

Mayor Dunwell called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on February 13, 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, 2016, 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, Councilwoman Grossman (*left meeting at 9:20 p.m.*), Councilman Pettinelli, Councilman Schwar and Councilman Seiss. Also present, Attorney Christopher Troxell and Borough Clerk, Laurie Barton.

Public Comment-None

Ordinance-2nd Reading

Motion made by Councilman Seiss to open the public hearing for Ordinance 2017-2, motion seconded by Councilman Schwar, all were in favor.

Hearing no public comment, motion made by Councilman Schwar to close the public hearing, motion seconded by Councilwoman Grossman, all were in favor.

Motion to adopt Ordinance 2017-2 made by Councilman Schwar and seconded by Councilwoman Gable. Roll Call: Ayes: Cartabona, Gable, Grossman, Pettinelli, Schwar and Seiss. Nays; none.

**ORDINANCE 2017-2
BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2016-06 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ALPHA, NEW JERSEY ON MAY 10, 2016**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ALPHA, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Borough Council of the Borough of Alpha, in the County of Warren, New Jersey (the "Borough") entitled "Bond Ordinance Providing An Appropriation Of \$1,000,001 For Water Utility Improvements In And By The Borough Of Alpha, In The County Of Warren, New Jersey And Authorizing The Issuance Of \$950,000 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation" finally adopted on May 10, 2016 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. Section 3(a) of the Ordinance is hereby amended in its entirety as follows:

<u>"Improvement or Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
(i) Improvements to Frace Street Water Treatment Plant, including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk; (ii) Improvements to Distribution System, including water mains and valves, and including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk; and (iii) Improvements to Pursel Street and Industrial Drive Standpipes and Frace Street Well, including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk.	\$1,000,001	\$950,000	40 years
TOTAL	\$1,000,001	\$950,000"	

Section 3. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the

Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$950,000.

Section 5. All other provisions of the Ordinance shall remain unchanged.

Section 6. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

Motion made by Councilman Schwar to open the public hearing for Ordinance 2017-3, motion seconded by Councilwoman Gable, all were in favor.

Hearing no public comment, motion made by Councilman Schwar to close the public hearing, motion seconded by Councilwoman Grossman, all were in favor.

Motion to adopt Ordinance 2017-3 made by Councilman Schwar and seconded by Councilwoman Grossman. Roll Call: Ayes: Cartabona, Gable, Grossman, Pettinelli, Schwar and Seiss. Nays; none.

**ORDINANCE 2017-3
BOND ORDINANCE AMENDING BOND ORDINANCE
NUMBER 2016-05 FINALLY ADOPTED BY THE
BOROUGH COUNCIL OF THE BOROUGH OF ALPHA,
NEW JERSEY ON MAY 10, 2016**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ALPHA, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Borough Council of the Borough of Alpha, in the County of Warren, New Jersey (the "Borough") entitled "Bond Ordinance Providing An Appropriation Of \$750,000 For Various Capital Improvements In And By The Borough Of Alpha, In The County Of Warren, New Jersey And Authorizing The Issuance Of \$600,000 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation" finally adopted on May 10, 2016 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. Section 3(a) of the Ordinance is hereby amended in its entirety as follows:

<u>"Improvement or Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
1. (i) Improvements to the Municipal Building, including a new roof,	\$670,000	\$536,000	17.83 years

telephone system and audio visual improvements to council chambers, including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk; (ii) Road improvements on Industrial Drive, including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk and (iii) Flood mitigation detention basin on preserved parkland, located at Block 97, Lot 1, including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk.

2. Acquisition of a mason dump truck for the Department of Public Works.	80,000	64,000	5 years
TOTAL	\$750,000	\$600,000"	

Section 3. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$600,000.

Section 5. All other provisions of the Ordinance shall remain unchanged.

Section 6. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

Resolutions

Motion made by Councilman Schwar to approve Resolution 2017-37, motion seconded by Councilman Pettinelli. Roll Call: Ayes: Cartabona, Gable, Grossman, Pettinelli, Schwar and Seiss. Nays; None.

