

REGULAR MEETING  
September 14, 2009

The ninth 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, 2009.

Mayor Sekelsky called the meeting to order at 7:00P.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 January 2, 2009.

Councilman Hann moved, Councilman Ingerto seconded motion to approve items on the Consent Agenda. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood.

Approval of Minutes from April 27th, Work Session  
Approval of Minutes from May 11<sup>th</sup>, Regular Meeting  
Approval of Minutes from August 14th, Special Meeting

Councilman Ingerto moved, Councilman Ciasullo seconded motion to approve a 50/50 Raffle to be held by St. Barnabas Medical Foundation on October 27, 2009.  
Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood.

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

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Ogdensburg that the amount of \$12,839.00 was returned to Verizon Wireless as part of the withdrawn Bid for the Wireless Telecommunications project.  
Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 1.

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

BE IT HEREBY RESOLVED by the Mayor and Council to accept the contract with Acclaim Inventory for fixed assets in the amount of \$2,200. \$2,000 is for physical inventory with a \$500 threshold and \$200 is for the file on disc in excel format.  
Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 2.

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

BE IT HEREBY RESOLVED by the Governing Body of the Borough of Ogdensburg to authorize the Mayor to sign and the Clerk to attest to the Federal Aid Agreement 2009-DT-BLA1-07 for Safe Routes to School program.  
Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood. Copy attached as Schedule 3.

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

WHEREAS, J. Wolosky, 1 Vista Drive, Sparta, new Jersey 07871 has paid for a lien against Block 35, Lot 24.02 for the years 2007 and 2009 in the amount of \$844.08 with interest and statutory fees of \$142.08 and cost of sale \$15.00 totaling \$1,001.16.

WHEREAS, the homeowner has 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 \$1,001.16 to Jesse Wolosky.

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

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

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenue received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A: 4-39 permits municipalities to receive amounts for costs incurred for outside employment of off-duty municipal officers, and

Whereas, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditure of monies by dedication by rider;

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

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for outside employment of off-duty municipal officers, in accordance with the provisions of N.J.S.A. 40: 4-39.
2. The Municipal Clerk of the Borough of Ogdensburg is hereby directed to forward two certified copies of this resolution to the director of the Division of Local Government Services.

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

**WHEREAS**, the governing body of the Borough of Ogdensburg, County of Sussex, State New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS**, the Borough of Ogdensburg further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Borough of Ogdensburg has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Ogdensburg, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Governing Body of the Borough of Ogdensburg does hereby authorize submission of an application for the Ogdensburg Municipal Alliance grant for the calendar year 2010 in the amount of \$2,993.00

2. The Governing Body of the Borough of Ogdensburg acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

Mayor Sekelsky mentioned that the Borough will once again take part in the "Tie a Ribbon campaign," for the month of October, which is Breast Cancer Awareness Month.

Councilman Wood asked Borough Engineer, Gene Buczynski if he was satisfied with the contract for the Safe Route to School.

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

Robert Peist, 7 Grant Terrace asked about the police ordinance regarding off duty police and that it is customary for the town to charge an administration fee. Councilman Hann informed Mr. Peist that a charge for administration fee is included in the ordinance. Mr. Peist also inquired about the quote for the Museum roof. Mr. Peist stated that the quote was the maximum charge and is looking into getting a specific quote. Mr. Peist informed Mayor and Council that the 25 Mile an hour blinking light for the school on the south side of Rt. 517 is not working and the weeds by the guardrail have not been cut by the county. Mr. Peist also inquired if the report for the consolidation of the Police Department is done yet. Mayor Sekelsky informed Mr. Peist that the study is not done yet. Mr. Peist heard that it was going to a referendum. The Mayor discussed briefly and informed Mr. Peist that there will be a public meeting on the study. Attorney stated that it will be going to a referendum and that it will be a non-binding referendum. Helen Bolton, 11 Beardslee Hill Drive complained about her new tax bill and how much her taxes went up. She mentioned that many of the residents on Beardslee Hill taxes went up. Borough attorney explained to Mrs. Bolton the procedure when a town is assessed. Attorney also mentioned that the Council does not set the tax rate, the Sussex County Board of Taxation set the rates. It was also suggested that she can talk to the Tax Assessor about her assessment and what can be done. Mr. Inghima, 44 Main Street discussed with Mayor and Council about the park having lights put in. Mr. Inghima informed Mayor and Council there is a lot of vandalism and drug use going on and feels the police are not doing their job. Mr. Inghima also mentioned that the kids are driving too fast in the parking lot and asked if speed bumps could be put in. Councilman Wood stated that he has spoken to the Chief of Police on some of these issues and also on having the park patrolled more often. It was mentioned that Council is looking into getting electric run into the park and having lights put in. Council is also looking into having a camera put in the park. Chuck Snover, 12 Beardslee Hill Rd. asked how often does the town oil and stone the road. Mr. Snover was informed that the town does not stone and oil the roads anymore they now use slurry. Each year certain roads are selected to fix. Mr. Snover mentioned he is having a problem with run-off on his property from the build up on the road with the oil and stone. Councilman Ingerto said he would look into it and see what can be done to correct the problem. Mr. Bickerton, 144 Edison Avenue asked about the Armstrong agreement and why the easement hasn't been recorded with the county. Mayor Sekelsky informed Mr. Bickerton that he just signed the agreement tonight and it wouldn't be filed until the driveway was properly sealed. Mr. Bickerton also asked how wide the easement is. Mr. Bickerton was informed the easement was 25 feet wide. Mr. Bickerton also asked about the easement and title policy. There being no further business from the public, Councilman Hann moved, Councilman Ingerto seconded motion to close the public session of the meeting. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood.

