

Mayor Dunwell called the Meeting of the Common Council of the Borough of Alpha to order at 7:05 P.M. on November, 13, 2017.

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 1th, 2017, 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.

Oaths of Office were administered by Attorney Troxell to the winners of the recent election who were Alan Singleton and Louis Cartabona.

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

#### *Public Comment:*

Mike Savary, 1210 Park Ave., questioned why the port-a-johns weren't picked up at the athletic fields.

Mr. Pursell, High St., he asked about the number of votes each candidate received during the recent election.

Steve Noll, Dewy Ave., asked about the schedule for the fall brush pick up.

#### *Ordinances- 2<sup>nd</sup> reading:*

Motion to open the Public Hearing for Ordinance 2017-10 made by Councilman Seiss and seconded by Councilwoman Grossman, all were in favor.

#### **Ordinance 2017-10**

#### **AN ORDINANCE OF THE BOROUGH OF ALPHA, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING THE CODE OF THE BOROUGH OF ALPHA IN ORDER TO ADD A NEW CHAPTER 260 ENTITLED *MASSAGE ESTABLISHMENTS* TO THE CODE OF THE BOROUGH OF ALPHA**

**WHEREAS**, the Borough of Alpha regulates commercial and residential property within the Borough by and through the Borough Code; and

**WHEREAS**, the Borough may impose monetary fines and penalties for each violation of this ordinance and its respective provisions in the Borough Code; and

WHEREAS, the Borough Council finds that it is in the best interests of the Borough to amend the Borough Code as hereinafter provided to enact the following.

NOW, THEREFORE BE IT ORDAINED as follows:

The Borough of Alpha Code shall be amended, and a new chapter, Chapter 260 shall hereinafter be adopted to provide as follows:

**Chapter 260 : Massage Establishments**

§ 260-1 **Purpose.**

§ 260-2 **Definitions.**

§ 260-3 **Permits required.**

§ 260-4 **Fees.**

§ 260-5 **Application for massage establishment permit.**

§ 260-6 **Building requirements; inspections.**

§ 260-7 **Referral of application.**

§ 260-8 **Issuance or refusal of permit.**

§ 260-9 **Operating requirements.**

§ 260-10 **Sanitation and safety requirements.**

§ 260-11 **Revocation or suspension of permit.**

§ 260-12 **Register to be kept.**

§ 260-13 **Responsibilities of permittee.**

§ 260-14 **Display of permits.**

§ 260-15 **Inspections.**

§ 260-16 **Minors prohibited; exceptions.**

§ 260-17 **Alcoholic beverages prohibited.**

§ 260-18 **Unlawful acts.**

§ 260-19 **Permit specifications not to be changed.**

§ 260-20 **Transferability.**

§ 260-21 **Exceptions.**

§ 260-22 **Existing establishments; permit renewal.**

§ 260-23 **Violations and penalties.**

§ 260-1 **Purpose.**

The purpose of this chapter is to insure the health and safety of all persons involved in massage businesses and establishments within the Borough.

§ 260-2 **Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**EMPLOYEE**

Any and all persons, other than the massage practitioners, who work at a massage establishment, who receive compensation directly from the permittee and who have no physical contact with the customers and clients.

**LICENSED MASSAGE AND BODYWORK THERAPIST**

A person licensed to practice massage and bodywork therapies pursuant to the provisions of P.L. 1999, c. 19 (N.J.S.A. 45:11-53 et seq.), and P.L. 2007, c. 337 (N.J.S.A. 45:11-68 et seq.)  
[Added 7-21-2015 by Ord. No. O:2015-16]

**MASSAGE**

Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

**MASSAGE ESTABLISHMENT**

Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in this chapter. This includes any establishment engaged in or carrying on any of the

activities mentioned in this chapter. This includes any establishment engaged in or carrying on or permitting any combination of massage and bathhouse.

**MASSAGE PRACTITIONER(S)**

Any person, including a trainee, who, for any consideration whatsoever, engages in the practice of massage as herein defined including but not limited to subcontractors, subtenants or temporary employees.

**PATRON**

Any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

**PERMITTEE**

The operator of a massage establishment and out-call massage service.

