

**ALPINE MAYOR AND COUNCIL**  
**REGULAR MEETING - Wednesday, March 28, 2012 @ 7:30 P.M.**  
**Borough Hall - - 100 Church Street**

**CALL TO ORDER/ PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE**

The Mayor and Council, Borough of Alpine, convened for this Regular Meeting Wednesday, March 28, 2012 at 7:30 P.M. in the Alpine Borough Hall. The Public Announcement was read and the Pledge of Allegiance recited.

*In accordance with the provisions of the New Jersey Open Public Meetings Law, the notice of this Regular Meeting held Wednesday, March 28, 2012 has met the requirements of the law by being e-mailed to The Valley Star/Press Journal and The Record and posted on the bulletin board of the lobby in the Borough Hall and a copy filed in the office of the Borough Clerk. This meeting was recorded in its entirety.*

**ROLL CALL**

Paul Tomasko, Mayor	Present	Vicki Frankel, Council President	Present
Paul Garjian, Councilman	Present	Sidney Merians, Councilman	Absent
Michael Cacouris, Councilman	Present	Gayle Gerstein, Councilwoman	Present

**Staff Present on Dais:** Borough Clerk Gail Warming-Tanno, Borough Engineer Gary Vander Veer  
Borough Attorney Russell Huntington

Mayor Tomasko introduced special attendees: **John Hogan** Former Mayor of Northvale and current Bergen County Clerk; **Loretta Weinberg** State Senator and Democratic Majority Leader from the 37<sup>th</sup> District; **Ornstein Family** members including sons Gus and Jim, daughter Jeorjie, spouses, grandchildren and friends. (Daughter Rosie was unable to attend.) **Judge Terry Paul Bottinelli** Former Alpine Municipal Attorney and current Superior Court Judge in Bergen County on loan to Passaic County; **Lou Stellato** Bergen County Democratic Chairman . The Mayor also introduced Borough employees in attendance: Police Chief Jerry Beckmann, Health Officer Bill Galdi, Deputy Borough Clerk Nancy Wehmann, DPW Superintendent Ralph Wehmann, Treasurer and Tax Collector Marilyn Hayward, and Municipal Auditor Jeff Bliss from the firm of Lerch, Vinci & Higgins.

**Recognition of Councilman Steve Ornstein** On behalf of the Mayor and Council, Council President Frankel joined Mayor Tomasko to unveil a commemorative plaque which will be attached to the Council dais in front of the late Councilman Ornstein's seat. The plaque says "In memory of Steve Ornstein who passed away while serving as Councilman January 28, 2012." This was followed by observance of a moment of silence in his memory.

**OATH OF OFFICE** **Joan Ornstein** was sworn in as Councilwoman to temporarily fill the vacancy of the seat previously held by her husband, Councilman Steve Ornstein. Mrs. Ornstein's children stood by her as the oath was administered by Judge Terry Paul Bottinelli. The remainder of the unexpired term (until December 2014) will be filled by election in the next General Election to be held November 6, 2012.

**PUBLIC COMMENTS** The Mayor opened the meeting to the public

**Senator Weinberg** said it gave her great pleasure to be present for Joan Ornstein's swearing-in as a Councilwoman noting they are always happy to see a new woman office holder in Bergen County. She knows this a bittersweet occasion and presented a Resolution adopted by

the State Legislature in memory of Steve Ornstein, whom she recalled as a being "an all around great guy and we miss him".

**Bergen County Clerk John Hogan** reminisced about his relationship to Steve and Joan Ornstein, a stunning and wonderful couple who expressed confidence in him and have been very supportive. Mr. Hogan affirmed his belief that Joan will continue the great work of her husband on the Council. He presented a Certificate of Recognition from the Clerk's office and assured his office is always open if she needs anything.

**RECEPTION** The Mayor announced a 10-15 minute recess for refreshments in the lobby. The meeting adjourned at 7:41 P.M. and resumed at 7:59 P.M.

**REPORT OF THE FINANCE COMMITTEE** A copy is on file in the Borough Clerk's office.

**Bank Of America Current Operating Acct** **\$3,018,514.62**

**Resolution #058: 3'2012: Emergency Appropriation to Increase the 2012 Temporary Budget (#2)**

**OFFERED BY:** Councilman Cacouris **SECONDED BY:** Councilwoman Frankel  
at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012

**WHEREAS**, an emergency has arisen with respect to Current Fund appropriations; and  
**WHEREAS**, no adequate provision has been made in the 2012 Temporary Budget for the aforesaid purpose, and R.S. 40A:4-20 provides for the creation of an emergency appropriation for the purpose, and,

**WHEREAS**, the total temporary emergency resolutions adopted in the year 2012 pursuant to the provision of Chapter 96, P.L. 1951 (R.S. 40A:4-20) including this resolution, total **\$1,893,005.61** and shall be provided for in the 2012 budget.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpine, County of Bergen, that in accordance with R.S. 40A:4-20, temporary emergency appropriations be and the same is hereby made for the following and that upon adoption, one certified copy of this resolution be filed with the Director of Local Government Services.

