

REGULAR MEETING  
MAY 11, 2009

The fifth 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 May 11, 2009.

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

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

Mayor Sekelsky presented the Ogdensburg First Aid Squad with a plaque for recognition of Volunteer First Aid Squad Service. A plaque was also presented to Emily Slockbower of 23 Richardsville Road, for Older American Month. Ms. Slockbower read a thank you for the award she received.

Councilman Hann moved, Councilman Ingerto seconded motion to open the public hearing on the 2009 Municipal Budget. Yeas: Hann, Ingerto, Wolstenholme, Wood.

Vito Telischak, 21 Glenbrook Road, asked what the budget for 2009 was. Robert Peist, 7 Grant Terrace asked about the water deficit.

Councilman Ingerto moved, Councilman Hann seconded motion to postpone adoption of the 2009 Municipal Budget. Yeas: Hann, Ingerto, Wolstenholme, Wood.

John Kibildis, from the Historical Society asked if he could just take a minute to thank the Mayor and Council for helping clean up the house on Main Street. Mr. Kibildis was very appreciative of everyone's help. Mr. Kibildis contacted Mr. McCabe and his evaluation can now be completed.

Borough Auditor, Tom Ferry stated that since we have not heard back from the state on the budget the adoption of the 2009 budget will have to be postponed.

Mr. Fred Suljic, Borough Planner, gave an update on the Highlands Initial Assessment Report. Mr. Suljic went over Module 1 through 7. Ogdensburg is one of eighty-eight municipalities looking into preservation which has to be completed by December. Bob Armstrong discussed the assessment report. Mr. Armstrong stated he wanted to look at the assessment first. The Land Use Board meets on Tuesday to review and will give council a summary. Mr. Armstrong also agreed to go with Modules 1 and 2.

Councilman Wood moved, Councilman Hann seconded motion to proceed with Modules 1 through 4. Yeas: Hann, Ingerto, Wolstenholme, Wood.

Councilman Hann moved, Councilman Ingerto seconded motion to open the Public Session of the meeting. Yeas; Hann, Ingerto, Wolstenholme, Wood.

Joseph Burns attended the meeting to request another basketball camp, which would be sponsored by the ORA. The dates would be from July 23, 2009 to July 26<sup>th</sup>.

Councilman Ingerto moved, Councilman Hann seconded to have the third annual Basketball camp. All were in favor.

Rich Predmore, 15 Predmore Road, discussed shared services with the school and the Borough, and would like to have a meeting with those designated from the council along with himself and Mr. Aster who will be representing the school .

Bob Peist, 7 Grant Terrace, member of the Historical Society, asked about the mark outs on Route 517 and was advised that gas lines will be going through the Borough. Mr. Peist also would like permission from Council to call a roofing company to repair the Museum roof and was advised to proceed with quotes. Mr. Peist also questioned Heaters Pond dredging and asked about deed restrictions. Mayor Sekelsky advised that this project was looked at in 2002 and was approved.

George Sabourin, 13 Wilson Dr. asked if council saw a letter from the state regarding First Aid Squad shared services.

Emily Slockbower, 23 Richardsville Road, asked if the gas line going down Route 517 is just going through the Borough or will it be available for residents to hook into and was advised that yes eventually it would be available for residents.

Eric Schmidle, 16 Glenbrook, asked about 20 Glenbrook. The grass needs to be cut and the property is abandoned. He was advised that the Zoning Secretary would get in touch with the Zoning Official, Kevin Kervatt about the property.

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

Councilman Wood moved, Councilman Hann seconded motion that the approval of the minutes of March 23, 2009 Special Meeting, be carried over to the next meeting. Yeas: Hann, Ingerto, Wolstenholme, Wood.

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

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Ogdensburg to cancel the interest of block 3.01, Lot 34 in the amount of \$1.42, due to payment was made on time but was deposited in the Water Account instead of the Tax Account. Yeas: Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 1.

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

WHEREAS, CCTS Capital LLC, 1415 Rt. 70 East, Suite 504, Cherry Hill, New Jersey 08034 has paid for a lien against Block 30, Lot 11.01 for the years 2007 & 2008 in the amount of \$25,606.82 with interest and statutory fees of \$961.36 and sale cost of \$96.03 totaling \$26,664.21, plus premium of \$13,000.00; and

WHEREAS, the homeowner 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 \$39,664.21 to CCTS Capital LLC. Yeas: Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 2.