**§ 260-3 Permits required.**

No person shall engage in or carry on the business of massage unless he or she has a valid massage establishment permit issued by the Borough of Alpha pursuant to the provisions of this chapter for each and every separate office or place of business.

**§ 260-4 Fees.**

**A.**

Every applicant for a permit to maintain, operate or conduct a massage establishment including out-call massage services shall file a complete application with the Clerk's Office upon a form provided by said office, and pay an annual filing fee as follows:

**(1)**

For one massage practitioner, the fee shall be \$250 per year.

**(2)**

For each additional massage practitioner, the fee shall be \$100 per year.

**B.**

All fees are nonrefundable.

**C.**

If at anytime after the initial permit is granted additional massage practitioners begin providing services at the massage establishment, all of the information required herein must be submitted to the Clerk within 10 days and the additional fee paid.

**D.**

In addition to the above fee, each massage practitioner must pay the fee required in § **260-5E(7)**.

**§ 260-5 Application for massage establishment permit.**

Any person desiring a massage establishment permit shall file a written application with the Borough Clerk's Office on a form to be furnished by the Borough. The applicant shall accompany the application with a tender of the correct fee set forth in § **260-4** above and shall, in addition, furnish the following:

**A.**

The type of ownership of the business, i.e., whether individual, partnership, corporation, limited liability corporation, or otherwise.

**B.**

The name, style and designation under which the business or practice is to be conducted.

**C.**

The business address and all telephone numbers where the business is to be conducted.

**D.**

A complete list of the names, residence addresses and emergency telephone numbers of all massage practitioners and employees in the business and the name, residence addresses and emergency telephone numbers of the manager or other person principally in charge of the operation of the business.

**E.**

The following personal information concerning the applicant, if an individual, concerning each stockholder holding more than 10% of the stock of the corporation, each officer and each director or managing agent if the applicant is a corporation, concerning the partners including limited partners. If the applicant is a partnership, the manager or other person principally in charge of the operation of the business, and all massage practitioners and employees:

**(1)**

The name, complete residence address and residence/emergency telephone number.

**(2)**

The two previous addresses immediately prior to the present address of the applicant.

**(3)**

Written proof of age.

**(4)**

Height, weight, color of hair and eyes and sex.

**(5)**

Two front-face portrait photographs taken within 30 days of the date of the application and two inches by two inches in size.

**(6)**

The massage or similar business history and experience, including but not limited to whether or not such person has previously operated in this or another Borough or state under a license or permit or has had such

license or permit denied, revoked or suspended and the reason therefore and the business activities or occupations subsequent to such action for denial, suspension or revocation.

**(7)**

All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof. The applicant shall execute a waiver and consent to allow a fingerprint and criminal background check by the Police Department. A fee of \$50 shall be paid for each massage practitioner and employee.

**(8)**

A diploma, certificate or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage business. A true copy of a certificate of certification, issued by the Massage, Bodywork and Somatic Therapy Committee of the New Jersey Board of Nursing pursuant to P.L. 1999, c. 19 (*N.J.S.A. 45:11-53 through 67*), for each massage practitioner to be employed at the massage establishment.

**(9)**

Authorization for the Borough and its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

**(10)**

The names and addresses of three adult residents of the county who will serve as character references. These references must be persons other than relatives and business associates.

**(11)**

A written declaration by the applicant, under penalty or perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the Borough.

**§ 260-6 Building requirements; inspections.**

**A.**

No massage establishment shall be issued a permit to be operated, established or maintained in the Borough unless an inspection by the Construction Official and Fire Inspector reveals that the establishment complies with each of the following minimum requirements:

**(1)**

Construction of rooms used for toilets, tubs, steam baths, and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the New Jersey Uniform Construction Code.

**(2)**

All massage tables, bathtubs, shower stalls or bath areas and floors shall have surfaces which may be readily disinfected.

**(3)**

Adequate bathing, dressing and locker facilities shall be provided for the patrons to be served at any given time. In the event that male and female patrons are to be served simultaneously, separate bathing, dressing, locker and massage room facilities shall be provided.

**(4)**

The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.

**(5)**

Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.

**(6)**

Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each 20 or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for half of the water closets for the male patrons after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.

**(7)**

Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule immediately adjacent thereto. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels.

**(8)**

The premises shall be equipped with a service sink for custodial services.

