

Mayor Hanics called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on December 8, 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 (*Councilman Cartabona came into the meeting at 7:25 p.m.*) Councilwoman Grossman, Councilman Pettinelli, Councilman Rooks, and Councilman Schwar. Also present, Attorney Christopher Troxell and Clerk, Laurie A. Barton. Absent; Councilman Seiss.

*Public Comment:*

Bill Morris, Alpha St., stated it's been 4 months about since the discussion of eminent domain for and asked if anything has been done about the Stasak junkyard? Mr. Morris also asked if there is a weight limit on Alpha Street?

*Ordinances:*

Motion to approve Ordinance 2015-08 made by Councilman Schwar and seconded by Councilwoman Grossman with the public hearing scheduled for December 29<sup>th</sup>. Roll call: Ayes: Councilman Cartabona, Councilman Pettinelli, and Councilman Rooks. Nays: None.

**ORDINANCE 2015-08  
CHAPTER 403. SEWERS  
ARTICLE VIII. FOOD-RELATED GREASE CONTROL  
§ 403-76.**

The purpose of this article is:

A.

To prevent the obstruction and overflow of the municipal sewer system caused by a blockage or other interference resulting from wastewater discharges containing fats, oils and/or grease from food-related businesses into the Alpha Borough sewer system.

B.

To abate a nuisance and prevent any health hazards created by the discharge of fats, oils, and/or grease into the Alpha Borough sewer system that may threaten or cause injury to public health, safety, and welfare of life, property and/or the environment.

§ 403-77. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**EXTERNAL GREASE INTERCEPTOR (EGI)**

Also known as a "gravity grease interceptor," and means a plumbing appurtenance or appliance that is designed by a licensed professional engineer to be installed in a sanitary drainage system to intercept non-petroleum fats, oils, and greases (FOG) from a wastewater discharge, is identified by volume, baffle(s), a minimum of two compartments, and gravity separation, and is installed exterior to the establishment.

**EXISTING ESTABLISHMENT**

Any nonresidential establishment which has obtained a valid sewer connection permit from Alpha Borough Sewerage Utility prior to the effective date of this article. Changes in ownership or use, or major renovations to an existing establishment will cause the establishment to be classified as a new establishment.

**FATS, OILS AND/OR GREASE (FOG)**

Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All may be referred to herein as "FOG", "grease" or "greases."

**INTERNAL GREASE INTERCEPTOR (IGI)**

Also known as a "hydro-mechanical grease interceptor," means a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum fats, oils, and grease from a wastewater discharge and is identified by flow rate, separation and retention efficiency. The design incorporates air entrainment, hydro-mechanical separation, interior baffling, and/or barriers in combination or separately, and an external flow control, with air intake (vent).

**NEW ESTABLISHMENT**

Any establishment that is not defined as an existing establishment, including change of ownership or use, or major renovations to an existing establishment.

§ 403-78. Enforcement; waiver; construal of provisions.

A.

Alpha Borough Sewerage Utility personnel, board members, or other designated and duly authorized representatives (e.g., Utility Engineer, Licensed Operator, etc.) shall administer, implement and enforce the provisions of this article.

B.

The Alpha Borough Sewerage Utility may waive or relax specific requirements set forth by this article when in its opinion the release of FOG into the sewer system is not likely to occur. The property or business owner shall submit a written request for a waiver from the requirements of this article. The written request shall include supporting documentation as to why the requirements should be waived.

C.

This article shall be liberally construed to permit the Alpha Borough Sewerage Utility to discharge its functions and duties.

D.

The Alpha Borough Sewerage Utility personnel, board members, or other designated representatives (e.g., Utility Engineer, Licensed Operator, etc.), shall exercise his or her discretion with respect to any related matters not directly governed by this article.

§ 403-79. [Reserved for Future Use] Best management practices for grease control in retail food establishments.

Reserved for future use.

§ 403-80. Grease interceptors required.

All nonresidential properties and/or businesses engaged in a food-related business, or which may potentially discharge FOG into the Alpha Borough sewerage system must install, operate and maintain approved grease interceptors or similar technology to achieve compliance with the objectives of this article.

§ 403-81. Prohibited acts.

No person, property owner or business owner shall:

A.

Discharge or cause to be discharged FOG into the Alpha Borough sewer system in a manner that will allow the accumulation of liquid and/or solidified grease that is in a quantity which is capable of being visually observed in the sewer lines or which accumulates within the system in a manner that potentially obstructs or hinders the flow of sewage along its intended path.

