

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF OGDENSBURG  
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM  
June 22, 2020**

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

Mayor Hutnick led the Pledge of Allegiance.

**ROLL CALL:** Alvarez (via zoom), Cruz (via zoom), Nardini (via zoom), Nasisi (via zoom, O'Dell, Slater, Mayor Hutnick (via zoom)

Also, in attendance was Robert McBriar, Borough Attorney (via zoom). Mike Marceau, CFO, and Chief Gordon

**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."

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

**CONSENT AGENDA**

1. Approval of regular meeting minutes from June 8, 2020.
2. Approval of Resolution 53-2020 authorizing the Borough Clerk to renew liquor license 1916-44-003-005 Mannion's Wine & Liquor for the 2020-2021 licensing term.
3. Approval of Resolution 52-2020 authorizing the use of Public Rights-of-way by Planet Networks, Inc.
4. Approval of Resolution 54-2020 Chapter 159 resolution 2020 budget.
5. Approval of Resolution 55-2020 amending employee payroll policy.
6. Approval of Resolution 56-2020 authorizing contract with SJ construction for repairs to Municipal Salt Shed.
7. Approval of COVID-19 Expansion of Premises Permit Atlantic Manor LLC. 1916-33-002-006, 83 Main Street, Ogdensburg.
8. Accept for filing letter from NJDOT informing the Borough of Ogdensburg will receive an allotment for \$175,000 from the transportation trust fund for the Ogdensburg Storm Drain Repair Project.
9. Accept for filing project update notice 2020 Sussex County Resurfacing program from Sussex County Department of Engineering and Planning.

**Upon Roll call Vote:**

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

Nays: None Absent: None Abstain None

**Resolution 52-2020**

**WHEREAS**, Planet Networks, Inc. ("Planet Networks"), having a business address at 4 Park Place, Newton, NJ 07860, is a provider of telecommunications services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

**WHEREAS**, Planet Networks has petitioned the Borough of Ogdensburg ("Borough") for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

**WHEREAS**, the Federal Communications Commission has held that that "an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service ... not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider

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in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services.” Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at para. 36, p. 15-16; and

**WHEREAS**, Planet Networks has or will enter into agreements with the utility companies for the use of their poles and will provide the Borough with evidence of such agreements prior to starting work on the poles; and

**WHEREAS**, N.J.S.A. 48:3-19 provides that “[t]he consent of the municipality shall be obtained for the use by a person of the poles of another person unless each person has a lawful right to maintain poles in such street, highway or other public place;” and

**WHEREAS**, N.J.S.A. 27:16-6 provides, in part that “[t]he board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality ... shall consent thereto;” and

**WHEREAS**, N.J.S.A. 46:17-8 provides that “[a]ny telegraph or telephone company organized under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same;” and

**WHEREAS**, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal agency; and

**WHEREAS**, it is in the best interests of the municipality and its citizens to grant consent to Planet Networks.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey as follows:

1. The governing body does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles, upon the following terms and conditions:
  - a) Planet Networks shall adhere to all applicable Federal, State, and Local laws in connection with its use of the public right-of-way.
  - b) Planet Networks shall obtain any applicable permits in connection with the installation of its facilities.
  - c) Planet Networks shall indemnify, defend and hold harmless the Borough of Ogdensburg, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network’s use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the Borough.
  - d) Planet Networks shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence and shall include the Borough of Ogdensburg as an additional insured on said insurance policy and shall provide a copy of the certificate of such insurance to the Borough prior to starting any work.

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- e) Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation, or maintenance of its facilities.
- f) Notwithstanding any provision contained herein, neither the Borough nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.
- g) Planet Networks shall provide the Borough with evidence of an agreement with the owners of the poles prior to starting work on said poles.
- h) The permission and authority hereby granted shall continue for the same period as the grant to parties whose utility poles Planet Network is jointly using.
- i) The Mayor is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of this Resolution.

STATEMENT: This resolution authorizes and consents to Planet Networks, Inc.'s installation of fiber optic cables and related facilities on new and existing utility poles and conduits within the public rights-of-way.

**Resolution 53-2020**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY, THAT THE FOLLOWING APPLICATIONS FOR THE RENEWAL OF LIQUOR LICENSES IN THE BOROUGH OF OGDENSBURG FOR THE 2020-2021 LICENSING YEAR, EFFECTIVE JULY 1, 2020, BE AND THE SAME HEREBY APPROVED:

**PLENARY RETAIL CONSUMPTION – \$414.00**

LICENSE #	LICENSEE	ESTABLISHMENT	ADDRESS
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**PLENARY RETAIL DISTRIBUTION - \$302.00**

1916-44-003-005	A Mannion Venture Inc.	Mannions Wine & Liquor	81 Main Street
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**CLUB LICENSE - \$70.00**

**Resolution 54-2020**

**WHEREAS**, N.J.S. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Ogdensburg, in the County of Sussex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$5,592.49 which is now available as a revenue from:

Miscellaneous Revenues -	
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services -	
Public and Private Revenues Off-set with Appropriations:	
Clean Communities Grant	\$5,592.49

