

REGULAR MEETING
FEBRUARY 11, 2013

The second regular meeting of the Mayor and Council of the Borough of Ogdensburg, Sussex County, New Jersey was held in the Council Chambers of the Borough Hall on February 11, 2013.

In the absence of the Mayor, Council President Robert McGuire called the meeting to order at 7:00 PM.

Upon roll call, the following council members appeared and answered the call: Andrews, Astor, Hutnick, McGuire. Absent: Opilla

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 3, 2013.

Councilman McGuire moved, Councilman Andrews seconded motion for approval of items on the consent agenda.

CONSENT AGENDA

1. Approval of Minutes from Regular meeting of January 14th, 2013
 2. Approval of Minutes from Special Meeting of January 24th, 2013
 3. Approval of Minutes from Work session of January 28, 2013.
 4. Approval of Minutes from Special Meeting of February 5, 2013.
 5. Approval of Raffle License No. 502 for a Tricky Tray and Raffle License No. 503 for a 50/50 to be held by St. Thomas of Aquin, RCC on April 19, 2013.
 6. Adoption of resolution for Opposing Senate Bill 2511 Amendments to Open Public Meetings Act
 7. Adoption of resolution for Sussex County Water Quality Management Plan
 8. Adoption of resolution for Drug Alliance By Laws
 9. Adoption of resolution for approval of Committee Members for Drug Alliance
- Yeas: Amodeo (abstain #1), Andrews (abstain #3), Astor (abstain #4), Hutnick, McGuire.

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

WHEREAS, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-2511); and

WHEREAS, the governing body of the Borough of Ogdensburg agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, the changes, however, proposed in S-2511 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-2511 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process; and

WHEREAS, S-2511 creates a new definition of subcommittees that expands subcommittees to be overly inclusive; and

WHEREAS, subcommittees would be required to provide public notice of subcommittee meetings, if the governing body determines them to be open; and

WHEREAS, subcommittees would be required to submit at least one report to the governing body detailing the number of meetings, names of members of the committee and a concise statement of the matters discussed. The governing body would be required to establish a schedule of when the subcommittee reports shall be filed; and

WHEREAS, subcommittees do not commit the governing body to action or expend public funds; and

WHEREAS, the requirements for subcommittees meetings would, among other things, necessitate additional administrative support for all subcommittees as well as increased legal advertising cost; and

WHEREAS, the new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, will delay the award of contracts and could lead to the loss of grant monies; and

WHEREAS, the new requirement that the governing body may act upon an item brought up by a citizen at a public meeting if it was not published as an agenda item only if: (1) there is a vote of 2/3 of the members present to proceed, (2) the municipality demonstrates that it is in the public's best interest and includes the reasons why it is in the public best interest in the minutes; is impractical, ineffective and unnecessarily inhibits the operations of municipal government and runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it; and

WHEREAS, the new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and

WHEREAS, the new requirement that comprehensive minutes must include each member's stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 60 days after the meeting will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the new requirement that the public be allowed to speak for a minimum of three minutes, at the start of the public meeting, without the ability of the public body to limit the length of the public comment could disrupt public meetings, lead to filibustering and prevent the governing body from conducting business; and

WHEREAS, the provisions of S-2511 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-2511 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, the provisions of S-2511 continue to exempt the Legislature from the requirements placed on municipalities; and

WHEREAS, while we appreciate Senator Weinberg's efforts to address our concerns, we must continue to oppose the amendments to the Open Public Meeting Act as the changes proposed in S-2511 will not only be a cost driver for local and State government but make government less effective;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE Borough of Ogdensburg for reasons stated above, does hereby oppose S-2511, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills, and

BE IT FURTHER RESOLVED that the governing body of the Borough of Ogdensburg does hereby strongly urge the Legislature, in the interest of transparency and openness, to remove the various exceptions in the Open Public Meetings Law that apply to the Legislature. The rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, the legislators of the County of Sussex, State Legislative Districts, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

