

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, April 23, 2014 @ 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 on Wednesday, April 23, 2014 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, April 23, 2014 has met the requirements of the law by being published in The Record as part of the Annual Notice, 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	Michael Cacouris, Councilman	Present
Gayle Gerstein, Councilwoman	Present	Joan Ornstein, Councilwoman ¹	(See footnote)
John Halbreich, Councilman	Present		

Staff Present on Dais: Acting Municipal Clerk Jerry Beckmann,
Borough Engineer Gary Vander Veer, Borough Attorney Russ Huntington

PUBLIC COMMENTS

Discussion: Residential Electrical Energy Aggregation (EEA) Mayor Tomasko introduced Robert Chilton from Gabel Associates (GA) who explained his firm has performed 95% of NJ governmental EEA programs to date, doing business in NJ for about 20 years. They're consultants for the NJ Sustainable Energy Joint Meeting (NJSEM), a co-op group operating for the past 10 years with about 185 municipalities aggregated to achieve savings through purchase of electric power and natural gas for municipal facilities. It's only recently that conditions have become appropriate to make this a successful program for residents. The basic concept is that the municipality, operating under State laws and regulations, handles the purchase of electricity on behalf of all of the residents at a fixed price for a specific contract term; typically one to two years depending on market conditions. The first step is for the municipality to adopt an ordinance authorizing the program. The town typically next utilizes an experienced energy consultant to carry out the program. GA would be paid by the energy supplier when a contract is signed; there is no out of pocket cost to the town. A period of public outreach follows including a public presentation that provides greater detail with Q&A. Next GA prepares a detailed Request For Proposals (RFP) following specific State guidelines and regulations. The RFP is reviewed by the NJS Board of Public Utilities (BPU) who oversees all energy programs in the State and also the NJ Division of Rate Counsel (formerly the Ratepayer Advocate). They then advertise and solicit bids. The pool of eligible customers is the entire population of residents minus those already in a third party contract, about 15% statewide. Bids are reviewed on the specified date. Per regulations the municipality can only award a contract if the bid price is below what Rockland Electric (RE) already charges. The bid only applies to power supply and not other RE billings such as delivery and wire charges. RE would still bill for these other costs and remain the one to call for power outages and wire problems. This simply replaces the power RE buys on the wholesale market with that provided by a third party provider. Bid results are presented at a public meeting at which time the Mayor and Council can opt to award a contract.

Several weeks later a letter goes out to every eligible customer explaining the details of the contract, price, savings, etc. and residents have 30 days to opt out using a prepaid postcard, calling a toll free number, or online. After 30 days remaining residents are enrolled in the program by the supplier at the lower price and usually see new pricing in about a month. Residents can also opt out at any time after the initial 30 day

¹ Councilwoman Ornstein was present in the audience from 7:30 – 7:58 PM at which time she left the meeting.

period without penalty, early termination fees or hidden charges. The program is meant to be simple and consumer friendly. Due to the size of the pool, pricing tends to be better than what is currently in the marketplace. The contract price is fixed and cannot change for the term of the contract. This is important because some third party supply contracts are market based which are good when the market is low but, as occurred this winter, can also go up when the market does. When the contract ends everyone can either go back to RE or the Mayor and Council may rebid for another contract.

Councilman Cacouris asked who takes the volume risk per household. Mr. Chilton explained RE is required to provide them with the aggregate number of customers and their aggregate usage at the beginning of the process so when they go out to bid the supplier knows the eligible pool and total usage. Councilman Cacouris asked, at the household level, what determines the volume they are paying for. Mr. Chilton replied whatever their meter usage is. Councilman Cacouris asked if that means the prior 12 months. Mr. Chilton explained the supplier will make the bid based upon historical usage for the customers but there are no usage variant provisions as there are in some commercial accounts. Councilman Cacouris inferred the household still pays a rate that is volume dependent and the only difference is a slightly different electricity power price. Mr. Chilton stated the power price will be lower and it will be charged to your actual meter usage. Councilman Cacouris asked the average savings per household on a monthly or annual basis. Mr. Chilton noted they have not yet done bids in RE territory but in JCP&L territory have averaged about 15% or \$10-15 a month with slightly lower savings in PSE&G areas that are closer to 10% or \$8-10 a month. Councilman Cacouris asked who bears the costs of solicitation, meetings, mailings, etc. Mr. Chilton stated GA would. Their aim is to award a contract whereupon they receive payment from the supplier. Councilman Cacouris requested affirmation that nothing changes regarding the household's ability to contact RE for dropped wires, faulty meters, etc. Mr. Chilton affirmed. Just like RE has their own wholesale suppliers, they are responsible for getting the power to the connection between the high voltage grid and RE's distribution system. From there it's RE's job to get the power from the high voltage to the meter and that doesn't change.

