

REGULAR MEETING

FEBRUARY 12, 2007

The second regular meeting of the Mayor and Council of the Borough of Ogdensburg, Sussex County, New Jersey was held in the Council Chambers of the Borough Hall on February 12, 2007.

Mayor Sekelsky called the meeting to order at 7:00 P.M.

Upon roll Call, the following council members appeared and answered the call: Altenburg, Hann, Kociuba, Ingerto, Peist. Absent: Szonyi.

Notice requirements of P.L. 1975, Ch, 231, Sec., 4 and 13 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 January 2, 2007.

Councilman Altenburg moved, Councilman Kociuba seconded, motion for adoption of the following items on the Consent Agenda.

Councilman Altenburg moved, Councilman Kociuba seconded, motion for approval of the following items on the consent agenda.

1. Approval of Minutes from January 8<sup>th</sup>, Regular Meeting
2. Approval of Minutes from January 22, Work Session
3. Approval of Minutes from February 5<sup>th</sup>, Work Session
4. Approval of Raffle License No. 436 for a 50/50 and No. 437 for a Tricky Tray to be held on March 24<sup>th</sup>, by the Ogdensburg Fire Department.
5. Approval of Raffle License No. 438 for a 50/50 to be held on June 30, 2007 by St. Thomas of Aquin RCC.
6. Approval of Raffle License No. 439 for a 50/50 and No. 440 for a Tricky Tray to be held on April 28, 2007 by St. Thomas of Aquin RCC.

Yeas: Altenburg, Hann, Ingerto, Kociuba, Peist.

Councilman Kociuba moved, Councilman Altenburg seconded, motion for approval of membership for Robert Gunderman into the NJ State Firemen's Association. Yeas: Altenburg, Hann, Ingerto, Kociuba, Peist.

President of the Board of Health, Pat Sabourin and Secretary of the Board of Health, Aida Cahill met with Sussex County Board of Health to inquire about the services they offer and what the cost would be to the Borough. The services are the same and the cost to the Borough has not been determined as yet because it will depend on the number of other towns that decide to contract with the County. Further information will be forthcoming.

Councilman Hann moved, Councilman Altenburg seconded motion to introduce an ordinance entitled **AN ORDINANCE AMENDING AN ORDINANCE FIXING THE SALARIES OF THE OFFICES AND EMPLOYEES OF THE BOROUGH OF OGDENSBURG AND REPEALING PRIOR ORDINANCES THEREFORE FOR THE POSITION OF WATER CASHIER** on first reading.

BE IT ORDAINED by the Mayor and Common Council of the Borough of Ogdensburg that the following amendment shall be made to the ordinance fixing the salary ordinance for the position of Water Cashier wherein a minimum and maximum range is set as follows:

Water Cashier ----- \$8.00      \$15.00

BE IT FURTHER ORDAINED that this Ordinance shall be retroactive back to January 1, 2007.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final hearing and publication according to law.

Yeas: Altenburg, Hann, Ingerto, Kociuba, Peist. Copy attached as Schedule 1: 2/12/07

Councilman Ingerto moved, Councilman Altenburg seconded, motion to adopt the following resolution.

WHEREAS, a proposal for Pond Management Program has been submitted by Aquatic Technology for the 2007 – 2008 season; and

WHEREAS the cost for this two year proposal for the Full Lake Vegetation Management will be \$4,475.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Borough of Ogdensburg that the proposal submitted by Aquatic Technology for Full Lake Vegetation Management in the amount of \$4,475.00 is accepted.

Yeas: Altenburg, Hann, Ingerto, Kociuba, Peist. Copy attached as Schedule 2: 2/12/07.

Councilman Kociuba moved, Councilman Ingerto seconded, motion to adopt the following resolution.

WHEREAS, the Governing Body of the Borough of Ogdensburg has agreed to apply for a PARIS grant in partnership with the County of Sussex; and

WHEREAS, the governing Body of the Borough of Ogdensburg is acknowledging and accepting the responsibility of participating in this grant; and

WHEREAS, the State of New Jersey has made PARIS grants available to assist county and municipal governments in their records management, preservation and storage efforts; and

WHEREAS, the purpose of this grant is to accomplish a needs assessment and inventory of such records, provide membership and training to employees, and explore opportunities for archival storage.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg that the Borough of Ogdensburg in partnership with the County of Sussex, does hereby apply for a PARIS Grant for the purpose cited above.

Yeas: Altenburg, Hann, Ingerto, Kociuba, Peist. Copy attached as Schedule 3: 2/12/07.

Councilman Peist moved, Councilman Kociuba seconded, motion to adopt the following resolution.