B.

Store, dispose of, handle, or discharge FOG in a manner that creates a nuisance or potential nuisance.

C.

Clean grease interceptors, monitoring points and/or sewer lines in a manner that allows solidified or emulsified FOG to be transported into the Alpha Borough sewer system. This includes the improper use of chemicals, hydraulic sewer line jetting without the subsequent reclamation of dislodged FOG, steam cleaning or any other manner that fails to ensure the removal of the FOG from the sewer system prior to release into the downstream Alpha Borough sewer system.

D.

Permit the installation of new or the replacement of existing food grinders and/or garbage disposal units within the plumbing system of any retail food establishment that generates FOG.

E.

Dispose of waste cooking oil into the sewer system. All waste cooking oil shall be collected and stored in leak-proof, securely covered receptacles such as barrels or drums for recycling or an alternate, approved method of disposal. Written documentation of disposal methods must be maintained on-site for a minimum of three years.

§ 403-82. Discharge of wastewater containing fats, oils and/or grease.

A.

Owners of nonresidential properties and/or businesses engaged in a food-related business shall not discharge or cause to be discharged any wastewater containing fats, oils and/or grease, either directly or indirectly, into the Alpha Borough sewer system without complying with this article.

B.

No person, property owner or business owner shall discharge, cause to be discharged, or permit to be discharged into the public sewer system, sanitary wastewater with FOG content in excess of 100 ppm.

C.

Nonresidential properties which must comply with the above include but are not limited to retail food establishments or other nonresidential establishments involved in the production, preparation, manufacture, storage, transportation or handling of food. The Alpha Borough Sewerage Utility may also require other nonresidential properties that are not engaged in a food-related business to adhere to the requirements of this article when, in its opinion, a discharge of FOG is likely to occur.

D.

Sampling and testing shall be conducted in accordance with appropriate methods established in 40 CFR 136.

§ 403-83. Grease control plan required.

All businesses and properties that are required to have a grease interceptor shall have a written grease control plan in accordance with the following requirements. Applications for the grease control plan shall be submitted to the Alpha Borough Sewerage Utility for review.

A.

New establishments.

(1)

All new establishments which require a grease interceptor shall operate under an approved grease control plan. Approval of the grease control plan must be obtained prior to submission of applications for sewer connection permits.

(2)

The grease control plan shall be signed and sealed by a licensed design professional and shall include, at a minimum: a completed Alpha Borough Sewerage Utility Application for Grease Control Plan, detailed plans, equipment listings, equipment specifications, calculations, supporting documentation and operational directives. The plan shall include all grease-related features and components planned for the operation.

(3)

The approved grease control plan shall be maintained on-site and be made immediately available to Alpha Borough Sewerage Utility personnel, board members, or authorized representatives (e.g., Utility Engineer, Licensed Operator, etc.) upon request. Operational maintenance records shall be retained on-site for three years.

(4)

Grease interceptors shall be designed and installed in accordance with the manufacturer's specifications, the current Plumbing and Drainage Institute guidance documents, and the National Standard Plumbing Code in effect at the date of application for plumbing permits for the project. EGIs shall be designed by a professional engineer and shall meet the standards set forth in

N.J.A.C. 7:9A-8.1.

(5)

Any drain that may potentially receive FOG waste must be directed through an approved grease interceptor. This includes but is not limited to those leading from three-basin sinks, meat/poultry/fish food preparation sinks, scullery sinks, pot wash sinks, floor drains and troughs, soup kettles, woks, hood drains, dishwashers, pre-rinse stations and existing food grinders.

(6)

Grease recovery units, active grease removal components, or alternate technologies for grease control may be permitted if the applicant can demonstrate and certify that the discharge limitations set forth in this article can be achieved.

(7)

Grease interceptors shall be designed and located to facilitate easy access for cleaning and inspection. Access openings, lids, and inspection ports shall not be obstructed.

(8)

A pre-rinse station must be installed immediately adjacent to every automatic dishwasher and shall direct wastewater through a strainer prior to release to the grease interceptor or grease recovery unit.

(9)

New establishments which are heavy grease generators shall be required to install an EGI. These include but are not limited to establishments that operate fixtures similar in nature to a fryer, grill, char broiler, rotisserie, griddle, wok, or whose menu reflects foods with a high grease or fat content and/or that serve a large population such as a school, hospital, hotel, food court, commercial kitchen, cafeteria serving a building over 20,000 square feet, conference center, or similar facility. The Alpha Borough Sewerage Utility may waive this requirement if the applicant presents sufficient convincing data to demonstrate that the discharge of FOG into the sewers will be prevented through alternative means.