**OPERATIONS- Within "CAP"**

Financial Administration O/E	2-01-20-130-020	\$	112.00	
Postage, Meter & P.O. Box Rental	2-01-20-145-031		171.74	
Police Dept. O/E	2-01-25-240-020		782.44	
Interborough Police Radio	2-01-25-250-021		1,086.00	
Police & Fireman's Retirement Fund	2-01-36-475-000		<u>102,662.00</u>	\$104,814.18

**OPERATIONS - Outside "CAP"**

D.A.R.E. Municipal Alliance O/E	2-01-41-703-020	\$	<u>1,376.36</u>	\$ <u>1,376.36</u>
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**TOTAL:** **\$106,190.54**

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**Resolution #059: 3'2012: Approval of Bills and Claims**

**OFFERED BY:** Councilman Cacouris **SECONDED BY:** Councilwoman Frankel  
at the regular meeting of the Alpine Mayor and Council held on Wednesday, March 28, 2012 to approve the bills and claims, a copy of which are appended.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**Resolution #060:3'2012 Return of Bonds and Escrow**

**OFFERED BY:** Councilman Cacouris **SECONDED BY:** Councilwoman Frankel  
at the regular meeting of the Alpine Mayor and Council held on Wednesday, March 28, 2012 to approve the return of the following escrow.

<u>Name</u>	<u>Block/Lot</u>	<u>Type</u>	<u>Amount</u>
946-956 Market St., LLC	81.02/9	Curb Replacement Escrow	\$5,746.50
Fialkoff, Frank & Linda	73/1	ZBA Escrow	\$696.65
<b>TOTAL:</b>			<b>\$6,443.15</b>

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**Resolution #061:3'2012 Introduction Ordinance #727 To Exceed The Municipal Budget Appropriation Limits And To Establish A CAP Bank (N.J.S.A. 40a:4-45.14)**

**OFFERED BY:** Councilman Cacouris **SECONDED BY:** Councilwoman Frankel  
at a special meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpine, in the County of Bergen and State of New Jersey, that an Ordinance entitled:

**CALENDAR YEAR 2012**

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

pass on first reading and remain on file with the Clerk for public inspection until public hearing thereon and further consideration thereof, which hearing shall be held in the Council Chambers, Alpine Municipal Building, Church Street, Alpine, New Jersey on Wednesday, April 25, 2012 at 7:30 p.m. prevailing time or as soon thereafter as the matter can be heard, at which time and place all persons interested in said Ordinance will be heard

*The Borough Clerk is hereby directed to publish said Ordinance in full, together with the Notice of Hearing thereon in The Record according to law.*

**BE IT FURTHER RESOLVED**, that a copy of said Ordinance shall be posted on the bulletin board in the lobby of the Borough Hall and copies shall be made available to the members of the public who shall request the same.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**Resolution #062:3'2012 Introduction 2012 Municipal Budget**

**OFFERED BY:** Councilman Cacouris **SECONDED BY:** Councilwoman Frankel  
at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, March 28, 2012

**BE IT RESOLVED**, that the following statement of revenues and appropriations attached hereto constitute the local Budget of the Borough of Alpine, Bergen County, New Jersey for the year 2012

**BE IT FURTHER RESOLVED**, that the said budget be published in the Record Newspaper Group in the issue of April 2, 2012 and that a hearing on the Budget will be held at the Municipal Building on April 25, 2012 at 7:30 PM or as soon thereafter as the matter may be reached.

**Discussion:** Councilman Cacouris wished to thank the Mayor and fellow Councilperson along with staff for their work on the budget. The Mayor advised the tax rate has gone from .156 per \$100 of assessed value to .157 which is miniscule and has an impact of \$25 on a house of average assessed value in Alpine of \$2,000,500. Spending and use of surplus has decreased significantly resulting in the very modest tax increase. He also wished to thank Council and Jeff Bliss from Lerch, Vinci, Higgins for their work.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**Resolution #063:3'2012 Temporary Capital Budget**

**OFFERED BY:** Councilman Cacouris **SECONDED BY:** Councilwoman Frankel

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, March 28, 2012

**WHEREAS** the local capital budget for the year 2012 has not been adopted

**WHEREAS**, it is desired to Introduce a Capital Ordinance

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Alpine, County of Bergen that the following temporary capital budget of 2012 be made:

**FROM**

**CAPITAL BUDGET (Current Year Action)**

**2012**

Project	Estimated Total Cost	Improvement Fund	Grants in Aid and Other Funds	Debt Authorized
2012 Various Capital Improvements	\$ 182,500	\$ 9,125		\$173,375
2012 Road Program	\$1,039,500	\$16,475	\$710,000	\$313,025
<b>TOTAL ALL PROJECTS</b>	<b>\$1,222,000</b>	<b>\$25,600</b>	<b>\$710,000</b>	<b>\$486,400</b>

**3 YEAR CAPITAL PROGRAM 2012-2014**

**Anticipated PROJECT Schedule and Funding Requirement**

Funding Amounts per year

Project	Estimated Total Cost	Budget Year 2012
2012 Various Capital Improvements	\$ 182,500	\$182,500
2012 Road Program	\$1,039,500	\$1,039,500
<b>TOTAL ALL PROJECTS</b>	<b>\$1,222,000</b>	<b>\$1,222,000</b>

**3 YEAR CAPITAL PROGRAM 2012-2014**

**Summary of Anticipated Funding and Amounts**

Project	Estimated Total Cost	Capital Improvement	Grants in Aid and Other Funds	Bonds & Notes General Fund
2012 Various Capital Improvements	\$ 182,500	\$ 9,125		\$173,375
2012 Road Program	\$1,039,500	\$16,475	\$710,000	\$313,025
<b>TOTAL ALL PROJECTS</b>	<b>\$1,222,000</b>	<b>\$25,600</b>	<b>\$710,000</b>	<b>\$486,400</b>

**BE IT FURTHER RESOLVED** that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**Tax Assessor's Report.** On file in the Clerk's office.

