

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF OGDENSBURG  
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM  
December 14, 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, Nasisi (Via zoom), Slater, Mayor Hutnick

Absent: O'Dell

Also, in attendance was Robert McBriar, Borough Attorney, Joseph Maddaloni, Esq, Mike Marceau, CFO

**STATEMENT BY MAYOR:** "Notice requirements of P.L. 1975, Open Public Meeting Act, NJSA10:4-6 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." Notice of this remote meeting has also been published in accordance with N.J.A.C. 5:39-1.1 through 1.7 which establishes standard protocols for remote public meetings governed by OPMA during a Governor-declared state of emergency. Said notice contains instructions and information for (i) accessing remote public meeting using the Zoom web-based platform via internet web address or teleconferencing number, (ii) making or submitting public comments, and (iii) accessing relevant documents, if any, for the public to view.

This meeting was held via zoom/audio. Participation/public access to the meeting was available at [hyyps://us02web.zoom.us/j/88398529544](https://us02web.zoom.us/j/88398529544) and entering Meeting ID: 883 9852 9544 or via teleconferencing/audio conferencing using a traditional phone by calling 1-646-876-9923 and entering Meeting ID: 883 9852 9544 followed by the # sign.

Councilwoman Slater moved Councilman Nardini seconded motion for approval of items on the consent agenda.

**CONSENT AGENDA**

1. Approval of regular meeting minutes from November 23, 2020.
2. Approval of Resolution 89-2020 approving of Borough Holiday's for 2021.
3. Approval of Resolution 90-2020 authorizing the award of a one-year contract to Municipal Software, Inc. for the procurement of accounting, tax and utility billing and licensing software and related support services.
4. Approval of Resolution 91-2020 permitting Borough employees to carry over unused vacation time accrued during 2020 to 2021 as a result of the impacts caused by COVID-19.
5. Approval of Resolution 92-2020 re-appointing Municipal Clerk.
6. Approval of Resolution 93-2020 tax overpayment to Barbara Stanton 21 Spring Street, Block 11 Lot 20 in the amount of \$306.92.
7. Approval of Resolution 94-2020 transfer resolution 2020 Budget.
8. Approval of Resolution 95-2020 Amending resolution authorizing the subordination of a Mortgage Lien held by the Borough of Ogdensburg with respect to property located at 72 Passaic Ave., Ogdensburg, NJ
9. Approval of ABC permit COVID-19 expansion of premises for Atlantic Manor LLC. license number 1916-33-002-006.
10. Approval of ABC permit COVID-19 expansion of premises for Stew N Dollys Place LLC. license number 1916-32-004-006
11. Accept for filing letter dated November 30, 2020 from NJDOT unable to provide a Municipal Aid Grant for the Predmore Road Culvert Replacement.
12. Accept for filing letter dated December 1, 2020 from SCMUA re: FY2021 Rate Schedule effective December 1, 2020.
13. Accept for filing Borough of Franklin Ordinance 12-2020.
14. Accept for filing Township of Long Hill resolution 20-313.

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**Upon Roll call Vote:**

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

**Resolution 89-2020**

**BE IT HEREBY RESOLVED** to amend the holiday schedule and that the following holidays will be observed in the Borough of Ogdensburg in 2021 and no Borough business will be transacted on these days:

January 1st -----	New Year's Day
February 15th -----	President's Day
April 2nd-----	Good Friday
May 31st -----	Memorial Day
July 5 <sup>th</sup> *-----	Independence Day
September 6 <sup>th</sup> -----	Labor Day
October 11th -----	Columbus Day
November 11th-----	Veterans' Day
November 25 <sup>th</sup> & 26 <sup>th</sup> -----	Thanksgiving Holiday
December 23 <sup>th</sup> - 24 <sup>th</sup> * -----	Christmas Recess

\* If a scheduled holiday falls on a Saturday, the Friday before shall be observed as the holiday; if a scheduled holiday falls on a Sunday, the Monday after shall be observed as the holiday.