**(9)**

The premises shall meet the Building Code, Fire Code of the Borough, and all other applicable laws and regulations.

**B.**

The Health Officer, the Construction Official or the Fire Inspector shall certify that the proposed massage establishment complies with all the requirements of this chapter and shall send such certification to the Clerk.

**§ 260-7 Referral of application.**

The Clerk, upon receiving an application for a massage establishment permit, shall refer the application to the Construction Official, the Fire Department, the Police Department and the Borough Land Use

Board/Planning Department, which departments shall inspect the premises proposed to be operated as a massage establishment and shall make written recommendation to the Clerk and/or governing body concerning the laws and codes that they administer.

**§ 260-8 Issuance or refusal of permit.**

The Clerk may issue a permit within 14 days following receipt of a completed application and the certifications set forth in §§ **260-6** and **260-7** above, if all requirements for a massage establishment described in this chapter are met unless he finds that:

**A.**

The correct permit fee has not been tendered to the Borough and in the case of a check or bank draft honored with payment upon presentation.

**B.**

The operation as proposed by the applicant, if permitted, would not comply with all applicable laws, including but not limited to the building, zoning and health regulations.

**C.**

The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the Borough in conjunction therewith.

**D.**

The applicant has had a massage business, massage practitioners or other similar permit or license denied, revoked or suspended for any of the above causes by the Borough or any other state or local agency within five years prior to the date of the application.

**E.**

The applicant, if an individual; any of the officers and directors or managing director, if the applicant is a corporation or limited liability corporation; any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person principally in charge of the operation of the business is not over the age of 18 years.

**F.**

The applicant, if an individual, any of the stockholders holding more than 10% of the stock of the corporation, or any of the officers or directors or managing directors if the applicant is a corporation, or any of the officers or directors if the applicant is a corporation, any of the partners including limited partners if the applicant is a partnership, or the manager or other person principally in charge of the operation of the business has been convicted of a felony, an offense involving sexual misconduct with children, prostitution, soliciting for purpose of prostitution, pandering, keeping a place of prostitution, any crime involving dishonesty, fraud or deceit or other offenses opposed to decency and morality.

**§ 260-9 Operating requirements.**

**A.**

Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

**B.**

Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

**C.**

All employees, including massage practitioners and employees, shall be clean and wear clean, nontransparent outer garments. A separate dressing room for each sex must be available on the premises, and each dressing room shall contain a tub or shower in good working order and individual lockers for each employee and customer. Doors to such dressing rooms shall open inward and shall be self-closing.

**D.**

All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity, which shall be laundered after each use thereof and stored in a sanitary manner.

**E.**

The genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage practitioner.

**F.**

It shall be unlawful for any person knowingly, in a massage establishment, to place his or her hand upon or to touch with any part of his or her body, to fondle in any manner or to massage a genital area of any other person.

**G.**

No massage practitioner, employee or operator shall perform, offer or agree to perform any act which would require the touching of the patron's sexual or genital area.

**H.**

All massage practitioners and employees shall refrain, under all circumstances, from initiating or engaging in any sexual conduct, sexual activities, or sexualizing behavior involving a client, even if the client attempts to sexualize the relationship.

**I.**

All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

**J.**

Oils, creams, lotions and other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

**K.**

Eating in the massage work areas shall not be permitted. Animals, except for Seeing Eye dogs, shall not be permitted in the massage work area.

**L.**

Each massage practitioner shall wash his or hands in hot running water, using a proper soap or disinfectant, before administering a massage to each patron.

**M.**

Insurance. All massage practitioners and massage establishments shall maintain and post proof of appropriate liability insurance coverage with a reputable company licensed by the State of New Jersey in an amount of not less than \$1,000,000 per occurrence and in the aggregate for all claims caused by personal injury. A certificate of insurance in acceptable form shall be provided to the Business Administrator within 10 days of the issuance of the permit set forth in § **260-8** above.

**N.**

Hours of operation. The hours of operation for all licensed business shall be between 7:00 a.m. and 10:00 p.m.