Mayor Tomasko added that the RE bill stays the same, there is one bill.

Councilwoman Gerstein questioned the length of the contract. Mr. Chilton replied 1-2 years. They typically ask for bids for several different terms; 12, 18 or 24 months and want to pick a contract length that has the best chance of getting the best price. You want as many nonpeak months to keep the price low. There is no negotiation. Contract terms are established, reviewed by the State agencies and then go out to bid per Local Public Contracts Law. Councilwoman Gerstein asked if you opted out, if you could later opt in. Mr. Chilton stated there is a provision for those currently in third party contracts and suppliers have accepted additional customers as balance against the few people that opt out. Councilwoman Gerstein asked if this has any effect on generator use. Mr. Chilton replied no.

Councilman Halbreich asked what suppliers are winning the contracts. Mr. Chilton replied ConEd Solutions has actually won the majority of them. First Energy Solutions, Dominion Energy Resources and Verita Energy each won one. They usually get 6-8 bidders but those 3-4 have been the winners so far. It's usually the subsidiaries of the larger utility companies that have access to the large generating equipment.

Councilman Garjian asked more information about Gabel Associates and their connection to the State of New Jersey. Mr. Chilton stated they were an energy consulting firm. They are a registered as an energy agent with the BPU and an e-vendor with DCA Division of Local Government Services. They are a NJ Corporation located in Highland Park. Councilman Garjian asked if they have any predecessors in interest. Mr. Chilton replied no. Earlier in their careers he and his partner worked for the BPU and they still do some consulting work for the State which has helped them understand the market in NJ.

Joan Ornstein, Councilwoman, from the audience stated, *"Although it is very difficult for me, I am addressing the public to set the record straight about what happened. The Mayor asked me to become a Councilmember when my husband passed away and I accepted the position knowing it's what Steve would have wanted and I felt honored to have been asked. I enjoy serving my community and was thrilled with the opportunity to do so. Unfortunately that has changed. I was asked to be on the Police Negotiating Committee by the Mayor and Police Commissioner which I accepted with pleasure. However when I saw the way the police were treated with anger and lack of respect I voiced my opinion that this was not right. The police have a right to try and improve their contract with a raise in funds but they were met with such embarrassing*
These minutes have been approved by the Mayor and Council.

hostility I was astounded. When I tried to make the negotiations go smoother I was told I was too sympathetic to the police. After a few meetings I was then told that my position would be filled by someone who was better versed in the budget. Therefore I was asked to step down. Other instances have occurred that showed if you do not follow the party line you're not welcome to serve the community. I think this is an abuse of power and the town of Alpine should be aware that their governing body is not a democratic one but more or less a dictatorship. A month ago I got a call from the Mayor asking if I wanted to run again for my seat on the Council to which I replied, 'Of course, I would be honored.' The Mayor indicated that he would have the Borough Clerk get in touch with me and sign the necessary paperwork. The next thing I knew a town official told me I was not running because the deadline had passed and never having been notified my signed petition was not in. I felt this was an intentional oversight on the part of the Mayor. Because I often questioned the way things were done and was not an automatic yea-sayer, I was not allowed to run for Council. I always felt that I was acting on behalf of my fellow townspeople and I feel I owe it to these citizens of Alpine to know how their government operates. My experience was not only hurtful but bad politics. Thank you very much."

Richard Kurtz, Duck Pond Road stated, "I had heard about this situation and knowing Joan for many, many years, and Steve and family I know we have a very sincere gal that wants to serve Alpine. This situation is not a nice one and I think the fact that she was not given whatever notification or sent any notification and she does want to serve, she should serve. I don't understand it. I'm not going to go into the politics – I have my thoughts on that – but I think here's a gal that wants to serve Alpine. She stated her feelings about the police and the contract which everybody's entitled to and I think very sincere and strong consideration should be given for her to be on the Board and do her job which she still wants to do. So I would appreciate it if everybody take that into consideration. I don't know if it's too late but here's a gal that she just didn't give the notification of what's to serve. So please give it your best consideration."

