

Mayor Hanics called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on Tuesday, August 13, 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: Cartabona, Savary, C. Schwar, M. Schwar and Zikas. Absent: Dunwell.

Also present: Attorney Christopher Troxell, Clerk Laurie Barton, CFO, Lorraine Rossetti and Engineer, Stephanie Cuthbert.

#### *Public Comment*

Tim Mellert, North Blvd., asked why the Land Use Board meetings are not listed on the monthly calendar. It was stated that they are listed on the calendars.

Tracy Grossman, 7<sup>th</sup> Avenue, inquired about having a public question on the November ballot and proposed some examples of the questions.

Lengthy discussions ensued regarding ideas on what to do with the pool.

Motion was proposed by Councilman Cartabona to postpone these discussions until new business. Tom Fey commented that the public won't be able to discuss under New Business.

Tom Fey, East Blvd., made Council aware of the manhole in the alley on Helen Street, to the sewer dipping down and asked for the DPW to look at it.

Charles Bodogh, Fire Chief, East Central Avenue, asked why no one has contacted him about road closures and water shut offs. Chief Bodogh asked that he be given the same notice, to the Fire Department.

Tom Fey, East Blvd., asked when the hydrant on Springtown Road will be turned on. Councilman Savary stated that it will be turned on when they activate the main.

Jack Beatty, West Central Avenue, stated that the park with the pavilion is in shambles and stated that there is no parking for handicap near the pavilion. Discussions ensued regarding the condition of the pavilion and the bathroom location.

*Ordinance*

Motion made by Councilman Cartabona to open the public hearing for Ordinance 2013-11. Motion seconded by Councilwoman Schwar, all were in favor.

**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 settleable 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.

Public Comment: Tom Fey, East Blvd. asked for the explanation of the ordinance. Councilwoman Schwar gave a brief description of what the ordinance is and added it is part of the storm water regulations from the State.

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

Motion made by Councilman Zikas to adopt the foregoing ordinance. Motion seconded by Councilman Cartabona, roll call: Ayes Cartabona, Savary, C. Schwar, M. Schwar and Zikas. Nays: none. Absent: Dunwell.

Motion made by Councilman Cartabona to open the public hearing for Ordinance 2013-12, motion seconded by Councilman Zikas, all were in favor.

**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 no-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.

Hearing no public comment, motion made by Councilman Cartabona to close the public hearing. Motion seconded by Councilman Zikas all were in favor.

Motion made by Councilman Zikas to adopt the foregoing ordinance, motion seconded by Councilman Savary. Roll Call: Ayes: Cartabona, Savary, C. Schwar, M. Schwar and Zikas. Nays: None. Absent: Dunwell.

*Resolutions*

Motion made by Councilwoman Schwar to adopt Resolution 2013-104. Motion seconded by Councilman Savary, roll call: Ayes: Cartabona, Savary, C. Schwar, M. Schwar and Zikas. Nays: none. Absent: Dunwell.

**RESOLUTION 2013-104  
RESOLUTION EXTENDING THE GRACE PERIOD  
FOR PAYMENT OF TAXES FOR THE BOROUGH OF ALPHA**

**WHEREAS**, the 2013 final and 2014 preliminary tax bills were mailed out beyond the June 13, 2013 statutory due date, NJSA 54:4-64 as a result in obtaining the Municipal Tax Rate, and

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

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Borough of Alpha Council this 13<sup>th</sup> day of August 2013 that the grace period allowed for payment of the August 1, 2013 tax quarter be extended to August 27, 2013 and any payment received after said date will be charged interest from the original August 1, 2013 due date.

Motion made by Councilwoman Schwar to adopt Resolution 2013-105. Motion seconded by Councilman Savary, roll call: Ayes: Cartabona, Savary, C. Schwar, M. Schwar and Zikas. Nays: none. Absent: Dunwell.

**RESOLUTION 2013-105  
WATER AND SEWER UTILITY  
ACCOUNT ADJUSTMENTS**

**WHEREAS**, the following adjustments are necessary to correct Water and Sewer Utility accounts for inaccurate readings, bank deposit errors and final bills as listed below,

**WHEREAS**, the Borough Council must approve all account adjustments to any one account over five dollars,

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Alpha hereby authorize the Finance Officer / Utility Collector to make those adjustments listed below to bring all consumer accounts into proper balance.