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

WHEREAS, the Ogdensburg Volunteer First Aid Squad is a public service association comprised of volunteer members whose purpose is to provide pre-hospital emergency care to the sick and injured in our community; and

WHEREAS, the Emergency Medical Technician (“EMT”) Training Fund was created by New Jersey P.L. 1992, chapter 143 (N.J.S.A. 26:2K-54 et seq.) as a dedicated, non-lapsing, revolving fund, established to reimburse any private agency, organization or entity which is certified by the Commissioner of Health and Senior Services to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or recertification. The Fund has allowed thousands of Volunteer EMT’s to earn and maintain their EMT certification without incurring out-of-pocket personal expense and without the need for funding from their volunteer squad or municipality; and

WHEREAS, the EMT Training Fund is not supported through the use of any tax money, but rather is supported by a \$0.50 surcharge on each fine, penalty and forfeiture imposed and collected by the State of New Jersey for motor vehicle or traffic violations and is currently running at approximately a \$1,000,000 deficit per year; and

WHEREAS, on April 23, 2009 the Department of Health and Senior Services Office of OEMS informed the New Jersey State First Aid Council of Governor Corzine’s intention to redirect \$4,000,000 from the dedicated EMT Training Fund to the general treasury of the State of New Jersey leaving only a proposed \$400,000 balance in the Fund; and

WHEREAS, a \$400,00 balance in the EMT Training Fund is inadequate to meet the annual training needs of the Volunteer EMT’s of this State and will result in severe cut-backs of state-paid EMT training for New Jersey’s EMS Volunteer Community.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Ogdensburg formally opposes Governor Corzine’s plan to transfer money from the EMT Training Fund, because of the detrimental effect this will have on the availability of EMT training for New Jersey’s Volunteer EMS Community.

FURTHER RESOLVE, that the Borough of Ogdensburg opposes the intended re-appropriation of monies from the dedicated EMT Training Fund, which would shift the cost of Volunteer EMT Training to Ogdensburg Volunteer First Aid Squad, the municipality and its residents. During this time of economic hardship when squads continue to see a decrease in donations, contributions, and a short fall in fund raising it is fundamentally unfair to ask those who already volunteer their time to attend training courses and answer emergency call to pay for their own training when they already provide so much to their community. This will significantly impact the recruitment of new members as well as retention of existing members since many will not be able to pay for their training.

FURTHER RESOLVED, that the Governor and the Legislature of the State of New Jersey are requested not to remove any money from the EMT Training Fund and to return any money to the Fund that has already been removed for purposes other than those specified in New Jersey P.L. 1992, chapter 143.

IN WITNESS WHEREOF, I have hereunto set my hand as Mayor of the Borough of Ogdensburg and caused the seal to be affixed hereto this 11<sup>th</sup> day of May, 2009.

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

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

**WHEREAS**, there were 592 motor vehicle fatalities in New Jersey in 2008; and

**WHEREAS**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

**WHEREAS**, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**WHEREAS**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

**WHEREAS**, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 18 – May 31, 2009 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

**WHEREAS**, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 91.75% to 100%; and

**WHEREAS**, a further increase in seat belt usage in New Jersey will save lives on our roadways;

**NOW, THEREFORE BE IT RESOLVED**, that Mayor and Council of the Borough of Ogdensburg declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 18 – May 31, 2009 and pledges to increase awareness of the mobilization and the benefits of seatbelt use.

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

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

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Ogdensburg to give a salary increase to Land Use Board Secretary, Blanche Stuckey of \$1.50/per hr. bringing her salary to \$15.00/per hour.

BE IT FURTHER RESOLVE that this increase will be effective retro-active as of March 1, 2009.

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

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

**WHEREAS**, the Chief Financial Officer has determined that the following Borough of Ogdensburg check has been outstanding for a period in excess of six months:

<u>Check #</u>	<u>Amount</u>	<u>Date of Issue</u>
CURRENT –CHASE ACCOUNT		
8411	\$ 110.00	
11436	50.00	4/5/2005
11467	84.00	4/12/2005
11490	75.00	4/12/2005

