

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF OGDENSBURG  
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM  
May 24, 2021**

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

Mayor Hutnick led the Pledge of Allegiance.

**ROLL CALL:** Alvarez (via zoom), Cowdrick, DeMeo, Nardini (via zoom), Nasisi (via zoom), Slater

Also, in attendance was Robert McBriar, Borough Attorney and Mike Marceau, CFO

**STATEMENT BY MAYOR:** “Notice requirements of P.L. 1975, Open Public Meeting Act, N.J.S.A.10:4-6 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 5, 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 <http://us02web.zoom.us/j/85868581381> and entering Meeting ID: 858 6858 1381 or via teleconferencing/audio conferencing using a traditional phone by calling 1-646-876-9923 and entering Meeting ID: 858 6858 1381 followed by the # sign.

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

**CONSENT AGENDA**

1. Approval of regular meeting minutes from May 10, 2021.
2. Approval of Resolution 40-2021 Memorializing limited agency appointment of ACI Payments, Inc.
3. Approval of Resolution 41-2021 hiring of lifeguards for the 2021 swim season.
4. Approval of Resolution 42-2021 renewing liquor license 1916-44-003-006 Tammie Mannion and license 1916-31-005-001 Ogdensburg Fire Department.
5. Accept for filing letter from Chief Lott (Ret) to Chief Stephen Gordon Re: Memorial Day Services at Ogdensburg Memorial Park (Heaters Pond).
6. Accept for filing Township of Frankford resolution 2021-038.
7. Accept for filing the Borough of Franklin Ordinance 06-2021.
8. Accept for filing the Borough of Hamburg resolution 2021-41.

**Upon Roll call Vote:**

Yeas: Alvarez, Cowdrick, DeMeo, Nardini, Nasisi, Slater (abstain #1)

Nays: None Absent: None Abstain None

**Resolution 40-2021**

**WHEREAS**, the Borough of Ogdensburg (“Borough”) and ACI Payments, Inc. (“ACI”) are parties to an agreement which authorizes ACI to act as the Borough’s agent for the limited purpose of accepting electronic payments for municipal tax and water payments which are then remitted to the Borough; and

**WHEREAS**, the parties seek to memorialize the scope of limited agency appointment; and

**WHEREAS**, this memorialization does not alter any of the terms, conditions, rights or obligations of the agreement between the parties.

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**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 scope of limited agency appointment as set forth in the attached Memorialization is hereby approved.

**BE IT FURTHER RESOLVED** that the Borough Clerk and CFO are hereby authorized to execute said Memorialization and take such further actions as may be required to effectuate same.

**Resolution 41-2021**

**BE IT HEREBY RESOLVED** by the Mayor and Common Council of the Borough of Ogdensburg that the following persons be hired for the 2021 swim season pending certification:

**Lifeguards**

Taylor O’Dell – Co-Head Lifeguard	\$13.00
Emma McGuire – Co-Head Lifeguard	\$13.00
Grace Panzarella	\$12.00
Tyler Jeffer	\$12.00

**Borough Swim Lessons**

Boro Swim Lessons will be held the July 6<sup>th</sup> – 9<sup>th</sup> and July 12<sup>th</sup> – 16<sup>th</sup>  
The lessons will be performed by the life guards.

**Resolution 42-2021**

**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 2021-2022 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**

1916-44-003-006	Tammy Mannion	ABC Pocket License	NONE
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**CLUB LICENSE - \$70.00**

1916-31-005-001	Ogdensburg Fire Depart. Inc.	Ogdensburg Fire Depart. Inc.	30 Main St. Ogdensburg
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**ORDINANCE 06-2021**

Councilwoman Slater made a motion to adopt Ordinance 06-2021 “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7 OF THE CODE OF THE BOROUGH OF OGDENSBURG ENTITLED “TRAFFIC” TO REGULATE MAXIMUM GROSS VEHICLE WEIGHT ON CERTAIN PUBLIC STREETS”. Seconded by Councilman DeMeo.

**Prior to final roll call, Mayor Hutnick opened the meeting to the public for any comments regarding ordinance 06-2021.**

No one from the public had any comments.