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**BE IT FURTHER RESOLVED** that a like sum of \$5,592.49 be and the same is hereby appropriated under the caption of:

(A) Operations – Excluded from “CAPS”

Public and Private Programs Offset By Revenues:

Clean Communities Grant \$5,592.49

**Resolution 55-2020**

**WHEREAS**, as a result of the COVID-19 coronavirus pandemic, the Borough’s payroll provider adjusted its schedule for funding payroll; and

**WHEREAS**, because of the foregoing, the Borough temporarily amended its payroll policy so that employee paychecks would be issued on Thursday of each payroll week; and

**WHEREAS**, the Borough now seeks to amend its payroll policy, thus returning it to what it was prior to the advent of the COVID-19 coronavirus pandemic.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey that Section 4.2 of the Borough Employee Handbook dated April 22, 2020 is hereby amended, effective immediately, as follows:

*“Paychecks are issued by the Payroll Clerk on Friday of the payroll week...”*

**BE IT FURTHER RESOLVED** that the remaining provisions of the Borough’s Payroll Policy shall be unaffected by this Resolution and shall remain in full force and effect.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to all Borough employees prior to the next payroll date.

**Resolution 56-2020**

**WHEREAS**, there is a present need to retain a contractor to perform work necessary to repair the roof of the municipal salt shed; and

**WHEREAS**, the Borough contacted multiple vendors including SJ Construction and Liberty Roofing to solicit and receive competitive quotes for the work to be performed; and

**WHEREAS**, SJ Construction, having a business address in Hamburg, New Jersey provided the only responsive quote, attached hereto, in the amount of \$7,500.00; and

**WHEREAS**, after reviewing the quote provided by SJ Construction, the Borough finds that the proposal is most advantageous, price and other factors considered.

**NOW THEREFORE BE IT RESOLVED**, by the Borough of Ogdensburg Mayor and Council that Mayor and Borough Clerk are hereby authorized to enter in a contract with SJ Construction, Hamburg, New Jersey for all work necessary to repair the roof of the municipal salt shed in an amount not to exceed \$7,500.00.

**OLD BUSINESS**

Building/Grounds Differentiations – Councilman Nasisi commented there is nothing new.

Salt Shed Roof – Councilman Nasisi commented we should be getting this set up soon. The resolution was on the consent agenda, the permits are in so as soon as they receive the permits back we will schedule [the repair].

Historical Building Oil Tank – Councilman Nasisi commented he thinks this is the final UST tank other than the ones for DPW by the old recycling garage.

Truck sign on Corkhill – Mayor Hutnick commented he is still working on this with the Chief; we are still having issues with the trucks coming down Corkhill; they are not seeing the signs

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and get stuck at the tunnel. A car got backed up into by a truck because they were behind the truck and they didn't see them. There is random property damage in that area. We are going to get larger signs; maybe by the Quarry.

Councilwoman O'Dell asked if the trucks could be stopped at the Quarry.

Chief Gordon comment it is in Franklin.

There was a discussion on where to put a sign, the types of trucks, signs with ordinance numbers and tonnage limit on Kennedy.

Planet Networks, Inc. – Mayor Hutnick commented Mr. Boyle is here from Planet Networks. Mr. McBriar commented item three [on the consent agenda] for tonight's meeting is the resolution authorizing the public right of way by Planet Network, Inc. Mr. McBriar commented he worked with Mr. Boyle; there was sufficient documentation/agreements with the owners of those poles. There is nothing new to add.

Mayor Hutnick asked what is the next step going to be?

Mr. Boyle explained we can request permission from the owner of the pole; once we get that permission then we go ahead and install.

Mayor Hutnick asked what is the plan for distribution to the houses from Main Street?

Mr. Boyle commented that remains to be seen at this point; right now, at this point it is basically given the path through town. Right now, we don't have fiber in Ogdensburg at all we have fiber in Franklin and in Sparta. We have to figure out we are going to serve the areas and start serving citizens. We have a website called GetPlanetfiber.com and it lets people check to see if there is service and it logs where there is interest; people can put in their email address in.

2013 Chevrolet Tahoe SSV – Councilwoman Slater commented there is nothing new; she, Mike and Eric are working through it.

**NEW BUSINESS**

Recycling Center – Mayor Hutnick commented the recycling center opened on Saturday; it was very successful. Everyone was courteous, some people were not happy the way they had to bring their recycling in. No plastic bags are allowed at all, plastic bags are not recyclable. The dumpsters started off empty we filled them to the top with the lids closed so it wasn't blowing all around and the center closed around 11:15 because all three dumpsters were completely full. When the resident comes in and you don't recognize them you have to ask them for a photo ID. Any cardboard boxes have to be broken down flat; you can't have a bunch of boxes stacked in one big box it all has to be flattened. Recycling has to be rinsed and washed clean. We are following the rules that are being told to us from the recycling company this isn't a sudden change these have been the rules the entire time they just weren't enforced. If we don't do this they will not pick up the recycling curb side or the dumpsters.

Councilwoman Slater asked if the Facebook page was updated.

Mayor Hutnick replied the Facebook page has it on there he has to update with no plastic bags and explained.