The Mayor closed the meeting to the public and recognized

Councilman Garjian who stated, "It has been a real pleasure serving with both Joan Ornstein and her husband who was my friend on Council. It was a pleasure to get to know him. He was a real gentleman. He was a class act and there needs to be a lot of class act up here. But being a class act myself, Joan and I are in the same boat here. We both have really enjoyed serving our town. As some people may know, I did grow up here and it's very interesting to go from student to Councilman. I regret that you were treated the way you were. It was wrong and it was wrong. There's only one way to say it: it was wrong. What else? I hope Joan reconsiders her decision whether or not to continue. I'll announce whether or not I'm going to run somehow or whatever. I'm sure Joan has other opportunities as do I waiting but I thank you and Steve for everything. And that's all I have to say for now."

Mayor Tomasko responded, "Obviously, Ladies and Gentleman, we appreciate the service of everybody that gives their time to this town. Up here we're a small group of volunteers and we try our best to keep the town as special as it is. About five years ago when Joan asked that her husband be given a chance to serve we were happy to support him and in fact his name is still up here with us right under the place that Joan usually sits. Joan was our first choice to fill out his term when he passed away and her term is up at the end of this year, as for that matter is Councilman Garjian's. The Municipal Committee's job is to find the best possible candidates to run for office. We did that. But at the last moment one of the two all stars we thought would run decided against it. When Vicki reluctantly agreed that we could approach her husband, Arthur, to see if he was willing to serve and available to fill out the paperwork she took herself out of the decision making process at that point. Arthur has a record of service to our town as member and Chairman of one of town's two most important Land Use boards, the Zoning Board of Adjustment. He's also a practicing attorney. We're happy to support Arthur as well as our other Council candidate, Larry Shadek, to the voters of this town. We think they are exceptional candidates who've lived here for many decades with established records of service with much to offer and obviously worthy of the chance to serve and our support in their turn to run for elected office. We thank Joan for her service and look forward to working with her as much longer this year as she wishes to do so unless you decide that this is indeed a resignation, Joan. As most of you know, Joan like anyone else, was and is free to run for office in any election cycle she wishes. All she needs to do is pay attention to the deadline for the submission of the petition to get herself on the ballot. She's been around long enough to realize that there are deadlines involved here. Ladies and Gentlemen, that's it."

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

Bank Of America Current Operating Acct

\$1,991,695.64

Resolution #080: 4'2014: Emergency Appropriation #3 to Increase the 2014 Temporary Budget

OFFERED BY: Councilman Cacouris **SECONDED BY:** Councilwoman Frankel
at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 23, 2014 to

WHEREAS, an emergency has arisen with respect to Current Fund appropriations; and

WHEREAS, no adequate provision has been made in the 2014 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 2014 pursuant to the provision of Chapter 96, P.L. 1951 (R.S. 40A:4-20) including this resolution total **\$1,645,191.49** and shall be provided for in the 2014 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”

General Administration O/E	4-01-20-120-020	\$583.70
Financial Administration O/E	4-01-20-130-020	2,675.02
Postage, Meter & P.O. Box Rental	4-01-20-145-031	151.38
Engineering Services O.E	4-01-20-165-020	2,243.50
Liability Insurance	4-01-23-210-020	8,987.57
Worker Compensation	4-01-23-215-000	16,980.44
Police Dept S/W	4-01-25-240-010	1,802.86
Police Dept O/E	4-01-25-240-020	5,231.76
Buildings & Grounds O/E	4-01-26-310-020	3,293.42
Celebration of Public Events	4-01-30-420-020	1,189.44
PSE&G	4-01-31-446-020	1,959.07
Gasoline	4-01-31-460-020	2,710.43
Social Security	4-01-36-472-000	<u>2,621.21</u>
		\$51,429.80

OPERATIONS – Outside the “CAP”

D.A.R.E. Municipal Alliance O/E	4-01-41-703-020	<u>259.57</u>
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TOTAL: \$51,689.37

Vote: Ayes: Cacouris, Frankel, Garjian, Gerstein, Halbreich **Absent:** Ornstein
MOTION CARRIED

Resolution #081: 4'2014: Approval of Bills and Claims

OFFERED BY: Councilman Cacouris **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 23, 2014 to approve the bills and claims, a copy of which are appended.

Vote: Ayes: Cacouris, Frankel, Garjian, Gerstein, Halbreich **Absent:** Ornstein
MOTION CARRIED

Resolution #082:4'2014 Return of Bonds and Escrows

OFFERED BY: Councilman Cacouris **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 23, 2014 to approve the return of the following bonds and escrow as reviewed by the Borough Engineer

Goldstein, Robert & Alanna	79/2	Performance Bond	\$1,000.00
		Escrow	<u>\$939.50</u>
			\$1,939.50
Pope, Marc & Diane	75/2	Escrow	\$698.75
		Total	\$2,638.25

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

MOTION CARRIED

Tax Assessor's Report. On file.