BE IT HEREBY RESOLVED by the Mayor and Common Council to authorize the Mayor to sign and the Clerk to attest to the Animal Control Contract Agreement with Sparta Township in the amount of \$20,119.00 commencing on January 1, 2007 through December 31, 2007. Yeas: Altenburg, Hann, Ingerto, Kociuba, Peist. Copy attached as Schedule 4: 2/12/07.

Councilman Altenburg moved, Councilman Kociuba seconded, motion to adopt the following resolution.

**WHEREAS**, in the landmark 1975 decision commonly referred to as Mount Laurel I, the Supreme Court not only required developing municipalities to satisfy their fair shares, but also clearly implied that they could do so at least in part if a municipality

could enter a “binding agreement” with another municipality (see Mount Laurel I at 179); and

**WHEREAS**, in Mount Laurel II, another landmark decision issued in 1983, the Supreme Court referenced with approval the principle embodied in Mount Laurel I that a municipality could satisfy a portion of its fair share if it could enter into a binding agreement with another municipality (see Mount Laurel II at 237-237); and

**WHEREAS**, in 1985, in the light of the landmark decisions referenced above, the Legislature enacted the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., in which it specifically authorized a municipality to enter into a “binding agreement” with another municipality to create or rehabilitate deteriorated housing in the so called “receiving community” and

**WHEREAS**, more specifically, N.J.S.A. 52:27D-312 expressly authorizes a “sending municipality” to satisfy up to 50 percent of its fair share by funding an agreement with a “receiving municipality” and

**WHEREAS**, N.J.S.A. 52:27D-312 includes a series of safeguards to ensure that regional contribution agreements create a realistic opportunity for the creation of new or rehabilitated affordable housing within the receiving municipalities; and

**WHEREAS**, the creation of the right of municipality to satisfy a portion of its responsibilities via RCA’s fueled a firestorm of litigation with developers and nonprofits vigorously attacking RCA’s and with sending and receiving municipalities vigorously defending this affordable housing technique; and

**WHEREAS**, a Mount Laurel trial judge upheld the constitutionality of RCA’s in a case entitled Morris County Fair Housing Council v. Boonton Tp. 209 N.J. Super. 393, 431-32 (Law Div, October 1985 and the Supreme Court upheld the constitutionality of RCA’s in Mount Laurel III, 103 N.J. 1 at 47 n. 13; and

**WHEREAS**, RCA’s have proven to be an enormously useful and beneficial compliance technique to both sending and receiving municipalities and have also provided the an enormous benefit to those in need of affordable housing; and

**WHEREAS**, sending municipalities have committed to provide \$210,311,820 to fund the creation of 10,256 new or rehabilitated affordable units just in the RCA’s COAH has approved to date (see COAH RCA Analysis at <http://www.state.nj.us/dca/coah/rcas.xls>); and

**WHEREAS**, in addition, many municipalities have included RCA’s as an essential component of the affordable housing plans they have adopted, filed and sought approval of in response to their obligations under COAH’s cycle III regulations; and

**WHEREAS**, receiving municipalities have realized an enormous much need benefit as a result of the many millions of dollars paid or owed pursuant to RCA’s COAH has already approved-benefits which are likely to increase dramatically as COAH approves the many RCA’s “in the Pipeline” in the hundreds of Cycle III plans awaiting Court of COAH approval; and

**WHEREAS**, sending municipalities have also benefited from RCA’s in that this technique has facilitated the ability of sending municipalities to meet the enormous burden created by the substantial fair share responsibilities COAH has imposed in each of the three housing cycles; and

**WHEREAS**, many thousands of low and moderate households have also benefited from RCA’s as a result of deteriorated housing being rehabilitated or new

affordable housing being created-benefits that will grow dramatically as COAH approves new RCA's in cycle III plans and as monies are transferred pursuant thereto; and

**WHEREAS**, notwithstanding the benefit of RCA's A-3857, which was introduced on December 14<sup>th</sup>, 2006 and S-2451 introduced on January 9<sup>th</sup>, 2007 seeks to eliminate RCA's as a technique by which sending municipalities can satisfy their affordable housing responsibilities and by which receiving communities can realize the benefit of the many RCA's that are essential components of many of the hundreds of municipalities that have adopted affordable housing plans and sought approval of same; and

**WHEREAS**, this bill, if enacted would radically undermine the affordable housing plans of numerous municipalities that have, at great effort and expense, adopted, filed and sought approval of their affordable housing plans from COAH or a court and which include RCA's as an essential component of the municipal strategy for compliance; and