**§ 260-10 Sanitation and safety requirements.**

**A.**

All premises used by permittees hereunder shall be subject to periodic inspections by the Health Department of the County of Warren and Building Department or their authorized representatives for safety of the structure and adequacy of plumbing, ventilation, heating and illumination. The walls shall be clean and painted with washable mold-resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition. Towels, linen and items for the personal use of operators and patients shall be clean and freshly laundered. Towels, cloths and sheets shall not be used for more than one patron. Heavy, white paper may be substituted for sheets, provided that such paper is changed for every patron. No massage service or practice shall be carried on within any cubicle, room or booth or any area within a massage establishment which is fitted with a door capable of being locked.

**B.**

Nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises nor to preclude authorized inspection thereof.

**§ 260-11 Revocation or suspension of permit.**

Any permit issued for a massage establishment or out-call massage service may be revoked or suspended by the Borough after a hearing, for good cause or in any case where any of the provisions of this chapter are violated, or where any employee or the permittee, including a massage practitioner, is engaged in any condition which violates any of the state or local laws or ordinances at the permittee's place of business, and the permittee has actual or constructive knowledge of such violations, or the permittee should have actual or constructive knowledge by due diligence or any duly authorized police officer or health inspector of the Borough of Alpha to inspect the premises or the operations therein. Such permit may also be revoked or suspended by the Borough, upon the direction of the Clerk or other Borough official so designated, that such business is being managed, conducted or maintained without regard for the public health or health of patrons or customers, or without due regard to proper sanitation and hygiene.

**§ 260-12 Register to be kept.**

The operator of a massage establishment or an out-call massage service must maintain a register of all persons employed as massage practitioners and their permit numbers. Such register shall be available for inspection at all times during regular business hours.

**§ 260-13 Responsibilities of permittee.**

The permit holder shall be responsible for all actions which occur on the premises whether by massage practitioners, employees, subcontractors, or other persons on the premises.

**§ 260-14 Display of permits.**

All massage establishments shall post their massage establishment permit in the hallway entrance in a conspicuous location at all times.

**§ 260-15 Inspections.**

The County Health Department, the Police Department and the Fire Department shall, from time to time, at least once a year, announced or unannounced, make an inspection of each massage establishment granted a permit under the provisions of this chapter for the purpose of determining whether the provisions of this chapter are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

**§ 260-16 Minors prohibited; exceptions.**

No person shall permit any person under the age of 18 years to receive a massage without advanced written permission of their parent, caregiver or guardian or a parent, caregiver or guardian must be present in the room during the time of the massage.

**§ 260-17 Alcoholic beverages prohibited.**

No person shall sell, give, dispense, provide or keep or permit the sale or consumption of alcoholic beverages on the licensed premises.

**§ 260-18 Unlawful acts.**

**A.**

It shall be unlawful for any person to massage any other person or give or administer any of the other things mentioned in this chapter or which violate any municipal law, state law or ordinance. Any violation of this chapter shall be deemed grounds for revocation of the permit granted hereunder.

**B.**

Any massage practitioner engaged in massage at an unlicensed massage establishment shall be guilty of a violation of this chapter.

**§ 260-19 Permit specifications not to be changed.**

No person granted a permit pursuant to this chapter shall operate under any name or conduct his or her business under any designation for any location not specified in his or her permit.

**§ 260-20 Transferability.**

Massage establishment permits are not transferable, separate or divisible, and such authority as a permit confers shall be conferred only on the permittee named therein for the location specified therein only.

**§ 260-21 Exceptions.**

The provisions of this chapter shall not apply to massage or physical therapy treatments given:

**A.**

In the office of a licensed physician, chiropractor, physical therapist or licensed massage and bodywork therapist.

**B.**

In a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, chiropractors, physical therapists and/or licensed massage and bodywork therapists.

**C.**

By any licensed physician, chiropractor, physical therapist or licensed massage and bodywork therapist in the residence of his or her patient.

**§ 260-22 Existing establishments; permit renewal.**

All persons who presently operate a massage establishment must apply for a permit within one month of the effective date of this chapter. Applications for renewal of permits must be filed not more than two months nor less than one month prior to termination of an existing permit.

**§ 260-23 Violations and penalties.**

Any person violating any of the provisions of this chapter shall, upon conviction, be liable for a penalty as stated in Chapter 1, Section 9 of the Alpha Borough Code.

