

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
April 13, 2020**

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

Mike Marceau, CFO commented welcome to our first zoom meeting and suggested to help the clerk when you make a motion and a second say your last name.

Mayor Hutnick led the Pledge of Allegiance.

ROLL CALL: Alvarez, Cruz, Nardini, Nasisi, Slater, Mayor Hutnick

Absent: O'Dell

Also, in attendance was Robert McBriar, Borough Attorney.

STATEMENT BY MAYOR: "Notice requirements of P.L. 1975, Open Public Meeting Act, NJSA10:4- 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 Councilman Nasisi seconded motion for approval of items on the consent agenda.

CONSENT AGENDA

1. Approval of regular meeting minutes from March 23, 2020.
2. Approval of Resolution 36-2020 endorsing the Memorial Day Parade to be held May 25, 2019.
3. Approval of Resolution 37-2020 discharge of mortgage between the Borough of Ogdensburg and Diane Hering, 45 Kennedy Ave. Ogdensburg, NJ in the amount of \$19,535.00.
4. Approval of Resolution 38-2020 refund of tax overpayment for 2018 & 2019 Tax Court Judgement for Pokorny Properties, LLC. Block 30 Lot 3.021 in the amount of \$15,517.47.
5. Approval of Resolution 39-2020 authorizing change fund to sell badges at Heaters Pond.
6. Approval of Resolution 40-2020 authorizing consent to the transfer and assignment of Ogdensburg Borough's Cable Franchise Agreement from Service Electric Cable T.V. of New Jersey, Inc. to CSC, TKR, LLC.
7. Approval of Resolution 41-2020 authorizing the refund of Certificate of Continued Occupancy Inspection Fee.
8. Accept for filing Borough of Franklin Resolution 2020-25.
9. Accept for filing Township of Sparta Ordinance 20-05.
10. Accept for filing Township of Green Resolution 2020-82.
11. Accept for filing letter dated April 6, 2020 to Mayor/Town Clerk from Marilyn Davis, Sr. Director, Altice Re Service Electric/Altice Cable Television Transaction.

Upon Roll call Vote:

Yeas: Alvarez, Cruz, Nardini, Nasisi, Slater

Nays: None Absent: O'Dell Abstain None

Resolution 36-2020

WHEREAS, the Borough of Ogdensburg is aware of the Memorial Day Parade to be held on May 25, 2020 from 7:30am to 9:00am; and

WHEREAS, a permit from the County of Sussex is required for the closing of Sussex County Route 517 from the Ogdensburg Fire Department to Kennedy Ave on May 25, 2019 from 7:30am to 9:00am.

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

April 13, 2020

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.

Resolution 37-2020

WHEREAS, the Borough of Ogdensburg (“Borough”) previously instituted a Home Improvement Program (“Program”) for the purpose of providing low cost home improvement financing to qualifying homeowners; and

WHEREAS, as part of this Program, the Borough granted a loan in the principal amount of \$19,535.00 to be used to rehabilitate property located at 45 Kennedy Ave, Ogdensburg, New Jersey, identified on the Official Tax Maps of the Borough as Block 13, Lot 4; and

WHEREAS, said loan was secured by a mortgage in favor of the Borough dated April 3, 2012 which was recorded in the Sussex County Clerk’s Office on May 30, 2012 in Book 9002, at Page 823; and

WHEREAS, the loan in the principal amount of \$19,535.00 was paid in full evidenced by check number 1001420 issued to the Borough endorsed by Real Safe Title, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Ogdensburg that the Mayor and Clerk are hereby authorized to execute a discharge of mortgage relative to the above-referenced property and take such further actions as are necessary to effectuate the purpose of this Resolution.

Resolution 38-2020

BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF OGDENSBURG THAT THE FOLLOWING REFUND BE MADE TO THE INDIVIDUAL LISTED BELOW FOR TAX OVERPAYMENT RECEIVED BY THE BOROUGH TAX COLLECTOR

BLOCK: 30 **LOT:** 3.021

ADDRESS: Brook Flat Road & Plant Street

OWNER: Pokorny Properties, LLC

AMOUNT TO BE REFUNDED: \$ 15,517.47

For years 2018 & 2019 Tax Court Judgement

MADE PAYABLE TO: Askin & Hooker, LLC, Attorney Trust Account

MAIL TO: Attn: William P Askin , Esq
200 Woodport Road – Ste A
Sparta, New Jersey 07871

REGINA FLAMMER

TAX COLLECTOR

March 10, 2020

Resolution 39-2020

WHEREAS, the Commissioner of Parks and Recreation has requested that a change fund (“Change Fund”) be established and maintained by the Borough in the Department of Parks and Recreation for use by the Head Lifeguard at Heaters Pond; and