MAYOR'S REPORT The Mayor reported on the following:

- Attended Bicycle Summit regarding bicycle traffic on Route 9W headed by Assemblywoman Valerie Vainieri Huttle in her office April 9th along with several other people from along the Route 9W corridor.
- Attended Bergen County Environmental Council meeting April 14th with the Environmental Commission Chair Lorraine Mattes and Vice Chair Susan Zuch. The meeting focused on recharging and rain gardens.
- He and other Borough officials met with Rockland Electric's new CEO who visited along with his assistant for the purpose of introduction and familiarizing himself with town issues.
- Memorial Day preparations are underway and all are invited to be a part of that and show their respect to those who have served in our country's military.

REPORTS OF THE STANDING COMMITTEES

Administration Department Mayor Tomasko congratulated acting Clerk Jerry Beckmann on having just become a Notary Public.

Building Department Councilman Halbreich reported 60 scheduled inspections, 1 tree permit and 2 soil moving applications. Balance of report on file.

Department of Public Works Councilman Garjian reported first quarter safety meetings coordinated with Borough employees, pot hole repair continues, spring clean up dates posted and a newsletter sent out with components on Clean Communities and stormwater management. The townwide shredding day held on April 5th was a success.

Fire Department Report is on file.

Police Department Report is on file.

Resolution #083:4'2014: Accepting 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, April 23, 2014 to accept the reports of the Standing Committees.

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

MOTION CARRIED

BOARD OF EDUCATION LIAISON'S REPORT Councilman Garjian had no report. Mayor Tomasko advised the School Talent Showcase has been postponed from April 25 to June 3. A school budget hearing is scheduled for Thursday, May 1 at 8 PM.

BOROUGH ATTORNEY'S REPORT No report.

BOROUGH ENGINEER'S REPORT Mr. Vander Veer distributed his report and highlighted:

- Closter Dock Road Drainage Improvements: Received renewal of NJDEP permit. The County has agreed to increase funding pending Freeholder approval. Next step will be conducting test holes along the roadway to identify utilities.
- Church Street Municipal Aide Project: will be bid the beginning of May for award at the June meeting.
- 2014 Road Improvement Projects: Riverside Cooperative was provided with the information for Forest Street. They were also recently provided with information for the four roads to be micro-surfaced. These will also go out to bid. Councilwoman Gerstein asked what the 4 roads are. Mr. Vander Veer explained that will depend on the bid results; they have to fit within the budget.

UNFINISHED BUSINESS

Ordinance 739: To Exceed the Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40a:4-45.14)

Public Hearing: Opened to the public for comments and being none closed.

Resolution #084:4'2014: Adoption of Ordinance 739

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilman Cacouris
at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 23, 2014

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 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2013 (N.J.S.A. 40A:4-45.14)

does hereby pass its second and final reading and is hereby adopted and Notice of same be published according to law.

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

MOTION CARRIED

{Ordinance 739 appended to these minutes in its entirety.}

2014 Municipal Budget

Resolution #085:4'2014: Waiving Reading in Full of the Budget

OFFERED BY: Councilman Cacouris **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 23, 2014

WHEREAS, N.J.S. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing a complete copy of the approved budget shall

- a) be posted in a public place where public notices are customarily posted, and
- b) is made available to each person requesting the same during said week and during the public hearing, and

WHEREAS, the Borough of Alpine has complied with the aforesaid requirements,

NOW, THEREFORE, BE IT RESOLVED, the Borough is hereby permitted to waive the reading in full, of the Municipal Budget for the year ending December 31, 2014.

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

MOTION CARRIED

Public Hearing: Opened to the public for comments and being none closed.

Resolution #086:4'2014: Amendment of the 2014 Municipal Budget (no net change)

OFFERED BY: Councilman Cacouris **SECONDED BY:** Councilwoman Frankel at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 23, 2014

WHEREAS the local municipal budget for the year 2014 was approved on the 6th day of March, 2014, and

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

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Alpine, County of Bergen, that the following amendments to the approved budget of 2014 be made:

CURRENT FUND

General Revenues

	<u>From</u>	<u>To</u>
3. Miscellaneous revenues – Section A – local Revenues		
Interest on Investments and Deposits	\$90,000	\$84,781
Total Section A: Local Revenues	508,245	503,026
3. Miscellaneous revenues – Section B – State Aid		
Without Offsetting Appropriations		
Green State Trust Fund	-	5,219
Total Section B: State Aid Without Offsetting Appropriations	405,408	410,627

