

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
March 12, 2018**

Mayor Slater called the meeting to order at 7:00PM.

Mayor Slater led the Pledge of Allegiance.

ROLL CALL: Astor, Gunderman, Hutnick, Nardini, Opilla.

Absent: Nasisi

Also in attendance was Richard Briigliodoro, Borough Attorney.

STATEMENT BY MAYOR: “Notice requirements of P.L. 1975, Open Public Meeting Act, NJS10:4- 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 in the Borough Hall on January 3, 2018.”

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

Councilman Astor questioned item number 4; what exactly is the peddler license for. The clerk showed Councilman Astor the application. There was a brief discussion.

CONSENT AGENDA

1. Approval of Budget Workshop meeting minutes for February 22, 2018.
2. Approval of Workshop and executive session meeting minutes for February 26, 2018.
3. Resolution 31-2018 granting consent to Elizabethtown Gas to transfer and assign its rights and obligations under the Ogdensburg Borough Municipal Consent Ordinance to ETG Acquisition Corp.
4. Approval of an application for peddler permit to Michael Gresik, Schwan’s Home Services.
5. Resolution 32-2018 refund of water bill to Holly Pyne account #579 amount \$1,214.48.
6. Resolution 33-2018 refund of water bill to Lori Inwentarz account #1438 amount \$1,391.10.
7. Resolution 34-2018 to redeem third party tax sale certificate #2017-009 in the amount of \$298.31 to Larry Barcaz.
8. Resolution 35-2018 to redeem third party tax sale certificate #2017-005 in the amount of \$214.98 to Larry Barcaz.
9. Resolution 36-2018 to redeem third party tax sale certificate #2015-006 in the amount of \$61,223.19 to US Bank Cust for Pro Cap 4 & CRDTRS.
10. Resolution 37-2018 authorizing compliance with the US Equal Employment Opportunity Commission’s.
11. Resolution 38-2018 Firemen’s Inspection Day Parade

Upon Roll call Vote:

Yeas: Astor, Gunderman, Hutnick, Nardini, Opilla

Nays: None Absent: Nasisi Abstain None

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

Resolution 31-2018

WHEREAS, Pivotal Utility Holdings Corporation, Inc. d/b/a Elizabethtown Gas (“Elizabethtown”) currently supplies natural gas and related services to customers within the Borough of Ogdensburg pursuant to a Municipal Consent Ordinance (the “Ordinance”) attached hereto as Exhibit A;

WHEREAS, Elizabethtown has provided written notice of Elizabethtown’s intent to transfer substantially all of Elizabethtown’s assets, including its rights and obligations under the Ordinance, to ETG Acquisition Corp. and has requested that the Borough of Ogdensburg

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("Ogdensburg") consent to the assignment and transfer to ETG Acquisition Corp. of substantially all of Elizabethtown's rights and obligations under the Ordinance;

WHEREAS, Elizabethtown and ETG Acquisition Corp. have provided to Ogdensburg the written acknowledgment and agreement by ETG Acquisition Corp. that it will be bound by all terms and conditions of the Ordinance, will post the performance bond, and will satisfy the liability insurance requirements contained in the Ordinance if the assignment and transfer occurs;

WHEREAS, ETG Acquisition Corp. has provided to Ogdensburg information to establish that the proposed acquisition of Elizabethtown's assets by ETG Acquisition Corp. can be accomplished such that ETG Acquisition Corp. will be able to honor the obligations of Elizabethtown under the Ordinance upon completion of Elizabethtown's asset transfer to ETG Acquisition Corp., that ETG Acquisition Corp. will be bound by all terms and conditions of the Ordinance, and that the customers within Ogdensburg will continue to receive natural gas services in the same safe and reliable manner and pursuant to the same NJBPU approved rates and terms and conditions upon which they now receive such service at said rates.

NOW, THEREFORE, be it Resolved that Elizabethtown has complied with the transfer/assignment requirements in the Ordinance for the transfer and assignment of Elizabethtown's rights and obligations thereunder to ETG Acquisition Corp. and that the Borough of Ogdensburg hereby permits and consents to the transfer and assignment to ETG Acquisition Corp. of all of Elizabethtown's rights and obligations under the Ordinance. This consent will only be effective upon completion of the acquisition of substantially all of Elizabethtown's assets by ETG Acquisition Corp. and compliance with the performance bond replacement and liability insurance requirements contained in the Ordinance. If that acquisition does not occur, this consent shall not be deemed to give consent to Elizabethtown's transfer or assignment of any of its rights and obligations under this Ordinance to any other entity.

