

Mayor Hanics called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on Tuesday, June 25, 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. Also present Borough Clerk, Laurie Barton, CFO, Lorraine Rossetti and Attorney Christopher Troxell.

#### *Presentations*

A presentation by the Phillipsburg Police Benevolent Association (PBA) from officers Kisselbach and Sokolowski to open discussions of opening the pool and get some ideas on how to do this.

Mr. Kisselbach stated that the PBA has some funds to help pay for renovations.

Contrasting discussions ensued regarding the pool and a skate park amongst members of Council.

A presentation given by Linde Group from Dan Altemose. Linde Group would like to consider a park beautification project for the Memorial park.

Eric (inaudible), Projects Manager and Andrew Pope from Home Based Skate Shop stated that they were at tonight's meeting to advocate a skate park. They discussed the purpose of converting the pool into a skate park.

#### *Public Comment*

Robert Gash, Phillipsburg Area Colts, inquired about the use of the football field for their organization. Councilman Schwar summarized the Colts Association in relation to the Borough.

A donation from the Colts was discussed for a contribution from their football programs to help offset costs to the field and the field house kitchen. Mr. Gash stated the form of contribution to the AYAA has been a registration fee. Lengthy discussions ensued.

Further discussions ensued regarding a breakdown of what the Borough is looking for in a form of contributions. Councilman Schwar stated this will be further discussed in executive session for contract negotiations.

Travis Cortelyou, 7<sup>th</sup> Avenue, inquired about Councilman Savary still being on Council and asked what is being done in light of recent allegations to have him step down.

Elise (inaudible) stated that a councilman from another municipality was removed from office due to swearing to a resident, but Councilman Savary is still sitting on Council.

George Trigas, stated that a person is innocent until proven guilty.

Nancy Jankowski, resident from Lopatcong Township, stated that everyone is welcome to the Lopatcong pool. Ms. Jankowski also commented on the cleanliness of the Bethlehem skate park.

Lois Arshevsky, resident from Lopatcong Township, commented on the consideration of the skate park and asked that the young adults be involved in the process.

Charles Bodogh Sr. discussed the Atlantic States event for Municipal Officials that were invited by the Chamber of Commerce.

Rick, resident of Lopatcong, stated he owns the skate shop in the Phillipsburg Mall and would like to offer help in running the park.

Charles Bodogh, Fire Chief, discussed about signed mutual agreements between the towns. Mr. Bodogh also questioned how Councilman Savary was in the firehouse on June 11<sup>th</sup> regarding the Mack Truck. Councilman Savary asked if members are allowed in the Firehouse. Mr. Bodogh responded no and proceeded to reading Ordinance 34-60. Chief Bodogh discussed the fire hazard he came across from a truck being on charger with four batteries with them hot to the touch. Chief Bodogh stated he was upset with the poor communication of no one contacting him regarding the truck.

Lengthy discussions ensued regarding grants being applied for and the extensive repair for the truck.

Jodi Smith, 5<sup>th</sup> Avenue, came back to remind Council about signs on 5<sup>th</sup> Avenue and with cars coming in the wrong way.

Al Paretto commented on charging the children of Alpha whose parents pay taxes for the use of the fields.

Donna Paretto also commented on the fees for the field.

Discussions ensued regarding accounts and fees and the concession profits.

Tracy Grossman, 7<sup>th</sup> Ave, asked the Council to put a referendum on the November ballot for the opening of the pool and to add to the question using Open Space Funds for this purpose.

Hunter Stagg, commented on automatic aid and defined them being that they are box alarms and explained how they work.

Hunter Simons, South Blvd., stated his support for a skate park in the community.

Frank Jankowsky, Lopatcong Township resident, also commented on his support for a skate park.

Travis Cortelyou commented on how the Borough is spending so much on other expenses and asked why the Borough couldn't support the fire department with a new fire truck.

