Mayor Hanics called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on Tuesday, February 22, 2011.

Mayor Hanics announced that adequate notice of the meeting was given to the Star Gazette and posted on the bulletin board in the Clerk's office satisfying the requirements of the Open Public Meeting Act:

NOTICE

Pursuant to the provisions of the Open Public Meetings Act, adequate notice of this meeting has been given. On January 5, 2011, the Municipal Clerk delivered to the Star Gazette and posted on the bulletin board in the Municipal Clerk's office a notice containing the date, time, and place of this meeting of the Borough Council. Also said notice has been mailed to persons requesting the same.

Mayor Hanics led prayer and the salute to the flag.

Roll Call: Present; Councilman Dunwell, Councilman Gara, Councilman Pfefferle, Councilman

Savary, Councilwoman Tarsi and Councilman Zikas. Also present Borough Attorney,

Christopher Troxell, Borough Clerk, Laurie A. Barton and CFO, Lorraine Rossetti.

Public Comment:

Louis Cartabona, Fifth Avenue inquired about if there were any extra agendas.

Ordinance-First Reading

Motion made by Councilwoman Tarsi to introduce the following ordinance with the

public hearing scheduled for March 8th:

ORDINANCE 2011-02 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

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 2.0% 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 Alpha in the County of Warren finds it advisable and necessary to increase its CY 2011 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,

WHEREAS, the Mayor and Council hereby determine that a 3.5 % increase in the budget for said year, amounting to \$19,741.96 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 determine 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 Alpha, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the Borough of Alpha shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be permitted to be increased by up to 3.5 %, amounting to \$ 46,064.58, and that the CY 2011 municipal budget for the Borough of Alpha 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 by the Clerk 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 by the Clerk with said Director within 5 days after such adoption.

Motion seconded by Councilman Dunwell, roll call: Ayes: Dunwell, Gara, Pfefferle,

Savary, Tarsi and Zikas. Nays: none.

Resolutions

Motion made Councilwoman Tarsi to approve the following resolution:

RESOLUTION 2011-30 LIEN REDEMPTION

WHEREAS, the Tax Collector of the Borough of Alpha has advised the Mayor and Council that the following property has been redeemed and the money due thereon paid to the Borough of Alpha Tax Collector,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough of Alpha Council this 22nd day of February 2011, that refunds are made to the certificate holder as noted:

Certificate HolderBlock/LotCert#AmountUS Bank-Cust/SASS Muni dtr84/4200801\$39,485.71Tax Lien Services Group2Liberty Place5050 South 16th Street, Suite 1950Philadelphia, PA 1910250

Motion seconded by Councilman Dunwell, roll call: Ayes: Dunwell, Gara, Pfefferle,

Savary, Tarsi and Zikas. Nays: none.

Motion made Councilman Pfefferle to approve the following resolution:

RESOLUTION 2011-31 AUDITOR

WHEREAS, the Borough of Alpha has a need to acquire an Auditor as a non-fair and open contract pursuant to the provisions of *N.J.S.A.* 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the CFO has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year(s) and may be extended 1 time(s) as approved by this governing body; and

WHEREAS, Suplee, Clooney & Company has submitted a proposal indicating they will provide the Borough of Alpha professional accounting and auditing services for the amount of \$18,000; and

WHEREAS, Suplee, Clooney & Company has completed and submitted a Business Entity Disclosure Certification which certifies that Suplee, Clooney & Company has not made any reportable contributions to a political or candidate committee in the Borough of Alpha in the previous one year, and that the contract will prohibit Suplee, Clooney & Company from making any reportable contributions through the term of the contract, and

WHEREAS, the Borough CFO has determined that adequate funding will be provided for in the temporary and final 2011 municipal budget, as required under the law, as per *N.J.A.C. 5:30-5.4*.

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Alpha authorizes the Mayor and Borough Clerk to enter into a contract with Suplee, Clooney & Company as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution. and,

BE IT FURTHER RESOLVED that this resolution be advertised as required by law in the official newspaper of the Borough of Alpha within 10 days of passage.

Motion seconded by Councilman Dunwell, roll call: Ayes: Dunwell, Pfefferle, Savary,

Nays: Gara, Tarsi and Zikas. Mayor Hanics votes yes to break tie. Motion passes.

Approval of Minutes

Motion made by Councilwoman Tarsi to approve the minutes of January 11th and January

25th, motion seconded by Councilman Gara, all were in favor.