**Prior to final roll call, Mayor Hutnick closed the meeting to the public for any comments regarding ordinance 06-2021.**

**Upon Roll call Vote:**

Yeas: Alvarez, Cowdrick, DeMeo, Nardini, Nasisi, Slater

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Nays: None Absent: None Abstain None

**RESOLUTION 43-2021**

Councilwoman Slater made a motion to adopt resolution 43-2021 approving application for use of Municipal Facilities and Recreation areas, requirements and code of conduct. Seconded by Councilman Alvarez.

Mr. McBriar commented he worked with Robin and Mike to updated the facility use form which will be required by all groups to use any public recreational area or facility. The form is updated there are some additional requirements, obtaining more information from group leaders and contacts. We also show if someone does seek to use a rec facility that they provide a narrative of the type of events the number of participants so the Borough is fully apprised of the activity that will be conducted at these requested places.

At the beginning of roll call Councilman Alvarez was called and said yes; then proceeded to ask the following: in regards to the application is this for outsiders or in town.

Mr. McBriar commented anybody that wants to use the facility will have to fill this form out; whether or not they are a nonresident. Non-residents are allowed to; that it is a separate issue whatever is the pleasure of this Council but anyone who seeks to use those facilities will have to fill this form out.

Councilman DeMeo questioned the language in the code of conduct number 5.

Mr. McBriar commented this code of conduct is for [example] there are sports program on a borough field. Councilman Demeo commented he sees what you are trying to do he just doesn't know if that could be subject to a challenge.

Mayor Hutnick commented he knows any sports organization he has been a part of in the last six or seven years has had this code of conduct with that language and explained.

There was a discussion on the facility use form and code of conduct. This new form will be effective starting May 25.

**Upon Roll call Vote start over for resolution 43-2021:**

Yeas: Alvarez, Cowdrick, DeMeo, Nardini, Nasisi, Slater

Nays: None Absent: None Abstain None

**OLD BUSINESS**

Heaters Pond Update – Councilwoman Cowdrick commented the lake received treatment this past week.

**NEW BUSINESS**

Guard Shack/snack stand – Councilman Nasisi explained repairs he would like to do at the guard shack.

There was a discussion on the guard shack, repairs needed and asking Mike Vreeland to take a look at what is needed.

Administrative Fees for Recreation Areas and Facilities- Mayor Hutnick commented we need to finalize the fee structure between badges and rents etc.

Councilwoman Slater commented it was discussed already. Councilwoman Cowdrick agreed.

Mr. Marceau commented we discussed the badges but we didn't discuss the use fees, boat licenses, and some possible additions which were miscellaneous recreation events or if you wanted to provide any discounts to seniors or veterans. We need to go over that and in addition

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if there were any other fees, we have like five fees, do we want other fees in there that we want to add over the years was not codified.

Councilwoman Slater commented we went through the list a couple of years ago; we took a bunch of stuff out because we couldn't charge fees for some of the stuff that was in there originally. We took out parking; we took that out because we don't own the property to charge to park on.

Ms. Hough commented you wanted to keep residents the same. Councilwoman Slater commented yes.

Councilwoman Cowdrick commented for swimming [team nonresidents] it would be capped at thirty-five for the family badges.

Mr. McBriar commented the current fee for boat is five dollars is that going to stay. Councilwoman Slater commented yes.

Ms. Hough asked about guest passes with were one dollar per day.

Councilwoman Slater commented we are keeping the regular guest badges but it was the ones for the swim team because they were buying for the season. They were doing season badges for the swim season so that is a separate fee. So, if you bring someone with you for the day that was one dollar; but the seven dollars badge was for the ones that were coming for the swim [team] and their family would use the badges.

Councilwoman Cowdrick commented the regular badges are still five dollars and twenty-five capped, we are not changing that.

Ms. Hough commented so if somebody comes and their child is on swim team and their other child want to swim it is seven dollars a day or for the season.

Councilwoman Slater commented for the season.

Councilman Cowdrick commented for the swim clinic people not for people who live in town this is for the swim clinic.

Mayor Hutnick commented clinic being swim team season.