(10)

EGIs shall be installed entirely on the owner's property.

(11)

Grease interceptors shall be sized in accordance with manufacturer's specifications, the current PDI guidance documents, and the National Standard Plumbing Code in effect at the date of application for plumbing permits for the project. Design requirements and sizing formulas are intended as a guide in determining grease interceptor sizes and shall be considered the minimum sanitary sewer protection against prohibited FOG discharge. In approving a design for a grease interceptor, the Alpha Borough Sewerage Utility does not accept liability for the failure of a system to adequately limit concentrations of FOG or to prevent prohibited discharges of FOG. It shall be the responsibility of the owner to ensure at all times that the appropriate level of treatment and maintenance is provided to comply with this article.

(12)

No monolithic tanks functioning as EGIs in which the seam is below the liquid level shall be designed, installed and inspected under the direction of a licensed professional engineer. Written, signed and sealed leak testing results shall be submitted prior to operation of the unit.

B.

Existing establishments. Existing establishments which do not have an Alpha Borough Sewerage Utility- approved grease control plan shall develop and implement a written grease control plan in accordance with the requirements of this article. Existing establishments shall submit a grease control plan to the Alpha Borough Sewerage Utility within 365 days from the effective date of this article. Grease control plans for existing establishments that do not meet current standards may be approved as “pre-existing non-conformance” until such time as the establishment is considered a new establishment (e.g., change of ownership/use or major renovations). The grease control plan shall at a minimum include:

(1)

A schematic or plan showing the location of the existing grease interceptor(s) or related equipment, including all drains and food-related equipment that are tributaries to the grease interceptor.

(2)

A listing of all food-related equipment on-site that may potentially discharge FOG, including, but not limited to, the three-basin sinks, meat/poultry/fish food preparation sinks, scullery sinks, pot wash sinks, floor drains and troughs, soup kettles, woks, hood drains, dishwashers, pre-rinse stations, and food/garbage grinders and disposals.

(3)

Design specifications on the grease interceptor(s), including but not limited to the manufacturer, model number, certification, and grease retention capacity.



(4)

Maintenance records, including contracts for professional servicing, cleaning logs, and reclamation histories.

(5)

Manufacturer details and maintenance logs and contracts on all chemical additives, alarms, pump systems, filters or similar technologies installed in association with grease control at the establishment.

(6)

Existing establishments are required to comply with the grease control plan approval process for new establishments as set forth above if there is a change of ownership, change of use, establishment undergoes renovation, or there are documented violations of this article.

C.

Multiuse properties.

(1)

The owner of all nonresidential properties that have one or more FOG-generating establishments must have a grease control plan as set forth in this section. Multiuse properties include but are not limited to shopping centers, malls, retail centers, office parks, and professional centers.

(2)

Multiuse properties that have existing FOG-generating establishments shall submit a grease control plan to the Alpha Borough Sewerage Utility within 365 days from the effective date of this article.

(3)

Grease control plan.

(a)

The grease control plan for existing and proposed multiuse properties shall as a minimum include the following:

[1]

Documentation signed and sealed by a licensed design professional.

[2]

A site plan locating sewer laterals, connections, manholes, inspection ports, monitoring points, EGIs, and related elevations; locations housing EGIs, grease retention capacities for EGIs and supporting calculations.

[3]

Maintenance plans, self-inspection schedules and related documentation for grease control of the property.

[4]

Written rules and requirements for FOG-discharging establishments located on the property.

[5]

Contact names and phone numbers for grease-related emergencies.

[6]

Manufacturer's documentation and maintenance logs for all chemical additives, alarms, pumps, filters or similar technologies installed in association with FOG control on the property.

(b)

The Alpha Borough Sewerage Utility may waive or relax any of these items for existing properties when, in its opinion, the release of FOG into the sewer is not likely to occur or where the establishment has demonstrated that the information is not available.

§ 403-84. Monitoring points.

A.

A monitoring point shall be provided downstream of any EGI outlet and as close as possible to the public sewer main but prior to connection of an additional discharger.

B.

When IGI's are the sole means of grease control for a new establishment, the installation of a monitoring point may be required by the Alpha Borough Sewerage Utility.

C.

New multi-use properties with two or more FOG-generating establishments shall provide a monitoring point.

D.

