

Council President Robert Gara called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on Tuesday August 9, 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.

Council President Robert Gara led prayer and the salute to the flag.

*Roll Call:* Present; Councilman Dunwell, Councilman Gara, Councilman Pfefferle, Councilman Savary and Councilwoman Tarsi. Absent; Mayor Hanics and Councilman Zikas.

Also present, Borough Attorney, Christopher Troxell, Borough Clerk, Laurie A. Barton, CFO, Lorraine Rossetti and Borough Engineer, Shelley McGregor.

#### *Public Comment*

Louis Cartabona, Fifth Avenue, inquired about two above ground pools with stagnant water and the potential for mosquitoes and pointed out chapter 45 regarding a local board of health, in which they should investigate this problem. Code Enforcement Officer, Dave Santawasso stated he will look into the pool issue at this and other locations.

Tim Mellert, North Boulevard, inquired about the Borough's own pool being filled with stagnant water. Engineer, Shelley McGregor stated that they cannot do anything with the pool until approval from Green Acres. Councilman Savary stated that there are fish that have been put in the pool to eat the mosquito larvae.

Carol Schwar, Fourth Avenue, stated that the local board of health is only an advisory board. Mrs. Schwar also stated that when she was on council she had spoken to Green Acres regarding the pool and they told her that the Borough can do whatever they want as long as they just tell Green Acres what they are doing.

Mr. Kober, South Boulevard, inquired about high chlorine in the water. Councilman Gara stated that this is the first he is hearing about this. Councilman Savary stated he sometimes notices a chlorine taste first thing in the morning.

*Ordinances*

Motion made by Councilwoman Tarsi to approve the following ordinance with the public hearing scheduled for August 23, 2011:

**ORDINANCE 2011-05-AMENDED  
AN ORDINANCE AMENDING CHAPTER 87  
FOR COST OF PUBLIC RECORDS**

**WHEREAS**, the Council of the Borough of Alpha desires to amend a portion of Chapter 87, Records, specifically Section 87-7 and amend its Code accordingly;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Alpha in the County of Warren and State of New Jersey that "Section 87-7, Procedures and fees for purchasing public records," be amended and supplemented as follows:

E. Electronic records.

(3) Copy of electronic document or database. The following fees cover the cost of copying existing files to a CD. Any requests for software conversions shall be subject to the special service charge described in Subsection F below. For security reasons, the use of a CD provided by the requestor is prohibited.

(b) CD: .50 cents each

(c) Copy of Alpha Borough's 100<sup>th</sup> Anniversary Book, if available, \$25. \*\*\*

G. Applicable postage shall be added for any and all records requested by mail. There shall be a \$5. charge for the shipping of each copy of Alpha Borough's 100<sup>th</sup> Anniversary Book, representing the postage cost(s). \*\*\*

This Ordinance shall take effect after adoption and publication thereof as provided by law.

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*Laurie Barton, Borough Clerk*

Motion seconded by Councilman Dunwell, Roll call, Ayes: Dunwell, Gara, Pfefferle, Savary and Tarsi. Nays: none.

Motion made by Councilwoman Tarsi to approve the following ordinance with the public hearing scheduled for August 23, 2011:

**ORDINANCE 2011-07  
THE FLOOD DAMAGE PREVENTION ORDINANCE**

## OF THE BOROUGH OF ALPHA

### SECTION 1.0

#### STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

##### 1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has, in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Council of the **Borough of Alpha, Warren** County, New Jersey does ordain as follows:

##### 1.2 FINDINGS OF FACT

- [1] The flood hazard areas of the **Borough of Alpha** are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- [2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

##### 1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- [1] Protect human life and health;
- [2] Minimize expenditure of public money for costly flood control projects;
- [3] Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] Minimize prolonged business interruptions;
- [5] Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- [6] Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- [7] Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- [8] Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

##### 1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- [1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- [2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- [3] Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- [4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- [5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

### SECTION 2.0

#### DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**Appeal** — A request for a review of the **Building Inspector's** interpretation of any provision of this ordinance or a request for a variance.

**Area of Shallow Flooding** — A designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard** — The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**Base Flood** — The flood having a one percent chance of being equaled or exceeded in any given year.

