

Mayor Dunwell called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 P.M. on March 27th, 2018.

Mayor Dunwell announced that adequate notice of the meeting was given and posted on the bulletin board in the Municipal Building satisfying the requirements of the Open Public Meetings Act:

NOTICE

Pursuant to the provisions of the Open Public Meetings Act, adequate notice of this meeting has been given. On January 5th, 2018, the Municipal Clerk delivered to the Star Gazette/Express-Times and posted on the bulletin board in the Municipal Building a notice containing the date, time, and place of this meeting of the Alpha Borough Council. Also said notice has been mailed to persons requesting the same.

Mayor Dunwell led the prayer and flag salute.

Roll Call: Present, Councilman Cartabona, Councilwoman Grossman, Councilman Pettinelli, Councilman Schwar, Councilman Seiss, Councilman Singleton.

Presentation was given by Mary Jo Harris of the Family Guidance Center on Marijuana Legalization. She explained that her reason for being here was to educate the community and not sway anyone's decision. There was also a question and answer period for council and the public.

Public Comment:

Lisa LaCaruba 1805 Springtown Rd., had a question on a bill from February regarding Tom Fey's reimbursement for mileage.

Lisa Bambaci, asked about moving the date of the annual PTO yard sale to May 19 & 20 when in the past it was held in June. Councilman Seiss indicated that this is the same weekend as the memorial service and the annual coin toss.

Jennifer [inaudible] from the AYAA reviewed the activities scheduled for this summer.

Jennifer Gable, 621 Grant St., expressed her concern about the two remaining vacancies on the Library Board and asked why there are still openings when there are people interested in being on the board. She asked what the criteria was to get appointed to the board. Mayor Dunwell went on to explain the board has been operating at a deficit for some time and that the issue needs to be addressed.

Lisa LaCaruba, 1805 Springtown Rd., asked why we can't talk about the Library Board positions. Discussion continued around this topic. Councilman Pettinelli also had questions regarding the same.

Jack Frank, 1604 3rd. Ave., asked for further explanation on why the Library Board still has openings when we have people who want to serve on the board. Attorney Chris Troxell asked if it would be possible if we could get two appointments by the next meeting.

Lisa LaCaruba, 1805 Springtown Rd., questioned why her OPRA request for audio of a Library Board meeting was not a complete recording and why she got it on her phone instead of on a CD as she requested. Discussion ensued concerning recording of Library Board meetings.

Jack Frank, 1604 3rd Ave., asked why the Mayor reviewed an OPRA request submitted by Lisa LaCaruba.

Councilman Seiss stated that recordings of any meetings should not be done using a personal device. The Mayor agreed.

Ed Hanics, Schley Ave., added that when he was Mayor he tried to keep the board full and that he never turned anyone down who wanted to be on the board.

Lisa LaCaruba, 1805 Springtown Rd., asked for clarification around a comment that Attorney Chris Troxell made. She further asked for clarification regarding show plow contractors.

Mike Savary, had a question regarding street sweeping.

Jack Frank, 1604 3rd. Ave., asked if he could show the Governing Body pictures that were taken of an alleged spill purportedly on Borough property. He asked the Governing Body what they are going to do about it. Councilman Pettinelli indicated that he could contact DEP. Councilman Cartabona indicated that it looks like they are parking on Borough property and that we need to do something about that.

Councilman Pettinelli, referring to Borough resident Michael Savary, stated that he was outraged and appalled that someone who defrauded and stole from the town has gotten over \$4,000 of business from us on the Mayor's say. Mayor Dunwell denied Councilman Pettinelli's allegation.

Ordinance-1st Reading

Motion made by Councilman Seiss to introduce Ordinance 2018-05, motion seconded by Councilman Schwar. Roll Call: Ayes: Cartabona, Grossman, Pettinelli, Schwar, Seiss, and Singleton. Nays: none.

**ORDINANCE NO. 2018-05
AN ORDINANCE TO AMEND CHAPTER 178
REVISED CONSTRUCTION PERMIT FEE SCHEDULE**

BE IT ORDAINED, by the Borough Council of the Borough of Alpha, that the following amendments shall be and are herewith enacted to Chapter 178 revising the construction permit fee schedule in the Code of the Borough of Alpha:

§178-3 Fees.

D. Building sub code fees: The fees for new building construction or alterations shall be:

- (1) For Use Groups A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H, I, M, R-1, R-2, R-3, R-4, R-5, S-1, S-2, and U, the permit fee shall be \$65 for the first 2000 cubic feet of building or structure volume and \$0.027 per cubic foot of building or structure volume in excess of 2000 cubic feet. For structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d), the maximum fees for such structures on farms shall not exceed \$1,145.

