

**REGULAR MEETING MINUTES OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF OGDENSBURG
14 HIGHLAND AVE. OGDENSBURG AT 7:00PM
June 15, 2021**

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

Mayor Hutnick led the Pledge of Allegiance.

ROLL CALL: Cowdrick, Nardini, Slater, Mayor Hutnick

Absent: Alvarez (arrived 7:22pm via phone), DeMeo, Nasisi

Also, in attendance was Robert McBriar, Borough Attorney.

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 5, 2020.”

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 24, 2021.
2. Approval of Resolution 44-2021 Chapter 159 2021 budget special item of revenue.
3. Approval of Resolution 45-2021 renewing liquor licenses for the 2021-2022 licensing term 1916-32-004-006 Stew N Dolly’s.
4. Approval of Resolution 46-2021 granting municipal consent to Ted Moustakis as a prerequisite for submitting a treatment works approval permit application (TWA-1) to NJDEP for alteration of on-site sewage disposal system at 81 Main Street (Block 7 Lot 5).
5. Accept for filing letter dated May 25, 2021 from NJDOT Re: Safe Routes to School request for applications.
6. Accept for filing letter dated May 28, 2021 from the Department of Health and Human Center for Disease Control and Prevention.
7. Accept for filing Township of Hardyston Resolution 40-21.
8. Accept for filing Township of Sparta Ordinance 21-10.

Upon Roll call Vote:

Yeas: Cowdrick, Nardini, Slater

Nays: None Absent: Alvarez, DeMeo, Nasisi Abstain None

Resolution 44-2021: Please note this resolution passed with only three yes votes and it is required to have affirmative votes of the full majority of the Governing Body. Therefore, resolution 44-2021 will be placed again for a vote on the next meeting agenda scheduled for June 28, 2021.

Resolution 45-2021

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
1916-32-004-006	Stew N Dolly’s Place LLC.		46 Main Street

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Resolution 46-2021

WHEREAS, Ted Moustakis (the “Applicant”) is the owner of certain real property situated in the Borough of Ogdensburg (“Borough”), commonly known as 81 Main Street and described further on the official Tax Maps of the Borough as Block 7, Lot 5 (“Property”); and

WHEREAS, the Property is classified as Class 4A, commercial property and consists of approximately 0.27 acres; and

WHEREAS, the Applicant seek to alter, upgrade, and change the use of the existing on-site sewage disposal system to serve two (2) realty improvements comprising the mixed use building (i.e. dwelling and commercial unit); and

WHEREAS, in support of its TWA application, the Applicant submitted plans entitled, “Lot Development Plan – TWA Final, Septic Alteration Plan, Block: 7 – Lot 5, #81 Main Street, for, Ted Moustakis, Ogdensburg Borough, Sussex County, NJ” consisting of two (2) sheets (“Plans”) prepared by Capricorn Engineering, Inc. (E. Vasilescu, P.E.) located at 2 Willis Avenue, Wayne, New Jersey 07470, which have been reviewed by the Borough engineer, and zoning and construction official; and

WHEREAS, the proposed septic improvement project requires approval from the New Jersey Department of Environmental Protection (“NJDEP”), specifically a Treatment Works Approval (TWA-1) Permit; and

WHEREAS, it is necessary for the Borough to consent to the TWA-1 Permit application as a prerequisite for the Applicant to submit same to the NJDEP; and

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 Mayor and Borough Clerk are hereby authorized to execute the Statement of Consent (Form WQM-003) which is part of the NJDEP TWA-1 permit application for the project for the Block 7, Lot 5.

ORDINANCE 07-2021

Councilwoman Slater made a motion to introduce an ordinance 07-2021 entitled “AN ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF OGDENSBURG AND AMENDING SECTION 30-105 (PROHIBITED USES) OF THE LAND DEVELOPMENT REGULATIONS OF THE BOROUGH.” Seconded by Councilman Nardini.

Public hearing will be held July 12, 2021.

Mayor Hutnick asked if anyone on Council had any questions as to why we are doing this.

