

Mayor Hanics called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on Tuesday, January 08, 2013.

Mayor Hanics announced that adequate notice of the meeting was given to the Express-Times 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 3, 2013, the Municipal Clerk delivered to The Express-Times and posted on the bulletin board in the Municipal Building, a notice containing the date, time and place of this meeting of the Alpha 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 Cartabona, Councilman Dunwell, Councilman Savary, Councilwoman Schwar, Councilman Schwar and Councilman Zikas (*Arrived 7:30P.M.*). Also present Borough Clerk, Laurie A. Barton, CFO and Lorraine Rossetti.

Public Comment

Dave Miers, Library Board Member, stated he was here on behalf of the Board President, Maura Poquat to discuss the library designation and personnel matters.

Mr. Miers stated that, it was discovered that in 1955 a vote was taken by the voters of Alpha to have it a municipal library. Mr. Miers added that, since then, the perception of what the library is has changed. At one point it was reported as an association library. Mr. Miers firmly stated that the library is a municipal library.

After brief discussions regarding issues of personnel and the function of the library, Councilman Dunwell requested 15 minutes in executive for personnel and contractual to discuss further.

Resolutions

Motion made by Councilman Dunwell to approve the following resolution, motion seconded by Councilman Savary. Roll call: Ayes Cartabona, Dunwell, Savary, C. Schwar and M. Schwar. Nays: none.

RESOLUTION 2013-14 CODE ENFORCEMENT OFFICER

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

Hire William D. Santowasso as Code Enforcement Officer for a one year appointment at the rate of \$2500.00 per year to commence on January 1, 2013 through December 31, 2013

Motion made by Councilman M. Schwar to approve the following resolution, motion seconded by Councilman Dunwell. Roll call: Ayes: Cartabona, Dunwell, Savary, C. Schwar, and M. Schwar. Nays: none.

**RESOLUTION 2013-17
AUDITOR**

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

WHEREAS, the CFO has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and,

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

WHEREAS, Suplee, Clooney & Company has submitted a proposal indicating they will provide the Borough of Alpha professional accounting and auditing services for the amount of \$18,725.00; and

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

WHEREAS, the Borough CFO has determined that adequate funding will be provided for in the temporary and final 2013 municipal budget, as required under the law, as per *N.J.A.C. 5:30-5.4*.

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

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

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

Resolution 2013-18 was held at this time until Councilman Zikas arrived to meeting after brief discussions concerning who would be appointed.

Motion made by Councilman Dunwell to approve the following resolution, motion seconded by Councilman Cartabona. Discussions: Councilman Dunwell briefed Mayor and Council regarding the rejection of the bids and what the cost savings to the Borough will be. Roll call: Ayes Cartabona, Dunwell, Savary, C. Schwar, and M. Schwar. Nays: none.

**RESOLUTION 2013-24
RESOLUTION REJECTING ALL BIDS FOR A CONTRACT
FOR INSTALLATION OF FLOW METER AT
FRACE STREET WATER TREATMENT PLANT**

WHEREAS, the Mayor and Council of the Borough of Alpha have determined that certain improvements are needed for the Borough's potable water system, including but not limited to installing a flow meter(s) at the Frace Street water treatment plant; and

WHEREAS, the Mayor and Council of the Borough of Alpha have openly and publicly bid such contract for said improvement work – specifically installing a flow meter(s) at the Frace Street water treatment plant – twice, pursuant to New Jersey law; and

WHEREAS, the Borough of Alpha has received bids for said contract with the lowest responsible bid being too high, among other things.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey that all bids for the water system improvements contract for contemplated work, construction and improvements to the Borough’s potable water system – specifically installing a flow meter at the Frace Street water treatment plant – are hereby rejected.

BE IT FURTHER RESOLVED, that the Clerk and/or Borough Engineer are authorized to execute all necessary documents to effectuate such rejection of all bids.

Motion made by Councilman Dunwell to approve the following resolution, motion seconded by Councilwoman C. Schwar. Roll call: Ayes Cartabona, Dunwell, Savary, C. Schwar, and M. Schwar. Nays: none.

