

Mayor Hanics called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on Tuesday, October 11, 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, CFO, Lorraine Rossetti and Borough Engineer, Shelley McGregor.

#### *Public Hearing-Service Electric Cable Franchise-Application Renewal*

Mayor Hanics opened the public hearing and introduced Tom Kelly, Attorney for Service Electric.

Mr. Kelly explained the procedure regarding the renewal process for the application for cable services in the Borough. Service Electric is seeking a 15-year renewal consent. Questions and concerns were taken by both residents and Council with regards to improvements to the cable service, customer service and fees.

Councilwoman Tarsi moved to close the public hearing, motion seconded by Councilman Gara, all were in favor.

Motion made by Councilwoman Tarsi to approve the franchise for Service Electric with the customer service clause to the ordinance for fifteen years, motion seconded by Councilman Gara, roll call: Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none.

Mr. Kelley explained the ordinance process and review for the finalization of the application.

#### *Public Hearing-Phillipsburg Emergency Squad*

Mayor Hanics stated that the Phillipsburg Emergency Squad was present to straighten out the billing issues that residents are experiencing. Mayor Hanics announced that this is not a political move amongst himself or Councilman Dunwell.

Members of the Squad took questions from the both the public and Governing Body regarding the billing coming from the company the Emergency Squad uses and the billing of Medicare.

*Public Comment*

Millard Rooks, Vulcanite Avenue, inquired about the proposed skate park. Councilman Pfefferle gave a brief explanation of the ideas of the skate park Mr. Rooks stated his concerns of a skate park due to the possibility of the activity it will attract.

Maura Poquat, West Central Avenue, inquired about the AYAA insurance coverage and her request for reimbursement for medical expenses due to her daughter's sports injury.

Sharon Decker inquired about the cost and reason for the crack sealing that has occurred in the Borough. Engineer, Shelley McGregor explained in detail the reason of preserving the roads using crack sealing.

Art Hawk, Williams Street, stated that Council should dump the skate park idea and does not want his tax money going into that. Mr. Hawk wants to know the order of priority for repairs of roads including his street in the Borough. Ms. McGregor thoroughly explained the Road Assessment report they conducted on prioritizing the roads for repair. Discussions ensued regarding the streets and the conditions.

Sean McDyer, Dewey Avenue, inquired the same about his road for repairs.

Louis Cartabona, Fifth Avenue, stated that he would support council reimbursing Mrs. Poquat the money for the insurance.

*Executive Session-20 Minutes*

Motion made by Councilman Pfefferle to approve the following 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 and Potential Litigation,
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.

*Return to Regular Session*

Motion made by Councilman Gara to return to regular session, motion seconded by Councilwoman Tarsi, all were in favor. (*An eight minute break was immediately taken after coming out of executive session*)

*Ordinances*

Motion made by Councilman Savary to approve the following ordinance with the public hearing scheduled for October 25<sup>th</sup>, motion seconded by Councilman Dunwell, roll call: Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none.

**ORDINANCE 2011-10**

**BOROUGH OF ALPHA  
ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN  
CONFORMANCE FOR THE PLANNING AREA**

**Section 1 Purpose**

The Borough of Alpha is located fully within that portion of the New Jersey Highlands Region defined by the Highlands Act, as the “Planning Area” (see definitions, below). This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the New Jersey Highlands Water Protection and Planning Council (Highlands Council) for Plan Conformance approval of such planning and regulatory documents.

By adoption of this Ordinance, the Governing Body of the Borough of Alpha establishes that the municipality shall conform its master plan, development regulations, and all other regulations applicable to the use and development of land within the Planning Area of the municipality, to achieve consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. Said conformance shall be in accordance with the provisions of Highlands Council approval of the municipality’s Petition for Plan Conformance, which was previously submitted to the Highlands Council by Resolution adopted by the Governing Body on September 28, 2010, and which the Highlands Council approved with certain conditions by Highlands Council Resolution No. 2011-26, adopted on August 3, 2011. Further, this Ordinance specifically reserves the rights of the municipality as specified by the Highlands Act, with respect to the voluntary nature of Plan Conformance for the Planning Area.