Councilman Slater commented anyone with ORA swim team they had the issue were the siblings want to come swim during swimming; that is what those badges are for.

Ms. Hough commented so for a family it is thirty-five.

Councilman Slater commented yes.

Mr. Marceau commented that is part of the problem and seems like a lot of work of tracking down all these people.

Councilwoman Cowdrick commented when they get their roster those people have to submit that dollar amount to us under the swim team so we have a record for the guards who are there and that they have paid.

Mr. Marceau commented so we are going to allow a none town group to collect money for us.

Councilwoman Slater commented we agreed they have to go on line and pay for it; they have to go on line to make the payment and bring the receipt up to the lifeguard. When they show they have the receipt then they will get the badges. They can put a sticker on them so if they show up after swim team the badge is gone they have no rights to the pond anymore.

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Mr. McBriar commented for a family it is immediate family.

Councilwoman Slater commented right, they can't bring grandma and grandpa it's the siblings and the parents for the child that is on the swim team.

Mr. McBriar commented if it is not immediate family then what do they get charged.

Councilman Slater commented they don't go. Councilwoman Cowdrick commented they can't and gave an example of who you would give a badge to.

Councilwoman Slater commented the language has to be very clear immediate family, seven dollars per badge maxed at thirty-five for the season for the dates [of swim team practices].

Councilman Nardini commented he would rather have it be one single transaction; if you have 30 families signing up and five are out of town put the money up front and let one transaction happen at Borough Hall; one list for who is on the team and let the lifeguards know what is going on. The town gets one transaction and it is very simple. Swim team usually runs five weeks not sure when it is starting.

There was a discussion on the start date, opening day for the pond is June 15, there is no cap on the amount of guest passes per day for a resident and no limit as to how many passes.

Mr. McBriar asked does the Council want to have senior citizen, veteran and separate recreation event fees.

Mayor Hutnick commented senior citizens over 65 are free and veterans are free. He wouldn't charge either group. Give them badges so they have badges but mark them down as a veteran or senior so we have tracking for the badges.

Mc. Briar commented if someone comes in completes the facility use form; is there an event fee.

Mayor Hutnick commented there is supposed to be a fifty-dollar deposit for the pavilion but you get it back once we verify it is all cleaned up.

The discussion continued on the facility use fee up to five hundred dollars, fees per day for using the field, and once you get grant money from the State the fields are open to anyone,

Mayor Hutnick commented so facility use fee is from one hundred to five hundred.

Mr. McBriar commented these are draft proposals we appreciate the feedback.

Establishment of Ogdensburg Borough Parks & Recreation Committee-

Councilman DeMeo commented he doesn't like the three-year term, he doesn't think we should appoint people that could outlast the people appointing them he thinks they should be annual appointments that will be renewable every year.

Mayor Hutnick commented he wants to add in the Borough Parks and Recreation committee is just that; movie events, senior citizens events, it is not sports related. We are not here to build a committee that we already have a committee for. This is for things that doesn't happen in the town for the average resident to offer something for adults of all ages.

There was a discussion on having a committee, having a difficult time getting volunteers and having events for seniors,

Mayor Hutnick asked Councilman DeMeo if he wanted to rewrite some of the language.

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Mr. Marceau explained some of the changes he did in the draft.

Mayor Hutnick asked Councilman DeMeo to work with Mike [on this committee].

Mr. McBriar commented Mayor you have the power to appoint a subcommittee and maybe have a subcommittee and appoint individuals to met with Mike, Robin and I.

Mayor Hutnick asked if anyone wants to be on a subcommittee besides Councilman DeMeo.

Mr. McBriar commented we will work with you [Councilman DeMeo], Mike and Robin; we will fine tune the committee.

Amendments to Regulations for Municipal Recreation Areas – Mr. Marceau commented you have no current code on a recreation committee. Chapter six parks and recreation you already have a code but in order to bring [that current] as well as cleaning it up in general he rewrote chapter six. We are hoping to get all the stuff he added looked at; anything he removed looked at and then there were some questions as far as there are quite a few things in there about animals in various park area. Towards the end there is a lot of duplication.

Mayor Hutnick asked Councilman DeMeo if he would like to help with that.