**WHEREAS**, such an undermining of affordable housing plans would benefit developers who would seek to exploit the shortfalls that would result, but would not benefit municipalities or the those in need of affordable housing who stand to benefit from approved plans and these agreements; and

**WHEREAS**, eliminating RCA's would also undermine a policy clearly embodied in COAH's Cycle III regulation: namely, that municipalities often find that it is preferable to create affordable housing by taking existing housing and making it affordable instead of having to zone for the flood of new housing that so typified affordable housing plans in the first and second housing cycles; and

**WHEREAS**, for the reasons set forth above and other reasons, it is not in the interest of the State, the region or our communities A-3857 and S-2451 be enacted.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Borough of Ogdensburg declares that A-3857 and S-2451 is not in the best interest of our State, our region, our community or lower income persons.
2. The Borough of Ogdensburg vigorously opposes A-3857 and S-2451.
3. The Clerk is hereby directed to submit copies of this Resolution to Senator Robert E. Littell and Assemblywoman Alison McHose to inform them of our strong views on this bill and to urge them to oppose it, and to the New Jersey State League of Municipalities, all Sussex County Municipalities, the Senate Community and Urban Affairs Committee, the Assembly Housing and Local Government Committee, Congressman E. Scott Garrett, Assemblyman Guy R. Gregg and Sussex County Board of Chosen Freeholders.

Yeas: Altenburg, Hann, Ingerto, Kociuba, Peist. Copy attached as Schedule 5: 2/12/07.

Councilman Peist moved, Councilman Kociuba seconded, motion to adopt the following resolution.

**BE IT HEREBY RESOLVED** to authorize Borough Attorney, William Hinkes to prepare a bid package for the construction of a wireless telecommunications tower.

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Ogdensburg to authorize the Borough Clerk to advertise the Legal Notice for accepting sealed bid proposals for the lease of real property for the construction and maintenance of a new wireless telecommunications tower and related support facilities located at 8 Willis Avenue, Ogdensburg, New Jersey also know as a portion of Block 2606, Lot 9.

Yeas: Altenburg, Hann, Ingerto, Kociuba, Peist. Copy attached as Schedule 6: 2/12/07.

Councilman Ingerto moved, Councilman Peist seconded, motion to adopt the following resolution.

BE IT HEREBY RESOLVED by the Mayor and Common Council of the Borough of Ogdensburg that Borough Attorney Sanford Hollander be authorized to prepare specs for trash collection.

FURTHER RESOLVED, that the Borough Clerk be authorized to advertise Notice to Bidders in the NEW JERSEY HERALD and/or NEW JERSEY SUNDAY HERALD and the NEW JERSEY STAR LEDGER.

Yeas: Altenburg, Hann, Ingerto, Kociuba, Peist. Copy attached as Schedule 7: 2/12/07.

Councilman Hann moved, Councilman Kociuba seconded, motion to adopt the following resolution.

WHEREAS, John Amore has complied with Statue N.J.S.A. 48:16-13 et seq. for a Limousine License, and

WHEREAS, John Amore has paid the fee of \$50.00 and has submitted the necessary proof of insurance; and

WHEREAS Mr. Amore has had a criminal history report completed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council to grant Mr. John Amore a Limousine License in the Borough of Ogdensburg effective February 12, 2007. Yeas: Altenburg, Hann, Ingerto, Kociuba, Peist. Copy attached as Schedule 8: 2/12/07.

Councilman Hann read the following proclamation.

WHEREAS, the citizens of Ogdensburg stand firmly committed to the promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to complete in a global economy; and

WHEREAS, the Borough of Ogdensburg has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principal that educational investment is the key to the community's well-being and long-term quality of life; and

WHEREAS, NEA's Read Across America, a national celebration of reading, will be conducted on March 2, 2007, which would have been the 103<sup>rd</sup> birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, Read Across America-NJ is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council calls on the citizens of Ogdensburg to assure that every child is in a safe place reading together with a caring adult on March 2, 2007.

BE IT FURTHER RESOLVED that this body enthusiastically endorses NEA'S Read Across American and Read Across America-NJ, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

Copy attached as Schedule 9: 2/12/07.

Councilman Altenburg moved, Councilman Ingerto seconded, motion to open the public session of the meeting. Yeas: Altenburg, Hann, Ingerto, Kociuba, Peist.