**MAYOR'S REPORT** The Mayor reported on the following:

- Bergen Community College Conference "Practical Uses for Sustainable Tax Dollars" Friday, March 30, 2012 7:30 – 10:30 A.M. The Mayor plans to attend.
- NJ SEM (Sustainable Energy Meeting) will bid for electricity between April 4 and June 1.
- Attended County Executive's State of the County address March 15, 2012. The County Exec and her team has done a good job of keeping expenses down but thanks to the reduced values throughout the County we are liable to see an increase in county taxes although probably less than last year.

**REPORTS OF THE STANDING COMMITTEES**

**Administration Department** This will be under Councilwoman Joan Ornstein.

**Building Department** Councilman Merians will be attending next month. Report is on file.

**Department of Public Works** Councilman Garjian read the report. Based on Alpine's 2011 Safety Incentive Program the Boro received the Gold Certificate Award and certificate for Most Improved for a Borough with Less than 50 Employees. Along with these plaques Alpine also received a cash incentive award in the amount of \$2000. He thanked DPW Supt. Ralph Wehmann who is also Safety Director. Pot holes are being repair and he asked residents to be patient. The rest of the report is on file.

**Fire Department** A report is on file.

**Police Department** Councilwoman Frankel noted 115 summonses were issued for the month including speeding up to 54 mph on Anderson Avenue and 92 mph on Closter Dock Road. The rest of the report is on file. Mayor Tomasko commended Officer Robert Colussi for his activity as reflected on the report.

**Resolution #064:3'2012 Acceptance of the Reports of the Standing Committees**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein

*at the regular meeting of the Alpine Mayor and Council held on Wednesday, March 28, 2012 to accept the reports of the Standing Committees.*

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**BOARD OF EDUCATION LIAISON'S REPORT** The Mayor noted The Board of Education is well along the way with their budget.

**BOROUGH ATTORNEY'S REPORT** No report.

**BOROUGH ENGINEER'S REPORT** Engineer Vander Veer referred to his report as distributed. The first six items deal with potential construction projects for the year. They're well on the way to having construction plans and bid documents ready for projects the Boro will go out to bid on. He is preparing cost estimates for that portion of the road improvement program to be bid through the Riverside Cooperative. Municipal Stormwater Permit Annual Report and Certification submitted ahead of schedule with cooperation of the Borough Hall staff and Mr. Wehmann. The Mayor noted the Riverside Coop bids were opened yesterday morning and Mr. Vander Veer will be analyzing the results.

**UNFINISHED BUSINESS** - none

**NEW BUSINESS**

**CONSENT AGENDA RESOLUTIONS** Resolutions #065:3'2012 - #074:3'2012

**1. Approval of Minutes**

**a. Resolution #065:3'2012:Budget Meeting February 22, 2012**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Frankel

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012 to approve the minutes of the Budget Meeting of February 22, 2012.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**b. Resolution #066:3'2012:Regular Meeting February 22, 2012**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Frankel

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012 to approve the minutes of the Regular Meeting February 22, 2012.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**c. Resolution #067:3'2012:Executive Session February 22, 2012**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Frankel

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012 to approve the minutes of the Executive Session February 22, 2012.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**2. Resolution: #068:3'2012 Authorizing Sale of SRECs No Longer Needed Using Flett Exchange**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Frankel

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012

**WHEREAS**, the Borough of Alpine has certain photovoltaic equipment that generates electricity; and

**WHEREAS**, the Borough of Alpine has earned valuable Solar Renewable Energy Credits (S-REC's), in recognition of the clean energy produced by its photovoltaic equipment; and

**WHEREAS**, these S-REC's are not needed for public use and may therefore be sold as surplus personal property; and

**WHEREAS**, S-REC's may be sold through an online auction process, pursuant to the Local Unit Technology Pilot Program and Study Act, P.L. 1002, c. 30 and the regulations promulgated thereunder; and

**WHEREAS**, the Division of Local Government Services, within the New Jersey Department of Community Affairs, has approved the use of Flett Exchange, LLC, to conduct online auctions of S-REC's; and

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council authorizes the sale of its current S-REC's through an online auction conducted by Flett Exchange, LLC, and

**BE IT FURTHER RESOLVED** that the Borough of Alpine shall publish notice of the impending sale of the S-REC's in accordance with N.J.S.A. 40A:11-36 and a certified copy of this resolution shall be forwarded to the Division of Local Government Services and the Board of Public Utilities.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**3. Resolution #069:'3'2012: Approval of Raffles Application for Pony Power Therapies**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Frankel

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012 to approve the raffles application of Pony Power Therapies, Inc. to sponsor a 50/50 raffle on June 4, 2012 at Montammy Golf Club.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**4. Resolution #070:'3'2012: Introduction of Ordinance 728: 2012 Salary Ordinance**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Frankel

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpine, in the County of Bergen and State of New Jersey, that an Ordinance entitled:

**“AN ORDINANCE PROVIDING FOR THE SALARIES, WAGES OR COMPENSATION OF OFFICERS, EMPLOYEES, OFFICIALS OF THE BOROUGH OF ALPINE IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY.”**

pass on first reading and remain on file with the Clerk for public inspection until public hearing thereon and further consideration thereof, which hearing shall be held in the Council Chambers, Alpine Municipal Building, Church Street, Alpine, New Jersey on Wednesday, April 28, 2012 at 7:30 p.m. prevailing time or as soon thereafter as the matter can be heard, at which time and place all persons interested in said Ordinance will be heard

The Borough Clerk is hereby directed to publish said Ordinance, which may be by Title/Summary, together with the Notice of Hearing thereon in The Record according to law.

