



BOROUGH OF ALPHA

1001 East Boulevard
Alpha, New Jersey 08865

REGULAR MEETING AGENDA Borough of Alpha Municipal Building Wednesday, January 11, 2012 – 7:00pm

1. Call to Order – Open Public Meetings Notice – Mayor Edward Hanics, Jr.
2. Prayer & Salute to the Flag
3. Roll Call:
Mr. Dunwell, Mr. Pfefferle, Mr. Savary, Mrs. Schwarz, Mrs. Tarsi, Mr. Zikas
4. Public Comment:
5. Bid Openings: NONE
6. Ordinances:
 - **ORDINANCE 2012-01**
ORDINANCE OF THE BOROUGH OF ALPHA, COUNTY OF WARREN, STATE OF NEW JERSEY REPLACING CHAPTER A450, "CABLE TELEVISION FRANCHISE," OF THE CODE OF THE BOROUGH OF ALPHA TO RENEW THE CABLE FRANCHISE ORDINANCE.
 - **ORDINANCE 2012-02**
AN ORDINANCE SETTING THE 2012 SALARY RANGES FOR ALL OF THE EMPLOYEES OF THE BOROUGH OF ALPHA
 - **ORDINANCE 2012-003**
ORDINANCE TO EXCEED THE 2012 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)
7. Resolutions:
 - **RESOLUTION 2012-22**
2012 TEMPORARY BUDGET FOR THE CURRENT FUND
 - **RESOLUTION 2012-23**
2012 TEMPORARY BUDGET FOR THE WATER & SEWER UTILITY FUND
 - **RESOLUTION 2012-24**
APPOINTING PUBLIC ALLIANCE INSURANCE COVERAGE FUND COMMISSIONER
 - **RESOLUTION 2012-25**
REFUND OF UNUSED ESCROW MONIES

- 8. Approval of Minutes:
 - Regular Meeting: 12/27/2011
 - Executive Session: 12/27/2011
 - Unreleased Approved Executive Session Minutes:

- 9. Department Reports:
 - Administration –
 - Finance –
 - Health & Welfare –
 - Public Property –
 - Public Safety –
 - Public Works –

10. Committee Reports

11. Public Comment

- 12. Professionals & Officials Reports:
 - Mayor – Edward Hanics, Jr.
 - Police Department – Chief Paul J. Hager
 - Fire Department –
 - Emergency Squad –
 - Attorney – Christopher Troxell
 - Engineer – Stanley Schrek
 - CFO – Lorraine Rossetti
 - Municipal Clerk – Laurie Barton
 - Recycling Coordinator-Tom Fey

13. Payment of Bills and Claims

14. Old Business:

15. New Business:

16. Executive Session

17. Adjournment

Executive Session may be called anytime prior to adjournment.

The public may be excluded for the following reasons as stated in the Open Public Meetings Act, NJSA 10:4-12:

- (1) Any matter which, by express provision of Federal Law or State statute or rule of court, shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Any matter involving the purchase, lease, or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection including any investigation of violations or possible violations of the law.
- (7) Any pending or anticipated litigation or contract negotiation other than in section 4 herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
- (8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
- (9) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

Unreleased Approved Executive Session Minutes List

Litigation:

06/13/95 (#1) Sewer
04/13/99 (#2) Sewer (Pohatcong)
05/11/99 (#2) Sewer (Pohatcong)
05/25/99 (#1) Sewer (Pohatcong)
05/25/99 (#3) Sewer (Pohatcong)
09/09/99 (#2) Resnick
09/28/99 (#1) Sewer (Phillipsburg)
09/28/99 (#8) Resnick
10/12/99 (#1) Sewer (Pohatcong)
10/26/99 (#1) Sewer (Pohatcong)
11/09/99 (#3) Sewer (Pohatcong)
12/14/99 (#1) Resnick
12/28/99 (#2) Resnick
01/11/00 (#1) Sewer (Pohatcong)
01/11/00 (#2) Resnick
02/22/00 (#4) Resnick
03/06/00 (#1) Resnick
04/24/00 (#6) Resnick
05/23/00 (-) Resnick
06/08/00 (-) Resnick
07/25/00 (#2) Resnick
08/08/00 (#1) Resnick
08/22/00 (#2) Sewer
09/07/00 (#3) Sewer
10/10/00 (-) Sewer
11/28/00 (#2) Resnick
12/12/00 (#5) Resnick
01/09/01 (#5) Sewer (Hubbard)
04/24/01 (#3) Pohatcong
04/24/01 (#5) Litigation Updates
05/08/01 (#1) Alpha 519
06/26/01 (#3) Resnick
02/26/02 (#2) EAI
03/26/02 (#1) EAI
06/25/02 (#2) Alpha 519
07/23/02 (#3) Resnick
08/13/02 (#2) Sewer
10/22/02 (#4) Resnick
11/12/02 (#1) Resnick
11/26/02 (#7) Resnick
12/10/02 (#3) Resnick
01/14/03 (#4) Sewer Contract
03/25/03 (#6) Alpha 519
04/22/03 (#4) Alpha 519
09/09/03 (#6) COAH
09/23/03 (#1) Sewer Litigation
09/23/03 (#3) Alpha 519
10/14/03 (#2) Alpha 519
10/28/03 (#1) Sewer Agreement
11/10/03 (#1) Alpha 519
11/10/03 (#4) Sewer
12/09/03 (#2) Alpha 519
12/09/03 (#3) DEP-Sewer
12/16/03 (#1) Don Souders
01/13/04 (#1) Lyn Aaroe-Sewer
01/13/04 (#3) Souders-Sewer
02/10/04 (#1) Perelman
02/10/04 (#3) Alpha 519
02/24/04 (#4) Alpha 519
03/09/04 (#1) Alpha 519
08/24/04 (#5) Alpha 519
09/28/04 (#2) Alpha 519
10/12/04 (#5) Odor-Alpha 519
10/12/04 (#7) Resnick-Toll Brothers
10/26/04 (#4) Landfill
10/26/04 (#5) Resnick Update
11/09/04 (#3) P'Burg Sewer
11/09/04 (#4) Resnick-Prop. Transf.
11/30/04 (#3) Resnick
12/14/04 (#6) Alpha 519

