

Mayor Dunwell called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on April 25, 2017.

Mayor Dunwell 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, 2017, 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 Dunwell led prayer and the salute to the flag.

*Roll Call:* Present; Councilman Cartabona, Councilwoman Gable, Councilman Pettinelli, Councilman Schwar and Councilman Seiss. Absent; Councilwoman Grossman.

#### *Public Comment:*

John D'Angelo, Springtown Rd, advised that on June 24<sup>th</sup> the AYAA would be holding its 3<sup>rd</sup> annual picnic at the pavilion from 2-6 pm. He also advised that the first and third week of summer, the AYAA would be holding a summer sports camp from 9-1 pm on Monday-Thursday. The cost would be \$10 per day, \$30 per week, and \$50 for 2 weeks. Mr. D'Angelo also expressed his concern with the maintenance and mowing of the fields.

John Schmidt, Schley Avenue, inquired about the grass at Benke Field and the fields needing to be mowed. Mr. Schmidt also advised about a crack along the curbside of South Blvd and Schley Avenue where water is seeping down. Mr. Schmidt inquired about paying sewer for the outdoor usage of water.

Dave Cavanaugh, 6<sup>th</sup> Avenue, inquired about roadwork issues and roads that need to be repaved that had previously had work done on them. He also inquired if the tax budget is what pays for the grass cutting that is done for the AYAA. Mr. Cavanaugh expressed how he is tired of the town engineer getting paid for the bids on the pool.

Rosemarie Frasier, Alpha Street, expressed concern about her water bill being too high and inquired about possibly having a credit towards her bill.

Jody Smith, 5<sup>th</sup> Avenue, commented on the water issue with Ms. Frasier, and inquired about possibly putting a new water meter in to see if the meter is the issue.

Leo Pursell, High Street, commented on the water issue with Ms. Frasier, and inquired about waiving the interest fee on her bill.

Joey Foor, Morris Street, expressed his concern about the gas station properties in the borough being cleaned up. He also advised that grass needed to be cut on 1<sup>st</sup> Avenue.

Sharon Hoffman, 6<sup>th</sup> Avenue, inquired about Mr. Stasak's property on 7<sup>th</sup> Avenue and the property not being cleaned up. She asked why it is taking so long for him to be summoned. Ms. Hoffman also inquired about the water service being sent to Mr. Stasak's property illegally.

George Cupon, Sampson Avenue, inquired about the water softener.

*Resolutions:*

Motion made by Councilman Cartabona to approve Resolution 2017-82, motion seconded by Councilman Seiss. Roll Call: Ayes; Cartabona, Gable, Pettinelli, Schwar, and Seiss. Nays; None. Absent; Grossman.

**RESOLUTION 2017-82  
RENEWAL AGREEMENT FOR MEMBERSHIP IN THE MORRIS COUNTY COOPERATIVE  
PRICING COUNCIL (MCCPC) CLARIFICATION**

**WHEREAS**, this is a resolution authorizing the Borough of Alpha to enter into a "Renewal" Cooperative Pricing Agreement with the Morris County Cooperative Pricing Council, hereinafter referred to as the "Lead Agency" for the conduct of certain functions relating to the purchase of work materials and supplies for their respective jurisdictions; and

**WHEREAS** the Governing Body of the Borough of Alpha, County of Warren and the State of New Jersey shall be as follows:

This resolution shall be known and may be cited as the "Renewal" Cooperative Pricing Council Resolution of the Borough of Alpha.

**WHEREAS**, pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Governing Body of the Borough of Alpha is hereby authorized to enter into a "Renewal" Cooperative Pricing Agreement with the Lead Agency or any other contracting unit within the County of Morris or adjoining counties for the purpose of work, materials and supplies; and

**BE IT RESOLVED**, the Lead Agency entering into contract on behalf of the Borough of Alpha shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey; and

**BE IT FURTHER RESOLVED**, all resolutions or parts thereof inconsistent with this resolution shall be and the same are hereby repealed.

**NOW THEREFORE BE IT RESOLVED**, this "Renewal" Cooperative Pricing Council Resolution shall be effective October 1, 2016 and such membership shall be for the duration of five (5) years of the "Renewal" Cooperative Pricing Agreement, expiring September 30, 2021 unless the "Lead Agency" and the Division of Local Government Services elects to withdraw.

This resolution shall take effective immediately upon final passage and publication to law.

Motion made by Councilman Cartabona to approve Resolution 2017-83, motion seconded by Councilwoman Gable. Roll Call: Ayes; Cartabona, Gable, Pettinelli, Schwar, and Seiss. Nays; None. Absent; Grossman.