**BE IT FURTHER RESOLVED**, that a copy of said Ordinance shall be posted on the bulletin board in the lobby of the Borough Hall and copies shall be made available to the members of the public who shall request the same.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**5. Resolution #071:'3'2012: Introduction of Capital Bond Ordinance 729: 2012 Various Capital Improvements**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Frankel

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpine in the County of Bergen and State of New Jersey, that an Ordinance entitled:

**BOND ORDINANCE PROVIDING FOR VARIOUS 2012 CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF ALPINE, IN THE**

**COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$182,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$173,375 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF**

pass on first reading and remain on file with the Clerk for public inspection until public hearing thereon and further consideration thereof, which hearing shall be held in the Council Chambers, Alpine Municipal Building, Church Street, Alpine, New Jersey on Wednesday, April 25, 2012 at 7:30 p.m. prevailing time or as soon thereafter as the matter can be heard, at which time and place all persons interested in said Ordinance will be heard

The Borough Clerk is hereby directed to publish said Ordinance by Title/Summary, together with the Notice of Hearing thereon in the Record according to law.

**BE IT FURTHER RESOLVED**, that a copy of said Ordinance shall be posted on the bulletin board in the lobby of the Borough Hall and copies shall be made available to the members of the public who shall request the same.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

{Supplemental Debt Statement is on file}

**6. Resolution #072:'3'2012: Introduction of Capital Bond Ordinance 730: 2012 Road Improvement Program**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Frankel

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpine in the County of Bergen and State of New Jersey, that an Ordinance entitled:

**BOND ORDINANCE PROVIDING FOR THE 2012 ROAD PROGRAM IN AND BY THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$1,039,500 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$300,000 AND A COUNTY OF BERGEN GRANT IN THE AMOUNT OF \$410,000) AND AUTHORIZING THE ISSUANCE OF \$313,025 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

pass on first reading and remain on file with the Clerk for public inspection until public hearing thereon and further consideration thereof, which hearing shall be held in the Council Chambers, Alpine Municipal Building, Church Street, Alpine, New Jersey on Wednesday, April 25, 2012 at 7:30 p.m. prevailing time or as soon thereafter as the matter can be heard, at which time and place all persons interested in said Ordinance will be heard

The Borough Clerk is hereby directed to publish said Ordinance by Title/Summary, together with the Notice of Hearing thereon in the Record according to law.

**BE IT FURTHER RESOLVED**, that a copy of said Ordinance shall be posted on the bulletin board in the lobby of the Borough Hall and copies shall be made available to the members of the public who shall request the same.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

{Supplemental Debt Statement is on file}

**7. Resolution #073:'3'2012: Biennial Amendments to Employee Handbook and Managerial/Supervisory Procedures**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Frankel

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012

**WHEREAS**, the Borough of Alpine in conjunction with the Municipal Excess Liability Joint Insurance Fund has an employee handbook for personnel practices and policies; and

**WHEREAS**, every two years municipalities are required to update the employment practices and policies manual to remain eligible for certain MEL premium and deductive incentives; and

**WHEREAS**, the Borough of Alpine and the Borough Attorney reviewed the policies and updated certain provisions therein in accordance with the recommendations of the MEL/JIF; and

**BE IT FURTHER RESOLVED** that the Borough's Employee Handbook and Managerial/Supervisory Procedures Manual are hereby approved, as amended in accordance with the recommendations of the MEL/JIF and Mayor and Council. Substantial changes exclusive of grammatical corrections or changes to table of contents and format are provided herein attached as Addendum A for the Borough's Employee Handbook and Addendum B for the Managerial/Supervisory Procedures Manual.

**BE IT FURTHER RESOLVED** that an updated Employee Handbook will be distributed to all employees within the Borough of Alpine.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**(Addendum A and B appended to minutes)**

**8. Resolution #074:'3'2012: Terminal Leave Grandfather Provision**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Frankel

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012

**WHEREAS**, the Governing Body has determined it to be in the public interest to eliminate the grant of terminal leave for retiring or departing employees; and

**WHEREAS**, as a matter of law and fairness a decision has been made that the aforementioned change will not be applicable to employees who through their age and/or length of service have qualified for such a benefit.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Alpine hereby determine that the elimination of the terminal leave provision as previously contained in Section 2 E of the Employee Handbook shall not be applicable to Gail Warming-Tanno and Ralph Wehmann whose entitlement to terminal leave as described shall be considered "grandfathered".

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**9. Resolution #075:'3'2012: Agreement with Bergen County for Emergency Notification System**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Frankel

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012

**WHEREAS**, there exists a need for the County of Bergen, Office of Emergency Management, Department of Public Safety to provide for an automated telephone alerting system service (hereinafter called "system") to be available 24 hours a day, seven (7) days a week, and all days per year to the seventy (70) Municipalities comprising the County of Bergen; and

**WHEREAS**, the Bergen County Board of Chosen Freeholders adopted Resolution No. 250-12 on March 07, 2012, authorizing the County to award a purchase contract to Swiftreach Networks, 14 Industrial Avenue, Suite #4, Mahwah, new Jersey 07430 (hereinafter known as the "service provider") to provide the above-referenced system to those municipalities so desiring; and

**WHEREAS**, the Borough of Alpine wishes to utilize such a system for the benefits of its citizens; and

**WHEREAS**, an agreement is necessary to delineate the respective responsibilities of the parties in connection therewith; and