Upon Roll call Vote:

Yeas: Astor, Gunderman, Hutnick, Nardini, Opilla

Nays: None Absent: Nasisi Abstain None

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

Resolution 32-2018

WHEREAS, residents have been overcharged for their water bills; and

WHEREAS, a refund will be issued to the resident/residents for the overcharge.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg that the following resident/residents will receive a refund for an overbilling on their account.

<u>Name</u>	<u>Account #</u>	<u>Amount</u>	<u>Reason</u>
Holly Pyne	579	\$1214.48	Due to the installation of a 1" meter, a billing adjustment to the account is due which would create a credit balance of \$1214.48 to be refunded to homeowner.

Upon Roll call Vote:

Yeas: Astor, Gunderman, Hutnick, Nardini, Opilla

Nays: None Absent: Nasisi Abstain None

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

Resolution 33-2018

WHEREAS, residents have been overcharged for their water bills; and

WHEREAS, a refund will be issued to the resident/residents for the overcharge.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg that the following resident/residents will receive a refund for an overbilling on their account.

<u>Name</u>	<u>Account #</u>	<u>Amount</u>	<u>Reason</u>
Lori Inwentarz	1438	\$1391.10	Due to the installation of a 1"meter, a billing adjustment of \$1471.80 to the account is due which would create a credit balance of \$1391.10 to be refunded to homeowner.

Upon Roll call Vote:

Yeas: Astor, Gunderman, Hutnick, Nardini, Opilla

Nays: None Absent: Nasisi Abstain None

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

Resolution 34-2018

TO REDEEM THIRD PARTY TAX SALE CERTIFICATE#2017-009

WHEREAS, THE TAX COLLECTOR, REGINA FLAMMER HAS ADVISED THATPAYMENT HAS BEEN RECEIVED FOR LIEN AGAINST BLOCK 24LOT 1

FOR THE YEAR(S) 2016 IN THE AMOUNT OF \$215.83 WITH

INTEREST AND STATUTORY FEES OF \$82.48 TOTALING \$298.31

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF OGDENSBURG THAT THE PROPERT OFFICIALS BE AUTHORIZED AND HEREBY INSTRUCTED TO REFUNS THE AMOUNT OF \$298.31

FOR CERTIFICATE #2017-009

TO:

LARRY BARCAZ

P.O. BOX 22

LAYTON, NEW JERSEY 07851

Upon Roll call Vote:

Yeas: Astor, Gunderman, Hutnick, Nardini, Opilla

Nays: None Absent: Nasisi Abstain None

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Resolution 35-2018

TO REDEEM THIRD PARTY TAX SALE CERTIFICATE#2017-005
WHEREAS, THE TAX COLLECTOR, REGINA FLAMMER HAS ADVISED
THATPAYMENT HAS BEEN RECEIVED FOR LIEN AGAINST BLOCK 12LOT 2

FOR THE YEAR(S) 2016 IN THE AMOUNT OF \$152.98 WITH
INTEREST AND STATUTORY FEES OF \$62.00 TOTALING \$214.98

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE
BOROUGH OF OGDENSBURG THAT THE PROPERT OFFICIALS BE AUTHORIZED
AND HEREBY INSTRUCTED TO REFUNS THE AMOUNT OF \$214.98

FOR CERTIFICATE #2017-005

TO:

LARRY BARCZA
P.O. BOX 22
LAYTON, NJ 07851

Upon Roll call Vote:

Yeas: Astor, Gunderman, Hutnick, Nardini, Opilla

Nays: None Absent: Nasisi Abstain None

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

Resolution 36-2018

TO REDEEM THIRD PARTY TAX SALE CERTIFICATE# 2015-006
WHEREAS, THE TAX COLLECTOR, REGINA FLAMMER HAS ADVISED THAT
PAYMENT HAS BEEN RECEIVED FOR LIEN AGAINST BLOCK 9 LOT 8

FOR THE YEAR(S) 2014 IN THE AMOUNT OF \$7,545.98 WITH

INTEREST AND STATUTORY FEES OF \$35,577.21 PLUS RETURN OF PREMIUM OF
\$18,100.00 TOTALING \$61,223.19

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE
BOROUGH OF OGDENSBURG THAT THE PROPERT OFFICIALS BE AUTHORIZED
AND HEREBY INSTRUCTED TO REFUN THE AMOUNT OF\$61,223.19