Councilman Ciasullo moved, Councilman Wood seconded motion to introduce an ordinance entitled an **ORDINANCE OF THE BOROUGH OF OGDENSBURG, SUSSEX COUNTY, NEW JERSEY TO REPLACE SECTION 8-4 OF THE GENERAL ORDINANCES OF THE BOROUGH OF OGDENSBURG REGARDING PROPERTY MAINTENANCE** on first reading. Public hearing is scheduled for October 13, 2009.

**BE IT ORDAINED** by the Mayor and Council of the Borough of Ogdensburg:

**Section 1.**

The Code of the Borough of Ogdensburg shall be amended to replace Section 8-4 as follows:

8-4 Property Maintenance Code of the Borough of Ogdensburg.

8-4.1 Findings, declaration of policy.

It is hereby found and determined that there exist in the Borough of Ogdensburg structures used for residential and nonresidential use which are or may become in the future substandard with respect to structure, equipment or maintenance. It is further found that conditions of the above-described property, including but not limited to structural deterioration, lack of maintenance and appearance of the exterior of premises, infestation, lack of essential heating, plumbing, storage or refrigeration equipment, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards, inadequate provisions for light and air, unsanitary conditions and overcrowding, constitute a menace to health, safety, welfare and reasonable comfort of the citizens and inhabitants of the Borough of Ogdensburg. The Borough Council of the Borough of Ogdensburg further finds and declares that, by reason of lack of maintenance and the existence of progressive deterioration, certain properties have the further effect and/or the further potential effect of creating blighted conditions that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate, in time, the expenditure of public funds to correct and eliminate the same and that, by reason of timely regulation and restrictions as herein contained, the growth of depressed areas, slums and blight may be prevented. It is further found that such prevention will maintain neighborhood and property values, as well as the desirability and amenities of residential and nonresidential uses; and it is further found that such prevention will protect and foster the public health, safety and welfare.

8-4.2 Purposes.

The purposes of this Property Maintenance Code are as follows:

A. To protect the public health, safety and welfare of the citizens of Ogdensburg by establishing minimum standards governing the maintenance, appearance, conditions and occupancy of property.

B. To authorize and establish procedures for the enforcement of this code.

C. To fix certain responsibilities and duties upon owners and operators and establish distinct and separate responsibilities and duties upon occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises.

D. To fix penalties for the violations of this code.

8-4.3 Effect on other ordinances and regulations.

Nothing in this article shall be construed to abrogate or impair the powers of the Borough of Ogdensburg to enforce any provisions of its ordinances or regulations or prevent or punish violations thereof, and the power conferred by this article shall be in addition to and supplemental to the powers conferred by any other law or ordinance.

#### 8-4.4 Multiple dwellings.

A. The term "multiple dwelling" shall have the same meaning as set forth at length in N.J.S.A 55:13A-3(k), and the aforesaid definition of "multiple dwelling" is incorporated herein by reference.

B. Property maintenance for multiple dwelling structures shall be regulated and governed by the Regulations for Maintenance of Hotels and Multiple Dwellings, N.J.A.C. 5:10-1.1 et seq., which regulations are hereby adopted by the Borough of Ogdensburg and incorporated herein by reference. The regulations for exterior property maintenance set forth in this chapter shall apply to multiple dwellings.

C. Copies of Regulations for Maintenance of Hotels and Multiple Dwellings shall be on file in the offices of the Borough Clerk and the Board of Health and shall be available for inspection upon request.

D. The procedures governing the inspection of multiple dwellings and the enforcement of violations shall be as set forth in the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq., and the Regulations for Maintenance of Hotels and Multiple Dwellings, N.J.A.C. 5:10-1.1 et seq.