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

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

WHEREAS, the County of Sussex desires to provide for the orderly development of wastewater facilities within the County of Sussex; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS a proposed WQM plan amendment noticed in the New Jersey Register on 7 January, 2013 for the Sussex County Water Quality Management Plan – Sussex County Future Sewer Service Area Map has been prepared by the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED on this 11th day of February 2013, by the governing body of the Borough of Ogdensburg that:

1. The Borough of Ogdensburg hereby consents to the amendment entitled Sussex County Water Quality Management Plan and publicly noticed on December 26, 2012, prepared by the County of Sussex, for the purpose of its incorporation in the applicable WQM plan(s).

2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

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

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

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Ogdensburg to adopt the by-laws for the Ogdensburg Municipal Alliance Committee on Alcoholism and Drug Abuse (MACADA). Copy attached as Schedule 3.

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

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Ogdensburg to appoint the following to the Ogdensburg Municipal Alliance.

<u>Individual Representative</u>	<u>Sector</u>
George Hutnick/Council Member	Mayor/Governing Body
Jeanette Spooner	Parent-Teachers Association
Jean Castimore/President Historical Society	Local Civic Association
Connie Gibson/Church Secretary-St. Thomas Of Aquin	Faith Based Organizations
Monica Goscicki/ Coordinator	Parents & others directly affected by ATOD abuse or juvenile delinquency
Patricia Sabourin/Chairperson	Prevention/Treatment Organization
Wayne Ingerto	Senior Citizen
Maryanne Allen	Concerned Citizen

BE IT FURTHER RESOLVED that this resolution be effective as of February 1, 2013.
Yeas: Amodeo, Andrews, Astor, Hutnick, McGuire. Copy attached as Schedule 4.

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

Christopher Peterson from Hamburg belonging to Scout Troop 187 spoke about doing a project up at the pavilion at Heater's Pond. Because of hurricane Sandy he was inquiring if there was any damage done to the roof would that hinder the project. Christopher gave pictures to Council of the pavilion before and after the storm. Council recommended that he submit an outline of the work he wanted to do and they would present it to the DPW Supervisor for review and with information that would help him. John Hann, 231 Main Street asked when Christmas trees would be picked up. He was informed that the Department of Public Works had been through town once and will be coming through again and to leave it out.

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

NEW BUSINESS

Councilman Andrews spoke about mileage reimbursement for the new police officer when attending the academy. He will have to keep a log and then turn it in on a monthly basis. The amount will be the contract rate of \$.25 a mile. Councilman Astor informed Council that he was informed by the Department of Public Works that people were cleaning the snow off their cars in the street and wanted to know if there is an ordinance on the books regarding it. He was informed that there is such an ordinance and the police can be called when such an incident occurs. Council reviewed prices from AGRA for water sampling and compared to Garden State there is a yearly savings of \$1,350.00 with AGRA.

OLD BUSINESS

Council discussed the quote from SREC Resources, Inc. for a new generator. The type is a Cummins/Onan RS20 and the quote is for \$16,695, which is under the bid threshold. The engineer will be submitting two other quotes.

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg, County of Sussex, State of New Jersey, as follows:

The public shall be excluded from discussion of an action upon the hereinafter specified subject matter(s). The general nature of the subject matter to be discussed is as follows:

Contract issues

It is anticipated at this time that the above stated subject matter will be made public when settled. Action may be taken on the above listed matter/matters or on other matters discussed in closed session. This resolution shall take effect immediately. Yeas: Amodeo, Andrews, Astor, Hutnick, McGuire.

At 7:33 p.m. Councilman Andrews moved, Councilman McGuire seconded motion to go into executive session to discuss contract issues. Yeas: Amodeo, Andrews, Astor, Hutnick, McGuire.

At 8:00 p.m. after returning from executive session, Councilman McGuire moved, Councilman Andrews seconded motion for review and payment of vouchers. Yeas: Amodeo, Andrews, Astor, Hutnick, McGuire.

