

REGULAR MEETING

FEBRUARY 9, 2009

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 9, 2009.

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

Upon roll call, the following council members appeared and answered the call. Blahut, Hann, Ingerto, Wolstenholme Wood. Absent: Ciasullo.

Notice requirements of the Open Public Meeting Act, NJSA 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 on January 2, 2009.

Fred Suljic, Borough Planner attended the meeting to discuss the Highlands Initial Assessment Grant. Mr. Suljic mentioned that in addition to the Highland Initial Assessment Grant of \$15,000 the Borough is eligible to receive other grants as part of the Plan Conformance. Mr. Suljic mentioned that there are seven Modules and he is looking for authorization to begin Module 1, which is the Build-out Analysis. The deadline for the Module 1, Build-out Analysis is February 27th and if authorization is given he will be able to start at the end of the week to look at lots and be done by the 27th of February. Mr. Suljic also mentioned that there is no obligation on the Borough's part. There was some discussion as to opting in or not and if the Borough chooses to opt in there could be some strings attached. Councilman Blahut mentioned that there are no strings attached. Mayor Sekelsky wants to make sure that Councilman Wood along with the Land Use Board and Mr. Armstrong stay on top of this. Councilman Wood asked for something from the state saying there are no strings attached. Borough Attorney said he would speak with Tom Borden or Eileen Swan from the Highlands Council with regard to opting in and if the Borough doesn't will there will be strings attached. The Mayor is concerned about what the Borough is tying into. Further discussion will be forth coming.

Councilman Hann moved, Councilman Wolstenholme seconded motion to open the public session of the meeting. Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood.

Gene Altenburg, 43 Beardslee Hill Dr. offered Mayor and Council plastic bottles that he had left over from the last Ogdensburg Day. Council was very appreciative and said they could use them and thanked Mr. Altenburg for the offer. Bob Armstrong, 32 Adams Drive commented on Mr. Suljic's presentation on the Highlands Initial Assessment. Mr. Armstrong feels we need to have the assessment first and believes there are consequences if we opt in. Mr. Armstrong mentioned that the Highlands Council wants to come to the Borough to give a presentation and the Land Use Board could schedule it. Mr. Armstrong feels if the Borough opts in the Land Use Board and the Land Use Board activities are controlled by the state. Borough Attorney suggested the matter to be discussed further. Wasco Hadowanetz, 15 Richards St. addressed the letter that was sent in response to the Mayor's letter of January 19, 2009. The Ogdensburg Historical Society petitioned the restoration of the Edison House to revitalize down town Main St. Councilman Wood mentioned that he was insulted by the letter written to Council stating they were unresponsive. Mayor Sekelsky mentioned that he had been responsive and didn't like the tone of the letter written. Mayor Sekelsky said that he gave Mr. Hadowanetz the keys to go into the house to check out the condition. Mayor Sekelsky also mentioned that he has been asking about the cost for bringing the house up to code and any other expenses that might be involved. Mr. Hadowanetz responded that there

was money available in grants but has not responded with dollar amounts. Mr. Hadowanetz mentioned they need to find out what the Historical Society could get for funding. Mayor Sekelsky mentioned the house was up for sale for a long time and no one was doing anything. Councilman Wood reviewed what took place at the last meeting with Mr. Hadowanetz. The Mayor again asked for an estimate of cost for restoring the house. Mr. Hadowanetz mentioned about moving the house he would have to discuss it with the Historical Society. They can't afford to move it and the project is to restore the house on site. Donna O'Neill, President of the Historical Society said they need to have Wayne McCabe come in and evaluate the house. It was mentioned the house needs to be cleaned out. Councilman Wood asked if SLAP could do it. Mr. Hadowanetz said that SLAP could do the cleaning and that they are insured. Donna O'Neill went over the last few steps of the letters written back and forth from the Historical Society to the Borough and mentioned that if a letter wasn't sent about moving the house the Historical Society would have moved forward. Councilman Peist, 7 Grant Tr. mentioned that the building could be preserved but needs to be cleaned out to see if it would be feasible to restore. Mr. Peist suggested to get the SLAP team in to clean out the building. Mr. Peist also mentioned someone would have to check it out structurally. Mr. Peist would like to move forward the cleaning out the house. Mayor Sekelsky read letter sent to Historical Society in January. Mr. Peist asked to let an architect look at the house to see if it is structurally sound. Councilman Wood made a motion to have the house moved not at the Borough's expense, Councilman Wolstenholme seconded the motion. Councilman Blahut stated he would like something within 60 days to give to council. Councilman Ingerto said we can't vote until we find out what it will cost. Councilman Hann stated he feels they are not working together and also asked about the cost. Councilman Wood withdrew his motion to have the building moved. Borough attorney mentioned he knows of an expert who could send a letter to the council with the information they are looking for and offered his services. There being no further business from the public, Councilman Hann moved, Councilman Wolstenholme seconded the motion to close the public session of the meeting. Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood.