NOTICE

PLEASE TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Borough Council of the Borough of Alpha held on March 27th, 2018 at 7:00 p.m. at the Municipal Building at 1001 East Blvd., and public hearing concerning same will be held on April 10th, 2018 at the Municipal Building at 1001 East Blvd., at 7:00 p.m. at which time all persons for and against will be given the same. A copy of the introduced ordinance is available for inspection at the Clerk's office during normal business hours at the Municipal Building, 1001 East Blvd., Alpha NJ.

Ordinance-2nd Reading

Motion made by Councilman Schwar to open the public hearing for Ordinance 2018-02, motion seconded by Councilman Cartabona, all were in favor.

**ORDINANCE 2018-02
CALENDAR YEAR 2018
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough of Alpha in the County of Warren finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough of Alpha hereby determines that a 3.5 % increase in the budget for said year, amounting to \$13,665.28 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough of Alpha hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough of Alpha, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Alpha shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$47,828.48, and that the CY 2018 municipal budget for the Borough of Alpha be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed by the Clerk with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

CERTIFICATION

PLEASE TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Borough Council of the Borough of Alpha held on February 27th, 2018 at 7:00 p.m. and was passed on final reading after public hearing thereon at a regular meeting of the Alpha Council of the Borough of Alpha held in the Council Chambers, Alpha Municipal Bldg., 1001 East Blvd., Alpha New Jersey on March 27th, 2018 and shall take effect according to the law.

Public Hearing

Motion to close the public hearing made by Councilman Schwar, seconded by Councilman Cartabona. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays: none.

Motion to adopt Ordinance 2018-02 made by Councilman Schwar, seconded by Councilman Cartabona. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays; none.

Motion made by Councilman Schwar to open the public hearing for Ordinance 2018-03, motion seconded by Councilman Cartabona, all were in favor.

**ORDINANCE 2018-03
AN ORDINANCE AMENDING THE 2017-12 SALARY RANGE
OF THE BOROUGH OF ALPHA.**

Section I

BE IT ORDAINED by the Mayor and Council of the Borough of Alpha, County of Warren, State of New Jersey that the annual salaries of the officers and employees of the Borough of Alpha, County of Warren, and State of New Jersey named herein:

Park Attendant I	\$10.00-\$15.00/hr
Park Attendant II	\$12 - \$18/hour

Section III

Any ordinance or sections of the ordinance of the Borough of Alpha, New Jersey inconsistent herein shall be and the same hereby repealed.

PLEASE TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Borough Council of the Borough of Alpha held on February 27th, 2018 at 7:00 p.m. and was passed on final reading after public hearing thereon at a regular meeting of the Alpha Council of the Borough of Alpha held in the Council Chambers, Alpha Municipal Bldg., 1001 East Blvd., Alpha New Jersey on March 27th, 2018 and shall take effect according to the law.

Public Hearing:

Motion to close the public hearing made by Councilman Schwar, seconded by Councilman Cartabona. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays: none.

Motion to adopt Ordinance 2018-03 made by Councilman Cartabona, seconded by Councilman Schwar. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays; none.

Motion to open the public hearing for Ordinance 2018-04 made by Councilman Cartabona, seconded by Councilwoman Grossman, all in favor.

ORDINANCE 2018-04

**BOND ORDINANCE PROVIDING AN
APPROPRIATION OF \$400,000 FOR WATER
UTILITY IMPROVEMENTS IN AND BY THE**

BOROUGH OF ALPHA, IN THE COUNTY OF WARREN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$290,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

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 members thereof affirmatively concurring) AS FOLLOWS:

The improvement described in Section 3 of this Bond Ordinance (the “Improvement”) is hereby authorized to be undertaken by the Borough of Alpha, in the County of Warren, New Jersey (the “Borough”) as a general improvement. For the said Improvement there is hereby appropriated the amount of \$400,000, such sum includes the sum of \$110,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$290,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$290,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bond or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvement or Purpose	Appropriation and Estimated Cost	Maximum Amount of Bonds or Notes	Period of Usefulness
Improvements to Frace Street Water Treatment Plant, including all structures and appurtenances, work and materials necessary therefor or incidental thereto, and improvements to distribution system, including water mains, hydrants, valves, and water services 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.	\$400,000	\$290,000	40 years
TOTAL	\$400,000	\$290,000	

The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$290,000.

The estimated cost of the Improvement is \$400,000 which amount represents the initial appropriation made by the Borough.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

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 resolution 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, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Municipal Clerk and is available for public inspection.

The following additional matters are hereby determined, declared, recited and stated:

The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 40 years.

The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Municipal Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$290,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

An aggregate amount not exceeding \$125,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond

Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvement prior to the date that 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 cost of the Improvement is \$290,000.