<u>MONTH</u>	<u>ACCT #/DESCRIPTION</u>	<u>AMOUNT</u>
AUG 2013	5011400-0 PAETZELL	\$136.94 (Bill Adj)

Motion made by Councilman Savary to approve Resolution 2013-106. Motion seconded by Councilwoman Schwar, roll call: Ayes: Savary, C. Schwar and M. Schwar. Nays: Zikas. Abstain: Cartabona. Absent: Dunwell. Motion fails.

**RESOLUTION 2013-106 (Resolution Fails)  
RESOLUTION AUTHORIZING BOROUGH ENGINEER TO  
PROVIDE CONSULTING ENGINEERING SERVICES  
FOR THE CONSTRUCTION & TESTING OF A NEW REPLACEMENT WELL AT THE FRACE  
STREET WATER TREATMENT PLANT**

**BE IT RESOLVED**, by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey that the firm of Remington & Vernick Engineers is hereby authorized to act as the Borough Engineer and proceed with the engineering services in regard to construction and testing of a new replacement well at the Frace Street water treatment facility, for the contemplated scope of work in accordance with the firm's proposal of August 9, 2013 (attached hereto) and in an amount not to exceed \$58,400.00, upon written certification of funds by the Borough CFO.

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

Discussions ensued regarding the foregoing resolution related to soft costs and the possibility of another bond ordinance. Councilman Cartabona suggested holding the next two resolutions until further discussions.

Motion made by Councilman Cartabona to hold resolutions 2013-108 & 109. Motion seconded by Councilman Zikas, motion failed due to lack of Ayes.



Motion made by Councilman M. Schwar to approve Resolution 2013-107, motion seconded by Councilman Cartabona. Roll call: Ayes: Savary, C. Schwar and M. Schwar. Nays: Cartabona and Zikas. Absent: Dunwell. Resolution fails.

**RESOLUTION 2013-107(Resolution Fails)  
RESOLUTION AUTHORIZING BOROUGH ENGINEER TO  
PROVIDE CONSULTING ENGINEERING SERVICES  
FOR THE PURSEL STREET STANDPIPE PAINTING AND INSPECTION**

**BE IT RESOLVED**, by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey that the firm of Remington & Vernick Engineers is hereby authorized to act as the Borough Engineer and proceed with the engineering services in regard to the Pursel Street standpipe painting and inspection for the contemplated scope of work in accordance with the firm's proposal of August 9, 2013 (attached hereto) and in an amount not to exceed \$37,000.00, upon written certification of funds by the Borough CFO.

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

Motion made by Councilman M. Schwar to approve Resolution 2013-108, motion seconded by C. Schwar. Roll call: Ayes: Savary, C. Schwar and M. Schwar. Nays: Cartabona and Zikas. Absent: Dunwell. Resolution fails

**RESOLUTION 2013-108(Resolution Fails)  
RESOLUTION AUTHORIZING BOROUGH ENGINEER TO  
PROVIDE CONSULTING ENGINEERING SERVICES  
FOR WATER UTILITY IMPROVEMENTS –PHASE 2**

**BE IT RESOLVED**, by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey that the firm of Remington & Vernick Engineers is hereby authorized to act as the Borough Engineer and proceed with the engineering services in regard to water utility improvement project – phase 2 for the contemplated scope of work in accordance with the firm's proposal of August 8, 2013 (attached hereto) and in an amount not to exceed \$82,020.00, upon written certification of funds by the Borough CFO.

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

Motion made by Councilman M. Schwar to approve Resolution 2013-109, motion seconded by C. Schwar. Roll Call: Ayes: Cartabona, Savary, C. Schwar, M. Schwar and Zikas. Nays: none. Absent: Dunwell.

**RESOLUTION 2013-109**  
**Water Meter Repairer**

**WHEREAS**, the Alpha Borough Council desires that the Borough's water meter installation program be completed timely; and

**WHEREAS**, the Borough is need of a water meter repairer for the Borough Water Utility.

**NOW THEREFORE BE IT RESOLVED**, that the Council of the Borough of Alpha, County of Warren, and State of New Jersey hereby appoints Charles W. Sands as the Borough's water meter repairer at an hourly rate of \$25.00 (per hour) to work on an as needed basis until December 31, 2013, upon certification of funds by the Borough CFO.

