

WORK SESSION
JUNE 22, 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 June 22, 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:,
Hutnick, McGuire, Opilla, Rizzo, Slater. Absent: Astor.

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

1. Approval of Resolution for Second Extension of Contract for Solid Waste and Bulky Waste Collection.
 2. Approval of Resolution for Refinancing of Outstand Municipal Water Loan
 3. Approval of Resolution for Settlement of Litigation Entitled Shawn G. Hopkins v. Byram Township, ET AL., Defendants
- Yeas: Hutnick, McGuire, Opilla, Rizzo, Slater.

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

WHEREAS, the original contract with Global Waste Industries, Inc. was from July 25, 2011 to July 31, 2013; and

WHEREAS the Parties thereafter entered into a first extension of the original contract for an additional two years, which began immediately upon the expiration of the original time period and will end on July 25, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg in accordance with N.J.S.A. 40A:11-15, the Parties agree to a second extension of the Original Contract for an additional one (1) year period which will commence immediately upon the expiration of the first extension on July 25, 2015 and will now expire on July 25, 2016.

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

Councilman Opilla 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 refinance outstanding Municipal Water Loans in the amount of \$1,725,000 for a shortened term due in 2036 saving the Borough of Ogdensburg an estimated amount of \$552,152.11.
Yeas: Hutnick, McGuire, Opilla, Rizzo, Slater. Copy attached as Schedule 2.

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

WHEREAS, Shawn G. Hopkins (“Hopkins”) filed an Open Public Records Act (“OPRA”) request on January 29, 2015 with the Borough of Ogdensburg Clerk wherein Hopkins requested certain tax assessment CAMA data in a .CSV file format involving certain fields in each file that correspond to the 2015 tax assessments; and

WHEREAS, more specifically, the aforementioned OPRA request sought the following data: 1916code.csv, 1916land.csv, 1916mod4.csv, 1916res.csv, 1916sale.csv, 1916sr1a.csv. The OPRA request also included a request that each file should be in the layout as described in the attached addendum CAMA Vaughn index; and

WHEREAS, the Borough of Ogdensburg timely responded to the OPRA request on February 5, 2015 and provided all of the data and information that it had available to it to Hopkins at such time; and

WHEREAS, Hopkins filed substantially similar OPRA requests with fifteen (15) other Sussex County municipalities; and

WHEREAS, notwithstanding the Borough of Ogdensburg's good faith efforts to comply with Hopkins OPRA request, Hopkins filed the within litigation on March 13, 2015 without first contacting the Borough of Ogdensburg in order to attempt to amicably resolve any outstanding legal issues without the necessity of filing the within litigation; and

WHEREAS, the litigation was commenced by way of Order to Show Cause in the above captioned matter against fifteen (15) Sussex County municipal defendants inclusive of the Borough of Ogdensburg bearing docket no. SSX-L-128-15; and

WHEREAS, the Honorable Thomas L. Weisenbeck, A.J.S.C. on April 28, 2015 entered an order that all defendants appear for a Case Management Conference on June 18, 2015 before the Court; and

WHEREAS, there is companion litigation captioned Shawn G. Hopkins, Plaintiff v. Chatham Borough, et al. Superior Court of New Jersey, Law Division, Morris County, bearing docket no. MRS-L-657-15 against 21 Morris County municipal defendants asserting legal issues substantially identical to the legal issues raised in the subject litigation involving the Borough of Ogdensburg; and

WHEREAS, Defendant Microsystems-NJ.com, LLC indicated that it was going to provide a single .zip file containing the six (6) .CSV files demanded by Plaintiff Hopkins by immediately commencing the conversions from the updated streamlined software to the .CSV data files upon the each municipality making a onetime payment of \$50.00 to Microsystems; and

WHEREAS, the Borough of Ogdensburg paid Microsystems the \$50.00 conversion fee and received six (6) .CSV files which were then forwarded to Plaintiff Hopkins, thereby satisfying Plaintiff's OPRA request in full; and

WHEREAS, a Case Management Conference was conducted before the Honorable Stuart A. Minkowitz, A.J.S.C. at the Morris County Courthouse on April 28, 2015 wherein 36 municipal defendants appeared in total in regard to both litigated matters; and