**RESOLUTION 2013-20
PROSECUTOR**

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

1. Charles Carro is hereby retained as Municipal Prosecutor of the Borough of Alpha, at a salary of \$2600.00 per year, to commence on January 1, 2013 through December 31, 2013.
2. This retainer is awarded without competitive bidding as a “Professional Service” under provisions of the Local Public Contracts Law as provided by NJSA 40A:11-5 because it requires service performed by a person authorized by law to practice a recognized profession and it is not possible to obtain competitive bids.
3. A copy of this resolution shall be published in the Star Gazette as required by law within 10 days of passage.

Motion made by Councilman Cartabona to approve the following resolution, motion seconded by Councilman M. Schwar. Discussions: Councilman Dunwell briefly explained the need for this resolution regarding his department. Roll call: Ayes Cartabona, Dunwell, Savary, C. Schwar, and M. Schwar. Nays: none.

**RESOLUTION 2013-25
RESOLUTION APPOINTING AND AUTHORIZING
THE DIRECTOR OF THE BOROUGH’S DEPARTMENT OF
PUBLIC WORKS TO NEGOTIATE A CONTRACT
FOR INSTALLATION OF FLOW METER AT
FRACE STREET WATER TREATMENT PLANT**

WHEREAS, the Mayor and Council of the Borough of Alpha have determined that certain improvements are needed for the Borough’s potable water system, including but not limited to installing a flow meter(s) at the Frace Street water treatment plant; and

WHEREAS, the Mayor and Council of the Borough of Alpha have openly and publicly bid such contract for said improvement work – specifically installing a flow meter(s) at the Frace Street water treatment plant – twice, pursuant to New Jersey law; and

WHEREAS, the Mayor and the Council of the Borough of Alpha have rejected all bids by resolution(s); and

WHEREAS, *N.J.S.A.40A:11-1, et seq.*, specifically 40A:11-5(3), allows for negotiating where the contract has been bid twice and bids are rejected twice for being too high or a combination of factors; and

WHEREAS, *N.J.S.A.40A:11-5(3)* provides that two thirds the members of council must vote to pass a resolution to negotiate a contract on similar terms and conditions like those in the contract that had been bid and rejected twice; and

WHEREAS, *N.J.S.A.40A:11-5(3)* provides that the negotiated price must be lower than the lowest responsible bid that had been rejected.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey that the Director of the Borough's Department of Public Works hereby appointed and authorized to negotiate a contract for the contemplated work for which bids have been sought twice and have been rejected twice – specifically installing a flow meter at the Frace Street water treatment plant – understanding the negotiated price for the contract must be lower than the lowest responsible bid that has been rejected by the Borough Council.

BE IT FURTHER RESOLVED, that the Mayor, Clerk, Director of the Department of Public Works and/or Borough Engineer are authorized to execute all necessary documents to effectuate such negotiation of said contract.

Department Reports

Administration, Councilwoman Carol Schwar: Councilwoman Schwar reminded everyone when emailing to use the correct email addresses. Councilman Dunwell stated that everyone on Council has an alphaboro.org email address.

Councilwoman Schwar requested 10 minutes in executive session for personnel and in closing approved her bills, salaries and wages for her department.

Finance, Councilman Michael Schwar: Councilman Schwar stated that the DCA has a rule proposal regarding budgets. Budget data will need to be easily read and understood by the citizens.

In closing Councilman Schwar approved bills, salaries and wages for his department and requested 5 minutes in executive session for personnel for the CFO. Councilman Schwar stated that a budget meeting needs to be scheduled soon.

Councilman Zikas arrived at 7:30 P.M.

Discussions continued regarding Resolution 2013-18 for PAIC Fund Commissioners naming Councilman Michael Schwar as Fund Commissioner and Councilman Zikas as Alternate.

Motion made by Councilman Dunwell to approve the following resolution, motion seconded by Councilman Cartabona. Roll call: Ayes Cartabona, Dunwell, Savary, C. Schwar, and M. Schwar. Nays: none. Abstain: Zikas.

