

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF OGDENSBURG  
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM  
November 25, 2019**

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

Mayor Hutnick led the Pledge of Allegiance.

**ROLL CALL:** Alvarez, Nardini, Nasisi, O'Dell, Slater, Mayor Hutnick

Also in attendance was Robert McBriar, 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 4, 2019."

**STATEMENT OF DETERMINATION** read by the Borough Clerk for Nelson Alvarez.

**OATH OF OFFICE TO COUNCILMAN NELSON ALVAREZ** by Borough Clerk.

At this time Borough clerk administered the Oath of Office to Councilman Nelson Alvarez.

Councilman Nardini moved Councilwoman O'Dell seconded motion for approval of items on the consent agenda.

**CONSENT AGENDA**

1. Approval of regular meeting minutes from November 12, 2019.
2. Approval of Resolution 96-2019 Appointing a fund commissioner to fill vacancy for the unexpired term for remainder of the 2019 fund year.
3. Approval of Resolution 89-2019 Appointing a Fund Commissioner for 2020.
4. Approval of Resolution 90-2019 Appointing Risk Management Consultant with the Risk Management Consultant's Agreement attached.
5. Approval of Resolution 91-2019 Calling for Study Commission to review the Open Public Records Act.
6. Approval of Resolution 92-2019 Transfer of Appropriations (2019 Municipal Budget).
7. Approval of Resolution 93-2019 Authorizing a Discharge of Mortgage in the amount of \$13,015.00 for Joan Steven 24 Kennedy Ave, Ogdensburg Block 15 Lot 10.
8. Approval of Resolution 94-2019 Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2021- June 2025 Authorizing the Strategic Plan for Ogdensburg Municipal Alliance Grant for fiscal year 2021.
9. Approval of application for a tricky tray license from St. Thomas of Aquin RC Church Holy Name Society for a tricky tray to be held on January 25, 2020 at the Ogdensburg Volunteer Fire Department.
10. Approval of application for a raffle license from St. Thomas of Aquin RC Church Holy Name Society for a 50/50 raffle to be held on January 25, 2020 at the Ogdensburg Volunteer Fire Department.
11. Accept for filing letter dated November 7, 2019 to the Borough Clerk resignation of Vanessa Henderson, Municipal Public Defender as of December 31, 2019.
12. Accept for filing letter dated November 13, 2019 from George B. Harper, Jr. Mayor of Sandyston Township to Freeholder Director Yardley re: Countywide Mutual Aid and Assistant Agreement.
13. Accept for filing Sandyston Township Resolution 78-2019 calling for Study Commission to review the Open Public Records Act.

**Upon Roll call Vote:**

Yeas: Alvarez (Abstain #1), Nardini, Nasisi, O'Dell, Slater

Nays: None Absent: None Abstain None

**OLD BUSINESS**

Borough Hall Roof- Councilman Nasisi commented we had three people pick up packets and explained.

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Steam Boiler for Historical Building – Councilman Nasisi commented we are still waiting for a date for the Historical Building; we were informed they didn't want them to get started before the December 2 meeting. Councilman Nasisi commented the Historical Society wanted him to remind everyone that they are having their friend's holiday meeting on December 2, Monday night at 7:00PM.

Employee Handbook- Councilwoman Slater commented we should have the employee manual for the first meeting in December.

Mr. McBriar commented there are a couple of comments we are still pursuing and reviewing to incorporate; we are hoping to have this on the first meeting in December.

Water/DPW duties/Projects – Councilman Nardini commented we are moving things along with both wells and the pump everything is on line, everything was serviced and they replaced the part the Fire Department was waiting for. Now both tanks are fully operational the Fire Department can do their testing. There is also the question of inspecting the tanks. Councilman Nardini called NJDEP and tried to get a hold of an inspector the one that Rob usually uses; they were not responsive so he is checking on a guy that he used when he was in an older position. There is one company he reached out to but they only clean the exterior. They sent a quote.

There was a discussion on the last time the tanks were cleaned.

Councilman Nardini commented there are a few things that have to be done with the electricity but they need to have a NJ certificate. Rob is looking into that. Councilman Nardini explained some of the other repairs Rob is working on for the wells. Councilman Nardini commented we are caught up on all the structural things and are working on the small things then we can look at some of the bigger things; inspecting the tanks will be the next big [item]. Councilman Nardini commented he will have more updates at the next meeting.

Health Insurance – Mayor Hutnick commented we will put this item aside.

Building/Grounds Differentiations – Councilman Nasisi commented nothing new on this.

