

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, April 27, 2016 @ 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 27, 2016 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 27, 2016 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
Michael Cacouris, Councilman	Present	Gayle Gerstein, Councilwoman	Present
John Halbreich, Councilman	Present	Laurence Shaddek, Councilman	Present
Arthur Frankel, Councilman	Present		

Staff Present on Dais: Borough Engineer Gary Vander Veer, Borough Attorney Russ Huntington, Municipal Clerk Stephanie Wehmann

PUBLIC COMMENTS None

REPORT OF THE FINANCE COMMITTEE A copy of the monthly Finance Report including the First Quarter Statement of Revenues and Expenditures is on file in the Borough Clerk's office.

Bank Of New Jersey Current Operating Acct \$2,394,420.92

Resolution #081:4'2016: Return of Bonds and Escrow

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 27, 2016 to approve the return of the following bonds and escrow subject to review and approval by the Borough Engineer.

<u>Name</u>	<u>Block/Lot</u>	<u>Type</u>	<u>Amount</u>
Conway, George & Kellyanne Hillview Construction Co.	70/3 90/3.011	Fence Encroachment Boro ROW Engineering Escrow Tree Bond	\$750.00 \$780.00 \$5,813.64
AT&T Mobility & Subsidiaries	11/1	Tower Shelter/Antenna Omnipoint Hookup	\$284.50 \$137.50
		TOTAL:	\$7,765.64

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shaddek **MOTION CARRIED**

Resolution #082:4'2016: Refund of Tax Overpayment

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

WHEREAS, the following property owner has made an overpayment of property taxes for the year 2015 resulting from duplicate payments received from the taxpayer and the tax servicing agency;

WHEREAS, said property owner has requested refund of same in the amount as shown below

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, hereby authorize the Borough Treasurer to issue the necessary check in the following amount and made payable to the property owner:

Block	Lot	Owner's Name	Address	Refund
59	5	Kim, Robert & Misook	41 Brenner Place, Alpine, NJ 07621	\$9,144.83

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**
Tax Assessor's Report. Report on file in the Borough Clerk's Office.

MAYOR'S REPORT The Mayor reported on the following:

- Employment Practices Liability Training is offered on line through the NJ MEL. At least one more member of the governing body needs to take the class by month's end to qualify for maximum premium credit offered. Councilmen Cacouris and Halbreich stated they would respond.
- Attended Alpine School play "Let Your Hair Down Rapunzel" and as usual students gave a wonderful performance.
- Thanks to the efforts of Engineer Vander Veer Alpine was awarded a NJ DOT State Aide Grant which will be used next year to repave portions of two streets.
- Saturday, April 30th the town will hold its Annual Shredding day sponsored by BCUA from 9AM – 1 PM in the parking lot and the Environmental Commission will provide seedlings in the lobby as part of Arbor Day festivities.
- A Rock the River Walk/Run Race will be held this Sunday at Ross Dock to benefit the Palisades Interstate Park Commission. The Mayor is volunteering and employees Stephanie and Nancy Wehmann plan to participate.

REPORTS OF THE STANDING COMMITTEES

Administration Department No report.

Building Department Councilman Halbreich read the report's main statistics. Highlights: 89 inspections, 1 tree permit, 8 zoning review applications. The rest of the report is on file.

Department of Public Works Councilman Frankel noted Spring Cleanup begins next week. Remainder of report on file.

Fire Department Councilwoman Gerstein advised statistics are on file.

Police Department Councilwoman Frankel reported 48 summonses issued and 5 motor vehicle accidents with 3 injuries.

Resolution #083 :4'2016: 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 27, 2016 to accept the reports of the Standing Committees.

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

BOARD OF EDUCATION LIAISON'S REPORT No report.

BOROUGH ATTORNEY'S REPORT No report.

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

- **2016 Road Improvement Program / Riverside Cooperative** Bids received were well within estimates. A resolution is listed on Consent Agenda to authorize the municipal contract once the Master Contract is formally awarded and the capital bond ordinance is in place.
- **Municipal Aid 2016, NJDOT** Alpine has been awarded a grant for \$155,500.00 for improvements to Church Street (Section 3) and Graham Street. The Borough has 18 months to use funds. Work slated for 2017 at which time Mr. Vander Veer will review if funds sufficient to pave part or all of Graham Street. The Mayor again thanked Mr. Vander Veer for his efforts in pursuing and obtaining the grant funding.