Attorney Troxell stated to hold Resolution 2013-110 until after executive session. Motion made by Councilman Zikas to hold Resolution 2013-110 until after executive session, motion seconded by Councilman Cartabona, all were in favor.

*Department Reports*

*Administration, Councilwoman Carol Schwar:* Councilwoman Schwar reported on the recent bid opening held at the municipal building where a bid came in late and was not accepted. Engineer Stephanie Cuthbert reported on the rejected bid and the scope of the project. (Piping and valves).

Motion made by Councilman Cartabona to rebid project, motion seconded by Councilman Savary. Roll Call: Ayes: Cartabona, Savary and C. Schwar. Nays: M. Schwar and Zikas. Motion passes.

Continuing on with her report, Councilwoman Schwar gave the report received from the Code Enforcement Officer.

In closing, Councilwoman Schwar approved bills, salaries and wages for her department.

*Finance, Councilman Michael Schwar:* Councilman Schwar stated that the budget process will be started early this year. Councilman Schwar asked that Council speak to the department heads to discuss the needs of each department for the 2014 budget year.

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

*Health and Welfare, Councilman Harry Zikas:* Councilman Zikas gave the Warren County Board of Health report received for the month of July. In closing, Councilman Zikas approved bills, salaries and wages for his department.

Councilman M. Schwar inquired about grass clippings being picked up curbside by the present garbage hauler. Councilman Savary answered that he spoke with them regarding this issue and they will not pick up grass clippings.

*Public Property, Councilman Michael Savary:* Councilman Savary stated he is waiting for a few more bids on rebuilding the salt shed. Councilman Savary requested 30 minutes in executive session for litigation and contractual.

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

Councilman M. Schwar added 10 minutes in executive session for personnel.

*Public Safety, Councilman Louis Cartabona:* Councilman Cartabona reported on the contacts he made regarding Linde Gas, Officer Kisselbach and contacts with residents.

Councilman Cartabona reported on a meeting he had with a retired salesman Harold Price regarding fire trucks. Mr. Price offered free consultation to look into a replacement of the fire truck. Councilman Cartabona recommended that the Fire Department meet with Mr. Price.

Councilman Cartabona congratulated the Fire Department on the recent car show. In closing, Councilman Cartabona approved bills, salaries and wages for his department. Councilman Cartabona added five minutes in executive session for contractual.

*Public Works, Councilman Craig Dunwell:* Councilman Savary gave the report in absence of Councilman Dunwell. Councilman Savary reported that the tractor is now fixed and will look into replacing it.

Councilman Savary reported on the following: part of the pump house roof repaired, update on water connections for the Route 519 area with regards to the water project. Councilman Savary suggested making the water connections Saturday night into Sunday or early Monday.

In closing, Councilman Savary approved bills, salaries and wages for this department.

Councilman Savary requested 10 minutes in executive session for litigation.

Councilman Cartabona reported to Councilman Savary that the grass next to the electrical substation needs to be cut.

*Professionals and Officials Reports*

*Mayor, Edward Hanics:* Mayor Hanics reported that the police are finishing up their report on the vandalism of the field house.

Mayor Hanics reported on a call from Mr. Pfeiffer stating that someone approached one of his workers to dump 20-30 tree stumps. This person stated that someone from Council gave them permission. Mayor Hanics directed Mr. Pfeiffer (in the audience) to call the police immediately if he comes across anything like that.

*Police Chief, James Falbourn:* Chief Faulborn gave the police report for the month of July.

*Fire Chief, Charles Bodogh:* Mr. Bodogh inquired about the consultation that Councilman Cartabona reported on concerning the fire truck.

Chief Bodogh also inquired about any progress on the quote he submitted previously,

Councilman Cartabona responded that there was a minor revision and is contacting Atlantic to revise their quote.

*Attorney, Christopher Troxell:* Mr. Troxell requested 20 minutes in executive session for contractual and litigation.

*Engineer, Stephanie Cuthbert:* Ms. Cuthbert summarized her report that was distributed to Mayor and Council on the various projects throughout the Borough. Ms. Cuthbert briefly discussed the change order on the project that consisted on directional drilling due to the contractor coming into contact with rock.

*CFO, Lorraine Rossetti:* Ms. Rossetti inquired about the change order. Ms. Rossetti reported that she is currently working in the month of June and added that this is the most current she has been since January 2012.