11506	321.64	4/12/2005
11565	60.00	5/12/2005
11753	114.40	7/12/2005
11853	720.00	8/9/2005
11940	60.00	9/12/2005
12173	267.75	1/9/2006
12226	348.08	2/13/2006
12235	152.00	2/13/2006
12268	5,258.00	2/13/2006
12270	139.15	2/13/2006
12272	176.00	2/13/2006
12282	137.54	2/13/2006
12285	64.00	2/13/2006
12343	124.00	3/15/2006
12362	319.50	3/15/2006
12366	323.00	3/15/2006
12381	<u>1,284.62</u>	3/15/2006
Total	10,188.68	

CURRENT-LAKELAND ACCOUNT

20241	6,665.00	6/13/2006
20664	104.52	10/10/2006
20697	50.00	10/10/2006
20719	1.00	10/23/2006
20757	10.90	11/13/2006
20809	60.00	11/29/2006
21294	50.00	5/14/2007
21337	224.00	5/23/2007
21340	240.00	5/23/2007
21462	91.95	7/16/2007
21571	7.00	9/11/2007
22148	5,631.40	5/12/2008
22158	683.40	5/12/2008
22345	<u>823.03</u>	8/11/2008
Total	14,642.20	

PAYROLL-LAKELAND ACCOUNT

6724	379.89	11/2006
9999	1,028.26	2/16/2007
6000	194.56	3/2007
7523	56.00	7/20/2007
7525	53.16	7/20/2007
7569	<u>516.34</u>	8/3/2007
Total	2,228.21	

**NOW, THEREFORE, BE IT RESOLVED** that the above outstanding checks be restored to the Borough cash balances.

Yeas: Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 6.

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Ogdensburg that the Chief Financial Officer is hereby authorized to cancel the following escrow balances to Current Fund - fund balance:

Name	Amount
Sparta Monarch Corp- Artisan	155.00
Ahmed Elbarki	476.50
Romaniello Enterprises Inc.	218.50
Wells Fargo Alarm Services Inc.	370.08
FBO Robert & Marianne Allen	266.00
FBO Jennifer Nies	500.00
FBO Danforth's	500.00
FBO Thomas Horuzy	<u>750.00</u>
<b>TOTAL</b>	<b>3,236.08</b>

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

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

**WHEREAS**, certain Water Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to Water Capital Surplus and unused debt authorizations may be canceled:

**NOW THEREFORE, BE IT RESOLVED**, by the council of the Borough of Ogdensburg, that the following unexpended and dedicated balances of the Water Capital Appropriations be canceled:

ORD NO.	DATE ADOP.	PROJECT DESCRIPTION	AMOUNT FUNDED	CANCELLED UNFUNDED
		Reserve for Capital Outlay	\$25,885.43	
		Reserve for Purchase of Computer	15,308.75	
		Reserve for Improvement to Wells	37,943.00	
01-00	6-12-00	Various Water Utility	73,585.16	
04-03	11-10-03	Water Impr. To Ken. Ave.	34,000.00	
01-04	9-17-04	Improv. To Kennedy Ave.	<u>31,831.91</u>	
		<b>TOTALS</b>	<b>\$218,554.25</b>	

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

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

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to Capital Surplus and unused debt authorizations may be canceled:

**NOW THEREFORE, BE IT RESOLVED**, by the council of the Borough of Ogdensburg, that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

ORD NO.	DATE ADOP.	PROJECT DESCRIPTION	AMOUNT FUNDED	CANCELLED UNFUNDED
		Reserve for Aluminum Siding	\$ 30,365.00	
		Reserve for Recording Machine	700.00	
		Reserve for Improvement to Dam	15,000.00	
		Reserve for Brook Flat Road	5,000.00	
2-08	3-10-08	Purchase of Police Equi.	491.55	
1-04	9-17-04	Improv. To Kennedy Ave		
<b>TOTALS</b>			<b>\$51,556.55</b>	<b>\$951.84</b>

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

Councilman Wood moved, Councilman Hann seconded motion to adopt the following resolution with amendment authorizing the disposal of the police car to read at the Police Chief's discretion and the Mayors Approval. Yeas: Hann, Ingerto, Wolstenholme Wood

**WHEREAS**, the Borough of Ogdensburg has title to a 1997 Crown Victoria, VIN #2falp71w5vx192504, which is no longer needed for public service; and

**WHEREAS**, this car is considered in fair condition with high mileage and extensive rust; and

**WHEREAS**, the fair market value of this car is \$513.00; and

**WHEREAS**, in accordance with N.J.S.A. 40A11-36 the fair market value is under the bid threshold and may be sold privately after advertising at the Police Chief's discretion and Mayor's approval.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Ogdensburg to dispose of the 1997 Crown Victoria. Yeas: Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 10.