UNFINISHED BUSINESS

Ordinance 756: 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 #084:4'2016: Adoption of Ordinance 756

OFFERED BY: Councilman Cacouris **SECONDED BY:** Councilwoman Frankel at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 27, 2016

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 2016 (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: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shaddek **MOTION CARRIED**
{Ordinance 756 appended to these minutes in its entirety.}

2016 Municipal Budget

Resolution #085:4'2016: Waiving Reading in Full of the Budget

OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilman Shaddek at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 27, 2016

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, 2016.

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shaddek **MOTION CARRIED**

Resolution: #86:4'2016:Self Examination of the 2016 Municipal Budget

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

At a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, April 27, 2016

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 2016 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: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

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

Mayor Tomasko thanked Borough Auditor, Jeffrey Bliss for attending the meeting in case there were any questions from the public and for his assistance throughout the process.

Resolution #087:4'2016: Adoption of the 2016 Municipal Budget

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 27, 2016

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 \$3,205,876 to be raised by taxation for municipal purposes and \$98,225 for the Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

{Summary of the Budget attached. Complete copy of the 2016 Municipal Budget is on file in the Borough Clerk's office}

Ordinance 757: 2016 Salary Ordinance

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

Resolution #088:4'2016: Adoption Ordinance 757

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 27, 2016

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: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

{Ordinance 757 appended to these minutes in its entirety.}

Capital Bond Ordinance 758: 2016 Various Capital Improvements

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

Resolution #089:4'2016 Adoption Ordinance 758 – Capital Bond

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

At a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, April 27, 2016

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 2016 CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$160,900 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,855 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: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

{Ordinance 758 appended to these minutes in its entirety.}

Capital Fund Ordinance 759: 2016 Various Capital Improvements – Capital Fund

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

Resolution #090:4'2016 Adoption Ordinance 759

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

At a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, April 27, 2016

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:

CAPITAL ORDINANCE APPROPRIATING \$147,100 FROM THE CAPITAL FUND BALANCE TO PAY FOR VARIOUS CAPITAL IMPROVEMENTS, IN AND BY THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, 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: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**
{Ordinance 759 appended to these minutes in its entirety.}

Capital Bond Ordinance 760: 2016 Road Improvement Program

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

Resolution #091:4'2016 Adoption Ordinance 760

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

At a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, April 27, 2016

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 2016 ROAD PROGRAM IN AND BY THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$244,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$231,800 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: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**
{Ordinance 760 appended to these minutes in its entirety.}

NEW BUSINESS

A. Resolution #092: 4'2016: Approval of Bills and Claims

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 27, 2016 to approve the bills and claims, a copy of which are appended.

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

B. CONSENT AGENDA RESOLUTIONS Resolutions #093:4'2016 - #098:4'2016

1. Resolution #093:4'2016: Approval of Minutes Regular Meeting March 23, 2016

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 27, 2016 to approve the minutes of the Regular Meeting March 23, 2016.

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

2. Resolution #094:4'2016: Authorizing Bike Event - JFS Wheels for Meals June 19, 2016

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

at this regular meeting of the Alpine Mayor & Council, County of Bergen, State of New Jersey held on April 27, 2016

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 19, 2016 from approximately 6:30 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, the Certificate of Liability Insurance and Hold Harmless Agreement provided by JFS 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 19, 2016.

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

3. Resolution #095:4'2016: Approval 2016-2017 MELJIF Compliance: Amending Employee Manual

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 27, 2016

WHEREAS, the Borough of Alpine in conjunction with the Municipal Excess Liability Joint Insurance Fund has developed employee handbooks establishing personnel practices and policies; and

WHEREAS, every two years municipalities are required to review and update these employment practices and policies manuals to remain eligible for certain MEL premium and deductible incentives; and

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

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

BE IT FURTHER RESOLVED that an updated Employee Handbook will be distributed to all employees within the Borough of Alpine and an updated Managerial/Supervisory Procedures Manual will be distributed to all Department Heads.

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**
(Addendums A and B appended to minutes)

4. Resolution #096:4'2016: Introduction Ordinance 761: Establish Criminal History Background Checks of Persons Working With Youth

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 27, 2016

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 ESTABLISH CRIMINAL HISTORY BACKGROUND CHECKS OF PERSONS WORKING WITH YOUTH

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 Borough Hall, 100 Church Street, Alpine, New Jersey on Wednesday, May 25, 2016 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 ten days prior to the date fixed for further consideration for final passage 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: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

5. Resolution #097:4'2016: Amend Chapter 161-3 Fees for Park and Recreation

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 27, 2016

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 161-3 TO ESTABLISH PROCEDURE TO SET CERTAIN FEES FOR USE OF PARKS AND RECREATION AREAS