Budget reports will be distributed monthly. Ms. Rossetti stressed the importance of Council being aware of hourly paid employees and their budgets.

Budget request forms will be going out next week and all department heads should be speaking with their director's about their budgets. Ms. Rossetti stated that these are due back by September 30<sup>th</sup>.

Ms. Rossetti offered her office hours to the public for anyone who has concerns or questions with respect to purchasing and the bond law and added that all her records are open for public inspection Monday through Thursday.

*Recycling Coordinator, Tom Fey:* Mr. Fey discussed the recycling tonnage reports for 2010 and 2012. The report for 2012, showed an increased of 3953.58 tons due to the Industrial Park businesses complying.

#### *Public Comment*

Tim Mellert, North Blvd., inquired about the investment on cameras to read the license plate numbers on those from out of state who enter the dump area on Industrial Drive. Discussions ensued regarding the cameras being user friendly for the police for future violators.

Tracy Grossman, 7<sup>th</sup> Avenue, stated that not only violators from Pennsylvania be targeted but those who are from other towns such as Pohatcong and Lopatcong.

Jim Pfeiffer stated that there are many cars from Pennsylvanian and NJ who go back to the salt shed.

#### *Payment of Bills, Salaries and Claims*

Motion made by Councilwoman Schwar that the directors reports be a part of the official minutes, motion seconded by Councilman Zikas, all were in favor.

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

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

P.O. Type: All				Open: N	Paid: N	Void: N	
Range: First to Last				Rcvd: Y	Held: Y	Aprv: N	
Format: Condensed				Bid: Y	State: Y	Other: Y Exempt: Y	
PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
13-00006	01/31/13	TROXE CHRISTOPHER M. TROXELL, ESQ	2013 Municipal Atty Services	Open	3,585.00	0.00	
13-00007	01/31/13	TOWNP TOWN OF PHILLIPSBURG	2013 Police Coverage-P'Burg	Open	32,083.33	0.00	
13-00008	01/31/13	VERI DSL VERIZON ONLINE	2013 DSL Internet Service	Open	91.99	0.00	
13-00077	02/11/13	CATALLI VINCENT CATALLI	2013 ACO Annual Truck Allowanc	Open	41.66	0.00	
13-00090	02/14/13	FREY ENG FREY ENGINEERING, LLC	2013 Sewer Operator Services	Open	1,000.00	0.00	
13-00091	02/14/13	REMINGTO REMINGTON & VERNICK ENGINEERS	2013 Licensed Water Operator	Open	6,000.00	0.00	
13-00101	02/22/13	TRITE DE LAGE LANDEN FINANCIAL SERV	2013 Copier Equipment Lease	Open	159.49	0.00	
13-00164	03/22/13	HEALTH STATE OF NJ HEALTH BENEFITS	2013 Health Benefits	Open	9,950.82	0.00	
13-00281	05/10/13	CEDAR CEDAR RIDGE LAWN & LANDSCAPE	2013 Lawncare Services	Open	1,631.25	0.00	
13-00282	04/01/13	WASTE RO WASTE MANAGEMENT ROLL OFFS	2013 School Dumpsters	Open	50.00	0.00	
13-00283	05/10/13	ALBOA ALPHA BOARD OF EDUCATION	2012 School Tax	Open	298,419.40	0.00	
13-00287	05/13/13	WASTE WASTE MANAGEMENT OF NJ	2013 solid Waste/Recycling	Open	16,237.00	0.00	
13-00288	05/13/13	CARRO CHARLES E. CARRO, ESQ	2013 Municipal Prosecutor Fees	Open	216.74	0.00	
13-00315	05/01/13	EHRLI EHRlich, INC.	2013 Vegetation Mgmt Services	Open	3,170.00	0.00	
13-00321	05/28/13	MRJON MR JOHN	2013 Port-a-John Rentals	Open	201.51	0.00	
13-00350	05/15/13	ES2 ES2 ENVIRONMENTAL SYSTEMS &	Emerg Svs - Flow Meter Pit	Open	135.00	0.00	
13-00401	06/13/13	JIORL JIORLE'S OFFICE SUPPLIES	Court-Office Supplies-Furnitur	Open	542.02	0.00	
13-00431	07/12/13	HUNOI HUNTINGTON OIL CO, INC	New Filters on Rooftop AC	Open	117.70	0.00	
13-00433	07/10/13	VITAL VITAL COMMUNICATIONS, INC	2013 Tax Rate - MODIV Tape	Open	100.00	0.00	
13-00434	07/09/13	METZE METZ & SON ELECTRICAL, INC	7/10 Fix Lights - Councilroom	Open	158.78	0.00	
13-00437	07/09/13	ITSM ITS NEOPOST	7/9 Postage Labels - Reorder	Open	90.95	0.00	
13-00440	07/01/13	BCS UNIVAR USA INC.	5/30-7/12 Sulfuric Acid	Open	6,544.67	0.00	
13-00447	07/01/13	HUNDE HUNTERDON COUNTY DEMOCRAT	7/5 Legal Advertisements	Open	215.73	0.00	
13-00452	06/10/13	APPRAIS APPRAISAL CONSULTANTS CORP.	4/23-4/30 File Rvw-StanBelenky	Open	2,750.00	0.00	
13-00454	07/11/13	EXPRES EXPRESS-TIMES	7/11 LUB Mtg Advertisement	Open	73.30	0.00	
13-00455	07/15/13	TSC TSC NORTH AMERICA	7/15 Website Updates	Open	175.00	0.00	
13-00461	07/30/13	KARL KARLS AUTO GLASS	Repair Broken window-Fieldhous	Open	78.50	0.00	
13-00465	07/12/13	HUNDE HUNTERDON COUNTY DEMOCRAT	7/12-7/19 Legal Ads-LUB/Admin	Open	25.34	0.00	
13-00466	07/12/13	EXPRES EXPRESS-TIMES	7/12 7th & Industrial Ave Bid	Open	663.25	0.00	
13-00473	04/01/13	VANCLEE VANCLEEF ENGINEERING ASSOCIATE	4/1-4/30 2013 Highlands MOD 5	Open	7,744.00	0.00	
13-00474	07/01/13	SAFE TREASURER-STATE OF NEW JERSEY	2013 Annual Operation Invoice	Open	720.00	0.00	
13-00477	07/17/13	WARREN WARREN MATERIALS	July 2013 Road Repair Material	Open	370.58	0.00	
13-00478	08/09/13	PAYRO PAYROLL AGENCY ACCT 751561	8/9/13 Current Fund PR	Open	13,921.29	0.00	
13-00479	08/09/13	PAYRO PAYROLL AGENCY ACCT 751561	8/9/13 Utility Fund PR	Open	3,581.58	0.00	
13-00480	07/01/13	EAS EAS BY ACTION DATA	July 2013 Payroll Services	Open	331.78	0.00	
13-00481	07/01/13	ACTION ACTION DATA SERVICES	July 2013 Payroll Services	Open	561.38	0.00	
13-00482	07/01/13	JCP&L JCP&L	6/28-8/6 Electric Bills	Open	348.09	0.00	
Total Purchase Orders: 38				Total P.O. Line Items: 101	Total List Amount: 412,087.13	Total Void Amount: 0.00	

