

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF OGDENSBURG  
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM  
March 9, 2020**

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

Mayor Hutnick led the Pledge of Allegiance.

**ROLL CALL:** Alvarez, Cruz, 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 3, 2020."

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 February 24, 2020.
2. Approval of budget workshop meeting minutes from March 2, 2020.
3. Approval of Resolution 27-2020 authorizing compliance 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"
4. Approval of Resolution 28-2020 authorizing the Borough Attorney & Schenck, Price, Smith & King, LLP to foreclose certain properties for delinquent taxes in the Borough of Ogdensburg.
5. Approval of Resolution 29-2020 transfer resolution – 2019 Budget.
6. Approval of Resolution 30-2020 of the Governing Body of the Borough of Ogdensburg approving the contract with Ogdensburg Unit – Fraternal Order of Police, Franklin Lodge #57 for 2020-2022.
7. Approval of Resolution 31-2020 approving payment for temporary additional hours worked by the Borough Clerk.
8. Approval of application for Peddlers license for Yoania Alvarez, business trade name Schwan's Home Food Service Inc. merchandise to be sold frozen food.
9. Proclamation recognizing and supporting April as Child Abuse Prevention Month
10. Accept for filing the Township of Hampton resolution in support of the right guaranteed by the second amendment of the United States Constitution.
11. Accept for filing the Township of Sparta Planning Board resolution approving their Master Plan Re-Examination Report.
12. Accept for filing letter dated March 1, 2020 to Municipal Clerk from Sussex County Office of Mosquito Control.
13. Letter dated February 24, 2020 from the Clerk of the NJ General Assembly to the Governing Body Re: Assembly resolutions 78 & 79.

**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.**

**Upon Roll call Vote:**

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

Nays: None Absent: None Abstain None

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF OGDENSBURG  
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM  
March 9, 2020**

**Resolution 27-2020**

**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.

**Resolution 28-2020**

**WHEREAS**, N.J.S.A. 54:5-104.34 and -104.35 authorize the Governing Body of the Borough of Ogdensburg ("Borough") to foreclose tax sale certificates held by it for more than six (6) months from the date of the tax sale by summary proceedings In Rem in accordance with the In-Rem Foreclosure Act (P.L.1948, c.96); and

**WHEREAS**, the Tax Collector has prepared and presented to the Borough Council of the Borough of Ogdensburg a Tax Foreclosure List, a copy of which is attached hereto and made a part hereof; and

**WHEREAS**, the Borough desires to foreclose on these tax liens, by way of an In-Rem Foreclosure proceeding in accordance with New Jersey law; and

**WHEREAS**, the foreclosure proceeding requires the filing of a Complaint in the Superior Court of New Jersey, and authorization must be given to the Borough Attorney and Schenck, Price, Smith & King, LLP to institute said action.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey, hereby authorizes the Borough Attorney and Schenck, Price, Smith & King, LLP to proceed with an In Rem Foreclosure by filing a Complaint with the Superior Court of New Jersey and by serving a copy of same upon the Attorney General of the State of New Jersey, for those properties appearing on the attached Tax Foreclosure list, which was prepared and certified by the Tax Collector.

**Resolution 29-2020**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Ogdensburg, Sussex County, New Jersey, that the following transfer of Appropriations (2019 Municipal Budget) in accordance with N.J.S.A. 40A:4-58 be and is hereby approved:

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF OGDENSBURG  
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM  
March 9, 2020**

Account Description		From:	To:
Municipal Clerk O/E	01-203-20-120-057	\$ 1,500.00	
Financial Administration S&W	01-203-20-130-010	2,500.00	
Financial Administration O/E	01-203-20-130-099	1,750.00	
Land Use S&W	01-203-21-180-010	2,528.00	
Group Insurance O/E	01-203-23-220-020	7,393.00	
Legal O/E	01-203-20-155-099		\$ 6,461.00
Engineering O/E	01-203-20-165-099		1,811.00
Health Benefit Waiver	01-203-23-221-020		378.00
Streets & Roads S&W	01-203-26-290-011		4,795.00
Telephone O/E	01-203-31-440-020		1,131.00
Natural Gas O/E	01-203-31-448-020		539.00
Municipal Court S&W	01-203-43-490-012		233.00
Municipal Court O/E	01-203-43-490-155		323.00
<b>TOTALS</b>		<b>\$ 15,671.00</b>	<b>\$ 15,671.00</b>