Lengthy discussions ensued regarding projects through the Borough and a new fire truck.

Discussions progressed to accusations between a member on Council and Mr. Cortelyou.

Councilman Savary took this time to read a statement regarding charges brought against him by the Prosecutors Office.

#### *Ordinances*

Motion made by Councilwoman Schwar to open the public hearing for the following ordinance. Motion seconded by Councilman Cartabona, all were in favor.

**ORDINANCE 2013 - 10  
BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$2,670,000  
FOR ROAD IMPROVEMENTS FOR AND BY THE BOROUGH OF  
ALPHA IN THE COUNTY OF WARREN, NEW JERSEY AND,  
AUTHORIZING THE ISSUANCE OF \$2,000,000 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 improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Alpha, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$2,670,000, such sum includes the sum of \$110,000 as the down payment (the "Down Payment") 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"). The Down Payment is now available by virtue of provisions in one or more previously adopted budgets for down payments for capital improvement purposes. Also included in the appropriated sum is a New Jersey Department of Transportation Grant for Seventh Avenue in the amount of \$200,000, a New Jersey Department of Transportation Grant for West Vulcanite Avenue in the amount of \$110,000 and an Open Space Trust contribution of \$250,000 for said Improvements.

#### SECTION 2.

In order to finance the cost of the Improvements not covered by the application of the Down Payment, Grants and other funding, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,000,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$2,000,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3 :

(a) The Improvements authorized and the purpose for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement in accordance with N.J.S.A 40A:2-22e are as follows

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Various Street improvements, including but not limited to drainage, concrete work, rigid pavement and flexible pavement of West Vulcanite Avenue, Seventh Avenue, Hobson Street and Industrial Drive and including all work or materials necessary therefore or incidental thereto and all as shown on and in accordance with the plans and specifications on file in the office of the Clerk and hereby approved.	\$2,670,000	\$2,000,000	20
TOTAL	\$2,670,000	\$2,000,000	20

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$2,000,000.

(c) The estimated cost of the Improvements is \$2,670,000 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 chief financial 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. 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 Clerk and is available for public inspection.

SECTION 5

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

(d) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties 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.

(e) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 20 years.

(f) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed Statement has been filed electronically 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 \$2,000,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(g) An aggregate amount not exceeding \$650,000 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.

#### SECTION 6

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements 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 Improvements 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 7

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 8

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 Improvements 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 costs of the Improvements is \$2,000,000.

#### SECTION 9

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

Public Comment: Tracy Grossman, 7<sup>th</sup> Avenue wanted to know the total cost for the project, concerning the sidewalks.

Marty Pool, inquired about safety of a sidewalk near a porch.

Heidi Crouse, 7<sup>th</sup> Avenue, inquired about curbing and sidewalks to be installed on 7<sup>th</sup> Avenue.

Travis Cortelyou, 7<sup>th</sup> Avenue asked the Engineer asked what the width of the curbs and sidewalks will be.

Mike McCarty, 7<sup>th</sup> Avenue, stated he cannot wait for the sidewalks to be installed.

Charles Bodogh, West Central Ave., inquired about the sharp turn out of Industrial Drive.

Motion made by Councilman Cartabona to close the public comment, motion seconded by Councilwoman Schwar, all were in favor.

Motion made by Councilman Cartabona to adopt the forgoing ordinance, motion seconded by Councilwoman Schwar. Roll call: Ayes: Cartabona, Dunwell, C. Schwar and M. Schwar. Nays: none. Abstain: Zikas.

Motion made by Councilwoman Schwar to introduce the following ordinance with the second reading and public hearing scheduled for August 13<sup>th</sup>. Motion seconded Councilman Cartabona. Roll call: Ayes: Cartabona, Dunwell, Savary, C. Schwar, M. Schwar and Zikas. Nays: none.