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

**BE IT HEREBY RESOLVED** by the Mayor and Council of the Borough of Ogdensburg to authorize CMX to proceed with the permit process for the New Jersey Department of Environment Protection for a change to the chemical feed process in Well No. 4.

**BE IT FURTHER RESOLVED** the cost for the permit filing will not exceed \$8,500 unless approved by the governing body. Yeas: Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 11

Councilman Ingerto moved, Councilman Wood seconded motion to open the public hearing on an ordinance entitled **AN ORDINANCE TO APPROPRIATE THE SUM OF \$50,000 CURRENTLY LOCATED WITHIN GENERAL CAPITAL RESERVE FOR ROAD IMPROVEMENTS**. Yeas: Hann, Ingerto, Wolstenholme, Wood.

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

Councilman Ingerto moved, Councilman Hann seconded motion to adopt said ordinance. Yeas: Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 12

Councilman Hann moved, Councilman Wood 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** on first reading. Public hearing is scheduled for June 8, 2009.

BE IT ORDANED by the Mayor and Common Council of the Borough of Ogdensburg that:

1. The following salaries for the offices hereinafter set forth for the year 2009 beginning January 1<sup>st</sup>, and each year thereafter until amended or repealed, are hereby established and fixed as the salary to be paid for the offices wherein the salaries are set at fixed figures, and for the offices wherein a minimum and maximum range is set for the salaries, the salaries shall be paid to the holder of said offices within the minimum and maximum range set by resolution of the Mayor and Common Council, to wit:

Borough Clerk-----	\$7,500.00	\$55,000.00
Assessment Search Officer-----(\$10.00 per search up to)		1,000.00
Tax Collector-----	5,000.00	8,500.00
Assistant Tax Collector-----	4,000.00	8,000.00
Chief Financial Officer-----	5,000.00	75,000.00
Payroll Clerk-----	1,000.00	4,525.00
Tax Search Officer-----(\$10.00 per search up to)		1,000.00
Tax Assessor -----	3,200.00	19,000.00
Water Collector-----	8.00	16.00
Clerk Typist -----	10.00	17.00
Municipal Court Judge-----	1,200.00	25,000.00
Municipal Court Clerk Administrator-----per hour	15.00	22.00
per court session	50.00	100.00
(plus \$40 stipend call-out)		
Deputy Court Administrator-----per hour	8.50	22.00
per court session	40.00	90.00
(plus \$20-\$50 stipend call-out)		
Chief of Police-----	54,730.00	105,000.00
Board of Health Sec./Recycl. Coord/Deputy Regist./Deputy Clerk		
----- per hour	8.00	16.00
Planning Board and Zoning Board Secretary/Administrative		
Officer-----per hour	10.00	20.00
( plus \$75.00 stipend for meetings)		
School Crossing Guard-----per day	20.00	44.00
Code Enforcement Officer-----	3,000.00	3,500.00
Zoning Official-----	3,000.00	3,500.00
Fire Official-----	2,000.00	3,500.00
Fire Prevention Specialist-----per hour	8.00	13.50
Emergency Management Coordinator-----	1,500.00	3,000.00
Supervisor/Public Works-----	40,000.00	64,000.00
Ass't. Supervisor/Public Works-----	25,000.00	42,000.00
(plus \$1,000 stipend)		

Public Works Repairer No. 1-----	20,800.00	40,000.00
(plus \$3,000 stipend/mechanic)		
Public Works Repairer No. 2-----	20,800.00	30,000.00
Public Works Repairer (part-time)-----	per hour 10.00	14.42
Emergency Snow Driver-----	per hour 8.00	13.40
Lifeguard-----	per hour 8.00	12.00
Substitute Lifeguard-----	per hour 8.00	10.00
Water Plant Treatment Operator-----	1,500.00	7,800.00
Water Plant Treatment Operator (Fill In)-----	per hour 8.00	14.50
Part-time Water Meter Reader-----	per hour 8.00	14.50
Recycling Attendant-----	per hour 8.00	15.50
Dog Census Taker-----	per hour 8.00	12.50
Mayor-----		2,500.00
Council Member-----		2,000.00

2. The aforesaid salary ranges shall take effect as of January 1, 2009, and shall be paid at the times and in the manner established by resolution of the Borough Council for the payment of said salaries.