*Old Business*

Discussions continued regarding a question from Council to be placed on the November ballot.

Motion made by Councilman Cartabona to approve the following resolution, motion seconded Councilman Zikas. Roll call: Ayes: Cartabona, Savary and Zikas. Nays: C. Schwar and M. Schwar. Absent: Dunwell.

**RESOLUTION 2013-111  
REFERENDUM FOR NOVEMBER BALLOT REGARDING THE POOL**

**WHEREAS**, the Borough of Alpha Council approves the following question to appear on the ballot as a non-binding referendum for the 2013 November General Election:

“Do you approve using Open Space Tax Funds that are currently being collected, for the repair and reopening of the John Dolak Memorial Pool?”

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Alpha that the Municipal Clerk be authorized to forward said question to the Warren County Clerk for the 2013 November General Election ballot.

Attorney Troxell discussed the issue of having the Mayor sign a consent form with regards to Sprint cell tower lease on Pursel St.

Motion made by Councilman Zikas to authorize the Mayors signature on the consent letter between the Borough of Alpha and Sprint, motion seconded by Councilwoman C. Schwar. Roll call: Ayes Cartabona, Savary, C. Schwar, M. Schwar and Zikas. Nays: none. Absent: Dunwell.

Councilman Zikas discussed the signs about speeding and no left turn that was brought up by Ms. Smith at a recent meeting.

Councilman Cartabona stated we have the signs and they will be installed.