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**BOROUGH OF ALPHA
WARREN COUNTY, NEW JERSEY**

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Alpha, in the County of Warren, State of New Jersey, on March 13, 2018. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, 1001 East Boulevard in the Borough of Alpha, on March 27, 2018 at 7 o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Municipal Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Providing An Appropriation Of \$400,000 For Water Utility Improvements In And By The Borough Of Alpha, In The County Of Warren, New Jersey And Authorizing The Issuance Of \$290,000 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation.

Purpose(s): Improvements to Frace Street Water Treatment Plant and improvements to distribution system, including water mains, hydrants, valves and water services.

Appropriation: \$400,000

Bonds/Notes Authorized: \$290,000

Grants (if any) Appropriated: None

Section 20 Costs: \$125,000

Useful Life: 40 years

Donna L. Messina, Acting Municipal Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

**BOROUGH OF ALPHA
WARREN COUNTY, NEW JERSEY**

PUBLIC NOTICE

BOND ORDINANCE STATEMENTS AND SUMMARIES

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough of Alpha, in the County of Warren, State of New Jersey on March 27, 2018 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Municipal Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Providing An Appropriation Of \$400,000 For Water Utility Improvements In And By The Borough Of Alpha, In The County Of Warren, New Jersey And Authorizing The Issuance Of \$290,000 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation.

Purpose(s): Improvements to Frace Street Water Treatment Plant and improvements to distribution system, including water mains, hydrants, valves and water services.

Appropriation: \$400,000

Bonds/Notes Authorized: \$290,000

Grants (if any) Appropriated: None

Section 20 Costs: \$125,000

Useful Life: 40 years

Donna L. Messina, Acting Municipal Clerk

Public Hearing:

Mayor explained the purpose of this ordinance by stating it provides spending authority and debt issuances authority to do water main improvements to Frace Street Water Treatment Plant.

Motion to close public hearing made by Council Cartabona, seconded by Councilman Schwar. Roll Call: Ayes: Cartabona, Grossman, Pettinelli, Schwar, Seiss, Singleton. Nays; none.

Motion made by Councilman Schwar to adopt Ordinance 2018-04 made by Councilman Schwar, seconded by Councilman Cartabona. Roll Call: Ayes: Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays; none.

Attorney Chris Troxell made a comment regarding Resolution 2018-36, the resolution for the reconstruction of the pool. He stated that there is litigation pending on this issue and that he spoke with the Borough's QPA who indicated while it is ok to keep the bid open, Attorney Troxell recommends going out to rebid the project. The Mayor dully noted the recommendation from Attorney Troxell.

Resolutions:

Motion made by Councilman Cartabona to approve Resolution 2018-36, motion seconded by Councilwoman Grossman. Roll Call: Ayes; Cartabona and Grossman and Singleton. Abstentions; Pettinelli, Schwar and Seiss. Resolution fails.

**RESOLUTION 2018-36
RESOLUTION AWARDING A CONTRACT
FOR SWIMMING POOL RECONSTRUCTION AND REHABILITATION**

WHEREAS, the Mayor and Council of the Borough of Alpha have determined that the municipal swimming pool and pump house building are in need of reconstruction and renovations; and

WHEREAS, the Mayor and Council of the Borough of Alpha, through the Borough Engineer, have openly and publicly solicited bids (now, a second time) for such reconstruction contract for said pool work, pursuant to New Jersey law; and

WHEREAS, the Borough of Alpha has, this second time, received the lowest responsible bid from Ray Palmer Associates, Inc. of Dover, New Jersey, 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 contemplated work –reconstruction of the municipal swimming pool and renovations to the pump house building – is hereby awarded to Ray Palmer Associates, Inc. of Dover, New Jersey, having submitted a bid, Alternate Bid #1, of \$277,600.00 for said work, upon written certification of funds by the Borough CFO.

Motion made by Councilman Schwar to approve Resolution 2018-53, motion seconded by Councilman Cartabona. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays: none.

**RESOLUTION 2018-53
BOROUGH OF ALPHA
RESOLUTION TO AMEND BUDGET**

WHEREAS, the local municipal budget for the year 2018 was approved on the 27th day of February 2018 and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget, now

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Alpha, County of Warren, that the following amendments to the approved budget of 2018 be made:

	((Abstained	(
0					
RECORDED VOTE	Ayes	(6	Nays	(
(
(INSERT LAST NAMES)		((Absent
(0					
Cartabona	Schwar	((
(
Grossman	Seiss				
Pettinelli	Singleton				
		FROM		TO	

WATER & SEWER UTILITY

10. Dedicated Revenues From Water & Sewer Utility

Sewer Rents Anticipated			550,000.00
550,120.00	120.00		
 Total Water & Sewer Utility Revenues	 1,338,506.00		 1,338,626.00 120.00

11. Appropriations For Water & Sewer Utility

Interest on Notes			61,125.00
61,245.00	120.00		
 Total Water & Sewer Utility Appropriations	 1,338,626.00 120.00		 1,338,506.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

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.