**RESOLUTION 2013-18
APPOINTING PUBLIC ALLIANCE INSURANCE
COVERAGE FUND COMMISSIONER**

BE IT RESOLVED, by the Mayor and Council of the Borough of Alpha, County of Warren, State of New Jersey, that it hereby appoints Michael Schwar as Fund Commissioner and Harry Zikas Jr., as Alternate Fund Commissioner to the Public Alliance Insurance Coverage Fund; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Following:

1. Michael Schwar Fund Commissioner
2. Harry Zikas Jr. Alternate Fund Commissioner
3. Public Alliance Insurance Coverage Fund

Health & Welfare, Councilman Harry Zikas: Councilman Zikas gave the December 2012 reports received from the Warren County Board of Health and the Animal Control Officer.

Public Property, Councilman Michael Savary: No report. Councilman Savary approved bills, salaries and wages for his department. Councilman Savary added to his bills regarding the AYAA (insurance bill and various supplies). Councilman Dunwell asked if Councilman Savary will be holding bill # 12-00907. Councilman Savary responded yes that he will hold this bill until further investigation.

Public Safety, Councilman Louis Cartabona: Councilman Cartabona discussed the meeting with FEMA. Mr. Cartabona also reported he spoke with the school superintendent regarding safety in the schools. Councilman Cartabona reported that a meeting is scheduled with the County's 911 and the Police Chief of Phillipsburg. A meeting was held with the Alpha Fire Chief regarding mutual aid and a new fire truck.

Discussions ensued regarding using Code Red to notify residents of upcoming water shut-offs due to work on the water main. Councilman Dunwell stated that the contractor will be notifying the residents also of the shut-offs.

Public Works, Councilman Craig Dunwell: Councilman Dunwell continued discussions regarding the water main work. Councilman Dunwell reported on a correspondence received concerning a required report for the Delaware Water Basin Commission.

A report is due March 31st 2013 concerning water loss auditing program for any public water system in the Delaware Water Basin.

Councilman Dunwell will be working on this report and gathering information from the DPW and the Utility Clerk.

Councilman Dunwell reported that a wrong generator was delivered. The trucking company will deliver the correct generator, at no cost to the Borough, by the end of this week.

Councilman Dunwell reported that he has a call Stan Schrek regarding the cross walk by Harry's place.

Councilman Dunwell updated Mayor and Council on the pedestrian bridge demolition. Norfolk has submitted a bill to the Borough. CFO, Lorraine Rossetti spoke with Shelley McGregor and confirmed it is the cost of doing business with Norfolk Southern,

Councilman Dunwell reviewed the Engineers report that was distributed to Mayor and Council.

In closing, Councilman Dunwell approved bills, salaries and wages for his department with the exception of the Roto Rooter bill # 12-00376.

Discussions ensued regarding Penn Bower and work to be finished regarding sidewalks and patch work.

Professionals & Officials Report

Mayor, Edward Hanics: Mayor Hanics announced the Big Brothers and Sisters annual bowling to be held at Oakwood Lanes on April 13th. Mayor Hanics asked anyone who is interested to let him know.

Mayor's Appointments: Mayor Hanics appointed the following to the Land Use Board:

David Santawasso Class 2, Tim Mellert Class 4 and Mike Wambold as Alternate 1.

Fire Department, Charles Bodogh: Mr. Bodogh announced the roast beef dinner to be held on the 20th, proceeds going towards the anniversary celebration.

Emergency Squad, Brad Fagan: Mr. Fagan reported that there are some street signs missing. Mr. Fagan reported that his brother Matthew is working with the NYPD at their academy for training. Councilman Cartabona reiterated the importance of street signs and also house numbers for the emergency squad to see when responding to calls.

OEM, Hunter Stagg: Mr. Stagg briefed Mayor and Council on various functions of his office and meetings with FEMA regarding Super Storm Sandy and damages.

Mr. Stagg reported that they are looking into having the school designated as a shelter.

Attorney, Christopher Troxell: Mr. Troxell cited the vacancy law with respect to attendance at council meetings. Mr. Troxell summarized that the law states if a member misses eight consecutive weeks and without being excused from attendance, can be removed from Council.

