

WORK SESSION

June 27, 2011

A work session of the Mayor and Common Council of the Borough of Ogdensburg, Sussex County, New Jersey, was held in the Council Chambers in the Borough Hall on June 27, 2011

In the absence of the Mayor, Councilman McGuire called the meeting to order at 7:00 p.m.

Upon Roll Call the following Council Members appeared and answered the call: Amodeo, McGuire, Opilla. Andrews arrived at 7:25 p.m..

Notice requirements of the Open Public Meeting Act, NJSA 10:4:4-6 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 the New Jersey Sunday Herald, and posted on the bulletin board in the Borough Hall on January 3, 2011.

Councilman McGuire mentioned that because they were waiting for one of the councilman to arrive they are going to change the order of the agenda. They will start with the discussion portion of the meeting first.

Councilman McGuire spoke about the gate to Hemlock Island on behalf of Councilman Ingerto. Councilman McGuire said that Councilman Ingerto spoke to the Chief about opening and closing the gate to Hemlock Island and said the Chief was uncomfortable with that because they can't continually get back there to check the gate. It was decided that the best course of action would be to give D'Lovenburg a key to the gate so that they can service the port-a-johns when necessary and if someone reserves the pavilion the gate can be opened at that time. Councilman Opilla discussed broken hydrants. There are several hydrants that need to be replaced and if any heavy excavation has to be done a company will have to be called in. Thomas Hyde mentioned that he would get the information needed regarding replacing of hydrants and valves that also would need to be replaced. Councilman McGuire mentioned that the Borough had the bid for the solid waste and bulky items collection and disposal on June 17th. The bids are in attorney review so no contract will be awarded tonight. Council has 60 days from the receipt of the proposals to make a decision.

Councilman McGuire moved, Councilman Opilla seconded motion to open the public session of the meeting. Yeas: Andrews, Amodeo, McGuire, Opilla.

Councilman McGuire informed Council that there was a meeting for the Heater's Pond Committee and that the lanes were setup. Councilman Amodeo mentioned that everything went well and everything is set up for the swim meets. It was stated that the swim lanes are not to be used by anyone other than the swim teams and the lifeguards were notified about this action. The owner of Global Waste Industries spoke briefly about his company and gave an update and history of the company. Jean Castimore, 63 Main Street asked if letters went out on the badges. She was informed no letters went out this year. Residents can go up to Heater's Pond to pick their badges or come to the Borough Hall. Juan Zerna, 325 Main Street addressed Council on a water problem he is having on his property due to the recent heavy rains we have been having. Mr. Zerna's wall was damaged due the rain coming down the hill behind his house and would like to know if the town can do anything to fix the damages. Councilman McGuire said he would have the Department of Public Works look at the property to see if they can determine where the water is coming from which is causing the damage to his property. Pictures were handed in.

There being no further business from the public, Councilman McGuire moved, Councilman Amodeo seconded motion to close the public session of the meeting. Yeas: Amodeo, Andrews, McGuire, Opilla.

Councilman Andrews moved, Councilman McGuire seconded motion to introduce an ordinance entitled **AN ORDINANCE REPLACING CHAPTER XX OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OGDENSBURG ENTITLED "NOISE"** on first reading. Public hearing is scheduled for July 11, 2011.

WHEREAS, the occurrence of loud noises in the Borough constitutes a detriment to public health, comfort, safety and welfare of the residents of Ogdensburg; and

WHEREAS, the Mayor and Council of the Borough of Ogdensburg has determined that it is in the best interests of the residents of the Borough to secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the Borough.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Ogdensburg as follows:

Section 1. Chapter XX of the Revised General Ordinances of the Borough of Ogdensburg is deleted in its entirety and replaced with the following provisions:

20-1 NOISE.

- A. Unless exempted under the provisions of this section, no person shall cause to be made, directly or indirectly, any loud noise which disturbs, injures, or endangers the health, comfort, safety, or welfare of others within the Borough.
- B. The following specific acts are declared to be loud, disturbing and unnecessary noise in violation of this section, but this enumeration shall not be deemed to be exclusive:
 - 1. **Horns, Signaling Devices, etc.** The sounding of any horn or signaling device on any automobile, motorcycle, bus, truck, or other vehicle on any street, or public place, except as a warning pursuant to the provisions of N.J.S.A. 39:3-69; whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
 - 2. **Radio and Television Sets, Phonographs, etc.** The use of radio or television receiving sets, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with volume louder than is necessary for convenient hearing for the persons who are in the room or vehicle in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.
 - 3. **Loud Speakers, Amplifiers for Advertising.** The use of any radio, receiving set, musical instrument, phonograph, loudspeaker, sound

amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising.

4. **Animals.** The keeping of any animal which by causing frequent or long continued noise shall disturb the comfort or repose of persons residing in the vicinity.
5. **Exhausts.** The discharge into the open air of the exhaust of any internal combustion engine except through an adequate muffler or other device which will effectively prevent loud or explosive noises therefrom. This includes by way of example and not by way of limitation, internal combustion engines power mowing motor vehicles, lawnmowers and chain saws.
6. **Loading and Unloading.** The creation of a loud and excessive noise in connection with loading and unloading any vehicle or the opening or destruction of bales, boxes, crates and containers.
7. **Construction or Repairing of Buildings.** The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure at any time on Sundays or legal holidays, or other than between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays or between the hours of 7:00 a.m. and 6:00 p.m. on all other days.

The provisions of this subsection shall not apply to interior or exterior repairs or to the interior alterations, the work for which is actually performed by a homeowner or occupant, personally, between the hours of 9:00 a.m. and 6:00 p.m. upon residential premises that are owned by such homeowner or occupied by such occupant, provided the work is done without undue noise or disturbance of the peace and quiet of the neighborhood.

