

WORK SESSION
AUGUST 24, 2015

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 August 24, 2015. Mayor Ciasullo called the meeting to order at 7:00 p.m.

Upon Roll Call the following Council Members appeared and answered the call: Astor (arrived at 8:30 p.m.) Hutnick, McGuire, Opilla, Slater. Absent: Rizzo

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 5, 2015.

Councilman McGuire moved, Councilman Opilla seconded motion for approval of items on the Consent Agenda.

1. Approval of Amended Resolution for Change in Title, Text or Amount of Appropriation Pursuant to N.J.S. 40A:4-85
 2. Approval of Resolution for R. Lawler for Extra Work Performed on the Wells.
 3. Approval of Resolution for Renewal of Liquor License
- Yeas: Hutnick, McGuire, Opilla, Slater.

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

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S. 40A:4-85, the Borough of Ogdensburg hereby requests the Director of the Division of Local Government Services to make the following correction in the 2015 budget:

Operations – Excluded From “Caps”		Operations – Within “Caps”	
Shared Service Agreements		General Government:	
Finance Services “Contractual”	-\$37,948.66	Financial Admin. S&W	+\$37,948.66

BE IT FURTHER RESOLVED, that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the Borough of Ogdensburg for the reasons set forth:

The shared service agreement for the CFO position between the Borough of Ogdensburg and the Township of West Milford was not renewed effective July 1, 2015.

BE IT FURTHER RESOLVED, this resolution supersedes the prior resolution adopted on August 10, 2015.

Yeas: Hutnick, McGuire, Opilla, Slater. Copy attached as Schedule 1.

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

BE IT HEREBY RESOLVE by the Mayor and Council of the Borough of Ogdensburg to pay Robert Lawler, Water Treatment Supervisor, a stipend of \$450.00 for emergency work he did on Well No. 4.

Yeas: Hutnick, McGuire, Opilla, Slater. Copy attached as Schedule 2.

Councilman McGuire moved, Councilman Opilla 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, 2015 to June 30, 2016.

<u>NAME</u>	<u>TYPE OF LICENSE</u>
Trecman Inc.	Plenary Retail Consumption License No. 1916-32-004-004

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 license be renewed for the period July 1, 2015 – June 30, 2016 in accordance with the requirements of said Act and said Ordinance:

<u>NAME</u>	<u>TYPE OF LICENSE</u>
Trecman Inc. 46 Main Street	Plenary Retail Consumption License No. 1916-32-004-004

Ogdensburg, N.J. 07439

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

Yeas: Hutnick, McGuire, Opilla, Slater. Copy attached as Schedule 3.

ORDINANCE

Motion to introduce a Bond Ordinance entitled **REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF \$1,753,437.02 AGGREGATE PRINCIPAL AMOUNT OF OUTSTANDING BONDS OF THE BOROUGH OF OGDENSBURG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, APPROPRIATING A SUM NOT EXCEEDING \$1,890,000 TO PAY THE COST THEREOF AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,890,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING BONDS OF SAID BOROUGH TO FINANCE SUCH APPROPRIATION** on first reading. Public hearing is scheduled for September 14, 2015 at 7:00 p.m.

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 refund \$1,753,437.02 aggregate principal amount of the Borough's outstanding Water Utility Bonds (Series 2000), dated July 28, 2000 and maturing on or after January 28, 2016 (the "Outstanding Bonds"). The Outstanding Bonds were sold to the United States of America pursuant to a United States Department of Agriculture-Rural Development loan program.

The Outstanding Bonds mature on July 28, 2040 and consist of two bonds with semiannual principal and interest payments (on the 28th day of each January and July) outstanding in the following amounts and bearing interest at the following interest rates: Bond No. R-1W outstanding in the principal amount of \$1,583,784.45 and bearing interest at the rate of 5.00% per annum; and Bond No. R-2WU outstanding in

the principal amount of \$169,652.57 and bearing interest at the rate of 5.875% per annum.