Monitoring points shall be designed and constructed in accordance with the specifications provided below:

- (1) Monitoring points shall be located on private property and downstream of all FOG discharges to be observed and prior to but as close as possible to the municipal sewer connection.
- (2) The monitoring point shall be a typical manhole configuration, as per the Alpha Borough Sewerage Utility typical construction details.
- (3) Monitoring points shall provide an access point for visual observation of the EGI or IGI effluent. They

shall also accommodate physical access to the effluent by way of entry of the monitoring point.

§ 403-85. Sewer/grease interceptor additives.

A.

The use of chemical additives such as enzymes, emulsifiers, or similar chemicals that will liquefy FOG are prohibited from use where they may be discharged into grease waste sewer lines or grease interceptors.

B.

Bioremediation media which have been approved by the Phillipsburg Sewer Utility may be used for grease control. Bioremediation media shall only be used with approved FOG disposal systems, ASME A112.14.4. These systems shall be designed and installed under the direction of a licensed professional engineer. In no case will the additives negate the requirement for a grease interceptor. The Alpha Borough Sewerage Utility may prohibit the use of specific additives if they may cause adverse effects to any component of the sewer system.

§ 403-86. Maintenance and operation.

A.

Good repair. Grease interceptors, monitoring points, grease recovery units and all associated grease control equipment shall be maintained in good repair and sound operating condition.

B.

Cleaning. Grease interceptors shall be maintained in an efficient operating condition by the periodic removal of accumulated grease, scum, oil, or other floatable substances and solids deposited in the interceptor. Cleaning intervals shall be frequent enough such that grease does not bypass the interceptor. At no time shall the accumulated grease waste within the interceptor be permitted to exceed 25% of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe. IGI's shall be cleaned a minimum of one time per month. EGI's shall be cleaned a minimum of one time every three months. Time-interval dependent cleanings can be waived or adjusted if the facility can demonstrate through documentation that the discharge requirements can be met through an alternative schedule. An alternate schedule will not be approved until the interceptor has been operated and cleaned as specified above (i.e., once per month for an IGI or once per three months for an EGI) for a minimum of two years.

(1)

The cleaning of grease interceptors, sewer lines and related equipment shall be performed in a manner that will not permit the discharge of FOG into the sewer system operated by the Alpha Borough Sewerage Utility.

(2)

Solidified FOG that has accumulated in sewer lines on the owner's property shall be removed in a manner approved by the Alpha Borough Sewerage Utility and under no circumstances shall be permitted to be released downstream into the Utility's sewer system.

C.

Notification of sewer line cleaning. Property owners shall notify the Alpha Borough Sewerage Utility prior to jetting or cleaning of the sewer lines external to a structure. Property/Business owners shall notify the Alpha Borough Sewerage Utility 48 hours prior to any routine cleaning operation. Emergency cleanings due to blockages shall be reported to the Alpha Borough Sewerage Utility prior to commencing the cleaning operation.

D.

Safety. Confined space entry associated with the cleaning of sewer lines on private property shall be conducted in a safe manner and comply with OSHA standards, 29 CFR 1910.146. The Department of Emergency Services shall be notified in accordance with the guidelines set forth in this article for activities involving confined space entry.

E.

Records. Written documentation of grease interceptor maintenance and repairs shall be kept on-site for three years. A maintenance log shall be kept which includes at a minimum the following information: date and time of cleaning, quantity of grease removed, results of visual interior self-inspections, disposal of the waste, and name of individual or company performing the maintenance.

F.

Annual Report. Written annual reports documenting maintenance, self-inspections, and repairs shall be submitted annually to the Alpha Borough Sewerage Utility. Annual Reports must be received by **January 31 of each year**. Annual reports shall include the same information as the above-mentioned maintenance log, which includes at a minimum: date and time of cleaning, quantity of grease removed, results of visual interior self-inspections, disposal of the waste, and name of individual or company performing the maintenance. Failure to submit annual reports shall result in a violation and a penalty will be incurred.

G.

Multiuse properties. Owners of multiuse properties that are required to have a grease control plan shall maintain the following documentations: logs with dates of sewer line cleanings, dates and locations of grease-related blockages, name and contact information for professional services, receipts for professional cleaning services, logs of sewer maintenance efforts, and self-inspection records of FOG-generating establishments. All requested documentation shall be made available to the Alpha Borough Sewerage Utility upon request.

H.

Education. All kitchen employees whose job responsibilities may impact the grease control plan must be trained on the requirements of the facility's plan. A written verification of training shall be retained by the facility during the employee's term of employment with the facility and for three years thereafter.