**RESOLUTION 2017-37
SPECIAL SEWER COUNSEL**

WHEREAS, the Borough Council and Mayor have decided that the best interest of the Borough, Special Sewer Counsel should be retained; and

WHEREAS, the services of Special Sewer Counsel would be exempted from public bidding, This retainer is awarded without competitive bidding as a "Professional Service" under provisions of the Local Public Contracts Law as provided by NJSA 40A:11-5 because it requires service 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, that the Borough of Alpha Council hereby authorizes, Mason, Griffith and Pierson, to be retained as Special Sewer Counsel, at the rate of \$175 per hour (attached hereto) plus relevant costs.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute said contract.

Motion made by Councilman Schwar to approve Resolution 2017-47, motion seconded by Councilwoman Grossman. Roll Call: Ayes: Cartabona, Gable, Grossman, Pettinelli, Schwar and Seiss. Nays; none.

**RESOLUTION 2017-47
RESOLUTION AUTHORIZING BOROUGH ENGINEER TO
PROVIDE CONSULTING ENGINEERING SERVICES
FOR PROPOSED 8.5' WATER MAIN EASEMENT**

BE IT RESOLVED, by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey that the firm of Remington & Vernick Engineers is hereby authorized to act as the Borough Engineer and Land Surveyor and proceed with the land surveying services in regard to the Proposed 8.5' Water Main Easement along Edge Road (Block 100, Lot 10.01) for the contemplated scope of work in accordance with the firm's proposal January 27, 2017 (attached hereto) and in an amount not to exceed \$1,500.00, upon written certification of funds by the Borough CFO.

BE IT FURTHER RESOLVED, that the Mayor, Clerk, Borough Attorney, and/or Borough Engineer and Land Surveyor are authorized to execute all necessary documents to effectuate the services.

Motion made by Councilman Schwar to approve Resolution 2017-49, motion seconded by Councilwoman Gable. Roll Call: Ayes: Cartabona, Gable, Grossman, Pettinelli, Schwar and Seiss. Nays; none.

**RESOLUTION 2017-49
APPOINTMENT OF DEPUTY BOROUGH CLERK AND
APPOINTMENT OF DEPUTY REGISTRAR
FOR THE BOROUGH OF ALPHA**

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

WHEREAS, the term of office shall be a three-year term. The term shall commence on the actual date of appointment.

WHEREAS, the appointment of a Deputy Registrar is mandated by the State Registrar's office requiring that all Registrar's appoint a Deputy Registrar ; and

WHEREAS, the term of office of the Deputy Registrar shall be a three-year term; and

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Alpha hereby appoints Helen Marino as Deputy Clerk at \$15.00 per hour; and

BE IT FURTHER RESOLVED, the Governing Body of the Borough of Alpha hereby appoints Helen Marino as the Deputy Registrar to the Registrar's Office.

Minutes

Mayor Dunwell asked that the minutes of 12/23/16 be tabled until next meeting citing changes he has. Motion made by Councilman Cartabona to table, seconded by Councilman Seiss, all were in favor.

Attorney Troxell reported that he has a list of unreleased executive session minutes for release and will recommend releasing them.

Department Reports:

Administration, Councilwoman Jennifer Gable: Councilwoman Gable reported on receiving the new email addresses and will distribute them along with instructions and temporary passwords. New website quotes are being looked at. In closing, Councilwoman Gable approved bills, salaries and wages for her department.

Mayor Dunwell polled Council on who was using the new email addresses and who was using old addresses. Councilman Cartabona was the only member using only the old email address at this time.

Finance, Councilman Michael Schwar: Councilman Schwar reminded everyone of the online PAIC course to be used for a \$250 credits towards the insurance premium.

Councilman Schwar stated a new budget meeting date needs to be set to wrap up the 2017 budget. The tax collector's office will be closed on Thursday. Councilman Schwar briefed council on his discussions with Mansfield regarding a new CFO and stated it doesn't look promising. Councilman Schwar requested 10 minutes in executive session for contractual.

Councilman Schwar added a bill to the bill list for Top-Line in the amount of \$176,219.40.

Councilman Schwar requested an additional 10 minutes in executive session for personnel regarding former finance clerk.

Councilman Schwar discussed keys to offices with Council having access. Councilman Schwar stated he would like to come into the finance office to do some work during the days and on weekend, like coding bills to what account to charge and filing. Council was polled and found no objection to access to finance office by Councilman Schwar.

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

Health and Welfare, Councilman Peter Pettinelli: Councilman Pettinelli gave the February report received from the Warren County Health Department. In closing, Councilman Pettinelli approved bills, salaries and wages for his department. Mayor Dunwell reminded Councilman Pettinelli of the tub grinding.