**ORDINANCE 2013-11  
BOROUGH OF ALPHA  
AN ORDINANCE ADDRESSING PRIVATE STORM DRAIN  
INLET RETROFITTING ORDINANCE**

SECTION I. PURPOSE

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Alpha so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. 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 Chapter 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.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Alpha or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet – an opening in a storm drain used to collection stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

### SECTION III. PROHIBITED CONDUCT.

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

### SECTION IV. DESIGN STANDARD.

Storm drain inlets identified in Section III above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settle able solids. For exemptions to this standard see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface body under that grate:
  - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
  - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
  - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
  - b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

- ii. A bar screen having a bar spacing of 0.5 inches.
- c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars; or
- d. Where the New Jersey Department of Environment Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c) , that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**SECTION V. ENFORCEMENT.**

This ordinance shall be enforced by the police department covering the Borough of Alpha, the Code Enforcement Official or any other designated official of the Borough of Alpha.

**SECTION VI. PENALTIES.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each storm drain inlet that is not retrofitted to meet the design standard.

**SECTION VII. SEVERABILITY.**

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, void or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

**SECTION VIII. EFFECTIVE DATE.**

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Motion made by Councilman Dunwell to introduce the following ordinance with the second reading and public hearing scheduled for August 13<sup>th</sup>. Motion seconded Councilman Savary. Roll call: Ayes: Cartabona, Dunwell, Savary, C. Schwar, M. Schwar and Zikas. Nays: none.

**ORDINANCE 2013-12  
BOROUGH OF ALPHA  
AN ORDINANCE ADOPTING RULES AND REGULATIONS  
FOR REFUSE CONTAINERS AND DUMPSTERS IN THE BOROUGH OF ALPHA**

**WHEREAS**, the State of New Jersey Department of Environmental Protection (hereafter “NJDEP”) requires a municipal stormwater general permit in order to authorize new and existing stormwater discharges to surface water and groundwater from the small municipal separate storm sewer system (MS4) owned by the Borough; and



**WHEREAS**, the NJDEP Tier A Municipal Stormwater General Permit (NJ0141852) requires Tier A Municipalities to adopt and enforce an ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and which prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from the containers, excluding permitted temporary demolition containers, refuse containers at industrial facilities authorized to discharge stormwater under a valid NJDES permit, litter receptacles, and containers that hold large bulky items (e.g., furniture, bound carpet and padding) only.

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Alpha as follows:

**SECTION 1. PURPOSE.**

This ordinance requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharging of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system operated by the Borough of Alpha and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION 2. 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.

- a. Municipal separate storm water system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Alpha or other public body, and is designed and used for collection and conveying storm water.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Water of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**SECTION 3. PROHIBITED CONDUCT.**

Any person who controls, whether owner, leased or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate room storm sewer system(s) operated by the Borough of Alpha.

**SECTION 4. EXCEPTIONS TO PROHIBITION.**

- a. Permitted temporary demolition container.
- b. Litter receptacles (other than dumpsters or other bulk containers).
- c. Individual homeowner trash and recycling containers.
- d. Refuse containers and facilities authorized to discharge storm water under a valid NJPDES permit.
- e. Large bulky items (e.g. furniture, bound carpet and padding, white goods placed curbside for pickup).

**SECTION 5. ENFORCEMENT.**

This ordinance shall be enforced by the police department patrolling the Borough of Alpha and/or the Code Enforcement Officer of the Borough of Alpha.

**SECTION 6. PENALTIES.**

- a. Violation or non-compliance with any provision of this ordinance shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) and no more than One Thousand Dollars (\$1,000.00) for a first offense, and a minimum of Two Hundred Dollars (\$200.00) and no more than Two Thousand Dollars (\$2,000.00) for each subsequent offense.
- b. Notwithstanding the penalty set forth in the above section, if a second offense occurs more than two years after the first offense, the fines shall be imposed in the amounts provided for a first offender.