Mr. McBriar commented one more point following that; part of the reason for this is to correct what historically has been a blending of quasi-governmental functions and non-profit functions. To highlight; he recently came across a flyer for the ORA it was for a function they were organizing but it was [posted] the “Ogdensburg Recreation Department”. We discussed this before there is a lot of support for the program and that is fine but there has to be a distinction between the non-profits with which we work with, we support and use our facilities as well as public Borough functions.

Mayor Hutnick commented the name needs to stay consistent.

Mr. McBriar commented he thinks it might be helpful for ORA to perhaps put on their website that this non-profit 501-c3 corporation. Because there seems to be blending as to terms of how events are being advertised. Again, it is no different than the boy scouts or other 501-c3 private non-profits they are not governmental agencies.

Brief Cannabis discussion – Mr. McBriar commented as this Council is aware in 2020 New Jersey voters approved public question one which amended the New Jersey Constitution to allow legalization of a controlled form of marijuana cannabis for adults that are 21 years of age or older. In February of this year Governor Murphy signed into law the New Jersey Cannabis regulatory enforcement assistance and market place modernization act which legalizes recreation use of marijuana by adults that are 21 years or older. That act establishes six market place classes of licensed businesses. That act also authorized municipalities to adopt local ordinances to regulate the number of licenses that it may permit within its boundaries as well as the location and times of operation. Further that act authorizes municipalities to prohibit the operation of one or more of those licenses. There is a deadline to enact any of those ordinances and it is 180 days beyond the effect date of the act which gets us to August 22 of this year. If the borough doesn't enact an ordinance all those licenses will be legal for a five-year period. After that five-year period the borough can then come back and adopt local ordinances that regulate it but to prospective only not retrospective. This has been an issue; every Sussex County municipality has been looking at including the county we put it on your radar screen tonight so that at one for the upcoming meetings we can have a more substantive discussion as to what the Borough wants to do in regards to either prohibiting those six license classifications for regulating them in any one or more of them.

Mayor Hutnick commented as part of this conversation at another meeting we will also have the school superintendent involved as he has approached him as to what are we going to do. So, we

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might as well have all groups involved that it is going to affect. Right now, we know there is a 1,000-foot radius for a no drug zone which covers all of Main Street and a large part down town until we get to Blue Ridge.

There was a discussion on the act and whether or not to adopt an ordinance.

Mr. McBriar commented the Borough is free to enact an ordinance prohibiting those licenses while in the interim it obtains additional data and analysis from groups that are looking further into this, the potential impacts, other towns in Sussex County are doing just that. By prohibiting it doesn't mean you can't mean later upon more information than allow it.

The discussion continued regarding this act and an ordinance, doing the ban and then walking it back, as time changes rules will change and if we want to ban it put together an ordinance.

Mayor Hutnick reminded everyone that Monday was Memorial Day there will be an event at the Memorial at Heaters Pond at 9:15am.

**PUBLIC SESSION**

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

Wendy Chandler, 206 Main Street thanked the Mayor and Council for everything they do. Ms. Chandler commented on her concerns regarding the amount of dump truck traffic on Main Street, which is destroying her foundation, guide rails and the speed of the trucks going through. Ms. Chandler asked what can we do, she knows this is a county road another concern is what are the trucks carrying and explained.

Chief Gordon commented as far as regulating truck traffic we cannot regulate truck traffic unless it is on a municipal road; with regards to the infrastructure guide rails, bridges, culverts, drainage pipes, sink holes in the road that all has to be done through the County Commissioners and the engineering department of the County DPW. As far as the vibration of the house goes that is partially because 517 is in poor shape, it has been on the paving schedule for two years it is supposed to be done this year but he is hearing again it is going to be pushed back until next year. Chief Gordon explained a lot of material being taken out of the county is going down to the ports; new construction that is taken place. After super storm sandy took everything out [everything is] being raised between four and ten feet. That is a lot of material.

There was a discussion on the truck issue on Main Street.

There being no further business from the public, Councilwoman Slater moved, Councilman DeMeo 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 of departmental reports. Seconded by Councilman Demeo.