CFO Lorraine Rossetti gave a presentation on the budget for 2018.

Motion to open the public hearing made by Councilman Cartabona, seconded by Councilman Seiss, all were in favor.

Public Hearing:

There were no comments.

Motion to close the public hearing made by Councilman Schwar, seconded by Cartabona. Roll Call: Ayes: Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays: none.

Motion made by Councilman Schwar to approve Resolution 2018-47, motion seconded by Councilman Cartabona. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays: none.

RESOLUTION 2018-47

MUNICIPAL BUDGET NOTICE

SECTION 1.
Municipal Budget of the Borough of Alpha, County of Warren for the Year 2018

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for year 2018:
 Be It Further Resolved, that said Budget be published in the _____ **THE STAR GAZETTE** _____ in the issue of _____ **March 9** _____, 2018
 The Governing Body of the Borough of Alpha does hereby approve the following as the Budget for the year 2018:

RECORDED VOTE			
(insert last name)	{	{	ABSTAINED {
	{	{	
	AYES {	NAYS {	
	{	{	ABSENT {
	{	{	

Notice is hereby given that the Budget and Tax Resolution was approved by the MAYOR AND COUNCIL of the BOROUGH OF ALPHA, COUNTY OF WARREN, on _____ **February 27** _____, 2018

A Hearing on the Budget and Tax Resolution will be held at _____ the Municipal Building _____, on **March 27, 2018** at 7:00 o'clock (p.m.) at which time and place objections to said Budget and Tax Resolution for the year 2018 may be presented by taxpayers or other interested persons.

SHEET 2

Motion made by Councilman Seiss to approve Resolution 2018-54, seconded by Councilman Cartabona. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays; none.

**RESOLUTION 2018-54
RESOLUTION AWARDING A CONTRACT FOR
BOROUGH 2018 WATER UTILITY IMPROVEMENTS**

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 described further in the 2018 water utility improvement project – 2102T088; 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

WHEREAS, the Borough of Alpha has received the lowest responsible, responsive bid from Penn Bower, Inc. of High Bridge, New Jersey, based on the recommendation of the Borough Engineer and Sean Canning, QPA, with Penn Bower, Inc. of High Bridge, New Jersey submitting a bid in the amount of \$300,850.64, and

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 utility system improvements contract for contemplated work, construction and improvements to the Borough's potable water system for the 2018 water utility improvement project – 2102T088 – within the Borough of Alpha is hereby awarded to Penn Bower, Inc. of High Bridge, New Jersey, having bid \$300,850.64 for said work, 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 by Councilman Schwar to approve Resolution 2108-55, seconded by Councilwoman Grossman.

Councilman Seiss had a question regarding why we are utilizing the engineers to do this work. Mayor Dunwell stated that he will not be managing these small project

going forward. Councilman Seiss stated that it was up to the director of that department.

Motion by Councilwoman Grossman to table Resolution 2018-55, seconded by Councilman Cartabona. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays; none.

**RESOLUTION 2018-55
RESOLUTION AUTHORIZING BOROUGH ENGINEER TO
PROVIDE CONSULTING ENGINEERING SERVICES
FOR BENKE FIELD SIDEWALK INSTALLATION**

Motion made by Councilman Cartabona to table Resolution 2018-56, seconded by Councilwoman Grossman. Councilman Schwar had questions regarding the direction we are going. Councilman Cartabona said that he is looking for additional information and would like to discuss that in executive session.

Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays; none.

**RESOLUTION 2018-56
RESOLUTION AUTHORIZING BOROUGH ENGINEER TO
PROVIDE CONSULTING ENGINEERING SERVICES
FOR CATCH BASIN IMPROVEMENTS –
FRACE STREET WATER TREATMENT PLANT**

Motion made by Councilman Cartabona to table Resolution 2018-57, seconded by Councilwoman Grossman. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays; none.

**TABLED - RESOLUTION 2018-57
RESOLUTION AUTHORIZING BOROUGH ENGINEER TO
PROVIDE CONSULTING ENGINEERING SERVICES
FOR STAIR REPAIR – SANITARY LIFT STATION**

Motion by Councilwoman Grossman to approve Resolution 2018-58, seconded by Councilman Cartabona. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays; none.