I.

Posting. Drains that are not directed through a grease interceptor and are located in high grease handling areas of commercial kitchens shall be affixed with a nonabsorbent posting stating "No Grease."

§ 403-87. Inspections.

A.

Authorized representatives of the Alpha Borough Sewerage Utility, including but not limited to Utility personnel, board members, or designated and duly authorized representatives (e.g., Utility Engineer, Licensed Operator, etc.), shall be permitted to enter and inspect all properties that are required to have a grease control plan. This right of investigation and inspection shall include the right to measure, observe, monitor, video (with a sewer camera if deemed necessary by the inspector), photograph, sample, test, record, review and make copies of all pertinent documents.

B.

Inspections shall be performed on between the hours of 8AM and 6PM, Monday through Friday. The Alpha Borough Sewerage Utility is not required to provide notice prior to an inspection.

C.

Inspections shall be performed up to one time annually, unless the initial inspection results in a violation. If the initial inspection results in a violation subsequent inspections shall be performed until such time as no violations exist.

D.

The owner of the property or establishment shall maintain on-site the tools necessary to gain access to grease interceptors, monitoring points and inspection ports at all times.

E.

An inspection fee of \$50.00 shall be charged and is payable to the Alpha Borough Sewerage Utility. A re-inspection fee of \$35.00 shall be charged for each re-inspection. Re-inspections shall be necessary when violations result from the initial inspection.

§ 403-88. Recovery of costs.

In the event it is determined that a blockage or interference of the Alpha Borough sewer system is the result of the discharge from any FOG-generating property, all costs incurred by the Alpha Borough Sewerage Utility will be charged to the owner and/or tenant. Such costs may include, but are not limited to: costs of investigating the source of and clearing the blockage/interference; damages to sewer lines and pump stations; laboratory testing; administrative, legal and engineering costs, cleanup of pollution to surrounding soils or water and reimbursement of any penalties imposed by regulatory agencies.

§ 403-89. Violations and penalties.

A.

In locations where the property owner differs from the business owner, both parties shall be jointly and separately responsible for ensuring that prohibited items are not discharged into the sewer system.

B.

Each violation of this article shall result in a penalty to be paid to the Alpha Borough Sewerage Utility.

Penalties for violations of this article shall be as set forth in the Food-Related Grease Control Violation Penalty Schedule.

**Table 403-1: Food-Related Grease Control Violation Penalty Schedule**

<b>VIOLATION</b>	<b>PENALTY</b>
a) Failure to institute or enforce an approved grease control plan	<b>\$100.00 - \$2,000.00</b>
b) Failure to submit an annual report	<b>\$100.00 - \$2,000.00</b>
c) Failure to grant inspection access	<b>\$200.00 - \$2,000.00</b>
d) Failure to maintain records	<b>\$100.00 - \$2,000.00</b>
e) Failure to properly maintain grease trap	<b>\$200.00 - \$2,000.00</b>
f) Causing a partial or total sanitary obstruction and/or overflow due to a prohibited discharge containing fats, oils and/or grease	<b>\$200.00 - \$2,000.00</b>
g) Causing a health hazard due to a prohibited discharge containing fats, oils and/or grease	<b>\$300.00 - \$2,000.00</b>

(2)

Repeat Offender. An additional penalty shall be imposed when a violation is documented more than one time within a one-year period. The additional penalty will be 50% of the penalty as set forth in the Food-Related Grease Control Violation Penalty Schedule. The additional penalty shall not count towards the “not to exceed” values for items a) through e) in the Food-Related Grease Control Violation Penalty Schedule. Additional repeat offender penalties shall not be applied to the costs as described in § 403-88 Recovery of costs.

C.

Failure to grant access the Alpha Borough Sewerage Utility or their representatives shall be considered a violation.

D.

If a violation results from a prohibited discharge or grease blockage in the Alpha Borough sewer system, the Alpha Borough Sewerage Utility may require design improvements in addition to the penalties assessed.

E.

If a prohibited discharge and/or blockage/interference is a repeat violation, the Alpha Borough Sewerage Utility may require the installation of an audiovisual alarm system equipped with a means of recording and identifying when the storage capacity which allows for efficient operation of the grease interceptor system has been exceeded.

F.

If a prohibited discharge and/or blockage occurs two or more times within a twelve-month period, the violator will be required, under the direction of a licensed design professional, to investigate the source of the prohibited discharge and implement an improved grease control plan to prevent future prohibited releases. The written improved grease control plan shall be submitted to the Alpha Borough Sewerage Utility within 30 calendar days of receipt of the notice of violation for approval. Remedial management plans shall be implemented immediately.