Motion made by Councilwoman Tarsi to approve and hold executive session minutes of

January 11th and January 25th, motion seconded by Councilman Gara, all were in favor.

Release of Executive Session Minutes

Motion made by Councilman Gara to release the following executive session minutes:

Litigation _____

Contractual

03/23/10 (#4) Cell Tower Leases

05/08/07 (#3) Almond Tree Liquor Lic. 12/08/09 (#4) Sewer Main Break-Pohat 01/26/10 (#7) Pohat-Water Break 03/10/10 (#3) Pohat-Water Break 05/11/10 (#5) Pinstripes 05/11/10 (#9) Paul Simone: Basement 06/22/10 (#3) Marino: PortaJohn

Motion seconded by Councilman Savary, roll call: Ayes: Gara, Savary Tarsi and Zikas.

Nays: none. Abstain: Dunwell and Pfefferle.

Department Reports

Administration: No Report.

Finance, Councilman Chris Pfefferle: Councilman Pfefferle discussed the recent budget meeting. Discussions regarding bonding for projects and removing DPW employee salaries from the water utility department. CFO, Lorraine Rossetti was asked to explain the bond rating of the Borough. Councilman Pfefferle approved all his bills, salaries and wages for his department. Discussions ensued regarding the Borough's open space tax and using the money for purposes involving open space. Councilman Pfefferle requested thirty five minutes in executive session to discuss personnel and contractual. Councilman Pfefferle also inquired about hearing the reasons why the three members on council voted no for the auditor.

Health and Welfare: Councilman Dunwell stated there was no report and requested in total forty minutes in executive session for personnel, potential litigation, and contractual.

Public Property, Councilman Mike Savary: Mr. Savary reported that a purchase order went out for a fire supression system for the field house in response to a violation letter from the state fire inspector. Window cleaning of the municipal building was discussed. Councilman Savary discussed the energy efficient direct install program. A motion made by Councilman Savary to authorize the Clerk to sign the paperwork for HT Lyons, for the grant, motion seconded by Councilman Gara, roll call: Ayes: Dunwell, Gara, Savary, Pfefferle, Tarsi and Zikas. Nays: none.

Councilman Savary request twenty minutes in executive for contractual. In closing Councilman Savary approved all his bills, salaries and wages for his department.

Councilman Savary discussed the recent Land Use Board meeting regarding Inter County Paving for a proposed asphalt plant within the Borough.

Councilman Dunwell commented about energy audits and suggested to have an energy audit realizing there would be a cost to the Borough but have an overall look for an opportunity for savings.

Public Safety Councilman Robert Gara: Councilman Gara discussed a situation located near Pinstripes with regard to a hand-i-cap parking space. Councilman Gara will be speaking with both parties involved with the dispute of the parking space.

Councilwoman Tarsi informed Mr. Gara about two phone calls she received complaining about the Almond Tree with loud music and people outside drinking.

Councilman Savary discussed the issues of parking tickets issued during recent snow storms and added that most of the people had paid the tickets. Discussions ensued regarding parking during snow storms in specific areas.

Councilman Pfefferle inquired about the house that burnt down on Fifth Avenue and asked if anything as going to be done with the house as a safety issue. Councilman Gara stated that this is generally on the insurance company. Mayor Hanics stated that this should go to Kevin Duddy and have him look into.

Councilman Pfefferle inquired about a yield sign at the end of Pursel Street and not a stop sign and asked that a stop sign be installed there instead.

Councilman Dunwell thanked Chief Hager for his quick response in getting him a list of false alarm reports.

Public Works, Councilwoman Klara Tarsi: Councilwoman Tarsi reported on some problems with a couple of the DPW trucks. A plan for the water meters is in place with regard to notifying the residents about installing the new meters. Councilman Dunwell inquired about having a plan in place about when the meters are being installed and if the workers find broken seals or bypassing their water to prosecute them? Councilwoman Tarsi said yes there will be a list made if they find anything.

In closing, Councilwoman Tarsi approved all bills, salaries and wages for her department. Councilman Savary inquired about non employees being in the public works building. Mayor Hanics inquired about a sink hole in Warren and Fifth Avenue. There is another sink hole on East Central.

A resident, Don Sember from 510 East Central discussed about his neighbor's water leaking and the water not being shut off and a sink hole at the neighbor's house. Mr. Sember inquired about maintenance of a water line being neglected which created more damage to his property.