**Resolution 30-2020**

**WHEREAS**, the Rank and File Police Officers of the Borough of Ogdensburg are represented by the Ogdensburg Unit - Fraternal Order of Police, Franklin Lodge #57 (hereinafter called the “OUFOP”); and

**WHEREAS**, the Officers of the Ogdensburg Police Department provide a good and valuable service to the residents of the Borough of Ogdensburg; and

**WHEREAS**, the previous contract between the Borough and the OUFOP expired on December 31, 2019; and

**WHEREAS**, negotiations have been ongoing; and

**WHEREAS**, representatives of both the Borough of Ogdensburg and OUFOP have agreed to the terms of a contract commencing January 1, 2020 through to December 31, 2022; and

**WHEREAS**, OUFOP has represented that its members have approved of the proposed contract; and

**WHEREAS**, the members of the Borough Council have reviewed the attached contract for 2020 to 2022 and approve of same.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Ogdensburg that the contract, attached hereto, between the Borough of Ogdensburg and the Ogdensburg Unit - Fraternal Order of Police, Franklin Lodge #57 for the term commencing January 1, 2020 through to December 31, 2022 is hereby approved and the Mayor and Clerk are authorized to execute the contract on behalf of the Borough.

**Resolution 31-2020**

**WHEREAS**, Robin Hough is employed full-time by the Borough of Ogdensburg (“Borough”) and earns an annual salary for performing the duties of the Borough Clerk; and

**WHEREAS**, the Borough Land Use Board (“Board”) recently experienced an unexpected personnel shortage requiring Ms. Hough to temporarily assist in performing duties required by the Board Secretary, specifically, attending and recording the Land Use Board meeting held on February 25, 2020; and

**WHEREAS**, the Borough desires to compensate Ms. Hough for the additional hours worked for the Board; and

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF OGDENSBURG  
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM  
March 9, 2020**

**WHEREAS**, the Borough’s Salary Ordinance provides for a \$75.00 stipend for meeting attendance by the Planning Board and Zoning Board Secretary.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey that Ms. Hough shall be compensated for the additional hours worked in temporarily assisting the Borough Land Use Board in the amount of \$75.00, said amount being equal to the stipend amount for performing such duties as set forth in the Borough’s Salary Ordinance.

**INTRODUCTION TO ORDINANCE 02-2020**

Councilwoman Slater A motion is in order to introduce an ordinance 02-2020 entitled “AN ORDINANCE AMENDING SALARY ORDINANCE 11-2019 OF THE BOROUGH OF OGDENSBURG.” Seconded by Councilman Nardini.

**Public Hearing will be held March 23, 2020.**

**Upon Roll call Vote:**

Yeas: Alvarez, Cruz, Nardini, Nasisi, O’Dell, Slater  
Nays: None Absent: None Abstain None

**Ordinance 02-2020**

**WHEREAS**, from time to time, the Borough of Ogdensburg (“Borough”) seeks to review, update and amend its salary ordinances; and

**WHEREAS**, the Borough desires to amend Salary Ordinance No. 11-2019 approved on May 28, 2019 to provide for a stipend in the amount of \$75.00 to the Borough Board of Health Secretary, and any temporary substitute designated by the Borough when required, for attending and recording public meetings conducted by the Borough Board of Health; and

**WHEREAS**, the Borough desires to further clarify the minimum wage and stipend provided to the Planning and Zoning Board Secretary, and any temporary substitute designated by the Borough when required, for attending and recording public meetings conducted by the Borough Planning and Zoning Boards.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, that Salary Ordinance No. 11-2019 approved on May 28, 2019 is hereby amended as follows:

Board of Health Sec./Recycl. Coord./Deputy Regist./Deputy Clerk	
Per hour minimum wage (excluding Board of Health meetings)	\$21.00
Stipend for attending Board of Health meetings	\$75.00

Planning Board and Zoning Board Secretary/Administrative	
Per hour minimum wage (excluding Planning and Zoning Board meetings)	\$20.00
Stipend for attending Planning Board and Zoning Board meetings	\$75.00

**BE IT FURTHER ORDAINED** that all other provisions of Ordinance No. 11-2019 shall remain in full force and effect.

**BE IT FURTHER ORDAINED** that this ordinance shall take effect immediately upon proper passage and publication in accordance with law.

**OLD BUSINESS**

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

**March 9, 2020**

Employee Handbook- Mr. McBriar commented we are meeting on Wednesday with the CFO and Clerk to fine tune the remaining parts of the employee manual.

Building/Grounds Differentiations – Councilman Nasisi commented he is still working on this there are about 60 lots that showed up.

Salt Shed Roof – Councilman Nasisi commented he does have another quote but doesn't have the physical copy yet.

FOHP Town Wide Garage Sale – Councilwoman O'Dell commented she doesn't have anything to add for this. It can come off [the agenda].

Pond Opening Day – Councilwoman O'Dell commented nothing new; leave it on [the agenda] for now.

**NEW BUSINESS**

2020 Budget – Mike Marceau, CFO, commented he gave each of you the summary sheet. The results from the budget meetings and changes made, the results are sixty dollars per average house hold; which is an increase of 2.35 percent. Basically, that is where we sit today; we can either continue to try to get that number down, if you are happy where we are he can proceed to get the documents ready.

There was a discussion on the summary sheet and budget, Tom Ferry Auditor still has to review the numbers. We are going to introduce the budget March 23, 2020.

Short Term Rentals – Mayor Hutnick commented he had Robert looking over a resolution from Vernon.

Mr. McBriar commented there seems to be a desire to follow a number of municipalities State wide with the Air BNB rentals. A number of municipalities have taken steps to regulate short term rentals and they did that to minimize any potential effects that short-term rents may pass just around neighborhoods. There are some typical provisions that are include in this. Mr. McBriar briefly summarized the content of what a proposed ordinance might have in it. First of all, there would be limitations on a rental period, there would also be limitations for rentals throughout the entire year. The process entails any owner applying for a permit as well as for a rental CO, some towns have done that through the fire department but that is something that can be discussed as a governing body. There will be an application process generally if granted; it is done on an annual basis so it would be valid for the year. If there was a transfer of ownership it would expire. The process would have an application, there would be a number of items that should be contained in the application, name, address, phone number, contact information for the owner, copy of their driver license, some sworn acknowledgment that they agree to comply with rules and regulation throughout the County and State. There are a few other items we can include. There would have to be proof of general liability insurance. He has also seen restrictions where it can't be rented to an individual under the age of 21; that doesn't mean that minors can't be there, they just can't be the signatory on that application. There would also be a violations and penalty provision so that if someone isn't complying there is a way to enforce that. As the Mayor indicated Vernon has done this, he thinks Hopatcong has contemplated it. Mr. McBriar commented if you have any questions reach out to him or Robin and he will put together a draft with more specifics.

Councilwoman Slater asked if anyone has asked about this.

Mayor Hutnick commented the reason for this is at the last Land Use Board meeting it was brought to our attention that we have one active and possibly two or three more right now in town.

Councilwoman Slater commented she gets why Vernon is doing this because they are the slopes and [she gets] Hopatcong.

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF OGDENSBURG  
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM  
March 9, 2020**

Mayor Hutnick commented he brought it up with the Chief to discuss this. Chief Gordon was able to obtain what Vernon was doing. Now we have one definite and we could possibly have up to three so far. We have a lot of open house and places that can be rented. It isn't to stop you for doing it because you can't but you can [regulate it].