**RESOLUTION 2018-58
RESOLUTION AWARDDING LAWN CARE SERVICES TO MOUNTAINSIDE
LAWN CARE, UNDER A FAIR AND OPEN PROCUREMENT**

WHEREAS, there is a need for a lawn care services contractor in the Borough of Alpha; and

WHEREAS, the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) encourages the use of public procurement to benefit taxpayers by ensuring that projects are completed in a safe, timely and cost-effective manner; and

WHEREAS, the Borough of Alpha publicly advertised and received quotations in a manner consistent with a fair and open procurement consistent with the New Jersey Pay to Play Laws (P.L. 2004, Chapter 19, N.J.S.A. 19:44A-20.4 et seq.); and

WHEREAS, the Borough received Fair and Open quotes for service on March 22, 2018; and

WHEREAS, the Qualified Purchasing Agent has reviewed the submittals and determined that Mountainside Lawn Care is the lowest responsive and responsible submittal; and

WHEREAS, the Chief Financial Officer hereby certifies that funds NOT TO EXCEED \$14,840.00 are available as follows;

Line Item: C-04-55-985-002

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

1. The contract for lawn care services is hereby awarded to Mountainside Lawn Care
2. The Borough is authorized and directed to execute a one (1) year contract with Mountainside Lawn Care not to exceed \$14,840.00 for the 2018 budget year for lawn care services in accord with the tenets of contract found within quote documents 1-2018.

Motion made by Councilman Cartabona to table Resolution 2018-59, seconded by Councilwoman Grossman. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays; none.

**RESOLUTION 2018-59
FOR THE BOROUGH OF ALPHA**

**RESOLUTION OF THE MAYOR AND GOVERNING BODY OF THE
BOROUGH OF ALPHA, AUTHORIZING THE HIRING OF A SANITARY LIFT
SCADA CONTROLS VENDOR THROUGH THE COMPETITIVE
CONTRACTING PROCESS**

Approval of Minutes:

Motion made by Councilman Schwar to approve the regular minutes of May 23, 2017, motion seconded by Councilwoman Grossman. Roll Call: Ayes: Cartabona, Grossman, Schwar, Seiss. Abstentions; Pettinelli and Singleton.

Motion made by Councilman Schwar to approve the regular minutes of January 4, 2018, motion seconded by Councilman Cartabona. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays; none.

Department Reports

Administration, Councilman Singleton: Councilman Singleton reported that we have a new website vendor and the Acting Borough Clerk is in the process of gathering information to begin the design of the new website. A kick-off meeting is scheduled for April 10. The Clerk also completed her second class on Records Management. Councilman Singleton congratulated Donna on her done so far. He also mentioned that he received a code report and said people who were in violation had cleaned up their properties. In closing, Councilman Singleton approved all bills, salaries, and wages for his department.

Finance, Councilman Michael Schwar: Councilman Schwar wanted to remind everyone the tax collector will be out of the office on April 1 and April 2. He is also working with the CFO on closing some escrow accounts for the Planning Board. They are waiting for verification from the Planning Board engineer. He is hoping to close out eight escrow accounts in a month or two. Councilman Schwar also stated that they need to do some recalculations on the numbers for the Library Board regarding the funds we owe them. Once that is done they will be forwarded to Mr. Noll. Councilman Schwar asked for 10 minutes in Executive Session for litigation for the John Dolak Memorial Pool. He also commented that we are elected officials and that as such we should show decorum always. In closing, Councilman Schwar approved all bills, salaries, and wages for his department.

Health & Welfare, Councilman Pettinelli: Councilman Pettinelli reported that cleanup will be June 8th and 9th. In closing, Councilman Pettinelli approved all bills, salaries, and wages for his department. Councilwoman Grossman asked if Councilman Pettinelli had a chance to reach out to Warren County regarding the electronics recycling event. Councilman Pettinelli stated that he reached out and left a message. Mayor Dunwell asked if Councilman Pettinelli had an opportunity to contact Sandy Olah. He replied that he had reached out three times but never spoke with her. There was additional discussion regarding the electronics recycle event.

Public Property, Councilwoman Tracy Grossman: Councilwoman Grossman informed us that we completed the process for the landscaping bid and it will be the same company that we used last year. She further reported that we are advertising for a new part time park attendant since the last one resigned. We currently have one person interested. There was also discussion regarding Benke Field and the work that needs to be done there. At this time Councilwoman Grossman asked for 10 minutes in Executive Session for contractual to discuss Benke Field. There was additional conversation about work needing to be done in other areas at the field, including the basketball court, bleachers, fencing and a shed. Councilwoman Grossman also shared with us her ideas for summer event. She would like to have one event a week on different days so that everyone has an opportunity to attend at least some of the events. Some would cost nothing and some may have a cost associated with them. In closing, Councilwoman Grossman approved all bills, salaries, and wages for her department. Councilman Cartabona thanked Tracy for all the work she does in pulling together these events for the community.

Public Safety, Councilman Thomas Seiss: Councilman Seiss reported that he received a note from the 911 Coordinator that the meeting was canceled and he would forward that note to the Mayor. Also, Mr. Pantuso has sent out a flyer about the CERT training. He also reported that the egg hunt is this Saturday at the Firehouse. In closing, Councilman Seiss approved all bills, salaries, and wages for his department. Mayor Dunwell relayed to Councilman Seiss that the crossing guard by the school told him that the new jacket he got is the wrong size and the crossing guard at the bottom of High St. didn't have any type of reflective clothing on.