WHEREAS, as a result of settlement negotiations, the parties to this litigation have agreed to enter into a settlement agreement with Plaintiff Hopkins, whereby Defendant, Microsystems, will pay the sum of \$5,000.00 and each of the 36 municipal defendants will pay the sum of \$300.00 to Plaintiff Shawn G. Hopkins through his attorney Walter M. Luers, Esq. in full and final settlement of this litigation; and

WHEREAS, as a result of the Settlement, the litigation will be dismissed with prejudice; and

WHEREAS, Microsystems has agreed that it will no longer charge the municipalities to update its records in regard to future matters of a similar nature; and

WHEREAS, the Borough of Ogdensburg through its Mayor and Council have determined that even though the Borough of Ogdensburg has fully complied with the OPRA request and there has been no adjudication of an OPRA violation, it is in the public interest and in order to avoid protracted legal proceedings at great cost and expense to the Borough, that the aforementioned litigation be settled as set forth herein.

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

1) The Borough of Ogdensburg agrees to pay the sum of \$300.00 in payment of legal fees and costs incurred by Plaintiff, Shawn G. Hopkins in regard to litigation captioned Shawn G. Hopkins, Plaintiff v. Byram Township, et al., Superior Court of New Jersey, Law Division, Sussex County bearing docket no. SSX-L-128-15.

2) The Mayor and Council of the Borough of Ogdensburg hereby authorize and direct the Mayor, Borough Clerk, Borough Attorney and such other officials, employees and agents of the Borough as may be necessary to execute any and all documents inclusive of a consent order in order to effectuate the settlement.

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

Mayor Ciasullo briefly mentioned that the Borough just had an hour meeting with the County along with a representative from Keller & Kirkpatrick, Inc., design engineers, in regard to the Passaic Avenue Bridge and there is literature for anyone who would like to take it.

Councilman Opilla discussed Heater's Pond. Councilman Opilla mentioned that at the last meeting the idea of doing a referendum was brought up. Councilman Opilla mentioned that the Borough has the money already ear-marked for the repairs to Heaters Pond so any kind of tax increase to the residents would be minimal. Also if the Borough does go out for a referendum the dead line is sometime in August so there is not much time to get everything together. There is a sub-committee who will be working on the information going out to the public.

Councilwoman Slater spoke about having kids from out of town taking swim lessons. It was stated that because Ogdensburg School is a choice school children from out of town go to Ogdensburg School and some of the parents were inquiring about swim lessons. After a brief discussion Council felt swim lessons should be for children of residents only.

Council discuss having Ogdensburg Day and spoke about bands and time slots and also looking at rides, vendors and possibly having a beer garden. Council is looking at September 19th with a rain date of September 20, 2015.

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

Eric Schmidl, 16 Glenbrook Rd. asked if the Borough still have the three options from the State for Heaters Pond. Mr. Schmidl also asked about Hydro-planning and explained how it worked. The Mayor said he spoke to the people who do hydro-planning and they said it wouldn't be a good idea because of the amount of water that goes through the dam.

James Jiminez, representative for the Wallkill Valley Soccer Club spoke about getting permission to use the Ogdensburg soccer field so that he can get the Ogdensburg kids counted toward the 51% for use of the Hardyston field. Mr. Jiminez was told that the insurance would need to be look at before any decision can be made. Jean Castimore thought she read somewhere in the paper that it could cost the Borough one million dollars to repair the pond. Mayor Ciasullo didn't think the cost would be that high. The Mayor did explain armoring the dam. There being no further comment from the public,

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

Councilman Opilla moved, Councilwoman Rizzo 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

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: Hutnick, McGuire, Opilla, Rizzo, Slater.

At 8:41 p.m. Councilman Opilla moved, Councilwoman Rizzo seconded motion to go into executive session to discuss a contract. Yeas: Hutnick, McGuire, Opilla, Rizzo, Slater.

After returning from executive session at 8:52 p.m. Councilman McGuire moved, Councilman Hutnick seconded motion to adjourn the meeting. Yeas: Hutnick, McGuire, Opilla, Rizzo, Slater.

Meeting adjourned at 8:52 p.m.

Borough Clerk

Mayor