Councilman Ingerto moved, Councilman Hann seconded motion to go into executive session to discuss contractual matters, matters of attorney, client privilege and litigation.

After returning from executive session Councilman Hann moved, Councilman Ingerto seconded motion for approval of the consent agenda.

CONSENT AGENDA

1. Approval of Minutes from January 12th, Regular Meeting.
2. Approval of Minutes from January 26th, Work Session.

Yeas: Blahut, (abstain from #1), Hann, Ingerto, (abstain from #2), Wolstenholm Wood.

Councilman Wood moved, Councilman Hann seconded motion to open the public hearing on an ordinance entitled **AN ORDINANCE AMENDING THE SALARIES OF THE POLICE OFFICERS OF THE BOROUGH OF OGDENSBURG THEREFORE.** Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood.

Councilman Blahut asked about longevity pay. Being there is no one on the Police Department eligible for longevity pay it was requested to remove that portion of the ordinance.

Councilman Wood moved, Councilman Hann seconded motion to close the public hearing. Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood.

Councilman Wood moved, Councilman Ingerto seconded motion to amend and adopted the ordinance by removing section No. 4 pertaining to longevity. Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 1.

Councilman Blahut moved, Councilman Wood seconded motion to introduce an ordinance entitled **AN ORDINANCE TO AMEND THE GENERAL ORDINANCES OF THE BOROUGH OF OGDENSBURG REGARDING THE LAND USE BOARD** on first reading. Public hearing is scheduled for March 9, 2009.

BE IT ORDAINED by the Mayor and Council of the Borough of Ogdensburg, Sussex County, New Jersey as follows:

Section 1.

The Code of the Borough of Ogdensburg is hereby amended to replace Chapter XV as follows:

CHAPTER XV

PLANNING BOARD

15-1 PLANNING BOARD

15-1.1. Establishment; membership.

There is hereby established, pursuant to N.J.S.A. 40:55D-1 et seq. generally and N.J.S.A 40:55D-23 specifically , in the Borough of Ogdensburg, a Planning Board of Nine (9) members and up to Four (4) alternates as set forth in the statute. The composition of the member by class and terms shall be as set forth in the statute.

15-1.2. Removal of members.

The Governing Body of the Borough of Ogdensburg may remove any member of the Planning Board (other than the Class I member) for cause, on written charges served upon the member, and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel.

15-1.3. Vacancies.

The terms of Planning Board Members shall be as set forth in N.J.S.A. 40:55D-23. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

15-1.4. Organization of Board.

The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary, who may be either a member of the Planning Board or a municipal employee designated by it.

15-1.5. Planning Board Attorney, Other Staff.

There is hereby created the position of Planning Board Attorney. The Planning Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Planning Board Attorney, who shall be an attorney other than the Municipal Attorney. The Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

15-1.6. Powers and duties generally.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of N.J.S.A. 2A:67A-1 et seq. shall apply. It shall also have the following powers and duties:

A. To make and adopt and from time to time amend a Master Plan for the physical development of the municipality, including any areas outside its boundaries which, in the Board's judgment, bear essential relation to the planning of the municipality, in accordance with the provisions of N.J.S.A. 40:55D-28.

B. To administer the provisions of Land Use Ordinances of the Borough of Ogdensburg located in this Code in accordance with the provisions of said chapters and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

- C. To approve conditional use applications in accordance with the provisions of this Code pursuant to N.J.S.A. 40:55D-67.
- D. To participate in the preparation and review of programs or plans required by state or federal law or regulations.
- E. To assemble data on a continuing basis as part of a continuous planning process.
- F. To annually prepare a program of municipal capital improvement projects projected over a term of six years, and amendments thereto, and recommend same to the governing body.
- G. To consider and make report to the governing body within 35 days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26a and also pass upon other matters specifically referred to the Planning Board by the governing body pursuant to the provisions of N.J.S.A. 40:55D-26b.
- H. When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant, to the same extent and subject to the same restrictions as the Zoning Board of Adjustment, variances pursuant to N.J.S.A. 40:55D-70c. Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit, as the case may be.
- I. To perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.
- J. Pursuant N.J.S.A. 40:55D-25c(1), the Planning Board shall exercise, to the same extent and subject to the same restrictions, all the powers of a board of adjustment; but the Class I and the Class III members shall not participate in the consideration of applications for development which involve relief pursuant to N.J.S.A. 40:55D-70d.