#### 8-4.5 Property other than multiple dwellings.

A. All structures and premises in the Borough of Ogdensburg shall be kept free of all the following conditions:

- (1) Broken glass, excessive brush, weeds, stumps and roots, obnoxious growth, filth, garbage, trash, refuse, rubbish and debris.
- (2) Dead and dying trees, limbs or other natural growths which by reason of rotting, deteriorating conditions, storm damage or weathering constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions. Naturally wooded areas are exempt from this section which pertains to the vicinity of a residence.
- (3) Loose and overhanging objects and accumulations of ice and snow which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.
- (4) Holes, excavations, breaks, projections, obstructions, icy conditions, and other safety hazards related to walks, driveways, parking lots, parking areas and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate safety hazards or unsanitary conditions.
- (5) Sources of infestation or potential infestation by rodents, mosquitoes, flies and other harmful vermin.
- (6) Runoff drains shall be maintained to eliminate any recurrent or excessive accumulations of storm water.

B. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair, and all surfaces thereof shall be kept painted and finished where necessary for purposes of preservation and appearance. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling of paint or other conditions reflecting weathering, deterioration or inadequate

maintenance, to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties in the neighborhood protected from blighting influences. All accessory structures must have functional doors and windows where necessary.

C. There shall not be stored or used, at a location visible from the streets or other public areas, equipment and materials relating to commercial or industrial uses.

D. Natural vegetation, landscaping, lawns, hedges and bushes shall not be allowed to become overgrown and unsightly where exposed to public view. The length of lawn grass shall not exceed nine inches at any time.

E. Firewood shall not be stored in front of any residence. All tarps used to cover such firewood or stored trailers, boats, etc., shall be dark green, brown, black or camouflage tarpaulin or canvas.

F. All parts of the premises shall be kept in a clean and sanitary condition, free of nuisances and free from health, safety and fire hazards.

#### 8-4.6 Enforcement procedure.

A. Where a violation of this article or the regulations hereunder is found to exist, a written notice from the Code Enforcement Officer shall be served upon the owner responsible for correcting such condition. The notice shall contain the following:

- (1) A description of the property sufficient for identification;
- (2) An identification of the conditions constituting the violation;
- (3) The necessary corrective action;
- (4) A time period not to exceed 10 days after service of the notice upon the owner to correct or abate the violation;
- (5) A statement that the notice shall become an order of the Code Enforcement Officer in 10 days after service; and
- (6) A statement of the penalty for violation of the notice.

B. The notice may be served personally or by certified mail at the last known address of the owner alleged to be in violation. Where it is ascertained that the owner does not reside on the premises and the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the affected building. Service upon any owner may also be achieved by service of any notice upon a member of the family of the owner, provided that such family member is 16 years of age or older and resides with such owner.

C. After 10 days from the date of service of the notice, the notice shall constitute a final order. If the violation is not corrected or abated at the time the notice constitutes a final order, the Code Enforcement Officer shall issue a summons to the owner to appear in municipal court for violation of the final order, pursuant to N.J.S.A. 2B:12-17a.

D. The Code Enforcement Officer may extend the time for correction and abatement of any violation of this article for an additional period of time not to exceed 30 days, except where major capital improvements or renovations are involved, in which case, the time for completion may be extended for such period of time as the Code Enforcement Officer may deem reasonably adequate.

E. In the event that the Owner of the property does not respond to violation notices, fails to abate the subject of the violation notice, or can not be located after diligent inquiry and effort, the Borough may take reasonable steps to abate or minimize the violations for the health, safety and welfare of the surrounding properties. In the case of failing to maintain

a lawn constituting a violation, the Borough may, at its sole discretion, cut the grass or hire a contractor to cut the grass. The owner shall be charged \$100.00 per hour for grass cutting and the Borough shall record the charges as a lien against the property.

#### 8-4.7 Violations and penalties.

A violation of this article by failure to comply with an order entered by the Code Enforcement Officer pursuant to the Property Maintenance Ordinance shall be punishable by a fine not to exceed \$250 for the initial violation, not to exceed \$500 for the second violation and not to exceed \$1,000 for the third violation committed hereunder. Each violation of a different section of this Code shall constitute a separate and distinct violation independent of any other section. Each day of noncompliance with any provision of this Code, and any subsequent violation, shall constitute a separate violation and shall be subject to a summons without further notification. An owner shall be considered "notified" of the violation for a period of two years after the initial notification.

#### **Section 2. Repealer.**

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

#### **Section 3: Effective Date.**

This Ordinance shall take effect upon final passage and publication.

There was discussion on the ordinance. Kevin Kervatt, Zoning Official asked to make it all residential including multiples. Councilman Wood moved, Council Ciasullo seconded motion to introduce as amended. This motion preempts previous motion.

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

Councilman Wood moved, Councilman Hann seconded motion to introduce an ordinance entitled **ORDINANCE OF THE BOROUGH OF OGDENSBURG, SUSSEX COUNTY, NEW JERSEY TO REPLACE SECTIONS 2-7 AND 2-8 OF CODE OF THE BOROUGH OF OGDENSBURG REGARDING THE POLICE DEPARTMENT** on first reading. Public hearing is scheduled for October 13, 2009.