CFO, Lorraine Rossetti: Mrs. Rossetti stated there is an addition to the bill list for Alpha Volunteer Fire Department in the amount of \$1,590.05

Borough Clerk, Laurie Barton: Mrs. Barton reported that she is processing the animal and mercantile licenses for the 2013 year. The Clerk is also doing year end processing of files.

Councilman Dunwell asked the Clerk why a check has not been cut regarding the DEP and correspondence from the Engineers office. Mrs. Barton stated that this was forwarded to the CFO and does not know why a check has not been cut. Councilman Dunwell stated that it was a letter addressed to the Clerk. The Clerk stated that it was a letter and an email and was also forwarded to the CFO.

Recycling Coordinator, Tom Fey: Mr. Fey reported that he visited businesses at Industrial Park concerning recycling.

Mr. Fey stated a meeting with the garbage hauler, Waste Management, and Councilman Zikas needs to be set up.

Councilman Dunwell inquired about a resident's recycling can that was damaged by the hauler. Mr. Fey updated Councilman Zikas, who was not aware of the situation involving a resident's recycling can claimed to be damaged by hauler. Councilman Zikas stated he will look into this matter further.

Payment of Bills and Claims

Motion made by Councilman Dunwell to have the director's reports part of the minutes, motion seconded by Councilman Savary. Roll call: Ayes Cartabona, Dunwell, Savary, C. Schwar, M. Schwar and Zikas. Nays: none.

Motion made by Councilman M. Schwar to have the CFO authorized to pay all bills approved by the director's, motion seconded by Councilwoman Schwar. Roll call: Ayes Cartabona, Dunwell, Savary, C. Schwar, M. Schwar and Zikas. Nays: none.

Motion made by Councilwoman Schwar that the CFO be authorized to pay all salaries and wages approved by the Directors, motion seconded by Councilman Cartabona. Roll call: Ayes Cartabona, Dunwell, Savary, C. Schwar, M. Schwar and Zikas. Nays: none.

