

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF OGDENSBURG  
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM  
June 27, 2022**

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

Mayor Hutnick led the Pledge of Allegiance.

**ROLL CALL:** Alvarez, Cowdrick, DeMeo, Nardini, Poyer, Mayor Hutnick

Absent; Nasisi

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 4, 2022.

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

Mr. McBriar commented on number seven; he asked that number seven be taken out and addressed separately.

**CONSENT AGENDA**

1. Approval of regular meeting minutes from June 13, 2022.
2. Approval of Resolution 45-2022 requesting permission for the dedication by Rider for “Donations – Acceptance of Bequests and Gifts” required by N.J.S.A. 40A:5-29.
3. Approval of Resolution 46-2022 to redeem a Tax Sale Certificate #2018-007 to the Borough of Ogdensburg from Sun Fuel Block 26.02- lot 2 in the amount of \$78,330.17.
4. Approval of Resolution 47-2022 to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Edison Road Phase 2 project.
5. Approval of Resolution 48-2022 to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Passaic Avenue Phase 2 project.
6. Approval of Resolution 49-2022 appointing Candace Sutton to the position of part-time Clerk I.
7. Approval of Resolution 50-2022 authorizing the Borough to enter into a Shared Service Agreement with Sparta Township for the Consolidation of their Municipal Courts. **[this item was removed from the consent agenda see request above, resolution 50-2022 is listed separately below.]**
8. Approval of Resolution 51-2022 requesting approval for authorization of an emergency appropriation in accordance with N.J.S.A. 40A:4-49 – Police Salaries and Wages.
9. Approval for Peddlers, Hawkers, Solicitors & Canvassers permit application for Yoaniz Alvarez, Cygnus Home Service, LLC. dba Schwan’s Home Service, merchandise to be sold sale of pre-package frozen food.
10. Accept for filing Township of Fredon Resolution 2022-53 supporting parent rights.

**Upon Roll call Vote: Excluding #7**

Yeas: Alvarez, Cowdrick, DeMeo, Nardini, Poyer

Nays: None Absent: Nasisi Abstain: None

**Resolutions 47-2022 and 48-2022 will be attached to the minutes.**

**RESOLUTION 50-2022**

Borough Attorney Robert McBriar explained regarding #7 on Consent Agenda, Resolution 50-2022, authorizing the Borough to enter into a Shared Service Agreement with Sparta Township for the Consolidation of the Municipal Courts. The proposed redline sample of the

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agreement before you will be effective July 1<sup>st</sup> of this year. There is no meeting in between. We did submit a proposed form with Borough comments, which is in review by Sparta. I ask that it would be appropriate for a motion to approve the agreement subject to negotiation and approval of Borough comments between Mr. McBriar and Sparta Township's Attorney. Mr. McBriar will submit a final copy to the Borough Clerk

Mr. DeMeo moved, Mr. Alvarez seconded motion to accept resolution 50-2022.

Mr. McBriar asked if anyone had any questions or comments regarding the redline recommended changes.

Mayor Hutnick commented we are basically going into a shared court system with Sparta. We are doing this because Maggie [the Borough's Court Administrator] is retiring and we have to go through a whole process.

Upon Roll call Vote:

Yeas: Alvarez, Cowdrick, Nardini, Poyer

Nays: None Absent: Nasisi Abstain: DeMeo

Mr. McBriar commented he will follow up with the Sparta Township Attorney and once it is finalized he will submit and file with the clerk a final copy executed by all parties.