Resident, Kevin McDonald, inquired about weight limit and speed limit on Passaic Avenue. Would like to see a sign posted to slow down vehicles. Mr. McDonald was informed that an ordinance has been passed with regard to the weight limit and that a speed limit sign is posted. Resident, Vito Telischak inquired about the height of the cell tower. Councilman Peist responded that it is 150'. Mr. Bickerton attended the meeting to discuss the Highlands Act. His concerns are with residential housing and the Land Use Capability Map, which shows division of land. After Mr. Bickerton discussed his concerns, Mayor Sekelsky explained to Mr. Bickerton that his concerns need to be addressed at the Land Use Board. The council will not take any action until advised by the Land Use Board but the situation will be looked into. Resident asked about developments going in Ogdensburg. Mayor Sekelsky informed resident that there are no applications before the board and to attend the Land Use Board meeting for any other concerns. Resident discussed purchase of trailers (modular units) to use for schools. There was a question posed as to whether or not the Borough will be getting a full time tax collector. The Mayor responded no, that it is not in the plan. There being no further business from the public, Councilman Altenburg moved, Councilman Hann seconded, motion to close the public session of the meeting.

Councilman Hann moved, Councilman Ingerto seconded, motion to go into executive session to discuss a personnel matter. Yeas: Altenburg, Hann, Ingerto, Kociuba, Peist.

After returning from executive session, Councilman Hann moved, Councilman Peist seconded, motion to adopt the following resolution.

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Ogdensburg to increase Water Cashier, Ann Peters salary from \$10.50 per hour to \$12.50 per hour and to increase her hours of work from 15 hours a week to 25 hours a week.

BE IT FURTHER RESOLVED that this resolution becomes effective as of March 12, 2007. Yeas: Altenburg, Hann, Ingerto, Kociuba, Peist. Copy attached as Schedule 10: 2/12/07.

OLD BUSINESS

Councilman Hann reported that the Web Site is still being worked on and there will be new links available. Hopefully to be completed soon. Councilman Peist informed Mayor and Council that the bathroom in the Borough Hall needs to be renovated to meet handicap requirements. Will need to get quotes to start working on project. Councilman Peist also reported that the septic needs to be replaced and will start looking into that project. Councilman Ingerto informed Mayor and Council that he has met with a representative from Burke who deal in Playground equipment. Councilman Ingerto will be getting different quotes and discussing the regulations that are required for installation. Playground equipment must be installed by a certified installer. Councilman Ingerto mentioned that the Road Department would be able to do the basic work necessary before the installer comes in. Councilman Ingerto mentioned that he is also working on new docks for Heater's Pond. He will be getting quotes for 5 lanes and 6 lanes. Councilman Altenburg informed Mayor and Council that a resident has requested an activity report from the Police Department. Councilman Kociuba informed Mayor and Council that the Fire Department has requested a new Jaws of Life. The Fire Department will be getting prices.

Departmental finance reports were handed in for review.

Councilman Altenburg moved, Councilman Hann seconded, motion for review and payment of vouchers.

DATE	CHECK	VENDOR	AMOUNT
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1/26/2007	20963 Aetna Inc	855.20
1/26/2007	20964 LINA	175.50
1/26/2007	20965 Horizon BC/BS of NJ	11,411.19
1/26/2007	20966 JCP&L	2,430.40
1/26/2007	20967 New York Life	44.00
1/26/2007	20968 Ogdensburg Borough	111.83
1/26/2007	20969 Staples Credit Plan	323.90
1/26/2007	20970 Treasurer, State of New Jersey	100.00
1/26/2007	20971 Verizon Wireless	90.65
1/26/2007	20972 Verizon Wireless	149.82
1/26/2007	20973 Wal-Mart Community	334.71
1/30/2007	20974 Sears Commercial One	32.18
1/30/2007	20975 Statewide Insurance Fund	84,274.00
2/5/2007	20976 LaStarza, Michelle, Petty Cash	100.00
2/6/2007	20977 Home Depot Credit Services	153.62
2/6/2007	20978 JCP&L	4,112.46
2/6/2007	20979 Embarq	334.00
2/6/2007	20980 Embarq	791.59
2/6/2007	20981 US Express Leasing	330.00
2/6/2007	20982 Verizon Wireless	154.82
2/7/2007	108 Neopost Leasing	400.00
2/12/2007	20983 Allied Oil LLC	2,580.19
2/12/2007	20984 Aramark	137.88
2/12/2007	20985 Atlantic Communications	610.00
2/12/2007	20986 Aurora Electrical Supply	191.40
2/12/2007	20987 B & B Marketing	237.60
2/12/2007	20988 Central Parts Warehouse	105.45
2/12/2007	20989 Direct Safety Company	223.48
2/12/2007	20990 Division of Consumer Affairs	60.00
2/12/2007	20991 Employee Data Forms of MO LLC	20.25
2/12/2007	20992 Excell Contracting LLC	15,740.00
2/12/2007	20993 Excell Contracting LLC	18,490.00
2/12/2007	20994 Galls Inc	213.56
2/12/2007	20995 Gene Altenberg	105.60
2/12/2007	20996 Goffco Industries, Inc	292.68
2/12/2007	20997 Grinnell Recycling Inc	269.02
2/12/2007	20998 Hann, John	90.54
2/12/2007	20999 High Bridge Salt	3,031.96
2/12/2007	21000 Hollander, Strelzik, et al	1,635.00
2/12/2007	21001 JRF Tire Service, Inc.	38.00
2/12/2007	21002 Jan-Mar Alarm Company	22.00
2/12/2007	21003 Jess Tree Service	250.00
2/12/2007	21004 Kuiken Brothers	121.75
2/12/2007	21005 Laddey, Clark & Ryan	500.00
2/12/2007	21006 Lame, James	262.00
2/12/2007	21007 Matthew Bender & Co., Inc.	56.90
2/12/2007	21008 Matthew Bender & Co., Inc.	62.16
2/12/2007	21009 Lozier, Rich	80.00
2/12/2007	21010 MCI	110.72
2/12/2007	21011 MGL Forms-Systems, LLC	251.00
2/12/2007	21012 MicroSystems-NJ.com, LLC	34.50
2/12/2007	21013 Municipal Clerk's Association of NJ	100.00
2/12/2007	21014 Municipal Software Inc	1,945.00
2/12/2007	21015 NJ League of Municipalities	160.00
2/12/2007	21016 NJ League of Municipalities	329.00
2/12/2007	21017 NJ STATE ASSOC OF POLICE CHIEFS	200.00
2/12/2007	21018 NJCM	295.00
2/12/2007	21019 New Jersey Herald	123.75
2/12/2007	21020 New Jersey Spine Center	305.00

