Mayor Hanics called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on Tuesday, October 25, 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 Pfefferle, Councilman Savary and Councilwoman Tarsi. Also present Borough Attorney, Christopher Troxell, Borough Clerk, Laurie A. Barton, CFO, Lorraine Rossetti and Borough Engineer, Stanley Schrek. Absent: Councilman Gara and Councilman Zikas.

Public Comment

Al Poretti , Greenwich Recreation Committeeperson, came before Council to request the use of the field house for wrestling. Discussions ensued regarding the amount of children on the team, the amount of heat being used, and a possibility of the Borough being compensated for part of the heating bill. Motion made by Councilwoman Tarsi to allow the use of the field house building for the wrestling team for this year and keep track of the heating costs for next year, motion seconded by Councilman Dunwell, roll call: Ayes: Dunwell, Pfefferle, Savary and Tarsi. Nays: none.

Maura Pocquat, West Central Avenue, came before Council to discuss the ongoing dialog regarding the insurance claim she submitted to the Borough and asked why Council is not paying. She polled each Council member for their reasons for not wanting to pay the claim. Discussions were lengthy regarding who was responsible for paying the insurance for the AYAA and the risks for when parents sign their children up for sports.

Mario Manzo, AYAA President, stated that, morally, Council should pay this.

Louis Cartabona, Fifth Avenue, asked how much the Borough supports the AYAA financially. CFO, Lorraine Rossetti explained they have a \$5,000 operational line item.

Discussions regarding Mrs. Pocquat's request for the payment of her claim continued with comments from residents in favor of the Borough paying the claim. CFO, Lorraine Rossetti explained the process of how bills are paid through the Borough.

Councilman Pfefferle made a motion to reimburse AYAA for the insurance premium expense that they will pay back to Charter Partners in the amount less than \$1,000.00, motion seconded by Councilman Savary, roll call: Ayes: Dunwell, Pfefferle, Savary and Tarsi. Nays: none.

Discussions continued between Council and residents on the subject of Mrs. Pocquat's request for reimbursement of her claim.

Councilwoman Tarsi made a motion that if the Borough pays Mrs. Pocquat's bill, the Borough take some legal action against Brown and Brown, motion died with no second.

Councilman Savary stated he would like to take a quick five minute executive session to see how much or if the Borough will pay Mrs. Pocquat.

Councilman Savary inquired about the Borough giving the money to the AYAA and then the AYAA paying Mrs. Pocquat directly. He asked if this would release the Borough. Attorney Troxell stated that it probably wouldn't release the Borough. Attorney Troxell suggested taking the money out of legal line item to pay the claim.

Attorney Troxell stated that a resolution and a release should be done at the next meeting. Department Reports

Administration, Councilman Craig Dunwell: Councilman Dunwell brought up the issue of Intercounty Paving and their refusal to pay their escrow. He asked to have the Attorney look into disqualifying them from future bidding on projects within the Borough. Councilman Dunwell requested fifteen minutes in executive session for personnel.

In closing, Councilman Dunwell approved bills, salaries and wages for his department.

Finance, Councilman Chris Pfefferle; Councilman Pfefferle discussed the skate park idea and asked to have a public hearing added to one of the agendas for an upcoming meeting. Mr. Pfefferle inquired about the Industrial Park sign and asked who is responsible or who owns that sign. Councilman Pfefferle, in closing, requested thirty minutes in executive session for personnel. Councilman Pfefferle approved bills, salaries and wages for his department. *Health & Welfare, Councilman Alex Zikas:* Councilwoman Tarsi gave the report for this department and stated that new dumpsters were installed at the school that are now leased. Letters from the Code Enforcement officer went out. A recycling event will be held at the DPW garage on November 5th from 9 a.m.-12:00 noon, for electronic recycling. In closing, Councilwoman Tarsi approved bills, salaries and wages for this department.

Public Property, Councilman Savary: No report, in closing Councilman Savary approved bills, salaries and wages for his department.

Public Safety, Councilman Gara: Councilwoman Tarsi read a letter received from Chief Hager thanking the residents for their cooperation in the funeral procession and services that occurred last week. Councilman Gara had approved bills, salaries and wages for his department earlier.

Public Works, Councilwoman Tarsi: Councilwoman Tarsi reported on three water breaks last week. The tractor is broken due to a tree stump that was hidden under the leaves and the tractor hit it breaking it. Councilman Savary stated that steps will be taken to locking the gate (where the leaves are dumped by resident) and have it open only a few days during the week. Councilwoman Tarsi continued on with her report and stated that grass has been cut and the catch basins have been cleaned out. The pump house was repaired, light patchwork was done and lights were replaced in the library. There was also a tractor leak which was fixed. Two hundred and thirty eight water meters have been installed so far. Councilwoman Tarsi requested twenty minutes, in executive session for contractual. Mayor Hanics asked when Charlie Olah was to return to work. Councilwoman Tarsi stated that he was going to doctors today to see when and if he was released to go back to work.

