

Mayor Dunwell called the Meeting of the Common Council of the Borough of Alpha to order at 7:08 p.m. on October 24, 2017.

Mayor Dunwell announced that adequate notice of the meeting was given and posted on the bulletin board in the Clerk's office satisfying the requirements of the Open Public Meeting Act:

NOTICE

Pursuant to the provisions of the Open Public Meetings Act, adequate notice of this meeting has been given. On January 1, 2017, the Municipal Clerk delivered to the Star Gazette/Express-Times and posted on the bulletin board in the Municipal Clerk's office a notice containing the date, time, and place of this meeting of the Borough Council. Also said notice has been mailed to persons requesting the same.

Mayor Dunwell led prayer and the salute to the flag.

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

Public Comment:

Sharon Hoffman, 154 6th Ave., had questions about the work was being done why she wasn't notified. She also said that her yard was disturbed when the work was being done and she paid out of her own pocket to repair the work. Mayor Dunwell said he would speak with the contractor and do a walk through the property.

Lisa LaCaruba, 1805 Springtown Rd., had questions about the renaming of one of the High St. She also had questions about the massage pallor ordinance. She also had questions about Donna Messina employment and current status.

Ordinances – First Reading:

Motion made by Councilman Schwar to introduce Ordinance 2017-11, motion seconded by Councilwoman Grossman. Roll Call: Ayes: Grossman, Pettinelli, Schwar and Singleton. Nays: None; Absent: Cartabona and Seiss.

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or sections of the ordinance of the Borough of Alpha, New Jersey inconsistent herein shall be and the same hereby repealed.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

Ordinances – Second Reading:

Motion to open the public hearing for Ordinance 2017-09 made by Councilman Schwar and seconded by Councilwoman Grossman, all were in favor.

**Ordinance 2017-09
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 303 ENTITLED *PROPERTIES, UPKEEP OF
VACANT AND ABANDONED RESIDENTIAL PROPERTIES TO THE CODE OF THE BOROUGH
OF ALPHA***

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

WHEREAS, the Legislature and the Governor of the State of New Jersey have enacted P.L. 2014, c.35, described as “[a]n Act concerning the maintenance of certain residential properties, supplementing chapter 48 of Title 40 of the Revised Statutes....” (the Act); and

WHEREAS, the Act authorizes the Borough to adopt an ordinance for the purpose of regulating the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential properties for which a creditor has filed a summons and complaint in an action to foreclose; and

WHEREAS, the Act authorizes designated Borough officials to issue notices to creditors that have filed a summons and complaint in an action to foreclose, if the public official determines that the property is vacant and abandoned and that the creditor has failed to provide for the care, maintenance, security, and upkeep of the exterior of the property; and

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

WHEREAS, the Borough wishes to amend the Borough Code to enact the provisions of P.L. 2014, c.35; 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 provisions of P.L. 2014, c.35.

NOW, THEREFORE BE IT ORDAINED as follows:

Section One.

The Borough Code shall be amended and a new chapter, Chapter 303 shall hereinafter be adopted to provide as follows:

Chapter 303 *PROPERTIES, UPKEEP OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES.*

§303-1 *Purpose.*

The purpose of this chapter is to create a regulation regarding registration and maintenance of vacant and abandoned residential properties in foreclosure in accordance with the provisions of P.L. 2014, c.35.

§303-2 *Definitions.*

A. “Creditor” shall mean, consistent with section 3 of P.L. 2008, c.86, a State chartered bank, savings bank, savings and loan association or any credit union, any person required to be licensed under the provisions of

the “New Jersey Residential Mortgage Lending Act,” and any entity acting on behalf of the Creditor named in the debt obligation, including but not limited to, servicers.