Committee Reports

Insurance: The next meeting with PAIC will be March 8th at Mansfield Township Municipal building. PAIC will be holding its re-organization meeting at 9:30 a.m. There will also be an elected official training seminar immediately after the re-organization which a credit towards the insurance premium is applied for each member that attends.

School Board Meeting: Councilman Pfefferle discussed some areas of working together with the school at their next meeting.

100th Anniversary Meeting: Next meeting will be March 10th at 8:00 P.M.

Professional & Officials Reports

Attorney, Christopher Troxell: Mr. Troxell inquired about the Mayor's committees and suggested that the Mayor forms the committees under advice and consent from Council to approve. Discussions ensued regarding the committees. Motion made by Councilwoman Tarsi to approve the Mayors committees, with the two changes as discussed, motion seconded by Councilman Dunwell, all were in favor.

Engineer, Stanley Schrek: Mr. Schrek updated Council and Mayor on projects and made his recommendation of a vendor for the leak detection company. Motion made by Councilwoman Tarsi to award NY Leak Detection Inc in the amount of \$7,500.00 providing there are funds available, motion seconded by Councilman Savary, roll call: Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none.

CFO, Lorraine Rossetti: Approval of Administration bills was questioned; Mayor Hanics stated that the deputy will sign the bills. Mrs. Rossetti stated that she is doing reconciliations and getting caught up with year end. Best Practices survey was discussed once again. Councilman Dunwell stated he will take on the responsibility and lay out a plan on how it will be done (best practices). Councilman Dunwell requested five minutes in executive session for contractual.

Two hundred forty three delinquent notices were sent for water and sewer. Shut off notices will be approximately on March 22^{nd} . Budget introduction dates and adoption were discussed. The next budget meeting was scheduled for March 1^{st} at 6:00 p.m.

Additions to the bill list: 10-00710-General Supply \$3100.00, 11-00096-Frank Pagano \$3494, 10-00759 Clear Water \$16,775., 11-00107 Taj Mahal \$255, and 11-00106 NJ Clerks Association \$290.

Borough Clerk, Laurie Barton: Discussed the garbage pickup at Almond Tree Manor. Discussion of the website ensued with regard to accounts that need updating.

Public Comment

Louis Cartabona, Fifth Avenue inquired about the yield sign that Councilman Pfefferle discussed previously.

Mr. Cartabona discussed about the water leak situation within the Borough and the road survey with discussions with the Engineer. Mr. Cartabona inquired about the payment from Phillipsburg and also inquired about the installation of the new meters.

Carol Schwar stated on behalf of the Warren County Health Department that Almond Tree is not allowed to only have two regular cans. The Borough Engineer stated that he is supposed to have a sealed container.

Tim Mellert, North Blvd, inquired about the water treatment plant.

Louis Cartabona inquired about two pieces of furniture sitting on the curb near his property. Councilwoman Tarsi stated that the Borough needs a code enforcement officer.

Mr. Kober, South Blvd, inquired about a trailer parked at the pool property.

Payment of Bills and Claims

Councilwoman Tarsi made a motion to make the director's report a part of the minutes. Councilman Savary seconded the motion. *Roll Call:* Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none.

Councilwoman Tarsi made a motion that the CFO be authorized to pay all bills authorized by the director with the amended list. Councilman Gara seconded the motion. Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none.

Councilman Gara made a motion that the CFO is authorized to pay all salaries and wages approved by the director, Councilwoman Tarsi seconded. *Roll Call:* Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none. 02/18/11 13:03:44