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 Borough Hall, 100 Church Street, Alpine, New Jersey on Wednesday, May 25, 2016 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 ten days prior to the date fixed for further consideration for final passage 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: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

6. Resolution #098:4'2016: 2016 Road Improvement Program: Authorizing Contract Pursuant to Riverside Cooperative Master Contract

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, April 27, 2016

WHEREAS, the Riverside Cooperative Pricing System (I.D. #35-RCPS) has received approval from the State of New Jersey, Department of Community Affairs and the Borough of Alpine is a member of the Riverside Cooperative Pricing System and has executed an agreement to this effect; and

WHEREAS, the Riverside Cooperative in compliance with Local Public Contracts Law N.J.S.A. 40A:11-11 received bids as advertised for road improvement work on April 13, 2016 as advertised on March 27, 2016; and

WHEREAS, the Borough Engineer in his letter of April 27, 2016 advised that the low bidder for the Master Contract was Schifano Construction Corp. of Middlesex, NJ; and

WHEREAS, the Riverside Cooperative provides that each participating municipality is responsible for entering into its own separate contract with the successful bidder awarded the Master Contract

WHEREAS, the bid price for the Borough of Alpine's portion is \$173,762.61 for the Borough's 2016 Road Improvement Paving Projects for the milling, road resurfacing and ancillary improvements for the following roads or portions thereof as listed below:

- Oxford Way
- Robin Lane, south of Graham Street
- Sherwood Court
- Tulip Tree Lane

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine authorizes the Mayor to enter into a contract with Schifano Construction Corp. for the aforementioned work immediately following the execution of the 2016 Master Contract by Riverside Cooperative and completion of the statutory 20 day waiting period following final approval of Capital Bond Ordinance #759

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

End of Consent Agenda Resolutions

C. Resolution #099:4'2016: Appointment Tax Assessor

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

At a regular meeting of the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey held on Wednesday, April 27, 2016.

WHEREAS, The Borough of Alpine is required to have a Municipal Tax Assessor pursuant to N.J.S.A 40A:9-146 and will have a vacancy due to the retirement of the current Tax Assessor, Stuart Stolarz on June 30, 2016; and

WHEREAS, resumes were solicited, two candidates interviewed and **William A. Yirce, Jr.** (Cert.No. 2420) deemed qualified to be a Municipal Tax Assessor under the law and the most qualified applicant to fill the position of Tax Assessor for the Borough of Alpine and per Resolution #070:3'2016 adopted March 23, 2016 an offer of employment was made to Mr. Yirce, Jr. and accepted;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey as follows:

1. That the Mayor with the advice and consent of the Council, does hereby appoint **William A. Yirce, Jr.** as Municipal Tax Assessor commencing July 1, 2016 for a four year term ending June 30, 2020 (N.J.S.A 40A:9-148; Alpine Code §15-4).

2. Mr. Yirce's effective date of hire is July 1, 2016.

3. This appointment does not confer tenure on **William A. Yirce, Jr.** as Alpine's Tax Assessor unless and until he is appointed for an additional term beyond June 30, 2020

4. The annual salary for this position shall be \$15,000 prorated for the effective date of hire which funds are provided for in the salary ordinance. There are no benefits with this position.

5. The position is part time and posted office hours for the Assessor will be every Thursday from 4:00 PM to 6:00 PM and by appointment; additional hours will be required for defending tax appeals, communicating with Borough representatives and other duties necessary to fulfill the position.

6. That upon adoption the Municipal Clerk forwards a certified copy of this resolution to William A. Yirce, Jr. as part of his required notice to the Bergen County Tax Assessor within 30 days of appointment. (N.J.A.C. 18:12A-1.3(k) and copies to the Chief Financial Officer, Treasurer and Personnel Administrator.

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

D. Planning Board Appointment Class IV Member

Mayor Tomasko appoints Carol Cochi as a Class IV Member of the Planning Board for the unexpired portion of a four term expiring December 31, 2019. While not required, Mayor Tomasko asked Council if they wish to affirm.

Resolution #100:4'2016: Affirm Mayor's Appointment Class IV Member

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

At a regular meeting of the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey held on Wednesday, April 27, 2016 to affirm Mayor Tomasko's appointment of Carol Cochi as a Class IV Member of the Planning Board for the unexpired portion of a four term expiring December 31, 2019.