Public Works, Councilman Louis Cartabona: Councilman Cartabona reported the tree in Veteran's Park was removed. There were also some inquiries as to when the chipping was going to begin. It was explained that we can't start the chipping until the salt spreading equipment is removed from the truck. The new snow plow was delivered to the before the last snow event. Councilman Cartabona asked for 10 minutes, litigation on park land. He would like an additional five minutes executive session for litigation for personnel. In closing, Councilman Cartabona approved all bills, salaries, and wages for his department. Councilwoman Grossman inquired about removing the

Employee Only parking signs from the building. She would like to see those spots reserved for the tax payors. Louis said he would notify DPW to get that done. Councilman Cartabona also reported that DPW is working on removing some of the asphalt and gravel that was kicked up around recent patches. Councilwoman Grossman also asked about summer help for DPW. At this point, Councilman Cartabona asked for an additional five minutes in executive session for personnel.

Professionals & Official Reports

Mayor, Craig S. Dunwell: Mayor Dunwell read our Administrative Code, Chapter 7, Article 3, Mayor 7-4 Powers and Duties, G, H, I - Mayor Dunwell went on to describe that section. He went on to bring attention to Chapter 7, Article 11, Borough Council Meeting Rules. The Mayor then asked for a motion to move Councilman Pettinelli to Deputy Director of Public Safety and move Councilman Cartabona to Deputy Director of Finance. Motion made by Councilwoman Grossman to approve changes, seconded by Councilman Singleton. Councilman Cartabona made a motion to table the changes, seconded by Councilwoman Grossman, all were in favor. Mayor Dunwell asked for 10 minutes in Executive Session, litigation for tax assessment issue, 10 minutes, contractual for Clerk's office issues, 10 minutes for personnel for change in departments. Councilman Pettinelli asked what the procedures are for filing an ethics charge against anyone in the town. Councilman Cartabona said to contact the Ethics Board via their website where you can file there. Councilman Pettinelli also ask the mayor if every commercial business in town was required to have running water and sewer. Councilman Cartabona said every certified property for occupancy must have it. Mayor Dunwell then circled back to an earlier conversation referencing Mr. Frank earlier in the meeting referencing the DEP notification re; LMR. Mayor Dunwell reminded Councilman Pettinelli that the notification was sent out by the Acting Clerk with the notification on March 6 at 9:07 a.m. At this time, Councilman Grossman asked for five minutes Executive Session for code enforcement. Mayor Dunwell said that Donna suggested that we only have the Professionals report once per month. We would have to change the meeting resolution. Councilman Cartabona suggested we keep it the rest of the year and make the change for next year. Councilman Seiss liked the idea and suggested we do it at the beginning of the month to report on the prior month. No decision was made.

Police Department, Chief: No one present to report.

Fire Department, Chief Sean McDyer: Chief McDyer Reported on the Easter Egg Hunt. There was discussion regarding receiving approval for the coin toss which will coincide with the yard sale and Memorial Service. Mayor Dunwell, mentioned that the Fire Chief McDyer forward two draft ordinances to the attorney that are still in progress. We will plan to get them reviewed and discuss at our next meeting.

Emergency Squad: No one present to report.

Office of Emergency Management: No one present to report.

Attorney, Christopher Troxell: No report. Attorney Troxell requested 15 minutes in Executive Session for personnel, 15 minutes for litigation and 5 for contractual.

Engineer, Frank J. Seney: Frank Seney referred everyone to the latest March report previously handed out, giving updates with ongoing projects. Mayor Dunwell added that there is a start-up scheduled for Thursday morning, March 29th of the Frace St. Treatment Plant with the softener and the new caustic addition pump. Councilman Cartabona added that he had discussed with the engineer regarding putting a patch next to Springtown Rd. Mayor Dunwell also asked the engineer to take a look at a small concrete path outside of the exit door by the library. Mayor also updated us on Penn Bower sewer work being done. Councilwoman Grossman inquired about if we had a list as to what Penn Bower is still going to be work on.

CFO, Lorraine Rossetti: No report

Acting Municipal Clerk, Donna L. Messina: Donna reported on the activities of the Clerk's office which included status of our new website design, location of the agendas going forward will now be via the Ecode link. This will allow us to get the agendas up immediately after approval. She also reminded everyone about the financial disclosures that will be due by the end of April. Councilman Pettinelli questioned a sign on the Acting Clerk's computer. There was further discussion regarding employee work stations. Attorney Troxell indicated that this is now moving into personnel matters and we should halt the conversation.

Recycling Coordinator, Thomas Fey: No one present to report.

Code Enforcement, Thomas Fey: Councilman Singleton gave a update in his director's report.

