

Council-President Seiss called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on Tuesday, May 27, 2014.

Council-President Seiss 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 8, 2014, 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.

Council-President Seiss led prayer and the salute to the flag.

Roll Call: Present: Councilman Rooks (*Arrived at 7:50 PM*) Councilman Cartabona, Councilwoman Schwar, Councilman Schwar, Councilman Seiss and Councilman Zikas. Also present, Attorney Christopher Troxell, Clerk, Laurie Barton, Engineer Stephanie Cuthbert and CFO, Lorraine Rossetti. Absent: Mayor Hanics.

Public Comment

Stan Brader, JCP&L District Manager, came before Council to introduce himself again and discussed the storm drill they had a couple of weeks ago. Mr. Brader stated he is the contact person for this area and encouraged anyone having questions or concerns regarding JCP&L to contact him.

Scott Particka, Dewey Ave., inquired about branch chipping and what the schedule is and stated that his has been sitting for six months and it isn't being chipped.

Councilman Seiss apologized and stated that the DPW has been pulled away from the chipping due to numerous projects.

Mr. Parka inquired about the website and getting events posted. Councilman Zikas stated that the website is still functional and will be updated as soon as the budget is approved.

Tim Mellert, North Blvd, asked who is overseeing the project on Schley Ave and inquired about the progress. Councilman Seiss stated that the Borough has yet to approve Engineering on the project. Mr. Mellert added that he doesn't want to see this project fall through the cracks.

Charles Bodogh, East Central Ave., made a complaint of high grass at the corner of 1st and Central. Councilman Zikas replied that this complaint was previously turned over to the Code Enforcement Officer.

Mr. Bodogh made a complaint on a basketball hoop stand that sits close to the roadway on Hobson. Mr. Bodogh stated that rocks are being kicked out onto the roadway and the ball is bouncing off the garage from the children playing.

Joey Foore, Morris St., complained about the grass on 5th Ave.

Tim Mellert, North Blvd., asked who will do the job in replace of Dave Santowasso resigning from the Code Enforcement Officer job. Councilman Seiss stated that he is still on as the Officer until August.

Resolutions

Motion made by Councilman Zikas to approve Resolution 2014-68, motion seconded by Councilman Cartabona. Roll Call: Ayes: Cartabona, C. Schwar, M. Schwar, Seiss and Zikas.

Nays: none.

**RESOLUTION 2014-68
BOROUGH OF ALPHA
RESOLUTION FOR TONNAGE GRANT APPLICATION**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2013 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Council of the Borough of Alpha to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Alpha that the Borough of Alpha hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Tom Fey, Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in the grant fund and be used solely for the purposes of recycling.

Motion made by Councilman Cartabona to approve Resolution 2014-69, motion seconded by Councilman Zikas. Roll Call: Ayes: Cartabona, C. Schwar, M. Schwar, Seiss and Zikas. Nays: none.

**RESOLUTION 2014-69
RESOLUTION AWARDDING A LEASE FOR PARKING
VEHICLES ON BOROUGH PROPERTY TO JASON PFEIFFER**

WHEREAS, the Mayor and Council of the Borough of Alpha have determined that a certain portion of land within real property owned by the Borough of Alpha at/off Industrial Drive, Alpha, NJ known as block 99, lot 2 of the Borough of Alpha, may be leased to the highest bidder, pursuant to New Jersey law, as a tenant on site for the parking of commercial vehicles owned by tenant and/or tenant's family; and

WHEREAS, the Mayor and Council of the Borough of Alpha have openly and publicly bid such lease, pursuant to New Jersey law; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey, that the said lease for a tenancy at the site is hereby awarded to Jason Pfeiffer having a bid fifteen thousand six hundred dollars and no 00/100 (\$15,600.00) for a three year term (\$5,200.00 per year for three years).

BE IT FURTHER RESOLVED, that the Mayor, Clerk and/or Borough Attorney are authorized to execute all necessary documents to effectuate a lease of the said property.

Motion made by Councilwoman Schwar to approve Resolution 2014-70, motion seconded by Councilman Schwar. Roll Call: Ayes: Cartabona, C. Schwar, M. Schwar, Seiss and Zikas. Nays: none.