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

E. Resolution #101:4'2016: Film Permit Waiver

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

At a regular meeting of the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey held on Wednesday, April 27, 2016

WHEREAS, Justin Stowell of Dombrowski Sisters, Inc. has filed an application for a film permit for 63 Rio Vista Drive, Alpine on Monday May 16, 2016; and

WHEREAS, Mr. Stowell requests an amendment to the application per his letter received April 26, 2016 to film between 6:00 AM – 7:00 PM which requires a waiver from Borough Ordinance §114-4E limiting filming to between 8:00 AM and 7:00 PM or sundown whichever is earlier in residential zones; and

WHEREAS, Mr. Stowell stipulates to issuing revised notices to residents within 200 feet informing them of the time change;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, hereby grant a waiver from Borough Ordinance §114-4E to permit Dombrowski Sisters, Inc. to film from 6:00 AM – 7:00 PM. The Municipal Clerk will factor in the waiver and proof of revised notices when processing the permit application for final approval subject to compliance with all other requirements.

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

COMMUNICATIONS: WRITTEN AND ORAL

The Mayor invited all to attend the Alpine Swim Club meeting to follow at 8:00 pm

ADJOURNMENT

OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilman Halbreich and approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday April 27, 2016 at 7:48 P.M.

Respectfully submitted,

Stephanie Wehmann, Municipal Clerk

**BOROUGH OF ALPINE
CALENDAR YEAR 2016
ORDINANCE 756
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 2016 budgets is calculated at 0% 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 2016 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 3.5% increase in the budget for said year, amounting to \$154,139 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 2016 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 \$154,139, and that the CY 2016 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 27, 2016
Notice of Adoption Published: May 3, 2016

2016 MUNICIPAL BUDGET
of the Borough of Alpine
County of Bergen for the fiscal year 2016
Revenue and Appropriation Summaries

Summary of Revenues	Anticipated	
	2016	2015
1. Surplus	1,150,000	1,000,000
2. Total Miscellaneous Revenues	1,383,628	1,420,168
3. Receipts from Delinquent Taxes	122,000	152,000
4. Local Tax for Municipal Purposes	3,205,876	3,190,160
Total General Revenues	5,861,504	5,762,328

Summary of Appropriations	2016 Budget	Final 2015 Budget
1. Operating Expenses: Salaries & Wages	2,588,600	2,548,895
Other Expenses	1,409,204	1,403,573
2. Deferred Charges & Other Appropriations	537,311	521,351
3. Capital Improvements	0	0
4. Debt Service (Include for School Purposes)	596,389	573,509
5. Reserve for Uncollected Taxes	730,000	715,000
Total General Appropriations	5,742,160	5,716,168
Total Number of Employees	34	36

2016 Dedicated Open Space Trust Fund

Summary of Revenues	Anticipated	
	2016	2015
1. Amount to be Raised by Taxes	\$ 98,225	\$ 97,865
2. Reserve Funds		
Total General Revenues	\$ 98,225	\$ 97,865

Summary of Appropriations	2015	Final 2014
1. Reserve for Future Use	\$ 98,225	\$ 97,865
2. Salaries & Wages		
3. Other Expenses		
Total General Appropriations	\$ 98,225	\$ 97,865

Debt Information - Bonds, Notes and Loans				
	General	Water Utility	Sewer Utility	Utility - Other
Interest on d Bonds	4,550	N/A	N/A	N/A
Interest on Notes	17,190			
Principal on Bonds	280,000			
Principal on Notes	142,347			
Repayment of Loans	152,340			
Outstanding Balance - 12/31/15	2,902,553			

**PUBLIC OF NOTICE
BOROUGH OF ALPINE
ORDINANCE NO. 757**

"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, 2016 except as may be specifically noted.

<u>Office or Position:</u>	Yearly Salary: 2016 (Unless Otherwise Noted)	<u>Office or Position:</u>	Yearly Salary: 2016 (Unless Otherwise Noted)
Borough Clerk	62,377	Construction Office Technical Assistant	57,255
Deputy Borough Clerk	51,325	Construction Code Official (hourly rate 38.35 not to exceed)	9,591
Chief Financial Officer	11,655	Building Subcode Official	14,545
Deputy Chief Financial Officer	12,212	Zoning Official (hourly rate 25.95 not to exceed)	13,743
Qualified Purchasing Agent	1,104	Plumbing Inspector	12,990
Treasurer	55,385	Electrical Inspector	11,797
Tax Collector	9,817	Property Maintenance Official	5,284
Tax Search Officer	5,971	Health Officer / Consultant	15,000
Municipal Alliance Coordinator	1,635	Secretary/Board of Health	4,873
Tax Assessor	19,116	Registrar of Vital Statistics	1,342
Municipal Court Judge	9,677	Deputy Registrar of Vital Statistics	1,040
Court Administrator	9,778	Emergency Management Coordinator	3,614
Secretary / Board of Adjustment	7,067	Crossing Guard (per hour)	17.00
Secretary /Planning Board	5,971	Auditor	Retainer
Police Chief	173,058	Prosecutor	5,906
Superintendent D.P.W	119,932	Borough Attorney	Retainer *
Foreman D.P.W.	78,721	Public Defender	2,075
Mechanic D.P.W. I	7,107	Planning Board Attorney	Retainer *
Equipment Operator One D.P.W.	37,114	Board of Adjustment Attorney	Retainer *
Recycling Coordinator	6,763	Borough Engineer	Retainer *
Fire Protection Subcode Official	9,808	COAH Project Special Liaison	39,014
Fire Official	3,620		

*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. 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.

