

ALPINE MAYOR AND COUNCIL - REGULAR MEETING
Monday, December 15, 2014 @ 7:30 P.M.
Borough Hall - 100 Church Street

CALL TO ORDER/ PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE

The Mayor and Council, Borough of Alpine, convened for this Regular Meeting on Monday, December 15, 2014 at 7:35 P.M. in the Alpine Borough Hall. The Public Announcement was read and the Pledge of Allegiance recited.

In accordance with the provisions of the New Jersey Open Public Meetings Law, the notice of this Regular Meeting held Monday, December 15, 2014 has met the requirements of the law by being published in The Record as part of the Annual Notice, posted on the bulletin board of the lobby in the Borough Hall and a copy filed in the office of the Borough Clerk. This meeting was recorded in its entirety.

ROLL CALL

Paul Tomasko, Mayor	Present	Vicki Frankel, Council President	Present
Paul Garjian, Councilman	Absent	Michael Cacouris, Councilman	Absent
Gayle Gerstein, Councilwoman	Present	Joan Ornstein, Councilwoman	Absent
John Halbreich, Councilman	Present		

Staff Present on Dais: Acting Municipal Clerk Jerry Beckmann, Borough Engineer Gary Vander Veer, Dermot J. Doyle, Esq. for Borough Attorney Russ Huntington

RECOGNITION: SERVICE OF COUNCILMAN PAUL GARJIAN deferred as Councilman Garjian could not be present this evening.

PUBLIC COMMENTS None (No public)

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

Bank Of America Current Operating Acct **\$2,592,867.41**

Resolution #212 12'2014: 2014 Property Tax Refunds/Credits Due to County Board Judgments Block 81.06 Lot 8

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Monday, December 15, 2014

WHEREAS, a State Tax Court Judgment was granted on October 24, 2014 from the Tax Court of new Jersey reducing the assessment on the following:

<u>Block</u>	<u>Lot</u>	<u>Owner's Name</u>	<u>Original Assessment</u>	<u>Reduced Assessment</u>	<u>Year</u>	<u>Refund</u>
81.06	8	Mekhjian, Haroutune & Shake	\$7,100,000	\$5,525,000	2011	\$11,103.75
			\$7,100,000	\$7,795,000	2014	\$ 9,670.05

WHEREAS, the reduction in assessment was not recorded in assessment was not recorded in time for the 2014 Assessment records for the above referenced properties and was billed at the higher assessed value for 2014, resulting in an overbilling;

WHEREAS, an overpayment was made for the tax years listed above and therefore should be refunded to the owner made payable to;

Block 81.06 Lot 8 Saiber, LLC & Haroutune & Shake Mekhjian \$20,773.80

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, hereby authorize the Borough Treasurer to issue a refund for the tax overpayment.

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

MOTION CARRIED

These minutes have been approved by the Mayor and Council.

Resolution #213 12'2014: 2014 Property Tax Refunds/Credits Due to County Board Judgments Block 75 Lot 19

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilman Halbreich at the regular meeting of the Alpine Mayor and Council held on Monday, December 15, 2014

WHEREAS, a State Tax Court Judgment was granted on October 24, 2014 from the Tax Court of new Jersey reducing the assessment on the following:

<u>Block</u>	<u>Lot</u>	<u>Owner's Name</u>	<u>Original Assessment</u>	<u>Reduced Assessment</u>	<u>Year</u>	<u>Refund</u>
75	19	Simmons, Ryan & DeLeo, Diana	\$1,773,100	\$1,200,000	2014	\$4,246.67

WHEREAS, the reduction in assessment was not recorded in assessment was not recorded in time for the 2014 Assessment records for the above referenced properties and was billed at the higher assessed value for 2014, resulting in an overbilling;

WHEREAS, an overpayment was made for the tax years listed above and therefore should be refunded to the owner made payable to:

Ryan Simmons & Diana DiLeo c/o Gloria Oh, Esq.
210 Sylvan Avenue
Englewood Cliffs, NJ 07632

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, hereby authorize the Borough Treasurer to issue a refund for the tax overpayment.

