

Mayor Hanics called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on Tuesday, March 23, 2010.

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, 2010, 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 Savary, Councilwoman Tarsi, Councilman A. Zikas, and Councilman H. Zikas. Absent; Councilman Hajdu and Councilman Gara

*Public Comment:*

Renee Pesaresi, CFO of the AYAA requested permission to store the lights from the AYAA in the pool house. Discussions ensued. Councilman H. Zikas made a motion to allow them to be stored in the pool house. Councilwoman Tarsi seconded the motion all were in favor.

Louis Cartabona from 1119 Fifth Avenue asked about the budget and if it will be advertised soon. CFO, Lorraine Rossetti explained it will be introduced on April 13<sup>th</sup>, 2010. He asked about reduced interest accounts for unoccupied houses. Councilwoman Tarsi gave him a copy of the monthly report for his review.

Larry Marino of 876 Sampson Avenue presented a written request to have his road closed off for a Memorial Day picnic on May 29, 2010 from 2pm till 8pm. Councilman H. Zikas made a motion to approve this request. Councilwoman Tarsi seconded the motion. All were in favor.

*Executive Session: thirty minutes*

Councilman H. Zikas made a motion to approve the following resolution to go into executive session for thirty minutes for contractual:

#### **RESOLUTION EXECUTIVE SESSION**

**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: *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.

Motion seconded by Councilwoman Tarsi, all were in favor.

Councilman Savary made a motion to return to regular session. Councilwoman Tarsi seconded. All were in favor.

*Ordinances:*

Councilwoman Tarsi made a motion to introduce the following ordinance:

**ORDINANCE 2010-04***(1<sup>ST</sup> READING)*  
**AN ORDINANCE PROVIDING FUNDING FOR  
 THE REHABILITATION OF THE BANDIT CHIPPER  
 IN THE BOROUGH OF ALPHA AND APPROPRIATING \$3,500 OF  
 GENERAL CAPITAL FUND BALANCE FOR SUCH PURPOSE.**  
*(Public Hearing & Adoption: April 13, 2010)*

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ALPHA, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** The Borough of Alpha, in the County of Warren, in the State of New Jersey, authorizes the rehabilitation of the Bandit Chipper, for the Borough of Alpha to be funded from the sources specified in Section 2 of the Ordinance.

**Section 2.** The amount of \$3,500.00 is hereby appropriated from the following account: General Capital Fund Balance for the purposes stated in Section 1 of the Ordinance.

**Section 3.** In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Alpha may lawfully make as a general improvement.

**Section 4.** All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

**Section 5.** This Ordinance shall take effect immediately upon due passage and publication according to law.

**NOTICE**

**NOTICE IS HEREBY GIVEN, that the above entitled ordinance was approved on first reading at a meeting of the Governing Body of the Borough of Alpha held on March 23, 2010 at the Alpha Municipal Building at 1001 East Blvd., and that public hearing concerning same will be held at a regular meeting of the Mayor and Council on April 13, 2010 at 7:00 p.m. at the Alpha Municipal Building at which time all persons both for and against shall be given the opportunity to be heard concerning the same.**

**CERTIFICATION**

*I, Laurie Barton, Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Common Council at a meeting of said Common Council on April 13, 2010 and that said Ordinance was adopted by not less than the legal vote needed of the members of the Council.*

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*Laurie Barton, Borough Clerk*

*Witness my hand and seal of the Borough of Alpha*

*This 13 day of April, 2010*

Councilman H. Zikas seconded the motion and announced the date for adoption of the ordinance is set for April 13<sup>th</sup>, 2010. Roll call; Ayes; Councilman Savary, Councilwoman Tarsi, Councilman A. Zikas, and Councilman H. Zikas. Nays; none.

Councilman H. Zikas made a motion to introduce the following resolution:

**ORDINANCE 2010-05***(1<sup>ST</sup> READING)*  
**AN ORDINANCE PROVIDING FUNDING FOR  
THE PURCHASE OF A DIGITAL RECORDING SYSTEM  
FOR THE BOROUGH OF ALPHA AND APPROPRIATING \$6,000 OF THE  
CAPITAL IMPROVEMENT FUND FROM GENERAL CAPITAL FOR SUCH PURPOSE.**  
*(Public Hearing & Adoption: April 13, 2010)*

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ALPHA, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** The Borough of Alpha, in the County of Warren, in the State of New Jersey, authorizes the purchase of a Liberty Digital Recording System, for the Borough of Alpha to be funded from the source specified in Section 2 of the Ordinance.

