

Council President, Michael Schwar called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on November 23, 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; Councilwoman Grossman, Councilman Pettinelli, Councilman Schwar, and Councilman Seiss. Also present: Attorney Christopher Troxell. Absent; Councilman Cartabona, Councilman Rooks, Mayor Hanics and Borough Clerk, Laurie A. Barton.

Ordinances

Motion made by Councilwoman Grossman to approve Ordinance 2015-07 with the public hearing for December 29th, motion seconded by Councilman Seiss. Roll call: Ayes: Grossman, Pettinelli, Schwar, and Seiss. Nays: None.

ORDINANCE 2015-07 WATER DELINQUENT PAYMENT OF BILLS

WHEREAS, the Council of the Borough of Alpha desires to amend a portion of Chapter 403-18 Payment of Bills, , specifically adding the following and amending its Code accordingly;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Alpha in the County of Warren and State of New Jersey that "Chapter 403, Payment of Bills be amended and supplemented as follows:

403-18 Payment of bills

A.

All bills for water, except under billing permits, shall be payable on the first day of January, April, July and October. Any balance not paid within 15 days from the due date will be subject to interest calculated at 8% per annum from the due date. If the amount due is greater than \$1,500, the interest will be calculated at a rate of 18% per annum from the due date. Also, any account which is in arrears for greater than six months, upon notice and in addition to the interest, may be subject to having the water turned off. Delinquency or maintaining an outstanding balance for a period of four consecutive quarters shall also constitute grounds for the water being turned off, upon notice and in addition to interest. Outstanding balances of arrearages for greater than six months may not be carried forward to the next year (by simply paying the minimum); same will be considered delinquent and subject to the turn-off hereinabove described, upon notice and in addition to interest. Any account where the water is turned off shall not have the water turned on again

until the entire balance(s) of the water and sewer account(s) are paid in full and the fee as set forth in § 403-21B has been paid.

B.

All unpaid water bills and other water charges shall become liens on the real estate benefiting from the water service, as provided by law, including the New Jersey Revised Statutes.

Resolutions:

Motion made by Councilwoman Grossman to approve Resolution 2015-118, motion seconded by Councilman Seiss. Roll call: Ayes: Grossman, Pettinelli, Schwar, and Seiss. Nays: None.

**RESOLUTION 2015-118
WATER/SEWER OVERPAYMENT
BLOCK 54.02/1
311 SIXTH AVENUE**

WHEREAS, the above property has been sold and the seller and Attorney paid the water/sewer; **WHEREAS**, this created an overpayment and the attorney is requesting a refund for their payment;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough of Alpha Council this 24th day of November 2015 that the Finance Officer refund \$130 and the Utility Collector make the necessary adjustments.

**CORTES & HAY, INC
C/O LINDA DEGLMAN
110 MAIN STREET
FLEMINGTON, NJ 08822
\$130.00**

Motion made by Councilman Seiss to approve Resolution 2015-119, motion seconded by Councilwoman Grossman. Roll call: Ayes: Grossman, Pettinelli, Schwar, and Seiss. Nays: None.

**RESOLUTION 2015-119
RESOLUTION APPOINTING AND AUTHORIZING THE BOROUGH ENGINEER AND/OR
DIRECTOR OF THE BOROUGH'S DEPARTMENT OF PUBLIC WORKS TO NEGOTIATE A
CONTRACT FOR REDUNDANCY UPGRADES AT FRACE STREET WATER TREATMENT
PLANT**

WHEREAS, the Mayor and Council of the Borough of Alpha have determined that certain improvements are needed for the Borough's potable water system, including but not limited to redundancy upgrades at the Frace Street water treatment plant; and

WHEREAS, the Mayor and Council of the Borough of Alpha have openly and publicly bid such contract for said improvement work – specifically redundancy upgrades at the Frace Street water treatment plant – twice, pursuant to New Jersey law; and

WHEREAS, the Mayor and the Council of the Borough of Alpha have rejected all bids by resolution(s); and

WHEREAS, *N.J.S.A. 40A:11-1, et seq.*, specifically 40A:11-5(3), allows for negotiating where the contract has been bid twice and bids are rejected twice for being too high or a combination of factors; and

WHEREAS, *N.J.S.A. 11-5(3)* provides that two thirds the members of council must vote to pass a resolution to negotiate a contract on similar terms and conditions like those in the contract that had been bid and rejected twice; and

WHEREAS, *N.J.S.A. 11-5(3)* provides that the negotiated price must be lower than the lowest responsible bid that had been rejected.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey that the Borough Engineer and/or the Director of the Borough's Department of Public Works be hereby appointed and authorized to negotiate a contract for the contemplated work for which bids have been sought twice and have been rejected twice – specifically

redundancy upgrades at the Frace Street water treatment plant – understanding the negotiated price for the contract must be lower than the lowest responsible bid that has been rejected by the Borough Council.