3. Overtime pay for Borough employees shall be determined by Article XIV, Section D of the Borough Employee's manual.

4. Bonuses, if any, shall be paid at the discretion of the Mayor and Council

5. All prior salary ordinances adopted by the Borough of Ogdensburg and any other ordinance or ordinances or portions thereof that may be inconsistent with the provisions of this ordinance are hereby rescinded.

6. This ordinance shall become effective upon adoption and publication according to law.

Yeas: Hann, Ingerto, Wolstenholme Wood. Copy attached as schedule 13.

Councilman Ingerto moved, Councilman Wood seconded motion to introduce an ordinance entitled **AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF UNITED TELEPHONE COMPANY OF NEW JERSEY, INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC ROADS, STREETS OR HIGHWAYS IN THE BOROUGH OF OGDENSBURG, SUSSEX COUNTY, NEW JERSEY FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATION FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF** on first reading. Public hearing is scheduled for June 8, 2009.

**BE IT ORDAINED** by the Mayor & Council of the Borough of Ogdensburg, Sussex County, New Jersey that:

**SECTION 1:** Pursuant to the provisions of N.J.S.A. 48:17-10, N.J.S.A. 48:17-11, and N.J.S.A. 48:17-12, non-exclusive permission and consent is hereby granted to United Telephone of New Jersey, Inc., ("Company"), its successors and assigns, to erect, construct and maintain the necessary poles, wires/cables, conduits, or other fixtures in, upon, along, over or under any public street, road, or highway, and parts thereof, throughout their entire length, and to effect the necessary street openings and lateral connections to curb poles, property lines and other facilities in the Borough of Ogdensburg (the "Borough") for said Company's local and through lines in connection

with the transaction of its business. This Ordinance does not authorize placement of wireless telecommunications facilities within the Borough's rights-of-way. This Ordinance also does not authorize Company to construct switching stations in the Borough's rights-of-way without separate permission.

**SECTION 2:** All poles and above-ground facilities hereafter located within the rights-of-way shall be placed back of the curb lines where shown on the official map(s) of the Borough or other filed maps, surveys or approved site plans that are necessary to establish the location of road rights-of-way. Said facilities shall be located in accordance with applicable standards, including, but not limited to, Borough ordinances, Residential Site Improvement Standards, and NJDOT standards, or at the points or places now occupied by the poles or other facilities of Company, or at such other convenient points or places in, upon, along, adjacent, or across the public streets and ways as may be mutually agreed upon between Borough and Company. Facilities to service all new residential sub-divisions will be constructed underground unless the property owner obtains the Borough's permission otherwise.

**SECTION 3:** Company may bury its facilities within the right-of-way of the various public streets and ways and at such locations as shall be mutually agreed upon by the parties. Underground conduits and associated facilities shall be placed at least eighteen (18) inches below the surface of said public streets and ways and, with the exception of lateral branches to curb poles and property lines and other facilities, the same shall generally not be constructed more than ten (10) feet from the curb line, unless obstructions make it necessary to deviate from such course or unless the parties mutually agree to another location. Manholes shall be located at such points along the line of underground conduits as may be necessary or convenient for placing, maintaining, and operating the facilities which Company may from time to time use in connection with its underground conduit system and shall be so constructed as to conform to the cross-sectional and longitudinal grade of the surface so as not to interfere with the safety or convenience of persons or vehicles.

**SECTION 4:** Any such area affected by Company in constructing its facilities shall be restored to as good condition as it was before the commencement of work thereon. No public streets or ways shall be encumbered for a period longer than shall be reasonable to execute the work. Company shall comply with Borough Ordinance(s) regarding road openings.

**SECTION 5:** Company agrees to indemnify and hold harmless the Borough and its officials, agents, and employees, from any and against all demands, claims, suits, causes of action, damages, losses, penalties, and/or expenses, including attorney's fees, caused by, resulting from, or arising out of the Company's or the Company's employees' performance of any work. The provisions of this Section shall not be interpreted to relieve the Borough from liability to Company or third parties in the event of joint or concurring negligence or fault of Company and the Borough; provided, however, that the legal liability of the Borough, if any, shall be determined under applicable law, taking into account the privileges and immunities afforded a governmental entity.