**Resolution 90-2020**

**WHEREAS**, the Borough of Ogdensburg ("Borough") has a need to procure and maintain accounting, tax and utility billing, and licensing software and related support services for 2021; and

**WHEREAS**, Municipal Software, Inc. ("MSI"), having a business address of 125 Stokes Avenue, Stroudsburg, Pennsylvania 18360 has submitted a contract proposal dated October 14, 2020 for said services in the total amount of \$7,159.00 as described in the attached proposal which is incorporated herein by reference and made a part hereof; and

**WHEREAS**, the term of the proposed contract shall be one (1) year commencing January 1, 2021 and ending December 31, 2021; and

**WHEREAS**, the technology and maintenance include proprietary software, products and licenses which the Borough has used continuously for more than ten (10) years; and

**WHEREAS**, the goods and services are of a specialized nature that make it unique and not interchangeable with other similar products in the market place, and are necessary for the conduct of the affairs of the Borough; and

**WHEREAS**, under New Jersey Local Public Contract, N.J.S.A. 40A:11-5(dd), the Borough may award a contract for proprietary computer hardware and software without public advertising for bids and bidding therefor; and

**WHEREAS**, the total cost of these goods and services will not exceed the bid threshold; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds pursuant to N.J.A.C. 5:30-5.4.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey authorize the Mayor and Municipal Clerk to enter into a contract with Municipal Software, Inc. as described herein and in the form attached hereto at a cost not to exceed \$7,159.00; and

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**BE IT FURTHER RESOLVED** that this Contract and Resolution shall remain on file and available for public inspection in the office of the Municipal Clerk; and

**Resolution 91-2020**

**WHEREAS**, on January 31, 2020, the United States Department of Health declared a public health emergency for the United States to aid in preventing the spread of COVID-19; and

**WHEREAS**, on March 9, 2020 Governor Philip D. Murphy issued Executive Order No. (“EO”) 103 declaring a State of Emergency and Public Health Emergency in the State of New Jersey due to the danger to public health caused by COVID-19 and its rapid spread through New Jersey, Pennsylvania, Delaware and New York; and

**WHEREAS**, this emergency declaration was subsequently extended in April (EO 119), May (EO 138), June (EO 151), July (EO 162), August (EO’s 171 & 181), September (EO 186), October (EO 191) and November (EO 200) will likely remain in place until the end of 2020; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic, which means it is an epidemic that has spread over several countries or continents and affects a large percentage of the population; and

**WHEREAS**, local, domestic and global restrictions imposed as a result of the global pandemic have substantially interfered with the ability of Borough employees to use vacation time accrued in 2020; and

**WHEREAS**, Article 3 of the Employee Handbook of the Borough of Ogdensburg caps the amount of unused vacation time that an employee can carry over to the succeeding year; and

**WHEREAS**, on account of the impacts caused by COVID-19, the Borough desires to temporarily adjust its employee vacation leave policy for the 2020 year only; and

**WHEREAS**, in furtherance of the foregoing, the cap applicable to vacation time shall not apply for 2020, and Borough employees shall be permitted to carry over all unused vacation time accrued during 2020 to 2021.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey that the cap applicable to vacation time set forth in Article 3 of the Employee Handbook of the Borough of Ogdensburg shall not apply for 2020, and Borough employees shall be permitted to carry over all unused vacation time accrued during 2020 to 2021.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to all Borough employees after adoption of same.

**Resolution 92-2020**

**WHEREAS**, pursuant to N.J.S.A. 40A:9-133a., in every municipality there shall be a Municipal Clerk appointed for a three-year term by the governing body of the municipality; and

**WHEREAS**, there exists a need to appoint a Municipal Clerk for the Borough of Ogdensburg, County of Sussex and State of New Jersey as mandated by the statutory law described herein, beginning January 1, 2021 for the purposes of providing the Borough with the duties, tasks and services set forth in N.J.S.A. 40A:9-133e. (1)-(7); and

**WHEREAS**, Robin Hough holds a Registered Municipal Clerk Certificate and has served as the Borough Clerk since December 1, 2017; and

**WHEREAS**, the Borough desires to re-appoint Robin Hough to the position of Municipal Clerk.

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**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey hereby re-appoint Robin Hough as Municipal Clerk for the Borough of Ogdensburg for a three-year term effective January 1, 2021.