**BE IT ORDAINED** by the Mayor and Council of the Borough of Ogdensburg as follows:

#### **Section 1.**

The Code of the Borough of Ogdensburg shall be modified to delete Sections 2-7 and 2-8 in their entirety.

#### **Section 2.**

The Code of the Borough of Ogdensburg shall be modified to create a new Section 2-7 as follows:

#### **2-7 POLICE DEPARTMENT**

##### **2-7.1. Department established; composition.**

Pursuant to the provisions of N.J.S.A. 40A:14-118 et seq., the Police Department of the Borough of Ogdensburg is hereby established. Said Department may consist of a Chief of

Police, at least one Police Sergeant and such other patrolmen, special police, probationary officers, police matrons and such clerks, dispatchers and other officers and employees as the Mayor and Borough Council may from time to time provide for.

#### **2-7.2. Appointment.**

All members of the Police Department shall be appointed by the Mayor, with the advice and consent of the Council, to hold office as provided by law.

#### **2-7.3. Control.**

A. Governing body. The governing body of the Department shall be the Mayor and Council, whose decision upon all matters affecting the Department shall be final.

B. Police Commissioner.

(1) The Mayor with approval of the Borough Council shall annually appoint a Police Commissioner who must be a member of Council.

(2) The Police Commissioner shall be the liaison between the Police Chief and the Borough Council and shall have and exercise such other powers and perform such other functions as set forth in this chapter and as Council shall designate.

C. Police Chief. All other members of the Police Department, and all employees of said Department, and special police shall be under the control and supervision of the Chief of Police, who shall be responsible for the discipline of and due performance of duty by all officers, members and employees of the Department.

#### **2-7.4. Appointment of officers.**

A. Chief. No person shall be appointed Chief of the Police Department unless, in addition to all statutory requirements, he has completed an Associates Degree or 60 college credits and has completed the Municipal Police Academy course of the State of New Jersey. He shall have a thorough knowledge of the criminal statutes and laws of the state and of the ordinances of the Borough and shall have the ability to prepare reports and direct and administer the Police Department. He shall have been a member of the Police Department of the Borough of Ogdensburg for at least five years, be a resident or willing to relocate to the Borough within 1 year of assuming the duties as Chief, and shall have served as an officer in said Department for at least one year. (Council can grant up to two one year extension by resolution)

B. Police Sergeant. No person shall be appointed to the position of Sergeant in the Police Department unless, in addition to all statutory requirements, he has completed high school and has completed the Municipal Police Academy course of the State of New Jersey. He shall have served as a patrolman in the Ogdensburg Police Department for at least three years, be a resident or willing to relocate to the Borough within 1 year of assuming the duties as Sergeant (council can grant up to two one-year extensions by resolution).

#### **2-7.5. Police manual and rules and regulations.**

Within 60 days of the passage of this ordinance and periodically thereafter the Governing Body shall adopt a police manual containing rules and regulations for the operation, government and discipline of the Police Department of the Borough of Ogdensburg drafted and approved by the Chief of Police. The three copies of the adopted manual shall be filed in the office of the Clerk of the Borough of Ogdensburg.

#### **2-7.6. Qualifications.**

A. Every appointee to the Police Department shall comply with all of the laws of the State of New Jersey pertaining to qualifications of police officers. No person shall be given or accept a permanent appointment as a police officer in the Borough unless such person has first been given a probationary or temporary appointment to such office, and has successfully completed a police training course at a school approved and authorized by the Police Training Commission in the Department of Law and Public Safety in the State of New Jersey. The probationary period shall be for at least one year from the date of graduation from the academy and may be extended based upon recommendations of the Chief of Police for up to 2 additional years.

B. No person shall be appointed to the Police Department as a regular or probationary member unless he shall, at the time of making application, be between the ages of 21 and 35 years, except as provided by law in the case of veterans. The applicant shall be a citizen of the United States of America, a resident of the Borough of Ogdensburg at least six months preceding his appointment; be able to read, write and speak the English language well and intelligently; be sound in body and of good health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey as to his eligibility for membership in the retirement system; and shall be of good moral character and not have been convicted of any criminal offense. Said applicant must also have passed all required psychological exams and tests)

#### **2-7.7. Oath of Allegiance.**

Each member of the Police Department shall, before entering upon the performance of his duties, take and subscribe an oath to bear true faith and allegiance to the government established in this state, to, support the Constitutions of the United States of America and the State of New Jersey and to faithfully, impartially and justly discharge and perform all the duties of his office, which oath or affirmation shall be filed with the Borough Clerk within 10 days after appointment.

#### **2-7.8. Management of Department affairs; report to Mayor and Council.**

A. It shall be the duty of the Chief of Police and the Police Commissioner to confer from time to time as to matters affecting the Department.