**WHEREAS**, the County shall pay 100% of the cost of initial installation, testing, and training of the system and 100% of the cost of the annual maintenance, testing and training of the system, 100% of the call fees for emergency calls using the Emergency Service Listing and non-emergency calls using municipally-provided lists; and

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Alpine be and is hereby authorized to enter into an Agreement with the County of Bergen to utilize an automated telephone alerting system service at any time during the County's contract period with the service provider (April 07, 2012 through April 06, 2013) with an option for one (1) additional year; and

**BE IT FURTHER RESOLVED**, that the Mayor of the Borough of Alpine be and is hereby authorized to execute said Agreement in a form to be approved by the municipal attorney.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

**10. Resolution #076:'3'2012: Audrey Urban Court Route 9W North**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Frankel

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012

**WHEREAS**, the New Jersey Department of Transportation requires a Resolution of Concurrence in order to promulgate the required Traffic Regulation Order designating the bus stop from the Borough; and

**WHEREAS**, the Borough Council has reviewed the request and recommends the establishment of the bus stop on Rt. 9w

**NOW, THEREFORE, BE IT RESOLVED** BY THE Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, that the Mayor and Council concur with the New Jersey Department of Transportation's recommendation to establish a bus stop along Rt. 9W as follows:

1. **Along Route 9W, northbound, on the easterly side thereof at:**

a. Audrey Urban Court – near side – prolongation

Beginning at the prolongation of the southerly curblin of Audrey Urban Court and extending 105 feet southerly therefrom

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Alpine will enforce the Traffic Regulation Order governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect upon approval of the Commissioner of Transportation as provided by law.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

*End of Consent Agenda Resolutions*

**Alpine's Commitment to the 2012 JIF Safety / Management Program**

The Mayor showed the Council and those present the plaques awarded to the Borough at the JIF Safety Awards Breakfast.

The Mayor explained we are in receipt of The Bergen County Municipal Joint Insurance Fund's 2012 Safety Management Program "Changing the Way We Think About Safety".

Last August, the Mayor and Council adopted a formal resolution indicating our support and adoption of the JIF's Safety Management Program here in the Borough of Alpine. This program is geared towards changing the way everyone in the Borough thinks about health and safety.

A major component of this "culture change" which we are emphasizing this year is demonstrated by a document entitled: "Our Commitment to Health & Safety" which I will be passing around. This pledge stresses the four core values of successful organizations: Trust, Caring, Knowledge & Communication in a manner that involves everyone in the overall safety effort of the Borough at all levels.

Therefore, as part of Alpine's continued commitment I am asking Council members and Borough Staff to join me in signing this document which simply reaffirms our commitment to fostering a healthy, safe and accident-free environment. This document will then be posted in the Borough Hall by our Safety Director, Ralph Wehmann, as evidence of our continued dedication to the Safety Management Program.

As the form was distributed for signature the Mayor noted their goal is to further Alpine's positive trend reducing accidents, claims and lost days while noting the most important thing is the health and safety of our workers.

**COMMUNICATIONS: WRITTEN AND ORAL**

Mayor Tomasko is receipt of a letter to the Mayor and Council from Don Dickstein, organizer of the Andiamo Motorcycle Ride, asking permission to post promotional signs in strategic spots in Alpine (as well as other towns) about 2½ weeks prior to the event September 9<sup>th</sup>. The Building Department is reviewing the request. Councilman Cacouris questioned post-event removal and Mayor Tomasko noted their letter assures provision for that within 2-2 ½ days of the event.

Councilwoman Frankel read a letter to FEMA Director Joseph from Police Chief Beckmann: "On behalf of the Borough of Alpine please extend our sincere appreciation to your staff with regard to our application for Public Assistance following the Halloween weather event. (DR-4048-NJ)

I would also like to acknowledge our project specialist Mr. Rodrick Jerkins, who not only assisted the Borough of Alpine following this most recent storm, but was also assigned to the Borough following the DR-4021 and DR-1897 weather events. Mr. Jerkins was extremely knowledgeable and was able to provide a very high level of expertise. His mastery of FEMA regulations and the various documentation requirements allowed for the timely reimbursement of costs and expenses expended by the Borough of Alpine associated with these declarations. My staff and I always found Mr. Jerkins to be extremely professional while also enjoying conversations about his many experiences with FEMA from around the country.

**Resolution #077:3'2012 EXECUTIVE SESSION: A Resolution providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.**

**OFFERED BY:** Councilwoman Gerstein **SECONDED BY:** Councilman Cacouris

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 28, 2012

**WHEREAS**, the Mayor and Council of the Borough of Alpine is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, *et seq.*; and

**WHEREAS**, the *Open Public Meetings Act*, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Mayor and Council of the Borough of Alpine to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b subsection designated below:

**(b)(7) Matters Relating to the Litigation, Negotiation and Attorney Client Privilege**

1. Contractual Matter

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpine, assembled in public session on Wednesday, March 28, 2012, that an Executive Session closed to the public shall be held for the discussion of matters relating to the specific items designated above; and

**BE IT FURTHER RESOLVED**, that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

**Vote: Ayes:** Cacouris, Frankel, Garjian, Gerstein **Absent:** Merians, Ornstein

**MOTION CARRIED**

Executive Session began at 8:15 p.m. and the public portion reconvened at 8:31 p.m.

**ADJOURNMENT**

**OFFERED BY:** Councilwoman Gerstein **SECONDED BY:** Councilman Cacouris

And approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday March 28, 2012 at 8:31 P.M.