Mr. McBriar commented he can provide an update; Governor Murphy signed three bills that went into effect on February 22 of this year essentially making adult use of marijuana legal and to decriminalize a small amount of marijuana possession in the State. The effect of that the NJ Cannabis Regulatory, enforcement Assistance and Marketplace Modernization Act essentially created 6 classes of license for potential cannabis cultivator, manufacturer, wholesaler, distributor, retailer and delivery services. That act granted Municipalities 180 days to either opt in or opt out of prohibiting or allowing any amount of those licenses to be affect in the Borough. What is important about this is if a municipality permits a cannabis establishment or distributor within the community that will remain valid for five years. Essentially there is a five-year commitment period if we were to allow those licenses to exists here they would exist for five years then there would be another 180-day window at which point we could then review and

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regulate that. The alternative is what most municipalities are doing is prohibiting all of them because that is prohibited now and then upon further review additional data that we get from related agencies. You can always go back and regulate it within that time frame you just can't do it in reverse. If you don't prohibit it now its all legal for a five-year period you are boxed out for that amount of time. Again, if you prohibit it all you can always go back. Based on the recommendations of the last meeting he prepared an ordinance which is the most restrictive it prohibits all those classes of licenses. Again, we are always free to revisit that if the time period comes that we want to allow one or more of those licenses to exist here; but given the size of the borough the available areas where this would likely to occur it was his impression that the first step would be to prohibit this and revisit this at a later date.

Upon Roll call Vote:

Yeas: Cowdrick, Nardini, Slater

Nays: None Absent: Alvarez, DeMeo, Nasisi Abstain None

OLD BUSINESS

Guard Shack/snack stand – Councilman Nardini commented DPW did the repair inside so you just have to take the table out that broke but the sweep everything out and explained it is sealed off and nothing should fall. There was a brief discussion on painting and trying to make that look nice.

Heaters Pond Update- Councilwoman Cowdrick commented there is a new official opening date [for the pond]. It is June 23; she doesn't have lifeguards until then.

Mr. McBriar commented [the next three items] are all related and they arise from the discussions at we had recently regarding amendments to the ordinance pertaining to the use of organization of Heater Pond and other recreation areas. Mike [CFO], Councilman DeMeo and I have had some discussions, circulated amendments regarding that; they are not here tonight so he recommends that perhaps we finalize this discussion at the next meeting. Mayor Hutnick commented that is fine; asked Councilwoman Slater if she was fine. Councilwoman Slater said yes. Mayor Hutnick asked Councilman Nardini if he was fine. Councilman Nardini commented he is ok it just swim season is approaching so he wants to transparency out to them so they know what they should do.

Mr. McBriar commented he thinks they already filled out the form, he doesn't know yet if we have their insurance certificate yet. He will review that once he gets that.

Councilman Nardini commented they are still using George Morville, he was supposed to send that to Robin two weeks ago.

Councilwoman Cowdrick commented we are opening next week so this all applies [for next week].

Mr. McBriar commented we don't have an ordinance prepared at the moment. He knows there were discussion about fees.

Councilwoman Slater commented the fees are more if they wanted to use the pavilion or rent the ball park. Not so much your fees for the badges.

Mr. McBriar commented there was somewhat of a distinction between groups and organization utilizing for instance a rec field for an event, day use, seasonal use. Mr. McBriar commented Councilman Demeo had brought up and initiated a discussion about if it is a day use a week use or a seasonal use there should be a use fee. It is no different if we were in terms of a use agreement with a non-profit to utilize a community center. There would typically be some agreement or fee for that. That is slightly different then the resident who wants to by a badge and go swim up there at the pond. For full transparency there is an ongoing discussion about what the appropriate fee is what distinction should be made and we go from there.

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Councilwoman Slater asked how does that effect Wallkill use again. We are not charging them for it.

Mayor Hutnick commented no; none profits are not going to be charged.

Councilwoman Cowdrick asked what about the other application we have. Does that fall under all of this? It is Beaver Lake Association they are using it for two days.

Mayor Hutnick commented that would be charge.

There was a discussion on having to follow what is in the ordinance now; what is currently on the books.

NEW BUSINESS

Water meter replacement project – Councilman Nardini explained there were 46 water meters that were not working and what was done to get these meters working, letters that went out and a curb box. We are now down to 21. Maybe send out letters to the remaining home owners. There was a discussion on the water meters.