**Upon Roll call Vote:**

Yeas: Alvarez, Cowdrick, DeMeo, Nardini, Nasisi, Slater

Nays: None Absent: None Abstain None

**Current**

<u>DATE</u>	<u>CHEC K #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
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5/25/202	1	32060	Action Data Services, Inc.	744.70
5/25/202	1	32061	Bullseye Calibration of NJ	135.00
5/25/202	1	32062	CenturyLink	1,832.38
5/25/202	1	32063	CenturyLink	101.28
5/25/202	1	32064	Clean Team, Inc.	443.00
5/25/202	1	32065	Dolan & Dolan Esqs.	621.95
5/25/202	1	32066	Elizabethtown Gas	631.46
5/25/202	1	32067	Emergency Equipment Sales & Service LLC	744.00
5/25/202	1	32068	ESI Equipment, Inc.	1,288.00
5/25/202	1	32069	Horizon BC/BS of NJ	1,872.60
5/25/202	1	32070	Horizon BC/BS of NJ	525.24
5/25/202	1	32071	JCP&L	2,709.44
5/25/202	1	32072	Kuiken Brothers	18.36
5/25/202	1	32073	Laddey, Clark & Ryan	375.00
5/25/202	1	32074	Lakeland Auto Parts	199.80
5/25/202	1	32075	LINA	229.50
5/25/202	1	32076	MGL Printing Solutions	424.90
5/25/202	1	32077	New Jersey Herald	247.20
5/25/202	1	32078	NJDMV	60.00
5/25/202	1	32079	Noah's Ark Prot-a-Jon	154.00
5/25/202	1	32080	North Jersey Garage Doors, LLC	255.00
5/25/202	1	32081	Petro-Mechanics, Inc	1,905.00
5/25/202	1	32082	Quandient Leasing USA, Inc.	411.30
5/25/202	1	32083	Schenck Price Smith & King LLP	8,901.56
5/25/202	1	32084	Staples Business Advantage	29.14
5/25/202	1	32085	Team Life	206.00
5/25/202	1	32086	Traveling Locksmith	396.00
5/25/202	1	32087	TRI STATE PAPER & CLEANING SUPPLIES	70.90
5/25/202	1	32088	Van Cleef Engineering Assoc. LLC	445.00



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5/25/202	1	32089	Verizon Wireless	122.37
5/25/202	1	32090	W.B. Mason Co., Inc.	57.43
5/25/202	1	32091	Wallkill Valley Regional H.S.	96,663.92
5/25/202	1	32092	Wielkocz & Company, LLC	5,875.00
5/25/202	1	32093	Witmer Public Safety Group, Inc.	371.30
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				=
				129,067.73

**Admin Trust**

<u>DATE</u>	<u>CHEC K #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
5/25/2021	2177	International Laminating	244.66
5/25/2021	2178	Janine M Cerra, Attorney at Law, LLC	150.00
			=====
			394.66

**Dog Fund**

<u>DATE</u>	<u>CHEC K #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
5/25/2021	258	W.B. Mason Co., Inc.	8.28
			=====
			8.28

**Grant Fund**

<u>DATE</u>	<u>CHEC K #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
5/25/2021	32094	Sussex County Municipal Utility	434.40
5/25/2021	32095	TRI STATE PAPER & CLEANING SUPPLIES	112.00
5/25/2021	32096	W.B. Mason Co., Inc.	33.62
			=====
			580.02

**Payroll**

<u>DATE</u>	<u>CHEC K #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
5/25/202	1	1094 AFLAC	627.28

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627.28

**Water Op**

<u>DATE</u>	<u>CHEC</u> <u>K #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
5/25/202		Agra Environmental	
1	5116	Services	132.00
5/25/202		Kuiken Brothers	
1	5117		165.24
5/25/202		Staples Business Advantage	
1	5118		1.30
5/25/202		W.B. Mason Co., Inc.	
1	5119		17.90
5/25/202		Wielkocz & Company, LLC	
1	5120		925.00

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1,241.44

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

Meeting adjourned at 8:20p.m.

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Robin Hough, Borough Clerk

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George P. Hutnick, Mayor