

**ALPINE MAYOR AND COUNCIL**  
**REGULAR MEETING - Wednesday, April 25, 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, April 25, 2012 at 7:35 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 25, 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	Absent	Gayle Gerstein, Councilwoman	Present
Joan Ornstein, Councilwoman	Present		

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

**PUBLIC COMMENTS** The Mayor opened the meeting to the public. There were no comments.

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

**Bank Of America Current Operating Acct**

**\$1,693,558.05**

**Resolution #078: 4'2012: Emergency Appropriation to Increase 2012 Temporary Budget**

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 25, 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 **\$2,026,794.21** 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"

General Administration S/W	2-01-20-120-010	\$ 3,392.72
Elections S/W	2-01-20-121-010	22.00
Financial Administration S/W	2-01-20-130-010	2,150.09
Financial Administration O/E	2-01-20-130-020	\$ 2,725.29

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*These minutes approved by the Mayor and Council.*

Collection of Taxes O/E	2-01-20-145-020	1,384.40
Postage, Meter & P.O. Box Rental	2-01-20-145-031	127.60
Tax Assessment S/W	2-01-20-150-010	627.68
Engineering Services O/E	2-01-20-165-020	3,071.36
Planning Board S/W	2-01-21-180-010	129.99
Electrical Inspector S/W	2-01-22-195-011	561.68
Plumbing Inspector S/W	2-01-22-195-012	800.00
Liability Insurance	2-01-23-210-020	11,541.83
Worker Compensation	2-01-23-215-000	16,349.88
Police Dept. S/W	2-01-25-240-010	81,021.06
Police Dept. O/E	2-01-25-240-020	5,293.79
Fire Official S/W	2-01-25-265-010	22.27
Municipal Prosecutor S/W	2-01-25-275-010	383.00
PSE&G	2-01-31-446-020	616.92
Gasoline	2-01-31-460-020	958.50
Social Security	2-01-36-472-000	2,111.78
Public Defender S/W	2-01-43-495-010	126.32

OPERATIONS- Outside the "CAP"

D.A.R.E. Municipal Alliance O/E	2-01-41-703-020	<u>370.44</u>
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**TOTAL:** \$133,788.60

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

**Resolution #079: 4'2012: Approval of Bills and Claims**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein  
at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 25, 2012 to approve the bills and claims, a copy of which are appended.

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

**Resolution #080:4'2012 Return of Bonds and Escrow**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein  
at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 25, 2012 to approve the return of the following escrow.

<u>Name</u>	<u>Block/Lot</u>	<u>Type</u>	<u>Amount</u>
Abad, George Jr.	76/1	Re-Vegetation Bond	\$13,500.00
		Performance Bond	36,800.00
		Tree Bond	18,000.00
		Soil Moving Escrow	12.00
		Engineering Escrow	462.50
			<u>\$68,774.50</u>
Brusco, Michael	81.04/2	Re-Vegetation Bond	\$3,000.00
		Performance Bond	5,000.00
		Engineering Escrow	56.75
			<u>\$8,056.75</u>

Norian, Edward & Sandra	75/20	Soil Moving Escrow	\$379.00
		Engineering Escrow	411.50
			<b>\$8,056.75</b>
Mourkakos, Kally	49.01/1	Performance Bond	\$17,121.27
		Soil Moving Escrow	170.75
			<b>\$17,292.02</b>
		<b>Total</b>	<b>\$94,913.77</b>

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

**MOTION CARRIED**

**Tax Assessor's Report.** No report. Mayor Tomasko noted the Tax Assessor would be available later at the meeting.

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

- The Mayor asked for a resolution of support as requested by the NJ League of Municipalities for the Employment Incentive Program for returning vets.

