**Resolution 19-2025**

TO REDEEM THIRD PARTY TAX SALE CERTIFICATE# 2024-007  
BLOCK 24 LOT 10.04  
11 STERLING PARKWAY

WHEREAS, THE TAX COLLECTOR, REGINA FLAMMER HAS ADVISED THAT PAYMENT HAS BEEN RECEIVED IN THE AMOUNT OF \$1111.06

(LIEN 511.06 PREMIUM 600.00)

TO REDEEM TAX SALE CERTIFICATE # 2024-007

WHEREAS,

CHRISTIANA T C/F CE FIRSTRUST  
P.O. BOX 5021  
PHILADELPHIA, PA 19111-5021

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IS THE HOLDER OF TAX SALE CERTIFICATE # 2024-007  
AND AS MUCH IS DUE PAYMENT IN THE AMOUNT OF \$ 1111.06  
TO REDEEM SAME.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE  
BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX, STATE OF  
NEW JERSEY, THAT APPROVAL BE GRANTED TO ISSUE A CHECK  
IN THE AMOUNT OF \$ 1111.06  
TO REDEEM TAX SALE CERTIFICATE # 2024-007

**Resolution 20-2025**

TO REDEEM THIRD PARTY TAX SALE CERTIFICATE# 2024-003

**BLOCK 3.07 LOT1  
335 MAIN STREET**

WHEREAS, THE TAX COLLECTOR, REGINA FLAMMER HAS ADVISED THAT  
PAYMENT HAS BEEN RECEIVED IN THE AMOUNT OF \$ 1562.42\*  
(LIEN 962.42 PREMIUM 600.00)

TO REDEEM TAX SALE CERTIFICATE # 2024-003

WHEREAS,

CHRISTIANA T C/F CE1 FIRSTRUST  
P.O. BOX 5021  
PHILADELPHIA, PA 19111-5021

IS THE HOLDER OF TAX SALE CERTIFICATE # 2024-003  
AND AS MUCH IS DUE PAYMENT IN THE AMOUNT OF \$1562.42  
TO REDEEM SAME.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE  
BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX, STATE OF  
NEW JERSEY, THAT APPROVAL BE GRANTED TO ISSUE A CHECK  
IN THE AMOUNT OF \$ 1562.42  
TO REDEEM TAX SALE CERTIFICATE # 2024-003

**Resolution 21-2025**

**WHEREAS**, the Sussex County Municipal Utilities Authority (“SCMUA”) passed a resolution agreeing to share the services of its Certified Recycling Professional (“CRP”) with the Borough of Ogdensburg (“Borough”) including certification and submission of its 2024 Recycling Tonnage Report to the New Jersey Department of Environmental Protection (“NJDEP”); and

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq. (“Act”) provides that local units of government may enter a contract to provide or receive any service that either local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating units (N.J.S.A. 40A:65-4); and

**WHEREAS**, the Borough will prepare its 2024 Recycling Tonnage Report for SCMUA’s review, certification, and submission; and

**WHEREAS**, the Borough requested that SCMUA and its District Recycling Coordinator serve as the Borough’s Certified Recycling Professional for the purpose of certifying and submitting the required 2024 Recycling Tonnage Report to the NJDEP on behalf of the Borough by April 30, 2025; and

**WHEREAS**, SCMUA has staff qualified to certify the 2024 Recycling Tonnage Report prepared by the Borough and to electronically submit same to the NJDEP on its behalf pursuant to and in accordance with the terms and conditions set forth in the attached Shared Services Agreement.

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

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1. The Mayor and Council are hereby authorized and directed to execute a Shared Services Agreement, a copy of which is attached hereto, with SCMUA for the provision of Certified Recycling Professional Services including certification and submission of the Borough of Ogdensburg's 2024 Recycling Tonnage Report to NJDEP.
2. SCMUA staff and its professionals are authorized to take any and all actions necessary to implement this Resolution

**PRESENTATION**

At this time there was be a presentation by Joseph Vuich, Planner from Van Cleef Engineering regarding the NJ Department of Community Affairs fourth-round affordable housing.

Mr. Vuich explained tonight on the agenda is a resolution committing to DCA calculation on the fourth round of affordable housing. In the resolution we are looking to accept the numbers for both present and prospective need. Mr. Vuich explained how the numbers are calculated and what they are based on. There are three factors, the equalization on residential valuation, land capacity and then the income capacity. Those three factors are equally weighted into an average allocation. To get to a percentage of our region. Mr. Vuich explained the different regions which are not just Sussex County but is a various of counties in a region. Mr. Vuich explained the three factors. Mr. Vuich explained a hand out if anyone was interested in looking at it that explained the calculations.

Mr. McBriar commented we are here because all of our sister municipalities are in the same position we have to act before the end of this month. Whether you agree to accept DCA fourth round numbers or not you still have to file an action with the County within 48 hours of adopting the resolution. We are prepared to do that. He appreciates Mr. Vuich being here in person and summing up the points of DCA round 4.

At this time the Council asked question to Mr. Vuich and Mr. McBriar.

**RESOLUTION 22-2025**

Councilman Ciasullo made a motion to approve resolution 22-2025 committing to the New Jersey Department of Community Affairs Calculations for the fourth-round affordable housing present need and prospective need obligations. Seconded by Councilwoman Ruitenberg.

