

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
March 13, 2023**

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

Mayor Hutnick led the Pledge of Allegiance.

ROLL CALL: Alvarez, Ciasullo, Cowdrick, DeMeo, Poyer, Ruitenberg, 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, N.J.S.A.10:4-6 et seq. have been satisfied with a schedule of all meetings, together with the time, location and agenda of same being sent to the NEW JERSEY HERALD and NEW JERSEY SUNDAY HERALD and posted on the bulletin board in the Borough Hall on January 4, 2023.”

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

CONSENT AGENDA

1. Approval of regular meeting minutes from February 27, 2023.
2. Approval of Resolution 33-2023 authorizing the Interlocal Services Agreement with the Township of Hardyston to provide street weeping services.
3. Approval of Resolution 34-2023 to redeem third party tax sale certificate #2019-001 for 13 Jefferson Terr. Block 3.03 Lot 13 to Fedigan LLC. 474 Mary Allen Way, Mountainside, NJ in the amount of \$64,090.55.
4. Accept for filing Borough of Sussex resolution 2023-56R
5. Accept for filing Borough of Hamburg resolution 2023-27
6. Accept for filing letter dated March 6, 2023 from Robert Lawler, Commander, American Legion Post 132 to Mayor and Council, Re: Memorial Day Parade.

Upon Roll call Vote:

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

Nays: None Absent: None Abstain None

Resolution 33-2023

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. (the “Act”), authorizes local units of this State to enter into agreements with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the Borough of Ogdensburg and the Township of Hardyston desire to enter into an Interlocal Services agreement to provide for Street Sweeping Services; and

WHEREAS, the Borough of Ogdensburg and the Township of Hardyston have reached an agreement regarding the terms and conditions for the provision of such services, as memorialized in the attached Interlocal Services Agreement Street Sweeping; and

WHEREAS, the agreement provides for a fee in the amount of \$1,000 per day, and \$500 per half day, with a minimum of 4 hours and a maximum of 7 hours during any single calendar day; and

WHEREAS, it is in the best interest of both municipalities to enter into this Interlocal Services Agreement for the period beginning March 13, 2023 and terminating December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Ogdensburg, in the County of Sussex, and State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute the attached Interlocal Services Agreement with the Township of Hardyston for the provision of Street Sweeping Services as described therein.

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BE IT FURTHER RESOLVED that the Borough Clerk shall transmit a certified copy of this resolution to the Clerk of the Township of Hardyston.

Resolution 34-2023

TO REDEEM THIRD PARTY TAX SALE CERTIFICATE# 2019-001

BLOCK 3.03 LOT 13
13 JEFFERSON TERR

WHEREAS, THE TAX COLLECTOR, REGINA FLAMMER HAS ADVISED THAT PAYMENT HAS BEEN RECEIVED IN THE AMOUNT OF \$ 64090.55 (LIEN 42090.55 PREMIUM 22,000.00) TO REDEEM TAX SALE CERTIFICATE # 2019-001

WHEREAS,

FEDIGAN LLC
474 MARY ALLEN WAY
MOUNTAINSIDE, NJ 07092

IS THE HOLDER OF TAX SALE CERTIFICATE # 2019-001 AND AS MUCH IS DUE PAYMENT IN THE AMOUNT OF \$ 64,090.55 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 \$ 64,090.55 TO REDEEM TAX SALE CERTIFICATE # 2019-001
REGINA FLAMMER
TAX COLLECTOR
FEB. 21, 2023

EXECUTIVE SESSION MINUTES

Councilman DeMeo made a motion to approve the executive session minutes from February 27, 2023. Seconded by Councilman Ciasullo.

Upon Roll call Vote:

Yeas: Alvarez, Ciasullo, DeMeo, Poyer, Ruitenberg
Nays: None Absent: None Abstain: Cowdrick

RESOLUTION 35-2023

Councilwoman Cowdrick made a motion to adopt resolution 35-2023 accepting the bids for Borough properties auctioned at public sale pursuant to Ordinance 07-2022, and further authorizing the execution of Real Estate Contracts. Seconded by Councilman DeMeo.

Mr. McBriar asked if anyone wanted to discuss this; there were bids received from the public auction that Max Span conducted. Bids were received for all six properties the total amount was \$230,000 dollars. It exceeded some additional estimates; at this point if you vote in favor of that he will send an introductory letter to each of the individuals that submitted the highest bids, we will finalize the contracts and set up a closing date.