January 8, 2013 3:11 PM		BOROUGH OF ALPHA Bill List By P.O. Number			Page No: 1		
Po. Type: All Range: First to Last Format: Condensed					Open: N Rcvd: Y Bid: Y	Paid: N Held: Y State: Y	Void: N Aprv: N Other: Y Exempt: Y
PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
2-00641	09/21/12	DONNELL R.R. DONNELLEY	State Safety Paper	Open	125.00	0.00	
2-00736	11/06/12	ROTOheld	ROTO ROOTER / KIRBY ASSOCIATES	Kirby/Roto - Jetted Manholes	Open held	2,500.00	0.00
2-00836	12/18/12	RAND	TOWNSHIP OF RANDOLPH	2013 MCCPC Membership Fee	Open	1,100.00	0.00
2-00837	12/18/12	TCTA	TCTA OF NJ MEMBERSHIP SERVICES	2013 TCTA Membership Dues	Open	37.50	0.00
2-00841	12/18/12	TRACT	TRACTOR SUPPLY	Straps/StShed-Screws/Signs	Open	139.50	0.00
2-00842	12/18/12	WCSC	WARREN CTY SERVICE CENTER INC	Parts/Snowblower	Open	1,107.46	0.00
2-00845	12/19/12	NJSTA	NJ STATE LEAGUE MUNICIPALITIES	2013 NJSLOM Membership Fee	Open	316.00	0.00
2-00872	12/27/12	BAER	BAER AGGREGATES, INC.	Inv #1501 - Stone for H2O line	Open	1,116.26	0.00
2-00876	12/27/12	TSC	TSC NORTH AMERICA	Inv #19246 Website Maintenance	Open	157.50	0.00
2-00879	12/31/12	STAP	STAPLES BUSINESS ADVANTAGE	Building,Cleaning,Office Suppl	Open	444.63	0.00
2-00880	12/31/12	ELIZGA	ELIZABETHTOWN GAS	12/29 Propane Bill-Elizabethto	Open	222.66	0.00
2-00881	12/31/12	JCP&L	JCP&L	11/25-12/28 5-340-250 Electric	Open	6.93	0.00
2-00883	12/31/12	ONECA	ONE CALL CONCEPTS	Inv #2125049 - Regular Locates	Open	30.68	0.00
2-00884	12/31/12	QC	QC, INC.	Inv #1477688 - Water Testing	Open	55.00	0.00
2-00885	12/31/12	VITAL	VITAL COMMUNICATIONS, INC	MODIV Tape 2013 - Tax Collecto	Open	100.00	0.00
2-00889	12/31/12	JCP&L	JCP&L	12/2012 Electric Bills	Open	5,026.11	0.00
2-00890	12/31/12	QC	QC, INC.	9/22 & 12/17 Water Testing	Open	525.00	0.00
2-00891	12/31/12	ROSSE	LORRAINE ROSSETTI	2012 Treasury Services	Open	673.75	0.00
2-00892	12/31/12	VANCL	VANCLEEF ENGINEERING ASSOCIATE	11/1-11/30 Lee Ave Ped. Bridge	Open	654.00	0.00
2-00893	12/31/12	PENNB	PENN BOWER	12/18 Water Main Impr Cert #3	Open	51,516.32	0.00
2-00895	12/31/12	TADDEO	FRANCESCO TADDEO, LLC	12/19-12/20 Gen Labor Matters	Open	280.50	0.00
2-00896	12/31/12	FEY	THOMAS J. FEY	Fey-Recycling Coord Mileage	Open	134.91	0.00
2-00897	12/31/12	RINGO	MARYBETH RINGO	4/22 Cierech's Advert Supplies	Open	100.00	0.00
2-00899	12/31/12	FIRE	TREASURER STATE OF NEW JERSEY	2013 Hazard Use Registration	Open	472.00	0.00
2-00900	12/31/12	JIORL	JIORLE'S OFFICE SUPPLIES	Inv #056835 Nameplate-Cartabna	Open	24.99	0.00
2-00904	12/31/12	STPWT	STATE OF NEW JERSEY-PWT	2012 Oct-Nov-Dec Water Sys Tax	Open	294.55	0.00
2-00905	12/31/12	BAER	BAER AGGREGATES, INC.	Inv #1516 Degreaser-Pumphouse	Open	2,427.25	0.00
2-00906	12/31/12	SARTI	SARTINI PLUMBING & HEATING	Inv #3302 Dec 2012 Sewer Main	Open	10,330.00	0.00
2-00907	12/31/12	PM CONST	PM CONSTRUCTION	Salt Shed Improvement for Road	Open	6,000.00	0.00
Total Purchase Orders: 30 Total P.O. Line Items: 71 Total List Amount:				85,918.50	Total Void Amount:	0.00	
2-00878	12/31/12	USPS-Phillipsburg	2013 Pd.1 Utility Bill Postage	Paid	CK#3920	\$328.00	

Old Business

Councilman Cartabona mentioned the fire company having access to their tuition supplemented from the State to make sure it was up to date, filed correctly and added he had spoken with the Fire Chief regarding this.

New Business

Approval of Pavilion permit: Shirly Weirsky for July 4th.

Motion made by Councilman Dunwell to approve the foregoing pavilion permit, motion seconded by Councilman Zikas. Roll call: Ayes Cartabona, Dunwell, Savary, C. Schwar, M. Schwar and Zikas. Nays: none.

Executive Session

Motion made by Councilman Zikas to go into executive session for fifty (50) minutes, motion seconded by Councilwoman Schwar, all were in favor:

EXECUTIVE SESSION RESOLUTION

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.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Alpha that the public shall be excluded from an executive session for approximately, 50 minutes, allowing for a five (5) minute recess between the regular session and the executive session.

Back in Regular Session

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

Motion made by Councilman Zikas to continue to table Resolution 2013-12 until the next meeting, motion seconded by Councilman M. Schwar, all were in favor.

Councilman Dunwell discussed appointing Klara Tarsi as chairperson emeritus for the chairperson to Historical Committee. Councilman Zikas suggested that it should be as honorary chair. Councilman Dunwell suggested keeping this in mind when voting on the committees at the next meeting

Adjourn

There being no further business to come before Council at this time, on motion made by Councilman Zikas and seconded by Councilwoman Schwar this meeting adjourned at 9:37 p.m.

Respectfully submitted,

Laurie A. Barton, R.M.C.