**Upon Roll call Vote:**

Yeas: Ciasullo, Cowdrick, Gandarinho, Lame, Ruitenberg

Nays: None Absent: DeMeo Abstain None

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) ("Amended FHA"); and

**WHEREAS**, the Amended FHA requires the NJ Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

**WHEREAS**, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported estimates of Fourth Round (2025-2035) affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

**WHEREAS**, according to the DCA Report, the Borough of Ogdensburg ("Ogdensburg") has a Fourth Round Present Need or Rehabilitation Obligation of four (4) units and Fourth Round Prospective Need or New Construction Obligation of forty (40) units; and

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**WHEREAS**, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

**WHEREAS**, the Amended FHA further provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or biding court decisions” (N.J.S.A. 52:27D-311(m)); and

**WHEREAS**, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

**WHEREAS**, based on the foregoing, Ogdensburg accepts DCA’s calculation of its Fourth Round fair share obligations and commits to a Fourth Round Present Need or Rehabilitation Obligation of four (4) units and Fourth Round Prospective Need or New Construction Obligation of forty (40) units, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

**WHEREAS**, Ogdensburg reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

**WHEREAS**, Ogdensburg also reserves the right to adjust its position in the event of any rulings in Borough of Montvale, et al. v. State of New Jersey, et al., bearing Docket Number MER-L-1778-24, or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

**WHEREAS**, in the event that a third party challenges the calculations provided for in this Resolution, Ogdensburg reserves the right to take such position(s) as it deems appropriate in response thereto, including that its Round 4 Present and/or Prospective Need Obligations should be lower than described herein; and

**WHEREAS**, in light of the above, the Governing Body of Ogdensburg finds that it is in the best interest of Ogdensburg to declare its commitment to the obligations reported by the DCA on October 18, 2024, subject to the reservations set forth herein; and

**WHEREAS**, in addition to the above, the Acting Administrative Director of New Jersey Courts issued Directive #14-24, dated December 13, 2024, promulgating procedures and guidelines implementing the Affordable Housing Alternative Dispute Resolution Program (“Program”) created by L. 2024, c.2; and

**WHEREAS**, pursuant to Directive #14-24, “a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint . . . in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner”; and

**WHEREAS**, Ogdensburg seeks a certification of compliance with the FHA and, therefore, directs its Municipal Attorney to file a declaratory relief action within 48 hours of the adoption of this Resolution in Sussex County.

**NOW, THEREFORE, BE IT RESOLVED** on this 27<sup>th</sup> day of January, 2025 by the Governing Body of Ogdensburg as follows:

1. All of the “Whereas” clauses contained in the above preamble to this Resolution are incorporated into and made a part of the operative clauses of this Resolution.
2. The Borough of Ogdensburg hereby commits to a Fourth Round Present Need or Rehabilitation Obligation of four (4) units and Fourth Round Prospective Need or New

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Construction Obligation of forty (40) units as described in this Resolution, subject to all reservations of rights set forth above.

3. The Borough of Ogdensburg hereby directs its Municipal Attorney to file a declaratory judgment complaint and Civil Case Information Statement seeking certification of compliance with the Amended FHA in Sussex County within 48 hours after adoption of this Resolution.

4. The Borough of Ogdensburg authorizes its Municipal Attorney to attach this Resolution as an exhibit to the declaratory judgment action that is filed, and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.

5. This resolution shall take effect immediately, according to law.

**RESOLUTION 23-2025**

Councilman Ciasullo made a motion to approve resolution 23-2025 appointing Van Cleef Engineering Associates LLC. as Interim Certified Public Works Manager. Seconded by Councilman Gandarinho.

**Upon Roll call Vote:**

Yeas: Ciasullo, Cowdrick, Gandarinho, Lame, Ruitenberg

Nays: None Absent: DeMeo Abstain None

**WHEREAS**, the Borough of Ogdensburg (“Borough”) is in need of retaining a Certified Public Works Manager (“CPWM”), effective January 1, 2025, on an interim basis until such time that a permanent appointment is made, due to the retirement of the Borough Department of Public Works Supervisor; and

**WHEREAS**, Van Cleef Engineering Associates LLC (“Van Cleef”), having a business address at 111 Howard Blvd, Suite 110, Mt. Arlington, NJ 07856, was awarded a professional services contract to provide engineering services for the Borough for the 2025 calendar year (“2025 Professional Services Contract and Rate Schedule”), a copy of which is attached hereto and made a part hereof; and

**WHEREAS**, Van Cleef employs professionals and staff that have obtained their Certified Public Works Management (“CPWM”) certification pursuant to and in accordance with N.J.S.A. 40A:9-154.6b-c and are approved by the NJ Division of Local Government Services to perform managerial public works services as required by applicable law, on an advisory or consultative basis; and

**WHEREAS**, based on its experience and qualifications, the Borough desires to appoint Van Cleef as interim Certified Public Works Manager to perform managerial public works services for the Borough, as required by law, in accordance with its 2025 Professional Services Contract and Rate Schedule until such time that a permanent appointment is made.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Ogdensburg, County of Sussex, and State of New Jersey, that Van Cleef Engineering Associates LLC, having a business address at 111 Howard Blvd, Suite 110, Mt. Arlington, NJ 07856, is hereby appointed as interim Certified Public Works Manager, effective January 1, 2025, to perform managerial public works services for the Borough in accordance with its 2025 Professional Services Contract and Rate Schedule.