**Resolution #081:4'2012 Supporting Employment Incentive Program of the NJ Guard & Reserve**

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

**WHEREAS**, on Tuesday, January 24, the Commander-in-Chief of our Armed Forces reminded all Americans that, "Above all, our freedom endures because of the men and women in uniform who defend it," and that " ... this generation of heroes has made the United States safer and more respected around the world."; and

**WHEREAS**, the President, further, promised, "As they come home, we must serve them as well as they've served us. That includes giving them the care and the benefits they have earned ... And it means enlisting our veterans in the work of rebuilding our nation."; and

**WHEREAS**, National Guard and Reserve forces today total over 1 million service members and represent 48 percent of our total military force; while every day around the globe, thousands of men and women in uniform, including dedicated members of the National Guard and Reserves, risk their lives and make great sacrifices to defend our national interests, serving extended tours away from their homes, families and jobs; and

**WHEREAS**, at the same time, we are now seeing unprecedented levels of unemployment and underemployment among members of the Guard and Reserve, as up to 22 percent of Guard and Reserve members face unemployment; and

**WHEREAS**, in this time of economic uncertainty, the Employer Support Guard and Reserve (ESGR) is focusing on connecting employers with the talented pool of service members and their spouses, with the intent of facilitating meaningful employment opportunities; and

**WHEREAS**, to further this goal, the New Jersey ESGR has launched an Employment Initiative Program (EIP), which is a collaborative effort with federal agencies including the Department of Labor (Veterans Affairs), the Department of Veterans, the Small Business Administration and the Office of Personnel Management; and

**WHEREAS**, the goal is to enhance the employment process and serve as an effective resource for service members and employers. ESGR is also partnering with Employer Partnership of the Armed Forces (EPAF) through EIP with a high-tech and high-touch approach; and

**WHEREAS** for almost a year, now, the United States Chamber of Commerce has also endeavored to find employment for our returning veterans and the spouses of those who continue to serve, at home and abroad, with its Hiring Our Heroes program; and

**WHEREAS** the Hiring Our Heroes program is a nationwide effort to help veterans and military spouses find meaningful employment, in partnership with the Department of Labor Veterans Employment and Training Service (DOL VETS), to improve public-private sector coordination in local communities, where veterans and their families are returning every day; and

**WHEREAS**, despite those efforts, the unemployment rate for veterans of our Armed Forces in our Nation and in our State continues to exceed the over-all rate; and

**WHEREAS**, in order to take the lead on advancing the EIP to the next level, the New Jersey ESGR has enlisted strong and positive support from corporate leaders, the New Jersey State Chamber of Commerce, US Dept. of Labor/VETS and the New Jersey League of Municipalities; and

**WHEREAS**, it is incumbent on all of us to prove that New Jersey cares for the men and women in uniform who risk their lives and make great sacrifices to defend our national interests; and

**WHEREAS** this employment initiative can be New Jersey's way of saying thank you to the men and women who made great sacrifices to protect our nation's freedom; and

**WHEREAS** local officials throughout the State of New Jersey, working together through the League of Municipalities, and with the New Jersey ESGR, their local and State Chambers of Commerce, and local business leaders can help to advance basic fairness to our vets and their families by pursuing one simple goal: to allow America's over one million unemployed veterans and military spouses to follow their dreams, instead of spending their lives just trying to catch up; now therefore be it

**RESOLVED**, on this 25<sup>th</sup> of April 2012 that the Mayor and Council of the Borough of Alpine recognizes that we will never be able to repay the debt we owe to all members of our armed forces; and

**BE IT FURTHER RESOLVED**, that in gratitude, the Borough of Alpine pledges its enthusiastic and unqualified support for the Employment Initiative Program of the New Jersey Employer Support Guard and Reserves; and

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to the New Jersey State League of Municipalities and to our neighboring municipalities.

*Discussion: Councilman Garjian reported he has served as County Ombudsmen for NJESGR for over three years now and an office colleague is Ombudsmen for Passaic County. The organization helps service men and women regain their previous employment prior to deployment and it is a very worthwhile organization to support.*

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

**MOTION CARRIED**

- Assemblywoman Valerie Vaneiri-Huttle has provided notices that she will be at the Alpine Borough Hall on Monday April 30<sup>th</sup> 6 – 8 pm to make herself available for constituent services.
- Letter received from NJ. D.O.T. re: Complete Streets Program. A workshop will be held May 1<sup>st</sup> 8:30 am – 12 noon Room 261 of B.C. Administration Bldg in B.C. Plaza. The Mayor will share further details with the Borough Engineer and try to attend.
- The Mayor thanked all who came early to participate in the New Residents Reception that immediately preceded the meeting.
- The Mayor welcomed new Councilwoman Joan Ornstein to her first full meeting.