**Section 2.** The amount of \$6,000.00 is hereby appropriated from the following account: Capital Improvement Fund in the General Capital Fund for the purposes stated in Section 1 of the Ordinance.

**Section 3.** In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Alpha may lawfully make as a general improvement.

**Section 4.** All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

**Section 5.** This Ordinance shall take effect immediately upon due passage and publication according to law.

**NOTICE**

**NOTICE IS HEREBY GIVEN, that the above entitled ordinance was approved on first reading at a meeting of the Governing Body of the Borough of Alpha held on March 23, 2010 at the Alpha Municipal Building at 1001 East Blvd., and that public hearing concerning same will be held at a regular meeting of the Mayor and Council on April 13, 2010 at 7:00 p.m. at the Alpha Municipal Building at which time all persons both for and against shall be given the opportunity to be heard concerning the same.**

**CERTIFICATION**

*I, Laurie Barton, Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Common Council at a meeting of said Common Council on April 13, 2010 and that said Ordinance was adopted by not less than the legal vote needed of the members of the Council.*

---

*Laurie Barton, Borough Clerk*

*Witness my hand and seal of the Borough of Alpha*

*This 13 day of April, 2010*

Councilwoman Tarsi seconded the motion. The date for adoption of the ordinance is set for April 13<sup>th</sup>, 2010. Roll call; Ayes; Councilman Savary, Councilwoman Tarsi, Councilman A. Zikas, and Councilman H. Zikas. Nays; none.

*Resolutions:*

Councilman H. Zikas made a motion to approve the following resolution:

**RESOLUTION 2010-32  
CANCELLATION OF UNEXPENDED  
GENERAL CAPITAL BALANCES**

WHEREAS, the Borough of Alpha funded Improvements to Roads Equipment through Current Fund Budget Appropriations in 2009,

WHEREAS, a remaining balance of that funding exists and is needed for additional municipal improvements,

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpha hereby authorize the Chief Financial Officer to cancel a portion of the unexpended balance in the account listed below to General Capital Fund Balance.

Account Name	G/L Account Number	Balance
Improvements to Roads Equipment	0-04-226-55-000-002	\$3,500.00

**CERTIFICATION**

*I, Laurie Barton, Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council at a meeting of said Common Council on March 23, 2010 and that said Resolution was adopted by not less than the legal vote needed of the members of the Council.*

---

*Laurie Barton, Borough Clerk*

*Witness my hand and seal of the Borough of Alpha  
this 23<sup>rd</sup> day of March, 2010.*

Councilwoman Tarsi seconded. Roll call; Ayes; Councilman Savary,  
Councilwoman Tarsi, Councilman A. Zikas, and Councilman H. Zikas. Nays; none.

Councilman H. Zikas made a motion to approve the following resolution:

**RESOLUTION 10-33  
ADDITION TO CURRENT FUND TEMPORARY BUDGET**

WHEREAS, an emergent condition has arisen with respect to the budget adoption process extending past the time for which the Temporary Budget had been prepared and no adequate provision has been made in the 2010 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$179,700.00,

NOW, THEREFORE BE IT RESOLVED that in accordance with provisions of N.J.S.A. 40A:4-20:

- 1) An emergency temporary appropriation be and the same is hereby made for an additional amount of:

Administration SW	20-100-101	1,000.00
Clerk SW	20-120-101	5,000.00
Clerk OE	20-120-201	1,000.00
Finance SW	20-130-101	3,000.00
Assessor SW	20-135-101	1,500.00
Collector SW	20-140-101	2,000.00
Legal OE	20-155-201	5,000.00
Engineering OE	20-165-201	2,000.00
Planning Board SW	21-180-101	1,500.00
Streets SW	26-290-101	5,000.00
Garbage OE	26-305-201	20,000.00
Public Prop SW	26-310-101	500.00
Animal SW	27-340-101	500.00
Animal OE	27-340-201	1,000.00
Electricity	31-430-201	3,000.00
Street Lighting	31-435-201	3,000.00
Telephone	31-440-201	3,000.00
Propane	31-446-201	1,000.00
Gasoline	31-460-201	1,000.00
Social Security	36-472-201	4,000.00
Unemploy Comp	36-476-201	300.00
Interlocal Police	36-480-201	100,000.00
Court SW	43-490-101	4,000.00
Court OE	43-490-201	500.00
Public Defender SW	43-495-101	300.00
Interest on Bonds	45-930-901	10,600.00

- 2) That said emergency temporary appropriation has been provided for in the 2010 budget:
- 3) That one certified copy of this resolution be filed with the Director of Local Government Services:

**CERTIFICATION**

*I, Laurie A. Barton, Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council at a meeting of said Common Council on March 23, 2010 and that said Resolution was adopted by not less than the legal vote needed of the members of the Council.*

---

Laurie A. Barton, Borough Clerk

*Witness my hand and seal of the Borough of Alpha*

*This 23<sup>rd</sup> day of March 2010.*

Councilwoman Tarsi seconded the motion. Roll call; Ayes; Councilman Savary, Councilwoman Tarsi, Councilman A. Zikas, and Councilman H. Zikas. Nays; none.

Councilman H. Zikas made a motion to approve the following resolution:

**RESOLUTION 10-34**  
**ADDITION TO UTILITY FUND TEMPORARY BUDGET**

WHEREAS, an emergent condition has arisen with respect to the budget adoption process extending past the time for which the Temporary Budget had been prepared and no adequate provision has been made in the 2010 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$227,040.00,

NOW, THEREFORE BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A:4-20:

- 4) An emergency temporary appropriation be and the same is hereby made for an additional amount of:

Salary & Wages	09-55-501-501	40,000.00
Other Expenses	09-55-502-201	100,000.00
Principle	09-55-520-540	8,600.00
Interest	09-55-525-540	140.00
Social Security	09-55-541-521	3,000.00
Unemploy Comp	09-55-542-522	300.00
WTP Design	09-55-513-517	75,000.00

- 5) That said emergency temporary appropriation has been provided for in the 2010 budget:
- 6) That one certified copy of this resolution be filed with the Director of Local Government Services:

**CERTIFICATION**

*I, Laurie A. Barton, Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council at a meeting of said Common Council on March 23, 2010 and that said Resolution was adopted by not less than the legal vote needed of the members of the Council.*

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Laurie A. Barton, Borough Clerk

*Witness my hand and seal of the Borough of Alpha*

*This 23<sup>rd</sup> day of March, 2010.*

Councilman Savary seconded the motion. Roll call; Ayes; Councilman Savary, Councilwoman Tarsi, Councilman A. Zikas, and Councilman H. Zikas. Nays; none

Councilwoman Tarsi made a motion to approve the following resolution:

**RESOLUTION 2010-35  
REFUND OF UNUSED ESCROW MONIES**

**WHEREAS, the informal application for the escrow account listed below has now been completed, and**

**WHEREAS, a balance of unused escrow monies remain in the account, and**

**WHEREAS, the proper professionals have signed an escrow release form certifying the work to be complete and all professional payments have been made,**

**NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpha hereby authorize the Finance Officer to release the estimated account balance below to the below listed owner:**

09-003	BLH Holdings, LLC	749 Chimney Rock Road	\$187.50
		Martinsville, NJ 08836	

**CERTIFICATION**

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*Laurie A. Barton, Borough Clerk*

*Witness my hand and seal of the Borough of Alpha*

*This 23<sup>rd</sup> day of March 2010.*

Councilman H. Zikas seconded the motion. Roll call; Ayes; Councilman Savary, Councilwoman Tarsi, Councilman A. Zikas, and Councilman H. Zikas. Nays; none

*Approval of Minutes:*

Councilman H. Zikas made a motion to approve the regular meeting minutes from 03/09/2010. Councilwoman Tarsi seconded the motion. All were in favor.

Councilman H. Zikas made a motion to approve and hold the executive session minutes from 03/09/2010. All were in favor except Councilman A. Zikas who abstained.