Chief Gordon commented the one we do know of that is confirmed the owner does stay there, it is more less an air BNB a room upstairs so that is something to take in consideration with the ordinance because most air BNB is a house people rent for a week. This one the owner lives in the house and he stays while the people rent the room.

There was a brief discussion on a rental area vs a house, how would this different from a bed and breakfast, where is the line drawn between having a house you rent in town or do you considered that a business and what is posted on an air b & b website.

Chief Gordon commented if somebody is going to rent a room someplace, if someone that is known to you, a friend, a relative, someone that is know to you where there is accountability; but air BNB you have someone there for a weekend who will party in the place and then walk away from it. What we are trying to do is hold the owner accountable to who they rent this person too. You might think twice renting to a group of college kids. That is more what we are trying to regulate, having accountability.

Councilwoman Slater commented on air BNB [website] you are signing documents or signing stuff on there through air BNB that protects the one renting out the property and makes those individuals cover fees.

Chief Gordon commented the whole accountability is if something happens to this property or if somebody gets hurt we know there is an air BNB but we are not regulating it as a commercial business and gave an example. As long as we keep it regulated we can control it a little better but it takes the liability off of our inspectors and the Borough.

Councilwoman Slater asked if anyone looked into air BNB to see what they cover.

Mayor Hutnick commented he didn't think it was going to be an issue to protect the town. This is per him not the Land Use Board, the Land Use Board brought it forward to see how we are going to handle this and came to the Mayor and asked to address this with the Council which is what he is doing now. In the meantime, he turned paperwork over to the attorney in case we need it. The Land Use Board has a concern, he has a concern and our Chief of Police has a concern.

Councilman Nasisi commented his only concern is over regulating, regulating over ones own personal property. There is a level of law, we pay our attorney to look into this, it's not like we have [a lot of people] but the potential is there for an incident, like the Chief said and if something happens we could be on the hook for not having something even if we say the liability is not ours.

Councilwoman Slater commented she doesn't see the difference in someone renting it for a year or six months.

The discussion continued regarding air BNB, what is covered through air BNB and the need to research this more.

Councilman Nardini commented [referring to the air BNB website] it does seem like air BNB has nothing to do this it; air BNB is passing it on to the owner of the building or home but he would have to read more.

Mayor Hutnick commented on a side note Ogdensburg day is going to be September 12, 2020; this is cleared by the fire department that is how he came up with the date.

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

**March 9, 2020**

Cash Box for Life Guards – Councilwoman O’Dell commented she talked with Mike [CFO] about having a cash box for the lifeguards he suggested we do a resolution to have a cash box [at the pond] to sell badges and boat decals too if you want.

Councilman Nasisi commented they had a box before; it was taken away.

Councilwoman O’Dell commented she is trying to make it easier for the residents.

Mr. Marceau, CFO commented what we need to do is a resolution to do a change fund. We can get a lock box, a receipt book, go over procedures and have them bring it in every Monday morning to verify.

Councilman Nasisi commented you might have to go a little further with it, because there is a lack of accountability when multiple people have had their hands in [the cash box] like shift work etc.

Councilwoman O’Dell commented it will be handled by one person, head guard only the five days she is there.

There was a discussion on this being part of the lifeguard job.

Mayor Hutnick commented do we agree a cash box or no cash box.

Councilman Nasisi commented it is a good idea.

Mr. Marceau commented he will right a resolution for a cash box.

**PUBLIC SESSION**

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

No one from the public stepped forward.

Mayor Hutnick commented since we are open to the public he would like to play a short video from the County regarding the coronavirus. The CDC wants to caution the public regarding people knocking on your door saying they are from the CDC; but CDC is not going around to residents’ homes.

Mayor Hutnick played the vides on the coronavirus.

Mayor Hutnick commented he knows the school will be sending out paper work, there will be shutdowns closings but none in the County that he is aware of.