*Public Hearing:*

Mike Savary questioned whether we needed this ordinance. Mayor Dunwell added that it was at the request of the Zoning Officer, Kevin Duddy due to an issue we currently have going on in the Borough.

Motion to close the Public Hearing made by Councilman Cartabona, seconded by Councilwoman Grossman. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton.

Motion to adopt Ordinance 2017-10 made by Councilman Schwar and seconded by Councilman Seiss. Roll call: Ayes: Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays: Cartabona. Motion passes.

Motion to open the Public Hearing for Ordinance 2017-11 made by Councilman Schwar and seconded by Councilwoman Grossman, all were in favor.

**ORDINANCE 2017-11  
AN ORDINANCE SETTING THE SALARY RANGE  
FOR THE HEREIN NAMED EMPLOYEES OF THE BOROUGH OF ALPHA.**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Alpha, County of Warren, State of New Jersey that the annual salary of the following officers and/or employees of the Borough of Alpha, County of Warren, and State of New Jersey named herein shall be as follows:

ACTING CLERK	\$15.00 - \$25.00 per hour
ASSISTANT MUNICIPAL CLERK	\$14.00 - \$23.00 per hour
REGISTERED MUNICIPAL CLERK	\$45,000 - \$80,000 per year

Any ordinance or sections of the ordinance of the Borough of Alpha, New Jersey inconsistent herein shall be and the same hereby repealed. These salary ranges are based, in part, on civil service or department of personnel information.

This ordinance shall become effective immediately after adoption.

*Public Hearing:*

No comments.

Motion to close the Public Hearing made by Councilman Schwar, seconded by Councilman Cartabona. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton.

Motion to adopt Ordinance 2017-11 made by Councilman Schwar and seconded by Councilwoman Grossman. Roll call: Ayes: Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays: None. Motion passes.

*Resolutions:*

Motion made by Councilman Cartabona to put on the table, Resolution 2017-113, seconded by Councilwoman Grossman. Roll Call: Ayes; Cartabona, Grossman, Schwar, Seiss and Singleton. Nays; Pettinelli.

**RESOLUTION 2017-113  
RESOLUTION AWARDED A CONTRACT  
FOR SWIMMING POOL RECONSTRUCTION AND REHABILITATION**

Motion made by Councilman Schwar to approve Resolution 2017-147. After further discussion, Councilman Schwar withdrew his motion to approve. Motion made by Councilwoman Grossman to put on the table, Resolution 2017-147, seconded by Councilman Pettinelli, all in favor.

**RESOLUTION 2017-147  
RESOLUTION AUTHORIZING BOROUGH ENGINEER TO  
PROVIDE CONSULTING ENGINEERING SERVICES  
FOR INDUSTRIAL DRIVE/EDGE ROAD CONNECTOR ROAD**



Motion made by Councilman Seiss to approve Resolution 2017-148, motion seconded by Councilman Schwar. Roll Call: Ayes: Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays; None.

**RESOLUTION 2017-148**  
**RESOLUTION OF THE BOROUGH OF ALPHA, COUNTY OF WARREN, STATE OF NEW JERSEY CERTIFYING THAT THE W. H. WALTERS FREE PUBLIC LIBRARY IS CLASSIFIED AS A CLASS 111 ORGANIZATION AND IS NAMED AS ADDITIONALLY INSURED FOR GENERAL LIABILITY**

WHEREAS, the Borough of Alpha is a participating member of the Public Alliance Insurance Coverage Fund relative to general liability and other coverage, and

WHEREAS, the Fund has adopted certain criteria to distinguish between bona fide municipal activities and other quasi-municipal organizations not sponsored by the municipality, and, therefore, not subject to coverage by the Fund; and

WHEREAS, it has been determined that in order to be covered by the Fund, an organization or activity must meet the test that its function is of the type that historically municipalities have undertaken themselves or have provided with insurance coverage and/or is the one which advances a bona fide local public purpose on a non-profit basis typically met by a local government, the benefits of which are available to the municipality in general; and

**BE IT RESOLVED,**

- 1) The Borough of Alpha hereby certifies that the W. H. Walters Public Library is classified as a Class 111 organization for Joint Insurance Fund Purposes
- 2) The Borough of Alpha does hereby request that the organization described herein be named as additionally insured for general liability and non-owned automobile liability coverage in accordance with the applicable limits and restrictions, and
- 3) A certified copy of this Resolution, together with the "general application" shall be filed with the Secretary of the Public Alliance Insurance Fund.