B. “Vacant and Abandoned” residential property shall mean, consistent with section 1 of P.L. 2010, c.70 (C.2A:50-73), residential real estate for which a notice of violation has been issued pursuant to Section 10-12.3 of this Chapter and subsection b. of section 1 of P.L. 2014, c.35. Where a notice of violation has not been issued pursuant to Section 303-4 of this Chapter and subsection b. of section 1 of P.L. 2014, c.35, residential property shall be deemed “Vacant and Abandoned” where a mortgaged property is not occupied by a mortgagor or tenant as evidenced by a lease agreement entered into prior to the service of a notice of intention to commence foreclosure according to section 4 of the “Fair Foreclosure Act,” P.L. 1995, c.244 and at least two of the following conditions exist:

- (1) overgrown or neglected vegetation;
- (2) the accumulation of newspapers, circulars, flyers or mail on the property;
- (3) disconnected gas, electric, or water utility services to the property;
- (4) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (5) the accumulation of junk, litter, trash or debris on the property;
- (6) the absence of window treatments such as blinds, curtains or shutters;
- (7) the absence of furnishings and personal items;
- (8) statements of neighbors, delivery persons, or government employees indicating that the residence is vacant and abandoned;
- (9) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- (10) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (11) a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (12) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (13) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (14) a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property; and
- (15) any other reasonable indicia of abandonment.

§303-3 Registration of Vacant and Abandoned Properties

A. A Creditor filing a summons and complaint in an action to foreclose on a Vacant and Abandoned property, or a Creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes Vacant and Abandoned, shall within thirty (30) calendar days after the building becomes Vacant and Abandoned or within thirty (30) calendar days after assuming ownership of the Vacant and Abandoned property, whichever is later; or within ten (10) calendar days of receipt of notice from the Borough, and annually thereafter, file a registration statement for such Vacant and Abandoned property with the municipal clerk on forms provided by the Borough for such purposes. Any failure to receive notice from the Borough shall not constitute grounds for failing to register the Vacant and Abandoned property.

B. Each Vacant and Abandoned property having a separate block and lot number as designated in the official tax maps of the Borough shall be registered separately.

C. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person twenty-one (21) years or older, designated by the Creditor as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Creditor in connection with the enforcement of any applicable code.

D. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the Abandoned and Vacant property. The individual or representative of the firm responsible for maintaining the Abandoned and Vacant property shall be available by telephone or in person on a twenty-four-hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

E. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be valid through December 31st of the year in which it was filed. The Creditor shall be required to renew the registration annually as long as the building remains Vacant and Abandoned and shall pay a registration or renewal fee in the amount prescribed in Paragraph J. of this Section for each Vacant and Abandoned property registered.

G. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

H. The Creditor shall notify the municipal clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the municipal clerk for such purpose.

I. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the Creditor.

J. Fee Schedule. The initial registration fee for each Vacant and Abandoned property under the provisions of this Section shall be five hundred (\$500.00) dollars. The fee for the first annual renewal shall be one thousand five hundred (\$1,500.00) dollars and the fee for the second annual renewal shall be three thousand (\$3,000.00) dollars. The fee for any subsequent annual renewal beyond the second renewal shall be five thousand (\$5,000.00) dollars.

§303-4 Creditor Responsibility for Vacant and Abandoned Properties.

A. A Creditor filing a summons and complaint in an action to foreclose on a residential property within the Borough shall be immediately responsible for the care, maintenance, security, and upkeep of the exterior of the property, after the property becomes Vacant and Abandoned as defined in this Chapter.

B. Where a Creditor is located out-of-State, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of Paragraphs C and D of Section 303-3. Notice of said representative or agent shall be provided to the Borough clerk in a manner that is consistent with subsection a. of section 17 of P.L. 2008, c.127 (the "Save New Jersey Homes Act of 2008"), and shall further include the full name and contact information of the in-State representative or agent.

§303-5 Notice.

A. Any public officer designated by the Borough pursuant to Section 303-6 or authorized municipal official responsible for the administration of any property maintenance or public nuisance code shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Borough, if the public officer determines that the Creditor has violated this Chapter by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to Section 303-4 of this Chapter and the Save New Jersey Homes Act of 2008.