**Section 2 Basis and Background**

The Highlands Act finds and declares that protection of the Highlands Region is an issue of State level importance because of its vital link to the future of the State’s drinking water supplies and other significant natural resources. The Highlands Act creates a coordinated land use planning system requiring the Highlands Council to prepare and adopt a Regional Master Plan that serves to protect, restore and enhance the significant resources the Highlands Region. The Highlands Act sets forth a bifurcated system for municipal conformance with the goals, requirements and provisions of the Regional Master Plan. Pursuant to Section 14.a. of the Highlands Act, a municipality located wholly or partially in the Preservation Area was required to submit by December 8, 2009 a revised municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, to conform them with the Regional Master Plan.

Pursuant to Section 15.a. of the Highlands Act, for a municipality located wholly in the Planning Area or for any portion of a municipality lying within the Planning Area, the municipality may submit at any time a revised master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, that conforms with the Regional Master Plan. Plan Conformance by a municipality is strictly voluntary for lands in the Planning Area.

Consequently, the Borough of Alpha, having lands in the Planning Area of the Highlands Region, did submit as part of a Petition for Plan Conformance to the Highlands Council on September 29, 2010, proposed revisions to the master plan, development regulations and other regulations that relate to the development and use of land in the Planning Area. On August 3, 2011 the Highlands Council adopted Resolution No. 2011-26 approving the Borough of Alpha's Petition for Plan Conformance. The approval was conditioned upon the Borough of Alpha's adoption of an ordinance pursuant to Section 15a of the Highlands Act, formally petitioning the Highlands Council for Plan Conformance for lands within the Planning Area.

### **Section 3 Applicability**

This Ordinance applies to the development and use of land located in the Planning Area of the Borough of Alpha, as defined by Section 7 of the Highlands Act.

### **Section 4 Definitions**

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**Highlands Council** – means the New Jersey Highlands Water Protection and Planning Council.

**Highlands Act** – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

**Highlands Region** means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

**Planning Area** - means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

**Plan Conformance** – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

**Preservation Area** – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

**Regional Master Plan**– means the Highlands regional master plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

### **Section 5 Petition for Plan Conformance**

The Borough of Alpha hereby formalizes its Petition for Plan Conformance to the Highlands Council, declaring it fully effective for lands in the Planning Area of the municipality, said Petition having been approved by the Highlands Council subject to the conditions as set forth in Highlands Council Resolution No. 2011-26, adopted on August 3, 2011.

### **Section 6 Reserved Right of Withdrawal for Planning Area**

At any time, the Borough of Alpha may withdraw its Petition for Plan Conformance for the Planning Area. In such event, any approvals, rejections or conditions of the revised municipal master plan, development regulations or other regulations that pertain to the Planning Area, as set forth by the Highlands Council in approving Resolution No. 2011-26, will not be binding upon the Borough of Alpha. Any such withdrawal, should it occur, shall require repeal of this Ordinance, and shall be followed by formal notification to the Highlands Council, sent within ten (10) days of adoption by certified mail and including a certified copy of such repealing ordinance.

### **Section 6 Planning Grants and Technical Assistance**

Upon application of the Borough of Alpha, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to the Borough of Alpha for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, which revisions are designed to bring those plans and regulations into conformance with the Regional Master Plan. The Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council. As Plan Conformance for lands in the Planning Area is strictly voluntary, the Borough of Alpha retains the right to withdraw the Petition relating to lands lying in the Planning Area from the Plan Conformance process at any time.

**Section 7 Effective Date**

This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Councilwoman Tarsi stated her concerns that the Highlands look into the flooding problems with the farmer.

Motion made by Councilwoman Tarsi to open the public hearing for the following Ordinance:

**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.

Motion seconded by Councilman Pfefferle, all were in favor. Hearing no public comment, motion made by Councilwoman Tarsi to close the public hearing, motion seconded by Councilman Gara, all were in favor. Motion made by Councilwoman Tarsi to adopt Ordinance 2011-05, motion seconded by Councilman Dunwell, roll call: Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none.

Motion made by Councilwoman Tarsi to open the public hearing for the following ordinance:

**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 violation of the Borough Code. 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 **appeal board** 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 **appeal board** 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 Zikas, roll call: Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none.

Councilman Dunwell asked when the first vote was. After discussions ensued the clerk stated she will need to look up the date of the first reading.