8. General Appropriations

(A) Operations – within "CAPS"		
(E) Deferred Charges & Statutory Expenditures – Municipal with "CAPS" (Continued)		
(2) STATUTORY EXPENDITURES		
Police & Fireman's Retirement System of NJ	383,246	381,146
Total Deferred Charges & Statutory Expenditures – Municipal Purposes within "CAPS"	544,429	542,329
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	4,388,654	4,386,554

(A) Operations – Excluded from "CAPS"

PUBLIC SAFETY		
Fire		
Other Expense – LOSAP	21,100	23,200
Total Other Operations Excluded from "CAPS"	21,100	23,200
Total Operations Excluded from "CAPS"	37,667	39,767
Detail:		
Other Expenses	37,667	39,767

(E) Deferred Charges Municipal – Excluded from "CAPS"

(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	618,326	620,426
(O) Total General Appropriations Excluded from "CAPS"	618,326	620,426

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2014 local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the Mayor and Council on the 23rd day of April, 2014

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

MOTION CARRIED

Resolution #087:4'2014: Adoption of the 2014 Municipal Budget

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 23, 2014

BE IT RESOLVED, by the Council of the Borough of Alpine, County of Bergen that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$3,142,150 to be raised by taxation for municipal purposes and \$98,018 for the Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.

Discussion: Mayor Tomasko thanked everyone for their hard work on the budget.

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

MOTION CARRIED

**2014 MUNICIPAL BUDGET (as amended)
of the Borough of Alpine
County of Bergen
for the fiscal year 2014
Revenue and Appropriation Summaries**

Summary of Revenues		
1. General Revenues		
Surplus Anticipated	08-101	\$1,050,000
Miscellaneous Revenues Anticipated	13-099	\$1,412,830
Receipts from Delinquent Taxes	15-499	\$102,000
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$3,142,150
Total Revenues	13-299	\$5,706,980

Summary of Appropriations		
1. General Appropriations		
Within "CAPS"		
(a&b) Operations Including Contingent	34-201	\$3,844,225
(e) Deferred Charges and Statutory Expenditures	34-209	\$ 542,329
(g) Cash deficit	46-885	
Excluded from "CAPS"		
(a) Operations – Total Operations Excluded from "CAPS"	34-305	\$39,767
(c) Capital Improvements	44-999	\$15,000
(d) Municipal Debt Service	45-999	\$565,659
(m) Reserve for Uncollected Taxes	50-899	\$700,000
Total Appropriations		\$5,706,980

{A complete copy of the 2014 municipal budget is on file in the Borough Clerk's office}

These minutes have been approved by the Mayor and Council.

Ordinance 740: 2014 Salary Ordinance

Public Hearing: Opened to the public for comments and being none closed.

Resolution #088:4'2014: Adoption Ordinance 740

OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel
at the regular meeting of the Alpine Mayor and Council held on Wednesday,
April 23, 2014

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.”**

does hereby pass its second and final reading and is hereby adopted and Notice of
same be published according to law.

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

MOTION CARRIED

{Ordinance 740 appended to these minutes in its entirety.}

Capital Bond Ordinance 741: 2014 Various Capital Improvements

Public Hearing: Opened to the public for comments and being none closed.

Resolution #089:4'2014 Adoption Ordinance 741

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
At a regular meeting of the Mayor and Council of the Borough of Alpine, held on
Wednesday, April 23, 2014

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 2014 CAPITAL
IMPROVEMENTS BY AND IN THE BOROUGH OF ALPINE, IN THE COUNTY OF
BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$64,000 THEREFOR
AND AUTHORIZING THE ISSUANCE OF \$60,800 BONDS OR NOTES OF THE
BOROUGH TO FINANCE PART OF THE COSTS THEREOF**

does hereby pass its second and final reading and is hereby adopted and Notice
of same be published according to law.

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

MOTION CARRIED

{Ordinance 741 appended to these minutes in its entirety.}

Capital Bond Ordinance 742: 2014 Road Improvement Program

Public Hearing: Opened to the public for comments and being none closed.

Resolution #090:4'2014 Adoption Ordinance 742

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
a a regular meeting of the Mayor and Council of the Borough of Alpine, held on
Wednesday, April 23, 2014

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 2014 ROAD PROGRAM IN AND BY THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$340,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

does hereby pass its second and final reading and is hereby adopted and Notice of same be published according to law.

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

MOTION CARRIED

{Ordinance 742 appended to these minutes in its entirety.}

NEW BUSINESS

CONSENT AGENDA RESOLUTIONS Resolutions #091:4'2014 - #097:4'2014

Councilwoman Gerstein recused from Montammy Golf Club matter; she is a member.