**REPORTS OF THE STANDING COMMITTEES**

**Administration Department** No report.

**Building Department** Mayor Tomasko read the report statistics and noted the rest is on file.

**Department of Public Works** Councilman Garjian read highlights from the report on file.

**Fire Department** Councilwoman Gerstein stated a report has been filed.

**Police Department** Councilwoman Frankel reported basic statistics and noted FEMA reimbursement was received for the 2011 Halloween storm: \$36,851.00

**Resolution #082:4'2012 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, April 25, 2012 to accept the reports of the Standing Committees.

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

**MOTION CARRIED**

**BOARD OF EDUCATION LIAISON'S REPORT**

No report. Mayor Tomasko noted Board of Ed President Walter Roura attended the New Residents Reception held prior to this meeting.

**BOROUGH ATTORNEY'S REPORT**

No report.

**BOROUGH ENGINEER'S REPORT** Engineer Vander Veer referenced his report on file.

**2012 Road Improvement Project Anderson Avenue Section 4:** Bids have been received, reviewed and he recommends award to the lowest responsible bidder. Funding will be covered by the State Aide. This is an agenda item under new business. Mayor Tomasko thanked Mr. Vander Veer for moving the project forward quickly. Councilman Garjian questioned experience and Mr. Vander Veer stated the bidder performed prior work in town on Allison Road, also a state aide project, and the work was satisfactory.

**UNFINISHED BUSINESS**

A) **Ordinance 727: To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40a:4-45.14)**

1. **Public Hearing** Opened to the public – no comment.

2. **Resolution #083:4'2012 Adoption Ordinance 727**

**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 25, 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 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2012 (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:** Frankel, Garjian, Gerstein, Ornstein **Absent:** Cacouris, Merians

**MOTION CARRIED**

*{Ordinance 727 appended to these minutes in its entirety.}*

B) **2012 Municipal Budget**

1. **Resolution** Waiving Reading in Full of the Budget

**Resolution #084:4'2012 Waiving Reading in Full of the Budget**

**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 25, 2012

**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, 2012.

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

**MOTION CARRIED**

2. **Public Hearing** Opened to the public – no comment

3. **Resolution #085:4'2012 Self-Examination of the 2012 Budget**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, April 25, 2012

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Alpine has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2012 budget year.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Alpine that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget.

a. Payment of interest and debt redemption charges

b. Deferred charges and statutory expenditures

c. Cash deficit of preceding year

d. Reserve for uncollected taxes

e. Other reserves and non-disbursement items

f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for

exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

a. All estimates of revenue are reasonable, accurate, and correctly stated;

b. Items of appropriations are properly set forth

c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.-40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

**MOTION CARRIED**

**4. Resolution #086:4'2012 Adoption of the 2012 Municipal Budget**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, April 25, 2012.

**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 \$3,053,085.00 to be raised by taxation for municipal purposes and \$97,248.00 for the Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.

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

**MOTION CARRIED**

**C) Ordinance 728: 2012 Salary Ordinance**

**1. Public Hearing** Opened to the public – no comment.

**2. Resolution #087:4'2012: Adoption Ordinance 728**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, April 25, 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.”**

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

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

**MOTION CARRIED**

*{Ordinance 728 appended to these minutes in its entirety.}*

**D) Capital Bond Ordinance 729: 2012 Various Capital Improvements**

- 1. **Public Hearing** Opened to the public – no comment.
- 2. **Resolution #088:4'2012** Adoption Ordinance 729

**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 25, 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**

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

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

**MOTION CARRIED**

*{Ordinance 729 appended to these minutes in its entirety.}*

**E) Capital Bond Ordinance 730: 2012 Road Improvement Program**

- 1. **Public Hearing** Opened to the public – no comment.
- 2. **Resolution #089:4'2012** Adoption Ordinance 730

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilman Garjian  
 a a regular meeting of the Mayor and Council of the Borough of Alpine, held on  
 Wednesday, April 25, 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**

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

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

**MOTION CARRIED**

*{Ordinance 730 appended to these minutes in its entirety.}*

**NEW BUSINESS**

- A. **CONSENT AGENDA RESOLUTIONS** Resolutions #090:4'2012 - #096:4'2012

**1. Approval of Minutes**

**a. Resolution #090:4'2012: Budget Meeting March 28, 2012**

**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 25, 2012 to approve the minutes of the Budget Meeting of March 28, 2012.