B. Both the Chief of Police and the Police Commissioner shall report to Mayor regarding all issues relating to public emergencies, public health and welfare and major discipline within the department.

C. The Chief of Police and the Police Commissioner shall, at least bi-annually, make a report to the Mayor and Council of the activities of the Department for the preceding year, together with such recommendations concerning the Department and its budget as appropriate.

#### **2-7.9. Powers and Duties.**

A. Chief of Police.

(1) The Chief of Police shall be the head of the Police Department. He shall be directly responsible to the Police Commissioner and, the Mayor and Council. However, he is to report to the Police Commissioner who will report to the Mayor and Council. In the temporary absence or disability of the Chief of Police, the Chief shall appoint a Sergeant or senior patrolman who shall exercise all powers and perform all duties of the Chief. However, in the event of disability of the Police Chief's or his failure to appoint such, then it shall be the Police Sergeant, pending review and approval by the Mayor and Council..

(2) The control and discipline of the Police Department and of its members, of special police, and of Department employees shall be vested in the Chief and he shall have the power to enforce all of the Department regulations and may punish their violation by reprimand. Should the Chief deem the violation to be of a sufficiently flagrant nature, he shall report it to the Mayor and Police Commissioner (who will then report to the Mayor and Council, , together with his recommendations as to the filing of charges.

(3) The Chief of Police shall from time to time recommend through the Police Commissioner to the Mayor and Council the purchase of new equipment or the repair or rearrangement of such old equipment as will increase the efficiency of the Department. He shall have charge and control of all apparatus and equipment of the Department and its assignment and use, and shall be held responsible for its care, maintenance, cleanliness and safekeeping.

(4) He shall have such other powers and perform such other duties as may be provided in the Department regulations enacted by the Mayor and Council.

B. Police Sergeant. The Police Sergeant shall have such powers and perform such duties as may be assigned by his superior officers as well as such powers and duties as may be prescribed by the Department regulations enacted by the Mayor and Council.

C. Duties of Department. The Police Department through its Chief shall:

(1) Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Borough, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages and preserve order at all elections and public meetings and assemblages.

(2) Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic and the use of the streets by vehicles and persons; protect the safety and facilitate the convenience of motorists and pedestrians; and make and enforce rules and regulations not inconsistent with the ordinances and resolutions of the Borough for such purpose.

(3) Remove or cause to be removed all nuisances in the public streets, parks and other public places of the Borough; inspect and observe all places of public amusement or assemblage and all places of business requiring any state or municipal license or permit and report thereon to the appropriate department.

(4) Provide proper police attendance and protection at fires.

(5) Provide for the attendance of policemen in court as necessary for the prosecution and trial of persons charged with crimes and offenses and cooperate fully with the law enforcement and prosecuting authorities of federal, state and county governments.

(6) Operate a training program to maintain and improve the police efficiency of the members of the Department.

(7) Operate or cause to be operated an emergency police, fire, first aid and Department of Public Works radio dispatch system for the Borough of Ogdensburg and any other municipalities or political subdivisions contracting with the Borough of Ogdensburg for such services.

#### **2-7.10. Special policemen.**

A. The Mayor may appoint, with the advice and consent of the Council, special policemen for terms not exceeding one year, and such appointments may be revoked without cause or hearing. The special policemen shall carry out their duties and responsibilities under the direct supervision of the Chief of Police, and their powers, rights and duties shall be specifically defined by the Chief of Police, consistent with the Department regulations. Special police shall not be members of the Police Department or force, and their powers, rights and duties shall immediately cease at the expiration of the term for which they were appointed or upon revocation of their appointment. Special officers shall not carry revolvers or other weapons at any time, except as otherwise specifically directed by the Chief of Police while on duty. The appointment of a special police officer shall designate the rate of pay, if any. A special policeman shall be between the ages of 21 and 65 and no special policeman shall serve over the age of 65.

B. No person shall be appointed as a special policeman unless he is a citizen of the United States, between the ages of 21 and 65, is able to read, write and speak the English language well and intelligently, is physically sound, qualified and of good moral character, and has not been convicted of any criminal offense. Every special policeman shall be fingerprinted, and his fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation. Reports shall be made by the Chief of Police to the Mayor and Council concerning the eligibility and qualifications of any person proposed to be appointed as a special policeman.

#### **2-7.12. Removal and suspension.**

A. Each permanent member of the Police Department shall hold office and continue employment during good behavior and efficiency, and no such person shall be removed from office or employment for any causes other than incapacity, misconduct, neglect of duty, non-residence when residence is required, conduct unbecoming a police officer, disobedience of the rules and regulations established or hereafter established for the Department, or absence from duty without just cause for five days or more.

B. Any member of the Department may be suspended, removed, fined or reduced in rank for just cause upon due notice and service of written charges and a hearing as required by law.