Mayor Hutnick asked if there were any questions from the Council.

Upon Roll call Vote:

Yeas: Alvarez, Ciasullo, Cowdrick, DeMeo, Poyer, Ruitenberg
Nays: None Absent: None Abstain None

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March 13, 2023

WHEREAS, the Borough of Ogdensburg (“Borough”) authorized a public auction of municipally owned properties no longer needed for public purposes by Ordinance 07-2022; and

WHEREAS, the Borough authorized the retention of Max Spann Real Estate and Auction Company, located in Clinton, New Jersey 08809 to conduct the on-line auction; and

WHEREAS, the auction closed on March 9, 2023; and

WHEREAS, Exhibit A to this Resolution sets forth the highest bids received at auction; and

WHEREAS, the Borough Council has reviewed the bids and finds them acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey that the bids for properties 1, 2, 3, 4, 5 and 6 on the attached Exhibit A are hereby accepted.

BE IT FURTHER RESOLVED that the Mayor, Borough Attorney, and Borough Clerk are hereby authorized to prepare and execute such documents as may be required to effectuate the sale of the properties authorized by this Resolution including but not limited to Contract of Sale, Deed, Seller’s Residency Certification/Exemption, Affidavit of Consideration, Affidavit of Title, and Settlement Statement which documents shall be subject to review and approval by the Borough Attorney.

RESOLUTION 31-2023

Councilwoman Ruitenbergh made a motion to adopt resolution 31-2023 of the Borough council of the Borough of Ogdensburg, in the County of Sussex, New Jersey making application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-55. Seconded by Councilman DeMeo.

Mr. Marceau, CFO explained the resolution.

Upon Roll call Vote:

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

Nays: None Absent: None Abstain None

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF OGDENSBURG, IN THE COUNTY OF
SUSSEX, NEW JERSEY MAKING APPLICATION TO
THE LOCAL FINANCE BOARD PURSUANT TO
N.J.S.A. 40A:2-55**

WHEREAS, the Borough Council of the Borough of Ogdensburg desires to make application to the Local Finance Board for its review and/or approval of a proposed refunding bond ordinance authorizing the Borough's issuance of obligations for the purpose of funding emergency and emergency temporary appropriations made to pay expenses in connection with the reinstatement of a police officer as permitted by N.J.S.A. 40A:2-51(a); and

WHEREAS, the Borough Council of the Borough of Ogdensburg believes:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare and convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

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

Section 1. The application to the Local Finance Board is hereby approved, and Rogut McCarthy LLC, Bond Counsel, and Wielkocz & Company, LLC, Borough Auditor, along with other representatives of the Borough of Ogdensburg, are hereby authorized to prepare such application and to represent the Borough of Ogdensburg in matters pertaining thereto.

Section 2. The Borough Clerk of the Borough of Ogdensburg is hereby directed to prepare and file a copy of the proposed bond ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

RESOLUTION 32-2023

Councilman Ciasullo made a motion to adopt resolution 32-2023 emergency temporary resolution – prior to adoption of the budget N.J.S. 40A:4-20. Seconded by Councilman DeMeo

Upon Roll call Vote:

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

Nays: None Absent: None Abstain None

WHEREAS, an emergent condition has arisen with respect to unexpected expenses and no adequate provision was made in the 2023 temporary budget for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2023 pursuant to the provisions of N.J.S. 40A:4-20 (Chapter 96, P.L. 1951 as amended) including this resolution total \$63,696.

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of all the members therefore affirmatively concurring) that in accordance with N.J.S. 40A:4-20.

The following Temporary Emergency Appropriation is hereby made:

Retroactive PFRS Billing - Personnel Issue Settled	\$45,084
Issuance Costs - Refunding Bond	<u>18,612</u>
	<u>\$63,696</u>

That two certified copies of this resolution be filed with the Director of Local Government Services.

INTRODUCTION TO ORDINANCE 01-2023

Councilman DeMeo made a motion to introduce an ordinance 01-2023 entitled “REFUNDING BOND ORDINANCE PROVIDING FOR THE FUNDING OF \$365,000 EMERGENCY AND EMERGENCY TEMPORARY APPROPRIATIONS FOR SALARY, PENSION AND OTHER EXPENSES IN CONNECTION WITH THE REINSTATEMENT OF A POLICE OFFICER IN, BY AND FOR THE BOROUGH OF OGDENSBURG, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$365,000 OF BONDS OR NOTES TO FINANCE SUCH EMERGENCY AND EMERGENCY TEMPORARY APPROPRIATIONS.”