**Resolution 93-2020**

**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: 11 LOT: 20

ADDRESS: 21 SPRING STREET

OWNER: STANTON, BARBARA

AMOUNT TO BE REFUNDED: \$306.92  
OVER PAYMENT ON 2020 4<sup>TH</sup> QT.

MADE PAYABLE TO: BARBARA STANTON  
MAIL TO: 21 SPRING STREET  
OGDENSBURG, NJ 07439

REGINA FLAMMER  
TAX COLLECTOR  
December 8, 2020

**Resolution 94-2020**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Ogdensburg, County of Sussex, New Jersey, that the following transfer of Appropriations (2020 Municipal Budget) in accordance with N.J.S.A. 40A:4-58 be and is hereby approved:

Account Description		From:	To:
Computer Services O/E	01-201-20-140-150	\$ 75.00	
Recycling O/E	01-201-26-306-020	600.00	
Streets & Roads O/E	01-201-26-290-046	500.00	
Rec - Parks & Playgrounds O/E	01-201-28-370-022	3,800.00	
Tax Collection O/E	01-201-20-145-056		\$ 75.00
Recycling S&W	01-201-26-306-010		600.00
Buildings & Grounds O/E	01-201-26-310-099		500.00
Coronavirus Response O/E	01-201-30-430-020		3,800.00
<b>TOTALS</b>		<b>\$ 4,975.00</b>	<b>\$ 4,975.00</b>

**Resolution 95-2020**

**WHEREAS**, on November 9, 2020, the Borough of Ogdensburg (“Borough”) adopted Resolution No. 84-2020 authorizing the subordination of a mortgage lien held by the Borough with respect to property located at 72 Passaic Ave., Ogdensburg, NJ for the purpose of allowing the owner to refinance the property; and

**WHEREAS**, the Borough’s modification of the existing mortgage and consent to subordinate the Borough’s full lien amount of \$13,710.00 were expressly conditioned on the refinance mortgage not exceeding the principal amount of \$164,000; and

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**WHEREAS**, the refinance mortgage is being provided by Watermark Home Loans, LLC, Irvine, CA 92618 (“Lender”); and

**WHEREAS**, the Lender has requested that the amount of the refinance mortgage be adjusted from \$164,000 to \$167,000; and

**WHEREAS**, the Borough desires to amend its prior condition such that the refinance mortgage may not exceed \$167,000; and

**WHEREAS**, all other terms and conditions set forth in the Borough’s mortgage, mortgage note and Resolution No. 84-2020 shall remain in full force and effect.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Ogdensburg that the Mayor and Clerk of the Borough of Ogdensburg are hereby authorized and directed to execute a Subordination Agreement subordinating the Borough’s Home improvement Program Loan in the principal amount of \$13,710.00 to a mortgage given by the owner to Watermark Home Loans, with a principal amount of the mortgage not to exceed \$167,000.00.

**OLD BUSINESS**

Playground safety – Mayor Hutnick commented Councilwoman O’Dell has received pricing and a selection of different items to replace it [the slide]; she wanted to know if the Council wanted to review, discuss and vote on it. Mayor Hutnick commented let to let Councilwoman O’Dell talk to Councilman Nardini and let her work it out with finance.

Borough Property/subdivision/sales – Mayor Hutnick explained maybe we will have more information from the land use side. Councilman Nasisi commented he thinks this will be ongoing.