B. The notice referenced in Paragraph A of this Section shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.

C. The issuance of a notice pursuant to Paragraph A of this Section shall constitute proof that a residential property is "Vacant and Abandoned" for the purposes of this Chapter.

§303-6 Enforcement Officers.

The duty of administering and enforcing the provisions of this Chapter is conferred upon the municipal clerk, construction official, zoning officer, police, and any other duly appointed representatives.

§303-7 Violations and Penalties.

A. A Creditor subject to this Chapter that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Chapter shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this sub-section shall commence 31 days following the Creditor's receipt of the notice, except where the violation is deemed to present an imminent risk to the public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

B. An out-of-state Creditor subject to this Chapter that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on an out-of-state Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L. 2008, c.127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

C. A Creditor subject to this Section that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to register a Vacant and Abandoned property pursuant to Section 303-3 shall be subject to a fine not exceeding two thousand (\$2,000.00)

dollars. Any fines imposed on a Creditor under this Paragraph shall commence 11 days following receipt of notice from the Borough pursuant to Section 303-3(A).

No less than 20 percent of any money collected by the Borough pursuant to this Section shall be utilized by the Borough for municipal code enforcement purposes.

Section 2.

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3.

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4.

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

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

Motion to adopt Ordinance 2017-09 made by Councilman Schwar, seconded by Councilwoman Grossman. Roll Call: Ayes; Grossman, Pettinelli, Schwar and Singleton. Nays; None. Absent: Cartabona and Seiss.

Resolutions:

Motion made by Councilwoman Grossman to lay on the table Resolution 2017-113, motion seconded by Councilman Singleton. In favor; Grossman and Singleton; Opposed; Pettinelli and Schwar. Mayor Dunwell broke the tie vote voting in favor of laying on the table Resolution 2017-113.

**RESOLUTION 2017-113
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.

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

Motion made by Councilman Schwar to approve Resolution 2017-139, motion seconded by Councilwoman Grossman. Roll Call: Ayes; Grossman, Pettinelli, Schwar and Singleton. Nays; None. Absent; Cartabona and Seiss.

**RESOLUTION 2017-139
HIRING OF FULL-TIME ADMINISTRATIVE CLERK**

WHEREAS, Alpha is in need of a Full Time Administrative Clerk as there currently exists a vacancy for the position of Administrative Clerk; and

WHEREAS, the Borough desires to evaluate its staffing and proceed with the hiring of an Administrative Clerk; and,

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Alpha, County of Warren, State of New Jersey that Alpha agrees that Donna Messina be and is hereby appointed to be a Full Time Administrative Clerk at the rate of \$20.00 per hour in accordance with the 2017 Salary Ordinance, effective November 5, 2017; and

BE IT FURTHER RESOLVED, that the Mayor, Borough Clerk, and/or Borough labor Counsel are authorized to execute all necessary documents to effectuate the terms of the above-referenced appointment.

Motion made by Councilman Schwar to approve Resolution 2017-140, motion seconded by Councilwoman Grossman. Roll Call: Ayes; Grossman, Pettinelli, Schwar and Singleton. Nays; None. Absent; Cartabona and Seiss.

**RESOLUTION 2017-140
SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF ALPHA AND TOWN OF
PHILLIPSBURG FOR TEMPORARY USE OF CLERICAL ADMINISTRATIVE ASSISTANT**

WHEREAS, Phillipsburg is in need of clerical assistance on a temporary basis; and

WHEREAS, Alpha is capable of providing and does so desire to provide an employee to assist Phillipsburg;

WHEREAS, the Governing Bodies of both Alpha and Phillipsburg find that it would be in the best interest of the Parties to execute this Agreement.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Alpha, County of Warren, State of New Jersey that Alpha agrees to the proposed terms set forth in the Shared Services Agreement between the Borough of Alpha and the Town of Phillipsburg dated October 3, 2017 permitting shared services for clerical staff pursuant to its terms, and;

BE IT FURTHER RESOLVED, that the Mayor, Borough Clerk, and/or Borough Labor Counsel are authorized to execute all necessary documents to effectuate the terms of the above-referenced Shared Services Agreement.