Page No: 1

P.O. Type: All Range: First to Last Format: Condensed			Held:	Open: N Rcvd: Y Paid: N Held: Y Aprv: N Void: N Bid: Y State: Y Other: Y		
)# PO Date Vendor	n	PO Description	Status	Amount	Void Amount	РО Тур
0-00763 12/18/10 EAST	EAST PENN REBUILDERS, INC.	12/8 snow plow blades w/bolts	Open	670.50	0.00	
)-00766 12/22/10 SLC	SLC METER EAST INC.	Meters, RF remotes, software	+ Open	240,450.00	0.00	
-00770 12/31/10 LYONS	GAETANO AENO, INC	Pick up tires-firestone	Open	628.00	0.00	
-00002 01/19/11 HOME	HOME DEPOT/GECF	snow pellets for sidewalks	0pen	153.98	0.00	
-00003 01/20/11 ALBOA	ALPHA BOARD OF EDUCATION	2011 School Tax - Jan-June	Open	281,207.30	0.00	
-00005 01/20/11 DEACO	THOMAS DEACON	2011 Animal Truck Allowance	Open	125.00	0.00	
-00010 01/20/11 LOPAT	TOWNSHIP OF LOPATCONG	2011 Assessor Air Card	Open	43.05	0.00	
-00011 01/20/11 POHPOL	TOWNSIP OF POHATCONG	2011 Police Coverage	Open	46,975.00	0.00	
-00014 01/20/11 VITAL	VITAL COMMUNICATIONS, INC	2011 MOD IV/CAMA Assessor Fee	Open	100.00	0.00	
-00042 01/25/11 RAND	TOWNSHIP OF RANDOLPH	2011 Co-op fee	Open	1,100.00	0.00	
-00044 01/31/11 EDMUN	EDMUNDS & ASSOCIATES, INC.	2011 Software Maintenance	Open	5,624.00	0.00	
-00045 01/31/11 GENER	GENERAL CODE PUBLISHERS	supplement 12, code books	Open	2,633.12	0.00	
-00046 01/31/11 VITAL	VITAL COMMUNICATIONS, INC	Senior Citizen Post Year State		30.00	0.00	
-00047 01/31/11 NJN	NJN PUBLISHING	hayride ads 31026702-31026706	Open	510.00	0.00	
-00050 01/31/11 MUNRE	MUNICIPAL RECORD SERVICE	Intoxicated Driving forms	Open	180.00	0.00	
00051 01/31/11 EAST	EAST PENN REBUILDERS, INC.	curb shoes for plow w/ bolts	Open	588.49	0.00	
00053 01/31/11 INTER	INTERNATIONAL SALT CO.LLC	12/17-1/18 road salt	Open	22,631.34	0.00	
00055 02/04/11 AMGAS	AMERIGAS - CLINTON 7510	12/20 & 1/13 Propane delivery	Open	1,901.96	0.00	
00056 02/04/11 NAPA	NAPA AUTO PARTS	air filter for mason dump	Open	22.08	0.00	
00057 02/04/11 EXPRE	EXPRESS-TIMES	dec-jan ads	Open 🕚	1,166.40	0.00	
00058 02/04/11 NJN	NJN PUBLISHING	1/13 resolution ads	Open	175.39	0.00	
00059 02/04/11 OPDK	OPDYKE'S SALES & SERVICE	fuel treatments/filter/element	Open	66.20	0.00	
00060 02/04/11 SLC	SLC METER EAST INC.	meter reader batteries	Open	179.88	0.00	
00061 02/04/11 ROTO	ROTO ROOTER / KIRBY ASSOCIATES		Open	1,200.00	0.00	
00062 02/04/11 JIORL		land use board supplies	Open	25.21	0.00	
00063 02/04/11 STAPL	STAPLES	land use board supplies	Open	205.86	0.00	
00064 02/04/11 ACTION	ACTION DATA SERVICES	4th Quartr Tax Filing & Jan PR	Open	581.36	0.00	
00065 02/04/11 EAS	EAS BY ACTION DATA	Quarterly pension & Jan agency	Open	184.28	0.00	
00080 02/08/11 CONTR	CONTRACTORS EQUIPMENT CO., INC		Open	456.62	0.00	
00081 02/11/11 STAPL	STAPLES	clerk Norton anti-virus	Open	59.99	0.00	
0082 02/16/11 BRUCE		Chain saw & pole saw repair	Open	582.99	0.00	
0083 02/17/11 BCS		2/7 sulfuric acid 5835626	Open	3,257.18	0.00	
0084 02/17/11 VITAL	VITAL COMMUNICATIONS, INC	2011 Notice of Assess cards	Open	175.73	0.00	
0085 02/17/11 USBAN	U.S. BANK-CUST/SASS MUNI V DTR	outside lien redemption 84/4	Open	39,485.71	0.00	
0086 02/17/11 NJECO	NJ ECONOMIC DEVELOPEMENT AUTH.	Ioan payment due 3/1/11	Open	14,787.34	0.00	
0087 02/17/11 VERIZ		1/20	Open	218.43	0.00	
0088 02/17/11 QC		1/28 vocs & nitrate	Open	735.00	0.00	
0089 02/17/11 JCPL	JCP&L	jan-feb electric & st light		12,589.46	0.00	
0090 02/17/11 AAROE	LYN PAUL AAROE, ESQUIRE	escrow & land use board legal	Open	2,760.00	0.00	
0091 02/17/11 AAROE	LYN PAUL AAROE, ESQUIRE LYN PAUL AAROE, ESQUIRE VANCLEEF ENGINEERING ASSOCIATE	2/16 meeting & 1/19-2/16 calls		662.50	0.00	
			Open	5,635.00	0.00	
0093 02/17/11 VANCLE	VANCLEEF ENGINEERING ASSOCIATE	jan escrow engineering	Open	2,775.28	0.00	
Purchase Orders:	42 Total P.O. Line Items: 11	LO Total List Amount: 693,	 539.63 т	otal Void Amou		0.00