**RESOLUTION 2017-83  
RESOLUTION AWARDING A CONTRACT  
FOR CIPP LINING – RAILROAD CROSSING**

**WHEREAS**, the Mayor and Council of the Borough of Alpha have determined that certain work is needed for the complete cleaning, CIPP lining, and televising of an existing twelve inch CI sanitary main on the Vulcanite Avenue easement from MH-10B to MH-8B in the Borough; and

**WHEREAS**, the Mayor and Council of the Borough of Alpha, through the Borough Engineer, have sought and received three quotations for said improvements, pursuant to New Jersey law; and

**WHEREAS**, the Borough of Alpha has received the lowest responsible quote from National Water Main Cleaning Co., 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 complete cleaning, CIPP lining, and televising of an existing twelve inch CI sanitary main on the Vulcanite Avenue easement from MH-10B to MH-8B in the Borough is hereby awarded to National Water Main Cleaning Co. of Kearny, New Jersey, in an amount not to exceed \$16,592.50 for said work as per the attached proposal, 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 2017-84, motion seconded by Councilwoman Gable. Roll Call: Ayes; Gable, Pettinelli, Schwar, and Seiss. Abstains; Cartabona. Absent; Grossman.

**RESOLUTION 2017-84  
CONFLICT ATTORNEY**

**WHEREAS**, the Council of the Borough of Alpha deems the hiring of a conflict lawyer to be in the best interests of the Borough of Alpha in the event the Municipal Attorney should have an appearance of conflict or actual conflict, including with the property tax appeals; and

**WHEREAS**, the Borough of Alpha, through its Common Council, has a need to acquire the goods or services to be provided hereunder as a non-fair and open contract pursuant to the provisions of *N.J.S.A.* 19:44A-20.4 or 20.5, as applicable; and,

**WHEREAS**, certain contracts may be awarded without competitive bidding as a “Professional Service” under provisions of the Local Public Contracts Law as provided by *NJSA* 40A:11-5 because such services are required to be performed by a person authorized by law to practice a recognized profession and it is not possible to obtain competitive bids.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Borough of Alpha that Thomas S. Ferguson, Esq. is hereby retained as an Attorney at a rate of \$150.00 per hour exclusively to act on the Borough of Alpha’s behalf in the event the Municipal Attorney should have an appearance of conflict or actual conflict, including with property tax appeals;

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized to execute the contract and any related documents.

**BE IT FURTHER RESOLVED** that the Clerk shall publish such notice as required under the law. This appointment is made without competitive bidding as professional services under the provisions of the Local Public Contracts Law, as provided in *N.J.S.A.* 40A:11-5, because said office requires services performed by person or persons qualified to practice recognized professions, and it is not possible to obtain competitive bids, and according to other applicable statutes.

Motion made by Councilman Schwar to approve Resolution 2017-85, motion seconded by Councilman Pettinelli. Roll Call: Ayes; Gable, Pettinelli, Schwar, and Seiss. Abstains; Cartabona. Absent; Grossman.

**RESOLUTION 2017-85  
RESOLUTION AUTHORIZING BOROUGH ENGINEER  
TO EXECUTE CHANGE ORDER ON THE 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 utility system, including but not limited to the services and work associated with 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 have openly and publicly bid such contract for said improvement work, pursuant to New Jersey law and previously awarded the contract to PACT Two LLC of Ringoes, New Jersey, for \$190,000.00 based on the recommendation of the Borough Engineer.

**BE IT RESOLVED** by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey that the Borough Engineer, Remington & Vernick Engineers, is hereby authorized to proceed with an additional change order (less than 20% of the initial contract referenced above) on the contract for redundancy upgrades at the Frace Street Water Treatment Plant and to execute all documents in accordance therewith upon written certification of funds by the Borough CFO, as follows:

Change Order – Installation of VFD drives and associated electrical work for pH control at the Frace Street water treatment plant: \$ 9,500.00.

Total Change Order Amount           \$ 9,500.00.

**BE IT FURTHER RESOLVED**, that the Mayor, Clerk, and/or Borough Engineer are authorized to execute all necessary documents to effectuate the contract change order with PACT Two LLC.

*Department Reports:*

*Administration, Councilwoman Gable:* Councilwoman Gable reported that she is in the process trying to fill the municipal clerk position. As of right now the deputy clerk

is fulfilling the duties on Wednesdays 9-1 pm and Fridays 8-4:30 pm. Councilwoman Gable requested 15 minutes in executive session for personnel and contractual. In closing, Councilwoman Gable approved bills, salaries and wages for her department.

*Finance, Councilman Schwar:* Councilman Schwar reported that our insurance company PACE is offering elected officials to earn a \$250 training credit. He also reported that the CFO got approval from the auditor to keep taxes flat so that municipal taxes wouldn't go up. He stated that it would reduce everyone's rate, in regards of the purchase space property behind Alpha Pharmacy. Councilman Schwar also reported that the tax assessor presented 12 tax appeals so far for this year. He was given a letter with the information and he will give copies out to council. In closing, Councilman Schwar approved bills, salaries and wages for his department.

*Health & Welfare, Councilman Pettinelli:* Councilman Pettinelli reported that town cleanup will be held on June 16<sup>th</sup> and 17<sup>th</sup>. For seniors and disabled, curbside pickup will be on June 13<sup>th</sup> and 14<sup>th</sup>. He also stated he contacted the tub grinder and the electronics recycling person. In closing, Councilman Pettinelli approved bills, salaries and wages for his department.

Mayor Dunwell stated that if curbside pickup is needed, to call the clerk's office and get on the list.