**RESOLUTION # 45-2022**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, N.J.S.A. 40A:5-29 permits a municipality to receive and accept bequests, legacies and gifts in the manner set forth in the conditions of the bequest, legacy or gift, provided that such use is consistent with the laws of this State and of the United States; and

**WHEREAS**, N.J.S.A. 40A:4-39 provides for the insertions of a "Dedication by Rider" in the budget of any local unit which dedicates revenues anticipated during the fiscal year from revenues, subject to written prior consent of the Director of the Division of Local Government Services, when the revenue is not subject to reasonably accurate estimate in advance; and

**WHEREAS**, the dedicated revenues anticipated by the Borough of Ogdensburg from the "Donations – Acceptance of Bequests and Gifts" trust fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement; and

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the "Donations – Acceptance of Bequests and Gifts" trust fund pursuant to and in accordance with N.J.S.A. 40A:5-29.
2. The Clerk of the Borough of Ogdensburg, County of Sussex, is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

**RESOLUTION 46-2022**

**WHEREAS, THE TAX COLLECTOR, REGINA FLAMMER HAS ADVISED THAT  
PAYMENT HAS BEEN RECEIVED IN THE AMOUNT OF \$ 78330.17  
TO REDEEM TAX SALE CERTIFICATE # 2018-007**

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WHEREAS, THE BOROUGH OF OGDENSBURG IS HOLDER OF TAX SALE  
CERTIFICATE # 2018-007

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE  
BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX, STATE OF  
NEW JERSEY, HEREBY AUTHORIZED TO SIGN AND SEAL THE FOREMENTIONED  
TAX SALE CERTIFICATE.

| BLOCK/LOT    | NAME     | CERT. #   | TOTAL AMOUNT<br>OF REDEMPITON |
|--------------|----------|-----------|-------------------------------|
| 26.02      2 | SUN FUEL | #2018-007 | \$78330.17                    |

REGINA FLAMMER  
TAX COLLECTOR  
JUNE 14, 2022

**RESOLUTION 49-2022**

**WHEREAS**, the Borough of Ogdensburg has an immediate need to hire an individual on a part-time basis to assist with the duties of the municipal office, including routine clerical and office work, under the direct supervision of the Borough Chief Financial Officer and Borough Clerk; and

**WHEREAS**, the job duties correspond with the Civil Service job title of “Clerk I”; and

**WHEREAS**, part-time hours shall be limited to between ten (10) to fifteen (15) hours per week; and

**WHEREAS**, the rate shall be seventeen dollars (\$17.00) per hour; and

**WHEREAS**, the CFO has certified that funds are available for this part-time position; and

**WHEREAS**, Candace Sutton has applied for the position and meets the qualifications for same.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey that Candace Sutton is hereby appointed to the position of part-time Clerk I at the rate of seventeen dollars (\$17.00) per hour, to work between ten (10) to fifteen (15) hours per week, beginning Tuesday, June 28, 2022.

**RESOLUTION # 50 - 2022**

**WHEREAS**, the Borough of Ogdensburg (“Ogdensburg”) and Sparta Township (“Sparta”) each presently operate their own independent municipal courts; and

**WHEREAS**, Ogdensburg and Sparta have determined that it is in their best interests for the purposes of economy and efficiency, to consolidate operations, including the daily functions and court sessions of both municipalities’ municipal courts; and

**WHEREAS**, pursuant to N.J.S.A. 2B:12-1(c), two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies, and employees for their municipal courts and agree to appoint judges and administrators without establishing a “Joint Municipal Court”; and

**WHEREAS**, where municipal courts share facilities in such a manner, the identities of

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the individual courts shall continue to be expressed in the captions of orders and process; and

**WHEREAS**, pursuant the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., Ogdensburg and Sparta have authority to enter into an agreement to provide for the sharing of municipal court services while maintaining their respective identities and court names; and

**WHEREAS**, each municipality desires to maintain their respective municipal courts and not create a “Joint Municipal Court”; but share municipal services as set forth in the attached “Interlocal Services Agreement between the Township of Sparta and Borough of Ogdensburg for the Consolidation of their Municipal Courts.”

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Ogdensburg in the County of Sussex and State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to execute the attached “Interlocal Services Agreement between the Township of Sparta and Borough of Ogdensburg for the Consolidation of their Municipal Courts.”

