

REGULAR MEETING

MARCH 9, 2009

The third regular meeting of the Mayor and Council of the Borough of Ogdensburg, Sussex County, New Jersey, was held at the Ogdensburg Public School Library on March 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, Ciasullo, Hann, Ingerto, Wolstenholme Wood.

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.

Mayor Sekelsky presented a proclamation to the Girl Scouts who are celebrating the 97th year Girl Scouting USA and the week of March 8th through the 19th as National Girl Scout Week.

Eileen Swan and Thomas Borden from the State of New Jersey Highlands Council came before Mayor and Council to give a presentation on the Highlands Grant and Plan Conformance Modules. Ms. Swan explained that there are seven Plan Conformance Modules which are: Current Municipal Conditions and Build-Out Analysis, Land Use and Resource Capacity Analysis, Housing Element & Fair Share Plan, Highlands Environmental Resource Inventory, Highlands Master Plan Element, Highlands Regulations and Municipal Self Assessment, Implementation Plan & Petition. Ms. Swan also explained each module and the fact that the first two modules are the most important and are paid by the Highlands Council. Ms. Swan explained that it is a completely voluntary program and the Borough can opt out during the planning stage. Mayor Sekelsky stated we want to be well advised. Please let us no if any strings are attached as you go through the presentation. Ms. Swan informed the Mayor there are no strings attached to the Modules. There are choices and flexibility in the Plan Conformance. Ogdensburg can apply for a Plan Conformance grant for \$50,000 and up. Ms. Swan suggested going on the Highlands Council web site to look at the different areas and the many maps they show. The Web Site is very informative and would be good for land owners. Ms. Swan and Mr. Borden took questions after the presentation.

Mayor Sekelsky thanked Mr. Swan and Mr. Borden for the presentation and asked for a ten minute recess. After returning from recess Councilman Hann moved, Councilman Wolstenholme seconded motion to open the public session of the meeting. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood.

There being no comment from the public, Councilman Hann moved, Councilman Wolstenholme seconded motion to close the public session. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood.

Councilman Blahut moved, Councilman Hann seconded motion to open the public hearing on an ordinance entitled **AN ORDINANCE TO AMEND THE GENERAL ORDINANCES OF THE BOROUGH OF OGDENSBURG REGARDING THE LAND USE BOARD**. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood.

It was asked about the changes to the ordinance. Borough attorney stated it was the request of the Board to have four Alternates. The present ordinance has two alternates.

There was discussion on section 15-1.2 and the four classes on the Board. Bill Andrews, member of the Land Use Board, asked if one person gets removed, does it get replaced with the same class. Mayor informed him it does.

There being no further comment from the public, Councilman Blahut moved, Councilman Ciasullo seconded motion to close the public hearing. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood.

Councilman Blahut moved, Councilman Hann seconded motion for adoption of said ordinance. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 1.

Councilman Hann moved, Councilman Blahut seconded motion to introduce an ordinance entitled an **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK** on first reading. Public hearing is schedule for April 13th.

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Ogdensburg in the County of Sussex finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$79,680.48 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Ogdensburg, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY2009 budget year, the final appropriations of the Borough of Ogdensburg shall, in accordance with this ordinance and N.J.S.A.40A:4-45.14, be increased by 3.5% amounting to \$79,680.48, and that the CY 2009 municipal budget for the Borough of Ogdensburg be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon; be filed with said Director within 5 days after such adoption.

Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 2.

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

WHEREAS, Monica Ryan's water bill, account No. 1965, had been estimated three times since June of 2008 and;

WHEREAS the water reading for the first quarter of 2009 was 12822 and the last actual reading, which was a final reading was 11927 was done on February 3, 2009 and;

WHEREAS, Monica Ryan had been over charged for three (3) quarters, and an overpayment was received in the amount of \$271.55 that is reflected on the water ledger.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg that the proper officials be authorized and are hereby instructed to refund the amount of \$271.55 to Monica Ryan.

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

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

BE IT HEREBY RESOLVED by the Mayor and Common Council of the Borough of Ogdensburg to authorize the Agreement between the Borough of Ogdensburg and Danforth's Trailer-Boat-Auto for the use of Municipal grounds to hold a boat show on April 4th and 5th, 2009 from 7:00 a.m. to 7:00 p.m.

BE IT FURTHER RESOLVED that this is in accordance with Borough Ordinance No. 3-7.1.

Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 4.

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

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Ogdensburg to accept the proposal from Prism Maintenance, Inc. in the amount of \$5,700.00 to power sweep approximately 19 road miles through out the Borough of Ogdensburg.

Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 5.

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

WHEREAS, the Borough of Ogdensburg supports and encourages shared services between the School District and the Borough of Ogdensburg during 2009 and future years to come and;

WHEREAS shared services would mutually benefit the tax payers of the community and assist the Borough and School District to obtain added benefits arriving from sharing

contractual obligations for goods and services that can be realized with merging the needs of both entities and;

WHEREAS the Governing Body fully supports shared services and encourages the administrative school staff to work with the Governing Body to find additional ways to benefit both entities through shared services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg to approve the initial agreement between the Borough of Ogdensburg and the Ogdensburg School District to share outdoor portable facilities services for the year 2009 and future years provided by D. Lovenberg's Portable Toilet Rental Inc. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 6.