**SECTION 7. SEVERABILITY.**

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, void or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

**SECTION 8. EFFECTIVE DATE.**

This ordinance will take place upon adoption at final hearing and publication according to law.\

*Resolutions*

Motion made by Councilman Dunwell to approve the following resolution. Motion seconded by Councilwoman Schwar. Roll call: Ayes: Dunwell, C. Schwar. M. Schwar. Abstain: Cartabona, Savary and Zikas. Resolution passes.

**RESOLUTION 2013-90  
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT 2012**

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, That the Governing Body of the Borough of Alpha hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

#### *Department Reports*

*Administration Councilwoman Carol Schwar*: Councilwoman Schwar gave the report received from the Code Enforcement Officer. Signing a court summons was discussed regarding property owners who are in violation of the code.

Councilwoman Schwar stated that she will be using the Warren County Personnel Policy Manual, which will be used as guidance in relation to the Borough’s policy. The Clerk is not present tonight due to a family illness. Councilwoman Schwar requested twenty minutes in executive session regarding the Clerk’s Office. In closing, Councilwoman Schwar approved bills, salaries and wages for her department.

*Finance, Councilman Michael Schwar:* Councilman Schwar met with the CFO regarding the cash management plan. The CFO is currently working on the plan and a resolution will need to be passed. E-payments and E-bills are currently being considered for payments to the Borough. Cost savings would be to the borough by not using postage or mailing out the cards. In closing, Councilman Schwar approved his bills, salaries and wages for his department. Councilman Schwar requested 15 minutes in executive for personnel and contractual.

*Health & Welfare, Councilman Harry Zikas:* Councilman Zikas reported on this years' clean up. In closing, Councilman Zikas approved bills, salaries and wages for his department.

*Public Property, Councilman Michael Savary:* Councilman Savary reported on the letter received regarding Clean Communities Grant money. Councilman Savary stated he would like a resolution to hire summer help with the grant. Councilwoman Schwar also suggested looking into purchasing recycling containers. Councilman Savary requested 15 minutes in executive session for personnel. In closing, Councilman Savary approved bills salaries and wages for his department.

*Public Safety, Councilman Louis Cartabona:* Councilman Cartabona stated he attended the awards ceremony on June 20<sup>th</sup> at the graduating class at the Alpha School. Councilman Cartabona also attended the Warren County League of Municipalities meeting last night. Various issues were touched upon that affect local municipalities at the meeting. Councilman Cartabona reported on the citizen's emergency response team for Alpha. Councilman Cartabona stated he spoke with the OEM Coordinator regarding equipment that is available. Councilman Cartabona congratulated Alpha Volunteer Fire Department for their celebration on Saturday. In closing Councilman Cartabona approves bills salaries and wages for his department. Councilman Cartabona requested 20 minutes in executive session for personnel and contractual.

*Public Works, Councilman Craig Dunwell:* Councilman requested 10 minutes in executive for contractual. In closing, Councilman Dunwell approved bills, salaries and wages for his department.

#### *Professionals & Officials Reports*

*Mayor, Edward Hanics:* Mayor Hanics reviewed correspondences received through his office. Mayor Hanics requested five minutes in executive session for contractual.

Councilman Schwar questioned a report of a violation of the Open Publics Meeting Act with members of Council that was posted on Facebook. This was turned over the Warren county Prosecutors' Office and will be investigated. Attorney Troxell reported that he spoke with the Prosecutors office and believed they didn't think it had much merit.

*Fire Chief, Charles Bodogh:* Fire Chief Bodogh thanked everyone for coming out and enjoying the anniversary celebrations. A commendation was received from Congressman Lance for the Fire Department. Resolutions and Proclamations were also received through various levels of Government.

*Attorney Christopher Troxell:* Mr. Troxell requested five minutes in executive session for litigation.