**Basement** — Any area of the building having its floor subgrade (below ground level) on all sides.

**Breakaway Wall** — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**Development** — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**Digital Flood Insurance Rate Map (DFIRM)** — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Elevated Building** — A non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**Flood or Flooding** — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- [1] The overflow of inland or tidal waters and/or
- [2] The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Floodplain Management Regulations** — The zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Highest Adjacent Grade** — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure** — Any structure that is:

[a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

[b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

[c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

[d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved State program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in States without approved programs.

**Lowest Floor** — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

**Manufactured Home** — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park or Manufactured Home Subdivision** — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**New Construction** — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

**Recreational Vehicle** — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Start of Construction** — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** — A walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

**Substantial Damage** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- [1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- [2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Variance** — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

## SECTION 3.0

### GENERAL PROVISIONS

#### 3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Alpha, Warren County, New Jersey.

#### 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Alpha, Community No. 340576, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (a) Flood Insurance Rate Map for Warren County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34041C0291E, 34041C0292E, 34041C0293E, 34041C0294E, whose effective date is September 29, 2011.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at the Borough's Municipal Building, 1001 East Blvd, Alpha, New Jersey 08865.

#### 3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 2,000.00 or imprisoned for not more than 2 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Alpha from taking such other lawful action as is necessary to prevent or remedy any violation.

#### 3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### 3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

### **3.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the **Borough** of **Alpha**, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

## **SECTION 4.0 ADMINISTRATION**

### **4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the **Building Inspector** and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been flood-proofed.
- [3] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

### **4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR**

The **Building Inspector** is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

### **4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

Duties of the **Building Inspector** shall include, but not be limited to:

#### **4.3-1 PERMIT REVIEW**

- [1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- [2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

#### **4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA**

When base flood elevation and floodway data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the **Building Inspector** shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source.

#### **4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED**

- [1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- [2] Maintain for public inspection all records pertaining to the provisions of this ordinance.

#### **4.3-4 ALTERATION OF WATERCOURSES**

- [1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- [2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.



#### **4.3-5 INTERPRETATION OF FIRM BOUNDARIES**

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

#### **4.4 VARIANCE PROCEDURE**

##### **4.4-1 APPEAL BOARD**

- [1] The appeal board as established by Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- [2] The appeal board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the **Building Inspector** in the enforcement or administration of this ordinance.
- [3] Those aggrieved by the decision of the appeal board, or any taxpayer, may appeal such decision to the Superior Court Of New Jersey, Warren County, as provided by law.
- [4] In passing upon such applications, the , shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - (i.) the danger that materials may be swept onto other lands to the injury of others;
  - (ii.) the danger to life and property due to flooding or erosion damage;
  - (iii.) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (iv.) the importance of the services provided by the proposed facility to the community;
  - (v.) the necessity to the facility of a waterfront location, where applicable;
  - (vi.) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (vii.) the compatibility of the proposed use with existing and anticipated development;
  - (viii.) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - (ix.) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (x.) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - (xi.) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- [5] Upon consideration of the factors of Section 4.4-1[4] and the purposes of this ordinance, the may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- [6] The **Building Inspector** shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

##### **4.4-2 CONDITIONS FOR VARIANCES**

- [1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 4.4-1[4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- [2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- [3] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- [4] Variances shall only be issued upon:
  - (i) a showing of good and sufficient cause;
  - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create



nuisances, cause fraud on or victimization of the public as identified in section 4.4-1[4], or conflict with existing local laws or ordinances.

- [5] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## **SECTION 5.0**

### **PROVISIONS FOR FLOOD HAZARD REDUCTION**

#### **5.1 GENERAL STANDARDS**

In all areas of special flood hazards the following standards are required:

##### **5.1-1 ANCHORING**

- [1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- [2] All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

##### **5.1-2 CONSTRUCTION MATERIALS AND METHODS**

- [1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- [2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

##### **5.1-3 UTILITIES**

- [1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- [2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- [3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- [4] Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

##### **5.1-4 SUBDIVISION PROPOSALS**

- [1] All subdivision proposals shall be consistent with the need to minimize flood damage;
- [2] All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- [3] All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- [4] Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

##### **5.1-5 MANUFACTURED HOMES**

- [1] Manufactured homes shall be anchored in accordance with Section 5.1-1[2].
- [2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

Motion seconded by Councilman Dunwell, Roll call, Ayes: Dunwell, Gara, Pfefferle, Savary and Tarsi. Nays: none.