Luis Cartabona, Fifth Avenue, stated that he did more research with the DEP regarding flooding and stated that Council should go ahead and pass this ordinance.

Motion was made to close the public hearing by Councilwoman Tarsi and seconded by Councilman Gara, all were in favor.

Motion made by Councilwoman Tarsi to open the public hearing for the following ordinance:

### **ORDINANCE 2011-08**

#### **BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$755,000 FOR IMPROVEMENTS FOR THE WATER UTILITY IN AND BY THE BOROUGH OF ALPHA, IN THE COUNTY OF WARREN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$755,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF ALPHA, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

#### SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Borough of Alpha, in the County of Warren, New Jersey (the "Borough") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$755,000. No down payment is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law") as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

#### SECTION 2:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$755,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$755,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

#### SECTION 3:

(a) The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued is for improvements to the water utility including but not limited to, improvements to the potable water system, and including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$755,000.

(c) The estimated cost of the Improvement is \$755,000 which amount represents the initial appropriation made by the Borough.

#### SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Municipal Clerk and is available for public inspection.

#### SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Municipal Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$755,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

(e) This bond ordinance authorizes obligations of the Borough solely for a purpose described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Borough authorized therefore by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvement prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$755,000.

SECTION 10:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Motion seconded by Councilman Dunwell, all were in favor. Hearing no public comment, on motion by Councilwoman Tarsi to close the public hearing, motion seconded by Councilman Gara, all were in favor. Motion made by Councilwoman Tarsi to adopt the foregoing ordinance (2011-08), motion seconded by Councilman Gara, roll call: Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none.

Motion made by Councilwoman Tarsi to open the public hearing for the following ordinance:

**ORDINANCE 2011-09-AMENDED  
AN ORDINANCE AMENDING CHAPTER 334  
FOR COST OF ELECTRONIC RECYCLING**

**WHEREAS**, the Council of the Borough of Alpha desires to amend a portion of Chapter 334, Direct disposal of recycling materials by resident, specifically Section 334-22 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 334-22, direct disposal of recycling materials by resident” be amended and supplemented as follows:

A. Electronic Recycling – the Borough may hold annually an electronic recycling event where residents and nonresidents may bring their electronic devices as listed below to the municipal complex to dispose of for the fee stated. The fee shall be paid by the owner of item to the Borough at the time of item drop off. Each fee listed is to be paid per each item.

1. \$1.00 – halogen lamp, incandescent lamp, U tube, circular lamp, compact lamp, straight lamp 1-4ft;
2. \$2.00 – shatter shield/coated lamp, straight lamp 5-8ft, alkaline battery, lead and acid battery;
3. \$5.00 – stereo, speaker, printer, fax machine, small appliances, DVD player, VCR, microwave, desk top & laptop computers, LCD monitor, lithium battery;
4. \$10.00 – computer monitor, floor copier;
5. \$20.00 - washing machine, clothing dryer, dishwasher, stove;
6. \$25.00 – dehumidifier, air conditioner, television;
7. \$30.00 – floor freezer;
8. \$35.00 – refrigerator.

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

Motion seconded by Councilman Zikas, all was in favor. Hearing no public comment, motion made by Councilwoman Tarsi and seconded by Councilman Dunwell, all were in favor.

Motion made by Councilman Zikas to adopt foregoing ordinance (2011-09), motion seconded by Councilman Gara, roll call: Ayes: Dunwell, Gara, Pfefferle. Savary, Tarsi and Zikas. Nays: none.

#### *Resolutions*

Motion made by Councilwoman Tarsi to adopt the following resolution:

**RESOLUTION 2011-89  
REFUND OF UNUSED ESCROW MONIES**

**WHEREAS**, the below listed escrow account 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 Certified Finance Officer to release the estimated account balance below to the below listed owner:

10-004	Bihler of America	\$549.92
	85 Industrial Drive	
	Alpha, NJ 08865	



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

Savary, Tarsi and Zikas. Nays: none.