**EXECUTIVE SESSION MINUTES**

Councilman Ciasullo made a motion to table the executive session minutes from January 13, 2025. Seconded by Councilwoman Cowdrick.

**Upon Roll call Vote:**

Yeas: Ciasullo, Cowdrick, Gandarinho, Lame, Ruitenberg

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Nays: None Absent: DeMeo Abstain None

**MUNICIPAL FACILITIES AND RECREATION AREA APPLICATION**

Councilwoman Ruitenberg made a motion to approve the Facility Use Application submitted by Wallkill Valley Little League Baseball, Justin Bello, President for use of the Municipal Park baseball field and to determine the seasonal fee. (Please note: this was tabled from the January 13, 2025 meeting to get additional information on the day's being requested.) Seconded by Councilwoman Cowdrick.

Councilwoman Cowdrick explained the days of the week they want are Tuesday, Wednesday, Thursday and Saturday from 5:00pm to 8:00pm.

Mayor Hutnick asked have we received any other applications from teams.

Councilwoman Cowdrick commented no, not yet. She was thinking to keep them as a rec [recreation] team the lowest is \$250.00 she thinks that is fair for them.

Mr. Gandarhino asked what did we charge them last year.

Councilwoman Cowdrick commented they didn't play last year. This is the bottom of our range.

There was a discussion on the use of the field, the fee and cost to maintain the fields.

Councilwoman Cowdrick asked if the Council was good with the \$250.00. Councilwoman Ruitenberg commented it was fine by her.

Ms. Hough asked for the motion to be amended to include the \$250.00. Ms. Hough asked Councilwoman Ruitenberg you made the motion are you good with \$250.00. Councilwoman Ruitenberg commented yes. Councilwoman Cowdrick seconded that.

**Upon Roll call Vote:**

Yeas: Ciasullo, Cowdrick, Gandarinho, Lame, Ruitenberg

Nays: None Absent: DeMeo Abstain None

**LIASON REPORTS**

Councilman Ciasullo reported he and Councilman Gandarinho met with Rob Lawler to go over some items. Some items will have to be addressed quickly because they pertain to the two wells we actually use. There is an issue with each of the wells; one of them is a bigger job. We asked Mr. Lawler to get them some numbers. The bigger job will definitely require bids. Councilman Ciasullo explained the issue with the two values on Edison Road water tank and getting this repaired.

Councilman Gandarinho explained Rob gave them a letter that the State is requiring the Borough to do a leak detection test. In our town there is forty percent water wasted somewhere; we don't know if it is the residents or businesses. A company would come in and start with the businesses to see if there are any leaks then they would start from resident to resident to find out where the water is leaking. This is being required because of the drought.

There was a lengthy discussion on the where the leaks are in the Borough, the letter which was an email, making sure we have to comply with this, the testing and possible cost, not an official letter from the State and needs to be confirmed.

Councilman Gandarinho reported he stopped and talked with Jake he has some issues, there are no CDL Drivers or a list.

Councilman Gandarinho commented he did talk to Jake about the maintenance of the buildings; what he does and does not do. He says the ambulance squad he would do once a month, any other building that was the Borough's he would do a cleanup. He comes everyday to Borough

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Hall. He is looking for maps of the water lines and the fuel tanks he had a hard time getting a fuel delivery.

Mayor Hutnick commented our fuel tanks which was on his list at the beginning of the year; we have to get those out of the ground. We need to start finding a company.

Councilwoman Ruitenberg asked who is the current licensee for the tanks.

Councilman Gandarhino commented Jake said it was Chris.

Councilwoman Ruitenberg commented so we don't have anybody licensed for those storage tanks.

Councilman Gandarhino commented no.

Councilwoman Ruitenberg comments so that is why we are not getting deliveries.

There was a discussion on the tanks and a possible shared service.

Councilman Gandarinho reported with drug alliance we have a meeting February 13, somebody will get there to give a speech on drug alliance. He spoke to Mr. Astor regarding the teen canteen and unfortunately this last one was cancelled. We are looking to do it in the Unplugged in Franklin, the game place by Dominick's or he is looking into using the fire house.

There was a discussion on the drug alliance.

Councilwoman Lame reported she met with Jake to discuss the buildings and ground. He had mentioned the salt shed and he would like to do the landscaping at Borough Hall in the spring. Councilwoman Lame commented she also spoke to Jane at the Historical Society and she wanted to know when the building was going to get internet service.

Mayor Hutnick explained the goal he had or wanted to link all town building together to town hall, make sure they all had phones and internet service. Especially the DPW since they are at the opposite end of town. The Historical Society, the Fire Department, try to get it all together it may be cheaper.

Councilwoman Lame commented Jane wanted to say thank you for getting the emergency lights fixed in the hallway. Councilwoman Lame brought up the issue of ice in the front of the building.

Councilman Ciasullo commented we probably should have DPW be here before the building opens.

Councilman Gandarinho commented he talked to Jake about that; he will be here every morning to salt the ramp and the stairs.