1. Approval of Minutes

a. Resolution #091:4'2014: Budget Meeting #3 March 26, 2014

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, April 23, 2014 to approve the minutes of Budget Meeting #3 March 26, 2014.

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

MOTION CARRIED

b. Resolution #092:4'2014:Regular Meeting March 26, 2014

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, April 23, 2014 to approve the minutes of the Regular Meeting March 26, 2014.

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

MOTION CARRIED

c. Resolution #093:4'2014:Executive Session March 26, 2014

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, April 23, 2014 to approve the minutes of the Executive Session March 26, 2014.

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

MOTION CARRIED

2. Resolution #094:4'2014: Authorizing Event: JFS Wheels for Meals Ride to Fight Hunger June 15

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

At this regular meeting of the Alpine Mayor & Council, County of Bergen, State of New Jersey held on April 23, 2014

WHEREAS, Jewish Family Services (JFS) raises money for charity and has held their "JFS WHEELS for MEALS – A Ride to Fight Hunger" Family Bike Event in previous years; and

WHEREAS, JFS has again requested authorization from the towns through which riders will traverse. The route in Alpine will be from Henry Hudson Drive to Alpine Approach Road to Route 9W northbound to the State Line on June 15, 2014 from approximately 7:00 am to 12:30 pm; and

WHEREAS, Police Chief Belcolle has no objections and will be actively coordinating with JFS regarding any necessary police assistance; and

WHEREAS, JFS has provided their Certificate of Liability Insurance and a Facilities Use Hold Harmless Agreement which has been reviewed and approved by our Risk Manager.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine authorize "JFS WHEELS for MEALS – A Ride to Fight Hunger" Family Bike Event to be held on Sunday, June 15, 2014.

Vote: Ayes: Cacouris, Frankel, Garjian, Halbreich **Abstain:** Gerstein **Absent:** Ornstein

MOTION CARRIED

3. Resolution #095:4'2014: Approval Raffles Application Pony Power Therapies Montammy Golf Club June 2

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, June 2, 2014 to approve the raffles application of Pony Power Therapies, Inc. to sponsor a 50/50 raffle on June 2, 2014 at Montammy Golf Club.

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

MOTION CARRIED

4. Resolution #096:4'2014: Introduction Ordinance 743 An Ordinance to Amend Chapter 179 of the Zoning Code of the Borough of Alpine

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, April 23, 2014.

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 TO AMEND CHAPTER 179 OF THE ZONING CODE OF THE BOROUGH OF ALPINE

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, May 28, 2014 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 or by title, 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, Halbreich **Absent:** Ornstein

MOTION CARRIED

5. Resolution #097:4'2014: National Infant Immunization Awareness Week

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, April 23, 2014,

WHEREAS, Giving babies the recommended immunizations by age two is the best way to protect them from 14 serious childhood diseases.

WHEREAS, Vaccine-preventable diseases still circulate in the United States and around the world, so continued vaccination is necessary to protect everyone from potential outbreaks. Even when diseases are rare in the U.S., they can be brought into the country, putting unvaccinated children at risk.

WHEREAS, Most parents vaccinate their children, resulting in high vaccine coverage rates in the U.S.

WHEREAS, When people are unvaccinated, outbreaks of diseases like pertussis (whooping cough) and measles can – and do – return.

WHEREAS, It is important to vaccinate children on time, according to the childhood immunization schedule, to provide the best protection early in life, when babies are vulnerable and before they are likely to be exposed to diseases.

WHEREAS, This year, National Infant Immunization Week has encouraged parents, caregivers, and health care professionals to participate in educational, recognition, and media events to increase the awareness of the importance of immunizing children before their second birthday.

WHEREAS, The week of April 26 – May 3, 2014, has been declared National Infant Immunization Week to help ensure that children should be protected against 14 vaccine-preventable diseases by the age of two.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine do hereby proclaim the week of April 26 – May 3, 2014 as **INFANT IMMUNIZATION AWARENESS WEEK IN ALPINE** and encourage parents to make vaccinating their children a priority and to talk to family and friends about protecting their children with vaccines. I also encourage businesses, government agencies, community-based organizations, and service groups to spread the immunization message throughout their communities.

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

MOTION CARRIED

End of Consent Agenda Resolutions

COMMUNCIATIONS: WRITTEN AND ORAL Mayor Tomasko opened the meeting to the public and being none closed.

ADJOURNMENT

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

and approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday April 23, 2014 at 8:13 P.M.