Public Property, Councilwoman Tracy Grossman: Councilwoman Grossman stated its getting close for bids to be received for the farming field. In closing, Councilwoman Grossman approved bills, salaries and wages for her department. Discussions of a new phone system and the lease by the salt shed ensued.

Motion made by Councilman Seiss to authorize the Director of Public Property to proceed with purchase from Cooper Alarms for a new phone system, motion seconded by Councilwoman Gable, all were in favor.

Public Safety. Councilman Thomas Seiss: Councilman Seiss reported he is working on the crossing guard requirements that are now law. Councilman Seiss requested 10 minutes in executive session for personnel.

Councilman Seiss stated he is working with the Fire Chief on the 911 list of streets and added that the Borough has a lot of “paper” streets with no buildings on them. Councilman Seiss would like to retain easements on these streets and close them.

Councilman Seiss gave the Fire Department report and stated that there were 11 calls for January. The RSVP for the banquet dinner is the 15th. The Cat in the Hat breakfast is March 5th. A new fireman membership application was received from Cooper Rotolo (sp). Motion made by Councilman Seiss to accept the application, motion seconded by Councilman Cartabona, all were in favor.

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

Public Works, Councilman Louis Cartabona: Councilman Cartabona reported on the snow storm that occurred last week and added that they hired the emergency equipment operator to operate the large dump truck.

Two temporary DPW employees’ employment expired. Councilman Cartabona reported on pricing for arborvitae trees. In closing, Councilman Cartabona approved his bills, salaries and wages for his department.

Councilman Seiss inquired about the remaining temporary employee’s reliability.

Committee Reports

School: Councilman Pettinelli reported that there are only 195 kids enrolled at Alpha School, citing a drop in number of children enrolled there.

Professionals & Official Reports:

Mayor, Craig S. Dunwell: Mayor Dunwell requested the following time in executive session:

10 minutes for personnel regarding hiring practice.

15 minutes for contractual regarding water main.

10 minutes for potential litigation regarding sewer issues.

5 minutes for contractual internet issues.

5 minutes for contractual for utility billing.

10 minutes for personnel and potential litigation regarding tax collector/tax assessor issue.

Attorney Christopher Troxell: No report.

Engineer, Frank Seney: Mr. Seney gave a recap on projects for his report. Mr. Seney informed Council of the misinformation regarding municipal aide for North Boulevard and 5th Avenue and the numbers for aid being lower than anticipated.

Sewer Engineer, Jim Hill: Mr. Hill stated right now the biggest issue is floats at the pump station were replaced with new ones. The system is back online and has not faltered. The new pump hooked up as of this afternoon.

A new manhole cover for the meter pit will be delivered by mid-March.

Public Comment-None

Payment of Bills & Salaries

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

Councilwoman Gable made a motion that the CFO be authorized to pay all bills authorized by the director. Councilwoman Grossman seconded the motion. Roll Call: Ayes; Cartabona, Gable, Grossman, Pettinelli, 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, Gable, Grossman, Pettinelli, Schwar, and Seiss. Nays: none.

Old Business

Councilman Cartabona inquired about the sign near Alpha Family restaurant, the property the borough bought and asked when the sign will be taken down. Mayor Dunwell stated it will be done in the Spring.

Councilman Schwar discussed the AYAA still using the field house for wrestling and stated that he received an email from them cancelling the meeting. They have been meeting at the school.

Councilman Cartabona asked if the Borough will be doing an application for grant money for the Warren County Municipal Charitable Trust Fund.

Councilwoman Grossman stated she emailed Pohatcong wrestling regarding them using the field house for practice. They will still be using it but it won't be on Wednesday's.

Councilwoman Grossman also reported on handing in a purchase requisition for the vent grills for council's chambers.

Mayor Dunwell reported on Phillipsburg Court using chambers due to their mold problem at their municipal building.

New Business

Motion made by Councilman Schwar to approve the pavilion permit for Dave Lynn for June 24th for their AYAA picnic requesting waiver of fee. Motion seconded by Councilwoman Grossman, all were in favor with the exception of Councilman Cartabona abstaining.

Motion made by Councilwoman Grossman approving pavilion permit for Kristen Korbobo with alcohol for July 29th. Motion seconded by Councilman Pettinelli, all were in favor with the exception of Councilman Cartabona abstaining.