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

**MOTION CARRIED**

**b. Resolution #091:4'2012:Regular Meeting March 28, 2012**

**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 25, 2012 to approve the minutes of the Regular Meeting March 28, 2012.

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

**MOTION CARRIED**

**c. Resolution #092:4'2012:Executive Session March 28, 2012**

**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 25, 2012 to approve the minutes of the Executive Session March 28, 2012.

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

**MOTION CARRIED**

**2. Resolution #093:4'2012: Approval of Raffles Application for Fairleigh Dickinson Univ.**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein  
at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, April 25, 2012 to approve the raffles application of Fairleigh Dickinson University to sponsor a 50/50 raffle on June 25, 2012 at Montammy Golf Club.

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

**MOTION CARRIED**

**3. Resolution #094:4'2012: Approval of American Cancer Society GWB Challenge.**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein  
at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, April 25, 2012

to approve the request by Faith Grohmann, Coordinator of Special Events for the American Cancer Society for the 25<sup>th</sup> Annual George Washington Bridge Challenge to benefit the American Cancer Society to pass through Alpine using Route 9W in the early morning of June 10, 2012.

Such use is subject to the Borough's Risk Management Policies for said use, including but not limited to provision of a Certificate of Insurance listing the Borough as additional insured and a Hold Harmless Agreement. Such use is also subject to coordination and compliance with any and all provisions as deemed necessary by the Alpine Police Chief.

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

**MOTION CARRIED**

**4. Resolution #095:4'2012: Amend Terminal Leave Resolution**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein  
at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, April 25, 2012

**WHEREAS**, the Governing Body at its regular meeting held March 28, 2012 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 was 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 Frank Rickenbaugh whose entitlement to terminal leave as described shall be considered "grandfathered".

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

**MOTION CARRIED**

**5. Resolution #096:4'2012: Confirmation of CFO Tenure**

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

**WHEREAS**, Rebecca Overgaard was duly appointed and confirmed to the position of Chief Financial Officer on November 1, 2008 for a four (4) year term in accordance with N.J.S.A. 40A:9-140.13 et seq.; and

**WHEREAS**, Rebecca Overgaard is and has been certified as a Chief Financial Officer since June 19, 1989 and has satisfied the continuing education requirements for said certification; and

**WHEREAS**, the Mayor and Council of the Borough of Alpine reappointed Rebecca Overgaard, CFO as Chief Financial Officer for the Borough of Alpine on January 4, 2012; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Alpine as follows:

1. Rebecca Overgaard, CFO is and has upon this reappointment attained tenure pursuant to N.J.S.A. 40A:9-140.8 et seq.

**AND BE IT FURTHER RESOLVED**, that the provisions of the January 4, 2012 resolution of the Mayor and Council still apply including that, notwithstanding the above, it has been agreed with Rebecca Overgaard that Marilyn Hayward, Treasurer and Tax Collector for the Borough of Alpine is currently enrolled in classes to become a Chief Financial Officer and that upon successful completion and receipt of certification by the N.J. Division of Local Government Services recognizing Ms. Hayward as a Chief Financial Officer, Rebecca Overgaard will resign the position of Chief Financial Officer and Ms. Hayward will be appointed to the position in accordance with N.J.S.A. 40A:9-141-2.

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

**MOTION CARRIED**

*End of Consent Agenda Resolutions*

**B. Resolution: #097:4'2012 Laoudis License Agreement**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein  
at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, April 25, 2012 to authorize a License Agreement between the Borough of Alpine and Theodore Laoudis and Angela Laoudis to permit that portion of a fence they installed on an easement held by the Borough on their property located at Block 22 Lot 7 known as 17 The Esplanade, Alpine, New Jersey to remain subject to the conditions as outlined in the agreement.