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

WHEREAS, Jesse Wolosky, 1 Vista Drive, Sparta, New Jersey 07871 has paid for the following liens.

Block	Lot	Years	Liens	Interest, Fees & Cost of Sale	Total
3.05	3	2006, 2007, 2008	\$5,068.20	\$ 578.24	\$ 5,646.44
21	12.02	2006 & 2007	19,618.46	4,940.34	24,558.80
21	7	2006, 2007, 2008	2,093.78	774.40	2,838.18

WHEREAS, the homeowners have paid their liens on said block and lots.

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 \$33,043.42 to Jesse Wolosky. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 7.

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

BE IT RESOLVED by the Borough of Ogdensburg that the following transfer of Appropriations (2008 Municipal Budget) in accordance with N.J.S. 40A 4-58 be and is hereby approved.

Salaries & Wages

From: **TO:**

OTHER EXPENSES

FROM: **TO:**
Streets & Roads O/E 01-203-26-290-020 1,550.00 **B & G O/E 01-203-26-310-020** 1,550.00
0 0

TOTAL 1,550.00 1,550.00

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

NEW BUSINESS

Discussion took place on Module 1 and Module 2. Councilman Hann felt that the Borough would have to go to No. 6 before they would have to make a decision. Bob Armstrong suggested giving the work to the Engineer to do and if we don't hear anything for a while we can still move forward on plans. The State standards are different then the Highlands council. The Highlands Council is out to protect the water supply. Mr. Armstrong feels we are good for Modules 1 and 2. Mayor asked if the ordinance is as good as what the Highlands Council is looking for. Mr. Armstrong mentioned that if the Borough conforms to what the Council is looking for then we will be put on a higher list. Mayor Sekelsky mentioned that the contract from Dykstra was set, but council felt they didn't want to opt in yet and the contract was tabled until more information was available. Mr. Armstrong feels we should have two separate contracts. Mayor Sekelsky Stated that there are strings attached but we can do Modules 1 and 2 and assessment to proceed and look at the other Modules down the road. Borough Attorney, John Ursin briefly discussed Module 1, 2 and 3 and feels it is a good idea to do Module 1 and 2 together because the Planner and Engineer will be working closely together. It was also mentioned that the professional doesn't get paid unless he is paid by the Highlands Council. The attorney also mentioned that the contract should have hard deadlines. Bill Andrews from the LUB would prefer to have CMX do the work. It was suggested to have the professionals come before council to explain how they will do the job. Councilman Wood moved, Councilman Ingerto seconded motion to apply and complete the application for the Highlands Grant, Module 1, 2 and 3 and to authorize either Councilman Blahut or Councilman Wood to work on the application. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme Wood. Councilman Wood also mentioned that Chief Varcadipane inquired about a letter sent from JCP&L to all municipalities.

OLD BUSINESS

Councilman Wood discussed the situation with the grant for the Safe Route to Schools. Mayor explained the process taken to apply for the grant and how the Engineer is chosen. The application is sent to the state for review but will come back to the Borough and council will approve who they want to award the contract to. Councilman Blahut explained the process and mentioned that it has to do with independent individuals. Councilman Blahut mentioned he would like to move forward with the proposal and a rating form and to advertise in the paper. Councilman Blahut moved, Councilman Hann seconded motion to put an Expression of Qualifications/ Interest/RFQ/I in the New Jersey Herald and Sunday Herald for the planning phase for Safe Route to School Grant, Sidewalk Planning Study. Councilman Ingerto informed Mayor and Council about the second inspection on the violation for the oil tanks. Inspectors from the DEP came in and went over the paper work with the clerk and myself. Everything was good except the one tank that needs to have over fill protection or a Veederroot System. Councilman Ingerto explained the pressure build up in the tank and what needs to be done. In order to be in compliance the overfill violation has to be corrected. Councilman Ingerto moved, Councilman Hann seconded motion to obtain a quote for a Veederroot System. Yeas: Blahut, Ciasullo, Hann, Ingerto Wolstenholme, Wood.

Councilman Ciasullo moved, Councilman Hann seconded motion for review and payment of vouchers. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood.

CURRENT FUND

DATE	CHECK #	PAID TO	AMOUNT
02/13/09	9999	Payroll Account	42,587.61
02/23/09	22798	CIGNA GROUP INSURANCE	189.00