G.

Upon written notification by the Alpha Borough Sewerage Utility of mandated design improvements due to an illegal release of FOG into the sewer system or a documented grease blockage or interference, the owner/operator shall install and maintain said improvements within 90 days. Failure to comply within the allotted time period shall be considered a violation of this article.

*Resolutions:*

Motion made by Councilman Schwar to approve Resolution 2015-120, motion seconded by Councilwoman Grossman. Roll Call: Ayes; Cartabona, Grossman Pettinelli, Rooks, and Schwar. Nays; None.

**RESOLUTION 2015-120  
RESOLUTION AWARDING 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 installing a redundancy upgrades at the Frace Street water treatment plant and the Pursel Street facility; and

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

**WHEREAS**, such contract was bid twice and rejected twice with the first bid of \$285,000.00 by PACT Two Construction LLC having been rejected by the Borough Council on November 12, 2013 by resolution and the second bid of \$265,000.00 by PACT Two Construction LLC having been rejected by operation of law due to the Borough Council’s not awarding the contract (by resolution) within 60 days of receipt of the second bid, as referenced at the May 13, 2014 meeting.

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

**WHEREAS**, *N.J.S.A.40A: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 same has occurred; and

**WHEREAS**, *N.J.S.A.40A: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 said water system improvements contract for contemplated work, construction and improvements to the Borough’s potable water system as previously delineated in the previous two bids – redundancy upgrades at the Frace Street water treatment plant and the Pursel Street facility – is hereby awarded to PACT Two Construction LLC of Ringoes, New Jersey, in an amount of \$190,000.00 for said work, with which the Borough Council agrees, 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 Rooks to approve Resolution 2015-121, seconded by Councilwoman Grossman. Roll Call: Ayes; Cartabona, Grossman Pettinelli, Rooks, and Schwar. Nays; None.

**RESOLUTION 2015-121  
REFUND OVERPAYMENTS**

**WHEREAS**, the following properties have an overpayment of property taxes for the tax year 2015;

**WHEREAS**, any overpayment greater than \$5.00 must be returned;

BLOCK 18.01, LOT 10	BILLS, ALISON C.	\$1,524.30
BLOCK 28.02, LOT 16	OLESZEK, EDWARD	\$371.52
BLOCK 31.01, LOT 6	VELEZ, DANIEL & NANCY	\$151.13
BLOCK 84.01, LOT 20	WILLIAMS, RITA ANN	\$3,699.45



**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpha on this 8th day of December 2015 that the Chief Financial Officer is hereby authorized to issue refund check for all of the above and the Tax Collector shall note the records accordingly.

*Department Reports:*

*Administration, Councilman Pettinelli:* Councilman Pettinelli reported the computers should come in on Friday or next Monday. Councilman Pettinelli stated he will buy the Tax Collector her computer, desktop, since there is enough money in the account. In closing, Councilman Pettinelli approved bills, salaries, and wages for his department.

*Finance, Councilman Schwar:* Councilman Schwar asked about the meeting minutes on website. Councilman Schwar reported on the letter received from the PAIC, in which they are changing carriers. Councilman Schwar reported that this is strictly a financial move, better coverage for less money. The quote for the newest insurance, cyber insurance, insures computer software in case of hacking. They will pay to have stuff put back in cloud. The budget meeting is next Tuesday at 7:00pm.

Councilman Schwar requested 10 minutes in executive session for personnel. In closing, Councilman Schwar approved bills, salaries, and wages for his department. Councilwoman Grossman asked for a breakdown of departmental budgets before the budget meeting. Discussions ensued regarding the possibility of having a Qualified Purchasing Agent for the Borough.

*Health & Welfare, Councilman Cartabona:* Councilman Cartabona provided the report from the Warren County Health Department for the month of November. In closing, Councilman Cartabona approved bill, salaries, and wages for his department.

*Public Property, Councilwoman Grossman:* No report. Approved bills, salaries, and wages for her department.

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

*Public Works, Councilman Seiss:* Councilman Seiss not present. Councilman Schwar approved bills, salaries, and wages for this department.

*Professionals & Official Reports:*

*Mayor, Edward Hanics, Jr.:* Mayor Hanics requested 15 minutes in executive session for Personnel.