Motion made by Councilwoman Tarsi to adopt the following resolution:

**RESOLUTION 2011-90**

**REFUND OVERPAYMENT OF UTILITY FEES**

**WHEREAS**, the following property has an overpayment of 2011 water and sewer utility fees;

**WHEREAS**, this overpayment occurred due to an error in the quantity of units at two locations;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpha on this 11th day of October 2011 that the Utility Collector and the Finance Officer refund the following:

Account Address	Amount	
1007200733-735 Park Avenue	\$11,977.25	
2002400922-940 High Street	<u>\$ 3,000.00</u>	
Gross Refund	\$14,977.25	
Less 7 meters purchased	<u>\$ 8,850.00</u>	
Net Refund	\$ 6,127.25	TO: 962 High Street, LLC 689 Valley Road Suite 207 Gillette, NJ 07933

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

Savary, Tarsi and Zikas. Nays: none.

*Approval of Minutes*

Motion made by Councilwoman Tarsi to approve the following minutes: 06/28, 07/12 and 7/26 (Budget), motion seconded by Councilman Dunwell, roll call: Ayes: Dunwell, Gara, Pfefferle, Savary and Tarsi. Nays: none. Abstain: Pfefferle and Zikas abstaining for the 07/26/2011 budget minutes.

*Department Reports*

*Administration, Councilman Craig Dunwell:* Councilman Dunwell stated he received a phone call from a resident concerning yard sales at a residence on a daily basis without paying for the proper fees. Discussions ensued regarding what the policy should be and possibly amending the ordinance. Councilman Dunwell stated that he did forward this to the code enforcement officer to look into. Councilman Dunwell requested twenty minutes in executive session for contractual. In closing Councilman Dunwell approved bills, salaries and wages for his department.

*Finance, Councilman Chris Pfefferle:* Councilman Pfefferle reported on the budget meeting that was held. Department will need to be monitored regarding budgets for the remainder of the year. Councilman Pfefferle requested twenty minutes in executive session for personnel.

In closing Councilman Pfefferle approved bills, salaries and wages for his department. Councilman Pfefferle amended his request for executive session to thirty five minutes for personnel.

*Health & Welfare, Councilman Alex Zikas:* Councilman Zikas gave the report of the Warren County Health Department inspections and calls. In closing, Councilman Zikas approved bills, salaries and wages for his department. Mayor Hanics stated he has a complaint of high grass for 225 Williams Street which is unoccupied. Councilman Zikas requested fifteen minutes in executive session for contractual.

*Public Property, Councilman Michael Savary:* Councilman Savary ordered more keys for the lights in council's chambers. The fire suppression system was inspected at the field house. In closing Councilman Savary approved bills, salaries and wages for his department.

*Public Safety, Councilman Robert Gara:* Councilman Gara gave the fire department report on behalf of the fire department. In closing Councilman Gara approved bills, salaries and wages for his department. Councilman Dunwell inquired about the issue of the post office being broken into on Lee Avenue. Chief Hager responded by stating that the issue which is continuing is kids breaking into the post office and stated that there is no alarm system at the location. Chief Hager was not aware of a more recent break in.

*Public Works, Councilwoman Klara Tarsi:* Councilwoman Tarsi stated that there have been 229 meters installed. Charles Olah is out on workman's compensation which may go until November 4<sup>th</sup>. The department is down to two employees. Councilwoman Tarsi gave a report on daily activities and repairs of the department. In closing, Councilwoman Tarsi approved bills, salaries and wages for her department. Councilman Gara stated that there is an area on corner of Olive and Peach Street of branches to be chipped.

#### *Professional and Officials Reports*

*Mayor, Edward Hanics:* Mayor Hanics reviewed letters and correspondences received through his office.

*Police Department, Chief Paul Hager:* Chief Hager inquired about the handicap applications received through his office for requests to have signs installed. The department has been assisting the Engineer with the No Parking signs.

*Attorney, Christopher Troxell:* Attorney Troxell reported on a vacated street(Georgia Street, 1964) per a request from the Engineer's office due to a sink hole recently forming on the property. The property owners are responsible for the property once it's vacated.

Motion made by Councilwoman Tarsi to send a letter to the homeowner to inform them of their responsibility with regards to the sink hole, motion seconded by Councilman Dunwell, roll call: Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none.

*Engineer, Shelley McGregor:* Ms. McGregor gave updates on the crack sealing project and other various projects currently ongoing within the Borough.