**SECTION 6:** Whenever a curb line shall be established on streets where one does not now exist, or where an established curb line shall be relocated in order to change the width or realign an existing street in conjunction with road construction being performed by the Borough, Company shall change the location of its above-ground and below-ground facilities covered by this Ordinance, so that the same shall be back of, and adjacent to, the new curb line so long as the Borough has acted in accordance with applicable law and with reasonable care in establishing the new curb line and providing notice thereof. Company shall bear the costs so long as the relocation is not for aesthetic purposes or governed by N.J.S.A. 40A:26A-8.

**SECTION 7:** Any company or corporation having legal authority to place its facilities in the public streets and ways of the Borough may jointly use Company's poles, conduits or other fixtures for all lawful purposes, provided that Company consents to such use, on terms and conditions acceptable to Company and not inconsistent with the provisions of this Ordinance, and that said company or corporation has obtained consent from the Borough.

**SECTION 8:** If any or all of the said streets or ways are later taken over by the County of Sussex or the State of New Jersey, such County or State shall have the rights and privileges and be subject to the same terms, conditions and limitations of use as apply herein to the Borough, provided, however, that such satisfactory prior arrangements as may be necessary are made with the Borough and Company for the full protection of the respective interest of each.

**SECTION 9:** The term "Borough" as used in this Ordinance shall be held to apply to and include any form of municipality or government into which the Borough or any part thereof may at any time hereafter be changed, annexed, or merged.

**SECTION 10:** The permission and consent hereby granted shall apply to facilities, existing or hereafter constructed or operated by Company, its predecessors, successors, or assigns. This Ordinance shall cancel and supersede all prior consent ordinances between the Borough and Company regarding the subject matter hereof.

**SECTION 11:** This Ordinance shall not affect the ability of the Borough to impose real property taxes on the facilities of Company under current law. Further, if in the future applicable law should change so as to enable the Borough to impose a franchise fee or other fee, tax, charge, or monetary obligation on Company's operations or facilities hereunder, Company agrees that the provisions of this Ordinance shall not preclude the Borough from imposing or collecting such fee, tax, charge or other monetary obligation which may be permitted by law.

**SECTION 12:** Company shall maintain its property within the Borough in good, broom-clean condition and repair, and shall comply with all applicable law.

**SECTION 13:** Nothing contained in this Ordinance shall be construed to impose an obligation on the part of the Borough to open any street not heretofore dedicated or opened to public use, and nothing herein shall be construed as an acceptance by the Borough of any unaccepted street or any part thereof where any pole, wire, conduit, cable or other fixture may exist.

**SECTION 14:** In the event that any public street or way where any pole, conduit, cable or other fixture owned or used by Company exists is vacated by the Borough, the Borough agrees to reserve unto Company the rights granted by this Ordinance. Borough would have no further obligation or responsibility to maintain or provide access to the right-of-way.

**SECTION 15:** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared to be unenforceable or invalid for any reason whatsoever, such decision or declaration shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect; and to this end the provisions of this Ordinance are hereby declared severable.

**SECTION 16:** Company shall pay the expenses incurred for advertising required in connection with the passage of this Ordinance, after the date of its first reading, within thirty (30) days after Company has received a bill for said advertising.

**SECTION 17:** Following final passage of this Ordinance, the Borough Clerk shall provide Company with written notice thereof by certified mail. As provided by applicable law, this Ordinance, and any subsequent amendments, shall not become effective until acceptance by Company and approval by the Board of Public Utilities.

**SECTION 18.** This Ordinance shall take effect in the time and manner prescribed by law.

Yeas: Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 14.

Councilman Wood moved, Councilman Hann seconded motion to introduce an ordinance entitled **CAPITAL ORDINANCE OF THE BOROUGH OF OGDENSBURG, IN THE COUNTY OF SUSSEX, NEW JERSEY, AUTHORIZING IMPROVEMENTS TO THE DEPARTMENT OF PUBLIC WORKS GARAGE, BOROUGH HALL AND GAZEBO IN, BY AND FOR THE BOROUGH APPROPRIATING THEREFORE THE SUM OF \$38,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS OF THE BOROUGH** on first reading. Public hearing is scheduled for May 26, 2009.

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

Section 1. The Borough of Ogdensburg, in the County of Sussex, New Jersey (the "Borough") is hereby authorized to undertake the following improvements in, by and for the Borough: (A) installation of a new roof on the Department of Public Works Garage; (B) various improvements to Borough Hall; and (C) installation of electric service to the Gazebo. Said improvements shall include all work, materials and appurtenances necessary and suitable therefore.