Library Board, Steve Noll: President Noll reported on a situation that caused us to close the library for safety reasons. There as a call the Borough received from law enforcement that there may be a potential for an individual to show up here based on making threats. President Noll thought it would be best to close the library until the threat was over.

Second Public Comment: Mr. Cavanaugh, 1183 6th Ave., stated that about a year ago he brought up the paving project on 7th Ave. where the paving around the manhole was not properly done.

Mr. Savary, 1210 Park Ave., referencing Resolution 2018-06 questioned the three abstentions for the pool resolution.

Mr. Cavanaugh, 1183 6th Ave., had questions regarding the cost of the engineers work for the pool project and the number of bids that have gone out thus far.

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 Schwar made a motion that the CFO be authorized to pay all bills authorized by the director. Councilman Pettinelli seconded the motion. Councilman Pettinelli had a question about the phone charges which was then explained by Mayor Dunwell. Roll call: Ayes; Cartabona, Grossman, Schwar, Seiss and Singleton. Abstentions: Pettinelli, Nays: none.

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

P.O. Type: All		Range: First to Last		Open: N	Paid: N	Void: N					
Format: Condensed				Rcvd: Y	Held: Y	Aprv: N	Exempt: Y				
PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type				
16-00668	09/01/16	REMINGTO	REMINGTON & VERNICK ENGINEERS	Frace WTP: Backwash Neutr' Sys	Open	8,286.83	0.00	B			
18-00055	01/30/18	PM CONST	PM CONSTRUCTION	EXCAVATION FOR WATER MAIN	Open	1,687.50	0.00				
18-00134	02/26/18	PRINTMAN	PRINT MANAGEMENT SOLUTIONS	POSTBASE INK/SUPER SEAL	Open	218.00	0.00				
18-00143	03/02/18	OPDK	OPDYKE'S SALES & SERVICE	2001 INT'L 4900 MAINTENANCE	Open	1,503.23	0.00				
18-00148	03/08/18	OPDK	OPDYKE'S SALES & SERVICE	2008 INT'L 7300 MAINTENANCE	Open	98.00	0.00				
18-00160	03/12/18	QC	EUROFINS QC, INC.	WATER TESTING 2/9,12,23/18	Open	550.00	0.00				
18-00161	03/12/18	ALLIED	ALLIED OIL, LLC	93OCT PREMIUM NOLEAD GASOLINE	Open	297.72	0.00				
18-00162	03/12/18	MGL	MGL PRINTING SOLUTIONS	TAX/UTILITY WINDOW ENVELOPES	Open	201.00	0.00				
18-00163	03/13/18	ALLST005	ALL-STATE SERVICES	5 YR INTERNAL INSPECT/INVESTIG	Open	1,342.00	0.00				
18-00164	03/13/18	LSI	LINE SYSTEMS, INC	MAR PHONE CHARGES	Open	887.71	0.00				
18-00165	03/13/18	AMGAS	AMERIGAS - CLINTON 7510	PROPANE-FRACE ST/SPRINGTOWN RD	Open	1,165.12	0.00				
18-00167	03/14/18	JCP&L	JCP&L	ELECTRICITY CHARGES MARCH 2018	Open	1,146.70	0.00				
18-00169	03/20/18	SAVA	SAVARY EXCAVATION	WELD BUCKET ON TRACTOR	Open	500.00	0.00				
18-00171	03/20/18	NJCON	NJ CONFERENCE OF MAYORS	2018 NJCM MEMBERSHIP DUES	Open	295.00	0.00				
18-00172	03/20/18	ELIZGA	ELIZABETHTOWN GAS	GAS CHARGES MAR 2018	Open	790.26	0.00				
18-00173	03/22/18	CPENG005	CP ENGINEERS, LLC	Reso 2017-145 Special Engin.	Open	2,055.00	0.00	B			
18-00175	03/22/18	REMINGTO	REMINGTON & VERNICK ENGINEERS	PROFESSIONAL SRVS THRU 1/31/18	Open	12,591.17	0.00				
18-00176	03/26/18	QC	EUROFINS QC, INC.	WATER TESTING 12,4,5/16 & 2/18	Open	1,213.50	0.00				
18-00177	03/27/18	NJECO	NJ ECONOMIC DEVELOPEMENT AUTH.	HDSRF PRELIM ASSESS GRANT FEE	Open	500.00	0.00				
Total Purchase Orders:				19	Total P.O. Line Items:		0	Total List Amount:	35,328.74	Total Void Amount:	0.00

Old Business:

The first item on the agenda under old business, Authorization for the Mayor to sign Pact II Piping and Valve Upgrades to Frace St. Change Order #1 was held until the attorney can look at it further. Mayor asked for a motion to authorizing him to sign 2016 Phoenix Advisors Agreement for secondary market disclosures. Motion made by Councilman Cartabona to approve the authorization, seconded by Councilman Schwar. Roll Call: Ayes: Grossman, Pettinelli, Schwar, Seiss and Singleton. Abstentions: Cartabona. Nays; none. Councilman Singleton asked for a motion to allow the Director of Administration to sign the amended contract for the website that will change the contract to 50% up front and 50% after completion. Motion by Councilman Pettinelli to sign the agreement, seconded by Councilwoman Grossman. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton.

