

**MAYOR AND COUNCIL
REGULAR MEETING
December 20, 2023 @ 7:30 PM
Borough Hall – 100 Church Street – Alpine, NJ
(This meeting was recorded in its entirety)**

CALL TO ORDER/ PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE

The Mayor and Council, Borough of Alpine, convened for this Regular Meeting on December 20, 2023 at 7:30 P.M. in the Alpine Borough Hall. The Public Announcement was read: *In accordance with the provisions of the New Jersey Open Public Meetings Law, the notice of this Regular meeting has met the requirements of the law by being e-mailed to The Record, posted on the bulletin board of the lobby in the Borough Hall and a copy filed in the office of the Borough Clerk.*

ROLL CALL

Paul H. Tomasko, Mayor	Present	Gayle Gerstein, Council President	Present
Steven Cohen, Councilman	Present	Vicki Frankel, Councilwoman	Absent
Arthur Frankel, Councilman	Present	Scott Bosworth, Councilman	Present
David Kupferschmid, Councilman	Present		

Staff Present on Dais: Borough Attorney Levi Kool, Borough Engineer Perry Frenzel, Borough Clerk Stephanie Wehmann,

PUBLIC COMMENTS - None

REPORT OF THE FINANCE COMMITTEE Councilman Cohen reported.

ConnectOne Bank Current Operating Account \$3,458,308.56

Resolution #206:12'2023: Return of Bonds and Escrow

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

At a regular meeting of the Mayor and Council of the Borough of Alpine held on December 20, 2023 to return the following escrow and/or bonds:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
49	1	Fay Serving	Septic Bond	\$10,170.43
			Engineering	<u>138.50</u>
				\$ 10,308.93
79.02	3	10 Cassandra dr. Living Trust	Engineering Escrow	\$ 4,541.25
49.01	8	Pike Street, LLC	Performance Bond	\$ 7,144.63
			Septic Bond	10,170.43
			Engineering Escrow	<u>486.50</u>
				\$ 17,801.56
81.04	18.04	Rock solid Builders	Re-vegetation Bond	\$ 33,054.69
			Performance Bond	\$ 57,024.81
			Septic Bond	10,170.43
			Tree Bond	\$ 35,597.36
			Engineering Escrow	<u>1,355.00</u>
				\$137,202.29
41	8	Rafferty, Gerard	Engineering(Septic)	\$ 1,124.00
			TOTAL:	\$ 170,978.03

VOTE: AYES: Bosworth, Cohen, A. Frankel, Gerstein, Kupferschmid **Absent:** V. Frankel, **MOTION APPROVED**

Resolution #207:121'2023: Authorizing Transfer of 2023 Budget Appropriations (Transfer #2)

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

At a regular meeting of the Mayor and Council of the Borough of Alpine held on December 20, 2023 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 2023 Budget Appropriations.

		<u>FROM</u>	<u>TO</u>
Legal Services	3-01-20-155-020	\$32,862.49	
Streets & Roads Operating Exp.	3-01-26-290-020	\$ 2,223.13	
Buildings & Grounds Operating Exp.	3-01- 26-310-020		\$ 2,223.13
Fire Dept. Operating Expenses	3-01-25-265-020		\$ 220.04
Police Dept. Salaries & Wages	3-01-25-240-010		\$32,642.45
	TOTAL:	\$35,085.62	\$35,085.62

VOTE: AYES: Bosworth, Cohen, A. Frankel, Gerstein, Kupferschmid **Absent:** V. Frankel, **MOTION APPROVED**

Resolution #208:12'2023: Approval of Bills and Claims

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

At a regular meeting of the Mayor and Council of the Borough of Alpine held on December 20, 2023 to approve the bills and claims as outlined in the Finance Report.

VOTE: AYES: Bosworth, Cohen, A. Frankel, Gerstein, Kupferschmid **Absent:** V. Frankel, **MOTION APPROVED**

TAX ASSESSOR'S REPORT Report on file.