*Approval of Minutes:*

Motion made by Councilman Schwar approve the regular minutes of February 13, 2017 and February 27, 2017, seconded by Councilwoman Grossman. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar and Seiss. Nays; None. Abstentions; Singleton.

*Department Reports:*

*Administration, Councilman Alan Singleton:* Reported on the open Clerk's position. He would like to schedule interviews next week. He also updated everyone on the status of the website redo. Councilman Singleton approved all bills, salaries, and wages for his department.

*Finance, Councilman Michael Schwar:* Councilman Schwar reminded everyone of the next budget meeting and updated everyone on the finances of our accounts. He also shared information regarding scanning of documents and updated everyone on updating the current bleachers due to their condition. Councilman Schwar requested five minutes

executive session, personnel for salaries and 10 minutes, contractual for police and court contracts. Councilman Schwar approved all bills, salaries, and wages for his department.

*Health & Welfare, Councilwoman Peter Pettinelli:* Councilman Pettinelli announced that the town cleanup was a success and suggested we have it twice a year. Councilman Pettinelli approved all bills, salaries, and wages for his department.

*Public Property, Councilwoman Tracy Grossman:* Reported that they finished the installation of the lights at Veteran's Park. Councilwoman Grossman approved all bills, salaries, and wages for her department.

*Public Safety, Councilman Thomas Seiss:* Councilman Seiss reported that the last pad for the firehouse was poured. They will be back in the spring to take care of the grass. At the last meeting, the chief reported that any new volunteers will now need to undergo a background check. Councilman Seiss approved all bills, salaries, and wages for his department.

*Public Works, Councilman Louis Cartabona:* Councilman Cartabona updated everyone on the activities of DPW including, cleaning up of the grass dump area, re-reading of certain water meters, garbage cleanup, and cleanup of athletic fields. Councilman Cartabona approved all bills, salaries, and wages for his department.

#### *Committee Reports:*

Councilman Cartabona reported that he completed the task of preparing the pool for the winter with the park attendant as well as the winterization of the pool house. Councilman Pettinelli asked about the town being in danger in the case of a fire. Discussion was had around this topic.

#### *Professionals & Official Reports*

*Mayor, Craig S. Dunwell:* Mayor Dunwell had no report but asked for the following executive session time; five minutes, potential litigation for Clean Communities, five minutes, contractual for lease of public property, five minutes potential litigation for DEP issue, 10 minutes contractual and potential for a water service issue, 15 minutes contractual for professionals, 10 contractual for the Edge Road extension.

*Police Department, Captain Swick:* They are working on putting the speed sign on 7<sup>th</sup> Ave.

*Fire Department, Chief Sean McDyer:* Chief McDyer reported on the number of calls from the prior month and the activities for December. There was also discussion about any future expenses for the firehouse.

*Emergency Squad, Mr. Lee:* No Report.

*Office of Emergency Management; Todd Pantuso,* No Report.

*Attorney, Christopher Troxell:* No Report

*Engineer, Frank J. Seney or Stephanie Cuthbert:* Stephanie directed everyone to the report she emailed out earlier and updated everyone on the status of the current projects. Motion made by Councilman Seiss to extend the contract for the work on South Blvd. for an additional 30 days, seconded by Councilman Schwar. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays; None. Mayor Dunwell requested five minutes executive session for potential litigation, water project restoration.

*CFO, Lorraine Rossetti:* Councilman Schwar reported that the best practices document was submitted.

*Acting Municipal Clerk, Donna L. Messina:* No report.

*Recycling Coordinator, Thomas Fey:* No report.

*Code Enforcement, Thomas Fey:* No report.

*Library Board, Steve Noll:* Steve reported on the new winter hours for the library and the activities of the library for the rest of the year.

*Second Public Comment:*

Leo Pursell, 940 High St., offered to have Louis to come to his house to do a water pressure test for the future.

Mike Savary, asked we could use Pursell St. well if there was an emergency and asked about the pool resolution.

*Payment of Bills & Claims:* 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.