Seconded by Councilman Alvarez.

Mr. McBriar recommended Councilman Cowdrick to abstain due to a conflict.

Public hearing will be held April 24, 2023.

Upon Roll call Vote:

Yeas: Alvarez, Ciasullo, DeMeo, Poyer, Ruitenber

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Nays: None Absent: None Abstain: Cowdrick

OLD BUSINESS

Local Planning Grant - No update.

Property Maintenance Code from Land Use Board – Mayor Hutnick asked if anyone had a chance to look through this. There were no comments.

Police Contract – Mr. Marceau, CFO commented he heard from Officer Geene he is going to review everything and get back to us.

First Aid Squad – Mayor Hutnick asked Mr. McBriar if there were any updates.

Mr. McBriar commented not that he is aware off he thinks there is still an outstanding permit.

Budget –

Mr. Marceau referred to his handout on the budget figures. Mr. Marceau explained we have to introduce the budget at the next meeting in order to go before the Local Finance Board. We are three hundred and thirty-one dollars under our levy cap which is a 6.29 percent increase, it comes out to about two hundred and ninety-eight dollars on the average assessed home. The vast majority of that is the increase in health insurance, the increase in garbage and recycling and police retirement increase.

Mayor Hutnick asked if there were any questions. Mr. Marceau commented at this point if you want it to get it any lower the only shot is to anticipate more fund balance. Everything else has been held flat other than small increases for utilities and things like that due to inflation. Those increases are hurting all towns; those three items have never been outside of the appropriation cap; they have been outside the levy cap and this year all three are.

Mayor Hutnick asked how will the moneys from the property apply; how will that affect this or will it.

Mr. Marceau commented until we close and everything he doesn't see the State allowing us to put anything in the budget [this year]; we can use that next year.

Mayor Hutnick commented then that will make up for some of the fund balance we are going to use.

Councilman Ciasullo referred to page eight; did we not close the salary and wage for the park that was discussed here.

Mr. Marceau commented it was mentioned as a possibility but no one told him it was approved.

Mayor Hutnick commented we are going out for lifeguards, we have to leave the numbers in there for now. If we don't get any lifeguards then we can't open the lake then that money doesn't get used.

Councilman Ciasullo asked about Ogdensburg Day.

Mr. Marceau commented we do need some sort of cushion somewhere; we all know the plans we make today are not what is going to happen. If you take out ten thousand you are not even reducing the budget a half of percent.

NEW BUSINESS

Newsletter

Mayor Hutnick commented Robin has done the newsletter everyone has a copy of it.

There was a discussion on the draft newsletter, there will be a meeting date added for the Historical Society, it was suggested to put in red on the front page of the newsletter information on the solid waste pickup change and to add a page in the inserts with the change.

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PUBLIC SESSION

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

Rosa Collins, President of the Wallkill Valley Little League Baseball. Ms. Collins asked about the field use application that was submitted. As of the sixth it said our application was approved; she wanted to clarify the days and conflicts with the dates with Kaboom. Ms. Collins also asked about the maintenance of the fields.

Councilman Cowdrick explained the concern of having Kaboom and baseball using the field at the same time.

Ms. Hough commented she has had other teams ask about using the field; is it one team at a time to use the field.

Mayor Hutnick commented he believes generally we only let one play at a time because the fields will overlap during games and gave an example.

There was a discussion the field and the application; Wallkill Valley Little League Baseball application was approved for Monday, Friday, Saturday and Sunday. They have to submit the fee, and an amended application with the approved days, fee of \$250.00, and list of coaches. Both teams Kaboom and Wallkill Valley Little League may work together if one isn't using the field. Storage for baseball equipment was also discussed.

Jim Lane, Ogdensburg resident stepped forward. Mr. Lane commented he was top bidder on the land off of Edison. He is here to see what the procedures are to get access to his land. Mr. Lane commented he is looking at the land that is located behind the water tower which would be 144 Edison Ave. referencing a chart, he had.

Mayor Hutnick asked are you currently land locked. Mr. Lane commented he is currently land locked there is no way to get to his land what so ever.

Councilman Ciasullo asked Mr. Lane if he had started the process yet.