Litigation (continued):

01/11/05 (#3) Alpha 519
01/25/05 (#1) Alpha 519
02/08/05 (#7) Alpha 519
03/22/05 (#1) Water Franchising
03/08/05 (#1) Pohat-Water/Sewer
05/10/05 (#4) Alpha 519
06/14/05 (#1) P'Burg Sewer
08/09/05 (#3) Litigation Updates
08/23/05 (#2) Alpha 519
09/27/05 (#2) Aqua
09/27/05 (#3) EAI Letter
10/11/05 (#5) EAI Letter
01/24/06 (#1) R. Paternastro's Escrow
01/24/06 (#2) Brian Prop
01/24/06 (#3) Wastewater Mngmt Plan
02/28/06 (#1) Alpha 519
02/28/06 (#2) COAH
02/28/06 (#4) Ezekian
03/14/06 (#10) EAI Update
03/14/06 (#11) Crincoli
03/29/06 (#5) COAH
04/11/06 (#1) COAH
04/11/06 (#6) Toll Brothers
04/25/06 (#3) Ezekian-Crincoli-Landfill
05/09/06 (#1) Toll Brothers
05/23/06 (#2) Crincoli
06/13/06 (#5) Crincoli & COAH
06/27/06 (#3) Crincoli
07/11/06 (#3) Crincoli
08/08/06 (#4) Crincoli
08/08/06 (#5) Pohat School-Sewer
09/12/06 (#4) Trop-Ezekian-Crincoli
10/10/06 (#1) CFO
10/10/06 (#3) COAH
10/10/06 (#4) Crincoli
10/10/06 (#5) Pohat & Alpha Sewer
10/24/06 (#4) Crincoli
11/28/06 (#1) Rocco
11/28/06 (#7) Updates-COAH-Crincoli
12/05/06 (#7) Homa Farm-Rocco
12/19/06 (#3) Brian Properties
03/13/07 (#2) Crincoli
03/13/07 (#3) Pohatcong-Sewer Lines
03/13/07 (#1) Crincoli
03/13/07 (#2) Alpha 519
03/27/07 (#1) Alpha 519
03/27/07 (#2) Brian Properties
04/10/07 (#2) Alpha 519
05/08/07 (#1) Crincoli
05/08/07 (#2) Alpha 519
05/08/07 (#3) Almond Tree Liquor Lic.
05/22/07 (#2) Crincoli
06/12/07 (#1) Planning Board
03/10/09 (#3) DEP Fines
04/14/09 (#1) Update-Crincoli Woodhill
08/11/09 (#1) Trespassing
09/08/09 (#3) Trespassing
09/22/09 (#2) Engineer-Litigation
10/27/09 (#2) Crincoli
11/10/09 (#1) Past DEP Violations
11/10/09 (#3) Trespassing-Savary
12/08/09 (#2) DEP-Home Water Dmg
12/08/09 (#3) Trespassing-Savary
12/08/09 (#4) Sewer Main Break-Pohat
12/15/09 (#2) DEP Settlement
12/15/09 (#4) Trespassing

Contractual:

10/11/94 (-) Sewer Agreement
01/28/97 (#8) Sewer Contract
05/26/98 (#1) Sewer Negotiations
06/09/98 (#2) Sewer Negotiations
07/14/98 (#3) Sewer Contract
07/14/98 (#4) Sewer Capacity
11/24/98 (#2) Sewer Agreement
12/08/98 (#1) Sewer Contract
07/27/99 (#1) Sewer Contract
10/08/02 (#3) Quarry
10/22/02 (#3) Quarry
11/12/02 (#3) Quarry
12/10/02 (#1) Quarry
12/10/02 (#4) Sewer
12/17/02 (#2) DEP
09/09/03 (#2) Quarry
09/23/03 (#2) Quarry
10/28/03 (#2) Quarry
02/10/04 (#6) DEP-Alan Cheng
09/28/04 (#6) Pohat Sewage Request
10/12/04 (#1) P'Burg Sewer Agrmnt.
10/26/04 (#7) Sewer Agreement
11/30/04 (#1) Quarry
11/30/04 (#2) Alpha 519
12/14/04 (#1) Sewer-Don Souders
02/22/05 (#5) Water-Alpha 519
04/26/05 (#1) Souders-Sewer
04/26/05 (#3) Water Allocation
06/28/05 (#8) Sewer
07/12/05 (#1) Sewer Update
08/23/05 (#1) Sewage
09/13/05 (#3) Aqua
10/25/05 (#3) Aqua
05/23/06 (#1) Sewer w/P'Burg
05/23/06 (#5) Quarry
08/08/06 (#9) P'Burg Sewer Agrmnt
11/28/06 (#3) CFO-Salaries
12/05/06 (#8) DPW-CFO Contracts
12/19/06 (#2) CFO
06/23/09 (#2) Water System
12/08/09 (#1) Clerk Transition
01/26/10 (#1) Cell Phones
01/26/10 (#2) Appraisal
03/23/10 (#4) Cell Tower Leases
04/27/10 (#5) Quarry
07/13/10 (#4) Six Area Co-op
07/13/10 (#6) Police Chief -Reg Dept
07/27/10 (#1) DPW Contract-Pension
07/27/10 (#4) P'Burg Garbage Hauling
07/27/10 (#7) Regional Police
08/10/10 (#1) Industrial Park
08/10/10 (#3) Pinstripes Restrictions
11/10/11 (#2) Workman's Comp-DPW
11/10/11 (#3) Municipal Bdlg-Public Use
11/10/11 (#5) Shared services CFO
11/10/11 (#7) Employee contracts
11/10/11 (#8) QC labs cost of postage for letter sent to residents
11/10/11 (#9) Tax Assessor Medical Benefits with Ind Twp
12/13/11 (#2) Tax Assessment for an easement
12/13/11 (#4) ROCCO property for purchase
12/13/11 (#5) Police Contract
12/13/11 (#6) CFO-Shared Services

Personnel:

03/14/06 (#4) DPW-Ins. Liability
03/14/06 (#8) Pohat Sewer Billing
05/23/06 (#4) Plan. Attny-Master Plan
10/24/06 (#5) Labor Attny-DPW
01/23/07 (#1) Open Space
02/13/07 (#1) Construction Official
02/13/07 (#4) Attorney Souders
02/27/07 (#2) Auditors
02/27/07 (#4) CFO-Weekend Work
03/13/07 (#4) Don Souders
11/27/07 (#2) Health Benefits-Assessor
11/10/09 (#2) Dep Clerk-Salary
12/15/09 (#1) Pension for Sewer Emp.
12/15/09 (#3) Sewer-Reports & AD
01/05/10 (#1) CFO-Greenwich
01/05/10 (#4) Savary-DPW Employees
01/26/10 (#4) CFO-Greenwich
01/26/10 (#5) Mayor-Letter Re'cd
01/26/10 (#6) Licensed Operator
02/09/10 (#1) Savary-Recycle Coord.
02/23/10 (#1) Court Administrator
03/09/10 (#2) Water Pump Operator
03/23/10 (#3) Court Administrator
03/23/10 (#5) Court Administrator
03/23/10 (#6) CFO-Rice Notice
04/27/10 (#1) Rice Notice CFO
04/27/10 (#6) DPW Harassment Complaint
05/11/10 (#6) Art Groves
05/11/10 (#7) Clarence Deemer
05/25/10 (#3) Art Groves
05/25/10 (#4) Librarian
07/13/10 (#8) Clerk-Personnel Records
07/27/10 (#2) Scrap Metal
07/27/10 (#6) Scrap Metal: Clean Up
08/10/10 (#2) Clerk-Trenton
08/10/10 (#4) Attny Conflict-J Caleca
08/10/10 (#5) Security Cameras
11/10/11 (#1) Construction official-Civil Service
11/10/11 (#6) AYAA bills
11/22/11 (#3) Rice Notice -K. Degan
12/13/11 (#1) Tax Assessor-Tax Rollbacks
12/13/11 (#3) Changing of Insurance Carrier for claims
12/13/11 (#7) Licensed Water Operator

Unreleased Approved Executive Session Minutes List (*continued*)

Litigation:

01/05/10 (#2) DEP Fine
01/05/10 (#3) Trespassing
01/26/10 (#3) DEP
01/26/10 (#7) Pohat-Water Break
03/10/10 (#3) Pohat-Water Break
04/27/10 (#3) Woodhill
04/27/10 (#4) DEP
05/11/10 (#5) Pinstripes
05/11/10 (#8) DEP
05/11/10 (#9) Paul Simone: Basement
05/25/10 (#1) Crincoli
06/22/10 (#3) Marino: PortaJohn
07/13/10 (#5) Resolution for Quarry
11/10/11 (\$3) Asphalt Ordinance
11/22/11 (#1) Cemetery Shooting
11/22/11 (#2) ROCCO-Brian
Properties
12/13/11 (#8) Special Counsel for
sewer contract

Litigation (*continued*):

Contractual:

Personnel:

ORDINANCE 2012-01

ORDINANCE OF THE BOROUGH OF ALPHA, COUNTY OF WARREN, STATE OF NEW JERSEY REPLACING CHAPTER A450, "CABLE TELEVISION FRANCHISE," OF THE CODE OF THE BOROUGH OF ALPHA TO RENEW THE CABLE FRANCHISE ORDINANCE.

WHEREAS, Service Electric Cable TV of Hunterdon, Inc., a Pennsylvania corporation (SECTV) has applied to the Borough of Alpha pursuant to the provisions of the Cable Television Act, N.J.S.A. 48:5A-1 et seq. ("the Act") for renewal of the Borough's consent to operate a cable television system in the Borough of Alpha and to use the public roads of the Borough for its cable television system.