French Drain for Glenbrook/Thomas Place – Councilman Nardini commented he has been visiting DPW at least once or twice a week. Jim talked about the issue with the water they were having on Glenbrook and Thomas. It was originally turned down to put a French Drain there. Councilman Nardini talked to the engineer and a small explained where the road curves the would put in about 20 feet of French drain just touching the property lines and explained what they would do.

There was a discussion on installing the French drain and a hold harmless agreement

Glenbrook Hydrant and Hydrants/water main projects – Councilman Nardini commented they [DPW] did all the flushing first time no breaks. We had no major water main break problems with the flushing we are all good the whole town is done. Glenbrook, Adams and Plant they have to investigate with Chris to make sure there are no issues.

Swim/fishing docks – Councilman Nardini commented the Mayor knows there was an issue with the swim docks something was loose they repaired that and explained the repair. They also repaired the fishing dock.

Councilman Alvarez joined the meeting at this time 7:22pm via phone.

Councilman Nardini explained the repairs done on the fishing dock but DPW told him the wood is really bad this might be the last season with this wood.

DPW update – Councilman Nardini has been down at DPW talking to Jim and Dennis they are moving these projects along. Jim had brought up the discussion about the French Drain. Councilman Nardini commented he thinks they are doing a good job.

Zoning officer – Mayor Hutnick commented after 37 years Kevin Kervatt is retiring; congratulation to him. That leaves us open looking for a zoning officer; he will be here until the end of July. That will be another area that is hard to fill.

ADDENDUM

RETIREMENT OF ZONING OFFICER

Councilwoman Slater made a motion to accept the resignation email from zoning officer Kevin Kervatt. Seconded by Councilman Nardini. All were in favor.

RESOLUTION 47-2021

Councilwoman Slater made a motion to adopt resolution 47-2021 authorizing the Borough clerk to renew liquor license 1916-33-002-006 Atlantic Manor for 2021-2022 licensing term. Seconded by Councilman Nardini.

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Upon Roll call Vote:

Yeas: Alvarez, Cowdrick, Nardini, Slater

Nays: None Absent: DeMeo, Nasisi Abstain None

Resolution 47-2021

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
1916-33-002-006	Atlantic Manor LLC.	Atlantic Manor LLC.	83 Main Street

RESOLUTION 48-2021

A motion is in order to adopt resolution 48-2021 authorizing the hiring of an additional lifeguard for the 2021 swim season.

Councilwoman Cowdrick commented originally, we were going to hire another lifeguard but he backed out today; but she should probably reserve it because she has four lifeguards that are college kids and they will be all leaving in early/mid-August.

There was a brief discussion on the resolution, when you fill the spot we can just do a resolution.

Mr. McBriar commented we can just cancel this resolution.

The resolution was canceled.

Councilman Nardini commented there is one more thing we had a truck back up and damage Yurchak and Corkhill and he said to Chris we have a police report why can't we have this company pay for it. Chris put a quote together regarding materials, equipment this and that. When he asked Kim what she thought she said we don't have an ordinance allowing billable for DPW. The Borough can't bill the Borough is not allowed to bill for hours or equipment.

Ms. Hough asked about Grant for this area and explained the engineer didn't think the second part of Edison wouldn't be a good application because with the road being so narrow and winding the type of improvements that would have to be ment for DOT standards, It was suggested to do an application for Corkhill up to the Franklin border because the is a mess, it's not to late to do this application it is due July 1, do you guys want to do an application for the Ogdensburg part of Corkhill.

Councilman Nardini commented this area [where the truck tried to turn around] is a little bit of Yurchak and then Corkhill.

Mr. McBriar commented to get the police report.

Ms. Hough asked are you guys ok with the application for that.

Councilman Nardini commented yes if we can get it.

Councilwoman Slater asked if the was what the Grant is for Corkhill up to Franklin. Ms. Hough commented yes.

PUBLIC SESSION

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

There was no one in the public.

There being no further business from the public, Councilwoman Slater moved, Councilwoman Cowdrick 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 pay vouchers and review of departmental finance reports. Seconded by Councilman Nardini.