MAYOR'S REPORT

- Attended 4th Quarter Safety Committee meeting December 12. Municipal Clerk Wehmann ran a professional meeting as usual. There were no claims.
- Monday night Assembly Speaker, Senate President, Senator Singleton, Assembly Housing Committee Chairwoman introduced a bill A-4/S-4251 with a revamped approach to affordable housing. The 65-page bill provides for a new timetable with specific expectations. While it calls for the abolishment of the defunct Council on Affordable Housing (which could be re-invigorated simply by the governor appointing members to it) and which provided the most costly and least efficient means of developing affordable housing as municipalities and builders were often forced into court via Builders Remedy lawsuits to settle differences, the bill as written still goes in the opposite direction from what the New Jersey League of Municipalities felt would make more sense. It's also questionable why the legislature would try to rush through a bill of this magnitude this late in the session with only a few weeks left. Councilman Kupferschmid thanked the Mayor for this information and hopes together they can push the legislature in the right direction.

REPORT OF THE STANDING COMMITTEES

- **Administration Department** No report
- **Building Department** Councilman Kupferschmid: 64 scheduled inspections, 1 fence permit, 5 tree permits, 2 soil moving applications and 3 zoning review applications. The report is on file.
- **Department of Public Works** Councilman Frankel noted the report is on file.
- **Fire Department** Councilwoman Gerstein advised Santa visited the Firehouse on December 16th. Statistics available for review.
- **Police Department** Mayor Tomasko provided statistics. Report is on file. He thanked Police Chief Kent who worked through the Bergen County Prosecutor's office to procure a camera and license plate reader to be positioned near the intersection of Route 9W and Closter Dock Road. Chief Kent added the County deploys and maintains these cameras at various locations around the county. The County will maintain and AFD will have full access to data.

Resolution #209:012'2023: Accepting the Reports of the Standing Committees

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

At the regular meeting of the Alpine Mayor and Council held on December 20, 2023 to accept the reports of the Standing Committees.

VOTE: AYES: Bosworth, Cohen, A. Frankel, Gerstein, Kupferschmid **Absent:** V. Frankel, **MOTION APPROVED**

BOARD OF EDUCATION LIAISON'S REPORT Councilman Kupferschmid reported on Holiday break times.

BOROUGH ATTORNEY'S REPORT Attorney Kool informed his office, along with representatives from municipal and legislative authorities around the state, are working on a summary of the proposed affordable housing legislation which he will share with the governing body hopefully in the next day or two. Mayor Tomasko was thankful; and noted he has also been in touch with Alpine's Special Counsel on Affordable Housing, Ed Buzak.

BOROUGH ENGINEER'S REPORT Mr. Frenzel reported no changes. Report is on file.

UNFINISHED BUSINESS:

Ordinance No. 823: An Ordinance by The Borough of Alpine in the County of Bergen, State of New Jersey Amending Section 153-2 of The Alpine Municipal Code Entitled "Excessive Noise Enumerated"

Public Hearing. Meeting opened to the public for comment. There were none. Comment period closed.

Resolution #210:12'2023: Adoption Ordinance No. 823: Excessive Noise Enumerated

OFFERED BY: Councilman Kupferschmid **SECONDED BY:** Councilman Cohen

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on December 20, 2023

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 BY THE BOROUGH OF ALPINE IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY AMENDING SECTION 153-2 OF THE ALPINE MUNICIPAL CODE ENTITLED "EXCESSIVE NOISE ENUMERATED"

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

VOTE: AYES: Bosworth, Cohen, A. Frankel, Gerstein, Kupferschmid **Absent:** V. Frankel, **MOTION APPROVED**

NEW BUSINESS: CONSENT AGENDA RESOLUTIONS #211:12'2023 - #218:12'2023

Councilman Bosworth abstains from Item #4 regarding AFD 2023 LOSAP as he is included.

Resolution #211:12'2023: Approval of Minutes Regular Meeting November 20, 2023

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

At the regular meeting of the Alpine Mayor and Council held on December 20, 2023 to approve the Regular Meeting Minutes of November 20, 2023.