CURRENT

DATE	CHECK #	PAID TO	AMOUNT
01/31/13	25934	Aetna Inc	1,002.00
01/31/13	25935	LINA	189.00
01/31/13	25936	CenturyLink	1,308.75
01/31/13	25937	CenturyLink	124.05
01/31/13	25938	Deer Park Direct	4.18
01/31/13	25939	Deer Park Direct	6.27
01/31/13	25940	Elizabethtown Gas	1,221.30
01/31/13	25941	Ford Motor Credit Company	829.98
01/31/13	25942	Horizon BC/BS of NJ	6,710.41
01/31/13	25943	Horizon BC/BS of NJ	2,025.50
01/31/13	25944	Horizon BC/BS of NJ	1,157.96
01/31/13	25945	Horizon BC/BS of NJ	649.24
01/31/13	25946	JCP&L	3,055.20
01/31/13	25947	Petty Cash Fund	100.00
01/31/13	25948	Sussex County Treasurer	43,775.90
01/31/13	25949	Sussex County Treasurer	6,875.13
01/31/13	25950	Sussex County Treasurer	17,733.52
01/31/13	25951	Sussex County Treasurer	1,202.75
01/31/13	25952	Verizon Business	85.33
02/08/13	9999	Payroll Account	38,258.31 (Manual)

02/11/13	25953	Atlantic Detroit Diesel Allison, LL	150.00
02/11/13	25954	Aurora Electrical Supply	258.05
02/11/13	25955	B & R UNIFORM	811.65
02/11/13	25956	Bollinger	659.00
02/11/13	25957	Certified Speedometer Service	210.00
02/11/13	25958	Dave's Towne Service	847.75
02/11/13	25959	Decker's Fire and Safety Equip. Inc	476.00
02/11/13	25960	Dolan & Dolan Esqs.	181.91
02/11/13	25961	Dover Brake & Clutch Co., Inc	25.77
02/11/13	25962	Elizabethtown Gas Employee Data Forms of MO LLC	754.88
02/11/13	25963	LLC	23.00
02/11/13	25964	Falcon Cleaning	300.00
02/11/13	25965	Finch Fuel Oil Company, Inc	13,600.76
02/11/13	25966	Fire Fighter One LLC	500.81
02/11/13	25967	G&G Diesel Service, Inc	2,592.41
02/11/13	25968	Global Waste Industries, Inc. Gramco Business	13,143.92
02/11/13	25969	Communications	925.00
02/11/13	25970	JCP&L	2,495.31
02/11/13	25971	Jan-Mar Alarm Company	24.20
02/11/13	25972	Kuiken Brothers	99.48
02/11/13	25973	Laddey, Clark & Ryan	3,350.00
02/11/13	25974	MGL Printing Solutions	224.00
02/11/13	25975	Municipal Capital Corporation	295.00
02/11/13	25976	Municipal Record Service	322.50
02/11/13	25977	Municipal Software Inc	5,869.40
02/11/13	25978	NJ Planning Officials	315.00
02/11/13	25979	NJCM	295.00
02/11/13	25980	Neopost Leasing	150.87
02/11/13	25981	New Jersey Emergency Mgmt Assoc	75.00
02/11/13	25982	New Jersey Herald	876.10
02/11/13	25983	Ogdensburg Board of Education	205,179.00
02/11/13	25984	Ogdensburg First Aid Squad	4,000.00
02/11/13	25985	ProPay Inc	445.00

02/11/13	25986	RS Phillips Steel LLC	128.00	
02/11/13	25987	Randolph Township	1,100.00	
02/11/13	25988	Registrars' Association of NJ	50.00	
02/11/13	25989	Rutgers, The State University of NJ	1,118.00	
02/11/13	25990	Staples Business Advantage	455.81	
02/11/13	25991	Staples Business Advantage	226.23	
02/11/13	25992	The Institute for Forensic Psycholo	425.00	
02/11/13	25993	Tom's Auto Upholstery	210.00	
02/11/13	25994	Valley Vision Care, LLC	367.00	
02/11/13	25995	Van Cleef Engineering Assoc. LLC	62.50	
02/11/13	25996	Verizon Wireless	80.02	
02/11/13	25997	Wallkill Valley Regional H.S.	73,934.45	
02/11/13	25998	Winters Auto Parts, Inc	273.05	
02/11/13	25999	Zurich North America	5,262.00	