#### **2-7.13. Uniforms and equipment.**

A. Uniforms and equipment of the Police Department shall be furnished by the Borough and remain its property. Such uniforms and equipment shall be issued by the Chief of Police who shall take a receipt from the members obtaining the property. The members of the Department receiving uniforms and equipment shall be responsible for the same and, upon leaving the service for any cause, shall turn in to the Chief of Police all property belonging to the Borough. The reasonable value of any property, including uniforms and equipment not returned, shall be deducted from the amount of salary or wages due such member. Requests for replacements of uniforms shall be made by members to the Chief of Police and the Chief of Police shall make application through the Police Commissioner to the Mayor and Council. The issuance of all equipment including but not limited to hand cuffs and firearms shall be done in such a manner by the Chief of Police that said items may be tracked with the recipient signing for same. The serial numbers shall be logged and said records shall be kept by the Chief of Police.

B. The members of the Police Department shall, when on duty, wear such uniforms and equipment as shall be prescribed from time to time by the governing body and shall at all times present a neat, clean and respectable appearance, except when acting

undercover as outlined in the Police Manual and with authorization of the Chief of Police.

**2-7.14. Service charges and fees.**

For copies of all official reports, for the taking of fingerprints where required, for any type of application for a permit issued by the Borough, and for copies of all other public documents the Police Department shall charge such fees as may be from time to time fixed and established by resolution of the Mayor and Council; provided, however, that no fee shall be charged to any local, county, state or federal law-enforcement agency. Reviewing of reports, photo stats of reports and viewing of accident photographs will be conducted at the police headquarters in the Municipal Building daily from Monday to Friday between the hours of 9:00 a.m. and 5:00 p.m.

**2-7.15. Receipts; transmittal of moneys.**

A receipt shall be issued for all moneys received by the Police Department for services extended and material distributed by the Police Department. All fees collected are to be transmitted to the Borough Treasurer monthly or within 24 hours of said fees exceed \$150.00.

**2-7.16. Appearance as witness; no loss in compensation.**

Whenever any member of the Police Department shall be required to appear before any grand jury or at any county, superior or supreme court proceeding, except in a civil action or normal jury duty or personal issues, the time during which he is so engaged shall be considered a time of assignment to and performance of duty. When such appearance occurs during the member's assigned duty hours, he shall suffer no loss in compensation. When such appearance occurs outside his assigned duty hours, he shall receive either compensatory time off from his regular duty hours or additional compensation, except when related to personal issues or normal jury duty.

**2-7.17. Requirements and fees for officers performing quasi-public police services.**

A. Applications for quasi-public police services shall be made to the Chief of Police on a form approved by the governing body. Upon submission of the signed form, requisite certificate(s) of insurance and determination of the applicable fees, the Police Chief, if approving of the request for quasi-public police services, shall execute the form on behalf of the Borough of Ogdensburg.

B. Applicants shall be required to defend, indemnify and save harmless the Borough, its officers, officials, agents and employees for any and all liability, claims, losses, suits, actions, demands, all damages, costs and attorney's fees that may arise as the result of activities or actions of the police officer hired by the applicant, which arise from the police officer's performance of the quasi-public police services.

C. Deposits. Whenever an application for quasi-public police services is approved as set forth above, the applicant requesting the service shall place an escrow with the Borough of Ogdensburg as follows:

(1) The applicant shall submit a fee equal to the amount the officer is to be compensated, which shall be one and one half times the hourly rate of the most senior patrol officer which may include the(Sergeant).; and

(2) Applicant shall submit an additional administrative fee equal to 15% of the escrow deposit, to offset the Borough's cost for employer contributions to social security, unemployment, etc. (administrative fees); and

(3) A fee of \$10.00 per hour where the quasi-public service requires use of a Borough owned vehicle.

D. Payment of escrow. Escrow must be paid at such time the application is made. All escrow collected shall be turned over to the Borough Treasurer. These funds shall be deposited in a separate account as dedicated revenue, which shall be made available for expenditure by the Borough pursuant to N.J.S.A. 40A:4-39. Administrative fees shall be deposited as miscellaneous revenue not anticipated in the Borough of Ogdensburg current fund.

E. Rate of compensation to the Borough of Ogdensburg. A uniformed police officer shall be compensated for quasi-public police service at a rate equal to one and one half times the hourly rate of the most senior patrol officer (including that of a Sergeant).

F. Refund of escrow. The hourly fees for quasi-public police services shall be deducted at the rate established pursuant to Subsection E herein. Any remaining escrow balance shall be returned to the applicant within 30 days of the completion of quasi-public police services. Administrative fees are nonrefundable and shall not be returned to the applicant under any circumstances. If the escrow is depleted a new escrow must be established or the Borough of Ogdensburg upon direction of the Mayor or Council and through the Police Department may shut down the work progress.