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

MOTION CARRIED

Resolution #214: 12'2014: Authorizing the Transfer (#2) of 2014 Budget Appropriations

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilman Halbreich at the regular meeting of the Alpine Mayor and Council held on Monday, December 15, 2014

WHEREAS, title 40A:4-58 of the New Jersey Statutes provides that should it become necessary during the last two months of the fiscal year to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore, and there shall be an excess in any appropriation over and above the amount claimed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by Resolution setting forth the facts (adopted by not less than 2/3 vote of the full membership thereof), transfer the amount of such excess of those appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Alpine, the Borough Treasurer be and is hereby authorized to make the following transfers in the 2014 Budget Appropriations.

		<u>FROM</u>	<u>TO</u>
Legal Services	4-01-20-155-020	\$ 2,033.00	
Engineering Services O/E	4-01-20-165020		\$ 2,033.00
TOTAL		\$ 2,033.00	\$ 2,033.00

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

MOTION CARRIED

Resolution #215 12'2014: Approval of Bills and Claims

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein at the regular meeting of the Alpine Mayor and Council held on Monday, December 15, 2014 to approve the bills and claims, a copy of which are appended.

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

MOTION CARRIED

Tax Assessor's Report. Report on file.

MAYOR'S REPORT Mayor Tomasko reported on the following:

- Thanks to Council members for attending this meeting and ensuring a quorum.
- The DPW again passed a random safety inspection conducted by Joint Insurance Fund.
- The Bergen County Opens Space Trust Fund advised sufficient funds will be available for the Soccer Field Upgrade Phase II Project.
- The course for Newly (or Continuing) Elected Officials will be held at the Renaissance Meadowlands Hotel. The Borough will pay for anyone who wishes to attend. See Mr. Beckmann for details. He will advise incoming Council members.

REPORTS OF THE STANDING COMMITTEES

Administration Department No report.

Building Department Councilman Halbreich reported there were 39 scheduled inspections, 1 soil moving permit, and 5 zoning review applications. Details are available for review in the Building Department.

Department of Public Works Councilwoman Frankel noted leaf pickup continues and will be extended for an additional week due to weather. Maintenance performed and 4th quarter JIF safety meetings conducted. The rest of the report is on file.

Fire Department Councilwoman Gerstein noted the Fire Department hosted Santa this past Saturday which was enjoyed by all who attended. Their report is on file at the firehouse.

Police Department Council President Frankel reported 31 summonses were issued and there were 12 motor vehicle accidents with 4 injuries. The rest of the report is on file.

Resolution #216:12'2014: Accepting the Reports of the Standing Committees

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Monday, December 15, 2014 to accept the reports of the Standing Committees.

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

MOTION CARRIED

BOARD OF EDUCATION LIAISON'S REPORT Mayor Tomasko has been advised that the Alpine Educational Foundation was successful in raising the funds needed for a special school project and has conveyed that money to the Board of Education.

BOROUGH ATTORNEY'S REPORT Attorney Doyle noted the award of bid for Curbside Recycling listed on the agenda will not be considered this evening based on correspondence received from counsel for one of the bidding parties to enable them to research the issues. This will be placed on the agenda for the next meeting.

BOROUGH ENGINEER'S REPORT Mr. Vander Veer advised his report is on file. He highlighted:

- The Timberline Drainage Project has been completed. The resident has already remitted to the Borough his share of the costs to date.
- Necessary documents have been submitted to NJ DOT to close out the 2014 Road Improvement (Church Street Municipal Aid) Project and the Borough should receive the balance of the grant shortly.

UNFINISHED BUSINESS

Ordinance 749: Registration of Properties Pending Foreclosure

Public Hearing Mayor Tomasko opened the meeting to the public. No public was present. Mayor Tomasko closed the public hearing.