**RESOLUTION 2014-70
LIEN REDEMPTION
CERTIFICATE #201302**

WHEREAS, the Tax Collector of the Borough of Alpha has advised the Mayor and Council that the following property has been redeemed and the money due thereon paid to the Borough of Alpha Tax Collector,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough of Alpha Council this 27th day of May 2014, that refunds are made to the certificate holder as noted:

US Bank Cust for Pro Capital III, LLC
50 South 16th Street, Suite 1950
Philadelphia, PA 19102
Block 9, Lot 3 – 859 South Blvd
Certificate #201301
\$1,572.05

Motion made by Councilman Schwar to approve Resolution 2014-72, after brief discussion regarding funding, Councilman Schwar withdrew his motion to approve until after executive session.

Motion made by Councilwoman Schwar to approve Resolution 2014-73, motion seconded by Councilman Schwar. Roll Call: Ayes: Cartabona, C. Schwar, M. Schwar, Seiss and Zikas. Nays: none.

**RESOLUTION 2014-73
RESOLUTION AWARDING AN EMERGENCY CONTRACT
FOR WATER SOFTENER VESSEL LINER INSTALLATION/
REPLACEMENT AT THE FRACE STREET WATER TREATMENT PLANT**

WHEREAS, the Council of the Borough of Alpha has determined that certain improvements are needed for the Borough's potable water system, now including but not limited to removing and replacing the water softener vessel liner in an emergency at the Frace Street water treatment plant; and

WHEREAS, the Council of the Borough of Alpha has not openly and publicly bid such contract for said improvement work; and

WHEREAS, the Council of the Borough of Alpha has received analysis and recommendation from the Borough Engineer to award an emergency contact to have said water softener liner replaced; and

WHEREAS, the Council of the Borough of Alpha agrees with the Borough Engineer's opinion that an actual or imminent emergency exists related to the water softener vessel liner installation (or need therefor) that affects public safety, health, and welfare.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey that the said water softener vessel liner installation emergency replacement contract be awarded as an emergency contract, based on the analysis and recommendation of the Borough Engineer as attached and made a part hereof (5/20/2014), to Hungerford & Terry, Inc., P.O. Box 650, Clayton, New Jersey, for \$21,300.00 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 contract.

Motion made by Councilman Cartabona to approve Resolution 2014-74, motion seconded by Councilman Schwar. Roll Call: Ayes: C. Schwar, M. Schwar, Seiss and Zikas. Nays: none. Abstain: Cartabona.

**RESOLUTION 2014-74
RESOLUTION SUPPORTING THE ACQUISITION OF A
2014 Lenco BEARCAT ARMORED VEHICLE**

WHEREAS, it is the desire of the Borough Council the Borough of Alpha, County of Warren, State of New Jersey to ensure the safety and welfare of its residents, community and country at large as it has become somewhat customary in the United States of America for local and county governments to be equipped and able to respond to emergency situations; and

WHEREAS, the Borough Council understands that leadership in government takes the courage to go first, to take action on issues involving controversy, to navigate through difficult situations and make tough choices especially those that can help any governmental entity for an event that could potentially save lives; and

WHEREAS, situations that involve an individual or individuals that are engaged in killing people or attempting to kill people in a confined space or other populated area including but not limited to an active shooter or hostage situation are increasingly common place. These situations are unpredictable and evolve quickly, which necessitates the immediate deployment of properly trained and equipped law enforcement agencies that are required to respond and to stop the shooting, protect those detained and mitigate the harm.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey that it does hereby endorse the acquisition of a 2014 Lenco Bearcat Armored Vehicle through a grant from Homeland Security to be shared by the Counties of Warren, Sussex and Hunterdon and the City of Easton, Pennsylvania.

BE IT FURTHER RESOLVED, that the Borough Council does hereby authorize the Chief of Police, James Faulborn, to distribute copies of this resolution, as appropriate, to all those government officials and entities involved in the decision making process and thereby encourage the authorization to issue a purchase order to Lenco Armored Vehicles under New Jersey State Contract #83786 covering Armored/Vehicles/Police for the Warren County Department of Public Safety in the total amount of \$213,847.00 in accordance with the stipulations of the grant from Homeland Security.