Ordinances

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

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 <u>N.J.S.A.</u> 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 <u>N.I.S.A.</u> 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.

Motion seconded by Councilman Dunwell, all were in favor.

Louis Cartabona, Fifth Avenue, inquired about what benefit this is to the Borough, that it

has contracted the Highlands Council (an out of town out of county agency) to have control over

our community. Borough Engineer, Stan Schrek explained the purpose of the Highlands Act and

the protection area.

Millard Rooks inquired about the development area of the Borough and open space areas.

Councilwoman Tarsi made a motion to close the public hearing, motion seconded by

Councilman Dunwell, all were in favor.

Motion to approve the Ordinance 2011-10 by Councilwoman Tarsi and seconded by Councilman Dunwell, roll call: Ayes: Dunwell, Pfefferle and Savary. Nays: Tarsi.

Resolutions

Motion made by councilwoman Tarsi to approve the following resolution:

RESOLUTION 2010-91 AUTHORIZATION TO ADMINISTER MUNICIPAL ALLIANCE GRANT

WHEREAS, the Mayor and Council of the Borough of Alpha, County of Warren, State of New Jersey recognize that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Mayor and Council further recognize that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Mayor and Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Warren;

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Alpha, County of Warren, State of New Jersey hereby recognizes the following:

- 1. The Mayor and Council of the Borough of Alpha does hereby authorize submission of an application for the South Warren Municipal Alliance grant for calendar year 2012 in the amount of \$38,294.00.
- 2. The Mayor and Council of the Borough of Alpha acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Motion seconded by Councilman Dunwell, Councilman Dunwell asked if there is annual report submitted to the Freeholders. Councilwoman Tarsi was not sure. Roll call: Ayes: Dunwell, Pfefferle, Savary and Tarsi. Nays: none.

Motion made by Councilwoman Tarsi to approve the following resolution:

RESOLUTION 2011-92 RESOLUTION SUPPORTING THE FEDERAL AGREEMENT FOR THE ALPHA SAFE ROUTES TO SCHOOL PROJECT AT AND INCLUDING THE LEE AVENUE PEDESTRIAN BRIDGE

WHEREAS, the Mayor and Council of the Borough of Alpha have determined that certain construction and improvements are needed at the Lee Avenue Pedestrian Bridge and for safe routes to the Alpha Public School; and **WHEREAS,** the Mayor and Council of the Borough of Alpha have openly and publicly bid such contract for the improvement work thereto, pursuant to New Jersey law; and

WHEREAS, the Borough of Alpha has received the lowest responsible bid from P.A. Contractors, based on the recommendation of the Borough Engineer.

WHEREAS, the Mayor and Council of the Borough of Alpha have sought money from the Safe Routes to School Federal Project; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Alpha, County of Warren, Sate of New Jersey that the Council hereby supports and approves of the federal agreement for the Alpha Safe Routes to School Federal Project #STP-COOS (051) NJDOT PROJECT #7502304.

BE IT FURTHER RESOLVED, that the Mayor, Clerk Borough Attorney, and/or Borough Engineer are authorized to execute all necessary documents to effectuate the contract and/or agreement.

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

Approval of Minutes

Motion made by Councilwoman Tarsi to approve the minutes of July 26th and August 9th, Councilman Dunwell seconded the motion, all were in favor.

Motion made by Councilwoman Tarsi to release the following executive session minutes:

03/14/06 #11 05/23/06 #2 06/13/06 #5 06/27/06 #3 07/11/06 #3 08/08/06 #4 09/12/06 #4 10/10/06 #4 10/24/06 #4 11/28/06 #7 03/13/07 #2 03/13/07 #` 05/08/07 #1 05/22/07 #2 04/14/09 #1 08/11/09 #1 09/08/09 #1 10/27/09 #2 11/10/09 #3 12/08/09 #3 12/15/09 #4 11/28/06 #3 12/08/09 #1 01/26/10 #1 07/13/10 \$4 12/14/10 #1 2/22/11 #9 2/22/11 #10 3/22/11 #5 4/12/11 #7 4/26/11 #6

02/28/06 #4

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

Committee Reports

PAIC: Councilwoman Tarsi reported on PAIC's new learning management sessions (webinars). Councilwoman Tarsi also stated that there are new rulings on flood insurance.

Personnel Manual: Councilman Dunwell received information from the CFO about best practices and changes that have to be made to the personnel manual. Potential revisions will be available before the next meeting.

Professionals & Officials Reports

Mayor, Edward Hanics: Mayor Hanics requested ten minutes in executive session for personnel. Mayor Hanics stated that the code enforcement officer needs to call Mike Stasak because he received a voice mail message saying he called four times and has not heard back from the code enforcement officer. Mayor Hanics also thanked the resident for their cooperation for the funeral services from last Friday and thanked the police.