WHEREAS, the Change Fund shall be used solely for making change for cash payments received from residents and guests who purchase beach badges for the beach facilities at Heaters Pond; and

WHEREAS, the Change Fund shall not be used for expenditures of any kind or for the purpose of paying any bills; and

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
April 13, 2020**

WHEREAS, the change fund shall be in the amount of fifty dollars (\$50.00); and

WHEREAS, every Monday following each week that Heaters Pond is open, the Head Lifeguard shall deliver to the Borough Chief Financial Officer the Change Fund, together with a cash book describing the names and addresses of those who purchased badges the previous week, the date, the amount tendered and change given.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey that a Change Fund is hereby established in the amount of fifty dollars (\$50.00) in the Department of Parks and Recreation for use by the Head Lifeguard at Heaters Pond solely for the purpose described herein.

BE IT FURTHER RESOLVED that said Change Fund shall have a constant balance in the amount in which it is established.

BE IT FURTHER RESOLVED every Monday following each week that Heaters Pond is open, the Head Lifeguard shall deliver to the Borough Chief Financial Officer the Change Fund, together with a cash book describing the names and addresses of those who purchased badges the previous week, the date, the amount tendered and change given.

BE IT FURTHER RESOLVED that the Borough Chief Financial Officer shall make the appropriate adjustments and notations on his records for the purpose of establishing such Change Fund.

Resolution 40-2020

WHEREAS, on November 8, 2010 the Borough of Ogdensburg (“Borough”) adopted Ordinance #1-10 granting municipal consent to the issuance of a Cable Franchise Agreement (“CATV Agreement”) to Service Electric Cable T.V. of New Jersey, Inc. (“Service Electric”); and

WHEREAS, Service Electric has entered into an asset purchase agreement (“Purchase Agreement”) with CSC TKR, LLC, an affiliate of Altice USA, Inc. (“Buyer”) pursuant to which the Buyer will purchase all of the assets owned, used or held for use by Service Electric in connection with the business as defined in the Purchase Agreement and other assets as described in the Purchase Agreement; and

WHEREAS, in connection with the aforesaid transaction, the Buyer has requested the Borough’s consent to the transfer and assignment, and confirmation that that the CATV Agreement will remain in full force and effect according to its terms following such transfer and assignment.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Ogdensburg, in the County of Sussex, and State of New Jersey that the Mayor is hereby authorized to sign the Consent of the Transfer of the Cable Franchise Agreement from Service Electric Cable T.V. of New Jersey, Inc. to CSC TKR, LLC; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption according to law.

Resolution 41-2020

WHEREAS, the Borough of Ogdensburg (“Borough”) requires that a Certificate of Continued Occupancy (“CCO”) be issued by the Borough Fire Marshall prior to the sale or rental of a single-family dwelling, townhouse or condominium located in the Borough; and

WHEREAS, in contemplation of selling their residence, on or about March 3, 2020, the homeowners of 9 Spring Street, Ogdensburg, New Jersey submitted an application for CCO to the Borough Fire Marshall together with the requisite inspection fee in the amount of \$100.00, cash payment; and

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
April 13, 2020**

WHEREAS, following submission of their application, the homeowners decided not to continue with the sale of their property and therefore requested a refund of the inspection fee; and

WHEREAS, the Borough Fire Marshall has not made an inspection of the property in connection with the pending application; and

WHEREAS, in light of the fact that an inspection has not been conducted, and the sale has been terminated, the Borough Fire Marshall recommends that a refund be provided to the homeowners as requested; and

WHEREAS, if, in the future, the homeowners decide to again sell their property, they will be required to submit another application for CCO together with the requisite inspection fee in accordance with the Borough Code and State Uniform Fire Code; and

WHEREAS, it is now the desire of this governing body to act upon the recommendation of the Borough Fire Marshall and grant the requested refund.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey that that a refund in the amount of \$100.00 be authorized to be paid to Donald J. Eckhardt and Julia A Bohn, owners of property located at 9 Spring Street, Ogdensburg, New Jersey.

ADOPTION ORDINANCE 03-2020

Councilman Nardini made a motion to adopt ordinance 03-2020 “ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14)

Prior to final roll call, Mayor Hutnick opened the meeting to the public for any comments regarding ordinance 03-2020.

Ms. Hough commented we need a second. Councilman Alvarez seconded the motion.

Prior to final roll call, Mayor Hutnick closed the meeting to the public for any comments regarding ordinance 03-2020.