Section 2.

Effective Date: This Ordinance shall take effect after publication and passage according to law.
 Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 2.

Councilman Wood motioned to table the introduction an ordinance entitled **AN ORDINACE TO REPLACE CHAPTER XVIX OF THE CODE OF THE BOROUGH OF OGDENSBURG REGARDING GARBAGE AND RECYCLING** because he would like to review the Borough’s present Garbage and Recycling contract. Councilman Ingerto seconded the motion. Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood.

Councilman Ingerto moved, Councilman Blahut seconded motion to introduce a Bond Ordinance entitled **BOND ORDINANCE TO AMEND SECTION 3 OF THE BOND ORDINANCE 9ORD. NO. 08-02) ENTITLED: BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF HIGHLAND AVENUE AND HIGHN STREET IN, BY AND FOR THE BOROUGH OF OGDENSBURG, IN THE COUNTY OF SUSSEX, STTE OF NEW JERSEUY, TO APPROPRIATE THE SUM OF \$210,000 TO PAY THE COST THEREFORE, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS,” ADOPTED OCTOBER 14, 2008** on first reading. Public hearing is schedule for February 23, 2009.

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

Section 1. Section 3 of Ordinance No. 08-2 entitled:

“BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF HIGHLAND AVENUE AND HIGHN STREET IN, BY AND FOR THE BOROUGH OF OGDENSBURG, IN THE COUNTY OF SUSSEX, STTE OF NEW JERSEUY, TO APPROPRIATE THE SUM OF \$210,000 TO PAY THE COST THEREFORE, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS,”

adopted by the Borough Council of the Borough of Ogdensburg, in the County of Ssex, new Jersey (the “Borough”) on October 14, 2008 (the “Prior Ordinance”) is hereby amended to increase the amount of statutorily permitted expenses (Section 20 expenses) included in the cost of the purpose authorized in the Prior Ordinance from \$10,000 to \$39,000, and shall hereafter read as follows:

“Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$210,000, and (4) \$10,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is 4200,000 and (6) the cost of such purpose, as hereinbefore, stated, includes the aggregate amount of \$39,000 which is estimated to be necessary to finance the cost of such purpose, including architect’s fees, account, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.”

Section 2. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 3. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 3.

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

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 compete in a global economy; and

WHEREAS, 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, 2009, which would have been the 103rd 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 that 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, 2009.

BE IT FURTHER RESOLVED that this body enthusiastically endorses NEA'S Read Across America 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.
Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 4.

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

WHEREAS the Borough of Ogdensburg's Police Department has various office equipment, which is outdated or no longer needed for public use.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Ogdensburg to authorize the Chief of Police to dispose of such equipment as attached.
Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 5.

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg to rescind the resolution assigning CMX to work on the plans for the Sidewalk Planning Study for Safe Route to School.
Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 6.

Councilman Wood moved, Councilman Wolstenholme seconded motion to adopt the following resolution.

BE IT HEREBY RESOLVED by the Mayor and Common Council of the Borough of Ogdensburg that James R. Sekelsky be appointed Emergency Management Coordinator at an annual salary of \$1,500.

BE IT FURTHER RESOLVED that this appointment is for a three-year term retro-active as of January 1, 2009.

Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 7.

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

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Ogdensburg that the following transfer of Appropriations (2008 Municipal Budget) in accordance with N.J. S. 40A4-58 be and is hereby approved.