Respectfully submitted,

Jerry Beckman, Acting Borough Clerk

**BOROUGH OF ALPINE
CALENDAR YEAR 2014**

**ORDINANCE 739
TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

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

WHEREAS, the cost of living adjustment for calendar year 2014 budgets is calculated at 0.5% pursuant to N.J.S.A. 40A:4-45.2; and

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

WHEREAS, the Mayor and Council of the Borough of Alpine in the County of Bergen finds its advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.0% increase in the budget for said year, amounting to \$131,835 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Alpine, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Borough of Alpine shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$153,808, and that the CY 2014 municipal budget for the Borough of Alpine be approved and adopted in accordance with this ordinance; and,

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

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

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

Adopted: April 23, 2014

**2014 MUNICIPAL BUDGET (as amended)
of the Borough of Alpine
County of Bergen
for the fiscal year 2014
Revenue and Appropriation Summaries**

Summary of Revenues		
1. Surplus	1,050,000	1,000,000
2. Total Miscellaneous Revenues	1,412,830	1,537,436
3. Receipts from Delinquent Taxes	102,000	94,000
4. Local Tax for Municipal Purposes	3,142,150	3,084,005
Total General Revenues	5,706,980	5,715,441

Summary of Appropriations	2014 Budget	Final 2013 Budget
	1. Operating Expenses: Salaries & Wages	2,459,650
Other Expenses	1,422,242	1,426,616
2. Deferred Charges & Other Appropriations	542,329	547,076
3. Capital Improvements	15,000	0
4. Debt Service (Include for School Purposes)	565,659	592,699
5. Reserve for Uncollected Taxes	700,000	675,000
Total General Appropriations	5,706,980	5,715,441
Total Number of Employees	33	33

2011 Dedicated Open Space Trust Fund

Summary of Revenues	Anticipated	
	2014	2013
1. Amount to be Raised by Taxes	\$ 98,018	\$ 97,353
2. Reserve Funds		
Total General Revenues	\$ 98,018	\$ 97,353

Summary of Appropriations	2014	Final 2013
	1. Reserve for Future Use	\$ 98,018
2. Salaries & Wages		
3. Other Expenses		
Total General Appropriations	\$ 98,018	\$ 97,353

Debt Information - Bonds, Notes and Loans				
	General	Water Utility	Sewer Utility	Utility - Other
Interest on Bonds and Notes	37,286	N/A	N/A	N/A
Principal on Bonds and Notes	376,000			
Repayment of Loans	152,373			
Outstanding Balance - 12/31/13	3,359,970			

These minutes have been approved by the Mayor and Council.

**PUBLIC OF NOTICE
BOROUGH OF ALPINE
ORDINANCE NO. 740**

“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.”

BE IT ORDAINED, by the Mayor and Council of the Borough of Alpine as follows:

Section 1. That the respective salaries, wages or compensation of the following officers, employees, officials of the Borough of Alpine be hereby fixed at the following rate, effective as of January 1, 2014 except as may be specifically noted.

Office or Position:	Yearly Salary: 2014 (Unless Otherwise Noted)
Acting Borough Clerk	53,000
Deputy Borough Clerk	48,965
Chief Financial Officer	22,404
Qualified Purchasing Agent	1,061
Treasurer	51,784
Tax Collector	9,179
Tax Search Officer	5,582
Municipal Alliance Coordinator	1,529
Tax Assessor	18,374
Municipal Court Judge	9,301
Court Administrator	11,998
Secretary / Board of Adjustment	6,742
Secretary /Planning Board	5,582
Police Chief	163,200
Superintendent D.P.W	114,433
Foreman D.P.W.	75,109
Mechanic D.P.W. I	6,781
Equipment Operator One D.P.W.	35,000
Recycling Coordinator	6,453
Fire Protection Subcode Official	9,357
Fire Official	3,454
Construction Office Technical Assistant	54,608
Construction Code Official	9,219
Building Subcode Official	13,980
Zoning Official	13,210
Plumbing Inspector	12,485
Electrical Inspector	11,339
Property Maintenance Official	5,041
Health Officer / Consultant	15,000
Secretary/Board of Health	4,649
Emergency Management Coordinator	3,474
Crossing Guard (per hour)	17.00
Auditor	Retainer
Prosecutor	5,676
Borough Attorney	Retainer *
Public Defender	1,994
Planning Board Attorney	Retainer *
Board of Adjustment Attorney	Retainer *
Borough Engineer	Retainer *
COAH Project Special Liaison	36,617

*In addition to retainer, he / she shall be paid for all professional services rendered upon presentation of proper vouchers therefore.