FOR CERTIFICATE # 2015-006

TO:

US BANK CUST FOR PRO CAP 4 & CRDTRS
50 SO 16TH STREET – STE 2050
PHILADELPHIA, PA 19102

Upon Roll call Vote:

Yeas: Astor, Gunderman, Hutnick, Nardini, Opilla

Nays: None Absent: Nasisi Abstain None

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Resolution 37-2018

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Ogdensburg hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Upon Roll call Vote:

Yeas: Astor, Gunderman, Hutnick, Nardini, Opilla
Nays: None Absent: Nasisi Abstain None

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

Resolution 38-2018

WHEREAS, the Borough of Ogdensburg desires to hold the Annual Sussex County Firemen’s Inspection Day Parade on October 6, 2018; and

WHEREAS, a permit from the County of Sussex is required for the closing of Sussex County Route 517 from the intersection of Adams Drive to the town line boarding Franklin Borough from 12:30PM to 5:30PM.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Ogdensburg do hereby endorse this activity, and respectfully request that the County of Sussex hereby issue the permit.

Upon Roll call Vote:

Yeas: Astor, Gunderman, Hutnick, Nardini, Opilla
Nays: None Absent: Nasisi Abstain None

At this time, the Mayor and Council signed the Group Affidavit Certification Pursuant to P.L. 2017 C. 183 of compliance with the US Equal Employment Opportunity Commission’s.

INTRODUCTION TO ORDINANCE 01-2018

Mr. Nardini made a motion to introduce an ordinance 01-2018 entitled “AN ORDINANCE APPROPRIATING THE SUM OF \$47,250 CURRENTLY LOCATED WITHIN WATER CAPITAL – CAPITAL IMPROVEMENT FUND. Seconded by Mr. Astor.

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Upon Roll call Vote:

Yeas: Astor, Gunderman, Hutnick, Nardini, Opilla

Nays: None Absent: Nasisi Abstain None

Public hearing will be held March 26, 2018.

OLD BUSINESS

Heathers Pond Dam – Mayor Slater commented no update as of yet, they are still working but they should be done soon.

Repair of Loop – Councilman Opilla commented we are waiting for the weather to break.

JCP & L – Mayor Slater commented she does not have a date yet on the lights from Jackie Espinoza, however, they have been preoccupied (with the weather). We did get the telephone pole fixed that was hanging down by the Fire House.

Predmore Road – Councilman Astor commented nothing on Predmore; we will be looking at this once spring comes.

Elizabethtown Gas – Mayor Slater asked Gary Marmo, from Elizabethtown Gas for an update.

Mr. Marmo commented we have a town hall meeting scheduled for April 10th at 7:00 pm at the Fire House. Elizabethtown Gas sent out a letter stating the fact if we get those same percentages of people that said they were interested actually sign up Elizabethtown Gas will be ready to pipe those five developments that we have been discussing. There are about 404 total residents in those developments and we would like to start. Mr. Marmo asked if the plans can be submitted to the Borough Engineer prior to the town hall meeting. Mayor Slater commented send them over tomorrow.

Mr. Marmo asked prior to the April 10th meeting can they put out yard signs in the developments to remind residents of the meeting.

Councilman Astor asked where Elizabethtown Gas would place the signs. Mr. Marmo explained and they would get permission from the homeowner.

Land Use Board Appointment – Mayor Slater commented we don't have an update on that yet.

Proposal to provide Collection Management Service for Municipal Collections – Mayor Slater referred to an email that was sent by the Court Administrator explaining the service and procedure done now. Mayor Slater commented some of the traffic tickets go back to 1998, criminal complaints that go back to 2003, the collection agency would send letters the payment would come to the Borough including the 22 percent then we would pay the collection agency the 22 percent after was collected.

There was a discussion on the procedure done now, after one year a ticket can go to collections and whether or not to use this service.

Mr. Briigliodoro explained the process of what would happen if this service was used and explained the statue regarding a collection agency.

The Council wants the Court Administrator to check with the other town so see how this process was working for them.

NEW BUSINESS

Well Four – Councilman Nardini commented he is meeting with Rob Lawler on two things. One is closing out what needs to be done for Center Street; he has quotes and explained the repair. Councilman Nardini explained he spoke to Atlantic regarding the generator; and explained how

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they replaced the control blade. Councilman Nardini commented after we get Center Street up and running we will look into Plant Street.