New Business:

Motion by Councilman Schwar to approve the PTO yard sale dates of May 19th and 20th, seconded by Councilman Cartabona. Roll Call: Ayes: Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays; none.

Motion by Councilwoman Grossman to approve Social Affairs Permit for LAO Assoc. of NJ, seconded by Councilman Pettinelli. Roll Call: Ayes: Grossman, Pettinelli, Schwar, Seiss and Singleton. Abstentions; Cartabona. Nays; none.

Executive Session:

Councilwoman Grossman made a motion to approve the following resolution to go back into executive session for 1 hour and 55 minutes for contractual, litigation, and/or personnel. Motion seconded by Councilman Pettinelli. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton.

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 1 hour(s), 55 minutes, allowing for a five (5) minute recess between the regular session and the executive session.

Return to Regular Session:

Motion made by Councilman Cartabona to return to the regular session, motion seconded by Councilwoman Grossman, all were in favor. Motion by Councilman Cartabona to take from the table Resolution 2018-56, seconded by Councilwoman Grossman, all in favor. Motion made by Councilman Schwar to approve Resolution 2018-56, motion seconded by Councilman Cartabona. Roll Call: Ayes: Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton.

**RESOLUTION 2018-56
RESOLUTION AUTHORIZING BOROUGH ENGINEER TO
PROVIDE CONSULTING ENGINEERING SERVICES
FOR CATCH BASIN IMPROVEMENTS –
FRACE STREET WATER TREATMENT PLANT**

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 proceed with engineering services in regard to catch basin improvements at the Frace Street water treatment plant in the Borough for the contemplated scope of work in accordance with the firm's proposal of March 23, 2018 (attached hereto) and in an amount not to exceed \$6,657.00, 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 services.

Motion made by Councilman Cartabona to approve the appointments made by Mayor Dunwell as follows: Deputy Director of Safety to be Councilman Pettinelli and Deputy Director of Finance to be Councilman Cartabona. Roll Call: Ayes: Cartabona, Grossman and Singleton. Nays; Pettinelli, Schwar and Seiss. Mayor Dunwell voted yes to break the tie. Motion passes.

Councilman Seiss stated that our ordinance states that we have 30 days to appoint someone to the Library Board to fill a vacancy. If 30 days has passed council can appoint someone.

Motion made by Councilman Schwar to have the Borough pay for the defense counsel under Resolution 2018-61, motion seconded by Councilman Pettinelli. Roll Call: Ayes: Pettinelli, Schwar and Seiss. Nays; Cartabona, Grossman and Seiss. Mayor Dunwell voted yes to break the tie. Motion passes.

**RESOLUTION 2018-61
SPECIAL COUNSEL**

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

WHEREAS, the services of Special 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, McDonnell Artigliere, to be retained as Special Counsel, at the rate of up to \$200 per hour plus relevant costs.

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

Motion made by Councilman Seiss to approve Resolution 2018-60, motion seconded by Councilman Schwar. Roll Call: Ayes; Grossman, Pettinelli, Schwar, Seiss and Singleton. Abstentions; Cartabona.

**BOROUGH OF ALPHA
RESOLUTION 2018-60
APPROVAL TO SETTLE COAH CASE**

WHEREAS, the Borough of Alpha filed suit for a declaration of compliance with the *Mount Laurel* doctrine and the Fair Housing Act of 1985 in accordance with the law(s) and regulations of the State of New Jersey, including that involving or stemming from the New Jersey Council on Affordable Housing (“COAH”); and

WHEREAS, the Council of the Borough of Alpha has agreed to a settlement in the matter along the terms as amended and set forth and agreed to between the Borough of Alpha and Fair Share Housing Center (“FSHC”), who was deemed to have party status in this case and a string of similar cases filed in the Superior Court.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Alpha that the Borough of Alpha hereby approves the settlement of the *Matter of the Borough of Alpha* – Docket Number L-233-15, filed in the Superior Court of New Jersey – and the last amended document setting forth same.

BE IT FURTHER RESOLVED that the Mayor and/or Borough Planner are authorized to sign the necessary and related documentation to affect this settlement, along with any other acts needed to complete same.

Motion made by Councilman Seiss to hire Global Document Services, motion seconded by Councilman Grossman. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton.

Adjournment:

Seeing no further business to come before Council, motion made by Councilwoman Grossman to adjourn this meeting at 11:59 PM , motion seconded by Councilman Singleton , all were in favor.

Respectfully submitted,

Donna L. Messina

Acting Borough Clerk