Motion made by Councilman Zikas to approve resolution 2014-75 (Budget), motion seconded by Councilman Schwar. Questions: Public Hearing will be June 10th. Councilman Zikas stated that this is for the amendment only that was discussed at the budget meeting.

Councilwoman Schwar stated her concerns on the Homa Lane costs. Councilmen Schwar and Zikas withdrew their motion to approve, and to hold until the end of meeting.

Approval of Minutes

Councilman Cartabona made a motion to approve the minutes of April 22nd, motion seconded by Councilman Schwar. Questions: Councilwoman Schwar stated that she had some changes and asked that these minutes be held until the next meeting. Both Councilmen Cartabona and Schwar withdrew their motion to approve.

Department Reports

Administration, Councilman Harry Zikas Jr.: No report. Councilman Zikas approved his salaries and wages for his department.

Finance, Councilman Michael Schwar: Councilman Schwar stated that the CFO will have a final report on Thursday regarding the Borough's bond rating. Councilman Schwar approved salary and wages for his department. Councilman Schwar added that he will need 15 minutes in executive session for contractual.

Health and Welfare, Councilman Millard Rooks: No report.

Public Property, Councilwoman Carol Schwar: Councilwoman Schwar gave the following report:

- Received a request from the AYAA for more garbage receptacles.

- On May 15th Serv Pro was in to install vent covers in council's chambers. They weren't able to fulfill the order and the Borough is now on its own to get covers installed.
- On May 18th Councilwoman Schwar attended the Memorial Day ceremony at Veterans Park and noticed that the garbage receptacles are damaged and not being emptied.
- A representative from Trane came to the municipal building to look at the system. Former Councilman Craig Dunwell attended meeting. An evaluation must be done first in order to receive a quote on repairing it.
- On May 20th Councilwoman Schwar visited the Quarry road and that the Engineer will request a one year extension for the road. June 11th is the current deadline and the Borough isn't finished yet.
- Bricks at the Memorial are being caulked.
- An estimate for work at Benke Field is being processed from Big Dog Gutter.
- A webinar is being held with the League regarding new COAH regulations. The cost to attend is \$25.00, in which Councilwoman Schwar stated she will be attending.

In closing, Councilwoman Schwar requested 30 minutes in executive session for personnel and contractual. Councilwoman Schwar approved salary and wages for her department.

Public Safety, Councilman Louis Cartabona: Councilman Cartabona reported on his attendance at the Memorial Day services at Veterans Park and thanked the John Dolak American Legion and the Alpha Volunteer Fire Department for hosting it.

In closing, Councilman Cartabona approved salary and wages for his department.

Public Works, Councilman Thomas Seiss: Councilman Seiss stated that the department is actively trying to repair the water meters but are coming into issues of homeowners not being home or responding.

Councilman Seiss inquired if the Borough can enforce a shut off if no response to a notice. Attorney Troxell stated he will look into this issue.

Councilman Seiss approved salary and wages for his department.

Professional and Officials Reports

Attorney, Christopher Troxell: Attorney Troxell addressed the issue of the budget amendment resolution presented tonight.

Motion made by Councilman Zikas to table Resolution 2014-72 as per the Attorney recommendation, motion seconded by Councilman Schwar, all were in favor.

Engineer, Stephanie Cuthbert: Ms. Cuthbert gave the Engineers report that was distributed to Mayor and Council regarding the ongoing projects and punch lists that are still pending.

Ms. Cuthbert stated she received an email from D.R. Horton for a preconstruction meeting for Grande Park Ridge.

Discussions of running a water main down 5th Avenue ensued.

Recycling Coordinator, Tom Fey: Mr. Fey stated he will be forwarding the recycling resolution that was done tonight along with the tonnage report to the State.