Motion made by Councilman Schwar to approve the pavilion permit for Leo Pursel in care of Huntington Fire Department for July 15th for their annual picnic requesting waiver of fee,

motion seconded by Councilwoman Grossman, all were in favor with the exception of Councilman Cartabona abstaining.

Mayor Dunwell asked that the Attorney look into doing an Ordinance waiving building permit fees for volunteers such as Fire and EMS. Attorney Troxell stated he will look into drafting an ordinance.

Attorney Troxell requested three minutes in executive session for potential litigation/contractual for emergency services.

Frank Seney, Engineer asked for a resolution waiving the moratorium for a gas line that is being installed on a recently paved Industrial Avenue.

Councilman Seiss briefed council on the bathroom renovations at the firehouse concerning ADA compliance.

Executive Session:

Councilman Grossman made a motion to approve the following resolution to go into executive session for one (1) hour and 28 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 _____ hour(s), _____ minutes, allowing for a seven (7) 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 Councilwoman Gable, all were in favor.

Motion made by Councilman Cartabona to approve Resolution 2017-50, motion seconded by Councilwoman Gable. Roll Call: Ayes: Cartabona, Gable, Pettinelli, Schwar and Seiss. Nays: none. Absent: Grossman.

RESOLUTION 2017-50
RESOLUTION GRANTING A WAIVER
OF THE 5-YEAR STREET OPENING MORATORIUM
ON INDUSTRIAL DRIVE

WHEREAS, the Mayor and Council have made certain improvements to the Borough streets, including an overlay to Industrial Drive; and

WHEREAS, the Borough has an ordinance that provides for a five-year street opening moratorium when improvements have been made to a Borough Street; and

WHEREAS, a request may be made for a waiver of said moratorium; and

WHEREAS, Elizabethtown Gas Co. has requested a waiver of the five-year street opening moratorium to have a main for natural gas service run in or under Industrial Drive near Block 102, Lot 6, Alpha Borough, Warren County, New Jersey, citing hardship.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Alpha that a waiver of the five-year street opening moratorium is hereby granted to Elizabethtown Gas Co. for Industrial Drive at or near Block 102, Lot 6, as discussed at the meeting of the Borough Council on February 13, 2017.

BE IT FURTHER RESOLVED by the Borough Council that the Mayor, Clerk, and Borough Engineer may execute any and all documents related to such waiver and communicate same to the natural gas service utility.

Motion made by Councilman Schwar to approve Resolution 2017-51, motion seconded by Councilman Cartabona. Roll Call: Ayes: Cartabona, Gable, Pettinelli, Schwar and Seiss. Nays: none. Absent: Grossman.

RESOLUTION 2017-51
REIMBURSEMENT OF COUNSEL FEES
TO MAYOR CRAIG DUNWELL
PURSUANT TO CHAPTER 22
OF THE BOROUGH OF ALPHA CODE

WHEREAS, the Governing Body of the Borough of Alpha has previously adopted an ordinance, namely Chapter 22, Defense and Indemnification, to indemnify Borough municipal employees, officers and officials, pursuant to *N.J.S.A. 59:10-1, et seq.*; and

WHEREAS, the Governing Body of the Borough of Alpha has the authority for such indemnification and to reimburse an employee, officer or official for reasonable defense costs and expenses in a civil or criminal matter wherein he or she is a named defendant; and

WHEREAS, Mayor Craig Dunwell had a disorderly persons offense filed against him arising out of his duties or actions as a Borough employee, officer, or official; and

WHEREAS, the charge was dismissed in a municipal court of competent jurisdiction; and

WHEREAS, the Governing Body of the Borough of Alpha may wait until a final determination of such a legal matter to reimburse cost and expenses and/or honor indemnity;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey, hereby authorizes the reimbursement to Mayor Craig Dunwell of \$2,250.00, representing the counsel fee incurred for services provided by his defense counsel, Robert Woodruff, Esq. of the law firm Schiller & Pittenger, P.C. of Scotch Plains, New Jersey. Same is to be made by the Borough Finance Officer with approval from the Borough auditor.

Adjournment:

Seeing no further business to come before Council, motion made by Councilwoman Gable to adjourn this meeting at 9:54 pm, motion seconded by Councilman Pettinelli, all were in favor.

Respectfully submitted,

Borough Clerk