Paper Road (Orchard Street) – Mayor Hutnick commented this is going to be an ongoing process. It is identifying properties for use but we are also working on the fact that we have a property owner on Main Street who was granted permits to do his septic but decided to make a road in the process of getting to his septic through Borough property. His project has been put in hold he has also applied for zoning now because of the road he has created but we are still working on the total land owner portion of that. There is a possibility the Borough owns the property and the corner is in foreclosure. Before the property owner does anything else we have to identify the property rights.

Mr. McBriar commented the title has been ordered; the title company is eager to get these projects under way not only with Orchard Street also schedule 1 – 7 in our In Rem tax list. They have begun that process and he anticipate we will have those reports before the Holiday. Mr. McBriar commented he will give an update when he receives that.

Mayor Hutnick commented the individual property owner was granted permission to do the work but he was not granted permission to make a road.

First Aid Squad – Mayor Hutnick commented there are no more updates. There was a brief discussion regarding the shed and oil tank.

Councilman Nardini asked about the [boy] scouts using the building and if the request comes here [to the Borough] now.

Mayor Hutnick commented we don’t own the building; the first aid squad is still in possession of the building so anybody that wants to use the building still contacts the first aid squad until it transfers. Mayor Hutnick commented he has plans for use of the building for the town but until ownership is resolved it still belongs to the first aid squad.

Councilman Nasisi explained he met with Alan Arduini and they took down the shed, they would like to remove the oil tank and explained other repairs to the building they would like to do.

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Grants – Councilman Nardini commented we received the notice that we did not get the grant for Predmore but Plant Street is moving along. Councilman Nardini commented he thinks the surveyors were supposed to be done last week so they are moving things along. The project will be submitted to the State, guard rails and all the extra things we need will be include, extra drainage that we had to add; we are going to add two new drains. We have to get this done and submitted because the State has to accept those changes as long as they accept those changes we can get this project started.

Wallkill Valley FBLA – Mayor Hutnick commented we do not have any updates on this.

Fire Marshall Service – Mayor Hutnick commented there are no updates on this. Councilwoman Slater commented they are working on this; we do have one member [in the fire department] that might possibly be interested in doing it.

**NEW BUSINESS**

COVID-19 Policy – Mayor Hutnick commented he knows this is late in coming but we have a policy that we are going to apply and distribute to all staff members for the procedures for COVID so there are no misunderstandings or arguments and explained. The policy follows the CDC guidelines.

Mr. McBriar commented to follow up with the Mayors comments it would be appropriate for the Council to entertain a motion to adopt this policy as the Council is aware from the very beginning and with the direction and guidance of CDC has worked hard to implement those protocols. As the Mayor advised these are met to provide further clarification so that in the event if there are any questions they can be answered and in one simple form the employees can follow. This can be modified at any time subject to changes and recommendations from the Federal, State or local health agencies. At this time unless there are any further questions or comments it would be appropriate to entertain that motion.

Councilwoman Slater made a motion to adopt the Borough’s COVID – 19 Policy. Seconded by Councilman Nardini.

**Upon Roll call Vote:**

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

**PUBLIC SESSION**

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

Jackie Espinoza, representative from JCP & L spoke to the Council. Ms. Espinoza commented she is here representing the Sussex County Economic Development Partnership. Every year what we do is nominate a Mayor of the year but being that this is a COVID year we have decided to recognize all the Mayor’s in Sussex County. She has a nice certificate for Mayor Hutnick for all of his efforts all of his work that he did with COVID this year but she will drop this off at Borough Hall. Thank you for all that you have done to keep Ogdensburg going we certainly appreciate that.

Mayor Hutnick thanked Ms. Espinoza commenting he had a lot of people here helping him along the way.

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

**EXECUTIVE SESSION**

Mayor Hutnick commented we will be going into executive session.

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Mr. McBriar commented every Council person received a call-in number he would ask that you in the next couple of minutes you call that number and put in a code for it; at this time, we will also stop the zoom temporarily so we can go into closed session. Mr. McBriar asked if there were any questions from the Council via zoom/audio. Mr. McBriar commented at this time he would entertain a motion to go into executive session to discuss pending litigation and attorney client privilege.