BE IT FURTHER RESOLVED, that the Mayor, Clerk, Director of the Department of Public Works and/or Borough Engineer are authorized to execute all necessary documents to effectuate such negotiation of said contract.

Approval of Minutes:

Motion made by Councilwoman Grossman to approve the regular minutes of June 9, 2015 and July 14, 2015, motion seconded by Councilman Seiss., all were in favor.

Department Reports:

Administration, Councilman Pettinelli: Councilman Pettinelli stated the computers should be getting done this Friday. Councilman Seiss asked about the software because the sewer collectors machine is still having problems and needs to be changed. Councilman Schwar stated a new computer will be ordered for that department (Water/Sewer/Tax). In closing, Councilman Pettinelli approved all bills, salaries, and wages for his department.

Finance, Councilman Schwar: Councilman Schwar reminded everyone that the CFO will be out of the office until 12/2. There is a bond sale coming up. He has an insurance meeting on December 1st so if anyone has anything they would like brought up or questions to be asked to bring them to him. Councilman Schwar is still looking into cyber liability insurance. The Budget meeting is scheduled for December 15th, if anyone needs anything from the CFO, please see him on December 3rd. Councilman Seiss stated he has not received the budget sheets for water/sewer and he will be leaving this Sunday and not returning until December 12th. Councilman Schwar approved all bills, salaries, and wages for his department.

Health & Welfare, Councilman Cartabona: Councilman Schwar discussed the old dumpster at the school and having it moved. Councilman Schwar approved bills, salaries and wages for this department.

Public Property, Councilwoman Grossman: Councilwoman Grossman stated that Pohatcong will be using the field house for wrestling. Port a Johns will be pulled out on Monday. Estimate for diffusers was \$1,300.00 from Trane for the municipal building. Councilman Seiss asked her to hold off. Councilwoman Grossman approved all bills, salaries, and wages for her department.

Public Safety, Councilman Rooks: No report. Councilman Seiss requested 10 minutes in executive session regarding Police contract. Councilman Seiss approved bills, salaries and wages for his department.

Public Works, Councilman Seiss: Councilman Seiss gave an update on the pavement project. He stated he was contacted via email regarding a meeting concerning all projects. Councilman Seiss stated he does not approve of the meeting. He will not be here for it. Councilman Seiss approved all bills, wages, and salaries for his department.

Professionals & Official Reports

Attorney, Christopher Troxell: Attorney Troxell spoke about the report received by Stephanie, he wasn't sure of the original cost, asked about Tom & Frank's negotiation with Jim Hill for manholes. Attorney Troxell wrote up a resolution regarding such to be permitted. Frank Seney spoke of Engineer's two original bids.

Engineer – Frank J. Seney: Mr. Seney provided the report summary that was distributed. Mr. Seney brought an application to tonight's meeting and gave to the Deputy to give to the Mayor. Frank Seney stated they are monitoring the grant. Other project updates: valve project, have completed demolition and starting sometime next week. Councilman Seiss stated there is a lot more to do. Asked why we don't have electricians there. Frank stated he will follow up.

Sewer Engineer – Jim Hill: Mr. Hill reported things are closing down for active work. Working on budgeting for 2016. Will have report before the budget meeting.

Councilman Schwar asked if there is a way to document how many feet the manholes are down into the ground, referring to Aurora Street. Jim Hill stated he has begun to document. Will be needed if borough should ever go out to bid.

Councilman Schwar requested 10 minutes executive session for contractual regarding Open Space purchase and five minutes executive session for litigation regarding water/sewer.

Councilman Seiss requested 15 minutes executive session for contractual regarding engineer.

Public Comment:

Jerry Kern, Pohatcong resident, inquired about his sewer billed by Alpha Borough. Asked about payment resolution regarding the billing. Lengthy discussions ensued with regards to incorrect billing and the estimated bills. Councilman Schwar stated it needs to be discussed in executive session, would Mr. Kern like to do this tonight or at the next meeting when there will be more council members present. Mr. Kern stated he would just like an answer. Councilman Schwar stated that it will be taken up at the December 8th meeting.

Craig Dunwell, 1159 Seventh Avenue, asked Mr. Kern if he had a new or old meter. He had an old meter. New meter will give actual reading that's what is used to go back. Mr. Kern stated that it isn't fair in his situation. Doesn't alleviate the fact that someone in the Borough made up numbers for his billing.

Craig Dunwell, 1159 Seventh Avenue, asked Council where the total cost to Frank Seney will be coming from. Mr. Dunwell began going over financing on the white board because Councilman Seiss inquired about it. Councilman Pettinelli asked for a written copy. Mr. Dunwell said he will provide it before the budget meeting.