Public Comment

Mike Savary, Park Ave., asked if any action was being taken tonight regarding bonding so that the borough can keep operating. Councilman Schwar replied that he was in discussions with the Auditor and Bond Counsel concerning the Borough's bonding capacity.

Mr. Savary asked if there was going to be any vote on the pool issue. Councilman Rooks made a motion to not move forward and to demolish the pool, motion seconded by Councilwoman Schwar. Questions; Councilman Cartabona pointed out that the Mayor should be present for this.

Lengthy discussions ensued regarding costs and the pool committee and the time they had for submitting reports.

Roll call: Ayes: Rooks, C. Schwar, Seiss and Zikas. Nays: Cartabona and M. Schwar. Motion carries.

Mike Savary continued on in asking about the telephone pole removal for the sidewalk project and the manhole covers being sealed up on Vulcanite and Hobson streets..

Tracy Grossman, 7th Ave., stated her disappointment regarding the vote taken tonight on the pool issue. Mrs. Grossman then proceeded to ask what the Borough's intentions are for that area.

Tom Fey, East Blvd., asked about the amendment to the budget.

Jerry (*inaudible last name*), South Blvd, inquired about the available options for the pool area.

Tom Fey, East Blvd., stated that the Governing Body needs to explain what the Ordinances and Resolutions are on the agenda for the residents.

Payment of Bills and Claims

Motion made by Councilman Zikas to make the Directors Reports part of the minutes, motion seconded by Councilwoman Schwar, all were in favor.

Motion made by Councilwoman Schwar to authorize the CFO to pay bills approved by the Directors including the three additions, motion seconded by Councilman Rooks. Roll Call: Ayes: Cartabona, Rooks, C. Schwar, M. Schwar, Seiss and Zikas. Nays: none.

Motion made by Councilwoman Schwar to authorize to CFO to pay all salary and wages that are approved, motion seconded by Councilman Zikas. Roll Call: Ayes: Cartabona, Rooks, C. Schwar, M. Schwar, Seiss and Zikas. Nays: none.

New Business

Councilman Cartabona discussed the three proposals for the 5th Avenue improvements project. Councilman Cartabona discussed the options.

1. Somerset to Warren St.: \$240,000.00.
2. Somerset to East Central: \$332,925.00
3. Olive to East Central: \$638,075.00

Motion made by Councilman Cartabona to move ahead with Option #2, motion seconded by Councilwoman Schwar. Questions: Councilman Seiss asked what this involves. Engineer Cuthbert responded that it is for curbing and pavement only. Roll call: Ayes: Cartabona, Rooks, C. Schwar, Seiss and Zikas. Nays: none.

Councilman Seiss discussed the water ordinance breakdown for cost and suggested that he, the Engineer and the CFO meet to fine tune the Ordinance.

Budget Resolution

Motion made by Councilman Zikas to approve Resolution 2014-75, motion seconded by Councilman Rooks. Questions: discussions ensued regarding budget items and costs for projects out of surplus. Roll call: Ayes: Rooks, Seiss, M. Schwar and Seiss. Nays: Cartabona and C. Schwar.

Resolution 2014-75
BOROUGH OF ALPHA

RESOLUTION TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 2014 was approved on the 25th day of March, 2014 and
 WHEREAS, the introduced budget was amended on May 13, 2014
 WHEREAS, the public hearing on said budget has been held as advertised, and
 WHEREAS, it is desired to amend said approved budget, now
 THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Alpha, County of Warren, that the following amendments to the approved budget of 2014 be made:

RECORDED VOTE
(INSERT LAST NAMES)

(Rooks Ayes (M. Schwarz (Seiss (Zikas	(Nays ((Cartabona (A-Schwarz (<u>Abstained</u> <u>Absent</u>	(Hanics (((
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	<u>FROM</u>	<u>TO</u>
Anticipated Revenues:		
1. Surplus Anticipated	371,986.00	334,886.00
Total Surplus Anticipated	371,986.00	334,886.00
7. Total General Revenues	2,697,937.00	2,660,837.00
8. General Appropriations:		
a. Operations Within "CAPS":		
Group Insurance	126,000.00	106,200.00
Streets & Roads - Salaries & Wages	160,490.00	143,190.00
Total General Appropriations Within "CAPS"	1,408,417.00	1,371,317.00
Total General Appropriations Including Contingent Within "CAPS"	1,408,417.00	1,371,317.00
Salaries & Wages	502,717.00	485,417.00
Other Expenses	905,700.00	885,900.00
Total General Appropriations For Municipal Purposes Within "CAPS"	1,492,817.00	1,455,717.00
(L) Subtotal General Appropriations	2,387,937.00	2,350,837.00
9. TOTAL GENERAL APPROPRIATIONS	2,697,937.00	2,660,837.00