Police – Mayor Hutnick commented we have a potential new officer. Chief Gordon commented we are still working on the back ground check and explained.

Surplus Property – Mayor Hutnick commented the ad was placed everything is all set up. Councilman Nardini commented Robin placed the ad and Kim was listing everything.

**NEW BUSINESS**

Subordination of Housing Rehabilitation Loan – Mr. McBriar commented a property owner in the Borough is seeking to refinance their property; the Borough has a lean on that property arising from a Home Improvement Loan from its program. As you are aware the home improvement program provide deferred payment loans for persons to correct defects in homes and allowing property owners to bring them up to compliance with the property maintenance code. The bank handling the refinance is requesting the Borough subordinate its loan entering into a subordination agreement. The mortgage note permits that as long as the loan doesn't exceed a certain percentage of the assessed value at the time of the request. What the Borough needs to decide if we are able to work with the bank to prepare, review or draft documents necessary to subordinate the Borough's lean on that property.

Mr. McBriar commented it would be appropriate at this time for the Borough to entertain a motion which would allow the Clerk and himself to work with the bank in preparing, drafting and reviewing the documents to subordinate the lean and charge a reasonable fee which is permissible in the mortgage note and he would recommend to use the standard attorney hourly rate for a retainer. That may or may not be required yet.

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Mr. McBriar commented the motion would be to authorize the Clerk and himself to prepare, review and/or draft any documents necessary to enter into a subordination agreement with the bank and to charge a reasonable fee at an hourly rate for [the attorney].

Councilman Nasisi asked if there was anything in here [the packets]. Ms. Hough explained there is a letter in the packet from Wells Fargo.

There was a brief discussion on the loans and the program.

Councilman Nasisi made a motion to have the Borough Attorney and Clerk work through the paper work of the property subordination agreement and those charges for an hourly rate. Seconded by Councilman Nardini.

**Upon Roll call Vote:**

Yeas: Alvarez, Nardini, Nasisi, O'Dell, Slater

Nays: None Absent: None Abstain: None

Salt Shed Roof – Councilman Nasisi commented we did have somebody go over to the salt shed roof; they put plywood over some of the large holes on the roof. The structure is good we are going to get some pricing to put a tin roof on it.

Mayor Hutnick asked if you can do anything with the support structure.

Councilman Nasisi commented that should be good but we can take down anything in between that is going to fall.

Speed Bumps on Passaic Ave and Plant Street – Mayor Hutnick commented we still have a speeding issue on both Passaic and Plant Street. It seems like everyone is letting Chief Gordon and himself know about it. One of the things we thought is possibly having speed bumps installed but not the temporary ones the permanent ones.

Mayor Hutnick commented the police are doing everything they can.

There was a discussion on the grants and what will be fixed on Plant Street. This year we applied for two grants but haven't heard yet.

Councilman Nardini commented do we need to find out how much the speed bumps are.

Mayor Hutnick commented we have to find out the process first.

Chief Gordon commented if you read the statute title 39 you can put speed bumps on a road as long as it is less than 30 miles per hour, less than 3,000 vehicles per day. First start; do a traffic study; if there are 3,001 vehicles you can't have speed bumps. Second thing if we are able to do them have the engineer design them so that when someone hits them at 50 miles an hour and crash they can't hold us liable. We have to have proper signage leading up to the speed bumps. As far as connecting roads Plant Street is a non issue, it is Municipal to Municipal the only one we would have to inform is Sparta on Passaic because there is a connecting road into a different Township; you would have to come to some kind of agreement if it could potentially cause any issues.

Chief Gordon commented the other thing you have to figure also is the noise generated by the speed bumps; on Passaic Ave there are houses on top of each other so that is what it is; but on Plant Street you wouldn't need one by well # 3 you would need them closer up to where Avenue A, Avenue B and Bridge Street is. That is where we are getting the complaints; we are not getting them on the other end.

Councilman Nasisi commented how do we go about the traffic study.

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Chief Gordon commented unfortunately he doesn't know anyone that does it; he can reach out to the County to see if they recommend anybody.

Councilman Nasisi commented we should wait to see if we are going to get any money to do this.

**PUBLIC SESSION**

Councilman Alvarez moved, Councilwoman O'Dell seconded motion to open the public session of the meeting. All were in favor.