From:		TO:	
Roads S&W 01-203-26-290-010	290.00		
Finance S&W 01-203-20-130-010	300.00		
Snow S&W 01-203-26-290-194	6,100.00		

OTHER EXPENSES

FROM:		TO:	
UCC O/E 01-203-22-195-010	600.00	Snow O/E 01-203-26-290-294	4,000.00
Parks & Playgrounds 01-203-28-370-020	500.00	Finance O/E 01-203-20-130-020	200.00
Cel.of Public Events 01-203-30-420-020	1,010.00	Land Use O/E 01-203-21-180-020	2,000.00
		Health O/E 01-203-27-330-020	1,100.00
		Clerk O/E 01-203-20-120-020	500.00
		Fire Dept. O/E 01-203-25-255-021	1,000.00
TOTAL	<u>8,800.00</u>		<u>8,800.00</u>

Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 8.

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

WHEREAS, a proposal for Pond Management Program has been submitted by Aquatic Technology for the 2009 – 2010 season; and

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

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: Blahut, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 9.

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

WHEREAS, Jesse Wolosky, 1 Vista Drive, Sparta New Jersey 07871 has paid for a lien against Block 3.12, Lot 8 for the year 2006 and 2007 in the amount of \$20,338.71 with interest and statutory fees of \$5,110.78 and sale cost of \$100.00 totaling \$25,549.49 and;

WHEREAS, the original lien holder paid the lien on said block and lot.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg that the proper officials be authorized and hereby instructed to refund the amount of \$25,549.49 to Jesse Wolosky.

Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 10.

NEW BUSINESS

Councilman Ingerto informed Mayor and Council that Cathy DelBen will be having the walk for Cancer again this year and would like to donate some of the proceeds to the fire works display for Ogdensburg Day. Councilman Wood informed Mayor and Council that he received the monthly Police Report. Also mentioned that he has spoken with the Chief of Police and would like to look for a new officer to work sixth shift. Copies will be given to council. Councilman Wood also mentioned that the Chief requested money for a new vehicle. Councilman Blahut informed Mayor and Council that he will be

meeting with the new Superintendent of the Ogdensburg School to discuss Safe Routes to School, Ogdensburg Day and internet services and Web master. Mayor Sekelsky discussed participating in the St. Patrick's Day Parade. Mayor Sekelsky also mentioned about the Housing Rehabilitation Program with regard to a resident who applied to the program and was denied and wrote an appeal. Mayor feels that the resident has already a grant and does not want to deny someone else their first chance to receive a grant. The Mayor also mentioned that he received a complaint from a resident regarding contractors used in the program and would like to get in local contractors to work with the program. Mayor mentioned the Borough will be doing a police study with Reagan Burkholder from Summit Collaborative. Mayor Sekelsky also informed Council about a class on Ethics for newly elected officials. Mayor Sekelsky informed Council about the dinner being held by the Blue Knight. Councilman Wolstenholme informed Mayor and Council that he went with Thomas Hyde to look at the wells. Councilman Wolstenholme informed Mayor and Council that well No. 4 needs a new chlorinator and the pipes need to be fixed and painted. Councilman Wolstenholme mentioned Well No. 3 with the turbine pump and right angle drive that's not being used whether they should get rid of the equipment. Equipment could be auctioned off on line. Councilman Wolstenholme informed Mayor and Council that the aerator is fixed and cleaned and that Bob Peist did a good job. It was discussed about getting a generator and where it would be placed and also having a maintenance program in place for a generator. Councilman Wolstenholme said he received a list of things from the Department of Public Works Supervisor that need to be repaired. Councilman Wolstenholme would like to have repairs done in house.

OLD BUSINESS

Councilman Wood asked about letter to be sent to the Police Department and Department of Public Works regarding sick time and vacation time. Mayor informed Councilman Wood that he would speak with the Police Department and Department of Public Works. Councilman Hann spoke about the opting out with insurance for employees and mentioned that he would be taxable to the employee. He also discussed employees coming back on the insurance. Councilman Hann still needs to discuss what the payments will be. Councilman Hann also mentioned about the police officers who are on COBRA and will be coming off soon. There are single policies available and the premium is not that much different from the present policy. Councilman Hann mentioned that the coverage can't be held to exactly what is offered at present. Discussed state insurance fund for retirees.

Councilman Wood moved, Councilman Wolstenholme seconded motion for review and payment of vouchers except for vouchers pulled for further inquiry. Yeas: Blahut, Hann, Ingerto, Wolstenholme, Wood.

Departmental Finance Reports were handed in for review.

There being no further business, Councilman Wood moved, Councilman Wolstenholme seconded motion to adjourn the meeting. All were in favor.

Meeting adjourned at 11:15p.m.

Borough Clerk

Mayor