WATER & SEWER UTILITY	<u>FROM</u>	<u>TO</u>
10. Dedicated Revenues From Water & Sewer Utility		
Operating Surplus Anticipated	231,890.00	227,640.00
Total Water & Sewer Utility Revenues	1,071,890.00	1,067,640.00
11. Appropriations For Water & Sewer Utility		
Operating - Salaries & Wages	75,290.00	71,040.00
Capital Improvements		
Capital Improvement Fund	0.00	150,000.00
Water Tower Replacement	150,000.00	0.00
Total Water & Sewer Utility Appropriations	1,071,890.00	1,067,640.00

BE IT FURTHER RESOLVED, that this amendment, in accordance with the provisions of N.J.S.A.40A:4-9, be published in the Star Gazette in the issue of June 16, 2014, and that said publication contain notice of public hearing on said amendment to be held at Municipal Building on 6-10-2014 at 7:00 (p.m.).

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 27th day of May, 2014.

Certified by me

 May 27th, 2014

Laurie A Barton
Municipal Clerk

Executive Session- 45 Minutes

Motion made by Councilman Zikas to approve the following resolution, motion seconded by Councilman Rooks, 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: 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 45 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 Councilwoman Schwar, all were in favor.

Councilman Zikas made a motion to approve Resolution 2014-76, motion seconded by Councilman Schwar. Roll call: Ayes: Cartabona, Rooks, C. Schwar, M. Schwar, Seiss and Zikas. Nays: none.

**RESOLUTION 2014-76
RESOLUTION AUTHORIZING BOROUGH TO
HIRE CONSERVATION ADVISING SERVICES, LLC
FOR OPEN SPACE CONSULTATION**

BE IT RESOLVED, by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey that Robert Canace of the firm of Conservation Advising Services, LLC of Blairstown, New Jersey is hereby authorized to act as a consultant in facilitating open space acquisition for the Borough of Alpha and in an amount not to exceed \$5,000.00 for the calendar year 2014, upon written certification of funds by the Borough CFO.

BE IT FURTHER RESOLVED, that this contract is awarded as an extraordinary unspecifiable service without competitive bidding under provisions of the Local Public Contracts Law as provided by *NJSA 40A:11-5* and *NJSA 40A:11-2(7)* as it is specialized and qualitative in nature and requires expertise and a proven reputation, which this firm through its president Robert Canace has. It is also below the bid threshold.

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

Motion made by Councilman Schwar to approve Resolution 2014-77 upon certification of funds from the CFO, motion seconded by Councilman Zikas. Roll call: Ayes: Cartabona, Rooks, C. Schwar, M. Schwar, Seiss and Zikas. Nays: none.

**RESOLUTION 2014-77
REAL ESTATE APPRAISER**

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

1. Joshua D. Mackoff of Joshua D. Mackoff, LLC is hereby retained as a licensed or certified general real estate appraiser in the State of New Jersey to act on the Borough of Alpha's behalf in regard to appraising a specific piece of real property in the Borough, chiefly that property known as Block 103, Lot 1.
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. It is also below the bid threshold and quote threshold, although three quotes were obtained.
4. The fee shall be \$2,500.00 for this specific appraisal and/or valuation services upon written certification of funds by the Chief Financial Officer.

Adjourn

There being no further business to come before Council at this time, on motion made by Councilman Schwar and seconded by Councilwoman Schwar, this meeting adjourned at 9:00 P.M.

Respectfully submitted,

Laurie A. Barton
Borough Clerk