Section 5. If need arises temporary administrative personnel and temporary seasonal DPW personnel to be paid hourly at a range of 10.00 to 16.00 per hour.

Section 6. Swim Club employees to be paid hourly at a range of 10.00 to 16.00 per hour.

Section 7. Municipal Court overtime to be paid at regularly hourly rate

Section 8. Special inspections as ordered by the Construction Code Official shall be paid at the rate of \$50 per inspection, in addition to salary, where applicable.

Section 9. This Ordinance shall be retroactive to January 1, 2016 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 10. All ordinances or parts or ordinances inconsistent with this Ordinance be and the same are hereby repealed.

ADOPTED: April 27, 2016 NOTICE OF ADOPTION PUBLISHED: May 3, 2016

**BOROUGH OF ALPINE
CAPITAL BOND ORDINANCE NUMBER 758
2016 VARIOUS CAPITAL IMPROVEMENTS**

**BOND ORDINANCE PROVIDING FOR VARIOUS 2016 CAPITAL IMPROVEMENTS BY AND
IN THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY;
APPROPRIATING \$160,900 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,855
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 \$160,900, which sum includes \$8,045 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 \$160,900 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 \$152,855 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 \$152,855 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) improvements to the Alpine Elementary School field; and	\$35,900	\$34,105	\$1,795	15 years
(ii) acquisition of a pick-up truck with plow for the Department of Public Works.	125,000	118,750	6,250	5 years
TOTALS	<u>\$160,900</u>	<u>\$152,855</u>	<u>\$8,045</u>	

(a) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$152,855.

(b) The aggregate estimated cost of said improvements or purposes is \$160,900, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$152,855, is the aggregate amount of the down payments available for said purposes in the amount of \$8,045.

(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 7.23 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 \$152,855 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 \$14,300 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 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 \$152,855. 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: April 27, 2016

NOTICE OF ADOPTION PUBLISHED: May 3, 2016

**BOROUGH OF ALPINE
ORDINANCE NUMBER 759**

**CAPITAL ORDINANCE APPROPRIATING \$147,100 FROM THE CAPITAL FUND
BALANCE TO PAY FOR VARIOUS CAPITAL IMPROVEMENTS, IN AND BY THE
BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY**

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (a majority of the full membership thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The capital purposes described in Section 2 of this capital ordinance are hereby authorized as general capital 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 2 hereof, there is hereby appropriated the sum of \$147,100, said sum is now available in the Capital Fund Balance.

SECTION 2. a) The improvements and purposes hereby authorized are for various capital improvements, including, but not limited to, (i) acquisition of laptops and upgrade and conversion of the radio system for the Police Department, (ii) painting of the Fire House, (iii) acquisition of a chief's vehicle, air bottles and pagers for the Fire Department, (iv) upgrades of computer hardware and software at Borough Hall, (v) repair and reconstruction of various storm drain catch basins and inlets throughout the Borough and (vi) repair of the culvert on Robin Lane.

(b) The above improvements and purposes set forth in Section 2 shall also include, but are not limited to, as applicable, all work materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

SECTION 3. The expenditure of \$147,100 from the Capital Fund Balance for the purposes set forth in Section 2 hereof is hereby authorized and approved.

SECTION 4. The capital budget of the Borough is hereby amended to conform with the provisions of this capital 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 and is available for public inspection.

SECTION 5. This ordinance shall take effect immediately after final adoption as described in N.J.S.A. 40:49-2.

ADOPTED: April 27, 2016

NOTICE OF ADOPTION PUBLISHED: May 3, 2016

**BOROUGH OF ALPINE
ORDINANCE NUMBER 760**

**BOND ORDINANCE PROVIDING FOR THE 2016 ROAD PROGRAM IN AND BY THE
BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY;
APPROPRIATING \$244,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$231,800 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 \$244,000, which sum includes \$12,200 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 \$244,000 appropriation not provided by said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$231,800 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 \$231,800 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 of Oxford Way, Robin Lane (south of Graham Street), Sherwood Court and Tulip Tree Lane. 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 \$231,800.