Additional Plo's

10-00710-General Sopply # 3,100 02 11-00096-Frank Ragano # 3,494 10 10-00759-Clear Waker # 14,775 12 11-00107-Taj Mahal # 255 12 11-00106-NS Clerks Assoe # 290 12

New Business: Approval of Pavilion Permits

Motion made by Councilwoman Tarsi to approve the pavilion permit on July 24th, 2011 for Alpha Ladies Auxiliary waiving the fee, motion seconded by Councilman Savary, *Roll Call:* Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none.

Motion made by Councilwoman Tarsi to approve the pavilion permit for Jan McDyer on

July 16, 2011, motion seconded by Councilman Savary., Roll Call: Ayes: Dunwell, Gara,

Pfefferle, Savary, Tarsi and Zikas. Nays: none.

8:53 P.M. Council recessed for a break

9:05P.M. Council Returned to Regular Session

Motion made by Councilman Pfefferle to pass the following resolution to go into

executive session for two hours and five minutes, motion seconded by Councilwoman Tarsi, all

were in favor:

EXECUTIVE SESSON

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.

- 1. The public shall be excluded from discussion(s) of the hereinafter specified subject matter(s).
- 2. The general nature of the subject matter(s) to be discussed is: Personnel, Litigation or Contractual,
- 3. It is anticipated at this time, that the above stated subject matter(s) will be made public when it is no longer a matter of confidentiality.
- 4. Action may or may not be taken after executive session.

10:53 P.M. Return to regular session

Motion made by Councilman Pfefferle to return to regular session, motion seconded by

Councilman Dunwell, all were in favor.

Motion made by Councilman Gara to approve the following resolution:

PROSECUTOR

BE IT RESOLVED by the Mayor and Council of the Borough of Alpha, County of Warren, and State of New Jersey as follows:

1. Charles Carro is hereby retained as Municipal Prosecutor of the Borough of Alpha, at a salary of \$2,600 per year, prorated from March 1, 2011 through December 31, 2011.

2. This retainer is awarded without competitive bidding as a "Professional Service" under provisions of the Local Public Contracts Law as provided by NJSA 40A:11-5 because it requires service performed by a person authorized by law to practice a recognized profession and it is not possible to obtain competitive bids.

3. A copy of this resolution shall be published in the Star Gazette, Hackettstown, New Jersey as required by law within 10 days of passage.

Motion seconded by Councilman Pfefferle, roll call: Ayes: Ayes: Dunwell, Gara,

Pfefferle, Savary, Tarsi and Zikas. Nays: none.

Motion made by Councilman Gara to approve the following resolution:

RESOLUTION 2011-32 RECYCLING COORDINATOR

BE IT RESOLVED by the Mayor and Council of the Borough of Alpha, County of Warren, and State of New Jersey as follows:

1. Thomas Fey is hereby retained as Recycling Coordinator of the Borough of Alpha, at a salary of \$2000 per year, prorated from March 1, 2011 through December 31, 2011.

2. This retainer is awarded without competitive bidding as a "Professional Service" under provisions of the Local Public Contracts Law as provided by NJSA 40A:11-5 because it requires service performed by a person authorized by law to practice a recognized profession and it is not possible to obtain competitive bids.

3. A copy of this resolution shall be published in the Star Gazette, Hackettstown, New Jersey as required by law within 10 days of passage.

4. The Borough of Alpha agrees to pay for the education training required for this employee to comply with state statutes and requirements. If the employee hereby stated decides to leave the Borough of Alpha within one year of the training, he will be responsible for the cost of the tuition and cost of the education.

Motion seconded by Councilman Dunwell, roll call: Ayes: Ayes: Dunwell, Gara,

Pfefferle, Savary, Tarsi and Zikas. Nays: none.

Adjournment: 11:00 P.M.

Seeing no further business to come before Mayor and Council, Councilman Gara made a

motion to adjourn, motion seconded by Councilman Zikas, all were in favor.

Respectfully submitted,

Laurie A. Barton, Borough Clerk