*CFO, Lorraine Rossetti:* Ms. Rossetti reported on the saturation mailing that went out. Ms. Rossetti stated that the Borough needs to pick a vendor tonight and set a minimum and maximum for the plans being offered to the employees regarding Section 125 pre-tax plans. Motion made by Councilman Pfefferle to approve the CHOICE vendor, motion seconded by Councilman Dunwell, roll call: Ayes: roll call: Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none.

Ms. Rossetti stated that there are additions to the bill list.

#### *Public Comment*

Louis Cartabona, Fifth Avenue, inquired about grass cutting on Peach and Olive Street. Mr. Cartabona wanted to clarify that Councilman Zikas was aware that the Department of Health and Welfare is responsible about high grass and going after the property owners to pay for the grass cutting. Mr. Cartabona discussed the issue of a pool having water in it at an abandoned house, stating that this is a real safety issue. Lighting on the outside of the municipal building was discussed. Mr. Cartabona inquired about the wifi in the Department of Public Works with regards to whether or not it is a secured link.

#### *Payment of Bills and Claims*

Motion made by Councilwoman Tarsi to make the director's reports part of the minutes, motion seconded by Councilman Dunwell. 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, including the added items, authorized by the director. Councilman Dunwell seconded the motion. roll call: Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none.

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

10/12/11  
08:44:40

BOROUGH OF ALPHA  
Bill List By P.O. Number

Page No: 1

P.O. Type: All  
Range: First to Last  
Format: Condensed

Open: N Rcvd: Y Paid: N  
Held: Y Aprv: N Void: N  
Bid: Y State: Y Other: Y

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type	
11-00006	01/20/11	FORTD	FORT DEARBORN LIFE INSURANCE	2011 Employee Life Insurance	Open	138.75	0.00	
11-00007	01/20/11	TRITE	DE LAGE LANDEN FINANCIAL SERV	Ricoh MP3351, 3yr lease	Open	274.98	0.00	
11-00009	01/20/11	MAILFIN	MAIL FINANCE	2011 Postage Meter Rental	Open	390.00	0.00	
11-00185	03/31/11	BRT	BRT TECHNOLOGIES, LLC	class 2 property file mainten.	Open	250.00	0.00	
11-00343	06/02/11	CINTAS	CINTAS CORPORATION LOC 101	2011 Rug/Matt Service Sep-Dec	Open	142.08	0.00	
11-00344	06/02/11	HEALTH	STATE OF NJ HEALTH BENEFITS	2011 Employee Health Benefits	Open	8,368.18	0.00	
11-00346	06/02/11	POHPOL	TOWNSHIP OF POHATCONG	2011 Police Coverage Jul-Dec	Open	46,975.00	0.00	
11-00555	09/06/11	NAPA	NAPA AUTO PARTS	fuel filters & bearing buddies	Open	113.14	0.00	
11-00594	10/03/11	HOME	HOME DEPOT/GECF	shovels/cutters/hose adap/keys	Open	221.58	0.00	
11-00596	10/03/11	GRAIN	W.W. GRAINGER	gas pump	Open	458.25	0.00	
11-00597	10/10/11	DOG	NJ DEPT OF HEALTH & SENIOR SER	Jul, Aug & Sept Animal report	Open	15.00	0.00	
11-00599	10/10/11	REGIS	REGISTRAR'S ASSOCIATION OF NJ	2011 State Registrar membershp	Open	50.00	0.00	
11-00600	10/10/11	STPWT	STATE OF NEW JERSEY-PWT	Jul-Sep Water System Tax	Open	356.91	0.00	
11-00601	10/10/11	OLAHD	DEAN OLAH	Reimburse CDL License fee	Open	56.00	0.00	
11-00602	10/10/11	QC	QC, INC.	Water Testing 8/29-9/22	Open	1,195.00	0.00	
11-00603	10/10/11	JCPL	JCP&L	9/6-9/28 electric & st light	Open	9,179.23	0.00	
11-00604	10/10/11	STARL	STAR LEDGER	9/6-9/20 notice to bid 3338305	Open	737.28	0.00	
11-00605	10/10/11	AAROE	LYN PAUL AAROE, ESQUIRE	9/21 Meeting & Solar Ordinance	Open	1,825.00	0.00	
11-00606	10/10/11	VANCLE	VANCLEEF ENGINEERING ASSOCIATE	AugPedestrian Bridge & General	Open	5,198.00	0.00	
11-00607	10/10/11	WILHELM	WINEGAR, WILHELM, GLYNN & ROEMER	9/19 Defender J Blampied	Open	150.00	0.00	
11-00608	10/10/11	VERIZ	VERIZON WIRELESS	9/5-10/4 munic cell phones	Open	218.35	0.00	
11-00609	10/10/11	ELIZGA	ELIZABETHTOWN GAS	8/11-9/12 gas heat	Open	86.92	0.00	
11-00610	10/10/11	LSI	LINE SYSTEMS, INC	Sept local & long distance phn	Open	572.83	0.00	
11-00611	10/10/11	TRUMP	TRUMP PLAZA	8510 Tom Seiss League 11/15-18	Open	285.00	0.00	
11-00612	10/10/11	TROP	TROPICANA CASINA & RESORT	8505 Car Emery League 11/15-17	Open	190.00	0.00	
11-00613	10/10/11	NJSTA	NJ STATE LEAGUE MUNICIPALITIES	League Registration Tom Seiss	Open	50.00	0.00	
11-00614	10/10/11	BCS	UNIVAR USA INC.	9/14 Sul Acid & 9/15 Sod Hydro	Open	5,283.48	0.00	
11-00615	10/10/11	EAS	EAS BY ACTION DATA	9/9 & 9/23 Payroll Agency Serv	Open	118.56	0.00	
11-00616	10/10/11	ACTION	ACTION DATA SERVICES	9/9 & 9/23 Payroll Services	Open	240.50	0.00	
11-00617	10/10/11	TRDCF	TREASURER, STATE OF NJ	Jul-Sept 2011 Marriage Report	Open	100.00	0.00	
11-00618	10/11/11	APLUS	APLUS HANDYMAN SERVICE	meter installations 9/28-10/10	Open	725.00	0.00	
11-00621	10/11/11	WARAN	WARREN ANIMAL HOSPITAL	2011 animal bording services	Open	1,199.40	0.00	
Total Purchase Orders:		32	Total P.O. Line Items:	71	Total List Amount:	85,164.42	Total Void Amount:	0.00