2/12/2007	21021 Oakley, Suzanne	120.00
2/12/2007	21022 Ogdensburg Borough	248.44
2/12/2007	21023 Pond House Watergardens	257.00
2/12/2007	21024 Public Works Assoc. of NJ	60.00
2/12/2007	21025 Registrars' Association of NJ	50.00
2/12/2007	21026 Roemar Corp./B&R Uniforms	133.35
2/12/2007	21027 Space Farms Zoo & Museum	25.00
2/12/2007	21028 Staples Credit Plan	245.01
2/12/2007	21029 Suburban Energy Services	1,612.21
2/12/2007	21030 Sussex Co League of Municipalites	50.00
2/12/2007	21031 Sussex County Chief's Association	350.00
2/12/2007	21032 Sussex County Municipal Clerk Assoc.	50.00
2/12/2007	21033 Sussex County Municipal Utility	8.00
2/12/2007	21034 Terrence A. Duddy, D.D.S.	35.00
2/12/2007	21035 The Woodland Group	1,489.25
2/12/2007	21036 Universal Uniform Sales Co., Inc.	135.90
2/12/2007	21037 Valdiviez, Martin	87.50
2/12/2007	21038 Valley Vision Care, LLC	506.00
2/12/2007	21039 Varcadipane Jr, William J.	884.20
2/12/2007	21040 Vision Supply, Inc.	21.40
2/12/2007	21041 W.S. Darley & Co.	167.75
2/12/2007	21042 Waste Management of NJ	15,333.69
2/12/2007	21043 William J. Mandara Assoc.	39.00
2/12/2007	21044 Winters Auto Parts, Inc	437.67
Current Fund		<u>178,337.63</u>
1/26/2007	3334 Horizon BC/BS of NJ	919.00
1/26/2007	3335 Wal-Mart Community	32.72
1/30/2007	3336 State of New Jersey-SFWTR	738.22
2/6/2007	3337 JCP&L	1,530.35
2/12/2007	3338 G & H Service, Inc	26.64
2/12/2007	3339 Garden State Laboratories,	105.00
2/12/2007	3340 High Point Electric, Inc	2,642.18
2/12/2007	3341 Hyde, Thomas	32.10
2/12/2007	3342 New Jersey Water Association	225.00
2/12/2007	3343 Pollardwater.com - East	48.78
2/12/2007	3344 Staples Credit Plan	21.27
2/12/2007	3345 Treasurer, State of New Jersey	3,725.00
2/12/2007	3346 William J. Mandara Assoc.	225.00
2/12/2007	3347 Winters Auto Parts, Inc	106.40
Water Operating		<u>10,377.66</u>

There being no further business, Councilman Kociuba moved, Councilman Ingerto seconded, motion to adjourn the meeting. Yeas: Altenburg, Hann, Ingerto, Kociuba, Peist.

Meeting adjourned at 9:50 p.m.

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Borough Clerk

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Mayor