Councilman Ciasullo commented he would suggest getting the flower pots off and everything because it is holding snow and water. Councilman Ciasullo commented he thinks because it ices up really bad and in middle of the day it's not the employee job here; he thinks right now until we get through this weather we should have them come up here in the morning, afternoon and before they leave.

Chief Gordon suggested if the Borough wants to purchase some heat tape to drop down in the gutter and explain how the issue can be fixed.

Mayor Hutnick read an email from the fire department Chief Allen to Councilman DeMeo regarding the fire department. The email explained the purchase of the fire department equipment and why the equipment was replaced, high band radios and in February he will have a list of calls of service for the month of January.

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Chief Gordon gave the update on the police department. A week ago, the two newest guys started the academy they will be done around June 6<sup>th</sup>. Once they come out there will be three months of field training; sometime around the end of September they should be on their own. The two guys that graduated the academy in November are fully outfitted and in the field with either Sgt. Sanfilippo or Sgt. Cowdrick and they are getting their evaluations. So far everything seems to be going well. So hopefully by the end of March they will be on the road. Chief Gordon commented he just heard from Ford the police car is ready and we have to get the car outfitted. The Tahoe just had some recall work done. We received the handguns; thanks to Sgt. Sanfilippo for his persistence with the sales rep from Atlantic Tactical. The department is moving in the right direction with the transitions for this year.

**OLD BUSINESS**

DPW Department Personnel – Councilwoman Ruitenberg explained she had nothing to discuss at the moment.

Elections update – This item can be removed from the agenda.

Facility use application for the Fire Department – This item can be removed from the agenda.

Recreation Grant – This item can be removed from the agenda.

First Aid Squad Property – Councilman Ciasullo commented he sees properties for auction are later on the agenda. Mayor Hutnick commented it is a beginning conversation. Councilman Ciasullo commented that is what he was going to talk about so it can wait until we get to that.

Notification System – Mayor Hutnick explained Councilwoman Lane and Councilwoman Ruitenberg and himself have evaluated two notification systems. Both have similar styles of functionality they have different pricing. He hadn't heard back from Councilwoman Lane or Councilwoman Ruitenberg if they are satisfied or if they want to keep looking.

There was a discussion regarding the notification system, the cost of each, what each system would include for example text messaging, voice messaging, emails, one system used tokens, social media, the cost is with voice generated messages and text messages because of data rates applying and get the information with costs ready for a budget meeting.

Town signs – welcome sign and Borough Hall sign – Mayor Hutnick commented we can take this off the agenda. We just need to get pricing.

Emails – Councilwoman Ruitenberg asked Ms. Hough if there was any progress with the emails. Ms. Hough commented not yet she hadn't heard from Bill.

Councilwoman Ruitenberg commented you can take that off the agenda after this we will just stay connected on getting that done.

NJLM – Councilwoman Ruitenberg is going to hold off on this until the next meeting.

2025 Goals – Councilwoman Ruitenberg explained we have a lot we are talking about this year; what she would like to do is get a goal board of things we want to accomplish and work towards. We have a budget coming and she wants to try and see where everybody is at with what they want to accomplish and get done for this year.

2025 Budget meetings – Councilwoman Ruitenberg commented we have our first [budget] meeting as part of our next meeting February 10<sup>th</sup>. Mike sent out the budget prep sheets. Councilwoman Ruitenberg asked Mike if there was a way to break down the salaries and where they are at.

Mr. Marceau explained he gave you a summary to start; he will work on getting you all the individual department spreadsheets, salary, health care etc. Mr. Marceau asked if you wanted any departments at that meeting.



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Mayor Hutnick asked Mike if everything was ready; it was. Mayor Hutnick commented let's start with DPW and Police for the February 10<sup>th</sup> meeting.

The budget meeting is last in the agenda to discuss on the 10<sup>th</sup>.

Mayor Hutnick commented the last thing we have to do fell under DPW Personnel, we need to discuss the topic of CDL licenses moving forward for new hires. DPW has been appropriately rice noticed in regards to CDL licenses looking at the job description there was a point on having CDL licenses was in the ad. They were hired with the process of getting their CDL.

Councilwoman Ruitenberg explained when we put the few most recent Labor position postings out it was a requirement that they have a CDL or obtain one. In all the interviews that was discussed, all of the candidates that we had agreed to obtain a CDL with this position. We recently amended our handbook that the Borough would pay for the schooling of the CDL because it is expensive, not to put that on the employee. She knows a purchase order was done to facilitate that training. That was the last she knows where it went.

Mayor Hutnick explained we didn't sign off on it because we don't have anybody to take the classes so he didn't sign it.

Mr. McBriar commented he knows we are having the discussion in open; both labors were rice noticed as is their right they have chosen to have this discussion as part of a public meeting. This is not a hearing this is for the Council to discuss as it is the issue. If there is any specific legal request from him that is still protected; if there is an issue in that regard and in the specific regard that is still attorney/client privilege. This phase of the meeting is a discussion, analysis and also to apprise the Council of what the issue is. This issue was put on the radar and as you all know we have the handbook and civil service rules that guide and govern these types of procedures. During this discussion if it gets to that point we can discuss what avenues are available for the Mayor, CEO head of the Government, whether or not to pursue any of those avenues. This discussion is to highlight the issue and to see where we go from here.

Mayor Hutnick asked would it be appropriate to have the individuals speak?