G. In the event of a shortfall in fees, the Borough shall not be required to perform any additional quasi-public services until such time the applicant makes additional payments to the Borough.

### Section 3. Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

### Section 4: Effective Date.

This Ordinance shall take effect upon final passage and publication.

There was discussion initiated by Councilman Hann about the creation of a Committee or a Police Commission and whether the Mayor or Council appoints such. There were discussions about nomination, appointment and administrators. Borough Attorney, John Ursin, noted that the existing police ordinance was outdated as pointed out by the consultants. There was discussion on section 2-7.3.

Councilman Hann moved, Councilman Ingerto seconded motion to amend the ordinance to have the Mayor appoint upon advice and consent of Council with a voice vote. Yeas: Hann, Ingerto. Nays: Blahut, Ciasullo, Wood and Wolstenholme.

Councilman Wolstenholme moved, Councilman Blahut seconded motion to have 2.7.3 remain as written. After further discussion, Councilman Wolstenholme then moved to amend his motion to specifically include the wording that Mayor appoint the Liaison/Commissioner and the Council must approve the appointment and the appointment must be with the advise and consent of Council with a voice vote. Yeas: Blahut, Hann, Ingerto, Wolstenholme. Nays: Ciasullo and Wood. Copy attached as Schedule 8.

Councilman Wood moved, Councilman Ingerto seconded motion to introduce an ordinance entitled **ORDINANCE OF THE BOROUGH OF OGDENSBURG**

**COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT REGARD STOP INTERSECTIONS AND SPEED LIMITS** on first reading. Public hearing is scheduled for December 14, 2009.

**WHEREAS**, the Revised General Ordinances of the Borough of Ogdensburg designate certain intersections as “stop” intersections and speed limits within the Borough; and

**WHEREAS**, the Mayor and the Borough Council of the Borough of Ogdensburg have determined that it is in the best interest of the public health, safety and welfare to make the intersection of Brooks Flat Road and Plant Street a three-way stop intersection and further reduce the existing speed limit.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey that Chapter VII entitled “Traffic” and more specifically Schedule VIII, entitled “Stop Intersections,” and Schedule XVI, entitled “Speed Limits” be amended, revised and supplemented as follows:

**SECTION I.**

The portion of Schedule VIII, relative to stop intersections is amended as follows:

Brooks Flat Road and Plant Street

STOP signs shall be installed on all approaches

Brooks Flat Road and Predmore Road

STOP sign shall be installed on Brooks Flat Road travelling east at Predmore Road.

**SECTION II.**

The portion of Schedule XVI relative to speed limits is amended as follows:

Brooks Flat Road

a. 25 miles per hour from Main Street to Predmore Road.

**SECTION III.**

Signage and pavement markings shall be constructed and maintained in accordance with N.J.S.A. 39:4-141 and the Manual on Uniform Traffic Control Devices for Streets and Highways.

**SECTION IV.**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION V.**

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**SECTION VI.**

This Ordinance shall take effect immediately upon final publication as provided by law. Yeas: Blahut, Ciasullo, Hann, Wolstenholme, Wood. Copy attached as Schedule 9.

Borough Engineer, Gene Buczynski attended the meeting to discuss the Safe Route to School grant regarding sidewalks. Discussed different areas of town for sidewalks. Mr. Buczynski informed Mayor and Council that Main Street would come under a T21 grant. Mr. Buczynski also discussed inspection for Heater’s Pond. Kevin Kervatt, Zoning Official updated Mayor and Council on the status of the junkyard. Wayne McCabe, County Historian attended the meeting to speak about the Edison house and funding that can be looked into. Mr. McCabe mentioned that there is a Charles Edison Fund which he can look into. Mr. McCabe also mentioned that they will not be renovating the second floor of the house because it is not up to code and the first floor will be used as a museum. There was also discussion on moving the building to another location. Councilman Wood moved, Councilman Hann seconded motion to reopen the public session. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood. John Kibildis mentioned that he understands the finance of it and discussed the historical significance of the Edison house. Mr. Kibildis stated he would like to see a restored Edison house rather than a parking lot. Jean Castimore inquired about the cost for the parking lot. Mr. Peist had a suggestion to move the parking to the property by the Borough Hall. There being no further business, Councilman Hann moved, Councilman Wood seconded motion to close the public session. Yeas: Blahut, Ciasullo, Hann, Ingerto, Wolstenholme, Wood.

Departmental finance reports were handed in for review.