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

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

November 10, 2017  
03:14 PM

BOROUGH OF ALPHA  
Bill List By P.O. Number

P.O. Type: All  
Range: First to Last  
Format: Condensed

Open: N Paid: N void: N  
Rcvd: Y Held: Y Aprv: N  
Bid: Y State: Y Other: Y Exempt:

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Typ
17-00383	06/08/17	SERVICEE	SERVICE ELECTRIC CABLE TV	JUNE-DEC INTERNET CHARGES	Open	214.90	0.00
17-00412	06/22/17	CASTLE	CASTLE SEPTIC SERVICE CORP	TOILET RENTAL CHARGES--JUN-OCT	Open	500.00	0.00
17-00414	06/22/17	HEALTH	STATE OF NJ HEALTH BENEFITS	HEALTH BENEFITS - MAY-DEC 2017	Open	2,823.16	0.00
17-00415	06/22/17	WATERRES	WATER RESOURCE MANAGEMENT, INC	C-2 LICENSED SEWER OPERATOR	Open	1,250.00	0.00
17-00423	06/27/17	BARANSKY	RANKIN BARANSKY BIOSYS RESRCH	N-2 OPERATOR JUNE-DEC 2017	Open	893.33	0.00
17-00432	06/29/17	VITAL	VITAL COMMUNICATIONS, INC	JUL-DEC MOD IV/CAMA TAX SYSTEM	Open	105.00	0.00
17-00434	06/29/17	TRITE	DE LAGE LANDEN FINANCIAL SERV	COPIER LEASE 6/15/17-1/14/18	Open	144.59	0.00
17-00435	06/29/17	TOWNP	TOWN OF PHILLIPSBURG	POLICE COVERAGE 2017	Open	35,416.66	0.00
17-00445	07/05/17	LMR	LMR CLEANOUT & DISPOSAL	TRASH REMOVAL - JUN-DEC 2017	Open	12,833.33	0.00
17-00464	07/08/17	MOUNTAIN	MOUNTAIN SIDE LAWN CARE	2017 Season Lawn Care Service	Open	1,010.44	0.00
17-00470	07/11/17	TROXE	CHRISTOPHER M. TROXELL, ESQ	2017 Legal Retainer-Munic Attn	Open	4,150.00	0.00
17-00594	08/30/17	JEWELL	JEWELL COMPUTING SOLUTIONS LLC	BACKUP SERVICE/OFFICE 365	Open	575.77	0.00
17-00598	09/05/17	FERGUSON	FERGUSON BATH & KITCHEN	MTR WSHR/MTR COUP	Open	1,046.40	0.00
17-00623	09/25/17	NJSTA	NJ STATE LEAGUE MUNICIPALITIES	AD FOR MUNICIPAL CLERK	Open	160.00	0.00
17-00652	10/13/17	HOME	HOME DEPOT CREDIT SERVICES	PARTS--WATER TOWER EMERG JOB	Open	24.29	0.00
17-00681	10/25/17	ACTION	ACTION DATA SERVICES	PAYROLL SERVICES 10/7/17	Open	135.47	0.00
17-00682	10/25/17	EAS	EAS BY ACTION DATA	PAYROLL SERVICES 10/7/17	Open	43.19	0.00
17-00683	10/25/17	EAS	EAS BY ACTION DATA	QTR 3 PENSION FILING 9/30/17	Open	258.00	0.00
17-00684	10/25/17	TOWNP	TOWN OF PHILLIPSBURG	SHARED SERVICES--DONNA MESSINA	Open	1,643.52	0.00
17-00685	10/25/17	JCPL	JCP&L	ELECTRICITY CHARGES OCT 2017	Open	2,324.13	0.00
17-00686	10/25/17	COYNE	COYNE CHEMICAL	SODIUM HYPOCHLORITE 15%	Open	1,545.00	0.00
17-00687	10/25/17	WAMAT	WARREN MATERIALS	ASPHALT--1ST AVE & WILLIAMS ST	Open	9,399.78	0.00
17-00688	10/27/17	LSI	LINE SYSTEMS, INC	OCT PHONE CHARGES	Open	877.46	0.00
17-00691	11/02/17	HOME	HOME DEPOT CREDIT SERVICES	Replace Slop Sink for Garage	Open	268.54	0.00
17-00693	11/03/17	ACTION	ACTION DATA SERVICES	2017 QUARTER 3 FILING	Open	461.00	0.00
17-00696	11/10/17	ELIZGA	ELIZABETHTOWN GAS	Mar-Oct AYAA gas heat service	Open	452.46	0.00
17-00697	11/10/17	QC	EUROFINS QC, INC.	10/13 Water Testing #1907569	Open	65.00	0.00
17-00701	11/10/17	WARREN	WARREN MATERIALS	10/6 Cold Patch #302 003376	Open	171.52	0.00
17-00702	11/10/17	WCCL	WARREN COUNTY CLERK	17-00003 Record Tax Sale	Open	8.00	0.00
17-00705	11/10/17	NJADVME	NJ ADVANCE MEDIA	10/20 Ord 2017-10 I04437472	Open	22.34	0.00
17-00714	11/10/17	NJADVME	NJ ADVANCE MEDIA	tax sale/spec meet/ord17-11	Open	1,445.30	0.00
17-00715	11/10/17	JCPL	JCP&L	water & flood lights 10-6-11/6	Open	2,068.76	0.00
17-00716	11/10/17	ACTION	ACTION DATA SERVICES	10/21 payroll service #52537	Open	143.03	0.00
17-00717	11/10/17	EAS	EAS BY ACTION DATA	10/21 payroll agency #52538	Open	125.57	0.00
Total Purchase Orders: 34				Total P.O. Line Items: 0	Total List Amount: 82,605.94	Total void Amount:	