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

**MOTION CARRIED**

**C. Report of Bids for Anderson Avenue Section 4 (State Aid)**

Report of Bid Results-2012 Anderson Avenue Section 4 (State Aid Project)  
Advertised in The Record on Monday, April 9, 2012  
Received and opened 10:00 a.m. Friday, April 20, 2012 at Borough Hall

Tilcon New York of Wharton NJ	246,046.00
AJM Contractors, Inc. of Clifton, NJ	208,577.50
J.A. Alexander Inc. of Bloomfield, NJ	229,521.48
English Paving Company of Clifton, NJ	212,323.10
D & L Paving Contractors of Nutley, NJ	210,015.10
DLS Contracting, Inc. of Nutley, NJ	211,355.00

**Resolution: #098:4'2012 Award of Bid for Anderson Avenue Section 4 (State Aid)**

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

At a regular meeting of the Alpine mayor and Council on Wednesday, April 25, 2012

**WHEREAS**, the Mayor and Council of the Borough of Alpine has requested bids for the 2012 Anderson Avenue Section 4 (State Aid Project) as detailed in the Notice to Bidders

**WHEREAS** sealed bids were received at the Borough Hall up until 10:00 a.m. Friday, April 20, 2012 as advertised in The record on Monday, April 9, 2012, and

**WHEREAS** these bids were opened in the presence of the Borough Clerk and the Borough Engineer, and

**WHEREAS** six (6) bids were received as listed above. The bids were reviewed by the Borough Engineer who recommends acceptance of the lowest responsible bid from *AJM Contractors, Inc. of Clifton, NJ* for \$208,577.50 subject to review by the Borough Attorney, and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpine, at the regular meeting Wednesday, April 25, 2012, that the bid be awarded to

***AJM Contractors, Inc. of Clifton, NJ for \$208,577.50***

subject to review by the Borough Attorney.

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

**MOTION CARRIED**

Attorney Huntington stated he had reviewed the bid package and all appears to be in order.

**D. Resolution: #099:4'2012 Property Maintenance Violation Bl. 81.04 Lot 18.04 Margo Way**

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

At a regular meeting of the Alpine Mayor and Council on Wednesday, April 25, 2012

**WHEREAS**, the Mayor and Council of the Borough of Alpine has received a report from the Property Maintenance Official in regard to conditions existing on vacant property located at Block 81.04 Lot 18.04 on Margo Way which constitute violations of Borough Ordinance 76;

**BE IT THEREFORE RESOLVED** that the Mayor and Council of the Borough of Alpine hereby direct the Borough Clerk to notify the owner, tenant or person in possession of the lands by regular and certified mail to remove the violations as noted within 10 days.

*Discussion: Attorney Huntington noted this is one of the steps in the process. Councilman Garjian noted this vacant property has been an eyesore for one - two years. Councilwoman Frankel asked that the strongest possible language be conveyed.*

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

**MOTION CARRIED**

**E Resolution: #100:4'2012 Affirming Mayor's Appointments to Alpine Swim Club Subcommittee**

Mayor Tomasko appointed Gina Banoun and Joyce Davis to the Recreation Commission Subcommittee for the Alpine Swim Club.

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

At a regular meeting of the Alpine Mayor and Council on Wednesday, April 25, 2012 to affirm the Mayor's appointments of Gina Banoun and Joyce Davis to the Alpine Recreation Commission Subcommittee for the Alpine Swim Club which appointments expire December 31<sup>st</sup>, 2012.

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

**MOTION CARRIED**

**COMMUNICATIONS: WRITTEN AND ORAL**

Dr. Khatamee of Church Street reported a huge tree on Church Street has a dangerous branch overhanging the road. Mayor Tomasko will advise the DPW Superintendent.

**Resolution #101:4'2012 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:** Councilwoman Frankel

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, April 25, 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. Tax Appeals
2. Political Demonstrations

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpine, assembled in public session on Wednesday, April 25, 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:**

**MOTION CARRIED**

Executive Session began at 7:58 p.m. and the public portion reconvened at 9:06 p.m. and immediately adjourned.

**ADJOURNMENT**

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

And approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday April 25, 2012 at 9:06 p.m.

Respectfully submitted,

Gail Warming-Tanno, Municipal Clerk

**BOROUGH OF ALPINE  
CALENDAR YEAR 2012  
ORDINANCE NO. 727 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% 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**, 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 it advisable and necessary to increase its CY 2012 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 1.0 % increase in the budget for said year, amounting to \$45,234 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 2012 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 \$158,318 and that the CY 2012 municipal budget for the Borough of Alpine be approved and adopted in accordance with this ordinance; and,

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

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed 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: This 25th day of April 2012**