(b) The aggregate estimated cost of said improvements or purposes is \$244,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the aggregate amount of \$231,800, is the aggregate amount of the down payments available for said purposes in the amount of \$12,200.

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. 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 \$231,800 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 \$50,000 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 \$231,800. 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 ordinance.

ADOPTED: April 27, 2016 NOTICE OF ADOPTION PUBLISHED: May 3, 2016

BOROUGH OF ALPINE
Addendum A
to Resolution Amending Employee Handbook {Date Adopted}

Changes to the Employee Handbook:

1. Items 2.B.1 through 2 amended to read

1. Anti-Discrimination Policy*

The Borough is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination **as amended by the New Jersey Pregnant Worker's Fairness Act (LAD)**. Under no circumstances will the Borough of Alpine discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), **pregnancy (including pregnancy related medical condition), childbirth**, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, the Borough Clerk, the Personnel Administrator or the Labor Attorney.

2. Americans with Disabilities Act Policy / New Jersey Pregnant Worker's Fairness Act*

In compliance with the Americans with Disabilities Act and the New Jersey Law Against Discrimination **as amended by the New Jersey Pregnant Worker's Fairness Act (LAD)**, the Borough does not discriminate based on disability, **pregnancy, pregnancy related medical condition or childbirth**. The Borough will endeavor to make every work environment handicap accessible and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines.

It is the policy of the Borough of Alpine to comply with all relevant and applicable provisions of the Americans with Disabilities Act and **LAD**. We will not discriminate against any qualified employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known **or perceived** disability, **pregnancy, childbirth or pregnancy related medical condition**. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Borough.

The Borough Clerk/Personnel Administrator shall engage an interactive dialogue with disabled/**pregnant** employees, prospective **disabled/pregnant** employees and/or their physician as permitted to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Borough Clerk/Personnel Administrator in consultation with the appropriate Department Head and Borough/Labor Attorney. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough to offer permanent "light duty," relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

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

2. Item 2.C. Workplace Policies Amend Item 5 and 7 and add Item 8 to read as follows:

5. Communication Media Policy:*

Paragraphs 1 – 10 remain unchanged. Paragraph 11 through to end of section amended to read as follows:

Social Media and its uses in government and daily life are expanding each year, however information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. **Only those employees directly authorized by the Mayor of the Borough or his/her designee may** engage in social media activity during work time through the use of the Borough's Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Borough employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Mayor of the Borough or his/her designee. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Mayor or his/her designee. Except in "emergency situations," Employees are prohibited from

taking digital images or photographs with media equipment not owned by the Borough. For purposes of this section, an “emergency situation” involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough’s Communication Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other **communication** accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough’s Communication Media or otherwise, may be issued unless it has first been approved by the Mayor of the Borough or his/her designee. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough. **Such unauthorized communications may result in disciplinary action.**

Because (authorized) postings placed on the Internet through use of the Borough’s Communication Media will display on the Borough’s return address, any information posted on the Internet must reflect and adhere to all of the Borough’s standards and policies.

All users are personally accountable for messages that they originate or forward using the Borough’s Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user’s identity on any Communication Media is prohibited. “Spoofing” (constructing electronic communications so that it appears to be from someone else **without a legitimate authorized purpose and authorized by the Mayor of the Borough or his/her designee**) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public Borough and other third-party rights. Any use of the Borough’s name, logos, service marks or trademarks outside the course of the employee’s employment, without the express consent of the Borough, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough’s employees, or if they discuss matters related to the Borough on a social media site, **if employees choose to identify themselves as a Borough of Alpine employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Borough, as such no employee shall knowingly represent themselves as a spokesperson of the Borough, post any comment , text, photo, audio, video or other multimedia file that negatively reflects upon the Borough, expresses views that are detrimental to the Borough’s mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Borough employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Borough employees.** Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Borough employees have the right to engage in or refrain from such activities.

7. Introductory Eligibility Period

All new **non-contractual** employees hired shall serve an introductory eligibility period of a minimum of **sixty (60)** calendar days. Said introductory period shall conclude on the last day of the month following the passage of the **60th** calendar day after hire, inclusive. During this introductory eligibility period, the Borough reserves the right to terminate an introductory eligibility employee for any reason.

During this introductory eligibility period, the employee shall not be eligible to receive any benefits, including but not limited to sick days, health benefits, vacation days, etc. However, at the expiration of the introductory benefits period, (which period shall end the last day of the month following the passage of **60th** calendar day after hire, inclusive) and if the employee is retained, the employee shall be immediately eligible for and receive benefits provided to Borough employees beginning the first day of the first month after the introductory eligibility period.