*Police Department, Chief James Faulborn:* Police Chief provided the police report for month of November. On December 17<sup>th</sup> the Phillipsburg Police Department will be hosting a “have coffee with a cop” at the Alpha firehouse from 5-7pm.

*Fire Department, Chief Sean McDyer:* Chief McDyer reported 12 calls for the month of November. This past weekend they had Breakfast with Santa and served over 300. December 19<sup>th</sup> Santa will be going around on the fire truck at noon.

*Engineer – Frank J. Seney:* Frank Seney said not much to report. Mayor signed application for hazard preliminary assessment for Lehigh Fuel. Will submit it for the grant. Mr. Seney reported on the following: upgrades with valve project. Frace Street, waiting for parts. They are there today. Work will be completed for Monday and get back on line, need every contractor. Week of December 21<sup>st</sup> to put back on line and close project out.

*Sewer Engineer – Jim Hill:* Jim Hill summarized entire sewer system upgrades and projects up to date. Mr. Hill broke the borough down into 5 sections and went through each year for maintenance, with respect to each section of the Borough.

*CFO, Charles Daniel:* Mr. Daniel stated that the Borough went for a bond anticipation note in the past, and in which it needs to be renewed every year for ten years. \$470,000 increased it. Mr. Daniel reported that the closing will be December 14<sup>th</sup>

Councilman Schwar stated at this time the reorganization meeting will take place January 1<sup>st</sup> at noon.

*Recycling Coordinator – Thomas Fey:* No report. Will be sending businesses letters by the end of January.

*Code Enforcement – Thomas Fey:* Mr. Fey gave the following report: 1123 East Blvd., tree needed to be trimmed, has been completed. 735 Lee Avenue, tree over road has been taken care of. Mike Stasak cleaning of yard. Sharon Hoffman, 624 Alpha

Street, junk in rear yard. 763 South Blvd., tarp on roof, tree in yard hanging over neighbor's property.

624 Alpha Street, call from police officer regarding the property. 1115-1117 East Blvd., sidewalk, did get a response, new sidewalk installed. 536 Alpha Street, house needs to be demolished. 631 Dewey Ave., trees, bushes, fence, and trash. 768-768A South Blvd., tarp on roof, tree branches, and letter went out certified. 814 Sigsbee Ave., letter went out. 707 Frace Street, abandoned house, house was sold. Certified letters went out in December for past properties with issues. Need Council approval to speak with town attorney as to what to do with house on Alpha Street. Mr. Fey reported on the letter he received concerning a new state law, a law that was passed to aid municipalities with neighborhoods with abandoned properties and foreclosures. Mr. Fey reported on updating current ordinance, need to have Troxell take a look at it. Unfit houses, need to incorporate into the ordinance.

#### *Public Comment*

Craig Dunwell, 7<sup>th</sup> Avenue, commended Council on finally authorizing the redundancy project. Mr. Dunwell discussed what the borough did in the past with properties that needed cleaning up. In 2013, the DPW was sent to the property with a dumpster, spent a week cleaning it, and a \$5,000 lien was put against the property.

Bill Morris, Alpha St., stated that neighbors on that side of the street are cleaning it up on Alpha Street. Neighbors are going to be challenging their taxes because of the property conditions.

Jerry Kern, High Street, here because was told at last meeting to show up for Executive Session. Councilman Schwar requested 15 minutes in Executive session for Mr. Kern, regarding his water billing issues.

Craig Dunwell, 7<sup>th</sup> Avenue, discussion with Councilman Pettinelli last Friday about issues going on at the school. Hearing rumors about big changes at the school. If School Board is making drastic changes it should be with a public forum. Consider resolution to express a desire to do things in public transparent.

Lengthy discussions ensued regarding rumors of the school doing shared services with Phillipsburg.

Tom Fey, East Blvd., said changes at Alpha School, has been talking with a School Board Member off the record, things are coming down the line. School doesn't advertise for public input. Good idea for one Council Member to attend School Board meetings.

Mr. Fey inquired about the grease trap ordinance and asked who would be enforcing it.

*Payment of Bills & Claims:*

Councilwoman Grossman made a motion to make the director's reports 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 directors with the addition of #15-00667 in the amount of \$12,000 to the Alpha Fire Department. Councilwoman Grossman seconded the motion. Roll call; Ayes; Cartabona, Grossman, Pettinelli, Rooks and Schwar. 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 and Schwar. Nays: none.

