

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF OGDENSBURG  
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM  
February 11, 2019**

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

Mayor Hutnick led the Pledge of Allegiance.

**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 4, 2019.”

**ROLL CALL:** Astor, Nardini, Nasisi, O’Dell, Opilla, Slater

Also in attendance was Robert McBriar, Borough Attorney.

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

**CONSENT AGENDA**

1. Approval of regular meeting minutes from January 28, 2019.
2. Approval of budget workshop meeting minutes from February 4, 2019.
3. Approval of Resolution 24-2019 to redeem third party tax sale certificate #07-007 for block 7 lot 7 91 Main Street to Robert Rothman in the amount of \$141,567.06.
4. Approval of Resolution 25-2019 overcharge on water bill for Aaron Simmons account #8401 in the amount of \$51.98 will receive credit for the overbilling on the account.
5. Approval of Resolution 26-2019 authorizing the award of Fair and Open Contract for Professional Services Engineer and Attorney.
6. Approval of Resolution 27-2019 transfer resolution.
7. Accept for filing Annual Report 2018 from the Land Use Board.
8. Accept for filing Bruno Associates Grant Report for January, 2019.
9. Accept for filing letter received February 6, 2019 from Agra Environmental Laboratory Services.

**Upon Roll call Vote:**

Yeas: Astor, Nardini, Nasisi (Abstain #2), O’Dell, Opilla (Abstain #2), Slater  
Nays: None Absent: None Abstain None

**Resolution 24-2019**

TO REDEEM THIRD PARTY TAX SALE CERTIFICATE# 07-007  
BLOCK 7 LOT 7  
91 MAIN STREET  
MOORHOUSE, ELIZABETH

WHEREAS, THE TAX COLLECTOR, REGINA FLAMMER HAS ADVISED THAT  
PAYMENT HAS BEEN RECEIVED IN THE AMOUNT OF \$ 141567.06  
TO REDEEM TAX SALE CERTIFICATE # 07-007  
WHEREAS,

**ROBERT ROTHMAN  
411 GRAND AVE  
ENGLEWOOD, NJ 07631**

IS THE HOLDER OF TAX SALE CERTIFICATE # 07-007  
AND AS MUCH IS DUE PAYMENT IN THE AMOUNT OF \$ 141567.06 TO  
REDEEM SAME.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE  
BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX, STATE OF

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NEW JERSEY, THAT APPROVAL BE GRANTED TO ISSUE A CHECK  
IN THE AMOUNT OF \$ 141567.06

TO REDEEM TAX SALE CERTIFICATE # 07-007

REGINA FLAMMER  
TAX COLLECTOR  
JANUARY 3, 2019

**Resolution 25-2019**

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

WHEREAS, a credit will be issued to the resident/residents account 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 credit for an overbilling on their account.

<u>Name</u>	<u>Account #</u>	<u>Amount</u>	<u>Reason</u>
Aaron Simmons	8401	\$51.98	Account adjustment needed.  House is now a 2 family. 2 <sup>nd</sup> meter was just installed but account is not active yet. Bill should not have been generated.

**Resolution 26-2019**

WHEREAS, there exists a need for engagement of various professional services for the Borough of Ogdensburg; and

WHEREAS, the borough engaged in a procurement process pursuant to the NJ Local Public Contracts Law, N.J.S.A. 40A:11-1 et, seq. including publication and evaluations of responses to Requests for Proposals as more specifically set forth at N.J.S.A. 40A11-4.4; and

WHEREAS, the anticipated term of the following contracts are set forth below; and

WHEREAS , the following individuals and firms have submitted a proposal indicating they will provide the professional services described below for the stated price said proposal; and

WHEREAS, the Chief Financial Officer of the borough of Ogdensburg certifies that the appropriations specified within this resolution have been provided for within the Municipal Budget and/or proceeding capital ordinances; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Ogdensburg, authorizes the Mayor to enter into a contract with the following individuals and firms as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and Determination of Value for the following individuals and firms be placed on file with this resolution, and

BE IT FURTHERE RESOLVED, that the following individuals and firms are awarded a contract for providing the professional services for the Borough of Ogdensburg, as indicated:

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Van Cleef Engineering Associates, is awarded a contract for providing engineering and planning services for the Borough of Ogdensburg for the year 2019 dated February 11, 2019 in the amount of \$125.00 per hour with Eugene F. Buczynski, PE, PP, CME as principal engineer and planner.