Motion made by Councilman Schwar to approve Resolution 2017-141, motion seconded by Councilwoman Grossman. Roll Call: Ayes; Grossman, Pettinelli, Schwar and Singleton. Nays; None. Absent; Cartabona and Seiss.

**RESOLUTION 2017-141
RESOLUTION AUTHORIZING BOROUGH ENGINEER TO
PROVIDE CONSULTING ENGINEERING SERVICES
FOR APPLICATION FOR NJDOT FY 2018 LOCAL FREIGHT IMPACT FUND**

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 the application to and for NJDOT FY 2018 Local Freight Impact Fund for work at Industrial Drive and New Brunswick Avenue (Rt.122) and Industrial Drive and Edge Road Connector Road in the Borough for the contemplated scope of work in accordance with the firm's proposal of October 18, 2017 (attached hereto) and in an amount not to exceed \$2,875.00, 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 Schwar to approve Resolution 2017-142, motion seconded by Councilman Pettinelli. Roll Call: Ayes; Schwar and Singleton, Nays; Grossman and Pettinelli. Absent; Cartabona and Seiss. Resolution fails.

**RESOLUTION 2017-142
RESOLUTION AUTHORIZING BOROUGH ENGINEER TO
PROVIDE CONSULTING ENGINEERING SERVICES
FOR ROAD ASSESSMENT PROGRAM**

Motion made by Councilman Schwar to approve Resolution 2017-143, motion seconded by Councilwoman Grossman. Roll Call: Ayes; Grossman, Pettinelli, Schwar and Singleton, Nays; None. Absent; Cartabona and Seiss.

**RESOLUTION 2017-143
RESOLUTION FOR CORRECTIVE ACTION PLAN FOR 2016 AUDIT REPORT
OF THE BOROUGH OF ALPHA, WARREN COUNTY, NEW JERSEY**

WHEREAS, Local Finance Notice #92-15 issued July 8, 1992, requires that all municipalities prepare and submit a Corrective Action Plan as part of their annual audit process and in accordance with OMB Circulars and #92-15, and

WHEREAS, the resolution is submitted to the Division of Local Government Services, Department of Community Affairs and placed on file with the clerk sixty (60) days from the date the audit is received by the governing body, and

WHEREAS, the audit report in the Finance Office on September 16, 2017, and

WHEREAS, this corrective action plan resolution has been prepared by the Chief Financial Officer and approved by the governing body of the municipality,

WHEREAS, Lorraine Rossetti, the Chief Financial Officer, has prepared a corrective action plan for findings in the 2016 Audit Report of the Borough of Alpha, Warren County, New Jersey, and

WHEREAS, the Chief Financial Officer has provided the Mayor and the Council of the Borough of Alpha, Warren County, New Jersey with a copy of this corrective action plan, and

WHEREAS, the Mayor and the Council of the Borough of Alpha, Warren County, New Jersey have reviewed the findings and the corrective actions of this plan.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpha, Warren County, New Jersey approve the corrective action plan and that the Chief Financial Officer of the Borough of Alpha, County of Warren, New Jersey is hereby directed to carry out the Corrective Action Plan for the 2016 Audit Report and the Municipal Clerk will forward a copy of this resolution to the Department of Community Affairs.

Motion made by Councilman Schwar to approve Resolution 2017-144 with the amendment of the hourly to \$13.00 per hour, motion seconded by Councilwoman Grossman. Roll Call: Ayes; Grossman, Pettinelli, Schwar and Singleton, Nays; None. Absent; Cartabona and Seiss.

**RESOLUTION 2017-144
HIRING PARK ATTENDANT
FOR THE BOROUGH OF ALPHA**

WHEREAS, the position of park attendant is permitted; and

WHEREAS, the Borough has had a need for such position to be filled.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Alpha, having previously passed a motion, hereby approves Ryan Carpenter, on a part-time, seasonal basis, as park attendant at an hourly rate of \$13.00 per hour not to exceed 10 hours per week from June 13, 2017.