Mr. McBriar commented they don't have to this is not a hearing; if you have questions that is the Councils prerogative. This is more of a discussion if you have a question for one of them he defers this to the Governing Body.

Councilman Ciasullo asked you mentioned they were rice noticed the question is we have employees we hired that we thought would get their CDL, we are offering to pay for it and they don't want to go for it.

Councilwoman Ruitenberg commented now they don't want to go for it, correct.

Councilman Gandarinho commented he met with both of them this afternoon; they are not objecting going for it they want to go for it. The only thing is they want is more money. They said for twenty dollars it isn't worth the CDL. If you would give them more money they would go tomorrow. That is like anybody else.

Mr. McBriar explained he thinks the salary commensurate with prior employees who had that license.

Mr. Marceau replied correct.

Councilman Gandarinho explained they told me in their interview they were never told they had to get a CDL.

Mr. McBriar commented it was in the ad.

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Councilman Gandarinho commented within the last month they were told.

Mr. McBriar commented the ad indicated the applicant must be at least 18 years of age and possess a valid CDL.

Councilman Ciasullo commented those are two different things one is they will go tomorrow if they get more money and the other they were never told they needed a CDL. Those are two totally different things. He thinks the whole thing is the Borough went out to get employees that included a CDL and it got to a point where we did what we had to do to make sure they could get it with no cost out of their pocket and now they don't want to go. That is really the issue. If we are going to pay somebody more money to have a CDL then we might as well put a different number out there and we don't have to send anybody to school. We can put a requirement they have to have it before they get the job. He thinks the issue is we have employees that don't want to go for it; whether or not they were told they needed too or didn't read the ad he doesn't really know. If we clarify that; that is really the issue. He doesn't think we are here to discuss giving more money if they have a CDL. The first issue we hired employees with the expectation they get a CDL we are offering it to them and they don't want it. If that doesn't work we need to take the next step; go out and see if there is anybody out there with a CDL.

Councilman Ciasullo commented they aren't in compliance.

Mr. McBriar commented this would fall under civil service regulations and what the employee handbook requires. Obviously, a disciplinary procedure would apply to that; one option would be to what advertisement that was published by this Governing Body. The second as you all know there are stages of the disciplinary process; a minor disciplinary action whether it be oral or written. In there you could put a time restriction that the precondition has not been satisfied if it is not satisfied in the next number of days the employee may be subject to further disciplinary. He doesn't think we need to go to the last option to terminate someone; again, there was some acknowledgment whether or not they want to do it. The Mayor is the head of the government who generally starts that process; the Mayor can take that under advisement in considering this issue.

Mayor Hutnick commented he thinks for the future we have to lock this in tighter so that we don't run into any of these issues. He knows it was in the ad; we have the ad's it was spelled out. The individuals were hired regardless of that requirement based on that facts of what he was told; he wasn't there. They would obtain a CDL and the Borough would help them. There is no time frame put into that ad he doesn't know what was in the discussions. In the future we will probably have to lock that in your going to have to have the CDL if not you have to get in within 90 days if we choose to go that route or whatever it takes for the schools. The schools are open all the time now. In the mean time we have a single CDL driver.

Councilwoman Ruitenberg explained limited to what can and can not be done and how quickly and efficiently it can be done. Which this last storm was pushing limits.

Councilman Ciasullo commented in listening to what the Mayor said in the ad didn't state a time for obtaining a CDL. Did the ad say that you must have a CDL? It said you must have a CDL to get the job. So, they came to us we hired them, they didn't have their CDL. At this point like the Mayor said we are going to have to put a timeline on it and give them an option. The option is to do the job we need them to do is get the CDL. We are doing everything we can do; give them a timeline and they either decide they want it they go for it. If the ad says you need a CDL; part of that is on us, I'm sure there was a conversation, he wasn't there but I'm sure the people that hired them thought they were going to go for their CDL. At this point unless Robert says we can't do it; we give them an X amount of days to comply with it and if not, we will move on. They took a job with requirements for a certain amount of dollars and this never came up until it was time to get what was required. We would like to keep them, other than that he doesn't really see anything else to discuss about it.

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William Yates, DPW employee, Ogdensburg commented the one thing he will say he doesn't like it being in the minutes that we are saying they don't want to get it. At no point did he say he didn't want to get it. Again, it was not a requirement in the job listing when he was hired back in May, it was not listed as a requirement nor was he told it was required when he got hired. I was asked specifically by Councilwoman Ruitenberg if he had any interest in getting a CDL. I was never told it was a requirement until that amendment went through back in December with the pricing payback and what not. He had not been told that he was required to get a CDL up until mid-December.

Councilman Ciasullo commented I'm glad you spoke up; he is making a good point did we require one when he got hired.

Councilwoman Ruitenberg commented yes, it was part of the ad.

Councilman Ciasullo commented we can probably figure that out.

Mayor Hutnick commented we can easily pull the ad out.

Mr. Yates commented he knows the one currently has the CDL.

Councilman Ciasullo asked Ms. Hough if we have a way to find out what ad was posted.

Ms. Hough went to get the file with the ad.

Councilman Ciasullo commented while we wait, asked would you go get your CDL.

Mr. Yates commented for an increase salary or a locked in rate and a higher salary.