*New Business*

Motion made by Councilman Savary to approve Resolution 2013-112 to refund pavilion money to Heather McDowell, motion seconded by Councilman M. Schwar. Roll call Ayes: Cartabona, Savary, C. Schwar, M. Schwar and Zikas. Nays: none. Absent: Dunwell.

Motion made by Councilman Zikas to approve the following:

- *Approval of Pavilion Permit: Ginna Tarsi-September 7, 2013 with alcohol*

Motion seconded by M. Schwar, roll call: Ayes: Savary, C. Schwar, M. Schwar and Zikas. Nays: none. Abstention: Cartabona. Absent: Dunwell.

Motion made by Councilman Zikas to approve the following:

- *Approval of Raffle License # 2013-3: Alpha Volunteer Fire Department: 09-01-2013-8-31-2014*

Motion seconded by Councilman Savary, roll call: Ayes: Cartabona, Savary, C. Schwar, M. Schwar and Zikas. Nays: none, Absent: Dunwell.

*Executive Session*

Motion made by Councilman Zikas to pass the following resolution to go into executive session for one hour and 15 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 1 hour(s), 15 minutes, allowing for a five (5) minute recess between the regular session and the executive session.

*Return to Regular Session*

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

Motion made by Councilman Savary to pass Resolution 2013-113, motion seconded by M. Schwar. Roll call: Ayes: Cartabona, Savary, C. Schwar and Zikas. Nays: M. Schwar. Absent: Dunwell.

**RESOLUTION 2013-113**

**NOTICE TO BIDDERS**

**PIPING AND VALVE UPGRADES**

**AT THE FRACE WATER TREATMENT PLANT**

**FOR THE BOROUGH OF ALPHA**



## RE-ADVERTISEMENT

**WHEREAS**, the Borough of Alpha will be required to publicly bid for the project herein named as the Piping and Valve Upgrades at the Frace Water Treatment Plant for the Borough of Alpha in the Borough of Alpha, Warren County, New Jersey; and

**WHEREAS**, the Borough has and hereby does authorize such advertising for bids for such purpose; and

**WHEREAS**, it is in the best interest of the Borough to do so pursuant to law.

**NOW THEREFORE BE IT RESOLVED** by the Common Council of the Borough of Alpha that the following notice is advertised:

### NOTICE TO BIDDERS

**PUBLIC NOTICE IS HEREBY GIVEN** that sealed bids will be received by the **Borough of Alpha** for the Piping and Valve Upgrades at the Frace Water Treatment Plant **for the Borough of Alpha** in the **Borough of Alpha, Warren County, New Jersey.**

Bid forms, contracts and specifications are on file at the office of Remington & Vernick Engineers, 232 Kings Highway East, Haddonfield, New Jersey 08033. These documents are also on file at the Clerk's office for review purposes.

Said Bids will be received, opened and read aloud in public at the **Alpha Borough Municipal Building, 1001 East Blvd., Alpha, NJ 08865** **Wednesday September 4, 2013 at 1:30 PM prevailing time.**

Copies of the bid forms, contracts and specifications may be obtained from said Remington & Vernick Engineers, by prospective bidders upon request, upon payment of the sum of \$75.00 for each set.

PAYMENT MUST BE RECEIVED PRIOR TO OBTAINING SAID SPECIFICATIONS, EITHER BY MAIL OR IN PERSON.

NO BIDS ARE TO BE DROPPED OFF AT THE ENGINEER'S OFFICE.

The **Borough of Alpha** reserves the right to consider the bids for sixty (60) days after the receipt thereof, and further reserves the right to reject any or all bids, either in whole or in part and also to waive any informality in any and make such awards or take action as may be in the best interest of the **Borough of Alpha.**

Bids must be on the bid form prepared by Remington & Vernick Engineers, in the manner designated therein and required by the specifications, must be enclosed in sealed envelopes bearing the name and address of the bidder on the outside and also bearing on the outside reference to the particular work bid upon. Said bids shall be addressed to **Borough of Alpha, Municipal Building, 1001 East Boulevard, Alpha, New Jersey, 08865, Attention: - Laurie Barton, Clerk.**

Each bid shall be accompanied by a certified check, cashier's check or bid bond duly executed by the bidder as principal and having as surety thereon a surety company approved by the **Borough of Alpha** in an amount not less than ten percent (10%) but in no case in excess of \$20,000.00 of the amount bid. Any such bid bond shall be without endorsement or conditions. Bid shall also be accompanied by a certificate letter from a surety company stating that it will provide the bidder with the completion bond.