*Old Business;*

*No old business*

*New Business:*

Motion made by Councilwoman Grossman to approve a raffle license for St. Mary's on January 28, 2018, seconded by Councilman Schwar. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton.

Motion made by Councilman Schwar to approve a raffle license for Stepping Stone School on December 15, 2017, seconded by Councilman Pettinelli. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton.

Motion made by Council Schwar to approve an application for a social affair for the Stepping Stone School on December 15, 2017, seconded by Councilman Cartabona. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton.

Mayor Dunwell asked for 10 minutes executive session, potential litigation for zoning official.

*Executive Session:*

Councilman Seiss made a motion to approve the following resolution to go back into executive session for 1 hour 20 minutes for contractual, litigation, and/or personnel. Motion seconded by Council Cartabona. 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), 20 minutes, allowing for a five (5) minute recess between the regular session and the executive session.

*Return to Regular Session:*

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

Councilman Seiss further discussed the background checks for the volunteer fire department. Attorney Troxell will look into the ordinance and give a recommendation.

Councilman Schwar clarified the previous discussions regarding the Board of Health members. Attorney Troxell also weighed in on the topic.

Motion made by Councilman Schwar to take from the table Resolution 2017-147, seconded by Councilman Cartabona, all in favor.

Motion to approve Resolution 2017-147 by Councilman Schwar, seconded by Councilman Cartabona. Roll Call: Ayes; Cartabona, Grossman, Pettinelli, Schwar, Seiss and Singleton. Nays; None.

**RESOLUTION 2017-147  
RESOLUTION AUTHORIZING BOROUGH ENGINEER TO  
PROVIDE CONSULTING ENGINEERING SERVICES  
FOR INDUSTRIAL DRIVE/EDGE ROAD CONNECTOR ROAD**

**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 a connector road between Edge Road and Industrial Drive in the Borough for the contemplated scope of work in accordance with the firm's proposal of November 8, 2017 (attached hereto) and in an amount not to exceed \$39,650.00, 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.

**CERTIFICATION**

*I, Craig S. Dunwell, Mayor of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council at a meeting of said Common Council on November 13<sup>th</sup>, 2017 and that said Resolution was adopted by not less than the legal vote needed of the members of the Council.*

\_\_\_\_\_  
*Hon. Craig S. Dunwell, Mayor*

*Witness my hand and seal of the Borough of Alpha  
This 13th day of November 2017.*

*Adjournment:*

Seeing no further business to come before Council, motion made by Councilman Singleton to adjourn this meeting at 10:06 PM, motion seconded by Councilwoman Grossman , all were in favor.

Respectfully submitted,

Donna L. Messina

Acting Borough Clerk