

Council President Michael Schwar called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on Tuesday, March 10, 2015

Council President Michael Schwar announced that adequate notice of the meeting was given 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 1, 2015, the Municipal Clerk delivered to the Star Gazette/Express-Times and posted on the bulletin board in the Municipal Clerk's office a notice containing the date, time, and place of this meeting of the Borough Council. Also said notice has been mailed to persons requesting the same.

Council President Michael Schwar led prayer and the salute to the flag.

Roll Call: Present; Councilman Cartabona, Councilwoman Grossman, Councilman Pettinelli, Councilman Rooks, Councilman Seiss. Also present, Attorney Christopher Troxell and Borough Clerk Laurie Barton. Mayor Hanics arrived at 8:30 PM.

Public Comment:

Thomas Fey, East Boulevard, advised he went to a meeting last evening for Freeholders in reference to Highlands. Said we need a representative from council along with him to attend at their next meeting because a lot is happening.

Mike Savary, Park Avenue, inquiring about the bill list and would like to know what repairs were made to DPW truck for \$3,700. Stated mercantile license is overdue, what is the procedure, nothing about late fees was listed on renewal form. Mr. Savary inquired about the snow ordinance and would like to know if there was any summons issued for cars not moved. Mr. Savary also inquired about a vote on the pool and 5th Avenue. Has there been any more talk about second public comment. Mr. Savary asked if anyone on Council actually read the whole contract.

Councilman Cartabona requested 5 minutes Executive Session for DPW contract and 10 minutes Executive Session for pool.

Craig Dunwell, 7th Avenue, inquired about the February 25th OPRA request for water meter installation notices. Mr. Dunwell inquired if Christmas trees were being picked up. Discussion on reading meters ensued.

Mr. Dunwell asked about the ongoing negotiations of the DPW contract. Mr. Dunwell asked if the Borough is required to hire a full time water operator.

Resolutions:

Motion made by Councilman Pettinelli to approve Resolution 2015-37, motion seconded by Councilman Seiss. Roll call: Ayes: Cartabona, Grossman, Pettinelli, Rooks, Schwar, and Seiss. Nays: none.

**RESOLUTION 2015-37
RESOLUTION AWARDING A CONTRACT
FOR RECONSTRUCTION OF 5TH AVENUE**

WHEREAS, the Mayor and Council of the Borough of Alpha have determined that certain improvements are needed for the 5TH Avenue within the Borough; and

WHEREAS, the Mayor and Council of the Borough of Alpha, through the Borough Engineer, have openly and publicly advertised for such contract for said improvement work, pursuant to New Jersey law; and

WHEREAS, the Borough of Alpha has received the lowest responsible quote from Glen G. Hale, Inc. T/A Hale Built, based on the recommendation of the Borough Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey that the said contract for the contemplated work, construction and improvements to 5th Avenue is hereby awarded to Glen G. Hale, Inc. T/A Hale Built, of Flemington, New Jersey, having submitted a bid of \$287,010.90 for said work, 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 Seiss to approve Resolution 2015-42, motion seconded by Councilman Rooks. Roll Call: Ayes; Cartabona, Pettinelli, Grossman, Schwar. Nays: None.

**RESOLUTION 2015-42
REDEMPTION OF TAX
SALE CERTIFICATE
#201401**

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

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpha this 10th day of March 2015 that the refunds are made to the certificate holder as noted:

Arthur Frustaci

1178 Fifth Avenue

Block 21.01, Lot 17

Amount \$1,168.77

Property Location – 875 Sampson Avenue

Motion made by Councilman Cartabona to approve Resolution 2015-44, motion seconded by Councilman Rooks. Roll Call: Ayes; Cartabona, Pettinelli, Grossman, Schwar. Nays: None.

**RESOLUTION 2015-44
REDEMPTION OF TAX
SALE CERTIFICATE
#201408**

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

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpha this 10th day of March 2015 that the refunds are made to the certificate holder as noted:

FWDSL & Assoc., LP

5 Cold Hill Road South, Ste #11

Mendham, NJ 07945

Block 29.02, Lot 7

Amount \$491.96

Property Location – 631 Dewey Avenue

The following resolutions were put on hold:

RESOLUTION 2015-38 – ON HOLD, NO ACTION

Resolution awarding a contract for swimming pool demolition.

RESOLUTION 2015-43 – ON HOLD

Tax Redemption

RESOLUTION 2015-45 – ON HOLD

Tax Redemption

Department Reports:

Administration, Councilman Pettinelli: Councilman Pettinelli no report. In closing, Councilman Pettinelli approved bills, salaries and wages for his department. Councilman Cartabona discussed construction, official letter in his mailbox dated February 19th which addressed ISO rating for Alpha.

Finance, Councilman Schwar: Councilman Schwar is working with the Librarian in paying the salaries and wages and medical benefits. Councilman Schwar stated that the Borough owes them a balance and has signed Purchase Order for this. Councilman Schwar discussed which employees should have keys to what departments. Councilman Schwar reported on the email received from the Ladies Auxiliary asking for \$1,000 for Easter Egg Hunt. In closing, Councilman Schwar approved bills and salaries and wages.

Councilman Schwar requested thirty (30) minutes in Executive Session for contractual and personnel regarding CFO and Finance Clerk.

Health & Welfare, Councilman Cartabona: Councilman Cartabona gave the Health Report received the County for the month of February. In closing, Councilman Cartabona approved bills and salaries and wages.

Councilman Rooks stated he received an email from Waste Management regarding recycling pick up asking if the residents were informed.

Public Property, Councilwoman Grossman: Councilwoman Grossman stated she received an email this week regarding the outstanding Trane invoice. She spoke with them on February 11th and explained the delay was due to the CFO leaving. Councilwoman Grossman asked Councilman Schwar if he had any knowledge of the bill. Councilman Schwar responded that he will be meeting with the former CFO regarding bills and will discuss the Trane bill. Councilwoman Grossman discussed trash cans for the parks and asked if there is any money in clean communities. Bried budget discussions ensued.

Motion made for approval for the purchase of trash cans for 8 receptacles in the amount of \$5,714.76 assuming 2014 clean community grant is available, motion seconded by Councilman Cartabona. Roll call: Ayes: Grossman, Pettinelli and Rooks. Nays: Cartabona, Schwar and Seiss, motion fails. In closing, Councilwoman Grossman approved all bills, salaries and wages for her department.

Public Safety, Councilman Rooks: Councilman Rooks received an email from OEM. They are in the process of formulating an evacuation plan in the event of a train derailment. Councilman Rooks made a motion to approve not more than \$1,000 for the Easter Egg Hunt, hosted by the Fire Department, Councilwoman Grossman seconded. All were in favor with the exception of Cartabona and Seiss abstaining. In closing, Councilman Rooks approved all bills, salaries and wages for his department. Councilman Rooks requested ten minutes in Executive Session for Shared Services with Police.

Public Works, Councilman Seiss: Councilman Seiss stated he received letter of resignation from the sewer operator, Carl Gercie, due to health issues. He sent an email to the CFO requesting pension information as Mr. Gercie needs to obtain this. Motion made by Councilman Seiss to accept the resignation with regret. Councilman Pettinelli, seconded, all were in favor. Councilman Seiss stated we received salt on Friday. Councilman Seiss reported on working on meters and was able to download information from Edmunds. In closing, Councilman Seiss approved all bills, salaries and wages for his department.

Professionals & Official Reports:

Fire Department, Chief Sean McDyer: Chief McDyer gave the report for February. Chief McDyer informed Council of the Cat in the Hat Breakfast. Chief McDyer reported that he is working with OEM Norfolk Trains for an emergency plan.

Attorney, Christopher Troxell: Attorney Troxell requested fifteen (15) minutes in Executive Session for contractual concerning Norfolk Southern and for mail equipment contract. He received an email from Dave Masky who is the planner for redevelopment of the quarry concerning proposed zoning amendments. Councilman Schwar stated he would look at it for the next meeting and prepare ordinance to be introduced.

Engineer, Gregory Sullivan: Councilman Schwar discussed his questions he has regarding the capacity. Discussion ensued regarding contacting Hungerford and Terry to get the vessel and get it lined. Mr. Sullivan stated there won't be a need for a formal bid for the roof off of Frace Street but will only need reauthorization due to redundancy. Mr. Sullivan stated the cost would probably be about \$2,000 for the two pumps.

Councilman Cartabona made a motion to authorize Councilman Seiss to purchase two pumps that are necessary up to \$5000 and DPW can install. Councilwoman Grossman seconded the motion, all were in favor.

Councilman Schwar suggested the Hungerford and Terry water softener vessel be sent out to be lined. Councilman Schwar also asked how long Frace Street would be shut down to install the softener. Engineer stated there will be a crane on site so it should be shut down. Lengthy discussions ensued. Councilman Cartabona requested five minutes in Executive Session for litigation for the laterals that were left on 519.

Sewer Engineer – Jim Hill/John Ross: Jim Hill stated the bids are on the website for caulking and are due the 24th at 10am. Mr. Hill stated that he will have ordinances distributed for Council to review.

Municipal Clerk – Laurie A. Barton: Mrs. Barton stated since she has taken on additional duties for other offices, the Clerk's office is functioning but is behind in some aspects.

Recycling Coordinator – Thomas Fey: Mr. Fey requested emails regarding recycling be forwarded to him. Mr. Fey reported that he attended the Highlands meeting last night.

Code Enforcement – Thomas Fey: Mr. Fey stated he is making progress. There is always a complaint and always letters going out.

Payment of Bills & Claims:

Councilman Seiss made a motion to make the director's report part of the minutes. Councilman Rooks seconded the motion, all were in favor.

Councilman Schwar made a motion that the CFO be authorized to pay all bills authorized by the director. Councilman Rooks seconded the motion. Councilman Cartabona asked if DPW can provide receipts for meal allowances.

Roll call; Ayes; Councilman Cartabona, Councilwoman Grossman, Councilman Pettinelli, Councilman Pettinelli, Councilman Schwar, and Councilman Seiss. Nays: none.

Councilman Schwar made a motion that the CFO be authorized to pay all salaries and wages approved by the Directors, Councilman Rooks seconded. Roll call; Ayes;

Councilman Cartabona, Councilwoman Grossman, Councilman Pettinelli, Councilman Pettinelli, Councilman Schwar, and Councilman Seiss. Nays: none.

Old Business

Councilman Schwar discussed the following: Request bid openings take place prior to meetings and put in a second public comment back into the agenda. He attended the Highlands meeting and suggested to appoint someone from Council to attend these meetings with Mr. Fey.

New Business:

Councilman Schwar made a motion to approve the pavilion permit for Heidi Crouse on July 11th with alcohol. Motion seconded by Councilman Rooks, all were in favor with the exception of Councilman Cartabona abstaining.

Motion made by Councilman Schwar to approve the Social Affair Permit SA 2015-1 for the Loa Association, motion seconded by Councilman Rooks. All were in favor with the exception of Councilman Cartabona abstaining.

The recycling containers purchase was brought up again. Motion made by Councilwoman Grossman, seconded by Councilman Schwar to approve the purchase for \$5,714.76 for eight containers. Roll call: Ayes: Grossman, Schwar and Pettinelli. Nays: Cartabona, Rooks and Seiss. Mayor Hanics broke the tie, and motion passes.

Councilman Cartabona will be looking at the property at the end of 7th Avenue; Leigh Fuel, stating that the taxes aren't being paid, there is a DEP classification, pollution on site. Councilman Cartabona stated the Borough should consider foreclosing on this property. Councilman Cartabona is trying to talk to the DEP to see if they have grant money and what classification they have.

Motion made by Councilman Seiss to approve the following resolution, Councilman Cartabona seconded motion. Roll call: Ayes: Cartabona, Grossman, Pettinelli, Rooks, Schwar, and Seiss. Nays: none.

RESOLUTION 2015-48

Resolution authorizing the Borough of Alpha Planning Board to undertake a preliminary investigation to determine whether Block 99 Lot 2 qualifies as an area in need of redevelopment as defined by the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended

Whereas, the Borough of Alpha owns property known as Block 99, Lot 2 that contains an abandoned quarry pit and a former municipal landfill that has been identified as a contaminated site by the NJ Department of Environmental Protection; and

Whereas, the Borough desires to pursue the redevelopment of this property as recommended in the Borough's 2013 Land Use Plan Element by first determining whether the property qualifies as "an area in need of redevelopment"; and

Whereas, the NJ Local Redevelopment and Housing Law requires the governing body to adopt a resolution authorizing the Borough Planning Board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in *N.J.S.A. 40A:12A-5*; and

Whereas, the Borough Council has determined that a redevelopment area designation in this case shall not authorize the Borough to utilize its eminent domain powers in the redevelopment area thereby establishing a Non-Condensation Redevelopment Area.

Now Therefore be it Resolved, by the Borough Council of the Borough of Alpha that it hereby authorizes the Planning Board to undertake a preliminary investigation to determine whether Block 99, Lot 2 meets the criteria set forth under *N.J.S.A. 40A:12A-5* as an area in need of redevelopment.

Be it Further Resolved that the Planning Board shall follow the provisions of the Local Redevelopment and Housing Law in conducting the appropriate hearings and investigations, including providing appropriate notice as required by law, and at the conclusion of such hearings, reporting its findings to the Borough Council.

Executive Session:

Councilman Cartabona made a motion to approve the following resolution to go back into executive session for one hour and 40 minutes:

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), 40 minutes, allowing for a five (5) minute recess between the regular session and the executive session.

Motion seconded by Councilwoman Grossman, all were in favor.

Return To Regular Session

Motion made by Councilman Seiss to return to the regular session, motion seconded by Councilman Rooks, all were in favor.

Motion made by Councilman Rooks to table Resolution 2015-47, motion seconded by Councilman Cartabona, all were in favor with the exception of Councilman Seiss voting no, and Councilman Pettinelli abstaining.

Motion made by Councilman Cartabona to approve Resolution 2015-49, motion seconded by Councilman Schwar. Roll call: Ayes: Cartabona, Grossman, Pettinelli and Schwar. Nays: Rooks and Seiss.

**RESOLUTION 2015-49
RESOLUTION REJECTING ALL BIDS FOR CONTRACT
FOR SWIMMING POOL DEMOLITION**

WHEREAS, the Mayor and Council of the Borough of Alpha have determined that the municipal swimming pool is to be demolished and said site used for other open space activity; and

WHEREAS, the Mayor and Council of the Borough of Alpha, through the Borough Engineer, have openly and publicly solicited bids for such contract for said pool demolition work, pursuant to New Jersey law; and

WHEREAS, the Borough of Alpha has received the lowest responsible bid from Caravella Demolition, Inc. of East Hanover, New Jersey, based on the recommendation of the Borough Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of all bids received to date are hereby rejected, and the Borough Engineer is hereby authorized to re-advertised the Municipal Swimming Pool demolition contract in the Star-Gazette.

Motion made by Councilman Schwar to approve Resolution 2015-46, motion seconded by Councilman Rooks. Roll call: Ayes: Grossman, Pettinelli, Rooks, Schwar, and Seiss. Nays: Cartabona.

RESOLUTION 2015-46

A RESOLUTION OF THE BOROUGH OF ALPHA, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING AN AGREEMENT WITH THE TOWNSHIP OF RARITAN PURSUANT TO THE UNIFORM SHARED SERVICES AND CONSOLIDATION ACT CONCERNING THE SERVICES OF THE RARITAN TOWNSHIP'S CHIEF FINANCIAL OFFICER

WHEREAS, the Borough of Alpha desires to enter into an agreement with the Township of Raritan in order to share municipal services to be provided by the Raritan Township's Chief Financial Officer ("CFO"); and

WHEREAS, the Borough of Alpha desires to have the CFO of Raritan Township provide services to the Borough of Alpha as a CFO/Treasurer pursuant to the attached shared services agreement (the "Agreement"); and

WHEREAS, both the parties have the authority to enter into the attached Agreement pursuant to New Jersey law, including the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Alpha, in the County of Warren, State of New Jersey, as follows:

1. The Borough of Alpha Council hereby authorizes the shared services of the Raritan Township's Chief Financial Officer with the Borough of Alpha and hereby authorizes the Mayor to execute the attached Agreement with the Township of Raritan concerning the shared services of Raritan Township's CFO.
2. A copy of this Resolution and Agreement shall be maintained by the Clerk of the Borough of Alpha and forwarded to the Administrator/Clerk of the Township of Raritan.
3. A copy of this Resolution and Agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.
4. This Resolution shall take effect immediately.

Motion made by Councilman Seiss to authorize the Engineer to re-advertise the redundancy bid and publish in Star Gazette, motion seconded by Councilman Schwar , all were in favor.

Motion made by Councilman Seiss to approve Resolution 2015-50, motion seconded by Councilman Pettinelli. Roll Call: Ayes: Pettinelli, Rooks and Seiss. Nays: Cartabona, Grossman and Schwar. Mayor Hanics breaks tie and votes yes, resolution passes.

**RESOLUTION 2015-50
RE-APPOINTMENT OF UTILITY COLLECTOR
FOR THE BOROUGH OF ALPHA**

WHEREAS, the position of Utility Collector exists within the Borough of Alpha and on the Salary Ordinance and Salary Resolution; and

WHEREAS, the term of office shall be through December 31, 2015.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Alpha hereby appoints Laurie Barton as Utility Collector in accordance with the salary ordinance at a salary for 2015 to be set at \$10,000 per year, prorated this year.

Adjournment:

Seeing no further business to come before Council, motion made by Councilman Cartabona to adjourn, motion seconded by Councilman Schwar , all were in favor.

Respectfully submitted,

Laurie A. Barton

Borough Clerk