WHEREAS, a public hearing concerning the franchise granted to the company was held on October 11, 2011 after proper public notice pursuant to the terms and conditions of the Act, the hearing having been fully opened to the public, and the Borough having received at the hearing all comments regarding the qualifications of the company to receive a franchise.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Borough of Alpha, County of Warren, and State of New Jersey, as follows:

SECTION I:

Chapter A450, entitled "Cable Television Franchise" is hereby deleted and replaced in its entirety as follows:

CHAPTER A450

CABLE TELEVISION FRANCHISE

A450-1 SHORT TITLE

This ordinance shall be known and may be cited as the "Service Electric Cable TV of Hunterdon, Inc. Franchise Ordinance."

A450-2 FINDINGS

Service Electric Cable TV of Hunterdon, Inc., a Pennsylvania corporation (SECTV), has applied to the Borough of Alpha pursuant to the provisions of the Cable Television Act, N.J.S.A. 48:5A-1 et seq. ("the Act") for renewal of the Borough's consent to operate a cable television system in the Borough of Alpha and to use the public roads of the Borough for its cable television system. A public hearing concerning the franchise granted to the company was held on October 11, 2011 after proper public notice pursuant to the terms and conditions of the Act, the hearing having been fully opened to the public, and the Borough having received at the hearing all comments regarding the qualifications of the company to receive a franchise.

A450-3 DEFINITIONS

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

Application shall mean the application for renewal of municipal consent filed with the Borough.

Board shall mean The Board of Public Utilities of the State of New Jersey.

Commitments shall mean the commitments, terms and undertakings on the part of Service Electric set forth in this ordinance.

Cable Communications System shall mean any communications service other than cable television reception service delivered through the facilities of a CATV system and for which charges in addition to or other than those made for cable television reception service are made or proposed to be made.

Cable Television Company or *CATV Company* shall mean any person owning, controlling, operating or managing a cable television system. The term "person," as used herein, shall be construed, without limiting the generality thereof, to include specifically any agency or instrumentality of this state or of any of its political subdivisions; but this definition shall not include a telephone, telegraph or electric utility company regulated by the Board in a case where it merely leases or rents or otherwise provides to a CATV company wires, conduits, cables or pole space used in the redistribution of television signals to or toward subscribers or customers of such CATV company.

Cable Television System or *CATV System* shall mean any facility within this state which is operated or intended to be operated to perform the service of receiving and amplifying the signals broadcast by one or more television stations and redistributing such signals by wire, cable or other device or means for accomplishing such redistribution to members of the public who subscribe to such service or distributing through its facility any television signals, whether broadcast or not, or any part of such facility. The term "facility," as used in this definition, includes all real property, antennas, poles, wires, cables, conduits, amplifiers, instruments, appliances, fixtures and other personal property used by a CATV company in providing service to its subscribers and customers.

Company shall mean the grantee of rights under this ordinance awarding a franchise and known as "Service Electric Cable TV of Hunterdon, Inc."

FCC shall mean The Federal Communications Commission.

Federal Act shall mean that federal statute relating to cable communications commonly known as the "Cable Communications Policy Act of 1984," 47 U.S.C. § 521 et seq., or as that statute may be amended.

Federal Regulations shall mean those federal regulations relating to cable television service, 47 CFR 76.1 et seq., and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to those described in 47 CFR 76.3, or as such regulations may be amended.

Highway shall mean every street, road, alley, thoroughfare, way or place of any kind used by the public or open to use by the public.

Person shall mean any natural person, firm, partnership, associates, corporation, company or organization of any kind.

State Act shall mean that statute of the State of New Jersey relating to cable television, commonly known as the "Cable Television Act," N.J.S.A. 48:5A-1 et seq., or as that statute may be amended.

State Regulations shall mean those regulations of the Board relating to cable television, N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

Subscriber Revenues shall mean those revenues derived from all recurring charges in the nature of subscription fees paid by subscribers located within the Borough for cable television reception service for which no separate or additional charge is made, i.e. basic cable service.

Borough or Municipality shall mean the Borough of Alpha, County of Warren, State of New Jersey, and shall include, as appropriate, the governing body of the Borough.

A450-4 QUALIFICATIONS AND GRANT OF AUTHORITY

The Borough hereby finds that the company possesses the necessary legal, technical, character, financial and other qualifications and that the company's operating and construction arrangements are adequate and feasible. The Borough therefore grants the company a franchise, right and privilege to construct, erect, operate, modify and maintain in, upon, along, across, above, over and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto such poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the Borough of a cable television system and cable communications system for the purpose of distributing television and radio signals and other electronic impulses in order to furnish television and radio programs and various communications and other electronic services to the public. The right so granted includes the right to use and occupy said highways, streets, alleys, public ways and public places and all manner of easements for the purposes herein set forth as provided by the Federal Act and State Act.

A450-5 FRANCHISE TERM

The nonexclusive franchise granted the company herein shall expire fifteen (15) years from the date of expiration of the previous certification of approval by the Board. The fifteen-year term shall be conditioned upon the company complying with a mutually negotiated agreement between the Borough and the company for the expansion of the company's cable and internet service to the areas designated in §A450-8 of this Ordinance. The Borough reserves the right at any time to enforce and/or terminate the franchise according to applicable laws, rules and regulations for the company's failure to perform any of its commitments and obligations as set forth in this ordinance. Prior to enforcement or termination, the Borough shall give the company 60 days written notice to cure the noncompliance. In the event, noncompliance continues, the

Borough shall file a petition with the Board of Public Utilities seeking such relief as is appropriate under the circumstance.