Section 2. The sum of \$38,000 is hereby appropriated to the payment of the cost of the improvements authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from Capital Surplus of the Borough.

The sum of \$38,000 is hereby appropriated from Capital Surplus of the Borough to the payment of the cost of said purpose.

Section 3. Said improvements are lawful capital improvements of the Borough having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital 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 5. This ordinance shall take effect at the time and in the manner provided by law.

Yeas: Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 15.

Councilman Wolstenholme moved, Councilman Hann seconded motion to introduce an ordinance entitled **CAPITAL ORDINANCE OF THE BOROUGH OF OGDENSBURG IN THE COUNTY OF SUSSEX, NEW JERSEY, AUTHORIZING ACQUISITION OF NEW WATER METERS AND THE REPLACEMENT OF THE WATER MAIN ON HIGH STREET IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH, APPROPRIATING THEREFORE THE SUM OF \$67,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM WATER UTILITY CAPITAL SURPLUS OF THE BOROUGH** on first reading. Public hearing is scheduled for May 26, 2009.

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

Section 1. The Borough of Ogdensburg, in the County of Sussex, New Jersey (the "Borough") is hereby authorized to acquire new water meters and to replace the water main on High Street in, by and for the Water Utility of the Borough. Said improvements shall include all work, materials and appurtenances necessary and suitable therefore.

Section 2. The sum of \$67,000 is hereby appropriated to the payment of the cost of the improvements authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from Water Utility Capital Surplus of the Borough. The sum of \$67,000 is hereby appropriated from Water Utility Capital Surplus of the Borough to the payment of the cost of said purpose.

Section 3. Said improvements are lawful capital improvements of the Borough having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital 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 5. This ordinance shall take effect at the time and in the manner provided by law.

Yeas: Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 16.

At 9:15 P.M., Councilman Hann moved, Councilman Wood seconded motion to go into Executive Session to discuss contract negotiation matters.

After returning from Executive Session at 9:40 P.M., Mayor and Council continued with the regular meeting.

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

CURRENT FUND

DATE	CHECK #	PAID TO	AMOUNT	
04/16/08	9999	Payroll Account	2,283.09	Manual
04/16/08	9999	Depository Trust	3,420.00	Manual
04/16/08	22112	Winters Auto Parts, Inc	1,067.13	
04/16/08	22113	Public Employee's Retirement System	3,777.88	
04/16/08	22114	Waste Management of NJ	51,138.00	
04/23/08	9999	Payroll Account	37,862.70	Manual
04/23/08	22115	Aetna Inc	968.18	
04/23/08	22116	Embarq	503.26	
04/23/08	22117	Embarq	659.61	
04/23/08	22118	Horizon BC/BS of NJ	13,201.72	
04/23/08	22119	JCP&L	1,815.63	
04/23/08	22120	Mikes Mobil Maintenance	11,043.29	
04/23/08	22121	Verizon Wireless	73.42	
04/30/08	22122	LINA	378.00	
04/30/08	22123	JCP&L	114.98	
04/30/08	22124	MCI	131.16	
04/30/08	22125	US Postal Service	135.00	
05/07/08	22126	JCP&L	2,002.42	
05/07/08	22127	Little, Jacob	1,442.64	
05/07/08	22128	Municipal Software Inc	744.18	
05/07/08	22129	Sussex County Treasurer	191,742.85	
05/07/08	22130	Sussex County Treasurer	6,322.98	
05/07/08	22131	Sussex County Treasurer	16,346.76	
05/07/08	22132	Sussex County Treasurer	20,255.77	
05/07/08	22133	TASC	500.00	
05/12/08	22134	Abate Fence Inc	325.00	
05/12/08	22135	Allied Oil LLC	1,499.83	
05/12/08	22136	Appraisal Systems, Inc.	50,570.00	
05/12/08	22137	Avaya, Inc.	176.64	
05/12/08	22138	Horuzy, Thomas	135.00	
05/12/08	22139	Jan-Mar Alarm Company	22.00	
05/12/08	22140	KELLER WELDING, LLC.	272.50	
05/12/08	22141	Kuiken Brothers	643.67	
05/12/08	22142	Kumetz, Allen	583.30	
05/12/08	22143	Laddey, Clark & Ryan	450.00	
05/12/08	22144	Li, Chun T.	1,133.63	
05/12/08	22145	Little, Jacob	439.52	
05/12/08	22146	Looseleaf Law Publications, Inc.	153.60	
05/12/08	22147	Lott, George O	599.87	
05/12/08	22148	Moeller, Dennis	5,631.40	