**RESOLUTION # 51-2022**

**WHEREAS**, an emergency has arisen with respect to police salaries and wages as a result of significant litigation regarding personnel issues; and

**WHEREAS**, no adequate provision was made in the 2022 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

**WHEREAS**, the total amount of the emergency appropriations created including the appropriation to be created by this resolution is \$301,304 and, three percent (3%) of the total operating appropriations in the budget for the fiscal year 2022 is \$103,376.

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

1. In accordance with N.J.S.A. 40A:4-49, petition shall be made to the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the “Director”) for permission to exceed the statutory limit of three percent (3%) for the creation of an appropriation for the purpose set forth in the preambles hereof.
2. Subject to the approval of the Director, the Borough hereby authorizes and approves an emergency appropriation pursuant to N.J.S.A. 40A:4.46 and N.J.S.A. 40A:4-49 for Police Salaries & Wages.
3. Said emergency appropriation shall be provided for in full in the 2023 budget or from other sources of funds, as available.
4. An emergency exists and the emergency appropriation provided for herein is necessary in order to meet a pressing need for public expenditures to protect or promote the public health, safety, morals or welfare of the inhabitants of the Borough.
5. In order to finance the emergency appropriation described in this resolution, the Borough is hereby authorized to borrow the sum of \$301,304 and to issue its emergency notes pursuant to N.J.S.A. 40A:4-51. The emergency notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of notes authorized herein, as determined by the chief financial officer of the Borough pursuant to this resolution.
6. The following matters in connection with the notes are hereby determined:

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- a. All notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer, provided, however, that the notes shall have a final maturity and be paid not later than the last day of the next succeeding fiscal year following the date of the resolution.
7. The chief financial officer is hereby authorized and directed to determine all matters in connection with the notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the notes shall be conclusive as to such determination.
8. The chief financial officer is hereby authorized to sell the notes and any renewals thereof from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipts of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.
9. All notes issued pursuant to this resolution shall be executed by the chief financial officer and the Mayor and shall be under the seal of the Borough and attested by the Clerk of the Borough. Such officers are hereby authorized to execute and deliver all documents necessary to convenient in connection with the issuance, sale and delivery of the notes.
10. Any note issued pursuant to this resolution shall be a general obligation of the Borough. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the notes authorized herein and, unless otherwise paid or payment is provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.
11. The chief financial officer is authorized and directed to report on writing to this governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.
12. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.
13. That the statement required by the Local Finance Board have been filed with the Clerk and a copy thereof will be transmitted to the Director of the Division of Local Government Services.
14. This resolution shall take effect after approval of the Director of the Division of Local Government Services.

**OLD BUSINESS**

No current updates regarding State Fire Marshall Notice of Violations.

No update on parks and recreation.

Mr. McBriar explained the DCA runs a program, the Low-Income Housing water assistance program which provides certain benefits to individuals that need assistance. Any questions that people have about that can refer to the DCA website or call them directly to discuss how to qualify and apply for it.

Mr. Nardini discussed the mass notification system.

Councilwoman Cowdrick asked if we can post our Borough Newsletters on line.

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Mayor Hutnick commented the clerk typist position has been filled we went through the interview process. The individual starts tomorrow and will begin her training; she is a resident of town and is happy to accept the part time hours.

**NEW BUSINESS**

Mayor Hutnick discussed handicapped access to Heaters Pond which will be addressed within the next couple of days. The Gate will be opened for access to parking closer to the beach for handicap accessibility. Police will open the gate in the morning and at night when the pond closes the Lifeguards will close and lock the gate.

**PUBLIC SESSION**

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

No one from the public had any comments.

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.

**EXECUTIVE SESSION**

There was not executive session.

**PAYMENT OF VOUCHERS**

Councilman Nardini made a motion to review payment of vouchers and review of departmental finance reports. Seconded by Councilman DeMeo. All were in favor

|             | Current                  |                                |               |               |  |
|-------------|--------------------------|--------------------------------|---------------|---------------|--|
| <u>DATE</u> | <u>CHECK</u><br><u>#</u> | <u>PAID TO</u>                 | <u>AMOUNT</u> | <u>REASON</u> |  |
| 6/22/2022   | 32792                    | Ogdensburg Board of Education  | 221,243.00    |               |  |
| 6/29/2022   | 32793                    | Action Data Services, Inc.     | 78.44         |               |  |
| 6/29/2022   | 32794                    | Horizon BC/BS of NJ            | 549.80        |               |  |
| 6/29/2022   | 32795                    | Horizon BC/BS of NJ            | 2,144.32      |               |  |
| 6/29/2022   | 32796                    | JCP&L                          | 2,721.59      |               |  |
| 6/29/2022   | 32797                    | Laddey, Clark & Ryan           | 1,437.50      |               |  |
| 6/29/2022   | 32798                    | LINA                           | 216.00        |               |  |
| 6/29/2022   | 32799                    | Maggie Rodriguez               | 16.14         |               |  |
| 6/29/2022   | 32800                    | Ross, Chris                    | 160.00        |               |  |
| 6/29/2022   | 32801                    | Sanfilippo, Joseph             | 500.00        |               |  |
| 6/29/2022   | 32802                    | Schenck Price Smith & King LLP | 5,156.35      |               |  |
| 6/29/2022   | 32803                    | Shah Fuel LLC                  | 100.00        |               |  |
| 6/29/2022   | 32804                    | Staples Business Advantage     | 199.49        |               |  |
|             |                          |                                | -----         |               |  |

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234,522.63

**Voids**

|           |       |                     |              |      |
|-----------|-------|---------------------|--------------|------|
|           |       | Ogdensburg Board of |              |      |
| 4/12/2022 | 32666 | Education           | (221,243.00) | Lost |
|           |       |                     | =====        |      |

13,279.63

**PAYROLL**

| <u>DATE</u> | <u>CHECK<br/>K #</u> | <u>PAID<br/>TO</u> | <u>AMOUNT</u> |
|-------------|----------------------|--------------------|---------------|
|-------------|----------------------|--------------------|---------------|

|           |      |       |        |
|-----------|------|-------|--------|
| 6/29/2022 | 1150 | AFLAC | 627.28 |
|-----------|------|-------|--------|

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627.28

**RCA VERNON**

| <u>DATE</u> | <u>CHECK<br/>#</u> | <u>PAID TO</u> | <u>AMOUNT</u> | <u>REASON</u> |
|-------------|--------------------|----------------|---------------|---------------|
|-------------|--------------------|----------------|---------------|---------------|

|           |     |                              |          |  |
|-----------|-----|------------------------------|----------|--|
| 6/29/2022 | 149 | Community Action<br>Services | 2,900.00 |  |
|-----------|-----|------------------------------|----------|--|

|           |     |                     |      |  |
|-----------|-----|---------------------|------|--|
| 6/29/2022 | 151 | Sussex County Clerk | 8.00 |  |
|-----------|-----|---------------------|------|--|

|           |     |                      |           |  |
|-----------|-----|----------------------|-----------|--|
| 6/29/2022 | 152 | MAJP Contracting LLC | 20,000.00 |  |
|           |     |                      | -----     |  |

42,908.00

**Voids**

|           |     |                      |             |                         |
|-----------|-----|----------------------|-------------|-------------------------|
| 6/29/2022 | 150 | MAJP Contracting LLC | (20,000.00) | Error Writting<br>Check |
|           |     |                      | =====       |                         |

22,908.00

**WATER OP**

| <u>DATE</u> | <u>CHECK<br/>#</u> | <u>PAID<br/>TO</u> | <u>TO</u> | <u>AMOUNT</u> |
|-------------|--------------------|--------------------|-----------|---------------|
|-------------|--------------------|--------------------|-----------|---------------|

|           |      |             |                       |      |
|-----------|------|-------------|-----------------------|------|
| 6/29/2022 | 5219 | Staple<br>s | Business<br>Advantage | 5.31 |
|-----------|------|-------------|-----------------------|------|

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5.31

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

Meeting adjourned at 7:15 p.m.

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Donna Paiva, Deputy Borough Clerk

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George P. Hutnick, Mayor