The Outstanding Bonds are subject to optional redemption at a redemption price of 100%.

The Borough Council may determine by subsequent resolution not to refund a portion of the Outstanding Bonds.

Section 2. The Borough Council of the Borough has ascertained and hereby determines that the Outstanding Bonds set forth in Section 1 of this ordinance have not been paid or discharged and that the Borough is authorized by Section 51(a) of the Local Bond Law of New Jersey (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law") to issue its refunding bonds as hereinafter provided to refund the Outstanding Bonds. The object of the refunding is to effect debt service savings for the Borough.

Section 3. A sum not exceeding \$1,890,000 is hereby appropriated (a) to refund the Outstanding Bonds set forth in Section 1 of this ordinance in the aggregate principal amount of \$1,753,437.02 and (b) to pay an amount not exceeding \$85,000 for the cost of the issuance of the refunding bonds, including underwriter's compensation, bond insurance premium (if any), printing, advertising, financial and legal expenses therefore, as permitted by Section 51(b) of the Local Bond Law (collectively, the "Purpose").

Section 4. To finance the Purpose, refunding bonds of said Borough in an aggregate principal amount not exceeding \$1,890,000 are hereby authorized to be issued pursuant to the Local Bond Law (the "Refunding Bonds"). The Refunding Bonds shall be sold at public or private sale and shall be in registered form and shall contain the word "refunding" in their title and shall recite that they are issued pursuant to the Local Bond Law and shall bear such date or dates, mature at such time or times not exceeding 40 years from their date, bear interest at such rate or rates per annum, be payable at such time or times, be in such denominations, carry such registration privileges, be executed in such manner consistent with the provisions of the Local Bond Law for bonds of a municipality, be payable at such place or places, and be subject to such terms of redemption, with or without premium, as may be hereafter determined by resolution of the Borough Council within the limitations prescribed by law.

Section 5. The Refunding Bonds shall be direct, unlimited and general obligations of the Borough and the Borough shall be obligated to levy ad valorem taxes upon all taxable real property within the Borough for the payment of the principal of and the interest on the Refunding Bonds without limitation as to rate or amount. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the Refunding Bonds. Each Refunding Bond issued pursuant to this ordinance shall recite that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened and to have been performed precedent to and in the issuance of the Refunding Bond exist, have happened and have been performed, and that the Refunding Bond, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by the Constitution or statutes of said State.

Section 6. The Chief Financial Officer is hereby authorized to execute a certificate addressed to the underwriters of the Refunding Bonds stating that the preliminary official statement to be prepared by the Borough with respect to the Refunding Bonds is "deemed final" as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. The distribution of such preliminary official statement to potential purchasers of the Refunding Bonds is hereby approved.

Section 7. All matters with respect to the Refunding Bonds not determined by this ordinance shall be determined by subsequent resolution or

resolutions to be hereafter adopted by the Borough Council of the Borough, or the performance or determination thereof delegated by resolution or resolutions, to the Chief Financial Officer.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,890,000 (the amount of the Refunding Bonds authorized), but \$1,753,437.02 (the amount of Outstanding Bonds being refunded) shall be deducted from gross debt pursuant to Section 52 of the Local Bond Law, and that the issuance of the bonds authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. It is hereby determined and stated that no sum need be appropriated hereby as a down payment.

Section 10. The Borough is hereby authorized to enter into any agreements that may be necessary to effect the purchase of securities, as permitted by Sections 53(c) and 60 of the Local Bond Law, to accomplish the refunding. The Chief Financial Officer, as Bond Registrar/Paying Agent for the Outstanding Bonds, is hereby authorized to provide notice of redemption to the registered owner of the Outstanding Bonds.

Section 11. This refunding bond ordinance shall take effect twenty days after the first publication thereof after final passage as provided by the Local Bond Law. Yeas: Hutnick, McGuire, Opilla, Slater. Nays: None.