*Engineer, Frank Seney:* Mr. Seney stated his report was distributed to members of Council and asked for any questions from the report. Councilman Dunwell stated a meeting is scheduled for tomorrow at 10:00 a.m. with Stephanie Cuthbert and William Packer to meet with Hungerford and Terry for the design criteria for the valve and piping for the Frace St. Tower.

#### *Public Comment*

Chuck Bodogh, East Central Avenue, wanted to know if anything gets decided for the repair of the fire truck that he be contacted.

#### *Payment of Bills & Claims*

Motion made by Councilwoman Schwar to have the director's reports part of the minutes, motion seconded by Councilman Schwar, all were in favor.

Motion made by Councilwoman Schwar to authorize the CFO to pay bills approved by the directors , with the exception of holding bill# 13-000350 , seconded by Councilman Savary. Roll call: Ayes: Cartabona, Dunwell, Savary, C. Schwar, M. Schwar, and Zikas. Nays: None.

Motion made by Councilwoman Schwar to authorize the CFO to pay all salaries and wages approved by the directors, motion seconded by Councilman Schwar. Roll call: Ayes: Cartabona, Dunwell, Savary, C. Schwar, M. Schwar, and Zikas. Nays: None.

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
13-00081	02/12/13	MAILFIN	MAIL FINANCE	Open	390.00	0.00	
13-00322	05/20/13	WCASAS	WARREN COUNTY ASSESSORS ASSOC	Open	115.00	0.00	
13-00331	05/31/13	NAPA	CARVER'S AUTO PARTS OF WC	Open	25.92	0.00	
13-00350	04/12/13	SARTI	SARTINI PLUMBING & HEATING	Open	923.69	0.00	
13-00358	05/30/13	EXPRES	EXPRESS-TIMES	Open	100.90	0.00	
13-00372	06/19/13	LANCE	LANCE ELECTRIC, INC.	Open	8,240.00	0.00	
13-00373	05/16/13	AAROE	LYN PAUL AAROE, ESQUIRE	Open	625.00	0.00	
13-00374	06/01/13	ELIZGA	ELIZABETHTOWN GAS	Open	160.59	0.00	
13-00375	06/10/13	SARTIN	MICHAEL SARTINI	Open	4,300.00	0.00	
13-00376	06/01/13	SUPLEE	SUPLEE, CLOONEY & COMPANY	Open	18,360.00	0.00	
13-00377	06/01/13	ACTION	ACTION DATA SERVICES	Open	106.58	0.00	
13-00378	06/01/13	EAS	EAS BY ACTION DATA	Open	44.28	0.00	
13-00379	06/01/13	JCP&L	JCP&L	Open	1,084.89	0.00	
13-00380	06/01/13	LSI	LINE SYSTEMS, INC	Open	593.86	0.00	
13-00383	06/01/13	TOWNP	TOWN OF PHILLIPSBURG	Open	73,315.47	0.00	
<b>Total Purchase Orders:</b>				<b>16</b>	<b>Total P.O. Line Items:</b>		<b>32</b>
				<b>Total List Amount:</b>	<b>108,386.18</b>	<b>Total Void Amount:</b>	<b>0.00</b>

*Executive Session*

Motion made by Councilman Zikas to pass the following resolution to go into executive session for one hour and 30 minutes, motion seconded by Councilman Cartabona, 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 one hour(s), 30 minutes, allowing for a five (5) minute recess between the regular session and the executive session.

*Return to Regular Session*

Motion made by Councilman Cartabona to return to regular session. Motion seconded by Councilman Dunwell, all were in favor.

Motion made by Councilman Cartabona to approve the application of a fire fighter, Tyler Conrad for the Alpha Volunteer Fire Department. Motion seconded by Councilman Zikas, all in favor.

*Adjourn*

There being no further business to come before Council at this time, on motion made by Councilman Savary and seconded by Councilman Dunwell, this meeting adjourned at

11:59 p.m.

Respectfully submitted,

*Laurie Ann Barton, Borough Clerk*