#### *Resolutions*

Motion made Councilwoman Tarsi to approve the following resolution:

**RESOLUTION 2011-74  
EXTENDING THE GRACE PERIOD  
FOR PAYMENT OF TAXES FOR THE BOROUGH OF ALPHA**

**WHEREAS**, the 2011 final and 2012 preliminary tax bills were mailed out beyond the June 13, 2011 statutory due date, NJSA 54:4-64 as a result in obtaining the Municipal Tax Rate, and,

**WHEREAS**, the law of 1994 known as A179 requires a minimum of a twenty-five (25) day payment period for either estimated or final tax bills;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpha this 9<sup>th</sup> day of August, 2011 that the grace period allowed for the payment of the August 1, 2011 tax quarter be extended to August 30, 2011 and any payment received after said date will be charged interest from the original August 1, 2011 due date.

Motion seconded by Councilman Savary, Roll call, Ayes: Dunwell, Gara, Pfefferle, Savary and Tarsi. Nays: none.

Motion made by Councilwoman Tarsi to approve the following resolution:

**RESOLUTION 2011-75  
A RESOLUTION AMENDING RESOLUTION 2011-69 SETTING THE TERM OF APPOINTMENT  
FOR OFFICE OF EMERGENCY MANAGEMENT COORDINATOR AND DEPUTY COORDINATOR**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Alpha, County of Warren, State of New Jersey that the following are appointed with their respective terms:

Emergency Management Coordinator	Hunter Stagg	3 year term
Emergency Management Deputy	George Gal	3 year term

**BE IT FURTHER RESOLVED**, the terms of the Emergency Management Coordinator and the Deputy Coordinator are 3 year terms beginning on January 1, 2011 and ending on December 31, 2013.

Motion seconded by Councilman Dunwell, Roll call, Ayes: Dunwell, Gara, Pfefferle, Savary and Tarsi. Nays: none.

Motion made by Councilman Savary made a motion to approve the following resolution:

**RESOLUTION 2011-76  
RESOLUTION AMENDING RESOLUTION 2011-73  
TO APPROVE AN INTERLOCAL MUNICIPAL  
AGREEMENT WHEREBY POHATCONG TOWNSHIP WILL USE  
THE BOROUGH OF ALPHA'S MUNICIPAL BUILDING FOR**

## POHATCONG COUNCIL AND LAND USE BOARD MEETINGS

**WHEREAS**, the Common Council of the Borough of Alpha believes it is in the best interest of the Borough to contract pursuant to the “Interlocal Services Act,” N.J.S.A. 40:8A-1, to allow Pohatcong Township to use the Borough’s municipal building for Pohatcong Township’s municipal court sessions while Pohatcong’s municipal building is being renovated; and,

**WHEREAS**, N.J.S.A. 40:8A-1, et seq., the “Interlocal Services Act,” provides a mechanism for making such contracts between public entities and/or agencies; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Alpha shall enter into an agreement with Pohatcong Township to allow Pohatcong to use the Alpha Borough municipal building for Pohatcong’s council and land use board meetings for five hundred dollars (\$500.00) per month and the Mayor is hereby authorized to sign and/or initial the agreement.

Motion seconded by Councilman Dunwell, Roll call, Ayes: Dunwell, Gara, Pfefferle, Savary and Tarsi. Nays: none.

### *Department Reports:*

*Administration, Councilman Craig Dunwell:* Councilman Dunwell discussed the possibility of re-introducing the zoning ordinance that failed earlier this year since Intercounty has withdrawn their application from the Land Use Board.

Councilman Dunwell reported about his meeting he had with the Code Enforcement Officer with regard to the procedure of submitting complaints. Cutting grass on vacant properties was discussed. The best practices list was discussed. Councilman Dunwell stated he will be leaving for vacation in eight days. The cat/dog census was discussed and a saturation mailing will be going out for the census. An informal meeting was held with the Mayor and the Mayor from Pohatcong Township, regarding shared services.