Schenck, Price, Smith & King, LLP. is awarded a contract for providing legal services for the Borough of Ogdensburg for the year 2019 dated February 11, 2019 with Robert B. McBriar, as the principle attorney, in the amount of \$3,000 monthly retainer to include attendance at all meetings, drafting and reviewing resolution and ordinances, legal research regarding non-litigation legal matters and drafting legal opinion and memos regarding the same, reviewing contracts, agreements and other business documents to which the Borough is a party, review OPRA requests and assist the clerk with responses, drafting and reviewing bid documents in connection with requests for Proposals/Information and communications with the Mayor, Council and staff. All matters outside the retainer will be charge \$165.00 per hour, paralegals rate will be a charge of \$95.00 per hour.

**BE IT FURTHER RESOLVED**, a notice of the action shall be published at least once in the New Jersey Herald.

**CERTIFICATION OF FUNDS:** I, Michel Marceau, Chief Financial Officer does hereby certify that the appropriations specified within foregoing resolution have been provided for within the Municipal Budget and/or proceeding capital ordinance.

\_\_\_\_\_  
Michel Marceau, CFO

**Resolution 27-2019**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Ogdensburg, Sussex County, New Jersey, that the following transfer of Appropriations (2018 Municipal Budget) in accordance with N.J.S.A. 40A:4-58 be and is hereby approved:

Account Description	From:	To:
Engineering Services O/E 01-203-20-165-099	\$ 166.10	
Land Use O/E 01-203-21-180-165		\$ 166.10
<b>TOTALS</b>	<b>\$ 166.10</b>	<b>\$ 166.10</b>

**OLD BUSINESS**

Hot Water Heater – Councilman Nasisi commented nothing new, there was a little water downstairs by the boiler.

Mayor Hutnick commented the water would be because the furnace went down and Gordon fixed it, it was probably condensation.

Ms. Hough commented there is water in front of the boiler.

Councilman Nasisi commented we are still trying to contact the manufacture; the contractor that installed the boiler is no longer in business. Councilman Nasisi explained how he has been trying to get a plumber to service the boiler.

Borough Hall Roof– Councilman Nasisi commented to take action on what we have for the roof.

Steam Boiler for Historical Building – Nothing new.

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Block 30 Lot11.05 Wausau Street Septic Repair – Councilman Nasisi commented the septic we are waiting until spring; we will leave this on the agenda so it isn't forgotten about.

Crosswalk – Councilman Astor commented he did have a meeting with the County officials regarding the crosswalk; they are going to get back to us with their recommendation on what type of crosswalk; we are more than likely if we go with their [the County] recommendation, they have all the parts, they do all the maintenance, they maintain it all, we will have to purchase it and the County will take care of the rest. Councilman Astor commented as soon as he gets the pricing he will let everyone know. We were also talking about possibly changing the crosswalk right down at the end of this road, right now if you are going down the hill the crosswalk is on the left hand side; the problem with that it goes right into a parking lot of the school. They are talking about changing it to the right side of the road so it goes into a sidewalk and not into the opening of the parking lot. Those are the two issues we talked about.

Blue Diamond- Councilman Astor commented nothing new, they forgot to pick up the recycling on Friday at the Municipal recycling center, Franklin wants to get together and talk about [this] they are having similar issues also and maybe develop a partnership plan.

Councilman Hutnick commented he will reach out to their mayor to set this up.

Radon Awareness – Councilman Nardini commented he did get an update from Donna he was mistaken the reimbursement grant is not for \$1,000 it is for \$2,000. Councilman Nardini asked Mike Marceau, CFO if we need to get three quotes for getting test kits that we are going to give out to residents, it will be \$2,000 max. Councilman Nardini commented he emailed a few companies. By time we get the kits, we can put this in the Spring Newsletter.

Professional Services Attorney – Mayor Hutnick commented we have switched firms; Robert is now our new Counsel.