*Department Reports:*

*Administration, Councilman H. Zikas:* Councilman H. Zikas had no report, but requested five minutes in executive session for contractual. He also approved all bills, salaries, and wages for his department.

Mayor Hanics asked for an update regarding the website and Councilman H. Zikas reported that it should be up and running by the next council meeting.

Councilman Savary asked why it wasn't reported that the clerk would be out this week. Councilman H. Zikas explained the deputy clerk would be covering the office while the clerk attends her conference and would be able to help him if needed. He noted Mike's suggestion it be reported at the meeting when the clerk will be out.

*Finance, Councilman Hajdu:* Absent, no report. Councilman Hajdu came in before the council meeting and approved all bills, salaries, and wages for his department.

*Health & Welfare, Councilman Savary:* Councilman Savary discussed debris removal and chipping. He approved all bills, salaries, and wages for his department.

*Public Property, Councilman A. Zikas:* No report. Councilman A. Zikas approved all bills, salaries, and wages for his department.

*Public Safety, Councilman Gara:* Absent, no report. Councilman H. Zikas approved all bills, salaries, and wages for this department and requested twenty minutes in executive session for personnel.

In closing, Mayor Hanics urged the public to exercise caution because children will be filling up the ball fields now that the season has begun.

*Public Works, Councilwoman Tarsi:* Councilwoman Tarsi stated chipper is out for repair and they are estimating the chipping will start in April. She received a proposal for the street sweeping today and they will set the date for street sweeping at the next meeting. Councilwoman Tarsi requested thirty minutes in executive session for personnel and contractual. She approved all bills, salaries, and wages for her department.

*Committee Reports:* Councilwoman Tarsi announced the 100<sup>th</sup> Anniversary Committee meeting will be held here at the Municipal Building on Wednesday, March 31, 2010.

*Professionals & Official Reports:*

*Mayor, Edward Hanics, Jr.:* No report.

*Police Department, Chief Paul J. Hager:* No report. Chief Hager noted that he is okay with the party request from Larry Marino but that he thinks the neighbors should be notified and asked to sign off on the letter.

*Fire Department, Matthew Fagan:* No report.

*Attorney, Christopher Troxell:* Attorney Troxell requested twenty minutes in executive session for contractual.

*Engineer, Shelly McGregor (in for Stanley Schrek):* No report.

*CFO, Lorraine Rossetti:* Ms. Rossetti gave an update regarding an electronic check depositor. She announced she will be at a seminar on Friday and not in the office.

*Municipal Clerk, Laurie Barton:* No report.

*Public Comment:*

Louis Cartabona from 1119 Fifth Avenue asked about the name of the company who is building our Borough website. Also, he asked about the Borough promoting composting.

*Payment of Bills & Claims:*

Councilwoman Tarsi made a motion to approve an amendment to the Bill List as the original amount approved on the bill list was \$9116.00 for Purchase Order #10-00149



on 03/09/2010. The corrected amount was decreased to \$8438.91. Councilman Savary seconded the motion. Roll call; Ayes; Councilman Savary, Councilwoman Tarsi, Councilman A. Zikas, and Councilman H. Zikas. Nays; none

Councilwoman Tarsi made a motion to make the director's report a part of the minutes. Councilman Savary seconded the motion. Roll call; Ayes; Councilman Savary, Councilwoman Tarsi, Councilman A. Zikas, and Councilman H. Zikas. Nays; none

Councilwoman Tarsi made a motion that the CFO be authorized to pay all bills authorized by the director. Councilman Savary seconded the motion. Roll call; Ayes; Councilman Savary, Councilwoman Tarsi, Councilman A. Zikas, and Councilman H. Zikas. Nays; none

Councilwoman Tarsi made a motion that the CFO be authorized to pay all salaries and wages approved by the director, Councilman H. Zikas seconded. Roll call; Ayes; Councilman Savary, Councilwoman Tarsi, Councilman A. Zikas, and Councilman H. Zikas. Nays; none

*Old Business:* None.

*New Business:* Councilwoman Tarsi made a motion to approve the following pavilion permit with alcohol:

***Samantha Varga ~ 106 Pohatcong St. ~ 07/31/2010***

Councilman H. Zikas seconded the motion. All were in favor.