Councilman Dunwell stated that he will not be in attendance for the next two meetings due to vacation. In closing Councilman Dunwell approved bills, salaries and wages for his department.

*Finance, Councilman Chris Pfefferle:* Councilman Pfefferle briefly spoke of his idea of a skate park at the location of the pool, stating that this could be a better option instead of just filling in the pool. Utilizing the snack stand also was discussed. Councilman Pfefferle stated he will continue to work with the architect. Councilman Pfefferle requested fifteen minutes in executive session for personnel. Councilman Pfefferle stated that he will not be able to attend the

next council meeting. In closing Councilman Pfefferle approved bills, salaries and wages for his department.

*Health and Welfare, Councilman Alex Zikas:* Councilman Gara approved bills, salaries and wages in absence of Councilman Zikas.

*Public Property, Councilman Michael Savary:* Councilman Savary reported on the new lights and furnace for the AYAA building. Border for the playground is currently being worked on. A load of mulch was ordered to be spread down the park before the car show. The clean communities' workers will be painting street poles and the dugouts at the parks.

Councilman Savary discussed briefly the repairs needed for the salt shed and discussed budgetary concerns with the cost of the repairs.

Councilman Savary brought up the issue of the DPW hauling dirt from the Wal-Mart project (Pohatcong) to an area next to the salt shed. Motion made by Councilman Pfefferle to have the Public Property director get proper documentation from the Wal-Mart general contractor to coordinate with the DPW to get topsoil what he deems and to store back at the salt shed and the Engineer to talk with the Warren County Soil Conservation for storage silt fencing, motion seconded by Councilwoman Tarsi, roll call: Ayes: Dunwell, Gara, Pfefferle, and Tarsi. Nays: none. Abstain: Savary.

Councilman Dunwell stated he received an email regarding the energy efficient grant with regard to having work done at the school and that they needed a letter. Ten minutes in executive session was requested at this time to discuss further for contractual. In closing Councilman Savary approved bills, salaries and wages for his department.

*Public Safety, Robert Gara:* No report. Councilman Gara approved bills, salaries and wages for his department.

*Public Works, Councilwoman Tarsi:* Councilwoman Tarsi reported on the sewer break from last week. Water meter installations are now at 141. In closing Councilwoman Tarsi approved bills, salaries and wages.

Councilman Dunwell stated that after a meeting at the municipal building with the DPW a statement was made regarding new trucks for the DPW. He wanted to make clear of his statement and what he meant was that at some point start looking at replacing the trucks but it was not meant to be replaced in this year's budget (2011), and stated it was taken out of context.

*Professional and Officials Reports*

*Police, Chief Paul Hager:* The Chief thanked the Alpha Fire Department with National Night Out. Councilman Savary asked about any follow up with the gas leak explosion. Chief Hager stated there was no new information and it is still open.

*Attorney, Christopher Troxell:* Mr. Troxell stated that he will be working on a few ordinances and requested twenty-five minutes in executive session for contractual and litigation.

*Engineer, Shelley McGregor:* (Engineer's report was distributed to Mayor and Council) Ms. McGregor updated Council on the water treatment plant project (3 phases). The Engineer will coordinate with the Clerk with regards to the bid opening ad for September. Motion made by Councilwoman Tarsi to add North Boulevard from Park to the dead end for the New Jersey DOT grant and the rest of First Avenue, motion seconded by Councilman Dunwell, roll call: Ayes: Dunwell, Gara, Pfefferle, Savary and Tarsi. Nays: none.

Motion made by Councilman Pfefferle to advertise for the phase 1 and phase 2 projects, motion seconded by Councilwoman Tarsi, roll call: Ayes: Dunwell, Gara, Pfefferle, Savary and Tarsi. Nays: none.

*CFO, Lorraine Rossetti:* Ms. Rossetti spoke briefly regarding the financial statements for the website. Pension enrollments will not be processed until a pension supervisor is appointed. The billing correction at the apartments was briefly discussed that are going back six years. Ms. Rossetti spoke of an upcoming electronics recycling event to be held here in the borough. Ms. Rossetti also stated her additions to the bill list.