Section 2. In addition to other benefits and compensation, eligible employees covered by this ordinance shall receive an annual longevity increment as provided herein. The longevity increment shall be two (2%) of the employee’s base annual wage upon completion of five (5) years of full-time continuous service. The longevity increment shall be paid commencing January 1 of the year following an employee’s fifth anniversary and January 1 immediately following such fifth anniversary. Thereafter, the longevity increment shall be increased by four-tenths of 1% per year with a maximum of twelve (12%).

Section 3. A Department of Public Work’s Employee who is scheduled for stand-by on a week-end or holiday shall receive \$75.00 per day.

Section 4. That all ordinances or parts or ordinances inconsistent with this Ordinance be and the same are hereby repealed.

Section 5. That this Ordinance shall be retroactive to January 1, 2014 for all employees in the employ of the Borough of Alpine in the offices or positions hereinabove named as of the date of adoption of this Ordinance except as specifically noted.

Section 6. Municipal Court overtime to be paid at regularly hourly rate

Section 7. If need arises, administrative or temporary seasonal DPW help as well as Swim Club employees to be paid hourly at a range of 10.00 to 16.00 per hour.

Section 8. If need arises, during inclement weather, temporary employees of the DPW to be paid hourly at a range of 10.00 to 20.00 per hour.

ADOPTED: April 23, 2014

**BOROUGH OF ALPINE
ORDINANCE NUMBER 741**

BOND ORDINANCE PROVIDING FOR VARIOUS 2014 CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$64,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$60,800 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF

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

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken by the Borough of Alpine, in the County of Bergen, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$64,000, which sum includes \$3,200 as the aggregate amount of down payments for said improvements or purposes as required by the Local Bond Law (N.J.S.A. 40A:2-1 *et seq.*) (the "Local Bond Law"). The down payments are now available by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$64,000 appropriation not provided for by said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the aggregate principal amount of \$60,800 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in an aggregate principal amount not exceeding \$60,800 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) acquisition and installation of security cameras at the Police Department;	\$7,500	\$7,125	\$375	5 years
(ii) acquisition of a pressure washer, salt spreader and roll-off truck containers for the Department of Public Works; and	32,000	30,400	1,600	5 years
(iii) repair/cleaning of air ducts at Borough Hall, acquisition and installation of a plaque for the veterans memorial and acquisition and installation of a ceiling light at the Fire Department.	24,500	23,275	1,225	5 years
TOTALS	<u>\$64,000</u>	<u>\$60,800</u>	<u>\$3,200</u>	

(a) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$60,800.

(b) The aggregate estimated cost of said improvements or purposes is \$64,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$60,800, is the aggregate amount of the down payments available for said purposes in the amount of \$3,200.

(c) All such improvements or purposes shall include materials, equipment, accessories and work necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Borough and available for public inspection and hereby approved.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Bergen make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Bergen. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Bergen shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the Office of the Clerk of the Borough and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 5 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$60,800 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$12,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended and supplemented (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds, "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$60,800. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOTPED: April 23, 2014

**BOROUGH OF ALPINE
ORDINANCE NUMBER 742**

BOND ORDINANCE PROVIDING FOR THE 2014 ROAD PROGRAM IN AND BY THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$340,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Alpine, in the County of Bergen, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$350,000, which sum includes a \$150,000 grant expected to be received from the New Jersey Department of Transportation (the "Grant") and \$10,000 as the aggregate amount of down payment for said improvements or purposes as required by the Local Bond Law (N.J.S.A. 40A:2-1 et seq.) (the "Local Bond Law"). The down payment is now available by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$350,000 appropriation not provided by said Grant or down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$340,000 pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$340,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) milling and resurfacing of Church Street; and	\$150,000	\$150,000	\$0	10 years
(ii) milling and resurfacing of various roadways throughout the Borough, all as on file in the Office of the Borough Clerk.	200,000	190,000	10,000	10 years
TOTALS	<u>\$350,000</u>	<u>\$340,000</u>	<u>\$10,000</u>	

(a) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$340,000.

(b) The aggregate estimated cost of said improvements or purposes is \$350,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the aggregate amount of \$340,000, is the aggregate amount of the down payments available for said purposes in the amount of \$10,000.

(c) All such improvements or purposes shall include milling, paving, striping, ancillary drainage improvements, the construction/reconstruction of curbs, the construction of inlets and concrete headwalls as well as site restoration, and all materials, equipment, accessories and work necessary therefore or incidental thereto.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, and/or the County of Bergen make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Bergen. Except for the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Bergen shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, ten (10) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$340,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$75,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements and purposes hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$340,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED: April 23, 2014