Mr. Yates commented he will add when he was hired he was never once told it was a requirement it was not in the posting he was asked if he had interest and again he was asked if he had any interest in going to get a CDL he was not told he was required. Mr. Yates commented if it was in the employee hand book he did not receive it. Robin has that the date he was given the employee hand book the acknowledgement form. He did not receive his employee handbook for three, four or five months working here.

Ms. Hough commented that was her fault normally she always gives it right away.

Councilman Ciasullo commented the goal is to work through this together.

Mr. McBriar commented Robin has investigated as instructed to pull the ad; it appears to be a proof from job line that has the language this was dated Tuesday, April 2, 2024. It was published on the NJ League of Municipalities website and it states "applicants must be at least 18 years of age and possess a valid Class B commercial driver license (CDL)".

Jacob Brush, DPW employee, Ogdensburg commented he did his own research and someone obtaining the CDL is still making an average \$48,000, a year and plus every other town within the area of Sussex County is offering to pay for the CDL and some type of incentive. There is an incentive of getting an increase after completing the CDL. There is none here. Mr. Brush commented he has no problem get one; he was going to get one when he was here before. He saw a better opportunity in Franklin didn't end up working out; he came back and he was open to getting a CDL. He has no problem getting a CDL. Mr. Brush explained some jobs they do that don't require a CDL. Mr. Brush explained by you paying for it [CDL] is only half of what everyone else is doing.

Councilwoman Lame asked why did you take the job here.

Mr. Brush explained because it is close to home, he grew up here, he doesn't mind the work, he actually thinks it is quiet fascinating. That is why he left the first time to go with Franklin to join

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the water department. It didn't work out there so he came back here because he wanted to stay in it, he is young, he figured get into a pension system now just trying to be smart. It has just been a roller coaster since being full time and being a DPW worker of regardless of who was here or another municipality that he was working for.

Mayor Hutnick commented let's go with the notion that you don't need it [CDL] for anything other than the occasional snow. Let's go with that. A snow storm hits tonight we have eight to ten inches of snow we need the dump truck on the road. Jake [supervisor] can't get here he is sick, he is in a car accident. Who is plowing the road now? You can't get through with the normal plow truck, pickup truck or water truck because the snow is too heavy. Who is plowing the roads? We have a truck to do it but it is just sitting there. With that being said if you had the CDL we can continue on with the process. It isn't a new requirement in the job. The first time you applied it was in there as well. Mayor Hutnick commented he did give you the offer the first time and he did make you an offer the second time.

Mr. Brush commented one of the main reasons he left the first time is to go to Franklin to get a CDL for them to pay for it.

Mayor Hutnick commented Franklin offered you a wonderful opportunity to grow in this field. It didn't work out, you came back which was fine he said absolutely to continue your growth. Which was a CDL and moving forward, we talked about the water department and everything else here. It's not like the council is not offering to train you, to expand your knowledge.

Mr. Brush commented the only thing he did was refuse the CDL as said before every other municipality is offering some type of raise or incentive for you to require a CDL. It is a lot to have, he isn't saying he is a big drinker or anything like that but your drug alcohol level cuts in half.

Chief Gordon commented we would like clarify the drug and alcohol levels; it is a big miss conception in the State of New Jersey with CDL licenses.

Sgt. Sanfilippo commented if you were in a CDL vehicle your alcohol level is a .04; just because you possess a CDL and you're in your personal vehicle that doesn't change anything it is still a .08. If you are in your personal vehicle it is a .08; if you are in a commercial vehicle it is .04. On top of that for a commercial vehicle you can't do drugs and smoke marijuana even though it is legal it is a Federal license you can't have marijuana in your system you will be tested for that. So that is the difference with marijuana and being legal in New Jersey. The argument with the alcohol is not really an agreement. Just clarifying.

Councilman Ciasullo commented he appreciates both of you guys talking; we put out an ad, hired two people, part of the hiring process was to get paid to eventually get your CDL we are going to provide it for you. Chief and the Sgt gave you some information. In his opinion we give these gentlemen whatever time we feel is enough for them to decide what they want to do. At that point we take the next steps. He would love to see them both get their CDL on us; they will get time off or compensated for the time to get it. At that point Ogdensburg never really has gotten rid of any DPW workers that wanted to work here. You guys have to make the decision just as well as we do; we give these guys some time maybe 30 days to think about it. We would love to have them stay if not hopefully we don't get to another step.

Mayor Hutnick asked Mr. Yates and Mr. Brush, what is the magic number that you are thinking.

Mr. Yates commented \$48,000.

Mayor Hutnick commented for a new driver just starting out.

Mr. Brush commented on a negotiation.

There was some back and forth on an increase and what the Borough could afford.

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Councilwoman Cowdrick commented it is a license and you should be compensated whether its over the next three years or a one time shot once they prove it to us. She can sit here and not say something like that.

Councilwoman Ruitenber commented it really isn't just the snow season; this comes into play if our supervisor who hold the CDL is out and we need a piece of equipment moved we have nobody to move it.

Mr. Brush asked as in? We can move the excavator the backhoe those don't require a CDL. We can move the excavator on a trailer without using a CDL truck. We just can't dig without him because he is the only one with the excavating license and explained.

Councilwoman Cowdrick asked if you would put in writing so we can consider some sort of fee operating it or over the course of three years, you would sign it and go get your CDL in 30 days. We need an answer.