Robert McBriar, Borough Attorney commented it is a pleasure to be here this evening he is with the law firm of Scheck, Price, Smith & King LLP. this year is a special year; we are celebrating our 106<sup>th</sup> year in business. We have office in Paramus, New York and Sparta, he is a local guy, he grew up in Sparta, went to school here, Reverend Brown and Pope John and grew up on East Mountain Road. Mr. Briar is familiar with Sussex County, his office is actually in Sussex County and he specializes with a lot of local government law, related issues and litigations. Mr. McBriar commented he frequently gives counsel to municipalities regularly involving legislation, regulation and general litigation those might involve insurance law claims, employment law claims, OPRA litigation OPMA litigation, and a host of other things, affordable housing, land use issues and alike. He is involved with the town of Newton, Green in some capacities as well as Vernon and Mansfield Township. He also serves as the Sussex County Attorney for some of their committees and explained some of the committees. His firm also represents Hopatcong and Franklin and he has been actively involved in some of their issues. If anyone has any question please feel free to get in touch with him through Robin or his firm.

The Council welcomed Mr. McBriar.

**INTRODUCTION TO ORDINANCE 03-2019**

Councilman Astor made a motion to introduce an ordinance 03-2019 entitled “AN ORDINANCE OF THE BOROUGH OF OGDENSBURG APPROVING A DRUG FREE ZONE MAP” Seconded by Councilman Opilla.

[Ordinance 03-2019 was tabled at the January 28, 2019 meeting]

Councilman Astor commented this was tabled from January 28; the land that was in questions was updated and added to the zone. They added the soccer field.

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Mr. McBriar commented the Council should also be aware that in terms of enforcement within the zone it helps because having adopted that by way of formal resolution or ordinance that map becomes evidence of any violation that occurs within that perimeter. So it is important and is something that should be done.

**Public hearing will be held February 25, 2019**

**Upon Roll call Vote:**

Yeas: Astor, Nardini, Nasisi, O'Dell, Opilla, Slater

Nays: None Absent: None Abstain: None

**INTRODUCTION TO ORDINANCE 04-2019**

Councilman Astor made a motion to introduce an ordinance 04-2019 entitled "AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY ADOPTING CHAPTER 30 LAND DEVELOPMENT TO BE ADDED TO THE CODIFIED ORDINANCES OF THE BOROUGH OF OGDENSBURG." Seconded by Councilman Opilla.

**Public hearing will be held March 11, 2019**

Mr. McBriar commented in terms of stylistic change in the title and asked the Borough Clerk to recite the title as amended. Ms. Hough read the title of ordinance 04-2019.

Mr. McBriar commented it is both being adopted and codified, he knows that Robin has been working with Coded Systems as to the form and content of this; he thinks you have it in completed form.

Mr. McBriar commented there were other changes that he worked with Robin on to add clarity to the content of the ordinance.

**Upon Roll call Vote:**

Yeas: Astor, Nardini, Nasisi, O'Dell, Opilla, Slater

Nays: None Absent: None Abstain: None

Mr. McBriar commented for the record the public hearing will be held on March 11, 2019.

**INTRODUCTION TO ORDINANCE 05-2019**

Councilman Astor made a motion to introduce an ordinance 05-2019 entitled "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 7 TRAFFIC SECTION 7-14 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREET OF THE CODE OF THE BOROUGH OF OGDENSBURG." Seconded by Councilwoman O'Dell.

**Public hearing will be held February 25, 2019.**

**Upon Roll call Vote:**

Yeas: Astor, Nardini, Nasisi, O'Dell, Opilla, Slater

Nays: None Absent: None Abstain: None

**NEW BUSINESS**

Budget workshop date – Mayor Hutnick commented we need our next date. There was a discussion on a next budget workshop date. The next budget workshop will be held on March 4, 2019 at 6:00PM.

Drug alliance committee meeting dates – Councilwoman O'Dell explained the drug alliance meeting dates which are on the calendar and the notice has been sent. Councilwoman O'Dell commented they still have a huge equipment problem.

Councilman Astor updated Mr. McBriar on the issue with the teen canteen equipment.

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Police Applications – Councilwoman Slater commented she spoke to Chief Gordon, we are giving the application to all three of the top candidates; two of them have picked them up as far as she knows.

Mike Marceau, CFO commented we had two budget meeting so far. He did a levy cap calculation the other day, currently we sit at \$265,000 over your levy cap. Which means we either have to cut \$265,000 or find additional revenues or a combination of the two. He has a list going of some options to get you guys on board, we can go through them and make decisions and work from there. In the mean time let him

know if there is anything particular you want him to look at.

**PUBLIC SESSION**

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

No one from the public stepped forward.