*Public Property, Councilwoman Grossman:* Councilman Cartabona gave the following report in Councilwoman Grossman's absence: He stated that repairs are being made to the picnic benches by DPW. In closing, Councilman Cartabona approved bills, salaries and wages for his department.

Mayor Dunwell reported that the soccer field was reseeded last Wednesday.

*Public Safety, Councilman Seiss:* Councilman Seiss reported that April 30<sup>th</sup> is the spaghetti dinner at the firehouse. In closing, Councilman Seiss approved bills, salaries and wages for his department.

*Public Works, Councilman Cartabona:* Councilman Cartabona reported that DPW will be starting chipping soon. He asked that if you are putting out for DPW to pick up, to place at the curb and not on the street. Councilman Cartabona approved salaries and wages for his department. Councilman Cartabona is holding bill for Exiter, purchase order 17-0024.

*Professionals & Official Reports:*

*Mayor, Craig S. Dunwell:* Mayor Dunwell showed appreciation for first responders after he called for an incident that occurred in the borough. Mayor Dunwell reported that Penn Bower moved bleachers for us and thanked them for doing so. Mayor Dunwell expressed his condolences for Bill Packer after attending his funeral. He requested 10 minutes in executive session for contractual and litigation.

*Police Department, Chief:* Chief Stettner reported that there were two burglaries in the borough last night. One occurred at the gas station on Route 519 and one at the Savary property. He advised to call if you notice anything suspicious.

*Attorney, Christopher Troxell:* No report. Mr. Troxell requested 10 minutes in executive session for litigation.

*Engineer, Stephanie Cuthbert:* Ms. Cuthbert introduced the borough's new sewer operator, John Manganaro. Mr. Manganaro introduced himself and complimented the borough. Ms. Cuthbert continued with her report, stating that counters are going to be installed tomorrow as well as installation of a stop sign on Hobson Street. She also reported that Penn Bower is working on completing the Ringwood project and that they should be finished by the end of the month. In regards to the sanitary project, the South Blvd bid has been advertised and the deadline is May 5<sup>th</sup>. She stated that South Blvd is experiencing issues with sags and manholes. Ms. Cuthbert reported that by next meeting she is hoping to have quotes for manhole repairs as well as quotes for installation of a meter ball.

Councilman Schwar asked Ms. Cuthbert how long it takes for reimbursement for the firehouse generator. Ms. Cuthbert stated that it could take a few months.

Councilman Schwar inquired about the meeting scheduled for NJ DEP in regards to Homa Lane. He also inquired about the Benke field bleachers and when they would be

done. Mayor Dunwell responded stating that we are waiting for pressure treated wood to be delivered. Once it is delivered, we will hire a carpenter to install it.

*CFO, Lorraine Rossetti:* Councilman Schwar gave the following report for the CFO: Councilman Schwar reported that we have been having issues with our escrow accounts and that we will now be setting up one master account instead of having multiple.

*Recycling Coordinator, Thomas Fey:* Mr. Fey reported that he will be filing the state report soon.

*Code Enforcement, Thomas Fey:* Mr. Fey reported that tomorrow morning he will be summoning Michael Stasak. He also stated that he will be summoning a property on Third Avenue. Mr. Fey also reported that 225 Williams Street is making progress with trimming trees. However, he did notice a shed that needs to be removed and a tree that needs to be cut down.

*Second Public Comment:*

John D'Angelo, Springtown Rd, expressed his concern about the fencing at Marino field being a safety issue. He also stated that the basketball courts need some work as well.

*Payment of Bills & Claims*

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

Councilman Cartabona made a motion that the CFO be authorized to pay all bills authorized by the director. Councilwoman Gable seconded the motion. Roll call: Ayes; Cartabona, Gable, Pettinelli, Schwar, and Seiss. Nays; none. Abstains; Cartabona for number 17-00258. Absent: Grossman.

Councilman Seiss 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, Gable, Pettinelli, Schwar, and Seiss. Nays: none. Absent: Grossman.

*Old Business:*

Councilman Pettinelli advised that school board meetings are conflicting with town council meetings. Councilman Pettinelli requested 5 minutes in executive session for contractual and 10 minute's personnel and litigation.

*Executive Session:*

Councilman Seiss made a motion to approve the following resolution to go back into executive session for 50 minutes for contractual, litigation, and/or personnel.

Motion seconded by Councilwoman Gable, 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 0 hour(s), 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 (in audible) to return to the regular session, motion seconded by Councilman (in audible), all were in favor.

At this time, Mayor Dunwell requested that the agendas be done on Fridays before a meeting by 3 or 4 pm.

Councilman Pettinelli asked if we can also get the bill list on Friday's before a meeting instead of the day of the meeting. Councilman Schwar stated that the CFO could have it done on Saturday and the finance clerk can have it done on Monday.

Mayor Dunwell stated that the web development company requested a down payment and advised that municipalities do not pre-pay.

*Adjournment:*



Seeing no further business to come before Council, motion made by Councilwoman Gable to adjourn this meeting at 9:59 pm, motion seconded by Councilman Pettinelli, all were in favor.

Respectfully submitted,

Helen Marino

Deputy Clerk