

Mayor Hanics called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on Tuesday, January 24, 2012.

Mayor Hanics announced that adequate notice of the meeting was given to the Star Gazette and posted on the bulletin board in the Clerk's office satisfying the requirements of the Open Public Meeting Act:

#### NOTICE

Pursuant to the provisions of the Open Public Meetings Act, adequate notice of this meeting has been given. On January 4, 2012, the Municipal Clerk delivered to The Express-Times and posted on the bulletin board in the Municipal Building, a notice containing the date, time and place of this meeting of the Alpha Borough Council. Also, said notice has been mailed to persons requesting the same.

Mayor Hanics led prayer and the salute to the flag.

*Roll Call:* Present: Councilman Dunwell, Councilman Pfefferle, Councilman Savary, Councilwoman Schwar, Councilwoman Tarsi and Councilman Zikas. Also present Borough Clerk, Laurie A. Barton, CFO and Lorraine Rossetti.

#### *Public Comment*

Larry Marino and Scott Robb, residents of Alpha, presented a brief statement for an opportunity for the pool. A meeting will be set up at Rocco's Pizza in Philipsburg on Thursday at 7:15 P.M.

Millard Rooks, Vulcanite Avenue, stated his opposition of Council voting against the Pohatcong Police contract. Mr. Rooks also asked what other municipalities the Borough is looking to contract with.

Mayor Hanics responded that the contract is not terminated until the end of September. Councilman Zikas asked if the Borough is still negotiating with Pohatcong, Councilman Pfefferle answered yes.

#### *Ordinances*

Motion made by Councilwoman Tarsi to open the public hearing for the following ordinance:

## **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.

#### **A450-18PERFORMANCE 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.

#### **A450-19COMPANY 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.

#### **A450-20APPROVAL 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.

#### **A450-21MODIFICATION 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.

Motion seconded by Councilman Zikas, all were in favor. Hearing no public comment, motion made by Councilwoman Tarsi to close the public hearing, motion seconded by Councilman Zikas, all were in favor. Motion to adopt the foregoing ordinance made by Councilwoman Tarsi and seconded by Councilman Zikas, roll call, Ayes: Dunwell, Pfefferle Savary, Schwar, Tarsi and Zikas. Nays: none.

Motion made by Councilwoman Tarsi to open the public hearing for the following ordinance:

**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
Administrative Clerk	\$10-18/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	\$6.00-10.00/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	\$8,000-16,000
Tax Assessor	\$15,000 – 25,000
Tax Collector	\$15,000 – 25,000
Tax Search Officer	\$500 – 1,000
Utility Collector	\$1,000 – 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

Motion seconded by Councilwoman Schwar, all was in favor.

Hearing no public comment, motion made by Councilwoman Tarsi to close the public Hearing, motion seconded by Councilwoman Schwar, all were in favor. Motion made by Councilwoman Tarsi to adopt the foregoing ordinance, motion seconded by Councilman Pfefferle, roll call, Ayes: Dunwell, Pfefferle Savary, Schwar, Tarsi and Zikas. Nays: none.

Motion made by Councilwoman Tarsi to open the public hearing for the following ordinance:

**ORDINANCE 2012-03**  
**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.

Hearing no public comment, motion made by Councilman Pfefferle to close the public Hearing, motion seconded by Councilman Zikas, all were in favor. Motion made by Councilwoman Tarsi to adopt the foregoing ordinance, motion seconded by Councilman Pfefferle, roll call, Ayes: Dunwell, Pfefferle Savary, Schwar, Tarsi and Zikas. Nays: none.

*Resolutions*

Motion made by Councilwoman Tarsi and seconded by Councilman Pfefferle to adopt the following resolution, roll call; Dunwell, Pfefferle Savary, Schwar, Tarsi and Zikas. Nays: none.

