

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

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

Mayor Hutnick led the Pledge of Allegiance.

ROLL CALL: Alvarez, Cowdrick, DeMeo, Nasisi, Poyer, Mayor Hutnick

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 Councilman Nasisi seconded motion for approval of items on the consent agenda.

CONSENT AGENDA

1. Approval of regular meeting minutes from October 24, 2022.
2. Approval of Resolution 62-2022 appointing fund commissioner for 2023 Fund Year.
3. Approval of Resolution 63-2022 appointing Arthur J. Gallagher Risk Management Service Ins. the Borough of Ogdensburg Risk Management consultants for 2023.
[Agreement attached]
4. Approval of Resolution 66-2022 Transfer of appropriations (2022 Municipal Budget)
5. Accept for filing letter dated October 3, 2022 from Wielkotz & Company [Borough Auditors] to Mayor and Council re: 2021 Municipal Audit.

Upon Roll call Vote:

Yeas: Alvarez, Cowdrick, DeMeo, Nasisi, Poyer

Nays: None Absent: None Abstain None

Resolution 62-2022

WHEREAS, the Borough of Ogdensburg (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Ogdensburg (Local Unit) that George P. Hutnick, Mayor (*entity’s elected official or employee*) is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2023**; and

BE IT FURTHER RESOLVED that Robin Hough, Borough Clerk (second elected official or employee) is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2023**; and

BE IT FURTHER RESOLVED that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Resolution 63-2022

WHEREAS, the Borough of Ogdensburg (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

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

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Sussex and State of New Jersey, as follows:

1. Borough of Ogdensburg (Local Unit) hereby appoints Arthur J. Gallagher Risk Management Service Inc. its Risk Management Consultant.
2. The Mayor (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2023 in the form attached hereto.

Resolution 66-2022

BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg, County of Sussex, New Jersey, that the following transfer of Appropriations (2022 Municipal Budget) in accordance with N.J.S.A. 40A:4-58 be and is hereby approved:

Account Description		From:	To:
Mayor & Council S&W	01-201-20-110-010	\$ 650.00	
Liability Insurance O/E	01-201-23-210-083	70.00	
Streets & Roads S&W	01-201-26-290-011	5,000.00	
Recycling O/E	01-201-26-306-020	999.00	
Parks & Rec O/E	01-201-28-370-099	5,125.00	
Municipal Court S&W	01-201-43-490-012	14,335.00	
Municipal Clerk S&W	01-201-20-120-010		\$ 650.00
Surety Bonds O/E	01-201-23-210-090		70.00
Streets & Roads O/E	01-201-26-290-099		5,999.00
Buildings & Grounds O/E	01-201-26-310-099		5,125.00
Municipal Court O/E	01-201-43-490-099		14,335.00
TOTALS		\$ 26,179.00	\$ 26,179.00

REVIEW OF 2021 AUDIT

At this time there was a discussion on the 2021 Audit.

Mike Marceau, CFO explained everybody has a copy of the 2021 Audit; it is very late this year. We get a lot of numbers from the State and they were very late this year. Mr. Marceau commented what everyone wants to see the most is at the very end, the recommendations. One of the recommendations we have is segregation of duties which we will never be able to get rid of based on the amount of staff we would need. Mr. Marceau referenced page seven and explained the statement of operation. On page 22 explained the fund balance.

RESOLUTION 64-2022 CERTIFICATION OF 2021 AUDIT

Councilman DeMeo made a motion to adopt resolution 64-2022 certifying the Borough of Ogdensburg Governing Body has reviewed the 2021 audit comments and recommendations as required by N.J.A.C. 5:30-6.5. Seconded by Councilman Nasisi.

After adoption of resolution 64-2022 the Governing body will sign the Certification of the Annual Audit Group Affidavit Form.

Upon Roll call Vote:

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

Yeas: Alvarez, Cowdrick, DeMeo, Nasisi, Poyer
Nays: None Absent: None Abstain None

Resolution 64-2022

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Mayor and Council* of the *Borough of Ogdensburg*, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION 65-2022 CORRECTIVE ACTION PLAN

Councilman Nasisi made a motion to adopt resolution 65-2022 accepting and approving the corrective action plan for the Audit Report 2021 prepared by the Borough Chief Financial Officer. Seconded by Councilman DeMeo.

Upon Roll call Vote:

Yeas: Alvarez, Cowdrick, DeMeo, Nasisi, Poyer
Nays: None Absent: None Abstain None

Resolution 65-2022

WHEREAS, a Corrective Action Plan for the Audit Report year 2021 has been prepared and filed by the Chief Financial Officer, Michel Marceau; and

WHEREAS, said Plan has been reviewed by the Mayor and Council of the Borough of Ogdensburg.

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

November 14, 2022

NOW, THEREFORE, BE IT RESOLVED by the governing Body of the Borough of Ogdensburg the Corrective Action Plan for the Audit Report year 2021 is accepted and approved for filing in the Borough Clerk's Office.

OLD BUSINESS

State Fire Marshal Notice of Violations – Councilman Nasisi explained we have the new doors installed; maybe DPW can [stain them]. Is someone going to notify the State the doors are in?

Mr. McBriar commented we should notify them that was the final item. Mr. McBriar asked when was the next reporting date. Ms. Hough commented it was November 10 and explained she went on REIMS but it is only to request an extension.

Mr. McBriar commented maybe just let them know these open items have been closed out.

Councilman Nasisi commented he can call the inspector directly.

Mr. McBriar commented ok if you don't mind.

Downstairs Bathroom – no update.

Borough owned properties sale – Councilman Nasisi explained he still has a comprehensive list of some things [properties]; the process has started.

DPW/Personnel – Mayor Hutnick commented this can be taken off the agenda everything is fine.

Senior Citizen of the year – Mayor Hutnick explained he is still receiving some names; we are keeping it on the agenda.

Predmore Road – Mayor Hutnick commented he believes Predmore Road is done; he has to see if they finished the land scaping. Mayor Hutnick commented this can be taken off [the agenda] the project itself is completed. They were waiting on the tree to be taken down and then fix the rock bedding that was there.

Local Planning Grant – No Update.

NEW BUSINESS

Best Practices – M. Marceau, CFO explained he submitted best practices that we get every year. This year was 56 questions they have a lot of sub questions so it was actually 69 questions. Mr. Marceau commented 43 were scored, 13 were unscored, you had to get 24 or more to keep one hundred percent for your state aid. The Borough had 31 yes so, we had plenty of yes answers.

Mr. Marceau explained he felt the questions were very tricky this year and explained some of the questions. Robin and I filed this last week. There were lot of question regarding the lead paint. Those questions were unscored but they did ask if the Borough would be interested in a grant if they keep going with this so obviously he said yes.

There was a brief discussion on the lead paint questions.

Property Maintenance Code from Land Use Board – Mayor Hutnick explained the Land Use Board has been going over our property maintenance codes and things like that. In all of your folders you will see what has been submitted. The Board is looking for approvals; what he asks is that you read through the two packets you were given if you have an thoughts email him so he can relay those thoughts to the Land Use Board at their November 22 meeting. The Land Use Board has put a lot of work into this.

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

There was a discussion on the property maintenance code and time line to pass this if the Borough does an ordinance.

Auction Date for Borough Properties –

Mr. McBriar commented he had the opportunity to speak with a representative from Max Spann regarding the auction. He submitted some proposed dates, February 23, 30, March 2 and March 9, 2023. It makes sense to do the March 9th date to increase marketing and exposure. So, one of three items he would like to discuss with you this evening is the date because we should adopt a resolution advising the public when that would be. Is there a consensus with regards to any of those dates?

Councilman DeMeo asked when the budget had to be complete.

Mr. Marceau explained we haven't received the new dates yet but typically intro will be in April and adoption in May.

Councilman DeMeo commented so what date we pick doesn't matter.

Mr. Marceau commented probably the later we can push this the better.

Mr. McBriar commented so March 9th if you want to get a date after that he can as well.

Mayor Hutnick commented we can try March 9th, 2023.

Mr. McBriar commented tentatively we will look at the March 9th date.

Mr. McBriar commented the other option the Borough has to decide is whether it is a live on-line auction through their website www.maxspann.com or if this will be done at the municipal building. They have started to do more of the on-line auctions for their government clients.

Mayor Hutnick commented to go with the on line you get better exposure on line.

Mr. McBriar explained there are different types of auction procedures; one is auction absolute where the properties advertised is sold to the highest bidder regardless of price. There is the undisclosed reserve which is where the Borough Council and the auctioneer Max Spann determine a floor and it is an unpublished floor and if it exceeds that then the sale would commence and if it below that you would have discretion of approving it or disapproving it. There is also a published bid where we would determine what the minimum bid is and if it exceeds that minimum bid it would be sold if it does not then it would not.

Mr. McBriar commented in his experiences in doing these for governing clients we usually try to keep the greatest discretion for the municipalities so that whatever the sales price is for a given property we will always be subject to confirmation from this Council. So, he thinks that way may be the best. Sometimes property sell, sometimes they don't; but will sell later.

Mr. McBriar commented if there is a consensus he will speak again with the representative from Max Spann and include it in a resolution and we will take it from there.

Councilman DeMeo asked you are recommending the unpublished reserve. Mr. McBriar commented yea. Councilman DeMeo commented if that is your recommendation he doesn't have a problem with it.

Councilman Nasisi commented on getting an appraisal for the properties. Mr. McBriar commented the minimum bid would start the floor, obviously there you can get one bid with the minimum bid.

There was a discussion on the auction, value of the properties and these properties being recent in rem foreclosures,

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

Personnel – Mayor Hutnick explained we received several resumes for Deputy Clerk, Robin is going to go through those and pull the resumes she feels we should interview based on their criteria.

Ms. Hough explained the ad was published but it was really for four positions and explained.

Christmas Party- Mayor Hutnick commented we can have the Christmas Party at the fire house and have pretty much any date we want. It will be a little different this since the fire house doesn't have a kitchen, so we will do a buffet again between Gemma's and the Atlantic Manor. Mayor Hutnick commented he was thinking of extending it this year to families, so instead of just saying it is you and a guest what do people think about bringing kids. The Council agreed and the Mayor asked about dates. It was decided on Sunday, December 11, 2022 beginning at 11:00am.

Mayor Hutnick commented if you noticed on Main Street we now have banners for our fallen Veteran's, Robin coordinated and headed the project. Mayor Hutnick commented he received a letter from the VFW on behalf of Robert A. Madden Veterans of Foreign Wars Post 10152. Mayor Hutnick read the letter to the Council.

PUBLIC SESSION

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

Craig Taylor, Kennedy Ave. Ogdensburg. Mr. Taylor handed a newspaper article from 24 months ago it was regarding a guard rail request in front of his house. Mr. Taylor explained he has two dead trees that have to come down and that is going to leave his whole front yard open as you are coming from Franklin towards the tunnel. There was an accident there this morning and they hit a tree in his yard. Mr. Taylor asked if something can be done and explained his concern when the two trees are down it will leave his whole front yard open now. The guard rail there is falling apart; it has been hit a couple of times and explained. Mr. Taylor also questioned mark outs going down Corkhill.

There was a brief discussion on the mark outs.

Steve Ciasullo, 37 Glenbrook Road, Ogdensburg questioned the appropriation approval; how did you move and what line items did you move it too. Mike Marceau explained the transfer resolution.

Mr. Ciasullo asked the properties that you guys choose to go in the resolution [ordinance to auction off properties]. How did you pick these and who went over them?

Mr. Marceau commented these are brand new foreclosures; they just became Borough properties.

Mr. Ciasullo commented so you are saying the ones on Richardsville just became [Borough properties] those three.

Ms. Hough commented they were in rem foreclosures.

Mr. Ciasullo commented he thought they were old. Did anyone look at those properties? Are they all the same deeds or different deeds?

Mr. McBriar explained they are individual block and lots that had accrued their own tax liens over time.

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

Mr. Ciasullo commented separately. Mr. McBriar commented that is correct.

There was a discussion on the properties to be auctioned off.

Mr. Ciasullo asked if you can offer them to neighboring property owners.

Mr. McBriar commented if they don't comply with the zoning code one option is the municipality can negotiate with neighbors. So, if they are undersized lots that is an option and the policy behind that is if it is an undersized lot and the neighboring individual wants to purchase it one of the conditions of sale is we require that they merge it with their neighboring lot and that will take a non-conforming lot and bring it to conformity. But it is not a requirement for every sale to privately negotiate with neighbors.

Councilman Nasisi commented there are a lot more properties the Borough owns.

Mayor Hutnick commented we started off with these foreclosures; that is what was chosen so that is what is going forward.

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

EXECUTIVE SESSION

There was no executive session.

PAYMENT OF VOUCHERS

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

Upon Roll call Vote:

Yeas: Alvarez, Cowdrick, DeMeo, Nasisi, Poyer

Nays: None Absent: None Abstain None

CURRENT

DATE	CHECK #	PAID TO	AMOUNT
10/25/202			
2	33060	JPMonzo Municipal Consulting, LLC	50
11/14/202			
2	33061	Action Data Services, Inc.	79.74
11/14/202			
2	33062	Allied Oil	3,088.06
11/14/202			
2	33063	Amazon	350.24
11/14/202			
2	33064	Arthur J. Gallagher Risk Management	69
11/14/202			
2	33065	Atlantic Tomorrows Office	535.73
11/14/202			
2	33066	Bassani Power Equipment, LLC	266.49
11/14/202			
2	33067	Blue Diamond Disposal, Inc.	17,775.00
11/14/202			
2	33068	Brightspeed	56.15

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

11/14/202	2	33069	Brightspeed	50.42
11/14/202	2	33070	Complete Security Systems, Inc.	24.2
11/14/202	2	33071	Dover Brake & Clutch Co., Inc	231.77
11/14/202	2	33072	Elizabethtown Gas	873.66
11/14/202	2	33073	Fred Yarosz Janitorial Services, LLC	570
11/14/202	2	33074	General Code	1,195.00
11/14/202	2	33075	Horizon BC/BS of NJ	549.8
11/14/202	2	33076	JCP&L	4,490.28
11/14/202	2	33077	John Mulcahey	44.13
11/14/202	2	33078	Lame, James	192
11/14/202	2	33079	LINA	202.5
11/14/202	2	33080	Lumen Technologies Group	125.63
11/14/202	2	33081	NJ League of Municipalities	210
11/14/202	2	33082	NJ League of Municipalities	115
11/14/202	2	33083	Noah's Ark Prot-a-Jon	170
11/14/202	2	33084	Ogdensburg Board of Education	220,164.00
11/14/202	2	33085	Phoenix Advisors, LLC	1,150.00
11/14/202	2	33086	Quandient Leasing USA, Inc.	411.3
11/14/202	2	33087	Schenck Price Smith & King LL	2,897.46
11/14/202	2	33088	SJ Construction	1,220.00
11/14/202	2	33089	Sussex County Treasurer	264,380.04
11/14/202	2	33090	Sussex County Treasurer	20,241.55
11/14/202	2	33091	Sussex County Treasurer	973.9
11/14/202	2	33092	Township of Sparta, Police Dept.	14,897.75
11/14/202	2	33093	US Postal Service	194
11/14/202	2	33094	Van Cleef Engineering Assoc. LLC	130
11/14/202	2	33095	Verizon Business	113.7
11/14/202	2	33096	Verizon Wireless	122.48
11/14/202	2	33097	Wielkotsz & Company, LLC	21,300.00

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

579,510.98
=====

579,510.98

GRANT FUND

DATE	CHEC K #	PAID TO	AMOUNT
11/14/2022	33098	Van Cleef Engineering Assoc. LLC	4,387.00

			4,387.00
			=====
			=
			4,387.00

WATER

DATE	CHEC K #	PAID TO	AMOUNT
11/14/2022	5245	AccentPDIR	23.57
11/14/2022	5246	Agra Environmental Services	478
11/14/2022	5247	MGL Printing Solutions	568
11/14/2022	5248	NSI Neal Systems, Inc.	778.5

			1,848.07
			=====
			=
			1,848.07

GENERAL CAPITAL

DATE	CHEC K #	PAID TO	AMOUNT
11/14/2022	1171	Van Cleef Engineering Assoc. LLC	1,200.00

			1,200.00
			=====
			=
			1,200.00

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

Meeting adjourned at 7:45p.m.

Robin Hough, Borough Clerk

George P. Hutnick, Mayor

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