8. Criminal Background Checks

The Borough of Alpine will not ask about criminal history on employment application forms. However, immediately subsequent to accepting an offer of employment all candidates, whether paid or volunteer, that may work directly or indirectly with children/youth/minors shall be subject to a criminal background check for a non-criminal purpose. The aforesaid criminal background check will be performed **ONLY** after the subject provides written consent on the Borough’s form. Failure to provide written consent will disqualify the subject from employment or volunteer participation.

A new successful background check remains valid for three years. Any person who, by virtue of his/her occupation, is required by statute to undergo a federal and state criminal history background check similar in nature to the requirements contained herein, and who can provide the results of such a background check, is exempt from the requirement hereunder until three years has elapsed since the most current background check.

Written information received as a result of a criminal background check for a noncriminal justice purpose will be kept confidential, its use limited solely to the authorized purpose for which it was given and not disseminated to unauthorized persons.

If an employee or volunteer is convicted of a disqualifying crime or offense as specified below after such person cleared the required criminal background check, that person must immediately (within 72 hours) notify the Police Chief, Borough Clerk or Personnel Administrator. Such person shall be immediately disqualified from their position.

A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:

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

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

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the subject has 14 calendar days to file a Notice of Appeal with the Borough. Such Notice of Appeal must be sent in writing to the Review Committee (consisting of the Personnel Administrator, Borough Clerk, Police Chief and other designated official(s) of the municipality as appropriate) and shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to NJAC 13:59-1.6.

During the 14-day period listed above, and until the issuance of the decision of the Review Committee, an employee will be on a suspension, with or without pay, at the discretion of the Review Committee in consultation with the Borough Attorney and/or Labor Attorney, pending the outcome of the Notice of Appeal.

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

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

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

3. *Item 2.D.3.b. Overtime amended to read as follows:*

The Alpine DPW functions under the supervision and authorization of the Alpine Mayor, DPW Commission and/or Council. The Borough of Alpine is unique in the primarily manual labor demands placed on its small crew of three fulltime members. The nature of the work of DPW employees may demand they work hours over and above the usual 40 hour work week. It is and has been the longstanding policy of the Borough of Alpine that each member of the small force of the Alpine Department of Public Works is entitled to overtime at the rate of time and half of their hourly rate established by the salary ordinance for those hours worked in excess of the normal 40 hour work schedule.

Temporary workers may be hired as needed to supplement the regular work force during such conditions as emergency management, storm management or other situations where immediate and or continued timely action is deemed vital to maintaining the safe and efficient operation of our town for the benefit of our residents and other emergency management personnel. Temporary workers are paid a straight hourly rate as provided for within the guidelines established in the salary ordinance.

**BOROUGH OF ALPINE
Addendum B
to Resolution Amending Managerial/Supervisory Procedures {Date Adopted}**

Changes to the Managerial/ Supervisory Procedures Manual:

Table of Contents updated.

1. Under Employment Procedure add new Item H. as follows and Re-letter current Item H. Record Retention as Item I.

H. Employability Proof: After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I9) and to provide acceptable proof of right to employment in the United States.

2. Delete Section 2 Background Checks and Procedures in its entirety and replace as follows:

2. Criminal History Background Checks (CHBC) of Persons Working with Youth

A. CHBC Required of Persons Working with Youth

Pursuant to the Opportunity to Compete act (P.L. 2014 C. 32) the Borough of Alpine will not ask about criminal history on employment application forms or during the initial interview. However, immediately subsequent to accepting an offer of employment all candidates, whether paid or volunteer, that may work directly or indirectly with children/youth/minors shall be subject to a criminal background check for a non-criminal purpose.

B. Criminal History Background Check Procedure

Authorized Officials. The Alpine Police Chief, Borough Clerk, Personnel Administrator or their designee are authorized to conduct background checks and/or be the recipient of reports from outside agencies or contractors.

Written Consent Required. The aforesaid criminal background check will be performed **ONLY** after the subject provides written consent on the Borough’s form (Appended in Forms Section). Refusal to provide written consent will disqualify the subject from employment or volunteer participation.

Effective Date: A new successful background check remains valid for three years. Any person who, by virtue of his/her occupation, is required by statute to undergo a federal and state criminal history background check similar in nature to the requirements contained herein, and who can provide the results of such a background check, is exempt from the requirement hereunder until three years has elapsed since the most current background check.