Councilman Dunwell also thanked the fire company and the other departments for the organization.

Fire Department, Chief Bodogh: Mr. Bodogh stated that the police department did all the traffic detail and stated they did a fantastic job on their own.

Emergency Squad: Mayor Hanics stated that he was asked if Council was satisfied from the last meeting the Borough had with them and is the Council looking for an audit. Councilman Pfefferle stated that whoever is receiving money from the Borough should submit an audit to make sure borough money is being used wisely.

Attorney, Christopher Troxell: Mr. Troxell asked Council to look at the cable ordinance he emailed everyone and get some feedback so that he can submit it for review. Mr. Troxell requested five minutes in executive session for contractual.

Engineer, Stanley Schrek: Gave an update on the crack sealing project. Updates on various projects and bids received for the hydrant replacement project was discussed. Mr. Schrek recommended to award the bid to Penn Bower. Motion made by Councilman Savary and seconded by Councilwoman Tarsi to approve the following resolution:

RESOLUTION 2011-93 RESOLUTION OF THE BOROUGH OF ALPHA TO AWARD A CONTRACT FOR HYDRANT REPLACEMENT PHASE 3

WHEREAS, the Borough Council has sought bids for replacement of certain hydrants in the Borough—Phase 3 of a hydrant replacement program; and

WHEREAS, the Borough Council has publicly advertised for bids pursuant to New Jersey law; and

WHEREAS, the Borough Council has received bids for such work.

NOW THEREFORE, BE IT RESOLVED, that the Borough Council hereby awards the contract for hydrant replacement (Phase 3) to the lowest bidder, Penn Bower of High Bridge, New Jersey, as recommended by the Borough Engineer, in the amount of \$153,845.99.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized to sign any required documentation.

Mr. Schrek recommended awarding Sartini Plumbing for replacement of water lines.

Motion made by Councilman Dunwell to accept the bid of \$14,050.00 from Sartini Plumbing, motion seconded Councilwoman Tarsi, roll call: Ayes: Dunwell, Pfefferle, Savary and Tarsi. Nays: None.

Mr. Schrek reported on the leak detection survey and contacted New York Leak Detection again to see the Borough's options. Councilwoman Tarsi stated that after speaking with Fred Schindler, there are non-paying sites that do not have water meters and they are: the municipal building, DPW garage, pump house, Borough Park, playgrounds and the firehouse. Councilwoman Tarsi stated that these locations need water meters installed. Motion made by Councilman Pfefferle to approve up to \$15,000 to New York Leak Detection Services that will look at all of the services for residential and commercial, pending certification, motion seconded by Councilman Dunwell, roll call: Ayes Dunwell, Pfefferle, Savary and Tarsi. Nays: none.

Councilwoman Tarsi brought up the copyright of the 100th Anniversary booklet and that a copy was sent to Washington D.C. and the Library of Congress.

Mr. Schrek continued on with his report regarding North Boulevard and Safe Routes to School projects. Mr. Schrek requested five minutes in executive session for contractual.

CFO, Lorraine Rossetti: Ms. Rossetti stated that the website is now updated with

financial statements (2008 & 2009). Reconciliations are updated through September. Council needs to decide the minimum and maximum amounts for the FSA Plan.

The amounts were set as minimum: \$500 and the maximum: \$2000. Ms. Rossetti attended an open enrollment webinar and there are now 16 health benefits plans. Ms. Rossetti asked what is being done about the budget. Councilman Pfefferle will be scheduling a finance committee to meet. Ms. Rossetti will put together a preliminary budget.

Municipal Clerk, Laurie Barton: Mrs. Barton stated that Pohatcong Township moved their council meeting to November 15th here in the municipal building. Mrs. Barton went through the remaining schedule of council meetings for the year.

Advertising for professional services for the Borough for next year was discussed.

Public Comment

Maura Pocquat, West Central Avenue, inquired once again about a proposed waiver for her claim. Councilman Pfefferle stated that she should speak with her husband if the waiver issue would be signed and the Borough has to do research on its part.

Millard Rooks, Hobson Street, stated that he felt it is inappropriate to publicly criticize DPW employees and should be handled privately.

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, Pfefferle, Savary and Tarsi. Nays: none.

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

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Old Business

Councilman Dunwell asked Councilman Savary if he spoke with Mr. Simpson,

Councilman Savary responded that he did not speak with him.

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 Pfefferle, all was in favor.

Return to Regular Session

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

Councilwoman Tarsi, all were in favor.

Motion made by Councilman Pfefferle to authorize the Mayor to sign the Well Drilling

permit, motion seconded by Councilwoman Tarsi, Roll call: Ayes: Dunwell, Pfefferle, Savary

and Tarsi. Nays: none.

Adjournment: 10:31pm

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,

Saurie . A. Barton. . R.MC