**RESOLUTION 2012-34**

**RESOLUTION  
LIEN REDEMPTION**

**WHEREAS**, the Tax Collector of the Borough of Alpha has advised the Mayor and Council that the following property has been redeemed and the money due thereon paid to the Borough of Alpha Tax Collector,

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Borough of Alpha Council this 24th day of January 2012, that refunds are made to the certificate holder as noted:

Arthur Frustaci  
1178 Fifth Avenue  
Alpha, NJ 08865  
Block 84, Lot 3 – 415 East Central Avenue  
Certificate #201107  
\$6,834.62

Motion made by Councilwoman Tarsi and seconded by Councilman Savary to adopt the following resolution, roll call; Dunwell, Pfefferle Savary, Schwar, Tarsi and Zikas. Nays: none.

**RESOLUTION 2012-35  
RESOLUTION-2011 OVERPAYMENT  
BLOCK 34, LOT 18**

**WHEREAS**, the following property has an overpayment of 2011 property taxes;

**WHEREAS**, this overpayment occurred due to a successful 2011 Added Assessment Appeal;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpha this 24<sup>th</sup> day of January 2012 that the Tax Collector and Finance Officer refund the following:

Block 34, Lot 18  
Lee, Eric W. & Jill A.  
749 Sampson Avenue  
Alpha, NJ 08865  
\$10.74

Motion made by Councilman Zikas and seconded by Councilwoman Tarsi to adopt the following resolution, roll call; Dunwell, Pfefferle Savary, Schwar, Tarsi and Zikas. Nays: none.

**RESOLUTION 2012-36**  
**A RESOLUTION SETTING THE 2012 SALARIES**  
**FOR EACH EMPLOYEE OF THE BOROUGH OF ALPHA.**

BE IT RESOLVED 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, State of NJ:

Administrative Clerk	Open	\$16/hr
Air Quality	Craig Dunwell	\$2
Animal Control Officer	Tom Deacon	\$6,180
Building Service Worker	Rita Miller	\$16.53/hour
Chief Financial Officer	Lorraine Rossetti	\$75,000
Clean Communities Coord.	Mike Savary	\$2
Clerk/Typist	Open	\$15.75/hour
Construction Official	HOLD	\$22,300
Code Enforcement Officer	William Santowasso	\$2,500
Court Clerk	Dawn Laird	\$15.45/hour
Court Clerk Call Out	Kathy Cupon & Dawn Laird	\$35.00
Council member	Craig Dunwell, Chris Pfefferle, Carol Schwar, Michael Savary, Klara Tarsi, Harry Zikas	\$2,465
Deputy Borough Clerk	Christy Vishnesky	\$17.66/hr
Emergency Management Coordinator	Hunter Stagg	\$1,940
Emergency Management Deputy	George Gal	\$700
Emergency Equipment Operator	Open	\$25.00/hour
File Clerk	Open	\$8.60/hour
Fire Inspector	Albert Hoppings	\$1,130
Housing Liaison	Open	\$1,200
Insurance Fund Commissioner	Klara Tarsi	\$2
Land Use Board Secretary	Dolores Hanisak	\$14,998
Mayor	Edward Hanics	\$3,210
Municipal Court Administrator	Kathy Cupon	\$12,640
Municipal Judge	Louis Mellinger	\$7,210
Municipal Prosecutor	Charles Carro	\$2,600
Park Attendant, I	John Kszak	\$11.00/hour
Park Attendant, II	Clean Communities workers	\$10.50/hour
Plumbing Subcode Official	Leon Fortin	\$3,200
Public Defender	Scott Wilhelm	\$150 per use
PW Superintendent/Licensed Water Oper	William Packert III for Rem & Vernick	Voucher \$18,000
Public Works Repairer I	Leo Pursell, Jr. & Dean Olah	\$59,718
Pumping Station Operator	Mark Smith, Carl Gercie & George Cupon	\$13.80/hour
Pumping Stat. Oper. Retainer	Mark Smith, Carl Gercie & George Cupon	\$275/qtr
Recycling Coordinator	Thomas Fey	\$1,000/6 months
Registered Municipal Clerk	Laurie A Barton	\$64,000
School Crossing Guard	Shirly Courter & Anna Hall	\$26.00 / day
Senior Public Works Repairer	Charles Olah	\$79,363
Sewer C-2 Operator	James Hill, Frey Engineering	Voucher \$12,000
Tax Assessor	Kathy Degan	\$18,950
Tax Collector	Carrie Rochelle	\$22,025
Tax Search Officer	Carrie Rochelle	\$605
Utility Collector	Lorraine Rossetti	\$1,500/month
Zoning Officer	HOLD	\$4,090
Mileage allow personal car, contractual or		\$.51 cents/mile