Water Personnel – Councilman Nardini explained he is checking into all the certifications for a water operator, what would be needed if we have someone just checking the things/monitoring the situation maybe they won't need as much certification. Mayor Slater asked then the next meeting you should have that information so we can move forward. Councilman Nardini commented yes, he should have everything written up.

Emergency Preparedness- Mayor Slater skipped this item to go back to later.

Clean Community Program – Mayor Slater explained an email from Donna Paiva requesting to do the Illusion Maker Program for the students at the School. This is covered by the clean communities grant money and has been done in the past. The date is June 6th.

Health Insurance – Councilman Opilla commented we are looking at options for the Borough Health Insurance; we have had some issues the first couple of months this year both with current employees and retirees insurance. We are looking into options to see if we can save money by looking at a State plan and if we can get on it we have talked about this before. We are trying to get information together and hopefully we will have more information by the next meeting so we can discuss options as to what is available and costs; and how it would impact the police contract.

School Evacuation – Councilman Astor commented he met with the Schools Safety Team and we discussed the need of a School Evacuation; we would need the assistant of the DPW and the Fire Department to block off the roads and to provide safety for the students as they walk our off site area. Councilman Astor commented he wanted to get the approval of the Council to be able to contact using these individuals; what would happen if we do need to call dispatch we would call 911 and dispatch would call DPW and Fire Department to say the school is having an evacuation and they need your assistance. We will have a plan in effect and they would know what the plan is. Councilman Astor commented he would like to discuss this with the OEM too and asked if an OEM meeting could be scheduled and he can have a plan drawn up and presented.

Councilman Astor commented he believes the school is still the evacuation site for the town. Mayor Slater commented yes, this was going to be brought up with the emergency preparedness. Councilman Astor commented shelter number one does us no good if there is a power outage because the school does not have a generator or access to a generator and right now the school is in need of some plumbing work. Councilman Astor commented he doesn't know if we could get some assistance with the DPW or go out and get contractors.

Councilman Hutnick asked isn't there any emergency management funding to help with the generator or plumbing.

Mayor Slater commented the fire house doesn't have a generator either. In regards to being without power for long periods of time the Fire Department Auxiliary has put on dinners for people, but we don't have anything set as a town. Do we by food now and store it someplace?

Councilman Hutnick commented maybe we can create an emergency pantry and gave an example. There was a discussion on an emergency pantry and to store the food at the school, the need to have some type of plan to assist the residents, notifications; once OEM is activated the town loses control and when to call in OEM.

Mayor Slater read the list of OEM members. The Clerk was asked to reach out to OEM to see who would be available for a meeting on Thursday, March 22, at 7:00PM at Borough Hall. To put a plan together and get everything in order.

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PUBLIC SESSION

Councilman Opilla moved, Councilman Hutnick seconded motion to open the public session of the meeting. All were in favor.

Pat Sabourin, Wilson Road, asked if it is still ok to use the field for the Easter egg hunt.

There being no further business from the public, Councilman Nardini moved, Councilman Gunderman seconded motion to close the public session of the meeting. All were in favor.

EXECUTIVE SESSION

There was no executive session.

PAYMENT OF VOUCHERS

Councilman Astor moved, Councilman Nardini seconded motion for review and payment of vouchers.

Upon Roll call Vote:

Yeas: Astor, Gunderman, Hutnick, Nardini, Opilla

Nays: None Absent: Nasisi Abstain None

Current

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>	<u>REASON</u>
2/23/2018	29628	Sparta Discount Tire, Inc.	1,023.56	
2/27/2018	29629	CenturyLink	528.69	
2/27/2018	29630	CenturyLink	1,359.27	
2/27/2018	29631	LINA	175.50	
2/27/2018	29632	Elizabethtown Gas	1,867.73	
2/27/2018	29633	Horizon BC/BS of NJ	1,009.49	
2/27/2018	29634	Horizon BC/BS of NJ	1,661.91	
2/27/2018	29635	Horizon BC/BS of NJ	958.30	
2/27/2018	29636	Horizon BC/BS of NJ	345.10	
2/27/2018	29637	JCP&L	1,819.06	
2/27/2018	29638	Ogdensburg Board of Education	200,479.17	
2/27/2018	29639	Oxford Health Plans	9,584.26	
2/27/2018	29640	RR Donnelley	31.50	
2/27/2018	29641	Statewide Insurance Fund	10,793.00	
2/27/2018	29642	Statewide Insurance Fund	27,131.00	
2/27/2018	29643	Treasurer - State of NJ	60.00	
3/13/2018	29644	145 Media	147.00	