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

**EXECUTIVE SESSION**

There was no executive session.

**PAYMENT OF VOUCHERS**

Councilwoman Slater made a motion to approve payment of vouchers and department reports. Seconded by Councilman Astor.

**Upon Roll call Vote:**

Yeas: Astor, Nardini, Nasisi, O’Dell, Opilla, Slater

Nays: None Absent: None Abstain: None

**Current**

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
2/12/2019	30293	Atlantic Communications	180.60
2/12/2019	30294	Atlantic Tomorrows Office	365.53
2/12/2019	30295	Aurora Computer Urgent Care LLC	771.76
2/12/2019	30296	Aurora Electrical Supply	116.41
2/12/2019	30297	Bassani Power Equipment, LLC	50.82
2/12/2019	30298	Blue Diamond Disposal, Inc.	13,833.33
2/12/2019	30299	CEUnion	380.00
2/12/2019	30300	Clean Life Cleaning Service LLC	375.00
2/12/2019	30301	Dell Marketing L.P.	40.33

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2/12/2019	30302	Finch Fuel Oil Co., Inc.	943.74
		Fire Fighters Equipment Company	
2/12/2019	30303	Inc	2,920.00
2/12/2019	30304	Gempler's	124.95
2/12/2019	30305	Allied Oil	706.35
2/12/2019	30306	JCP&L	2,229.49
2/12/2019	30307	Lafayette Auto Parts	12.90
2/12/2019	30308	Lakeland Auto Parts	135.16
2/12/2019	30309	Loeffel's Waste Oil Service LLC	75.00
2/12/2019	30310	MCAA of NJ	50.00
2/12/2019	30311	Morton Salt, Inc.	13,175.76
2/12/2019	30312	Municipal Software Inc	5,719.00
2/12/2019	30313	New Jersey Herald	375.60
2/12/2019	30314	No. Jersey Court Admin. Assoc	40.00
2/12/2019	30315	Ogdensburg Board of Education	204,473.33
2/12/2019	30316	Professional Government Educators	90.00
2/12/2019	30317	Rileighs Outdoor Decor	510.00
2/12/2019	30318	Smith, Christopher	40.66
2/12/2019	30319	Sparta Discount Tire, Inc.	1,023.56
2/12/2019	30320	Staples Business Advantage	269.92
2/12/2019	30321	Statewide Insurance Fund	10,793.00
2/12/2019	30322	Statewide Insurance Fund	27,131.00
2/12/2019	30323	Sussex County Assessor's Assoc.	100.00
2/12/2019	30324	Tractor Supply Co.	5.99
2/12/2019	30325	UNITED ROTARY BRUSH	533.78
2/12/2019	30326	Van Cleef Engineering Assoc. LLC	531.25
2/12/2019	30327	Verizon Business	130.72
2/12/2019	30328	Verizon Wireless	121.17
2/12/2019	30329	Wallkill Valley Regional H.S.	99,365.00
			=====
			387,741.11

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<b>Admin Trust</b>			
<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
2/12/2019	2147	Robert E. Rothman	141,567.06
			=====
			141,567.06

<b>Dog Fund</b>			
<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
2/12/2019	219	NJ Dept of Health & Senior Service	213.00
			=====
			213.00

<b>General Capital</b>			
<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
2/12/2019	1104	Rogut McCarthy LLC	794.48
			=====
			794.48

<b>Water Op</b>			
<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
2/12/2019	4849	Agra Environmental Services	595.00
2/12/2019	4850	Aurora Computer Urgent Care LLC	66.39
2/12/2019	4851	G.P. Jager Inc.	2,940.00
2/12/2019	4852	Hank Sanders Inc	1,131.00
2/12/2019	4853	JCP&L	2,690.98
2/12/2019	4854	Municipal Software Inc	1,440.00
2/12/2019	4855	One Call Concepts, Inc.	41.36
2/12/2019	4856	Pollardwarter	480.25
2/12/2019	4857	Staples Business Advantage	3.57
2/12/2019	4858	Tractor Supply Co.	574.97
2/12/2019	4859	Treasurer, State of New Jersey	3,880.00
			=====
			13,843.52

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

Meeting adjourned at 7:20p.m.

\_\_\_\_\_  
Robin Hough, Borough Clerk

\_\_\_\_\_  
George P. Hutnick, Mayor

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