Councilwoman Slater asked if we should do another mailing just to make sure it's out there for those who don't check Facebook.

Mayor Hutnick commented he is also working on the garbage rules and the bulk rules. If a refrigerator is put on the curb for bulk pickup they have to have a certified freon free sticker on

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them from a licensed company that is in charge of removing freon. If it not there they will not pick up the refrigerator.

Mayor Hutnick explained washer and dryers you are allowed to put one out at a time and microwaves they said they would take but that is the extent of the electronics. The reason they accept microwaves is because refrigerators now washers and dryers don't have electronics in them. They cap it off with microwaves.

Mayor Hutnick explained he worked the recycling center last Saturday and asked for volunteers for this Saturday. This was discussed.

Bodycam – Councilman Alvarez explained it took a while but the company for the body cam's will be coming to Borough Hall eleven in the morning this Friday to met with him and the Chief. Hopefully some of the other guys attend. The company will show us how they work and show us videos. Hopefully we can get these as quickly as possible.

Mayor Hutnick asked if anyone else from the Council would like to add anything.

Councilman Alvarez asked about getting the life guards these certain types of bags to use while they are on duty to have their equipment around them and they would not have to search for anything. So basically, we would need six bags. He would like to talk to Councilwoman O'Dell when he sees her.

Mayor Hutnick commented worked that out with Councilwoman O'Dell.

**PUBLIC SESSION**

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

No one from the public address the Council.

There being no further business from the public, Councilwoman Slater 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**

Councilwoman Slater made a motion to review payment of vouchers and review departmental finance reports. Seconded by Councilwoman O'Dell.

**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>PAID TO</u>	<u>AMOUNT</u>
6/23/2020	31362	145 Media	240.00
6/23/2020	31363	Allied Oil	505.63
6/23/2020	31364	Amazon	1,381.38
6/23/2020	31365	Ben Shaffer Recreation Inc.	1,147.50
6/23/2020	31366	Blue Diamond Disposal, Inc.	17,775.00
6/23/2020	31367	Enforsys Police Systems, Inc.	2,000.00

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6/23/2020	31368	George Hutnick	77.00
6/23/2020	31369	Horizon BC/BS of NJ	1,068.90
6/23/2020	31370	Horizon BC/BS of NJ	361.50
6/23/2020	31371	Horizon BC/BS of NJ	1,796.07
6/23/2020	31372	JCP&L	383.72
6/23/2020	31373	Kuiken Brothers	45.92
6/23/2020	31374	LINA	229.50
6/23/2020	31375	MGL Printing Solutions	49.00
6/23/2020	31376	Montague Tool & Supply Co	119.67
6/23/2020	31377	Municipal Capital	119.00
6/23/2020	31378	Musky Trout Hatcheris LLC	3,030.00
6/23/2020	31379	New Jersey Herald	160.82
6/23/2020	31380	Noah's Ark Prot-a-Jon	154.00
6/23/2020	31381	Schenck Price Smith & King LLP	4,415.93
6/23/2020	31382	Smith, Ken	792.89
6/23/2020	31383	Statewide Insurance Fund	10,901.00
6/23/2020	31384	Statewide Insurance Fund	27,402.25
6/23/2020	31385	Van Cleef Engineering Assoc. LLC	357.50
6/23/2020	31386	Varcadipane Jr, William J.	1,607.80
6/23/2020	31387	W.B. Mason Co., Inc.	122.68
			=====
			76,244.66

**Admin Trust**

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
6/23/2020	2167	Maggie Rodriguez	110.33
6/23/2020	2168	Michael Nardini	10.00
			=====
			120.33

**General Capital**

<u>DATE</u>	<u>CHECK #</u>	<u>PAID To</u>	<u>AMOUNT</u>
6/23/2020	1128	Montague Tool & Supply Co	899.81
			=====
			899.81

**Grant Fund**

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>TO</u>	<u>AMOUNT</u>
6/23/2020	31368	Agra Environmental Services		150.00
6/23/2020	31369	Amazon		95.92

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6/23/2020	31370	Van Cleef Engineering Assoc. LLC	LLC	260.00
6/23/2020	31391	Agra Environmental Services		150.00
6/23/2020	31392	Amazon		95.92
6/23/2020	31393	Van Cleef Engineering Assoc. LLC	LLC	260.00
				-----
				1,011.84

**Voided**

6/23/2020	31368	Agra Environmental Services		(150.00)	Wrong Check Number
6/23/2020	31369	Amazon		(95.92)	Wrong Check Number
6/23/2020	31370	Van Cleef Engineering Assoc. LLC	LLC	(260.00)	Wrong Check Number
				=====	
				505.92	

**Payroll**

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
6/23/2020	1047	AFLAC	627.28
			=====
			627.28

Water Op

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
6/23/2020	5014	JCP&L Main Pool & Chemical	1,275.14
6/23/2020	5015	Co., Inc. W.B. Mason	183.40
6/23/2020	5016	Co., Inc.	3.88
			=====
			1,462.42

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

Meeting adjourned at 7:25 p.m.

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Robin Hough, Borough Clerk

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