Respectfully submitted,

Gail Warming-Tanno, Municipal Clerk

**2012 MUNICIPAL BUDGET  
of the Borough of Alpine County of Bergen  
for the fiscal year  
2012 Revenue and Appropriation Summaries**

Summary of Revenues	Anticipated	
	2012	2011
1. Surplus	900,000	1,200,000
2. Total Miscellaneous Revenues	1,486,264	1,450,625
3. Receipts from Delinquent Taxes	133,000	175,000
4. Local Tax for Municipal Purposes	3,053,085	3,028,124
<b>Total General Revenues</b>	<b>5,572,349</b>	<b>5,853,749</b>

Summary of Appropriations	2012 Budget	Final 2011 Budget
	1. Operating Expenses: Salaries & Wages	2,498,650
Other Expenses	1,440,439	1,530,348
2. Deferred Charges & Other Appropriations	517,112	696,426
3. Capital Improvements	0	0
4. Debt Service (Include for School Purposes)	466,148	477,132
5. Reserve for Uncollected Taxes	650,000	625,000
<b>Total General Appropriations</b>	<b>5,572,349</b>	<b>5,853,749</b>
<b>Total Number of Employees</b>	<b>34</b>	<b>34</b>

**2011 Dedicated Open Space Trust Fund**

Summary of Revenues	Anticipated	
	2012	2011
1. Amount to be Raised by Taxes	\$ 97,248	\$ 96,384
2. Reserve Funds		
<b>Total General Revenues</b>	<b>\$ 97,248</b>	<b>\$ 96,384</b>

Summary of Appropriations	2012	Final 2011 Budget
	1. Reserve for Future Use	\$ 97,248
2. Salaries & Wages		
3. Other Expenses		
<b>Total General Appropriations</b>	<b>\$ 97,248</b>	<b>\$ 96,384</b>

Debt Information - Bonds, Notes and Loans				
	General	Water Utility	Sewer Utility	Utility - Other
Interest on Bonds and Notes	44,393	N/A	N/A	N/A
Principal on Bonds and Notes	269,244			
Repayment of Loans	152,511			
<b>Outstanding Balance - 12/31/11</b>	<b>3,171,324</b>			

Notice is hereby given that the budget and tax resolution was approved by the Governing Body of the Borough of Alpine, County of Bergen on March 28, 2012. A hearing on the budget and tax resolution will be held at the Municipal Building, on April 25, 2012 at 7:30 PM at which time and place objections to the Budget and Tax Resolution for the year 2012 may be presented by taxpayers or other interested persons. Copies of the budget are available in the office of the Municipal Clerk at the Municipal Building, Church Street, Alpine, New Jersey, (201) 784-2900 during the hours of 9:00 a.m. to 4:30 p.m.

*These minutes approved by the Mayor and Council.*

**BOROUGH OF ALPINE  
Addendum A  
to Resolution Amending Employee Handbook 3/28/2012**

Note: The amendment footnotes from the handbooks approved 2/25/2004 last revised 3/24/2010 have been deleted as these editions as amended below update and replace the prior handbooks.

Changes to the Employee Handbook:

Table of Contents updated.

Page: 1 INTRODUCTION Paragraph 5 unchanged but boldfaced:

**Neither this handbook nor any other Borough document, confers any contractual right, either express or implied, to remain in the Borough's employ. Nor does it guarantee any fixed terms and conditions of your employment. The provisions of this Employee Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council.**

Page 2 Introduction page followed by new page entitled "NOTICE" bolded and capitalized as follows:

**THE CONTENTS OF THIS HANDBOOK ARE GUIDELINES ONLY AND SUPERCEDE ANY PRIOR MANUAL AND/OR HANDBOOK. NEITHER THIS MANUAL NOR ANY OTHER GUIDELINES, POLICIES OR PRACTICES CREATE AN EMPLOYMENT CONTRACT. THE BOROUGH HAS THE RIGHT, WITH OR WITHOUT NOTICE, IN AN INDIVIDUAL CASE OR GENERALLY, TO CHANGE ANY OF ITS GUIDELINES, POLICIES, PRACTICES, WORKING CONDITIONS OR BENEFITS AT ANY TIME.**

**NO ONE IS AUTHORIZED TO PROVIDE ANY EMPLOYEE WITH AN EMPLOYMENT CONTRACT OR SPECIAL ARRANGEMENT CONCERNING TERMS OR CONDITIONS OF EMPLOYMENT UNLESS THE CONTRACT OR ARRANGEMENT IS IN WRITING, AUTHORIZED AND SIGNED BY THE MAYOR AND THE BOROUGH CLERK. EMPLOYMENT WITH BOROUGH IS AT-WILL AND MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE OR NOTICE BY THE EMPLOYEE OR BOROUGH.**

**THIS NOTICE APPLIES TO ALL EMPLOYEES REGARDLESS OF DATE OF HIRE**

Page 3: For clarification on page the second sentence of the last paragraph has been bolded.

**[Note: In the Borough of Alpine, unless otherwise specified the Personnel Administrator is the Borough Clerk].**

The use of separate titles throughout the manuals is intentional by design as while one person may hold both titles these are two separate jobs.

Page 5 Section 2.B.2 **Americans with Disabilities Act Policy**

Inserted in boldface as last paragraph:

**"Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Borough of Alpine facilities. Any questions concerning proper assistance should be directed to Personnel Administrator."**

Page 9 Section 2.B.8 **General Anti-Harassment Policy:**

In first sentence, add the term "gender identity or expression," before "liability for service" ,...."