A450-6 EXPIRATION AND SUBSEQUENT RENEWAL

If the company seeks successive consent, it shall, prior to the expiration of this consent, apply for municipal consent and certificate of approval in accordance with the Cable Television Act, N.J.S.A. 48:5A-11 and 48:5A-16, and applicable State and Federal Rules and Regulations. The company shall also petition the Board for continued operation during the period following expiration of the consent granted herein and until such a time that a decision is made by the municipal governing body relative to the renewal of said consent.

A450-7 PAYMENT TO BOROUGH

A. Pursuant to the terms and conditions of the Act, the company shall, during each year of operation under the consent granted herein, pay to the municipality two (2%) percent of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in the municipality or any amount permitted by the Cable Television Act or otherwise allowable by law. The fee shall be paid on or before January 25 of each year and at the same time the company shall file with the chief financial officer of the municipality a statement showing the gross receipts upon which payment is based.

B. In the event applicable law hereafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Borough and the company shall negotiate in good faith with respect to the amount. Additionally, in the event the relevant laws are amended in the future to allow additional fees and/or charges (collectively "fees") to be paid to the Borough, the Borough shall have the right to impose such fees in accordance with the applicable law. In the event the law does not state the amount the Borough is allowed to impose, the parties shall negotiate in good faith with respect to the amount of the fee. In the event any of the fees provided for in this section cannot be agreed to after negotiations, then the Borough shall have all rights available to it under law in order to establish the fee.

A450-8 EXTENSION OF SERVICE

A. The Company shall be required to offer service to any residence located in those areas of the franchise territory described herein, in accordance with the proposal for the provision of services as described in the application. Any additional extension of the system will be made in accordance with the proposal in the application. The company shall be further required to extend service to those Borough streets, along public rights-of-way as indicated below:

- (1) Currently, the entire Borough is able to receive cable and two-way high speed internet.

(2) Telephone services will be available to the entire Borough by the end of 2012. At that time, the entire Borough will be able to receive the Triple Play (cable, two-way high speed internet and telephone).

B. New cable service or products made available to the residents of Phillipsburg shall be made available to all of Alpha Borough within one year after introduction.

C. Any future extensions of the system, or any extension of the system along private roads will be made in accordance with the company's line extension policy, where applicable.

A450-9 CONSTRUCTION REQUIREMENTS

A. In the event that the company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces in the natural topography, the company shall at its sole expense restore and replace such places or things so disturbed in as good condition as existed prior to the commencement of said work.

B. In the event that at any time during the term of this ordinance the Borough shall lawfully elect to alter or change the grade of any street, alley or other public way, the company, upon reasonable notice by the Borough, shall, at its expense, remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures.

C. The company shall, on the request of any person holding a valid building moving permit issued by the Borough, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the company shall have the authority to require such payment in advance. The company shall be given not less than 10 days' advance notice to arrange for temporary wire changes.

D. During the exercise of its rights and privileges under this franchise, the company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places within the Borough so as to prevent the branches of such trees from coming into contact with the wires and cables of the company. Such trimming shall be performed only to the extent necessary to maintain proper clearance for the company's wires and cables.

E. The company shall cause any and all construction plans relating to work on any extension of the company plant or work which could have a significant impact on public works within the Borough to be filed with the Borough Engineer.

F. All facilities and equipment of the company shall be constructed and maintained in accordance with the requirements and specifications of the applicable ordinances and regulations set forth by the Borough and/or any other local, state or federal agencies.

A450-10 TERRITORY

The consent granted herein to the company shall apply to the entirety of the municipality and any property hereafter annexed.

A450-11 LOCAL OFFICE AND COMPLAINT PROCEDURES

During the term of this franchise and any renewal term, the company shall maintain a local business office or agent for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment malfunctions, and similar matters in accordance with N.J.A.C. 14:18-5.1. All complaints shall be received and processed by the company pursuant to N.J.A.C. 14:17-6.5. The local office shall be open to receive inquiries and complaints and to receive payment of bills from subscribers during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday. Any complaints from subscribers shall be investigated as soon as practicable, but at least within two business days of their receipt. The company shall keep a maintenance service log in the manner required by the regulations of the Office of Cable Television.

A450-12 MUNICIPAL COMPLAINT OFFICER.

The New Jersey Office of Cable Television (OCTV) is hereby designated as the complaint officer required by N.J.S.A. 48:5A-26 to receive and act upon complaints by subscribers to cable television reception service provided pursuant to this franchise.

A450-13 COMMITMENTS BY COMPANY

- A. Facilities and equipment. In transmitting its television signals to subscribers in the Borough, the company shall provide a quality of signal that is at least as good as that customarily provided under prevailing industry standards, and the company shall comply with any requirements imposed by the Federal Regulations, any federal pronouncements and, to the extent not preempted by Federal Law, any state pronouncements relating to technical standards for the transmission of television signals, transmission quality or facilities and equipment.
- B. Emergency uses. The company is in compliance with the Federal Emergency Alert System (“EAS”) and, as such, the company shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the municipality pursuant to state and federal requirements. The company shall in no way be held liable for any injuries suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television systems as contemplated herein. The municipality shall utilize the state-approved procedures for such emergency uses.
- C. Customer service. At the request of the Borough, the company and Borough’s designee shall meet at least semiannually to review all matters relating to cable television in the Borough, with the minutes of such meetings to be delivered to the company and to be filed with the Borough.