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;

Pending Litigation and Attorney Client Privilege.

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:

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.

At 7:24p.m. Councilman Nardini moved, Councilwoman Slater seconded motion to go into executive session.

**Upon Roll call Vote:**

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

Mr. McBriar commented for the public we will be returning to the meeting we anticipate executive should last 15/20 minutes could be longer or could be shorter. We will resume the remainder of the meeting after executive session.

Mayor and Council went into executive session at 7:24PM.

Mayor and Council returned from executive session at 7:50PM.

**PAYMENT OF VOUCHERS**

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

**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>	<u>REASON</u>
12/16/2020	31738	145 Media	240.00	
12/16/2020	31739	Action Data Services, Inc.	195.39	
12/16/2020	31740	Allied Oil	750.35	

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12/16/2020	31741	B and R Uniform	119.95
12/16/2020	31742	Backdraft OpCo, LLC	1,633.00
12/16/2020	31743	Bullseye Calibration of NJ	270.00
12/16/2020	31744	CenturyLink	1,276.48
12/16/2020	31745	CenturyLink	606.80
12/16/2020	31746	Chelbus Cleaning Company, Inc.	238.00
12/16/2020	31747	Complete Security Systems, Inc.	24.20
12/16/2020	31748	Dave's Towne Service	514.90
12/16/2020	31749	Dolan & Dolan Esqs.	1,372.09
12/16/2020	31750	Elizabethtown Gas	870.15
12/16/2020	31751	ESI Equipment, Inc.	27.50
12/16/2020	31752	Fail Safe Testing, LLC	1,831.05
12/16/2020	31753	JCP&L	1,363.69
12/16/2020	31754	Kieb, Kathleen	225.00
12/16/2020	31755	Lafayette Auto Parts	45.70
12/16/2020	31756	Municipal Software Inc	1,795.00
12/16/2020	31757	Noah's Ark Prot-a-Jon	77.00
12/16/2020	31758	Petty Cash Fund	72.04
12/16/2020	31759	Phoenix Advisors, LLC	1,050.00
12/16/2020	31760	ReadyRefresh	1.99
12/16/2020	31761	Ross, Chris	148.30
12/16/2020	31762	Schenck Price Smith & King LLP	4,334.03
12/16/2020	31763	Smith, Ken	792.89
12/16/2020	31764	Stanton, Barbara	306.92
12/16/2020	31765	Staples Business Advantage Van Cleef Engineering Assoc.	1,071.81
12/16/2020	31766	LLC	505.00
12/16/2020	31767	Varcadipane Jr, William J.	1,607.79
12/16/2020	31768	Verizon Business	107.13
12/16/2020	31769	Verizon Wireless	121.84
12/16/2020	31770	W.B. Mason Co., Inc.	361.66



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12/16/2020	31771	Walkkill Valley Regional H.S. Van Cleef Engineering Assoc.	96,663.92
12/16/2020	31773	LLC	505.00
			-----
			121,126.57

**VOIDS**

		Van Cleef Engineering Assoc.			
12/16/2020	31766	LLC	(505.00)	Printing Error	
			=====		
					120,621.57

**Developers Escrow**

<u>DATE</u>	<u>CHECK #</u>	<u>PAID To</u>	<u>AMOUNT</u>
12/16/2020	2092	Dolan & Dolan Esqs.	218.94
			=====
			218.94

**Grant Fund**

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
12/16/2020	31772	Sussex County Municipal Utility	365.20
			=====
			365.20

**Water Op**

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
12/16/2020	5073	Agra Environmental Services	185.00
12/16/2020	5074	JCP&L	1,338.52
12/16/2020	5075	One Call Concepts, Pittsburg Tank & Tower Maintenance Co	21.45
12/16/2020	5076	Inc	3,000.00
			=====
			4,544.97

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

Meeting adjourned at 7:52p.m.

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

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

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