VOTE: AYES: Bosworth, Cohen, A. Frankel, Gerstein, Kupferschmid **Absent:** V. Frankel, **MOTION APPROVED**

Resolution #212:12'2023: Authorizing the Execution of an Interlocal Agreement for the Maintenance and Repair of Vehicles by and between the Borough of Paramus and the Alpine Fire Department

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, December 20, 2023

WHEREAS, the Borough of Paramus and the Borough of Alpine seek to enter into an Interlocal Agreement wherein the Borough of Paramus will provide labor and maintenance services on Borough of Alpine Fire Department vehicles; and

WHEREAS, both of the parties to such an Agreement are authorized by law to enter into an agreement with one another to provide jointly for any lawful service to and for the residents of the respective municipalities pursuant to the provisions of the "Interlocal Services Act" N.J.S.A. 40:8A-1 et seq.; and

WHEREAS, the governing bodies of the Borough of Paramus and the Borough of Alpine recognize that the implementation of an Interlocal Agreement to provide labor and maintenance services at a cost as set forth in the agreement attached hereto is in the best interest of the taxpayers of the respective municipalities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Alpine that the Mayor and Borough Clerk are authorized to execute an Interlocal Services Agreement with the Borough of Paramus subject to the approval of the Alpine Borough Attorney.

BE IT FURTHER RESOLVED that the Agreement shall commence on January 1, 2024 and end on December 31, 2024.

BE IT FURTHER RESOLVED that the Agreement shall take effect upon the execution of same and adoption of Resolutions by both parties as provided by law.

These minutes have been approved by the Mayor & Council.

BE IT FURTHER RESOLVED that a copy of the Agreement be maintained on file and open to public inspection at the office of the Borough Clerk.

VOTE: AYES: Bosworth, Cohen, A. Frankel, Gerstein, Kupferschmid **Absent:** V. Frankel, **MOTION APPROVED**

Resolution #213:12'2023: Renewal of Employee Assistance Program Agreement with Bergen County Department of Health Services (One-Year Term, 2024)

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on December 20, 2023

WHEREAS, the Uniform Shared-Services Act (USSA) found at N.J.S.A. 40A:65-1 was passed in an effort to encourage and ease the sharing of services; and

WHEREAS, there exists a need for the Borough of Alpine and its Health Department to provide state mandated health services of a technical and professional nature and

WHEREAS, the Borough of Alpine desires to contract for the furnishing of certain of these health services by the BCDHS to the Borough of Alpine, pursuant to N.J.S.A. 26:3A2-1 *et seq.*

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

That the Municipal Clerk and the Mayor are hereby authorized and directed to execute the letter of agreement to renew the shared service agreements noted below for a one-year term (2024) with the Bergen County Department of Health Services for the year 2024 for the following "not to exceed" amounts:

Employee Assistance Program (EAP)* (\$22.25 per employee) \$623.00

VOTE: AYES: Bosworth, Cohen, A. Frankel, Gerstein, Kupferschmid **Absent:** V. Frankel, **MOTION APPROVED**

Resolution #214:12'2023: Alpine Fire Dept. LOSAP (2023)

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, December 20, 2023

WHEREAS, the Borough of Alpine has established of a Length of Service Award Program (LOSAP) for Alpine Fire Department, and

WHEREAS, the Borough of Alpine has received a certification from the Alpine Fire Department of the annual list for the year 2023 commencing December 1, 2022 and ending November 30, 2023 of all volunteer members who have qualified for credit under the LOSAP program, and

WHEREAS, the Borough of Alpine has reviewed the said list and does hereby believe that the same should be certified.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine that the following named members of the Alpine Fire Department have attained the minimum number of points and therefore qualify to receive an award for the 2023 reporting year:

Raffi Aynilian	Scott Bosworth	Chris Elarde
*Ariel Gabay	Max Gabay	Charles Hoffmann
Richard Incontro	Doug Isley	Kyle Khorozian
Andrew Kraus	*Panagiotis Mantziaris	Rich Marty
Chris Pesche	Frank Rickenbaugh	Hal Shaw
John Veras	<i>*Pending Completion of LOSAP Application</i>	

BE IT FURTHER RESOLVED, that copy of this Resolution shall be posted for a period of thirty (30) days on the bulletin boards in the lobby of the Alpine Borough Hall and in the Alpine Fire Department Fire House and a copy be forwarded to the Chief of the Alpine Fire Department.