December 5, 2015 12:59 PM		BOROUGH OF ALPHA Bill List By P.O. Number		Page No: 1			
P.O. Type: All Range: First to Last Format: Condensed				Open: N	Paid: N	Void: N	
				Rcvd: Y	HeId: Y	Aprv: N	
				Bid: Y	State: Y	Other: Y	Exempt: Y
PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
15-00265	06/23/15	MGL	MGL PRINTING SOLUTIONS	CAT AND DOG TAGS 2016	Open	327.00	0.00
15-00541	10/15/15	NJSTA	NJ STATE LEAGUE MUNICIPALITIES	HELP WANTED AD - TAX ASSESSOR	Open	110.00	0.00
15-00639	11/23/15	JEWELL	JEWELL COMPUTING SOLUTIONS LLC	LAPTOP REPAIR - CHARLES DANIEL	Open	67.84	0.00
15-00641	11/23/15	ACTION	ACTION DATA SERVICES	PAYROLL SERVICES	Open	258.73	0.00
15-00642	11/23/15	EAS	EAS BY ACTION DATA	PAYROLL SERVICES	Open	151.80	0.00
15-00643	11/23/15	METZE	METZ & SON ELECTRICAL, INC	TROUBLESHOOT HEATER AND LIGHT	Open	290.54	0.00
15-00644	11/23/15	COYNE	COYNE CHEMICAL	SODIUM HYPOCHLORITE 15%	Open	3,450.60	0.00
15-00646	11/24/15	NJN	NJN PUBLISHING	ADVERTISING	Open	383.52	0.00
15-00647	11/25/15	JCPL	JCP&L	ELECTRICITY CHARGES	Open	2,647.97	0.00
15-00651	12/03/15	QC	EUROFINS QC, INC.	WATER TESTING	Open	85.00	0.00
15-00653	12/03/15	POSTM	POSTMASTER	2016 1ST QTR WATER/SEWER BILLS	Open	361.20	0.00
15-00654	12/03/15	NJSTA	NJ STATE LEAGUE MUNICIPALITIES	1/9/16 SEMINAR - JACK PREISS	Open	120.00	0.00
15-00655	12/03/15	TOWNP	TOWN OF PHILLIPSBURG	2015 4TH QTR SEWAGE BILLING	Open	77,332.19	0.00
15-00656	12/03/15	VERI	VERIZON	LIBRARY PHONE CHARGES	Open	89.95	0.00
15-00657	12/03/15	BARTO	LAURIE BARTON	MEAL AND MILEAGE REIMBURSEMENT	Open	315.52	0.00
15-00658	12/05/15	SUPLEE	SUPLEE, CLOONEY & COMPANY	AUDIT FOR THE YEAR 2014	Open	19,100.00	0.00
15-00659	12/05/15	ELIZGA	ELIZABETHTOWN GAS	GAS CHARGES	Open	485.42	0.00
15-00660	12/05/15	TRITE	DE LAGE LANDEN FINANCIAL SERV	COPIER LEASE - DECEMBER 2015	Open	167.47	0.00
15-00661	12/05/15	BILLSALI	ALISON C. BILLS	2015 TAX OVERPAYMENT	Open	1,524.30	0.00
15-00662	12/05/15	OLESZIK	EDWARD OLESZEK	2015 TAX OVERPAYMENT	Open	371.52	0.00
15-00663	12/05/15	VELEZDAN	DANIEL & NANCY VELEZ	2015 TAX OVERPAYMENT	Open	151.13	0.00
15-00664	12/05/15	WILLIAMS	RITA ANN WILLIAMS	2015 TAX OVERPAYMENT	Open	3,699.45	0.00
15-00665	12/05/15	VANVELD	ESTATE OF GERDA VANVELDHUISEN	2015 TAX OVERPAYMENT	Open	579.77	0.00
Total Purchase Orders: 23				Total P.O. Line Items: 0	Total List Amount: 112,070.92	Total Void Amount: 0.00	

*New Business:*

Raffle, Huntington Fire House, RA2015-09. Motion made by Councilman Rooks to approve the raffle license, Councilwoman Grossman seconded. All were in favor.

*Executive Session:*

Councilman Schwar made a motion to approve the following resolution to go back into executive session for 40 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 40 minutes, allowing for a five (5) minute recess between the regular session and the executive session.

*Return to Regular Session*

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

*Adjournment:*

Seeing no further business to come before Council, motion made by Councilman Rooks to adjourn the meeting at 9:00 pm, motion seconded by Councilman Schwar, all were in favor.

Respectfully submitted,

*Laurie A. Barton*

Borough Clerk