A450-14 RATES

A. The Borough acknowledges that, under the Federal Act, municipalities do not have the authority to regulate the rates the company charges subscribers for its services. Therefore, the Borough will not regulate the rates the company may charge subscribers for its service; provided, that, in the event the Federal Act and other applicable law hereinafter is amended to permit the exercise of regulatory power over rates by municipalities, the Borough reserves the right to exercise the maximum power permitted by law.

B. The Borough is desirous of obtaining reduced rates for senior citizens, disabled residents and other parties for whom reduced rates may currently be available or may be available during the term of this ordinance. Therefore, if the company has adopted or adopts reduced rates for senior citizens, disabled persons or other parties in the future, all in accordance with N.J.S.A. 48:5A-11.1 et seq. and the Federal Act or any other law or regulation, these special rates shall be offered to qualified Alpha residents.

A450-15 PROGRAMMING

Although nothing herein shall require the company to carry or transmit any particular television stations or programming source, the company shall provide the subscribers in the Borough with at least the same broad categories of programming, in approximately the same quantity, as are now provided and which appear in the application.

A450-16 FREE SERVICES

A. The company shall provide free installation and basic cable service through one service outlet to the following facilities: the municipal building, Alpha Borough School, each police, fire, first aid, emergency management facility, Department of Public Works, and Borough-operated community center at no cost. This obligation shall apply to any new facilities in the preceding categories constructed during the term of municipal consent.

B. The company shall provide free installation of internet services to the same facilities listed in Section A. This obligation shall apply to any new facilities in the preceding categories constructed during the term of municipal consent. The company is not required to provide the monthly service fee free of charge.

A450-17 LIABILITY AND INDEMNIFICATION

A. The company shall pay, and by its acceptance of this franchise the company expressly agrees that it will pay, all damages and penalties which the Borough may legally be required to pay as a result of the company's negligence in the installation, operation, or maintenance of the cable television system authorized herein. The Borough shall notify the company's general manager within 30 days after the presentation of any claim or demand to the Borough, either by suit or otherwise, made against the Borough on account of any negligence or contract as aforesaid on the part of the company.

B. Furthermore, the company shall carry liability insurance in the minimum amount as follows:

1. Two million dollars general commercial liability insurance;

2. Two million dollars personal injury protection for any accident or occurrence; and
3. Any and all insurance coverage otherwise required by law and the Borough shall be named as an additional insured under the insurance policies.

A450-18 PERFORMANCE BOND

During the life of the franchise, the company shall give a bond to the Borough in accordance with N.J.S.A. 48:5A-28(d), which bond shall be in the minimum amount of \$25,000. Such bond shall be to insure the faithful performance of all undertakings of the company as represented in the application herein.

A450-19 COMPANY RULES AND REGULATIONS

The company shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the company to exercise its rights and perform its obligations under this franchise and to assure uninterrupted service to each and all of its subscribers; provided, however, that such rules, regulations, terms and conditions shall not be in conflict with federal and/or state laws.

A450-20 APPROVAL OF TRANSFER

The company shall not sell or transfer its CATV system to another, nor transfer any rights under this franchise to another, except as provided in the State Act.

A450-21 MODIFICATION OF FCC RULES

Any modification of existing and applicable FCC rules resulting from amendment thereto by the FCC shall, to the extent applicable, be considered as part of this franchise as of the effective date of the amendment made by the FCC and shall be incorporated in this franchise by specific amendments thereto by the lawful action of the Borough Council within one year from the effective date of the FCC's amendment or at the time of renewal to this franchise, whichever occurs first.

A450-22 COMPLIANCE WITH STATE AND FEDERAL ACTS

This ordinance and franchise are subject to all provisions of the State Act and Federal Act and to all lawful rules and regulations of the OCTV adopted pursuant thereto. The company shall at all times comply with the state regulations governing cable television operation, the State Act, the Federal Act and any other. In the event of a conflict between the State Act and state regulations and any FCC rules and regulations, the FCC rules and regulations shall prevail.

A450-23 PROHIBITED ACTIVITIES

The company shall not allow its cable or other operations to interfere with the television reception of persons not served by the company, nor shall the CATV system interfere with, obstruct or hinder in any manner the operation of the various utilities serving the residents of the Borough.

A450-24 ADDITIONAL SERVICES

In the event, new cable services or products are made available to subscribers in the Town of Phillipsburg, the same or similar service or product shall be made available to all of Alpha Borough within one year after introduction.

A450-25 AMENDMENTS

Subject to the requirements of the Federal Act and approval by the Board, the Borough reserves the power to amend any portion of this ordinance after public hearing for the purpose of requiring reasonable additions or greater standards of construction, operation, maintenance or otherwise on the part of the company. Said amendments shall be feasible and within the economic capabilities of the company.

A450-26 COMPLIANCE WITH OTHER PROVISIONS

Notwithstanding any specific mention of applicable federal or state statutes or regulations above, the company shall comply with all of the requirements of the Federal Act, the Federal Regulations, the State Act and State Regulations (to the extent not preempted) and any other valid statute, regulation, rule or promulgation.