VOTE: AYES: Cohen, A. Frankel, Gerstein, Kupferschmid **Absent:** V. Frankel **Abstain:** Bosworth

MOTION APPROVED

Resolution #215:12'2023: Amend Project Cost – Repair Drainage Infrastructure West Main Street (DPW)

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

At this meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, December 20, 2023,

WHEREAS, the Department of Public Works previously identified a need to repair drainage infrastructure on West Main Street and the Mayor and Council of the Borough of Alpine awarded a quote

to repair drainage infrastructure on West Main Street to KVR Construction, Inc. of Hawthorne, NJ for \$30,750.00 pursuant to a resolution adopted on August 23, 2023; and

WHEREAS, an additional project cost to KVR Construction Inc. was incurred in the amount of \$3,199.12 (total project cost: \$33,949.12) due to encountering bedrock during the course of construction, requiring excavation/rock hammering; and

WHEREAS, funds for this purpose were provided for through a FEMA Public Assistant Grant for an amount not to exceed \$76,707.00, in the following accounts:

FEMA Public Assistance Grant-Borough-Wide Culvert Improvements

Account: 3-01-44-906-000 \$33,949.12

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine hereby approve the project cost to repair drainage infrastructure on West Main Street to KVR Construction, Inc. of Hawthorne, NJ for \$33,949.12. The Chief Financial Officer has provided the Certification of Availability of Funds.

VOTE: AYES: Bosworth, Cohen, A. Frankel, Gerstein, Kupferschmid **Absent:** V. Frankel, **MOTION APPROVED**

**Resolution #216:12'2023: Endorse Planning Board Approval of Soil Moving Permit with Waivers
11 Autumn Terrace, B:81.04/L:19)**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, December 20, 2023.

WHEREAS, Borough Ordinance 183-3D(5) lays down the procedure for review of an application for a soil movement permit in compliance with N.J.S.A. 40:20D-26b; and

WHEREAS, the application was reviewed by the Planning Board at a hearing held November 28, 2023, and the Planning Board laid down their written recommendation to the Mayor and Council with respect to this application in a resolution approved at their regular meeting held on December 19, 2023 (copy attached hereto); and

WHEREAS, the Mayor and Council has examined the application and the recommendations of the Planning Board and have considered the results of the public hearing before the Planning Board;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine find that the proposed soil movement will not create conditions inimical to the public health, welfare and safety, nor create any drainage, soil erosion or other conditions of danger and

BE IT FURTHER RESOLVED that the Mayor and Council hereby approve said application subject to all conditions as laid out in the Planning Board's resolution of December 19, 2023.

VOTE: AYES: Bosworth, Cohen, A. Frankel, Gerstein, Kupferschmid **Absent:** V. Frankel, **MOTION APPROVED**

Resolution #217:12'2023: Board of Health Appointment - Dr. Lawrence Brown, Jr.

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 20, 2023

WHEREAS, the Mayor has appointed **Dr. Lawrence Brown, Jr.** as **member** of the Alpine Board of Health for the unexpired portion of a four-year term ending December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Alpine affirms this appointment.

VOTE: AYES: Bosworth, Cohen, A. Frankel, Gerstein, Kupferschmid **Absent:** V. Frankel, **MOTION APPROVED**

Resolution #217:12'2023: Approval of Revised Municipal Clerk Stipend

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

And approved by all those eligible to vote at a regular meeting of the Alpine Mayor and Council held Wednesday, December 20, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Alpine that the Municipal Clerk's stipend previously set by resolutions dated July 26, 2023 and October 25, 2023 to compensate for her additional workload be revised and increased effective December 11, 2023, to include the balance of the Deputy Borough Clerk position and Zoning Board Secretary position as already provided for in the salary ordinance for each position.