Mr. Brush commented yea, with an increase and explained it. It is a big license to hold.

Councilwoman Cowdrick commented on the same token you are starting out as a fresh CDL driver.

Mayor Hutnick commented he gives you one week to present what it is ideally what you are looking for so that we can look at it going into budget time. After that the Council will decide which direction it's going and we are going to impose a timeline whether you accept the timeline or not for getting it signing up for it. You have decisions to make ahead of time; he is giving you a week from today to submit something to tell him what you are looking for. The Council will impose something.

Mr. McBriar commented that invitation doesn't prejudice you from following the Civil Service rules and regulations and the employee handbook to impose and disciplinary that is appropriate under the circumstances.

Mayor Hutnick told Mr. Yates and Mr. Brush to make a decision as to what direction you want to head. You both live in this town; you have a job you have a job for as long as you want the job. You have a job that is going to give you health benefits, a pension, it is five minutes to work and it is a job that you can keep for as long as you so desire. He understands the money; he works for other municipalities as well. She [Councilwoman Ruitenber] works for the County. We get it; there is only so much we can do and so much you want to hear. But it comes to a point where we have to protect the town and he needs to know how we are doing that. The Council needs to know how to do that. We have been lucky so far it is the end of January and we basically had one snow storm.

**NEW BUSINESS**

Council Liaison Procedure – Councilman Ciasullo explained he added this to the agenda because at the reorg meeting we changed things around from what we normally did. He would like to start to work with Robert and come up with a future procedure as far as maybe putting in an ordinance so we have a process on liaisons and approving liaisons and explained he spoke to other towns and realized one thing is we don't have a Manager. We never did what we did this year.

Mayor Hutnick commented yes actually we have, the exact procedure that we are following this year, last year, the year before and when you were Mayor is the exact same thing. The same procedure and explained when he came on board with the Council.

Mr. McBriar commented there are no standing committees provided in your code book and explained. The liaison role is a little less formal. A liaison by definition a person that connects with the departments. A liaison itself was a Mayoral appointment; the legislative body does not

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have to codify that. That is the Mayor needs help you guys be a liaison to the various department if you so choose if you want to do it you are not forced to do it.

Mayor Hutnick and Councilman Ciasullo will work with Mr. McBriar on a process to make this more formal process to the fact we don't have a town manager.

Dumpster Proposal – Mayor Hutnick commented this is a request from the police department. Mayor Hutnick explained the dumpster proposal from the police department and why this is being requested.

Sgt. Sanfilippo explained a situation that recently happened with a dumpster.

Ms. Hough explained we do have a dumpster ordinance 18.9. and we need to work in this language. That ordinance was one of the DEP Tier A requirements.

Mr. Vuich, Planner commented he thinks they should be separate. The DEP ordinance for the MS 4 permit is for a private dumpster on commercial property. It sets the standards like our salt shed or if you have a private salt shed on a property. You have to contain it properly make sure it doesn't create contaminates and it does take run off that will then discharge. So, he would leave the DEP's model ordinance that we adopted, leave them and preserve them as they are and address this separately. Mr. Vuich explained other towns he knows that require a permit.

Mayor Hutnick explained with that being said he had written an ordinance for dumpsters to submit to the Council to review. He based it off of other municipalities and other dumpsters issues. We can't enforce it if we don't have an ordinance.

Mr. Vuich commented things to consider in the ordinance is an expiration timing of it as well as a review by the traffic division.

Councilman Gandarinho asked if you can put a charge in there.

Mayor Hutnick commented this was just to get the ordinance started.

Ms. Hough commented so you have to create a form to apply for a permit.

Mr. McBriar commented it would be reviewed by the engineer and police department.

Parking cars on snow covered roads – Councilwoman Lame explained people have been complaining about cars parked on snow covered roads. She talked with Jake and he confirmed there were a lot of cars on the road. In the past the police used to go knocking on doors. Her issue is to how to fix it.

There was a discussion on different ways to help fix it, signs, ways to let residents know, DPW has to call police when there are cars on the road and using social media.

Auction Borough Properties – Mayor Hutnick commented the question is do you want to sit and go over this tonight because there is a lot to go over or do we want to discuss it another time. We have 4 properties that we just received information on that you can start looking into. The point of this was to just show the process has begun.

Councilman Ciasullo commented we don't have to go over this now he originally said there was a lot or two next to the first aid squad. The other ones she added, her point was if we are going to do this we should do a couple of other properties. So, the ones next to the first aid squad are on here.

Mr. McBriar explained we are working on some details and it might require to get a title report on those two lots and the first aid squad property. As we have done in the past we have contracted with MaxSpann and they charge a modest commission as a fee if it is the pleasure of

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the Council we can use the same and he explained how MaxSpann marketed the process. Any questions let us know and we will continue to work on this.

**PUBLIC SESSION**

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

Suzann Brush 44 Center Street, Ogdensburg. Ms. Brush commented she would like to make a statement on the DPW personal. Although it isn't required to give a raise and explained usually it is good practice it shows you respect their time and efforts. Ms. Brush also mentioned Franklin having some parking issues. Ms. Brush also asked about organizing recreation events for Ogdensburg.

Councilwoman Ruitenberg thanked the Ogdensburg Fire Department of doing a great job on Winterfest.