Greg Hetman, representing Friend of Heather Pond commented in the 2020 year we will continue to support the Pond; brining awareness, activities, events and potential improvements for Heaters Pond. One of the things we are proposing is to donate two picnic tables to the pond. We would work with local sponsors, businesses and things like that in order to put this together. There is talk on maybe the left side of the shack; on improvements there. We wanted to put this in front of the Council to see if you had any thoughts or approvals on this.

Mayor Hutnick commented he doesn't have a problem with that.

Councilman Nasisi commented he had some involvement on the other end; he contacted Chairman Armstrong of the Land Use Board and spoke to him if he thought there was any reason we needed to bring it up at any of our Land Use meetings as far as restructuring that. There was no need; anyone would like to see improvements.

There was a discussion on some of the possible improvements.

Mayor Hutnick commented all sponsors, improvements and changes are welcomed the only spot up there that is off limits is the Memorial.

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

**EXECUTIVE SESSION**

Mr. McBriar commented Mayor and Council there are two items for executive; so it would be appropriate at this time to approve a motion to adopt a resolution to discuss two matters that fall within the exceptions of the Open Public Meeting Act. The first being Police Contract negotiations and terms and the second contract negotiations where the public may become a party to contract in reference to health insurance benefits.

Councilman Nasisi made a motion to go into executive for police negotiations and health insurance. Councilman Nardini seconded motion.

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:

Police Contract Negotiations and Health Insurance.

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.

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**Upon Roll call Vote to go into executive session:**

Yeas: Alvarez, Nardini, Nasisi, O'Dell, Slater

Nays: None Absent: None Abstain: None

The Mayor and Council returned from executive session at approximately 8:20PM.

**PAYMENT OF VOUCHERS**

Councilman Nasisi made a motion to review payment of vouchers and departmental finance reports. Seconded by Councilwoman Slater.

**Upon Roll call Vote:**

Yeas: Alvarez, Nardini, Nasisi, O'Dell, Slater

Nays: None Absent: None Abstain: None

**Current**

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
11/26/2019	30922	Allied Oil	744.55
11/26/2019	30923	Amazon	156.63
11/26/2019	30924	Atlantic Tomorrows Office	130.00
11/26/2019	30925	Blue Diamond Disposal, Inc.	17,775.00
11/26/2019	30926	Bullseye Calibration of NJ	135.00
11/26/2019	30927	CenturyLink	1,491.56
11/26/2019	30928	CenturyLink	381.44
11/26/2019	30929	Chelbus Cleaning Company, Inc.	225.00
11/26/2019	30930	Chemung Supply	1,950.70
11/26/2019	30931	LINA	216.80
11/26/2019	30932	Complete Security Systems, Inc.	24.20
11/26/2019	30933	Dover Brake & Clutch Co., Inc	145.90
11/26/2019	30934	ESI Equipment, Inc.	32.00
11/26/2019	30935	Horizon BC/BS of NJ	895.00
11/26/2019	30936	Horizon BC/BS of NJ	344.00
11/26/2019	30937	Horizon BC/BS of NJ	1,603.55
11/26/2019	30938	JCP&L	1,855.26
11/26/2019	30939	Lafayette Auto Parts	733.59
11/26/2019	30940	Lakeland Auto Parts	1,057.99
11/26/2019	30941	Morton Salt, Inc.	5,196.44
11/26/2019	30942	Municipal Capital Finance	119.00
11/26/2019	30943	Neopost Leasing	476.46
11/26/2019	30944	New Jersey Herald	109.50
11/26/2019	30945	Schenck Price Smith & King LLP	4,346.52
11/26/2019	30946	Sonia Barria	70.00
11/26/2019	30947	Staples Business Advantage	327.96
11/26/2019	30948	Mr. John	155.90
11/26/2019	30949	Verizon Wireless	120.76
11/26/2019	30950	Vital Communications, Inc	309.05
11/26/2019	30951	Witmer Public Safety Group, Inc.	971.00
			=====
			42,100.76

**General Capital**

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<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
11/26/2019	1115	Van Cleef Engineering Assoc. LLC	500.00
			=====
			500.00
		<b>Grant Fund</b>	

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
11/26/2019	30952	Sussex County Municipal Utility	461.20
			=====
			461.20
		<b>Payroll</b>	

<u>DATE</u>	<u>CHEC K #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
11/26/2019	1025	AFLAC	627.28
			=====
			627.28
		Water Op	

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
11/26/2019	4953	Agra Environmental Services	325.00
11/26/2019	4954	JCP&L	1,929.16
			=====
			2,254.16

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

Meeting adjourned at 8:22p.m.

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Robin Hough, Borough Clerk

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George P. Hutnick, Mayor