VOTE: AYES: Bosworth, Cohen, A. Frankel, Gerstein, Kupferschmid **Absent:** V. Frankel, **MOTION APPROVED**

End of Consent Agenda

COMMUNICATIONS: WRITTEN AND ORAL Mayor Tomasko thanked and wished a happy holiday season to all.

EXECUTIVE SESSION: None/ Not Needed

ADJOURNMENT

Upon a motion by Councilwoman Gerstein, seconded by Councilman Cohen, and approved by all this regular meeting of the Mayor and Council adjourned at 7:45 PM.

Respectfully submitted,

Stephanie Wehmann
Municipal Clerk

AN ORDINANCE BY THE BOROUGH OF ALPINE IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY AMENDING SECTION 153-2 OF THE ALPINE MUNICIPAL CODE ENTITLED "EXCESSIVE NOISE ENUMERATED"

WHEREAS,the Alpine Building Department has recommended changes in the titled code section to the Mayor and Council, and

WHEREAS, the Borough Council after consultation with the department believes that amending Chapter 153-2of the Borough Code is in the best interests of the Borough to protect the health, safety and welfare of the public.

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

- 1. The Alpine Municipal Code Section 153-2 subsection F. entitled "Construction Work." and subsection I. entitled "Lawnmowers, Chainsaws." are hereby deleted and replaced in their entirety and a new subsection L. added as follows:
- 2. New Alpine Municipal Code Section 220-153-2subsections as follows:
- F. Construction Work. The excavation, grading, demolition, building, alteration or repair of any premises, street or structure.
 - 1. Construction Work is permitted Monday through Friday between the hours of 7:00 am and 6:00 pm and Saturday between the hours of 9:00 am and 6:00 pm. No work is to be done on Sunday or Legal Holidays. Rock Hammering is permitted Monday through Friday between the hours of 7:00 am and 6:00 pm.
 - 2. Rock Hammering is prohibited on Saturday, Sunday and Legal Holidays except for emergency septic work with the approval from the Borough of Alpine Health Official / Borough Engineer.
 - 3. Blasting is permitted Monday through Friday between the hours of 7:00 am and 6:00 pm. Blasting is prohibited on Saturday, Sunday and Legal Holidays.
 - 4. Homeowner / Occupant(s) who are personally doing their own work are allowed to work on the exterior of their premises Monday through Friday between the hours of 7:00 am and 6:00 pm and Saturday and Sunday between the hours of 9:00 am and 6:00 pm. Homeowner / Occupant(s) who are personally doing their own work are allowed to work on the interior of their premises Monday through Sunday between the hours of 7:00 am and 11:00 pm provided that the work is done without undue noise and disturbance to the peace and quiet of the neighborhood.
 - 5. Public Street Work – work shall be performed after the required permit is obtained. These permits may be granted for a period of 3 days or less while the emergency continues pursuant to §154-4 Permits.
- I. Landscapers and Tree Cutters. Use of power lawnmowers, chainsaws, blowers or other combustion landscaping equipment, golf course maintenance equipment is permitted Monday through Friday between the hours of 7:00 am and 6:00 pm. No work is to be done on Saturday, Sunday and Legal Holidays.**Golf Course – may request in writing a waiver from this section from the Mayor and Council.
- L. In case of an emergency or in the interest of public health and safety, Law Enforcement, Borough of Alpine Health Official / Borough Engineer, or Code Officials, as the case may be, may grant permission for work to be done within the prohibited hours.
 - 3. Any article, section, paragraph, subsection, clause, or other provision of the Alpine Municipal Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.
 - 4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.
 - 5. This ordinance shall take effect upon its passage and publication and filing with the County of Bergen Planning Board, and as otherwise provided for by law.

INTRODUCTION: November 20, 2023

ADOPTION: December 20, 2023