### *Approval of Minutes*

Motion made by Councilwoman Tarsi to approve the minutes of 12/27/2011 and 01/03/2012 with an amendment to the December 27<sup>th</sup> minutes, motion seconded by Councilman Pfefferle, all in favor with the exception of Councilwoman Schwar abstaining to the minutes of 12/27/2011, and Councilman Zikas abstaining to the minutes of 12/27/2011.

Motion made by Councilman Savary to approve and hold the executive session minutes of 12/27/2011, motion seconded by Councilwoman Tarsi, roll call, Ayes: Dunwell, Pfefferle, Savary and Tarsi. Abstain: Schwar and Zikas. Nays: none.

### *Department Reports*

*Administration, Councilwoman Carol Schwar:* Councilwoman Schwar stated that she met with the Clerk last Wednesday to get an idea of office hours and the duties of the office. Councilwoman Schwar stated that she does expect to see the time sheets in order to say that she approves salaries. Councilwoman Schwar stated she will be away on vacation from February 11<sup>th</sup> through the 19<sup>th</sup> and will miss the next council meeting. Councilwoman Schwar requested 20 minutes in executive session for Personnel.

Councilman Zikas inquired about the three meetings in February. The consensus of Council was to cancel the meeting on the 14<sup>th</sup>. Motion made by Councilman Zikas to cancel the meeting on February 14<sup>th</sup>, and to have the regular meeting on the 7<sup>th</sup>, motion seconded by Councilwoman Tarsi, all were in favor.

Councilwoman Schwar approved her bills, salaries and wages for her department.

*Finance, Councilman Chris Pfefferle:* Councilman Pfefferle stated that the position for an administrative clerk has been posted and received some interest and interviews will be set up. Surplus has been put back into the budget totaling 1.2 million. In closing Councilman Pfefferle approved his bills, salaries and wages for his department.

*Health & Welfare, Councilman Harry Zikas:* Councilman Zikas stated that he will be meeting with the animal control officer to discuss issues with his services. In closing, Councilman Zikas approved any outstanding bills, salaries and wages for his department.

*Public Property, Councilman Michael Savary:* Councilman Savary discussed the heating unit that will be installed, stating that there have been delay issues in the delivery of the unit. New light sensor switches have been installed in the bathrooms.

In closing, Councilman Savary approved bills, salaries and wages for his department with the exception of the bill for Van Cleef Engineers. Discussions ensued regarding the line items related to the Van Cleef bill. Councilman Savary stated that he will hold the entire Van Cleef bill.

*Public Property, Councilwoman Klara Tarsi:* Councilwoman Tarsi gave the police report for the month of December and approved all her bills salaries and wages for her department.

*Public Works, Councilman Craig Dunwell:* Councilman Dunwell reported on his meeting last Friday, with the new Engineer and stated that Charlie Olah was in attendance also, to discuss the water treatment design. Councilman Dunwell briefed the Mayor and Council on the DEP meeting him and the water/sewer subcommittee attended today in Trenton regarding the Borough's firm capacity.

Councilman Dunwell stated that the hydrant project has started which will fix part of the lost water issue.

Councilman Dunwell discussed the DOT grant regarding Safe Routes to School on North Boulevard. Councilman Dunwell stated that the sidewalk concern that resident Tim Mellert has will be fixed (extending the sidewalk).