Confidentiality. Written information received as a result of a criminal background check for a noncriminal justice purpose will be kept confidential, its use limited solely to the authorized purpose for which it was given and not disseminated to unauthorized persons.

Disqualifying Crime or Offense If an employee or volunteer is convicted of a disqualifying crime or offense as specified below after such person cleared the required criminal background check, that person must immediately (within 72 hours) notify the Police Chief, Borough Clerk or Personnel Administrator. Such person shall be immediately disqualified from their position.

A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person’s criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:

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

C. Review Process and Procedure for Appeal Challenging Accuracy of Record

If a criminal history record may disqualify an employee or volunteer for any purpose, a Review Committee (comprised of the Personnel Administrator, Borough Clerk, Police Chief, and other designated official(s) of the municipality as appropriate) shall review same and form a determination. If there is a rejection, the Review Committee may still allow the employee or volunteer to participate. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the record. An acquittal, dismissal, successful completion of Pre-trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction.

The Review Committee shall promptly notify the prospective or current employee or volunteer whose CHBC reveals a disqualifying conviction. The person shall have 14 days from the receipt of that notice to petition the Review Committee for a review to challenge the accuracy of the information contained in the criminal history record and cite reasons substantiating their appeal, which time period may be reasonably extended at the Committee’s discretion. Such Notice of Appeal must be sent in writing to the Review Committee and shall include a Notice of Rehabilitation and/or a Notice that the information is

inaccurate or incorrect, pursuant to NJAC 13:59-1.6. During the 14-day period listed above, and until the issuance of the decision of the Review Committee an employee will be placed on suspension with or without pay, at the discretion of the Committee in consultation with the Borough Attorney and/or Labor Attorney, pending the outcome of the Notice of Appeal.

No persons shall be disqualified from serving as an employee or volunteer of a youth-serving organization on the basis of any conviction disclosed by a CHBC if the person can affirmatively demonstrate rehabilitation to the Review Committee. In determining whether a person has affirmatively demonstrated rehabilitation, the Review Committee shall consider the following factors:

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

The Borough will issue a written determination on the employee’s appeal of their disqualifying conviction, setting forth the reasons for the determination, which decision shall be final and not subject to further appeal.

3. FORMS – Amend Employment Application and Add Consent Form for CHBC

Employment Application Form amended in compliance with the Opportunity to Compete Act by deleting the following:

At the bottom of page 1 delete:

Have you ever plead guilty or been found guilty of a crime; disorderly persons offense; or a municipal ordinance involving moral turpitude: ___ Yes ___ No

Employment is conditional upon the results of the criminal background check. An answer of “Yes” may disqualify you from employment depending upon the circumstances involved. If “Yes”, please explain below.

At the bottom of page 4 delete

Conditions of Employment:

Please be advised that all offers of employment are conditional on the applicant passing a mandatory criminal background check and drug test. A pre-employment physical may also be required. Pursuant to our personnel policy, all job applicants are required to sign a consent form for drug testing and if the test results are positive and are not accounted for by the legal use of prescription or non-prescription drugs the applicant shall be ineligible for hire unless they can establish a legal basis for the use of the drug or controlled substance for which they test positive. For your application to be considered, you must sign and date below.

Applicant’s Signature _____ Date _____

**Criminal Background Check for a Non-Criminal Purpose
Consent Form
For Employees, Job Applicants, and Volunteers That May Work or Have Contact with Minors**

In accordance with N.J.S.A. 15A:3A-1 et seq, I understand that, as a condition of new employment, continued employment, or my volunteer service, the Borough of Alpine requires background checks on all individuals who will be working with children.

By signing this form, I agree and consent to a criminal background record check as a condition of new employment, continued employment, or voluntary service. I also represent, attest, and certify that I have never been convicted of any of the following crimes or disorderly persons offenses as defined by New Jersey law or the law of any other state, or that the guilty disposition of any of the crimes and/or offenses has been amended to a status of not guilty, or that any previous charges, as listed below, have been expunged:

- 2C:11 HOMICIDE all offenses
- 2C:12 ASSAULT, ENDANGERING, THREATS all offenses
- 2C:13 KIDNAPPING all offenses
- 2C:14 SEXUAL OFFENSES all offenses
- 2C:15 ROBBERY all offenses
- 2C:20 THEFT all offenses
- 2C:24 OFFENSES AGAINST THE FAMILY, CHILDREN AND INCOMPETENTS
all offenses
- 2C:35 CONTROLLED DANGEROUS SUBSTANCES
all offenses **except** paragraph (4) of subsection a. of NJS.2C:35-10

Name (please print)

Applicant's signature Date

Parent's signature (if applicant is under 18) Date