Resolution #217:12'2014: Adoption of Ordinance 749

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Monday, December 15, 2014

BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine in the County of Bergen and State of New Jersey that an Ordinance entitled:

**AN ORDINANCE OF THE BOROUGH OF ALPINE, COUNTY OF BERGEN,
STATE OF NEW JERSEY CREATING CHAPTER 170 ENTITLED
"REGISTRATION OF PROPERTIES PENDING FORECLOSURE"**

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

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

MOTION CARRIED

{ A copy of this ordinance is appended in full }

Curbside Recycling Bids Mayor Tomasko reiterated Attorney Doyle's earlier explanation deferring this matter for further review by the Borough Attorney. There was a huge difference in prices quoted. They hope to achieve the best price for the Borough. The current contract expires January 31, 2015.

NEW BUSINESS

CONSENT AGENDA RESOLUTIONS Resolutions #218:12'2014 - #222:12'2014

Councilwoman Gerstein will abstain from minutes.

1a. Resolution #218:12'2014: Approval of Minutes Regular Meeting November 24, 2014

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Monday, December 15, 2014 to approve the minutes of the Regular Meeting November 24, 2014. **Vote: Ayes:** Frankel, Halbreich **Abstain:** Gerstein **Absent:** Cacouris, Garjian, Ornstein

MOTION CARRIED

1b. Resolution #219:12'2014: Approval of Minutes Executive Session November 24, 2014

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Monday, December 15, 2014 to approve the minutes of the Executive Session November 24, 2014. **Vote: Ayes:** Frankel, Halbreich **Abstain:** Gerstein **Absent:** Cacouris, Garjian, Ornstein

MOTION CARRIED

2. Resolution #220:12'2014: Use of Church Street & School Ball fields Tenafly United Soccer Club (Spring)

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Monday, December 15, 2014 to approve the request by the Tenafly United Soccer Club for

Use of the Borough (Church Street) field:

- Mondays and Thursdays between 3:30 PM and 6:45 PM from March 19 through June 19, 2015; and

Use of the Borough (School) field:

- Saturdays and Sundays between 8:30 AM and dark from March 15 through June 21, 2015; and
- If Alpine school is on break, between 8:30 AM and 4:30 PM April 6 through April 10, 2015.

Such use is also subject to the Borough's Risk Management Policies for Use of Facilities, including but not limited to provision of a Certificate of Insurance listing the Borough as additional insured. Use of School Field is also subject to coordination of use with Alpine School who has priority use of the field.

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

MOTION CARRIED

3. Resolution #221:12'2014: Authorize Advertise for Sale of Vehicle No Longer Needed for Public Use

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Monday, December 15, 2014

WHEREAS, the following vehicles are no longer be needed for public use:

Dept	#	Year	Make	Model	VIN	Mileage
PD	1	2010	Ford	Crown Victoria	2FABP7BV8AX117128	66881.2

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine hereby authorizes the above vehicles to be advertised for sale to the highest bidder as obtained by sealed bids in accordance with the provisions of the advertisement.

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

MOTION CARRIED

4. Resolution #222:12'2014: Authorizing Solicitation of Proposals for Cellular Antenna Nodule

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on December 15, 2014

BE IT RESOLVED by the Mayor and Council of the Borough of Alpine that the Clerk/Administrator and Borough Attorney be and hereby are authorized to solicit proposals for the installation of a cellular nodule antenna of the type described in certain documents received from New York SMSA Limited Partnership, d/b/a Verizon Wireless, to be located at 100 Church Street, Alpine, New Jersey;

BE IT FURTHER RESOLVED that the minimum bid for the aforementioned installation shall be \$750.00 per month. The successful bidder shall be required to execute a Lease Agreement and provide a Certificate of Insurance naming the Borough of Alpine as a Certificate Holder.

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

MOTION CARRIED

COMMUNICATIONS: WRITTEN AND ORAL Mayor Tomasko distributed the draft newsletter for review and comment.