Councilman Savary requested the review and discussion about the vacating of an ally in the Borough. It was determined this needs to be in writing.

*Executive Session: One hour, twenty-five minutes*

Councilman H. Zikas made a motion to approve the following resolution to go back into executive session for one hour and twenty-five minutes for contractual and personnel:

**RESOLUTION  
EXECUTIVE SESSION**

**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.**

- 5. The public shall be excluded from discussion(s) of the hereinafter specified subject matter(s).**
- 6. The general nature of the subject matter(s) to be discussed is: *Contractual and Personnel***
- 7. 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.**
- 8. Action may or may not be taken after executive session.**

Motion seconded by Councilwoman Tarsi, all were in favor.

Motion made by Councilman Savary to return to the regular session, motion seconded by Councilman H. Zikas, all were in favor.

Councilwoman Tarsi made a motion to approve the following resolution:

**RESOLUTION 2010-36  
BOROUGH ENGINEER**

**WHEREAS, CMX, Inc. has been the Borough Engineer for the Borough of Alpha, having a contract dated January 6, 2009; and**

**WHEREAS, CMX, Inc. has publicly announced it is ceasing its operations as of May 11, 2010; and**

**WHEREAS, CMX, Inc. has forwarded WARN Act notices to its employees, including the professional engineers that service the Borough account; and**

**WHEREAS, James K. Valenti, P.E., Esq. of CMX has not returned a telephone call to him placed by the Borough Attorney; and**

**WHEREAS, CMX has failed to send a professional engineer to the Borough Council meeting tonight, March 23, 2010; and**

**WHEREAS, the Mayor and Borough Council wish to protect the interests of the municipality and the borough residents; and**

**WHEREAS, CMX cannot assign or sell the contract with the Borough; and**

**WHEREAS, the Borough is in need of contracting engineering service(s) for the welfare and safety of the general public, and delaying the appointment of a new professional engineer could jeopardize the status of certain projects and work in the Borough; and**

**WHEREAS, Stanley Schrek, P.E. has been the professional engineer servicing the Borough's account and is intimately familiar with all ongoing engineering projects in the Borough, and has left the CMX firm due to its pending dissolution; and**

**WHEREAS, the Mayor and Borough Council deem it an emergent situation and necessary to appoint a professional engineer.**

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

- 1. Stanley Schrek, P.E. of Van Cleef Engineering Associates is hereby retained as Borough Engineer for the Borough of Alpha for a term to commence upon the signing of a contract as approved by the Borough Attorney, no sooner than today, and ending December 31, 2011.**
- 2. This retainer is awarded without competitive bidding as a "professional service" under the provisions of the Local Public contract Law as provided by JNSA 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, and this will fulfill the unexpired term (through 12/31/11) of the former Borough Engineer.

3. A copy of this resolution shall be published in the Star Gazette and The Express-Times as required by law within 10 days of passage.

**CERTIFICATION**

*I, Laurie A. Barton, Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council at a meeting of said Common Council on March 23, 2010 and that said Resolution was adopted by not less than the legal vote needed of the members of the Council.*

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*Laurie A. Barton Borough Clerk*

*Witness my hand and seal of the Borough of Alpha*

*This 23<sup>rd</sup> day of March 2010.*

Councilman H. Zikas seconded the motion. Roll call; Ayes; Councilman Savary, Councilwoman Tarsi, Councilman A. Zikas, and Councilman H. Zikas. Nays; none

Councilman A. Zikas presented two letters requesting use of Banky Field from Shramko for May through August and Perez from April through June. Since the AYAA no longer has a junior team this should not pose a problem. Councilman A. Zikas also noted that he will obtain insurance certificates.

Pending paperwork to be filed with the Municipal Clerk, Councilman H. Zikas made a motion to approve the request. Councilman A. Zikas seconded the motion. All were in favor.

*Adjournment: 10pm*

Seeing no further business to come before Council, motion made by Councilman Savary to adjourn, motion seconded by Councilman A. Zikas, all were in favor.

Respectfully submitted,

*Christy Wicknesky Deputy Clerk*