A450-27 COMPLIANCE WITH FUTURE PROVISIONS

Should any of the federal or state statutes, regulations or pronouncements applicable to the regulation of cable television be modified in any way, such modifications, to the extent that they embody required terms and conditions and meaningfully can be incorporated into this ordinance, shall be so incorporated, consistent with any applicable effective dates specified in such modification. To the extent that any such modification places limits on permissible terms and conditions and any provision of this ordinance becomes invalid by virtue of such modification, Section A450-27 shall apply.

A450-28 RESERVATION OF RIGHTS

The Borough reserves the right to amend this ordinance in the event of any changes in state and/or federal law or regulations regarding cable television in a manner consistent with the regulations of the OCTV/BPU.

A450-29 INCORPORATION OF FRANCHISE APPLICATION

All of the statements and commitments contained in the application and any amendment thereto, or otherwise submitted in writing to the Borough or its Governing body, except as modified herein, are binding upon the company as terms and conditions of this consent. The application and any other relevant writings submitted by the company shall be annexed hereto and made part hereof by reference to the extent that they do not conflict with state or federal law.

SECTION II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid, preempted or unconstitutional by any court or Federal or State agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of this ordinance and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV

This Ordinance shall take effect immediately upon final publication as provided by law.

ORDINANCE 2012-02
AN ORDINANCE SETTING THE 2012 SALARY RANGES
FOR ALL OF THE EMPLOYEES OF THE BOROUGH OF ALPHA.

Section I

BE IT ORDAINED by the Mayor and Council of the Borough of Alpha, County of Warren, State of New Jersey that the annual salaries of the officers and employees of the Borough of Alpha, County of Warren, and State of New Jersey named herein:

Air Quality	\$1.00-\$2000
Animal Warden	\$4,000 - 7,500
Building Service Worker	\$13.00 – 18.50/hr
Chief Financial Officer	\$60,000 - 80,000
Clean Communities Coord.	\$1.00-\$500
Clerk/Typist P/T	\$10.00 – 18.00/hr
Construction Official	\$15,000 - 24,000
Code Enforcement Officer P/T	\$2,000 - 5,000
Court Clerk	\$10.00 -16.00/hr
Court Clerk Call Out	\$20.00 - 50.00 per call
Council member	\$1,500 -3,000
Deputy Borough Clerk P/T	\$13.00 – 18.50/hr
Disbursement Clerk	\$15-18/hr
Emergency Mgmt Coordinator	\$1,500 -3,000
Emergency Mgmt Deputy	\$250 – 1,000
Emergency Equipment Operator	\$12.00-30.00/hr
File Clerk P/T	\$6.00-9.50/hr
Fire Inspector	\$500 – 1,500
Housing Liaison	\$1,000-2,500
Insurance Fund Commissioner	\$1 - 500
Land Use Board Secretary	\$5,000-16,000
Mayor	\$1,500 - 3,500
Municipal Court Administrator	\$10,000 – 15,000
Municipal Judge	\$5,000 – 10,000
Municipal Prosecutor	\$2,000 – 5,000
Park Attendant I & II	\$8.00-12.00/hr
Plumbing Sub-Code Off/Inspector	\$1,000 - \$5,000
Public Defender	\$100 – 150 per use
Public Works Repairer II	\$50,000.00 - 55,000
PW Superintendent/Lic Water Operator	\$7,500 – 25,000
Public Works Repairer I	\$50,000 - 60,000
Pumping Station Operator	\$9.00-15.00/hr
Pumping Stat. Operator Retainer	\$200 - 300 per qtr
Recycling Coordinator	\$1,000-5,000
Registered Municipal Clerk	\$55,000-\$65,000
School Crossing Guard	\$20 - 30/day
Senior Public Works Repairer	\$60,000 – 80,000.00
Sewer C-2 Operator	\$1,500-2,500

Tax Assessor	\$15,000 – 25,000
Tax Collector	\$15,000 – 25,000
Tax Search Officer	\$500 – 1,000
Utility Collector	\$8,000 – 20,000
Zoning Officer	\$2,000 – 5,000
mileage allowance personal car	.30 -.65/mile

Section II

Longevity: \$500-2,500.00 per contract

Section III

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

Section IV

This ordinance shall become effective retro to January 1, 2012

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Borough Council of the Borough of Alpha held on January 11, 2012, at 7:00 PM and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on January 24, 2012, at 7:00 PM, or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 1001 East Boulevard, Alpha, New Jersey 08865, at which time all persons interested may appear for or against the passage of said Ordinance.

Laurie Barton, Borough Clerk

CERTIFICATION

I, Laurie Barton, Clerk of the Borough of Alpha, do hereby certify that the foregoing Ordinance was duly adopted by the Borough of Alpha Council on the 24th day of January 24, 2011.

Laurie Barton, Borough Clerk

ORDINANCE 2012-003
ORDINANCE TO EXCEED THE 2012 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% 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 Borough of the Alpha in the County of Warren, 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 Borough of Alpha hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 48,550.11 in total, which is \$13,871.46 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 of the Borough of Alpha hereby determines that any amount authorized herein above 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 Alpha, in the County of Warren, 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 Alpha shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 48,550.11, and that the CY 2012 municipal budget for the Borough of Alpha 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.