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

CURRENT FUND			
DATE	CHECK #	PAID TO	AMOUNT
08/15/09	23277	Varcadipane Jr, William J.	222.00
08/26/09	23278	Aetna Inc	1,054.32
08/26/09	23279	CIGNA GROUP INSURANCE	189.00
08/26/09	23280	Embarq	343.39
08/26/09	23281	Embarq	941.20
08/26/09	23282	Gordon, Stephen	120.91
08/26/09	23283	Horizon BC/BS of NJ	5,855.40
08/26/09	23284	Treasurer, State of NJ	75.00
08/26/09	23285	Verizon Wireless	33.76
08/27/09	23286	US Express/Tygris	660.00
			(Manual
08/28/09	9999	Payroll Account	58,464.68 )
09/01/09	23287	JCP&L	2,200.21
09/01/09	23288	US Express/Tygris	330.00
			(Manual
09/11/09	9999	Payroll Account	46,055.46 )
09/14/09	23289	Action Screen Printing	88.33
09/14/09	23290	Aramark	129.03
09/14/09	23291	Atlantic Communications	137.95

09/14/09	23292	CMX	2,652.50	
09/14/09	23293	Century Office Products	318.85	
09/14/09	23294	D. Lovenberg's	690.00	
09/14/09	23295	Decker's Fire and Safety Equip. Inc	140.00	
09/14/09	23296	Dover Brake & Clutch Co., Inc	1,084.34	
09/14/09	23297	Falcon Cleaning	375.00	
09/14/09	23298	Fastrak Electric, LLC	426.00	
09/14/09	23299	Hamburg Plumbing Supply Co	31.05	
09/14/09	23300	JCP&L	2,597.10	
09/14/09	23301	Jan-Mar Alarm Company	24.20	
09/14/09	23302	Kuiken Brothers	40.53	
09/14/09	23303	Laddey, Clark & Ryan	1,462.50	
09/14/09	23304	Little, Jacob	1,316.91	
09/14/09	23305	Mahwah Tire, Inc.	3,803.00	
09/14/09	23306	Marin Consulting Associates	240.00	
09/14/09	23307	Municipal Software Inc	1,339.00	
09/14/09	23308	NJ Dept of Health & Senior Service	12.60	
09/14/09	23309	Neopost Leasing	150.87	
09/14/09	23310	New Jersey Herald	682.55	
09/14/09	23311	Ogdensburg Board of Education	174,826.00	
09/14/09	23312	Petro-Mechanics, Inc	1,590.00	
09/14/09	23313	R&R Radar, Inc.	204.07	
09/14/09	23314	Sanfilippo, Joseph	125.00	
09/14/09	23315	Sig Sauer Inc.	870.00	
09/14/09	23316	Staples Business Advantage	512.12	
09/14/09	23317	Sussex County Municipal Utility	10.20	
09/14/09	23318	Township of Sparta	100.00	
09/14/09	23319	Township of Sparta, Police Dept.	11,175.00	
09/14/09	23320	Verizon Business	137.35	
09/14/09	23321	Verizon Wireless	143.70	
09/14/09	23322	Wallkill Valley Regional H.S.	64,953.10	
09/14/09	23323	Waste Management of NJ	37,386.00	
09/14/09	23324	Winters Auto Parts, Inc	210.43	
09/14/09	23325	Wolosky, Jesse	1,001.16	
			-----	
			323,011.63	
			14,520.14	Manual
			=====	
			427,531.77	

WATER OPERATING

DATE	CHECK #	PAID TO	AMOUNT
08/15/09	3705	Varcadipane Jr, William J.	144.00
08/26/09	3706	Embarq	19.90
09/01/09	3707	JCP&L	1,446.23
09/14/09	3708	Airgas East	148.00
09/14/09	3709	CMX	1,850.70
		Chlorinator & Instrument	
09/14/09	3710	Services	1,652.15
		Garden State Laboratories,	
09/14/09	3711	Inc.	2,215.00
09/14/09	3712	Hyde, Thomas	29.70

09/14/09	3713	JCP&L	1,519.02
09/14/09	3714	Kuiken Brothers	42.30
09/14/09	3715	One Call Systems, Inc.	8.80
09/14/09	3716	Treasurer, State of New Jersey	720.00
			-----
			9,795.80
			=====
			=
			9,795.80

DEVELOPERS ESCROW

DATE	CHECK #	PAID	AMOUNT
09/14/09	1028	CMX	906.25
09/14/09	1029	Laddey, Clark & Ryan	1,993.20
			-----
			2,899.45
			=====
			=
			2,899.45

GENERAL CAPITAL

DATE	CHECK #	PAID TO	AMOUNT
09/14/09	104	Rogut McCarthy LLC	414.34
			-----
			414.34
			=====
			414.34

GRANT FUNDS

DATE	CHECK #	PAID TO	AMOUNT
09/14/09	23326	Laddey, Clark & Ryan	450.00
			-----
			450.00
			=====
			450.00

WATER / SEWER CAPITAL

DATE	CHECK #	PAID TO	AMOUNT
09/14/09	101	Rogut McCarthy LLC	414.35
			-----
			414.35
			=====
			414.35

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

Meeting adjourned at 11:20 p.m.

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Borough Clerk

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Mayor