Upon Roll call Vote:

Yeas: Alvarez, Cruz, Nardini, Nasisi, Slater

Nays: None Absent: O’Dell Abstain None

Ordinance 03-2020

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Ogdensburg in the County of Sussex finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

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

April 13, 2020

WHEREAS, the Mayor and Council hereby determines that a **1%** increase in the budget for said year, amounting to **\$24,221.11** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Ogdensburg, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Ogdensburg shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by **3.5%**, amounting to **\$84,773.87**, and that the CY 2020 municipal budget for the Borough of Ogdensburg be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

OLD BUSINESS

Mayor Hutnick asked if anyone has anything to discuss in old business.

Employee Handbook- Councilwoman Slater asked if there was an update on the employee handbook.

Mr. McBriar commented last week he received final comments from the CFO and Clerk on the first draft of the handbook; those will be incorporated in [the handbook] then put [the handbook] on the agenda.

Building/Grounds Differentiations – no update

Salt Shed Roof – no update

Pond Opening Day – no update

Short Term Rentals – no update

Cash Box for Life Guards – no update

Beach badges for non-resident ORA swim team members – no update.

NEW BUSINESS

There was no new business.

PUBLIC SESSION

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

No one from the public had any comments.

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

April 13, 2020

There being no further business from the public, Councilman Nardini moved, Councilman Alvarez 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 Nardini made a motion to pay the bills. Seconded by Councilwoman Slater.

Upon Roll call Vote:

Yeas: Alvarez, Cruz, Nardini, Nasisi, Slater

Nays: None Absent: O'Dell Abstain None

Current

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
3/30/2020	31214	Treasurer - State of NJ	60.00
4/14/2020	31216	Accounting Department	10.48
4/14/2020	31217	Allied Oil	521.94
4/14/2020	31218	Amazon	82.73
4/14/2020	31219	Askin & Hooker, LLC	15,517.47
4/14/2020	31220	Bassani Power Equipment, LLC	314.76
4/14/2020	31221	Blue Diamond Disposal, Inc.	17,775.00
4/14/2020	31222	Bullseye Calibration of NJ	135.00
4/14/2020	31223	CenturyLink	39.59
4/14/2020	31224	Chelbus Cleaning Company, Inc.	749.00
4/14/2020	31225	Complete Security Systems, Inc.	24.20
4/14/2020	31226	Dave's Towne Service	628.90
4/14/2020	31227	Elizabethtown Gas	1,007.36
4/14/2020	31228	JCP&L	1,655.77
4/14/2020	31229	Kimberly Cucci	143.84
4/14/2020	31230	Laddey, Clark & Ryan	625.00
4/14/2020	31231	Michel Marceau	15.98
4/14/2020	31232	ReadyRefresh	1.99
4/14/2020	31233	Schenck Price Smith & King LLP	4,067.86
4/14/2020	31234	Sheaffer Supply, Inc.	

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
April 13, 2020**

			217.07
4/14/2020	31235	Staples Business Advantage	156.57
4/14/2020	31236	Sussex County Treasurer	268,777.64
4/14/2020	31237	Sussex County Treasurer	18,514.08
4/14/2020	31238	Sussex County Treasurer	1,131.56
4/14/2020	31239	Treasurer, State of NJ	50.00
4/14/2020	31240	Verizon Business	94.65
4/14/2020	31241	Verizon Wireless	120.45
4/14/2020	31242	W.B. Mason Co., Inc.	305.78

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332,744.67

Capital Fund

<u>DATE</u>	<u>CHECK#</u>	<u>PAID TO</u>	<u>AMOUNT</u>
4/14/2020	1127	Amazon	1,719.82
			=====
			1,719.82

Dog Fund

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
4/14/2020	236	NJ Dept of Health & Senior Service	32.40
			=====
			32.40

Grant Fund

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
3/31/2020	31215	US Postal Service	165.58
4/14/2020	31243	Amazon	57.98
4/14/2020	31244	Center for Prevention & Counseling	1,200.00
4/14/2020	31245	W.B. Mason	59.97
			=====
			1,483.53

Water Op

<u>DATE</u>	<u>CHECK</u>	<u>PAID TO</u>	<u>AMOUNT</u>
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**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
April 13, 2020**

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4/14/2020	4991	Accounting Department	1.50
		Agra Environmental	
4/14/2020	4992	Services	60.00
4/14/2020	4993	Amazon	9.94
4/14/2020	4994	Jackie Ward	1.80
4/14/2020	4995	JCP&L	2,251.60
4/14/2020	4996	One Call Concepts, Inc.	17.68
4/14/2020	4997	Staples Business Advantage	9.07
4/14/2020	4998	State of New Jersey-PWT	93.33
4/14/2020	4999	W.B. Mason Co., Inc.	11.90

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2,456.82

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

Meeting adjourned at 7:08p.m.

Robin Hough, Borough Clerk

George P. Hutnick, Mayor