RESOLUTION 2012-22
2012 TEMPORARY BUDGET FOR THE CURRENT FUND

WHEREAS, NJSA 40A:4-19 provides that where any contracts, commitments, or payments are to be made prior to the final adoption of the 2012 budget, temporary appropriations should be made for purposes and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty (30) days of January 2012; and

WHEREAS, the total appropriations in the 2011 Current Operating Budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of \$2,235,470.38; and

WHEREAS, 26.25 % of the total appropriations in the 2011 Current Operating Budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2011 budget is the sum of \$586,810.97;

NOW, THEREFORE, BE IT RESOLVED, that the following Current Fund Operating appropriations attached be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for her records:

Appropriations limited to 26.25%	\$580,725.00	(detail attached)
Debt Service	\$ 14,700.00	

CURRENT FUND 2012 TEMPORARY BUDGET

ADMINISTRATIVE, 01-20-100	Salaries & Wages	4,500
	Other Expenses	10,000
MUNICIPAL CLERK	Salaries & Wages	21,700
	Other Expenses	1,200
FINANCE	Salaries & Wages	23,600
	Other Expenses	1,000
PAYROLL SERVICES	Other Expenses	4,000
MAINTENANCE OF COMPUTERS	Other Expenses	9,000
ASSESSMENT OF TAXES	Salaries & Wages	5,000
	Other Expenses	1,500
COLLECTION OF TAXES	Salaries & Wages	5,950
	Other Expenses	700
LEGAL SERVICES	Other Expenses	12,000
ENGINEERING	Other Expenses	8,500
PLANNING BOARD	Salaries & Wages	5,400
	Other Expenses	5,000
BUILDING INSPECTOR	Salaries & Wages	7,800
	Other Expenses	200
OTHER INSURANCE	Other Expenses	65,000
GROUP INSURANCE	Other Expenses	32,400
POLICE	Salaries & Wages	2,700
EMERGENCY MANAGEMENT	Salaries & Wages	700
	Other Expenses	800
STREETS & ROADS	Salaries & Wages	39,000
	Other Expenses	15,000
GARBAGE & RECYCLING	Salaries & Wages	1,000
	Other Expenses	49,000
PUBLIC PROPERTY	Salaries & Wages	2,400
	Other Expenses	7,000
ANIMAL REGULATION	Salaries & Wages	1,000
	Other Expenses	500
UTILITIES	Electricity	4,000

	Street Lighting	6,500
	Telephone	4,500
	Propane	2,000
	Gasoline	3,600
STATUTORY	PERS	58,845
	Social Security	7,350
	Unemployment Comp	900
INTERLOCAL POLICE	Other Expenses	140,930
MUNICIPAL COURT	Salaries & Wages	6,700
	Other Expenses	700
PUBLIC DEFENDER	Salaries & Wages	450
PROSECUTOR	Salaries & Wages	700
DEBT	NJ Economic Loan	14,700

TOTAL BUDGET 595,425

**RESOLUTION 2012-23
2012 TEMPORARY BUDGET
FOR THE WATER & SEWER UTILITY FUND**

WHEREAS, NJS A 40A:4-19 provides that where any contracts, commitments, or payments are to be made prior to the final adoption of the 2012 budget, temporary appropriations should be made for purposes and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty (30) days of January 2012; and

WHEREAS, the total appropriations in the 2011 Water/Sewer Utility Operating Budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of \$744,892.00; and

WHEREAS, 26.25 % of the total appropriations in the 2011 Water/Sewer Utility Operating Budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2011 budget is the sum of \$195,534.15;

NOW, THEREFORE, BE IT RESOLVED, that the following Water/Sewer Utility Operating appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for her records:

Salaries & Wages	\$ 31,000.00
Other Expenses	\$161,700.00
Social Security	\$ 2,500.00
Unemployment	<u>\$ 300.00</u>
Total limited to 26.25%	\$195,500.00
Debt Service	\$ 366,200.00
Total Temporary Budget	\$561,700.00

RESOLUTION 2012-24
APPOINTING PUBLIC ALLIANCE INSURANCE
COVERAGE FUND COMMISSIONER

BE IT RESOLVED, by the Mayor and Council of the Borough of Alpha, County of Warren, State of New Jersey, that it hereby appoints Klara Tarsi as Fund Commissioner and Rudolph Pfefferle, as Alternate Fund Commissioner to the Public Alliance Insurance Coverage Fund; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Following:

1. Klara Tarsi, Fund Commissioner
2. Chris Pfefferle, Alternate Fund Commissioner
3. Public Alliance Insurance Coverage Fund

RESOLUTION 2012-25
REFUND OF UNUSED ESCROW MONIES

WHEREAS, the below listed escrow accounts have now been completed, and

WHEREAS, a balance of unused escrow monies remain in the accounts, and

WHEREAS, the proper professionals have signed an escrow release form certifying the work to be complete and all professional payments have been made,

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpha hereby authorize the Certified Finance Officer to release the estimated account balance below to the below listed owner or Borough as indicated:

09-004	Alpha Business Park PO Box 548 Broadway, NJ 08808	\$362.50
10-001	Job 8, LLC 800 Woodlands Parkway Ridgeland, MS 39157	\$8.68
10-003	Westbridge Community Church 1 Tamarack Road Belvidere, NJ 07823	\$44.05
10-005	Intercounty Paving Payable to Alpha Borough 1001 East Blvd. Alpha, NJ 08865	\$1.17