Sgt. Sanfilippo commented he liked the idea of emergency notification and explained why.

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

**EXECUTIVE SESSION**

Councilwoman Ruitenberg moved, Councilman Ciasullo seconded motion to adopt the following resolution.

**Please note Councilman Gandarinho left before the start of executive session at 9:20pm.**

**Upon Roll call Vote:**

Yeas: Ciasullo, Cowdrick, DeMeo, Lame, Ruitenberg

Nays: None Absent: DeMeo, Gandarinho Abstain None

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;

**Personnel and contract negotiations**

At 9:20pm the Mayor and Council went into executive session.

At 9:44pm the Mayor and Council returned from executive session.

**PAYMENT OF VOUCHERS**

Councilwoman Ruitenberg made a motion to review payment of vouchers and review departmental finance reports. Seconded by Councilwoman Cowdrick

**Upon Roll call Vote:**

Yeas: Ciasullo, Cowdrick, Lame, Ruitenberg

Nays: None Absent: DeMeo, Gandarinho Abstain: None

**CURRENT**

DATE	CHECK #	PAID TO	AMOUNT
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01/27/2025	35256	145 Media	500.00
01/27/2025	35257	Action Data Services, Inc.	184.00
01/27/2025	35258	Airgas USA	443.53
01/27/2025	35259	Allied Oil	846.90
01/27/2025	35260	Amazon	162.15
01/27/2025	35261	Aurora Electrical Supply	85.14
01/27/2025	35262	Brightspeed	19.90
01/27/2025	35263	Brightspeed	59.61
01/27/2025	35264	BrightSpeed	758.18
01/27/2025	35265	Brightspeed	385.51
01/27/2025	35266	Brightspeed	253.72
01/27/2025	35267	Brightspeed	63.96
01/27/2025	35268	Brightspeed	54.96
01/27/2025	35269	Brightspeed	101.23
01/27/2025	35270	Bruno Associates, Inc.	250.00
01/27/2025	35271	Elizabethtown Gas	610.20
01/27/2025	35272	Elizabethtown Gas	397.57
01/27/2025	35273	Elizabethtown Gas	1,503.17
01/27/2025	35274	Elizabethtown Gas	388.80
01/27/2025	35275	Fred Yarosz Janitorial Services LLC	463.00
01/27/2025	35276	JCP&L	2,305.15
01/27/2025	35277	JCP&L	124.12
01/27/2025	35278	JCP&L	38.72
01/27/2025	35279	JCP&L	5.34
01/27/2025	35280	JCP&L	340.02
01/27/2025	35281	JCP&L	2,011.94
01/27/2025	35282	KS State Bank	307.40
01/27/2025	35283	Lumen Technologies Group	125.62
01/27/2025	35284	Michel Marceau	210.38
01/27/2025	35285	MicroSystems-NJ.com, LLC	2,665.94
01/27/2025	35286	New Jersey Herald	22.69
01/27/2025	35287	New Jersey Herald #8001	60.51
01/27/2025	35288	NJ League of Municipalities	385.00
01/27/2025	35289	NJ League of Municipalities	210.00
01/27/2025	35290	NJ League of Municipalities	160.00
01/27/2025	35291	Noah's Ark Port-a-Jon	350.00
01/27/2025	35292	Randolph Township	1,100.00
01/27/2025	35293	Statewide Insurance Fund	34,018.50
01/27/2025	35294	Statewide Insurance Fund	13,533.00
01/27/2025	35295	Sussex County Treasurer	2,582.50
01/27/2025	35296	Sussex County Treasurer	201.61
01/27/2025	35297	Sussex County Treasurer	12.92
			292,569.1
01/27/2025	35298	Sussex County Treasurer	2
01/27/2025	35299	Sussex County Treasurer	22,698.50
01/27/2025	35300	Sussex County Treasurer	1,127.83
01/27/2025	35301	Van Cleef Engineering Assoc. LLC	220.50
01/27/2025	35302	Weldon Asphalt	627.90

**385,546.7**

**4**

**ADMIN TRUST**

DATE	CHECK #	PAID TO	AMOUNT
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01/27/2025	5	2208	Christiana T C/F CE1/Firstrust	1,111.06
01/27/2025	5	2209	Christiana T C/F CE1/Firstrust	1,562.42
				<b>2,673.48</b>

**WATER OPERATING**

DATE	CHECK #	PAID TO	AMOUNT	
01/27/2025	5	5422	Core & Main	475.50
01/27/2025	5	5423	New Jersey Water Association	480.00
01/27/2025	5	5424	Reliable Restoration Logistics	2,000.00
				<b>2,955.50</b>

**DEVELOPERS  
ESCROW**

DATE	CHECK #	PAID TO	AMOUNT	
01/27/2025	5	2116	New Jersey Herald	25.54
				<b>25.54</b>

**GENERAL CAPITAL**

DATE	CHECK #	PAID TO	AMOUNT	
01/27/2025	5	1218	Strategic Safety Dynamics, LLC	125.98
01/27/2025	5	1219	Van Cleef Engineering Assoc. LLC	528.00
				<b>653.98</b>

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

Meeting adjourned at 9:45p.m.

\_\_\_\_\_  
Robin Hough, Borough Clerk

\_\_\_\_\_  
George P. Hutnick, Mayor

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