02/23/09	22799	Embarq	183.56
02/23/09	22800	Embarq	1,083.33
02/23/09	22801	Horizon BC/BS of NJ	7,910.54
02/23/09	22802	JCP&L	1,874.74
02/23/09	22803	Petty Cash Fund	97.08
02/23/09	22804	Staples Business Advantage	152.60
02/23/09	22805	Staples Business Advantage	1,729.27
02/23/09	22806	Verizon Wireless	67.12
02/23/09	22807	Waste Management of NJ	18,076.00
02/27/09	9999	Payroll Account	40,943.58
03/05/09	22808	Institute for Professional Dev.	99.00
03/06/09	9999	TASC	1,330.00
03/09/09	22809	Aetna Inc	1,115.12
03/09/09	22810	Airgas East	148.00
03/09/09	22811	Allied Oil LLC	1,513.48
03/09/09	22812	Aramark	1,191.06
03/09/09	22813	BGW Home Improvement	11,400.00
03/09/09	22814	Bassani Power Equipment, LLC	217.94
03/09/09	22815	Batty, Matthew	153.00
03/09/09	22816	CMX	562.50
03/09/09	22817	Central Parts Warehouse	55.52
03/09/09	22818	Colfax, Daniel	300.00
03/09/09	22819	Community Action Services	2,200.00
03/09/09	22820	Danforth's	49.95
03/09/09	22821	Diamond Sand & Gravel, Inc.	1,638.21
03/09/09	22822	Dover Brake & Clutch Co., Inc	97.50
03/09/09	22823	FRA Technologies, Inc	400.00
03/09/09	22824	Falcon Cleaning	300.00
03/09/09	22825	GFOA of NJ	90.00
03/09/09	22826	Gann Law Books	90.00
03/09/09	22827	International Salt Co., LLC	27,072.51
03/09/09	22828	JCP&L	3,090.28
03/09/09	22829	Jan-Mar Alarm Company	24.20
03/09/09	22830	Laddey, Clark & Ryan	3,822.45
03/09/09	22831	Lame, James	424.00
03/09/09	22832	Little, Jacob	482.43
03/09/09	22833	Lozier, Rich	660.00
03/09/09	22834	Municipal Software Inc	175.00
03/09/09	22835	NJ League of Municipalities	75.00
03/09/09	22836	NJ Planning Officials	305.00
03/09/09	22837	NJAPZA	45.00
03/09/09	22838	Neopost Leasing	330.78
03/09/09	22839	New Jersey Herald	1,478.85
03/09/09	22840	Newton Trophy & Sport Center LLC	224.48
03/09/09	22841	Ogdensburg Board of Education	167,534.00
03/09/09	22842	Registrars' Association of NJ	50.00
03/09/09	22843	Sparta Township NJ	211.08
03/09/09	22844	Staples Business Advantage	1,134.76
03/09/09	22845	Suburban Propane	4,562.70
03/09/09	22846	Sussex County Chief's Association	350.00
03/09/09	22847	TCTA of NJ	75.00
03/09/09	22848	The Morville Agency	657.00

03/09/09	22849	The Woodland Group	1,154.00
03/09/09	22850	Thomson West	137.00
03/09/09	22851	Turn Out Uniforms, Inc.	774.70
03/09/09	22852	US Express/Tygris	330.00
03/09/09	22853	USA Mobility Wireless, Inc.	23.17
03/09/09	22854	Valley Vision Care, LLC	475.00
03/09/09	22855	Varcadipane Jr, William J.	250.00
03/09/09	22856	Verizon Business	133.40
03/09/09	22857	Verizon Wireless	110.16
03/09/09	22858	Vital Communications, Inc	132.06
03/09/09	22859	W.S. Darley & Co.	371.37
03/09/09	22860	Wallkill Valley Regional H.S.	70,237.72
03/09/09	22861	Wolosky, Jesse	6,146.44
03/09/09	22862	Wolosky, Jesse	24,558.80
03/09/09	22863	Wolosky, Jesse	2,838.18

			458,302.23
			=====
			458,302.23

WATER OPERATING ACCOUNT

DATE	CHECK #	PAID TO	AMOUNT
02/23/09	3644	Embarq	19.90
02/23/09	3645	Horizon BC/BS of NJ	623.31
02/23/09	3646	JCP&L	1,741.68
02/23/09	3647	Staples Business Advantage	256.77
03/09/09	3648	American Water Works Association	78.00
03/09/09	3649	Dave Heiner Assoc., Inc.	141.85
03/09/09	3650	Garden State Laboratories, Inc.	465.00
03/09/09	3651	Hyde, Thomas	37.20
03/09/09	3652	JCP&L	4,773.95
03/09/09	3653	New Jersey Water Association	275.00
03/09/09	3654	One Call Systems, Inc.	11.00

			8,423.66
			=====
			8,423.66

Departmental finance reports were handed in for review.

There was discussion on uniform allowance for the Department of Public Works and if a cap should be instituted. Councilman Ciasullo suggested the men should wear some form of identification. Mayor mentioned that he had been contacted by a resident who is not happy with work being done on the home by the rehabilitation program. Mayor stated he will be in contact with Steve Weinberg to discuss the matter. Councilman Hann briefly discussed the opt-out plan for employees. The breakdown for each group was \$3,600 for family, \$2,700 for couple and \$1,800 for single. The payout would be twice a year. Councilman Ciasullo mentioned that if the employee is on sick leave it wouldn't affect the insurance.

Councilman Hann moved, Councilman Ingerto seconded motion to go into executive session to discuss police contract at 10:45 p.m. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood.

After returning from executive session, Councilman Hann moved, Councilman Wolstenholme seconded motion to adjourn the meeting. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood.

Meeting adjourned at 10:55 p.m.

Borough Clerk

Mayor