Add as next sentence: "Harassment of non-employees by our employees is also prohibited."

At end of second paragraph after "See the Employee Complaint Policy" add "(Appendix A)"

Page 9 Section 2.B.9 **Anti-Sexual Harassment Policy:**

In first paragraph after second sentence add: "Sexual harassment of non-employees by our employees is also prohibited."

Page 10: under "Unwelcome sexual advances..." after third bullet insert additional paragraph with three bullets as follows:

"Regarding unwelcome sexual advances toward non-employees, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly in exchange for a benefit;

- Submission to or rejection of such conduct by an individual is used as the basis for a decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s activities or creating an intimidating, hostile or offensive environment.”

In the following paragraph insert the words “caricatures or representations of persons using electronically or physically altered photos, drawings, or images;” before “notes or invitations....”

Pages 13-14 Section 2B.13 **Access to Personnel Files Policy:**

The first two sentences are changed to read “The official personnel file for each non-contractual employee shall be maintained by the Personal Administrator. [Note: Contractual employee personnel files are maintained as per their contract.]”

Delete the last sentence of that paragraph “Any employee may review their file in the presence of the Personnel Administrator upon reasonable notice.” and replace with the following paragraphs and bullets in bold:

**“Upon request, employees may inspect their own personnel files at a mutually agreeable time on Borough premises in the presence of the Personnel Administrator or a designated supervisor. The employee will be entitled to see any records used to determine his or her qualification for employment, promotion or wage increases and any records used for disciplinary purposes. Employees may not remove any papers from the file. Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment. Employees may add to the file their versions of any disputed item.**

**Personnel files do not contain confidential employee medical information. Any such information that the Borough may obtain will be maintained in separate files and treated at all times as confidential information. Any such medical information may be disclosed under very limited circumstances in accordance with any applicable legal requirements.**

(continued)

**The Borough endeavors to maintain the privacy of personnel records. There are limited circumstances in which the Borough will release information contained in personnel or medical records to persons outside the Borough. These circumstances include:**

- **In response to a valid subpoena, court order or order of an authorized administrative agency;**
- **To an authorized governmental agency as part of an investigation of the Borough’s compliance with applicable law;**
- **To the Borough’s agents and attorneys, when necessary;**
- **In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the Borough are parties;**
- **In a workers’ compensation proceeding;**
- **To administer benefit plans;**
- **To an authorized health care provider;**
- **To first aid or safety personnel, when necessary; and**
- **To a potential future employer or other person requesting a verification of your employment as described in the following section titled, “Requests for Employment Verification and Reference Procedure.”**

Page 14 As per above add new Section 2B.14 **Requests for Employment Verification and Reference Procedure:\***

“Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Personnel Administrator. No employee may issue a reference letter without the permission of the Personnel Administrator. Under no circumstances should any information be released over the phone.

In response to a request for information, the Personnel Administrator will only verify an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless (1) the Borough is required to release the information by law or (2) the employee or former employee authorizes the Borough in writing to furnish this information and releases the Borough from liability.”

[Note: This requires subsequent policies in this section to be renumbered accordingly]

Page 29 Section **D.4.k Terminal Leave** is deleted in its entirety.

Page 29-30 **Section E.1 Medical and Health Insurance**

Insert new paragraph (a) as follows:

“(a) The Legislature of the State of New Jersey has, and in the future may continue, to enact legislation limiting the availability of certain coverages or compelling employees or other covered persons to contribute towards the cost of their medical and health insurance. All provisions of this handbook are subject and subordinate to the State legislation.”

Re-letter subsequent paragraphs accordingly and change reference in paragraphs (c) and (d) to “provision (b)” to conform with original intent.

Page 30 **Section E.2 Waiver of Employee Health Coverage**

Add as last sentence “Notwithstanding the foregoing, this paragraph is subject to legislation by the State of New Jersey as noted in Section 1(a) above.”

Page 31 **Add New Section E.3 Flexible Spending Account.**

In accordance with Chapter 78 of the Laws of 2011 and Section 125 of the Internal Revenue Service (IRS) regulations the Borough of Alpine will make available to employees the option of opening a Flexible Spending Account (FSA). A FSA allows the employee to set aside pre-tax dollars in a dedicated account, to pay for any out of pocket costs not covered by the employee health benefits program (i.e. co-pays, co-insurance, deductibles, charges above UCR, etc.). Employees who wish to open such an account shall contact the Personnel Administrator for details.

**BOROUGH OF ALPINE  
Addendum B to  
Resolution  
Amending Managerial / Supervisory Procedures**

Note: The amendment footnotes from the handbooks approved 2/25/2004 last revised 3/24/2010 have been deleted as these editions as amended below update and replace the prior handbooks.

Changes to Managerial/Supervisory Procedures Book

Table of contents updated

Page 1 **Add clarifying note as in Employee Handbook bolding the second sentence.**

“Note: The Mayor and Council has appointed the Personnel Administrator to assist the Borough Clerk to implement personnel practices. **[Note: In the Borough of Alpine, unless otherwise specified the Personnel Administrator is the Borough Clerk]**. The Borough Clerk and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Personnel Administrator shall also have access to the Labor Attorney appointed by the Mayor and Council for guidance in personnel matters.”

Page 1 **1.A Employment Procedure –Recruitment**

Delete “Borough Clerk/” in the first two sentences.