05/12/08	22149	Municipal Software Inc	919.18	
05/12/08	22150	NJ Dept of Health & Senior Service	57.00	
05/12/08	22151	NJ League of Municipalities	55.00	
05/12/08	22152	Neopost Leasing	126.78	
05/12/08	22153	New Jersey Herald	685.75	
05/12/08	22154	New Jersey Herald	554.10	
05/12/08	22155	HSBC Business Solutions	768.39	
05/12/08	22156	Ogdensburg Board of Education	175,519.00	
05/12/08	22157	Ogdensburg Parent-Teacher Org.	300.00	
05/12/08	22158	Pezza, Joseph	683.40	
05/12/08	22159	Pond House Watergardens	96.60	
05/12/08	22160	Smith Tractor & Equipment, Inc.	409.95	
05/12/08	22161	Space Farms Zoo & Museum	26.00	
05/12/08	22162	Statewide Insurance Fund	572.00	
05/12/08	22163	Struble, Jim	119.99	
05/12/08	22164	Sussex County Municipal Utility	729.20	
05/12/08	22165	Tee's Plus	298.80	
05/12/08	22166	West	270.00	
05/12/08	22167	Township of Sparta	9,033.10	
05/12/08	22168	Township of Sparta, Police Dept.	10,712.50	
05/12/08	22169	Treasurer, State of NJ	573.09	
05/12/08	22170	US Express Leasing	660.00	
05/12/08	22171	USA Mobility	69.59	
05/12/08	22172	Valley Vision Care, LLC	1,709.95	
05/12/08	22173	Wallkill Valley Regional H.S.	70,965.87	
05/12/08	22174	William J. Mandara Assoc.	75.00	
05/12/08	22175	Wolosky, Jesse	1,164.81	
			-----	
			664,155.87	
			43,565.79	Manual
			=====	
			707,721.66	

WATER OPERATING ACCOUNT

DATE	CHECK #	PAID TO	AMOUNT
04/30/08	3522	JCP&L	3,509.46
05/07/08	3523	Hamburg Plumbing Supply Co	7.75
05/12/08	3524	Abate Fence Inc	125.00
05/12/08	3525	Hyde, Thomas	36.00
05/12/08	3526	Kuiken Brothers	78.49
05/12/08	3527	One Call Systems, Inc	19.20
			-----
			3,775.90
			=====
			3,775.90

Discussion regarding the Verizon Bid Security money will need to need be returned because the cell tower project was faulted.

Councilman Hann moved, Councilman Wood seconded motion to do a resolution to return the Bid Security money to Verizon. Yeas: Hann, Ingerto, Wolstenholme, Wood.

#### NEW BUSINESS

Councilman Ingerto stated that a plaque has been placed in the Gazebo recognizing the donation toward the Gazebo from the Cathy DelBen walkathon.

#### OLD BUSINESS

Councilman Hann remarked that there was no response from the survey letter that was sent out to the employees regarding the new health plan. After a brief discussion Councilman Hann suggested proposal #2 of the new health plan.

Councilman Hann moved, Councilman Wood seconded motion to go with proposal #2 of the new health plan. Yeas: Hann, Ingerto, Wolstenholme, Wood.

Councilman Ingerto discussed the Police Department violations regarding the windows and carpet and informed Mayor and Council that he has obtained estimates and has written a letter for an extension on the violations. Councilman Ingerto said that the paperwork regarding the oil tank violation does not state where to send the money for the fine. Councilman Ingerto has been in contact with the DEP and was told when the Borough receives the Settlement Agreement it will have the information on it and then the fine can be paid.

Mayor Sekelsky forwarded information to Councilman Wolstenholme on water permits for ten years which would be from 2009 to 2019 for wells #3 and 4.

The Attorney discussed the police ordinance and suggested that the ordinance needs to be updated and that he will be contacting the Chief of Police regarding updates.

The fireworks contract was discussed and Mayor Sekelsky will contact the company regarding their contract.

Councilman Wolstenholme informed the Mayor and Council that he has three estimates for the capping of the wells.

There being no further business, Councilman Hann moved, Councilman Ingerto seconded motion to adjourn the meeting. Yeas; Hann, Ingerto, Wolstenholme, Wood.

Meeting adjourned at 10:18 PM

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Borough Clerk

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Mayor