Councilman Dunwell requested 30 minutes in executive session for contractual to discuss the DEP meeting. In closing, Councilman Dunwell approved all bills, salaries and wages for his department.

#### *Professionals Reports*

*Mayor, Edward Hanics:* Mayor Hanics made the following appointments to the Land Use Board:

Eric Lee, class 4, Tim Mellert, class 4, Lorrain Rossetti, class 2, and Mike Wambold, class 4.

Mayor Hanics requested 5 minutes in executive session for personnel.

Council was all in favor of the Mayor's appointments to the Land Use Board.

*Police, Chief, Paul Hager:* Chief Hager submitted the year to date report to Councilwoman Tarsi. More residents of Alpha are utilizing the email alert system. The clearing of snow from sidewalks was discussed.

*Engineer:* Councilman Dunwell stated that the Engineer will be attending one meeting per month, with the exception of them attending to both meetings in February.

Councilman Dunwell briefly gave the report he received from the Engineer.

*CFO, Lorraine Rossetti:* Mrs. Rossetti stated that the new auditors were in last week for the annual financial statement. Mrs. Rossetti reported on the budget meeting and stated that it was very productive, and that the work papers were emailed last Friday. Next budget meeting is January 31<sup>st</sup> at 6:30 p.m. The State released local finance notice 2012-2 for the revised introduction date for the budget being March 9<sup>th</sup> and April 20<sup>th</sup> for adoption.

Mrs. Rossetti met with Jackie Szekers from the AYAA to go over the bill submission process.

Mrs. Rossetti reminded Council on the entrance rug issue. Mrs. Rossetti also reminded for the best practices. Mrs. Rossetti thanked everyone for their patience during the transition period. Utility bills were mailed out and are due by the 18<sup>th</sup>. The utility reading and billing calendar has been prepared. Online payments should be live in mid February. There has been 296 meters installed. There are two additions to the bill list for the USDA loan in the amount of \$346,045.75 and a mileage reimbursement for Councilman Dunwell. Discussions ensued regarding the reimbursement for mileage for Councilman Dunwell.

Mayor Hanics inquired about his phone with Verizon.

Councilman Dunwell stated he wanted to clarify a statement regarding photocopies and blue prints that he needed copied for the Engineer, in which he went to Staples for those copies. Councilman Dunwell asked Councilman Zikas if he should not reimbursed for the fees he paid. Councilman Zikas responded that he should not be reimbursed.

Councilwoman Schwar discussed the AYAA budget and it was asked from the AYAA that whatever was left over from 2011 budget to be transferred over to this year. Further discussions ensued regarding the AYAA and bill submissions.

Councilman Savary inquired about a residents concern that has a meter that is bigger than 5/8 inch. Mrs. Rossetti stated that he will have to buy a new one, and to have them contact her for ordering.

*Borough Clerk, Laurie A. Barton:* Mrs. Barton reminded everyone about the pet license late fees that will begin February 1<sup>st</sup> which is \$5.00 per animal, per month.

*Recycling Coordinator, Tom Fey:* Mr. Fey reported that he is attending the courses and they are getting tougher. Mr. Fey also discussed the compost area and new recycling containers. Councilwoman Schwar suggested that the garbage cans and recycling cans be put side by side together.

*Public Comment*

Millard Rooks, Vulcanite Avenue, inquired about the late utility bills. Mr. Rooks also inquired about the meter guns not working properly and his bill being larger than normal. The CFO explained possible scenarios as to why the utility bills are larger for this billing.

Fire Chief, Charles Bodogh, gave the Fire Department report and stated that there were 129 calls and the officers remain the same this year.

*Payment of Bills and Claims*

Motion made by Councilman Zikas to have the directors reports part of the minutes, motion seconded by Councilwoman Schwar, all were in favor.