*Public Comment*

Louis Cartabona, Fifth Avenue, stated that that sign on the corner of East Central is faded. Mr. Cartabona inquired about the scrap of the generator that was taken out of the sewage pump station. Mr. Cartabona thanked the police and Mr. Bodogh with regards to the National Night Out event. Mr. Cartabona also stated that Industrial Drive should be a priority to be repaired.

Tim Mellert, North Boulevard, stated that an ordinance should be passed to make the people recycle. Recycling Coordinator, Tom Fey stated that there is an ordinance.

Tom Fey, East Boulevard inquired about recycling containers on order.

Carol Schwar, 7<sup>th</sup> Avenue, stated that the County Health Department has recycling containers they lend out.

Dave Santawasso, Code Enforcement officer, inquired about patrolling recycling.

Charles Bodogh, East Central Avenue, spoke about the transmissions on the fire trucks that are failing.

*Payment of Bills and Claims*

Motion made by Councilman Savary to make the director's reports part of the minutes, motion seconded by Councilwoman Tarsi. *Roll call*; Ayes; Councilman Dunwell, Councilman Gara, Councilman Pfefferle, Councilman Savary and Councilwoman Tarsi. Nays; None.

Councilwoman Tarsi made a motion that the CFO be authorized to pay all bills, including the added items, authorized by the director. Councilman Savary seconded the motion. *Roll call*; Ayes; Councilman Dunwell, Councilman Gara, Councilman Pfefferle, Councilman Savary and Councilwoman Tarsi. Nays; None.

Motion made by Councilwoman Tarsi that the CFO be authorized to pay all salaries and wages approved by directors seconded by Councilman Dunwell. *Roll call*; Ayes; Councilman Dunwell, Councilman Gara, Councilman Pfefferle, Councilman Savary and Councilwoman Tarsi. Nays; None.

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type	
11-00007	01/20/11	TRITE	DE LAGE LANDEN FINANCIAL SERV	Open	274.98	0.00		
11-00280	05/05/11	CINTAS	CINTAS CORPORATION LOC 101	Open	142.08	0.00		
11-00344	06/02/11	HEALTH	STATE OF NJ HEALTH BENEFITS	Open	8,368.18	0.00	ACH	
11-00345	06/02/11	MRJON	MR JOHN	Open	859.12	0.00		
11-00379	06/16/11	WEST	WEST GROUP	Open	200.00	0.00		
11-00447	07/19/11	SHAFF	BEN SHAFFER & ASSOCIATES, INC	Open	3,090.00	0.00		
11-00448	07/19/11	APPRAIS	APPRAISAL CONSULTANTS CORP.	Open	4,000.00	0.00		
11-00450	07/19/11	ST MARY	SAINT MARY CHURCH	Open	4,100.00	0.00		
11-00453	07/19/11	ONECA	ONE CALL CONCEPTS	Open	5.60	0.00		
11-00454	07/19/11	EXPRE	EXPRESS-TIMES	Open	76.00	0.00		
11-00455	07/19/11	NJN	NJN PUBLISHING	Open	25.67	0.00		
11-00456	07/19/11	TENTS	TENTS PARTY RENTAL	Open	84.00	0.00		
11-00479	07/22/11	FLEMD	FLEMINGTON DEPARTMENT STORE	Open	304.85	0.00		
11-00483	07/22/11	FINCH	FINCH FUEL OIL CO., INC.	Open	1,928.30	0.00		
11-00484	08/02/11	LYONS	GAETANO AENO, INC	Open	270.00	0.00		
11-00486	08/04/11	SAFE	TREASURER-STATE OF NEW JERSEY	Open	720.00	0.00		
11-00487	08/04/11	BCS	UNIVAR USA INC.	Open	5,647.93	0.00		
11-00488	08/04/11	HASSL	ASCOM HASSLER/GE CAP PROG	Open	700.00	0.00	ACH	
11-00489	08/04/11	ATT	AT&T	Open	1.81	0.00		
11-00490	08/04/11	COUN	COUNTY OF WARREN TREASURER	Open	294,427.82	0.00		
11-00491	08/04/11	COUNT	COUNTY OF WARREN TREASURER'S	Open	35,047.18	0.00		
11-00492	08/04/11	EAS	EAS BY ACTION DATA	Open	281.78	0.00		
11-00493	08/04/11	ACTION	ACTION DATA SERVICES	Open	544.66	0.00		
11-00494	08/04/11	JCPL	JCP&L	Open	5,292.31	0.00		
11-00495	08/04/11	QC	QC, INC.	Open	695.00	0.00		
11-00496	08/04/11	VANCLE	VANCLEEF ENGINEERING ASSOCIATE	Open	7,590.35	0.00		
11-00497	08/04/11	VANCLE	VANCLEEF ENGINEERING ASSOCIATE	Open	422.50	0.00		
11-00498	08/05/11	RINGO	MARYBETH RINGO	Open	1,022.40	0.00		
Total Purchase Orders:		28	Total P.O. Line Items:	55	Total List Amount:	376,122.52	Total Void Amount:	0.00