Upon Roll call Vote:

Yeas: Alvarez, Cowdrick, Nardini, Slater

Nays: None Absent: DeMeo, Nasisi Abstain None

Current

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>	<u>REASON</u>
5/25/2021	32078	NJDMV	60.00	
5/27/2021	32098	NJMVC	60.00	
6/16/2021	32099	Action Data Services, Inc.	195.84	
6/16/2021	32100	Allied Oil	1,863.43	
6/16/2021	32101	Amazon	55.06	
6/16/2021	32102	Atlantic Communications	9,998.51	
6/16/2021	32103	Atlantic Tactical of NJ, Inc.	1,764.24	
6/16/2021	32104	Bassani Power Equipment, LLC	488.07	
6/16/2021	32105	Blue Diamond Disposal, Inc.	17,775.00	
6/16/2021	32106	Bullseye Calibration of NJ	135.00	
6/16/2021	32107	CargoRaxx LLC	482.91	
6/16/2021	32108	CenturyLink	40.97	
6/16/2021	32109	Clean Team, Inc.	443.00	
6/16/2021	32110	Complete Security Systems, Inc.	24.20	
6/16/2021	32111	Dolan & Dolan Esqs.	286.41	
6/16/2021	32112	Elizabethtown Gas	374.94	
6/16/2021	32113	JCP&L	3,755.75	
6/16/2021	32114	Kuiken Brothers	234.72	
6/16/2021	32115	Lakeland Auto Parts	14.40	
6/16/2021	32116	Letterworks Design Company, LLC.	650.00	
6/16/2021	32117	Michel Marceau	15.98	
6/16/2021	32118	Montague Tool & Supply Co	10.66	
6/16/2021	32119	Municipal Capital	119.00	

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6/16/2021	32120	My Corporate Hosting Solutions, LLC	232.50	
6/16/2021	32121	NJ League of Municipalities		25.00
6/16/2021	32122	Noah's Ark Prot-a-Jon	231.00	
6/16/2021	32123	Ogdensburg Board of Education		212,735.00
6/16/2021	32124	Staples Business Advantage	135.09	
6/16/2021	32125	Treasurer, State of New Jersey		1,068.00
6/16/2021	32126	V.E. Ralph & Son, Inc.	156.64	
6/16/2021	32127	Van Cleef Engineering Assoc. LLC	130.00	
6/16/2021	32128	Verizon Business	129.88	
6/16/2021	32129	Verizon Wireless	122.16	
6/16/2021	32130	W.B. Mason Co., Inc.	106.28	
6/16/2021	32131	Wallkill Valley Regional H.S.		96,663.92
6/16/2021	32132	Weldon Asphalt	874.37	
		---		-----
				351,397.93
5/25/2021	32078	NJDMV	(60.00)	Wrong Name
		===		=====
				351,337.93

Dog Fund

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>	<u>REASON</u>
6/16/2021	259	NJ Dept of Health & Senior Service	33.60	
6/16/2021	260	NJ Dept of Health & Senior Service	33.60	

			67.20	
6/16/2021	259	NJ Dept of Health & Senior Service	(33.60)	Written Wrong
			=====	
			33.60	

General Capital

<u>DATE</u>	<u>CHECK #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
6/16/2021	1142	Atlantic Communications	3,791.00
6/16/2021	1143	Van Cleef Engineering Assoc. LLC	1,791.50
6/16/2021	1144	Winner Ford	34,209.00
			=====
			39,791.50

Grant Fund

<u>DATE</u>	<u>CHEC K #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
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6/16/2021	32133	Sussex County Municipal Utility	42.40
		Van Cleef Engineering Assoc.	
6/16/2021	32134	LLC	520.00
			=====
			=
			562.40

Water Op

<u>DATE</u>	<u>CHEC K #</u>	<u>PAID TO</u>	<u>AMOUNT</u>
6/16/2021		Agra Environmental	
1	5121	Services	66.00
6/16/2021		Kuiken Brothers	
1	5122		266.05
6/16/2021		One Call Concepts, Inc.	
1	5123		18.59
6/16/2021		Rio Supply, Inc.	
1	5124		6,360.00
6/16/2021		Staples Business Advantage	
1	5125		7.52
6/16/2021		W.B. Mason Co., Inc.	
1	5126		3.43
			=====
			=
			6,721.59

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

Meeting adjourned at 7:32p.m.

Robin Hough, Borough Clerk

George P. Hutnick, Mayor