Motion made by Councilwoman Schwar to authorize the CFO to pay all bills approved by the Directors, motion seconded by Councilman Savary, roll call, Ayes: Dunwell, Pfefferle, Savary, Schwar and Tarsi. Nays: Zikas.

Motion made by Councilwoman Tarsi to authorize the CFO to pay all salaries and wages approved by the directors, motion seconded by Councilwoman Schwar. Roll call, Ayes: Dunwell, Pfefferle, Savary, Schwar, Tarsi and Zikas. Nays: none.

*New Business*

Motion made by Councilwoman Zikas to approve the following pavilion permits:

Approval of Pavilion w/ Alcohol: Weirsky: 7/04/12  
Approval of Pavilion w/ Alcohol: Caccese: 07/21/12  
Approval of Pavilion w/ Alcohol: Kipp: 07/07/12  
Approval of Pavilion w/ Alcohol: Huntington Fire Co. 07/08/12 (request fee wavier)

Motion seconded by Councilwoman Tarsi, questions: Councilman Dunwell asked if the pavilion permit submitted by Huntington Fire Department was signed by a Borough resident, the Clerk answered yes. Roll call, Ayes: Dunwell, Pfefferle, Savary, Schwar, Tarsi and Zikas. Nays: none.

### *Executive Session*

Motion made by Councilwoman Tarsi to approve the following resolution to go into executive session for 55 minutes for personnel, litigation and contractual:

#### **EXECUTIVE SESSION RESOLUTION**

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist.

1. The public shall be excluded from discussion(s) of the hereinafter specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is: Personnel, Litigation and/or Contractual,
3. It is anticipated at this time, that the above stated subject matter(s) will be made public when it is no longer a matter of confidentiality.
4. Action may or may not be taken after executive session.

**NOW THEREFORE BE IT RESOLVED**, by the governing body of the Borough of Alpha that the public shall be excluded from an executive session for approximately 55 minutes, allowing for a five (5) minute recess between the regular session and the executive session.

Motion seconded by Councilman Savary, all were in favor.

### *Return to Regular Session*

Motion made by Councilman Pfefferle to return to regular session, motion seconded by Councilwoman Tarsi, all were in favor.

Motion made by Councilwoman Tarsi to approve the following resolution, motion seconded by Councilman Zikas. Roll call, ayes: Dunwell, Pfefferle, Savary, Schwar, Tarsi and Zikas. Nays: none.

#### **RESOLUTION 2012-37 RESOLUTION PROCLAIMING THE ALPHA BOROUGH AND THE ALPHA BOROUGH BOARD OF EDUCATION JOINT SAFE ROUTE TO SCHOOL PROJECT**

**WHEREAS**, Alpha Borough and the Alpha Borough Board of Education desire to promote safe and efficient pedestrian travel to the Alpha Public School within the Borough of Alpha; and

**WHEREAS**, the Borough in conjunction with the Alpha Borough Board of Education will apply for a FY 2012 Safe Routes to School grant;

**WHEREAS**, the Alpha Borough and the Alpha Borough Board of Education have determined that the installation of sidewalk along Schley Avenue from the intersection of Schley Avenue & Frace Street to the intersection of Schley Avenue and West Vulcanite Avenue will provide a safer and a better pedestrian route to the Alpha Public School and is the best candidate for the FY 2012 Safe Routes to School grant;

**WHEREAS**, if funded, Alpha Borough and the Alpha Borough Board of Education will work jointly to ensure that the project proposed in the FY 2012 Safe Routes to School application will be implemented;

**NOW, THEREFORE, BE IT RESOLVED**, by the Alpha Borough Governing Body that the Borough will work jointly with the Alpha Borough Board of Education on the project proposed in the FY 2012 Safe Routes to School application.



*Adjourn*

There being no further business to come before Council at this time, on motion made by Councilwoman Tarsi and seconded by Councilman Zikas, this meeting adjourned at 9:05 p.m.

Respectfully submitted,

*Laurie A. Barton, PMC*