Motion made by Councilman Schwar to approve Resolution 2017-145, motion seconded by Councilwoman Grossman. Roll Call: Ayes; Grossman, Pettinelli, Schwar and Singleton, Nays; None. Absent; Cartabona and Seiss.

**RESOLUTION 2017-145
A RESOLUTION AUTHORIZING THE
HIRING OF CP ENGINEERS, LLC**

WHEREAS, the Council of the Borough of Alpha deems the hiring of a special engineering firm to represent the Borough to be in the best interests of the Borough of Alpha;

WHEREAS, the services of an engineer 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 *N.J.S.A. 40A:11-5* because it requires service performed by a person authorized by law to practice a recognized profession.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Alpha that CP Engineers, LLC of Sparta, New Jersey, a firm of licensed engineers, be hired or retained as a consultant or special engineer for the Borough of Alpha not to exceed \$8,000.00, upon certification of funds by the CFO, and subject to proper documentation being provided by the firm to the Clerk's Office.

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

Approval of Minutes:

Motion made by Councilman Schwar to approve the regular meeting minutes of 1/23/17 and 2/7/17 with the amendment of a spelling correction in the 1/23/17 minutes, motion seconded by Councilwoman Grossman. Roll Call: Ayes; Grossman, Pettinelli and Schwar. Nays; None. Abstentions; Singleton.

Department Reports:

Administration, Councilman Alan Singleton: Councilman Singleton reported that there were two code enforcement issues. Additionally, he asked for five minutes executive session, contractual for website development and five minutes executive session, personnel for the Clerk's position. In closing, Councilman Singleton approved all bills, salaries, and wages for his department.

Finance, Councilman Michael Schwar: Councilman Schwar reported that the first budget meeting held on October 17 and felt it was very productive. The next meeting is set for November 21. He also asked the Clerk to advertise this. He also asked Council to consider amending Ordinance Chapter 45 which deals with the Board of Health. Other counties designate the Warren County Board of Health as their board. Councilman Schwar has also been working with the AYAA and the squad. He also reported that there may be a change with the Finance Clerk's hours. In closing, Councilman Schwar approved all bills, salaries, and wages for his department.

Health & Welfare, Councilman Pettinelli: Councilman Pettinelli reported that there will be a second clean-up day set for November 4th from 8 a.m. – 3 p.m. including curbside for Seniors. He is also going to order a few items for the animal control officer. He also asked what the next step is in discarding the computers that are downstairs. In closing, Mayor Dunwell also brought to Councilman Pettinelli's attention residents who are not putting their garbage in cans resulting in the bags being torn apart by animals.

Councilman Pettinelli approved all bills, salaries, and wages for his department and asked for 10 minutes executive session, contractual for DPW.

Public Property, Councilwoman Tracy Grossman: Councilwoman Grossman reported that everyone on council who has Facebook can do their own updates to the Borough Facebook page. She also reported that they are in the last days of installing the new lamps at Veteran's Park and the woodwork at Benke field is almost done. In closing, Councilwoman Grossman approved all bills, salaries, and wages for her department.

Councilman Cartabona arrived at 7:57 p.m.

Public Safety, Councilman Thomas Seiss: Deputy Director Schwar reported the new work at the fire house, bathrooms, furnace, emergency generator, replaced the roof and building gutters, new air conditioners. In closing, Deputy Director Schwar approved all bills, salaries, and wages for his department.

Public Works, Councilman Louis Cartabona: Councilman Cartabona reported on a visit from OSHA and a list of items that need to be taken care of. Mayor Dunwell reminded everyone that chipping will be done this week and the proper way to lay the branches to be chipped. In closing, Councilman Cartabona approved all bills, salaries, and wages for his department. Mayor Dunwell brought up having an AED in the municipal building. Councilwoman Grossman will get pricing. Councilman Schwar mentioned that we may be able to get AED's via a grant.