11-0449 Greenwich school - SWA \$5,200.00 -  
 11-00395 utility payroll 6/30/11 \$9,347.10 - ACH - paid  
 11-00500 A Plus Handyman meter install - 2 @ \$550.00

*New Business*

Motion made by Councilman Savary to approve the pavilion permit for Amey on 08/28/2011 with alcohol, motion seconded by Councilman Pfefferle, *Roll call*; Ayes; Councilman Dunwell, Councilman Gara, Councilman Pfefferle, Councilman Savary and Councilwoman Tarsi. Nays; None.

*Executive Session*

Councilwoman Tarsi made a motion to approve the following resolution to go into executive session for one hour and five minutes for contractual, litigation, and personnel. Councilman Savary seconded the motion. All were in favor:



**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: 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.

*Return to Regular Session*

Motion made by Councilwoman Tarsi to return to regular session, motion seconded by Councilman Gara, all were in favor.

Motion made by Councilwoman Tarsi to approve the following resolution

**RESOLUTION 2011-77  
RESOLUTION TO APPROVE AN INTERLOCAL MUNICIPAL  
AGREEMENT BETWEEN POHATCONG TOWNSHIP AND THE BOROUGH OF  
ALPHA CONCERNING TUB GRINDING AND YARD WASTE RECYCLING**

**WHEREAS**, the Common Council of the Borough of Alpha believes it is in the best interest of the Borough to contract pursuant to the “Interlocal Services Act,” N.J.S.A. 40:8A-1, to allow Pohatcong Township to use the Borough’s site for tub grinding and recycling resident’s grass and tree clippings while Pohatcong’s municipal building is being renovates; and,

**WHEREAS**, N.J.S.A. 40:8A-1, et seq., the “Interlocal Services Act,” provides a mechanism for making such contracts between public entities and/or agencies; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Alpha shall enter into an agreement with Pohatcong Township to allow Pohatcong to use the Alpha Borough site off of Industrial Drive from September 1, 2011 to June 1, 2012 for tub grinding and recycling of both Pohatcong’s and Alpha’s residents’ grass and tree clippings with hours of operation to be agreed upon. Pohatcong shall provide and/or be responsible for the tub grinder and costs of disposal of recycled yard waste for the entire term. Pohatcong shall be responsible for the tub grinding at the start (even if all chipping and material are from Alpha’s residents) and at the end with one final recycling to occur or close to June 1, 2012 as possible. There shall be no costs to the Borough. The Mayor and Clerk are hereby authorized to execute any and all documents and/or the contract relative to this resolution.

Motion seconded by Councilman Savary, Roll call, Ayes: Dunwell, Gara, Pfefferle, Savary and Tarsi. Nays: none.

Discussions of obtaining a labor attorney ensued.

*Adjournment: 10:27pm*

Seeing no further business to come before Mayor and Council, Councilwoman Tarsi made a motion to adjourn. Councilman Pfefferle seconded, all were in favor.

Respectfully submitted,

*Laurie A. Barton, R.M.C*