**BOROUGH OF ALPINE  
ORDINANCE NO. 728**

**“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, 2012 except as may be specifically noted.

<u>Office or Position:</u>	Yearly Salary: 2012 (Unless Otherwise Noted)
Borough Clerk	63,891
Deputy Borough Clerk	43,235
Assessment Search Officer	843
Election Clerk	3,033
Chief Financial Officer	21,534
Qualified Purchasing Agent	1,020
Treasurer	48,834
Tax Collector	8,656
Tax Search Officer	5,265
Tax Assessor	17,661
Municipal Court Judge	9,119
Court Administrator	11,532
Secretary / Board of Adjustment	5,954
Secretary /Planning Board	5,265
Police Chief	170,000
Superintendent D.P.W	99,186
Foreman D.P.W.	65,342
Mechanic D.P.W. I	5,899
Equipment Operator One D.P.W.	37,730
Recycling Coordinator	5,593
Fire Protection Subcode Official	8,140
Fire Official	3,005
Construction Office Technical Assistant	49,901
Construction Code Official	8,861
Building Subcode Official	13,437
Zoning Official	12,697
Plumbing Inspector	12,000
Electrical Inspector	10,899
Property Maintenance Official	4,370
Health Officer / Consultant	15,000
Secretary/Board of Health	4,187
Registrar Vital Statistics	1,172
Emergency Management Coordinator	3,339
Crossing Guard (per hour)	17.00
Auditor	Retainer
Prosecutor	5,456
Borough Attorney	Retainer *

*These minutes approved by the Mayor and Council.*

Public Defender	1,917
Planning Board Attorney	Retainer *
Board of Adjustment Attorney	Retainer *
Borough Engineer	Retainer *
COAH Project Special Liaison	34,901

\*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, 2012 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 DPW help to be paid hourly at a range of 10.00 to 16.00 per hour.

**ADOPTED: This 25th day of April 2012**

**BOROUGH OF ALPINE  
ORDINANCE NUMBER 729**

**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**

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 \$182,500, which sum includes \$9,125 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 \$182,500 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 \$173,375 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 \$173,375 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 of a non-passenger vehicle for the Police Department, conversion of vehicles for the Police Department, acquisition of a dump truck for the Department of Public Works, acquisition of gear and pagers for the Fire Department, acquisition of radios for the Fire Department and Department of Public Works to meet Federal Communications Commission narrow banding requirements, and acquisition of court reporting software for Borough Hall; and	\$141,000	\$133,950	\$7,050	5 years
(ii) improvements to the basement at the Fire Department, acquisition of lock boxes for the Fire Department, contribution to the construction of a 50 <sup>th</sup> anniversary monument at the Fire Department and renovations to the Rio Vista Tower.	41,500	39,425	2,075	20 years
TOTALS	<u>\$182,500</u>	<u>\$173,375</u>	<u>\$9,125</u>	

(a) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$173,375.

(b) The aggregate estimated cost of said improvements or purposes is \$182,500, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$173,375, is the aggregate amount of the down payments available for said purposes in the amount of \$9,125.

(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 8.411 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 \$173,375 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 \$20,000 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 \$173,375. 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.

**ADOPTED: This 25th day of April 2012**

**BOROUGH OF ALPINE  
ORDINANCE NUMBER 730**

**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**

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 \$1,039,500, which sum includes a \$300,000 grant expected to be received from the New Jersey Department of Transportation (the "Federal Grant"), a \$410,000 grant expected to be received from the County of Bergen (the "County Grant", and together with the Federal Grant, the "Grants") and \$16,475 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 \$1,039,500 appropriation not provided by said Grants or down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$313,025 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 \$313,025 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 bonds or notes are to be issued are for the resurfacing of various roadways and drainage improvements, including but not limited to, milling and resurfacing Anderson Avenue from Closter Dock Road to Buckingham Drive, Charney Place, Deerhill Road, Duck Pond Road and Wilson Drive, the replacement of a culvert on Bekery Place, drainage improvements on Closter Dock Road between Berkery Place and midway between Warren Lane and Allison Road, Old Saw Mill Road, Main Street, Robin Lane and Charney Place, the repair and reconstruction of inlets on Main Street and other locations throughout the Borough all as on file at the Borough Clerk's office. Such improvements or purposes are to 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.

(a) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$313,025.

(b) The estimated cost of said improvements or purposes is \$1,039,500.

**SECTION 4.** Except for the Grants, 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 Grants, 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 \$313,025 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 \$125,000 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 \$313,025. 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: This 25th day of April 2012**