Professionals & Official Reports:

Mayor, Craig S. Dunwell: Mayor Dunwell requested 10 minutes executive session, contractual and potential litigation for a water service issue and 15 minutes contractual and potential litigation for lease of public property. Councilman Cartabona requested 10 minutes executive session, contractual for public property.

Police Department, Chief: Chief Stettner reported that the background checks will be back shortly and inquired as to when Trick or Treating will be for the Borough. It is set for October 31 from 5-7.

Attorney, Christopher Troxell: Attorney Troxell asked for five minutes executive session, litigation, COAH.

Engineer, Frank J. Seney: Frank referred everyone to the current status report. The mayor asked if the clerk has access to SAGE to view documents. Mayor Dunwell asked for 10 minutes executive session, contractual for Frace St. water plant renovation.

Administrative Clerk, Donna Messina: Donna reported progress of obtaining website vendors to replace our current website.

Mayor Dunwell stated that the CFO did a work up of expenses that Borough pays on behalf of the Library Board. Included in that was electricity. He asked Councilman Schwar to talk to the CFO about that.

Second Public Comment:

Mr. Fore, Morris St., asked what is the procedure to get a manhole repaired that is near his house on Morris St. There is another repair issue near PNC and we can try to work that issue into it.

Mr. Schmidt, 1312 Schley, asked why Councilman Seiss wasn't here tonight to vote on the pool. He also raised the same idea about installing speed bumps. Councilman Schwar asked the engineer about any regulations for the installation of speed bumps.

Leo Pursell, 940 High St., raised his concerns about the staffing with regard to chipping.

Mr. Pfeifer, asked about the purchase of a digital sign a while ago. Chief Stettner said we can use Phillipsburg's digital sign when it is freed up.

Payment of Bills & Claims:

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

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

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

October 24, 2017
06:06 PM

BOROUGH OF ALPHA
Bill List By P.O. Number

Page No: 1

P.O. Type: All		Open: N		Paid: N		Void: N	
Range: First to Last		Rcvd: Y		Held: Y		Aprv: N	
Format: Condensed		Bid: Y		State: Y		Other: Y Exempt: Y	
PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
16-00220	03/22/16	REMINGTON & VERNICK ENGINEERS	Redundancy Proj: R&V Soft Cost	Open	1,678.75	0.00	B
16-00668	09/01/16	REMINGTON & VERNICK ENGINEERS	Frace WTP: Backwash Neutr Sys	Open	165.00	0.00	B
17-00376	06/01/17	ALBOA ALPHA BOARD OF EDUCATION	2017 Local School Tax	Open	326,116.50	0.00	
17-00383	06/08/17	SERVICEE SERVICE ELECTRIC CABLE TV	JUNE-DEC INTERNET CHARGES	Open	214.90	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	
17-00435	06/29/17	TOWNP TOWN OF PHILLIPSBURG	POLICE COVERAGE 2017	Open	35,416.66	0.00	
17-00464	07/08/17	MOUNTAIN MOUNTAIN SIDE LAWN CARE	2017 Season Lawn Care Service	Open	1,010.48	0.00	
17-00465	07/11/17	AQUA AQUA NEW JERSEY	APR-DEC 2017 HYDRANT RENTAL	Open	69.84	0.00	
17-00470	07/11/17	TROXE CHRISTOPHER M. TROXELL, ESQ	2017 Legal Retainer-Munic Attn	Open	4,150.00	0.00	
17-00499	07/21/17	FORTD FORT DEARBORN LIFE INSURANCE	2017 EMPLOYEE LIFE INSURANCE	Open	27.75	0.00	
17-00526	07/26/17	VEOLIA VEOLIA ENVIRONMENTAL SERVICES	REMOVE SODIUM HYDROXIDE	Open	3,725.00	0.00	
17-00594	08/30/17	JEWELL JEWELL COMPUTING SOLUTIONS LLC	BACKUP SERVICE/OFFICE 365	Open	575.77	0.00	
17-00634	10/02/17	DEERPARK READY REFRESH BY NESTLE, A DIV	WATER DELIVERY 8/31/17	Open	17.16	0.00	
17-00641	10/04/17	ONECA ONE CALL CONCEPTS	SEPTEMBER REGULAR LOCATES	Open	48.75	0.00	
17-00647	10/09/17	HOME HOME DEPOT CREDIT SERVICES	LUMBER FOR BENKE FIELD PROJECT	Open	228.48	0.00	
17-00649	10/12/17	ACTION ACTION DATA SERVICES	PAYROLL SERVICES 9/23/17	Open	134.86	0.00	
17-00650	10/12/17	EAS EAS BY ACTION DATA	PAYROLL SERVICES 9/23/17	Open	43.19	0.00	
17-00651	10/12/17	VERIZ VERIZON WIRELESS	OCT CELL PHONES/MONTHLY CHRGS	Open	993.83	0.00	
17-00653	10/13/17	JCPL JCP&L	ELECTRICITY CHRGS OCT 2017	Open	3,465.57	0.00	
17-00654	10/13/17	ALLIED ALLIED OIL, LLC	93OCT PREMIUM NOLEAD GASOLINE	Open	138.43	0.00	
17-00655	10/13/17	SEAL SEAL MASTER	CRACK MASTER D/F SUPREME	Open	1,260.00	0.00	
17-00656	10/16/17	METZE METZ & SON ELECTRICAL, INC	TUDOR STYLE LAMPS-VETERANS PRK	Open	1,898.00	0.00	
17-00657	10/16/17	CHLRN CHLORINATOR & INSTRUMENT SERVI	CHLORINE VACUUM REGULATOR	Open	2,470.00	0.00	
17-00658	10/17/17	COUN COUNTY OF WARREN TREASURER	2017 4TH QTR COUNTY TAXES	Open	330,941.56	0.00	
17-00659	10/17/17	COUNT COUNTY OF WARREN TREASURER'S	2017 4TH QTR OPEN SPACE TAXES	Open	19,767.01	0.00	
17-00660	10/17/17	MCKEN ELIZABETH C. MCKENZIE	COAH-3RD ROUND HOUSING ELEMENT	Open	125.00	0.00	
17-00661	10/17/17	NJADVMED NJ ADVANCE MEDIA	ADVERTISING FEES	Open	1,202.74	0.00	
17-00663	10/18/17	BARANSKY RANKIN BARANSKY BIOSYS RESRCH	HAZ EMERG/REMEDIAL RESPONSE	Open	1,508.00	0.00	
17-00664	10/19/17	VERI VERIZON	LIBRARY PHONE CHARGES OCT 2017	Open	43.68	0.00	
17-00665	10/19/17	ELIZGA ELIZABETHTOWN GAS	GAS CHARGES OCT 2017	Open	150.38	0.00	
17-00667	10/19/17	VANCLEE VANCLEEF ENGINEERING ASSOCIATE	STRYKER 22 LLC - AUG 2017	Open	936.75	0.00	
17-00668	10/20/17	UNIVAR UNIVAR USA INC.	CAUSTIC SODA 50%	Open	5,162.77	0.00	
17-00669	10/20/17	REMINGTON & VERNICK ENGINEERS	LICENSED WATER OPERATOR	Open	1,500.00	0.00	
17-00670	10/20/17	FERGUSON FERGUSON BATH & KITCHEN	MISCELLANEOUS PARTS--FRACE ST	Open	37.64	0.00	
17-00671	10/20/17	FERGUSON FERGUSON BATH & KITCHEN	MEN'S ROOM REPAIR KIT	Open	19.49	0.00	
17-00674	10/23/17	REMINGTON & VERNICK ENGINEERS	GENERAL ENG SERVICES SEPT 2017	Open	6,161.04	0.00	
17-00675	10/23/17	TROP TROPICANA CASINO & RESORT	BOOKING NO. 48358 NJSLOM 2017	Open	605.00	0.00	
17-00676	10/23/17	BALLY BALLY'S ATLANTIC CITY	NJSLOM 2017 - P. PETTINELLI	Open	411.00	0.00	
17-00677	10/23/17	NJSTA NJ STATE LEAGUE MUNICIPALITIES	NJLOM 2017 CONVENTION REGISTER	Open	260.00	0.00	
17-00678	10/24/17	HUGHROSE HUGH M. ROSE	BENKE FIELD BLEACHERS	Open	2,350.00	0.00	
17-00679	10/24/17	GORDONBE GORDON BENNETT PAINTING, INC.	POWER WASH BENKE FLD BLEACHERS	Open	860.00	0.00	
Total Purchase Orders: 42				Total P.O. Line Items: 0	Total List Amount: 758,034.31	Total Void Amount: 0.00	