			631,225.30	
			38,258.31	Manual
			=====	
			669,483.61	

WATER OPERATING

DATE	CHECK #	PAID TO	AMOUNT
02/11/13	4268	Agra Environmental Services	715.00
02/11/13	4269	Borough of Franklin	881.70
02/11/13	4270	JCP&L	3,319.21
02/11/13	4271	Municipal Software Inc	1,440.00
02/11/13	4272	New Jersey Water Association	295.00
02/11/13	4273	One Call Concepts, Inc.	5.90
02/11/13	4274	Staples Business Advantage	24.51
02/11/13	4275	Tire King	

			210.00
02/11/13	4276	Treasurer, State of New Jersey	3,880.00
02/11/13	4277	USA Blue Book	386.95
02/11/13	4278	Winters Auto Parts, Inc	84.86

			11,243.13
			=====
			11,243.13

GRANT FUND

DATE	CHECK #	PAID TO	AMOUNT
02/11/13	26000	Cherry, Weber & Associates, PC	3,864.00
02/11/13	26001	Conklin, Lauren	58.00
02/11/13	26002	Cooke, Deirdre	29.00
02/11/13	26003	Gunderman, Cynthia	29.00
02/11/13	26004	Van Cleef Engineering Assoc, LLC	2,156.25

			6,136.25
			=====
			6,136.25

PAYROLL

DATE	CHECK #	PAID TO	AMOUNT	
01/25/13	9999	Internal Revenue Service - 941	11,651.14	(Manual)
01/25/13	9999	Net Payroll/Direct Deposit	24,612.38	(Manual)
01/25/13	9999	State of NJ - Gross Income Tax	1,534.87	(Manual)
01/25/13	9999	Franklin Ogdensburg F.O.P.	420.00	(Manual)
01/25/13	9999	SUI FUND	147.40	(Manual)
01/25/13	9999	State of NJ - Gross Income Tax	247.82	(Manual)
02/08/13	9999	Internal Revenue Service - 941	9,846.48	(Manual)
02/08/13	9999	Net Payroll/Direct Deposit	21,809.22	(Manual)
02/08/13	9999	State of NJ - Gross Income Tax		(Manual)

1,233.28

02/11/13 228 AFLAC 341.36 -----

341.36

71,502.59 Manual

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71,843.95

DEVELOPERS ESCROW

DATE	CHECK #	PAID TO	AMOUNT
02/11/13	2017	Dolan & Dolan Esqs.	799.94
02/11/13	2018	Van Cleef Engineering Assoc, LLC	437.50

1,237.44

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1,237.44

VERNON RCA

DATE	CHECK #	PAID	AMOUNT
02/11/13	114	Community Action Services	6,600.00

6,600.00

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6,600.00

DOG FUND

DATE	CHECK #	PAID TO	AMOUNT
02/11/13	131	NJ Dept of Health & Senior Services	198.00

198.00

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198.00

WATER CAPITAL

DATE	CHECK #	PAID TO	AMOUNT
02/11/13	1025	Rogut McCarthy LLC	292.56

 292.56
 =====
 292.56

GENERAL CAPITAL

DATE	CHECK #	PAID TO	AMOUNT
02/11/13	1021	Rogut McCarthy LLC	438.84
02/11/13	1022	Van Cleef Engineering Assoc, LLC	4,420.00

			4,858.84
			=====
			4,858.84

Departmental finance reports were handed in for review.

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

Meeting adjourned at 8:03 p.m.

 Borough Clerk