ADJOURNMENT

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

and approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Monday, December 15, 2014 at 7:50 PM .

Respectfully submitted,

Jerry Beckman, Acting Borough Clerk



**BOROUGH OF ALPINE
ORDINANCE NO. 749**

**AN ORDINANCE OF THE BOROUGH OF ALPINE, COUNTY OF BERGEN,
STATE OF NEW JERSEY CREATING CHAPTER 170 ENTITLED
"REGISTRATION OF PROPERTIES PENDING FORECLOSURE"**

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

SECTION 1. Pursuant to P.L. 2014, c.35, P.L. 2014, c.5 and P.L. 2012, c.70 the Borough Code of the Borough of Alpine is hereby amended and supplemented to add Chapter 170, entitled "Registration of Property Pending Foreclose," which shall read as follows:

§170-1. Purpose

The purpose of this ordinance is to provide for the enforcement of the State and Borough Codes including but not limited to Property Maintenance and Building Codes, establishing responsibilities of creditors, and authorizing the Borough of Alpine to impose penalties on creditors that fail to timely remedy code violations of vacant residential properties in foreclosure.

§170-2. Service of Notice, contents.

A. A creditor that serves a notice of intention to foreclose on a mortgage on residential property in the Borough pursuant to the "Fair Foreclosure Act," P.L. 1995, c.244 (C.2A:50-53 et seq), shall serve the Borough Clerk with a copy of the notice within 10 days of the time that the creditor serves the notice on the owner of the property. The creditor shall include in the copy of the notice served on the Borough Clerk, the full name and contact information of a person located within the State of New Jersey who is authorized to accept service on behalf of the creditor along with the information as described below.

B. Within 60 days of the adoption of this ordinance, any creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall provide to the municipal clerk a notice as described below for all residential properties in the Borough for which the creditor has pending foreclosure actions.

C. The notice shall contain:

1. The name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations.
2. Whether the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act;"
3. The street address, lot and block number of the property; and
4. The full name and contact information of an individual located within the state authorized to accept service on behalf of the creditor

D. The Borough Clerk shall forward a copy of the notice to the construction code official and any other local official responsible for the administration of any property maintenance or public nuisance code.

§170-3. Violations of State or Local Law at Property on List; Responsibility of Creditor

A. If the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a property is otherwise vacated subsequent to the filing of the summons and complaint, but prior to the vesting of title in any third party; and

B. If the property is found to be a nuisance or in violation of any applicable state or local code, the local official, Borough Clerk or other authorized municipal official shall notify the creditor.

C. The creditor shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property to such standard or specification as may be required by State Law or municipal ordinance.

§170-4. Notification of Violation.

In the event of a violation of state or local ordinance, the municipality shall provide notice to the representative responsible for receiving complaints of property maintenance and code violations as identified under §170-2.C.1 along with the individual located within the State who is authorized to accept service on behalf of the creditor as identified under §170-2.C.4. Said notice shall include the description of the condition(s) that gave rise to the violation and shall provide a period of not less than 30 days from the creditor's receipt of the notice for the creditor to remedy the violation.

§170-5. Violations and Penalties

If the creditor violates any of the notice provisions of this Chapter or fails to remedy the violation within 30 days from receipt of a notice of violation, the Borough may impose penalties allowed for the violation of municipal ordinances pursuant to R.S. 40:49-5.

§170-5. Repair by the Borough

If the Borough expends public funds in order to abate a nuisance or correct a violation on a residential property in which the creditor was given notice pursuant to the provisions of subsection 170-4 but failed to abate the nuisance or correct the violation as directed, the municipality shall have the same recourse against the creditor as it would have had against the title owner of the property including but not limited to the recourse provided under section 23 of P.L. 2003, c.210 (C.55:19-100) regarding placement of a lien.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. This ordinance shall take effect after second reading and publication as required by law.