Old Business: None

New Business: None

Executive Session:

Councilman Schwar made a motion to approve the following resolution to go back into executive session for 1 hour and 10 minutes for contractual, litigation, and/or personnel. Motion seconded by Councilman Cartabona, all were in favor.

EXECUTIVE SESSION RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

1. The public shall be excluded from discussion(s) of the hereinafter specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is: Personnel, Litigation and/or Contractual,
3. It is anticipated at this time, that the above stated subject matter(s) will be made public when it is no longer a matter of confidentiality.
4. Action may or may not be taken after executive session.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Alpha that the public shall be excluded from an executive session for approximately 1-hour(s), 10 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 made by Cartabona to approve Resolution 2017-146, motion seconded by Councilwoman Grossman. Roll Call: Ayes: Cartabona, Grossman, Pettinelli, Schwar and Seiss. Nays; None. Absent; Singleton.

Attorney Troxell read Resolution 2017-146 into the record.

**RESOLUTION 2017-146
RESOLUTION AUTHORIZING BOROUGH ENGINEER
TO EXECUTE CHANGE ORDER ON THE CONTRACT
FOR BOROUGH WATER
UTILITY IMPROVEMENTS PROJECT 2016**

WHEREAS, the Mayor and Council of the Borough of Alpha have determined that certain improvements are needed for the Borough's potable water utility system, including but not limited to the services and work associated with the Borough Water Utility Improvements Project 2016 and;

WHEREAS, the Mayor and Council of the Borough of Alpha have openly and publicly bid such contract for said improvement work, pursuant to New Jersey law and previously awarded the contract to Penn Bower, Inc. of High Bridge New Jersey for \$975,885.40 based on the recommendation of the Borough Engineer.

BE IT RESOLVED by the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey that the Borough Engineer, Remington & Vernick Engineers, is hereby authorized to proceed with a change order (less than 20% of the initial contract referenced above) on the contract for Borough Water Utility Improvements Project 2016 and to execute all documents in accordance therewith upon written certification of funds by the Borough CFO, as follows:

The following changes are hereby authorized by the Borough at the specified prices as outlined:

Change Order – For the installation of additional water main pipe in the vicinity of the Frace Street water treatment plant.

Total Change Order Amount not to exceed \$65,000.00

BE IT FURTHER RESOLVED, that the Mayor, Clerk, and/or Borough Engineer are authorized to execute all necessary documents to effectuate the contract change order with Penn Bower, Inc.

Mayor Dunwell reported that Patrick Smith was recently name alternate to the Land Use Board and indicated that he would be resigning but would like to be considered at a later time. Motion made by Councilwoman Grossman to accept with regret Patrick Smith's resignation, motion seconded by Councilman Schwar. Roll Call: Cartabona, Grossman, Pettinelli, Schwar and Seiss. Nays; None. Absent; Singleton.

Adjournment:

Seeing no further business to come before Council, motion made by Councilman Singleton to adjourn this meeting at 10:07 P.M., motion seconded by Councilwoman Grossman, all were in favor.

Respectfully submitted,

Donna L. Messina

Acting Borough Clerk

DRAFT