Page 1 **1.C. Interviews.**

Restructure wording of first sentence to read: “The Personnel Administrator will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses with input and participation from the Borough Clerk, Department Head and/ or Mayor and applicable Council Committee. “

Page 2 **1.D. Physical Examinations.**

Delete first sentence: “The Mayor & Council may require applicants, prior to employment, to successfully pass a physical examination consistent with the Americans with Disabilities Act to assure that the work required by the position will not cause injury to the employee or co-employees and that the person is fit to meet the requirements of the position” Sentence is redundant with what follows.

Substitute “Mayor and Council and/or the Personnel Administrator” for “Mayor and Council” in each instance it appears.

Page 2 Add new **1.E. Criminal Background Checks**

Criminal background checks are required of all candidates, whether paid or volunteer that may work directly or indirectly with children/youth/minors in accordance with the procedures as outlined in the Section entitled “Background Checks and Procedures for Candidates, Employees and Volunteers.”  
(See Section 2)

Re-letter remaining subsections of Section 1 accordingly.

Page 2 1.H Records Retention

Add last sentence “Records shall be kept on file consistent with N.J.S. Department of Records Management Guidelines for Records Retention.

Page 3-5 Add new Section (becomes Section 2) and re-number remaining sections accordingly.

2. Background Checks and Procedures for Candidates, Employees and Volunteers

A. Background Checks Required

Background checks are required of all candidates, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors. Background checks will also be administered for each employee or volunteer that works directly or indirectly with children/youth/minors every three years. The exact titles of employees subject to background checks are (locally defined, but at a minimum should include all recreational positions, crossing guards, library positions, and maintenance and administrative positions pertaining to such programs).

B. Background Check Procedure

The Personnel Administrator will perform or initiate background checks and be the recipient of reports from outside agencies or contractors. The Personnel Administrator will discuss disqualifying information received with the employee’s or volunteer’s department head. Written information received as a result of a “Request for Criminal History Record Information For A Noncriminal Justice Purpose” will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

The Personnel Administrator will inform the candidate, volunteer, or employee, in writing, of any information that would disqualify the person from working with children/youth. If the Borough contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. Existing employees or volunteers will be placed on immediate suspension pending the outcome of a hearing or appeal. Employee suspensions may be with or without pay at the discretion of the Personnel Administrator.

C. Condition Under Which An Employee Will be Disqualified From Working With Children/Youth

A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person’s criminal record history background check reveals a record of conviction of

any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:

- Homicide (N.J.S.A. 2C:11)
- Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
- Kidnapping (N.J.S.A. 2C:13)
- Sexual Offenses (N.J.S.A. 2C:14)
- Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
- Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
- Robbery (N.J.S.A. 2C:15)
- Theft (N.J.S.A. 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction.

#### D. Appeal Process

The Appeals Committee will be comprised of the Personnel Administrator, Borough Clerk, Police Chief and other designated management official of the municipality.

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the employee has 14 calendar days to file a Notice of Appeal with the Borough. Such Notice of Appeal must be sent in writing to the Personnel Administrator. The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to NJAC 13:59-1.6.

During the 14-day period listed above, and until the issuance of the decision of the Appeals Committee, an employee will be on a suspension with pay, pending the outcome of the Notice of Appeal.

In making a determination on the appeal, the following information will be considered:

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

The Borough will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

As noted, renumber subsequent sections accordingly.

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*These minutes approved by the Mayor and Council.*

Page 5 4. Processing and Orientation of New Employees Procedure

In first paragraph delete "Borough Clerk/" where it occurs (2 instances).

Third bullet: Change Personnel Practices and Policies to "Employee Handbook"

Page 6 5. Initial Employment Procedure

In first sentence change "6 months to "3 months".

Page 8 7. Performance Evaluation Procedure

In last paragraph change "Borough Clerk" to "Personnel Administrator" (two instances) and delete "Borough Clerk/" where it occurs (2 instances).

Page 8 9. Disciplinary Action Procedure

2<sup>nd</sup> PP last sentence change "supervisor and the Mayor and Council" to "Supervisor, Personnel Administrator and/or Mayor and Council"

B. In title change "**Borough Clerk or Mayor and Council**" to "**Personnel Administrator**".

In first sentence change "Borough Clerk or appropriate Commissioner," to "Personnel Administrator who may elicit input from the appropriate Commissioner." Second half of sentence becomes new sentence: as follows "The employee will be so advised and a meeting arranged at the earliest possible date with the Personnel Administrator who may include the appropriate Commissioner."

C. Written Reprimand

In 1<sup>st</sup> sentence change "Borough Clerk to "Personnel Administrator"

In last sentence delete "Borough Clerk/"

Pg. 9 9. Personnel File Procedure

In first paragraph delete "Borough Clerk/" (two instances)

[Note acknowledgement changed to acknowledgment throughout]

Pg 10-11

10. Employee Complaint Investigation Procedure

B. Identification / Screening

Replace "Council Commissioner" with "Personnel Administrator" (6 instances)

C. Investigation

Replace "Council Commissioner" with "Personnel Administrator" (1 instances)

D. Response Plan – NO Corrective Action Required

First sentence to read "The Personnel Administrator will discuss the conclusions with the Labor Attorney and the Council Commissioner and render a decision....."

E. Response Plan – Corrective action Required

In first sentence insert "Personnel Administrator and" before "Council Commission"

Pg. 12 11. Continuing Education Procedure

After second paragraph add new third paragraph:

"Managerial and supervisory personnel will also update employees periodically by department meetings and memos that should address specific problems and concerns that may arise. Every effort will be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights."