

Mayor Hanics called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on November 10, 2015

Mayor Hanics 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.

Mayor Hanics led prayer and the salute to the flag.

Roll Call: Present; Councilman Cartabona, Councilwoman Grossman, Councilman Pettinelli, Councilman Rooks, Councilman Schwar and Councilman Seiss. Also present, Attorney Christopher Troxell and Clerk, Laurie A. Barton.

Public Comment

Craig Dunwell, 7th Ave., questioned Resolution 2015-115 and inquired about accumulated leave in the budget.

Mike Savary, Park Ave., commented on the leaves that are being blown out into the streets by residents.

Ordinance

Motion made by Councilman Cartabona to open the public hearing for Ordinance 2015-06, motion seconded by Councilwoman Grossman, all were in favor.

Hearing no comment, motion was made by Councilman Cartabona and seconded by Councilman Schwar, all were in favor.

Motion made by Councilman Cartabona to adopt Ordinance 2015-06, motion seconded by Councilwoman Grossman. Roll call: Ayes: Cartabona, Grossman, Pettinelli, Rooks, Schwar and Seiss. Nays: none.

**ORDINANCE 2015-06
THIRD PARTY PAYROLL DISBURSEMENT
AN ORDINANCE OF THE BOROUGH OF ALPHA ESTABLISHING CHAPTER 70 "THIRD-PARTY
PAYROLL DISBURSEMENT"**

WHEREAS, the Local Finance Board of the State of New Jersey adopted formal rules regarding "Electronic Disbursement Controls for Payroll Purposes" in order to provide formal authority for local governments to hire third-party payroll services/disbursing services to disburse funds to payroll agencies; and

WHEREAS, in order to have a payroll servicer provide disbursement services, the Borough Council of the Borough of Alpha must formally approve the principle of a third-party having access to Borough funds, formally assigning responsibility to an official to oversee the process by enacting an ordinance, and approving all contracts or extensions.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Alpha, County of Warren and State of New Jersey that Chapter 70 entitled “Third-Party Payroll Disbursement” is hereby established in the Borough Code:

CHAPTER 70 “Third-Party Payroll Disbursement”

§ 70-1. Purpose; definitions.

A. The purpose and intent of these regulations is to abide by the requirements of N.J.S.A. 52:27D-20.1 and N.J.A.C. 5:30-17.1 et seq., governing electronic disbursement controls for payroll purposes.

B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

“Approval Officer”

Person(s) responsible for authorizing and supervising the activities of the payroll service.

“Payroll Service”

Third-party payroll service organization.

“Borough”

Borough of Alpha.

§ 70-2. Authorization.

A. The Borough is authorized to use a payroll service to prepare payment documentation, take possession of Borough funds, and make such disbursements itself on behalf of the Borough.

B. The following payroll service providers shall be required to comply with these regulations:

(1) Payroll service providers who use their own customized programming process to execute disbursements for the Borough;

(2) Payroll service providers who use a third-party processor to execute disbursements for the Borough.

§ 70-3. Borough requirements.

A. The appointment of a payroll service shall be pursuant to the Local Public Contracts Law, See N.J.S.A. 40A:11-1 et seq. and shall require the contractor to do the following, not by way of limitation: data collection, agency report preparation, calculation of withholding, direct deposit of payroll disbursements, and/or transfer of Borough funds to contractor's account for subsequent disbursement of payment.

B. Any renewal or extension of a contract under these regulations shall be by resolution.

C. The Chief Financial Officer is hereby appointed the approval officer and is responsible for authorizing and supervising the activities of the payroll service and shall further be charged with the reconciliation and analysis of all general ledger accounts affected by the activities of the disbursing organization.

D. If required by the contract between the Borough and the payroll service, the payroll service is permitted to hold Borough funds pending transmittal to a payee.

§ 70-4. Payroll service requirements.

A. A payroll service must meet all of the following requirements:

(1) Report any irregularities that may indicate potential fraud, noncompliance with appropriate laws, dishonesty or gross incompetence on the part of the approval officer;

(2) Report circumstances that could jeopardize its ability to continue operations or otherwise interrupt the services provided to the Borough.

B. A payroll service must meet the requirements of N.J.A.C. 5:30-17.5, requiring that the approval officer be assured that the servicer has its own internal controls and appropriately guard against theft and other adverse conditions.

C. All contracts entered into pursuant to these regulations and the laws authorizing the same shall comply with the requirements of N.J.A.C. 5:30-17.6, which sets out a series of mandatory contractual terms and conditions.

§ 70-5. Establishment of service.

Upon the adoption of these regulations, the Borough Manager, with the assistance of the Chief Financial Officer and Borough Attorney, as necessary, is hereby authorized and directed to enter into a contract for payroll service in accordance with all local public contracting laws and N.J.A.C. 5:30-17. Appointment of the payroll service shall be by separate resolution of the Borough.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Resolutions

Motion made by Councilman Cartabona to approve Resolution 2015-115, motion seconded by Councilman Schwar. Roll call: Ayes: Cartabona, Grossman, Pettinelli, Rooks, Schwar and Seiss. Nays: none.

RESOLUTION 2015-115

**A RESOLUTION AUTHORIZING THE
TRANSFER OF CURRENT FUND APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of excess appropriations by no less than 2/3 vote of full membership of the governing body during the last two months of the fiscal year and first three months of the next fiscal year; and

WHEREAS, the Chief Financial Officer has determined that excess appropriations exist in some accounts and there is need for supplemental appropriations in other accounts in the Year 2014 Current Fund Budget,

NOW THEREFORE BE IT RESOLVED, by Mayor and Council of the Borough of Alpha, County of Warren, State of New Jersey, that the following appropriation transfers are hereby approved:

	<u>Transfer To:</u>	<u>Transfer From:</u>
Health & Welfare - OE		\$10,000
Other Insurance – OE		\$30,000
Social Security – OE	\$16,000	
Admin & Execs – S&W	\$1,000	
Finance – S&W	\$9,000	
Assessment of Taxes – S&W	\$500	
Tax Collector – S&W	\$800	
Building Inspector – S&W		\$3,000
Emergency Management – S&W	\$1,700	
Streets & Road – S&W	\$17,000	
Garbage & Recycling – S&W	\$5,300	
Animal Regulation – S&W	\$1,700	
Legal – OE		\$5,000
Street Lighting – OE		\$2,000
Engineering – OE		\$3,000

Motion made by Councilman Cartabona to approve Resolution 2015-116, motion seconded by Councilwoman Grossman. Roll call: Ayes: Cartabona, Grossman, Pettinelli, Rooks, Schwar and Seiss. Nays: none.

**BOROUGH OF ALPHA
RESOLUTION 2015-116
SHARED SERVICE AMENDED CONTRACT**

WHEREAS, the Borough Council of the Borough of Alpha entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

WHEREAS, the Borough Council of the Borough of Alpha recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Borough Council of the Borough of Alpha has determined that it is in the best interests of the citizens of the Borough of Alpha to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Alpha, as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Borough Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough Council of the Borough of Alpha hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Borough of Alpha with Econsult Solutions, Inc.

The Borough Council of the Borough of Alpha hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough of Alpha with the approval of the Borough of Alpha’s designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Borough Council of the Borough of Alpha further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the Borough of Alpha shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough of Alpha.
6. This Resolution shall take effect immediately.

Minutes

Motion made by Councilman Pettinelli to approve the regular meeting minutes of:

03/24/15, 04/28/15, 05/12/15 & 05/26/15. Motion seconded by Councilwoman

Grossman, all were in favor.

Motion made by Councilman Schwar to approve and hold executive session minutes of:

04/28/15, 05/12/15, 05/26/15, 06/09/15 & 06/23/15. Motion seconded by

Councilwoman Grossman, all were in favor.

Department Reports

Administration, Councilman Peter Pettinelli: Councilman Pettinelli stated he is waiting for the new computers to be installed for the Construction Official and the Code Enforcement Officer. In closing, Councilman Pettinelli approved bills, salaries and wages for his department.

Finance, Councilman Michael Schwar: Councilman Schwar thanked Councilmen Pettinelli and Cartabona in assisting with interviews for Tax Assessor. Councilman Schwar stated he will need 10 minutes in executive session for personnel. Councilman Schwar reminded Council of the budget meeting for December 15th and a capital budget should be done for each department. The budget should be ready to present in February or March.

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

Health & Welfare, Councilman Louis Cartabona: Councilman Cartabona gave the report received from the Warren County Health department for the month of October. In closing, Councilman Cartabona approved bills, salaries and wages for his department.

Councilman Cartabona requested five minutes in executive session for contractual

Public Property, Councilwoman Tracy Grossman: Councilwoman Grossman reported that all locks will be changed for all buildings at the parks and the field house.

Councilwoman Grossman reported that she is currently in talks with a company who did the last air quality testing and is also getting prices. Trane is still working on the HVAC system. Councilwoman Grossman reported giving approval to the Pohatcong wrestling team to use the field house. Councilwoman Grossman requested five minutes in executive session for potential litigation regarding manholes. In closing, Councilwoman Grossman approved bills, salaries and wages for her department.

Public Safety, Councilman Millard Rooks: No report. Councilman Rooks approved bills, salaries and wages for his department.

Public Works, Councilman Thomas Seiss: Councilman Seiss reported that paving started yesterday and should be done by end of the week. Councilman Seiss stated there is an issue with the Leona Avenue sewer line and requested 15 minutes in executive session for contractual.

Professionals and Officials Reports

Mayor, Edward Hanics, Jr: Mayor Hanics asked what the procedure would be to have a handicap sign put up on East Blvd., for Leonard Fuccili. Councilman Seiss stated that once they have the handicap permit #, he can instruct the DPW to install the sign.

Mayor Hanics requested five minutes in executive session to discuss litigation.

Mayor Hanics reported on the library meeting that was held last night and stated that there are two resignations on the board. Mayor Hanics stated that the two candidates are here tonight and would like a motion to appoint Steve Knoll and Ann Harp to the library board for the unexpired terms and also to include new three year terms. Councilman Cartabona questioned who resigned and was this for the remainder of the terms? Mayor Hanics stated that they are replacing Dave Miers and Nancy Serrone. this would be remainder of the terms and for a three year term. Motion made by Councilman Schwar to approve the appointment, motion seconded by Councilwoman Grossman. Roll call: Ayes: Cartabona, Grossman, Pettinelli, Rooks, Schwar and Seiss. Nays: none.

Emergency Squad, Russ Bogoly: Mr. Bogoly gave the report from the squad for the months of August and September. They are in the process of getting a volunteer to stay and answer calls from the new building here in Alpha. Currently there are only weekend shifts at the new building. There are two ambulances stationed there ready to go. There are some members waiting to be certified. The Emergency Squad was able to get 40 new volunteers this past summer.

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

Engineer, Frank Seney: Mr. Seney reported that the resolution of support for the grant for Schley Avenue has been forwarded to the DOT and is hoping to hear something by the end of the month for approval.

The final numbers for the redundancy project is from PACT; \$190,000.00. The valve and pipe project is waiting for more items to come in and should be completed by next week.

Sewer Engineer, Jim Hill: Mr. Hill gave updates on manholes and stated that there are approximately 10 manholes left to do. Leona Avenue is starting to be repaired, in which the line

was at a deeper depth than anticipated. This will cost an additional \$15,500.00. Mr. Hill stated that he will need approval at this meeting or next to proceed.

Discussions of the odor control ensued with questions from the Mayor and Council questioning the current method.

CFO, Charles Daniel: Mr. Daniel reported that the assistant is working on past bills from Remington & Vernick dating back to 2014. Mr. Daniel reported that the funds of the Open Space cash management will be transferred to PNC Bank.

Mr. Daniel reported that he will be out for two weeks to study for his CFO test which is scheduled for December 1st.

Clerk, Laurie Barton: Ms. Barton reported that the renewal forms will be going out soon for mercantiles and added that the late fee ordinance will also be on the form this year.

Library, Sue Smeal: Ms. Smeal reported that on November 23rd the librarian will be doing thanksgiving crafts starting at 5:30 P.M.

Public Comment

Leo Pursel, High Street, inquired about the Safe Routes to School project and asked if sidewalks will be considered.

Mr. Pursel also commented that the roof on Benke Field is bad.

Mike Savary, Park Ave., asked if there's a plan for the roof at Benke Field. Mr. Savary inquired about what is being done for businesses that don't have a mercantile license.

Payment of Bills & Claims

Councilman Cartabona made a motion to make the director's reports part of the minutes. Councilman Pettinelli, seconded the motion, all were in favor.

Councilwoman Grossman made a motion that the CFO be authorized to pay all bills authorized by the directors holding bill #15-00580. Councilman Pettinelli seconded the motion. Roll call; Ayes; Cartabona, Grossman, Pettinelli, Rooks Schwar and Seiss. Nays: none.