Payment of Bills & Claims:

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

Councilman Seiss made a motion that the CFO be authorized to pay all bills authorized by the director. Councilwoman Grossman seconded the motion. Roll call: Ayes: Grossman, Pettinelli, Schwar, and Seiss. Nays: None.

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

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
15-00544	10/15/15	HOME	HOME DEPOT/GEFC	SUPPLIES-POST ROADS FOR PAVING	Open	62.52	0.00
15-00545	10/15/15	SARTI	SARTINI PLUMBING & HEATING	MINOR SEWER LINE REPAIR	Open	4,275.00	0.00
15-00580	10/24/15	HALLEY	RICH HALLEY	SAFETY SHIRTS FOR DPW	Open	600.00	0.00
15-00581	10/24/15	NAPA	CARVER'S AUTO PARTS OF WC	TRUCK SUPPLIES	Open	523.55	0.00
15-00608	11/10/15	CASTLE	CASTLE SEPTIC SERVICE CORP	TOILET RENTAL CHARGES	Open	365.00	0.00
15-00609	11/10/15	VITAL	VITAL COMMUNICATIONS, INC	MOD IV/CAMA TAX SYSTEM	Open	102.00	0.00
15-00610	11/10/15	ACTION	ACTION DATA SERVICES	PAYROLL SERVICES	Open	129.65	0.00
15-00611	11/10/15	EAS	EAS BY ACTION DATA	PAYROLL SERVICES	Open	43.19	0.00
15-00612	09/10/15	CURRENT	CURRENT FUND	GRANT REIMB CURRENT	Open	4,936.00	0.00
15-00618	11/14/15	VERIZ	VERIZON WIRELESS	C. OLAH WIRELESS PHONE CHARGES	Open	50.52	0.00
15-00619	11/14/15	ONECA	ONE CALL CONCEPTS	REGULAR LOCATES	Open	22.34	0.00
15-00620	11/14/15	SANDOR	SANDOR EXCAVATING	ASPHALT PATCH OF 5 SINKHOLES	Open	2,800.00	0.00
15-00626	11/17/15	CORTES	CORTES & HAY, INC.	WATER/SEWER OVERPAYMENT	Open	130.00	0.00
15-00627	11/17/15	LSI	LINE SYSTEMS, INC	NOVEMBER PHONE CHARGES	Open	700.92	0.00
15-00628	11/17/15	TROXE	CHRISTOPHER M. TROXELL, ESQ	2015 MUNICIPAL ATTY SVS - NOV	Open	3,750.00	0.00
15-00629	11/17/15	JCPL	JCP&L	ELECTRICITY CHARGES	Open	2,258.27	0.00
15-00630	11/17/15	FEYFI	FEY FIRE PROTECTION INC	ANNUAL SPRINKLER INSPECTION	Open	1,200.00	0.00
15-00631	11/17/15	DEEGAN	DEEGAN BROS. ROOFING & SIDING	PLYWOOD REPLACEMENT - FRACE ST	Open	780.00	0.00
15-00632	11/17/15	FREY ENG	FREY ENGINEERING, LLC	Engineering Services	Open	2,500.00	0.00
15-00633	11/17/15	FREY ENG	FREY ENGINEERING, LLC	Engineering Services	Open	9,039.43	0.00
15-00634	11/17/15	TRITE	DE LAGE LANDEN FINANCIAL SERV	COPIER LEASE	Open	159.49	0.00
15-00635	11/17/15	FREY ENG	FREY ENGINEERING, LLC	Engineering Services	Open	40,696.45	0.00
15-00636	11/17/15	AMGAS	AMERIGAS - CLINTON 7510	PROPANE	Open	862.83	0.00
15-00637	11/17/15	FREY ENG	FREY ENGINEERING, LLC	Engineering Services	Open	31,563.24	0.00
15-00638	11/19/15	VERI DSL	VERIZON ONLINE	VERIZON ONLINE/INTERNET	Open	101.99	0.00
Total Purchase Orders: 25				Total P.O. Line Items: 0	Total List Amount: 107,652.39	Total Void Amount: 0.00	

New Business:

Motion made by Councilwoman Grossman to approve bingo license for Alpha Volunteer Fire, (request waiver of fee) #BA-2015-1, motion seconded by Councilman Pettinelli. All were in favor.

Executive Session:

Councilwoman Grossman made a motion to approve the following resolution to go into executive session for 50 minutes for contractual, litigation. Motion seconded by Councilman Pettinelli, 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 50 minutes, allowing for a five (5) minute recess between the regular session and the executive session.

Return to Regular Session

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

Adjournment:

Seeing no further business to come before Council, motion made by Councilman Seiss to adjourn the meeting at 10:31 p.m., motion seconded by Councilman Pettinelli, all were in favor.

Respectfully submitted,

Amy Sharpe

Deputy Borough Clerk