There was a brief discussion on the virus and schools.

There being no further business from the public, Councilman Nardini moved, Councilwoman O’Dell 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 Nasisi made a motion to pay voucher and review finance reports. Seconded by Councilwoman Slater.

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF OGDENSBURG  
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM  
March 9, 2020**

**Upon Roll call Vote:**

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

Nays: None Absent: None Abstain: None

**Current**

<u>DATE</u>	<u>CHECK</u> <u>#</u>	<u>PAID TO</u>	<u>AMOUNT</u>
3/10/2020	31156	Allied Oil	983.30
3/10/2020	31157	Associated Appraisal Group, Inc.	875.00
3/10/2020	31158	Atlantic Communications	690.60
3/10/2020	31159	Blue Diamond Disposal, Inc.	17,775.00
3/10/2020	31160	Bullseye Calibration of NJ	135.00
3/10/2020	31161	CenturyLink	136.19
3/10/2020	31162	Chelbus Cleaning Company, Inc.	225.00
3/10/2020	31163	Dolan & Dolan Esqs.	212.77
3/10/2020	31164	Eagle Point Gun	1,191.16
3/10/2020	31165	Elizabethtown Gas	1,809.36
3/10/2020	31166	Finch Fuel Oil Co., Inc.	345.51
3/10/2020	31167	Fire Fighters Equipment Company Inc	201.00
3/10/2020	31168	Hamburg Plumbing Supply Co	38.48
3/10/2020	31169	JCP&L	1,671.94
3/10/2020	31170	Jersey Central Power & Light	1,041.60
3/10/2020	31171	Kimberly Cucci	137.60
3/10/2020	31172	Laddey, Clark & Ryan	625.00
3/10/2020	31173	Leppert Group, LLC	206.64
3/10/2020	31174	Morris County Public Safety	1,000.00
3/10/2020	31175	No. Jersey Court Admin. Assoc	40.00
3/10/2020	31176	Ogdensburg Board of Education	208,562.83
3/10/2020	31177	ReadyRefresh	33.01
3/10/2020	31178	Sonia Barria	70.00
3/10/2020	31179	Sparta Discount Tire, Inc.	776.88
3/10/2020	31180	Statewide Insurance Fund	10,901.00
3/10/2020	31181	Statewide Insurance Fund	27,402.25
3/10/2020	31182	Sussex County Assessor's Assoc.	100.00
3/10/2020	31183	Township of Wantage	3,268.25
3/10/2020	31184	Van Cleef Engineering Assoc. LLC	125.00
3/10/2020	31185	Verizon Wireless	120.97
3/10/2020	31186	Wallkill Valley Regional H.S.	102,172.00
			=====
			382,873.34

**Developers Escrow**

<u>DATE</u>	<u>CHECK</u> <u>#</u>	<u>PAID TO</u>	<u>AMOUNT</u>
3/10/2020	2084	Grater, LLC	79.44
			=====
			79.44

**Dog Fund**

<u>DATE</u>	<u>CHECK</u> <u>#</u>	<u>PAID TO</u>	<u>AMOUNT</u>
-------------	--------------------------	----------------	---------------

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF OGDENSBURG  
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM  
March 9, 2020**

3/10/2020	235	NJ Dept of Health & Senior Service	80.40
			=====
			80.40

**General Capital**

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
3/10/2020	1124	Van Cleef Engineering Assoc. LLC	3,766.00
			=====
			3,766.00

**Grant Fund**

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
3/10/2020	31187	Municipal Software Inc	40.00
			=====
			40.00

**Water Op**

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
3/10/2020	4985	Agra Environmental Services	60.00
3/10/2020	4986	CSI Masonry LLC	470.00
3/10/2020	4987	JCP&L	2,536.04
3/10/2020	4988	One Call Concepts, Inc.	10.88
			=====
			3,076.92

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

Meeting adjourned at 7:50p.m.

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

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