Councilwoman Grossman made a motion that the CFO be authorized to pay all salaries and wages approved by the director, Councilman Schwar seconded. Roll call; Ayes; Cartabona, Grossman, Pettinelli, Rooks Schwar and Seiss. Nays: none.

P.O. Type: All
Range: First to Last
Format: Condensed

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type			
15-00542	10/15/15	FLEMD	FLEMINGTON DEPARTMENT STORE	Open	129.95	0.00				
15-00546	10/15/15	FASTENAL	FASTENAL	Open	25.19	0.00				
15-00548	10/15/15	POWERPOOL	POWER POOL PLUS INC.	Open	432.84	0.00				
15-00578	10/21/15	JPIPS	J PIPS PAVING CO	Open	4,500.00	0.00				
15-00580	10/24/15	HALLEY	RICH HALLEY	Open	600.00	0.00				
15-00593	11/03/15	QC	EUROFINS QC, INC.	Open	85.00	0.00				
15-00594	11/03/15	ACTION	ACTION DATA SERVICES	Open	605.26	0.00				
15-00595	11/03/15	EAS	EAS BY ACTION DATA	Open	279.63	0.00				
15-00596	11/04/15	TRENJ	TREASURER, STATE OF NJ	Open	378.00	0.00				
15-00597	11/04/15	WCCL	WARREN COUNTY CLERK	Open	8.00	0.00				
15-00598	11/04/15	LMR	LMR CLEANOUT & DISPOSAL	Open	12,833.33	0.00				
15-00599	11/04/15	JCPL	JCP&L	Open	587.80	0.00				
15-00600	11/05/15	REMINGTO	REMINGTON & VERNICK ENGINEERS	Open	105.00	0.00				
15-00601	11/05/15	REMINGTO	REMINGTON & VERNICK ENGINEERS	Open	1,500.00	0.00				
15-00602	11/05/15	REMINGTO	REMINGTON & VERNICK ENGINEERS	Open	221.00	0.00				
15-00603	11/05/15	REMINGTO	REMINGTON & VERNICK ENGINEERS	Open	630.45	0.00				
15-00604	11/05/15	GENER	GENERAL CODE LLC	Open	1,636.23	0.00				
15-00606	11/05/15	PRINTMAN	PRINT MANAGEMENT SOLUTIONS	Open	95.88	0.00				
15-00607	11/05/15	TRITE	DE LAGE LANDEN FINANCIAL SERV	Open	167.47	0.00				
Total Purchase Orders:				19	Total P.O. Line Items:	0	Total List Amount:	24,821.03	Total Void Amount:	0.00

Old Business

Councilman Schwar discussed the time limit on public comment in which he stated he was against, but added that the ordinance isn't being enforced citing that residents at the last meeting all went over five minutes.

Councilman Schwar discussed the grass dumping area and hours and stated it is not deterring those from illegally dumping and it's making it harder for the residents with only three days open.

New Business

Councilman Cartabona reminded everyone about the Veterans Day event at the school tomorrow.

Police Chief James Falbourn gave his report for the month of October: there were two domestic violence calls, one warrant arrest and a total of 21 calls.

Executive Session

Councilman Cartabona made a motion to approve the following resolution to go into executive session for one hour and 10 minutes for contractual, motion seconded by Councilwoman Grossman, 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 (1) hour and 10 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 Seiss, all were in favor.

Motion made by Councilwoman Grossman to approve resolution 2015-117, motion seconded by Councilman Schwar. Roll call: Ayes: Cartabona, Grossman, Pettinelli, Rooks, Schwar and Seiss. Nays: none.

**RESOLUTION 2015-117
HIRING VICTOR J. LUPI AS TAX ASSESSOR
FOR THE BOROUGH OF ALPHA**

WHEREAS, the position of Tax Assessor exists within the code of the Borough of Alpha and on the Salary Ordinance and Salary Resolution; and

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Alpha hereby appoints Victor J. Lupi as Tax Assessor at the pro-rate of \$14,999.00.

Motion made by Councilman Seiss authorizing Sartini to complete the Leona Street job, for an additional \$10,500, motion seconded by Councilman Schwar. Roll call: Ayes: Cartabona, Grossman, Pettinelli, Rooks, Schwar and Seiss. Nays: Cartabona.

Adjournment:

Seeing no further business to come before Council, motion made by Councilman Cartabona to adjourn the meeting at 9:34 pm, motion seconded by Councilwoman Grossman all were in favor.

Respectfully submitted,

Laurie A. Barton

Borough Clerk