The award of the contract shall be made subject to the necessary moneys to do the work being provided by the **Borough of Alpha** in a lawful manner. The contract to be executed by the successful bidder will provide that it shall not become effective until the necessary moneys to do the work have been provided by the **Borough of Alpha** in a lawful manner. The award shall further be subjected to the securing of necessary State, Federal or Local permits governing the work.

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et. seq., N.J.A.C. 17:27 (Affirmative Action), P.L. 1963. C150 (New Jersey Prevailing Wage Act), and Americans with Disabilities Act of 1990 (42 U.S.C. 12101, et.seq.).

The contractor is further notified that he must comply with P.L. 1977, c. 33, and submit a Disclosure Statement listing stockholders with his bid.

The contractor is further notified that he must comply with P.L. 1999 c.238 Public Works Contractor Registration Act and he and any subcontractors must be registered in accordance with the act.

The contractor is also further notified that he must comply with P.L. 2004 c. 57 and submit proof of business registration and submit proof of business registration for any named subcontractors in accordance with the act.

Motion made by Councilman Cartabona authorizing the Clerk to send a letter to the insurance carrier , selecting Thomas Keenan as counsel to represent the Borough in the Cook litigation matter. Motion seconded by Councilman Savary, all were in favor.

Motion made by Councilman Cartabona to approve Resolution 2013-114, motion seconded by Councilwoman C. Schwar. Roll Call: Ayes: Cartabona, Savary, C. Schwar and M. Schwar. Abstain: Zikas. Nays: none. Absent: Dunwell.

**RESOLUTION 2013-114  
A RESOLUTION CONCERNING LAWSUIT**

**WHEREAS**, the Council of the Borough of Alpha recently filed litigation concerning John Doe defendants, fictitious names for person or entities not yet identified, in Warren County with Docket Number L-257-13;

**WHEREAS**, the Council of the Borough of Alpha has authorized a lawsuit for the Borough of Alpha against John Doe defendants for incidents in or about 2012-2013 involving tortious interference with business relations and defamation relating to the Borough of Alpha and Council members in their official capacities and arising out of the performance of their public duties; and

**WHEREAS**, the Council of the Borough of Alpha has not and does not seek personal or individual relief, recovery or damages from said lawsuit.

**NOW THEREFORE BE IT RESOLVED**, that the Council of the Borough of Alpha does not seek any personal relief, recovery or damages from or arising out of the lawsuit recently filed in Warren County having Docket Number L-257-13.

**BE IT FURTHER RESOLVED**, that the Council Members, Borough Attorney and/or Clerk are hereby authorized to execute any related documents, if any.

Motion made by Councilman Cartabona to approve Resolution 2013-115, motion seconded by Councilman Zikas. Roll call: Ayes: Cartabona, Savary, C. Schwar, M. Schwar and Zikas. Nays: none. Absent: Dunwell.

**RESOLUTION 2013-115  
RESOLUTION AUTHORIZING SETTLEMENT OF CLAIM AND AUTHORIZING THE MAYOR TO  
EXECUTE THE RELEASE FOR SETTLEMENT**

**WHEREAS**, the Council of the Borough of Alpha is the owner of certain personal and real property on or near Industrial Drive in the Borough of Alpha, which was damaged on or about December 8, 2012 by Hassan Wilson in an automobile accident; and

**WHEREAS**, the Borough seeks reimbursement and to settle the claim against Mr. Wilson with Mr. Wilson's insurance carrier, Acceptance Auto Insurance of Nashville, Tennessee, in an amount of \$15,000.00.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey that the said settlement with Hassan Wilson and his insurance carrier, Acceptance Auto Insurance of Nashville, Tennessee, in an amount of \$15,000.00 is hereby approved and authorized.

**BE IT FURTHER RESOLVED**, that the Mayor and/or Clerk are authorized to execute all necessary documents to effectuate the settlement, including the release.

*Adjourn 10:35 P.M.*

Hearing no other business to come before Mayor and Council, motion made by Councilman Zikas to adjourn. Motion seconded by Councilwoman Schwarz, all were in favor.

Respectfully submitted,

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

Borough Clerk