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3/13/2018	29645	Clean Life Cleaning Service LLC	300.00
3/13/2018	29646	Complete Security Systems, Inc.	24.20
3/13/2018	29647	Danforth's	260.86
3/13/2018	29648	Documant Concepts, Inc.	122.50
3/13/2018	29649	Gempler's	99.97
3/13/2018	29650	Global Waste Industries, Inc.	13,833.33
3/13/2018	29651	JCP&L	2,050.23
3/13/2018	29652	JPMonzo Municipal Consulting, LLC	50.00
3/13/2018	29653	Laddey, Clark & Ryan	400.00
3/13/2018	29654	Lame, James	736.56
3/13/2018	29655	MicroSystems-NJ.com, LLC	1,800.00
3/13/2018	29656	Morton Salt, Inc.	5,530.23
3/13/2018	29657	Morton Salt, Inc.	1,407.41
3/13/2018	29658	New Jersey Herald	61.80
3/13/2018	29659	Ogdensburg Board of Education	267.51
3/13/2018	29660	Ogdensburg Recreation Association	91.07
3/13/2018	29661	ReadyRefresh	1.99
3/13/2018	29662	Redshaw's Flower Shop	85.00
3/13/2018	29663	Staples Business Advantage	505.12
3/13/2018	29664	Sussex County Municipal Utility	76.80
3/13/2018	29665	TCTASW	30.00
3/13/2018	29666	TCTASW	26.00
3/13/2018	29667	The Rodgers Group, LLC	4,416.66
3/13/2018	29668	Township of Sparta, Police Dept.	13,899.50
3/13/2018	29669	Township of Wantage	3,141.25
3/13/2018	29670	US Postal Service	225.00
3/13/2018	29671	Van Cleef Engineering Assoc. LLC	562.50
3/13/2018	29672	Varcadipane Jr, William J.	1,157.00
3/13/2018	29673	Verizon Business	167.94
3/13/2018	29674	Verizon Wireless	184.00

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3/13/2018	29675	Vital Communications, Inc	190.22	
3/13/2018	29676	Wallkill Valley Regional H.S.	107,191.90	
3/13/2018	29677	Weiner Law Group LLP	6,275.52	
			=====	
			424,146.61	
		VOIDS		
		Ogdensburg Recreation		
3/5/2018	29309	Association	(91.07)	Lost Check
2/13/2018	29607	Sparta Tire Distributors, Inc.	(1,023.56)	Wrong Vendor
			=====	Name
			423,031.98	

Admin Trust

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
3/13/2018	2127	Lawrence Barcza	298.31
3/13/2018	2128	Lawrence Barcza	214.98
3/13/2018	2129	US Bank Cust for Procap 4 & Crdtrs	61,223.19
			=====
			61,736.48

Developers Escrow

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
3/13/2018	2058	Dolan & Dolan Esqs.	397.87
			=====
			397.87

Dog Fund

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
3/13/2018	205	NJ Dept of Health & Senior Service	80.40
			=====
			80.40

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Grant Fund

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
3/13/2018	29678	New Jersey Herald	16.20
			=====
			16.20

Water Op

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
2/27/2018	4751	JCP&L	543.38
3/13/2018	4752	Agra Environmental Services	45.00
3/13/2018	4753	JCP&L	3,132.64
3/13/2018	4754	New Jersey Water Association	340.00
3/13/2018	4755	One Call Concepts, Inc.	13.75
3/13/2018	4757	Staples Business Advantage	18.18
			=====
			4,092.95

Mr. Opilla made a motion to accept the department finance reports. Seconded by Mr. Nardini.

Upon Roll call Vote:

Yeas: Astor, Gunderman, Hutnick, Nardini, Opilla
Nays: None Absent: Nasisi Abstain None

There being no further business, Councilman Astor moved, Councilman Hutnick seconded motion to adjourn the meeting. All were in favor.

Meeting adjourned at 7:45p.m.

Robin Hough, Borough Clerk

Rachel Slater, Mayor