*New Business*

Discussions of applications for request of handicap parking spaces were discussed in length for Sharon Wolf at 242 East Central Avenue and Kenneth Hall at 243 East Central Avenue. Chief Hager discussed his concern with Mr. Halls request due to the vicinity of it being at a stop sign intersection. Mr. Hager did not find any issue with Mrs. Wolf's request at 242 East Central Avenue.

Councilman Dunwell suggested the sign be pushed back fifty feet to be placed in front of Mr. Simpson's house, but that the Borough should speak with him first and approve Mrs. Wolf's application.

Motion made by Councilman Dunwell to authorize the Director of Public Property to contact Mr. Simpson to ask his opinion and pending his outcome draft a resolution for Mrs. Wolf

and Mr. Halls applications to approve, motion seconded by Councilman Gara, Roll call: Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none.

Councilman Dunwell inquired about a street light on 7<sup>th</sup> and East Vulcanite that comes on intermittently. Shelley McGregor (Engineer) stated that she will take care of that online. The power companies have an online form where people can report lights that are out. Councilman Dunwell stated that he will take of that himself online.

Sharon Wolf inquired about if her application was approved or not and if anyone can park in the handicap spot with handicap license. Councilman Pfefferle stated that it is a public parking spot and cannot be private, as it is a public road.

*10:04 P.M. Ten Minute Break*

*Ordinance*

Motion made by Councilwoman Tarsi to adopt Ordinance 2011-07, motion seconded by Councilman Gara, Roll call: Ayes: Dunwell, Gara, Pfefferle, Savary, Tarsi and Zikas. Nays: none.

*Executive Session-70 Minutes*

Motion made by Councilwoman Tarsi to approve the following 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: Personnel, Litigation and/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.

Motion seconded by Councilman Dunwell, all was in favor.

*Return to Regular Session*

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

*Adjournment: 11:19pm*

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

Respectfully submitted,

Laurie A. Barton, RMC