8. **Blowers, Fans, Pumps.** The use of any blower, fan or pump or engine or motor in connection therewith, including by way of example and not by way of limitation, air conditioning systems, compression devices, and pool filter systems, if such use creates loud, penetrating, or continuous noises that disturb the comfort or repose of persons residing in the vicinity.
9. **Schools, Courts, Churches, Hospitals.** The creation of any excessive noise adjacent to any school, institution of learning, house of worship, or judicial court while the same are in use, or adjacent to any hospital which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed on the adjacent streets indicating that the same is a school, hospital, church or court street.
10. **Drums, Bells, and the Like.** The use of any drum, bell, horn, loud-speaker or other instrument or device for the purpose of attracting attention to any performance, show, or sale, or display of merchandise by any creation of noise or sound.
11. **Mobile Loudspeakers.** The use of mechanical loudspeakers or amplifiers on vehicles or aircraft for commercial advertising purposes.

Section 2. Severability.

If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

Section 3. Repealer.

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 4. Effective Date.

This Ordinance shall take effect upon its final passage and publication according to law.

Yeas: Amodeo, Andrews, McGuire, Opilla. Copy attached as Schedule 1.

Councilman McGuire moved, Councilman Andrews seconded motion to adopt the following resolution.

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Ogdensburg to appoint Stephen Peacock as temporary Department of Public Works repairer as of June 22, 2011.

BE IT FURTHER RESOLVED that Mr. Peacock will be paid \$13.50/hr and his work schedule will not exceed 18 weeks or gross pay not to exceed \$7,200. This resolution is retro active as of June 13, 2011.

Yeas: Amodeo, Andrews, McGuire, Opilla. Copy attached as Schedule 2.

Councilman Andrews moved, Councilman McGuire seconded motion to adopt the following resolution.

WHEREAS, the following applicants have applied for renewal of their liquor licenses for the licensing year July 1, 2011 to June 30, 2012.

<u>NAME</u>	<u>TYPE OF LICENSE</u>
Trecman, Inc.	Plenary Retail Consumption License No. 1916-32-004-004
Ogdensburg Fire Dept., Inc.	Club License No. 1916-31-005-001
A Mannion Venture Inc.	Plenary Retail Distribution License No. 1916-44-003-004
Atlantic Manor, L.L.C.	Plenary retail Consumption License No. 1916-33-002-005

WHEREAS, the applicants have in the opinion of the Mayor and Council complied with the requirements of the Alcoholic Beverage Conduct Act and all amendments thereto, and will conduct the business in accordance with rules and regulations of the Alcoholic Beverage Control Commission and the Ordinance of the Borough of Ogdensburg.

BE IT RESOLVED that the following licenses be renewed for the period July 1, 2011 – June 30, 2012 in accordance with the requirements of said Act and said Ordinance:

<u>NAME</u>	<u>TYPE OF LICENSE</u>
Trecman, Inc 46 Main Street Ogdensburg, NJ 07439	Plenary Retail Consumption License No. 1916-32-004-004
Ogdensburg Fire Dept. 30 Main Street Ogdensburg, N.J. 07439	Club License No. 1916-31-005-001
A Mannion Venture Inc. 81 Main Street Ogdensburg, N.J. 07439	Plenary Retail Distribution License No. 1916-44-003-004
Atlantic Manor LLC 83 Main Street Ogdensburg, N.J. 07439	Plenary Retail Consumption License No. 1916-33-002-005

FURTHER RESOLVED, that the Borough Clerk is hereby designated to sign and deliver such license certificates on behalf of the Mayor and Council.

Yeas: Amodeo, Andrews, McGuire, Opilla. Copy attached as Schedule 3.

Councilman Andrews moved, Councilman McGuire seconded motion to adopt the following resolution.

WHEREAS, there is a receivable in the amount of \$19,145.42 and an appropriation in the amount of \$15,250.00 from the State of New Jersey for the COPS FAST Grant and

WHEREAS, this receivable is no longer collectible as revenue and the remaining appropriation will not be expended

NOW, THEREFORE, BE IT RESOLVED that the receivable and budget appropriation be cancelled to current fund balance.

Yeas: Amodeo, Andrews, McGuire, Opilla. Copy attached as Schedule 4.

Councilman Opilla moved, Councilman Andrews seconded motion to adopt the following resolution.

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 cancel the amount of \$1,517.79 to surplus on Block 30 Lot 18 per Auditors.

Yeas: Amodeo, Andrews, McGuire, Opilla. Copy attached as Schedule 5.

Councilman Opilla moved, Councilman Amodeo seconded motion to adopt the following resolution.

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 cancel the amount of \$1,536.22 regarding Tax Lien Balance for prior year on Block 15, Lot 17 per Auditors.

Yeas: Amodeo, Andrews, McGuire, Opilla. Copy attached as Schedule 6.

Councilman Andrews mentioned that the Chief received a phone call from a resident saying that there was less speeding on Brooksflat Road and Plant Street since it was addressed recently. Councilman Andrews also mentioned that he never got a figure on

the police car and how does the Borough want to sell the car. Councilman Andrews also mentioned that there is a run off of water by the two rentals on Main Street and asked if it would be possible to have someone look into it.

There being no further business, Councilman McGuire moved, Councilman Opilla seconded motion to adjourn the meeting. Yeas: Amodeo, Andrews, McGuire, Opilla.

Meeting adjourned at 7:45 p.m.

Borough Clerk

Councilman McGuire