Mr. Lane commented he hasn't started the process yet, but if he can't get access to it there is really no sense in having it. Mr. Lane explained how the handout of the tax map and how he would like to get an easement through the Borough property behind the water tank to his property.

There was a discussion on an easement, this property and surrounding properties.

Councilman Ciasullo asked Mr. McBriar what would the process be once this is figured out.

Mr. McBriar commented we understand there is a 30-day closing period with the contract, once we have the scope of this request in greater detail; certainly, the Borough is free to grant a license or easement agreement on the property.

Councilman Ciasullo asked if we can extend his thirty days. Mr. McBriar commented he doesn't see that being an issue; we will certainly need time, we will have to get our Borough engineer involved to maybe scope this out as well. Mr. McBriar commented we understand the timing and the request; we will work with you on the timing and closing.

Mr. McBriar commented as we get further along there will be a survey involved, legal bounds and description, describing the easement. This is the first step and we can reach out to our engineer and share with him any drawing you provide to us.

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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 no executive session.

PAYMENT OF VOUCHERS

Councilman DeMeo made a motion to review payment of voucher and departmental finance reports. Seconded by Councilwoman Cowdrick.

Upon Roll call Vote:

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

Nays: None Absent: None Abstain None

CURRENT

DATE	CHECK #	PAID TO	AMOUNT
3/13/2023	33417	Action Data Services, Inc.	79.39
3/13/2023	33418	All Hands Fire Equipment, LLC	1,560.00
3/13/2023	33419	Allied Oil	4,444.20
3/13/2023	33420	Amazon	288.33
3/13/2023	33421	Atlantic Communications	811.5
3/13/2023	33422	Blue Diamond Disposal, Inc.	17,775.00
3/13/2023	33423	Bullseye Calibration of NJ	145
3/13/2023	33424	Complete Security Systems, Inc.	24.2
3/13/2023	33425	County of Sussex	245.1
3/13/2023	33426	Dover Brake & Clutch Co., Inc	194.38
3/13/2023	33427	ESI Equipment, Inc.	1,404.00
3/13/2023	33428	Fred Yarosz Janitorial Services LLC	463
3/13/2023	33429	JCP&L	83.1
3/13/2023	33430	JCP&L	1,581.74
3/13/2023	33431	JCP&L	1,762.37
3/13/2023	33432	John Mulcahey	825
3/13/2023	33433	Kuiken Brothers	10.99
3/13/2023	33434	LINA	216
3/13/2023	33435	Mascuch, Maria	500
3/13/2023	33436	Montague Tool & Supply Co	425.61
3/13/2023	33437	Municipal Capital	119
3/13/2023	33438	Nielsen Ford, Inc.	885.27
3/13/2023	33439	Ogdensburg Board of Education	220,164.00
3/13/2023	33440	Quandient Leasing USA, Inc.	411.3
3/13/2023	33441	Smith, Ken	822.61
3/13/2023	33442	Statewide Insurance Fund	12,606.88
3/13/2023	33443	Statewide Insurance Fund	31,690.40
3/13/2023	33444	Sussex County Municipal Utility	507.15
3/13/2023	33445	TRI STATE PAPER & CLEANING SUPPLIES	494.32
3/13/2023	33446	Van Cleef Engineering Assoc. LLC	3,278.00
3/13/2023	33447	Varcadipane Jr, William J.	1,930.50
3/13/2023	33448	Verizon Business	230.3
3/13/2023	33449	Verizon Wireless	121.29

			306,099.93

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306,099.93

WATER OP

DATE	CHECK #	PAID TO	AMOUNT
3/13/2023	5281	One Call Concepts, Inc.	27.17
3/13/2023	5282	Pollardwater	132

			159.17
			=====
			=
			159.17

ADMIN TRUST

DATE	Check #	PAID TO	AMOUNT	VOID
2/27/2023	2187	FEDIGAN LLC	42,090.55	

			=====	
			-42,090.55 **	3/8/2023 - Voided checks issued in an earlier period

			-42,090.55	

GRANT FUNDS

DATE	CHECK #	PAID TO	AMOUNT
3/13/2023	33450	AmeriMark Direct	759.76

			759.76
			=====
			=
			759.76

GENERAL CAPITAL

DATE	CHECK #	PAID TO	AMOUNT
3/13/2023	1182	Montague Tool & Supply Co	459.95

			459.95
			=====
			=
			459.95

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

Meeting adjourned at 7:53p.m.

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Robin Hough, Borough Clerk

George P. Hutnick, Mayor