Councilman Hutnick updated Mayor and Council on Ogdensburg Day. Everything is on track. The food and music is set and the vendor applications are starting to come in. The Mayor briefly mentioned that there may be some changes on the Peddlers Ordinance and he is waiting to hear back from the attorney.

Councilman McGuire spoke about the Firehouse Museum roof. He received four estimates from John Kibildis, Vice President of the Historical Society for the roof ranging in price from \$9,900 to over \$18,000. Councilman McGuire briefly went over the types of roofing. The Historical Society is looking to have the work done before the winter. Councilman Opilla mentioned to Council that the replacing and or fixing of the meters and curb boxes are behind due to the work being done on the roads and oil and stoning of the roads. Once the Department of Public Works is finished with the roads they will resume with the maintenance of the meters and curb boxes. Mayor Ciasullo spoke about Heaters Pond Dam and some numbers that he received from the Engineer. The Mayor read the scope of services and including all the permit fees to armor the Dam the Borough is looking at \$93,000 and to remove the Dam would cost \$83,000. Mayor Ciasullo stated that he did not have this information before the meeting in July.

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

Anthony Nasisi, 97 Passaic St. spoke about the referendum and felt the Mayor and Council are here to make the decisions. Mr. Nasisi also mentioned how the Council was disappointed that more people didn't get up to give their feelings on Heaters pond the night of the meeting.

Mayor Ciasullo spoke about dredging the pond and how dredging the pond will help keep it clean. To dredge the front part by the swimming area will cost \$180,000. Mr. Nasisi also spoke about the circulation of the pond with regard to dredging the pond. Mr. Nasisi also asked about the committee being form for the pond. Mr. Nasisi asked

about a dunk tank for Ogdensburg Day. Tom Ricaldi, 33 Glenbrook Rd. asked about putting an Olympic size swimming pool where the pond is if the pond was closed and if allowed. Council informed Mr. Ricaldi that because of the Highlands Act and the Wetlands Act a pool probably would not be allowed. Bill Parchomic, 17 Spring Street expressed his feelings about not having a referendum and felt that this decision was made on the response of 20 residents. He also expressed the fact that no one from the Department of Environmental Protection was there to answer any questions. Mr. Parchomic stated that he was against fixing the pond. Mayor and Council answered Mr. Parchomic concerns. Vicky Schroeder, 60 Center St. thanked Mayor and Council for everything they have done for the town and the issues with the pond. Ms. Schroeder also expressed that Mayor and Council are doing a great job. Mike Nardini, 5 Ridge Court mentioned that he was glad to hear that the Council may be keeping the pond and armoring it and to improve on whatever they can. Mr. Nardini mentioned that he supports Mayor and Council in whatever they try and do and agrees with keeping the pond. Jean Castimore, 63 Main Street spoke about the roof for the Historical Society Building and mentioned that she thought that somewhere in the by-laws the building should be maintained as originally built, which would mean keeping a slate roof. Councilman McGuire informed Ms. Castimore that the purpose of doing it was to protect everything in the Museum and also if some of the tiles were to fall off and there was exposure to the elements many items in the Museum would be ruined. Ms. Castimore reiterated that the building has always had a slate roof. There being no further business from the public, Councilman McGuire moved, Councilman Hutnick seconded motion to close the public session of the meeting. Yeas: Astor, Hutnick, McGuire, Opilla, Slater.

Councilman McGuire moved, Councilman Hutnick seconded the 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 issue

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: Astor, Hutnick, McGuire, Opilla, Slater.

At 8:55 p.m. Councilman McGuire moved, Councilman Hutnick seconded motion to go into executive session to discuss a contract issue. Yeas: Astor, Hutnick, McGuire, Opilla, Slater.

At 9:45 p.m. after returning from executive session, Councilman Hutnick moved, Councilwoman Slater seconded motion to adjourn the meeting. Yeas: Astor, Hutnick, McGuire, Opilla, Slater.

Meeting adjourned at 9:45 p.m.

Borough Clerk

Mayor