

**MAYOR AND COUNCIL  
REGULAR MEETING  
October 25, 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 October 25, 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	Present
Arthur Frankel, Councilman	Present	Scott Bosworth, Councilman	Absent*
David Kupferschmid, Councilman	Present		

*\*On behalf of the Mayor and Council condolences are offered to the Bosworth family on their loss.*

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

**POLICE PROMOTION**

Mayor Tomasko first read a letter from former Chief Jerry Beckman into the record:

*"Dear Mayor Tomasko, I apologize for not being able to attend this month's Alpine Mayor and Council meeting due to conflicting out of state travel plans. Please convey my sincere congratulations to Officer Matt Kent for his appointment to Chief of the Alpine Police Department. I worked with Officer Kent for many years. I was witness to his work ethic and invaluable insight into many complex situations and issues. Additionally, he was always very supportive of me during my tenure as Chief. The Borough of Alpine and its citizenry should be very proud to have such a fine officer within its ranks. Congratulations again to Chief Matt Kent, his wife, Angela and to his family and friends. Please also convey my very best to the Alpine Council and to everyone in attendance recognizing this wonderful achievement.*

Mayor Tomasko turned proceedings over to Councilwoman and Police Commissioner Vicki Frankel who noted she could say wonderful things about every member of the police department here this evening but tonight is reserved for Officer Kent. She recalled they thought he had the right attitude and determination to be a good fit for the alpine Police Department when he was first interviewed two decades ago. Over time they have closely observed his performance under pressure and witnessed his growing ability to handle the many situations that require wisdom and leadership and along the way earning respect for his competency from three past chiefs. He knows the best way to get things done rather on the road or at the desk, no matter who he is dealing with, no matter how critical or trivial the event and most importantly, he has developed the skills, maturity and judgment so crucial to the success of a Police Chief. She is pleased to recommend Officer Kent as the next Chief of the Alpine Police Department.

**Resolution #180:010'2023: Police Chief Appointment – Matthew Kent**

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, October 25, 2023 affirming the appointment of Matthew Kent as Chief of the Alpine Police Department, effective November 1, 2023 at a salary of \$204,338.00.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpine to authorize approval and execution of a contract for Police Chief Matthew Kent, effective November 1, 2023, upon preparation by the Borough Labor Attorney and recommendation of Police Commissioner Frankel.

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

**OATH OF OFFICE:** Mayor Tomasko administered the oath of office to Matthew Kent as Chief of the Alpine Police Department. His wife and family joined him in front of the dais. Congratulations and applause followed. Mayor Tomasko thanked all in attendance for coming.

**ConnectOne Bank (fka Bank of New Jersey) Current Operating Account \$2,844,185.65****Resolution #181:010'2023: Return of Bonds and Escrow****OFFERED BY:** Councilman Cohen **SECONDED BY:** Councilwoman Frankel

At a regular meeting of the Mayor and Council of the Borough of Alpine held on October 25, 2023 to return the following escrow and/or bonds:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
30	1	Steier, Richard	Engineering	\$ 291.50

**VOTE: AYES:** Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **ABSENT:** Bosworth **MOTION APPROVED****Resolution #182:010'2023: 2023 Tax Overpayment – 20 Graham Street B:39.01/L9.14****OFFERED BY:** Councilman Cohen **SECONDED BY:** Councilwoman Gerstein

At a regular meeting of the Mayor and Council of the Borough of Alpine held on October 25, 2023

**WHEREAS**, the following property owner has made an overpayment of property taxes for 3<sup>rd</sup> quarter of 2023 as a result of duplicate remittances from the property owner and the tax servicing agency, and;

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

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

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Amount</u>
39.01	9.14	Law, John & Jennifer	20 Graham Street	\$5,403.00

**VOTE: AYES:** Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **ABSENT:** Bosworth **MOTION APPROVED****Resolution #183:010'2023: 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 October 25, 2023 to approve the bills and claims as outlined in the Finance Report.

**VOTE: AYES:** Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **ABSENT:** Bosworth **MOTION APPROVED****TAX ASSESSOR'S REPORT** Report on file.**MAYOR'S REPORT** No report**REPORT OF THE STANDING COMMITTEES**

- **Administration Department** No report
- **Building Department** Councilman Kupferschmid: 58 regular inspections, 12 tree permits, and 3 zoning reviews. The report is on file.
- **Department of Public Works** Councilman Frankel noted leaf pickup has started and the report is on file. Mayor Tomasko thanked Supt. Zaremba and Gary Vanderwerf for attending. Council needs to recognize increasing time DPW has to spend maintaining the Borough's affordable housing units as they plan for the future.
- **Fire Department** Councilwoman Gerstein stated statistics available for review.
- **Police Department** Councilwoman Frankel stated report is on file.

**Resolution #184:010'2023: Accepting the Reports of the Standing Committees****OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein

At the regular meeting of the Alpine Mayor and Council held on Wednesday, October 25, 2023 to accept the reports of the Standing Committees.

**VOTE: AYES:** Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **ABSENT:** Bosworth **MOTION APPROVED****BOARD OF EDUCATION LIAISON'S REPORT** Councilman Kupferschmid reported on plans for Halloween Party.**BOROUGH ATTORNEY'S REPORT** No report.**BOROUGH ENGINEER'S REPORT** No report.**UNFINISHED BUSINESS:**

**ORDINANCE No. 822: Amending Section 220-18-C(2) of the Alpine Municipal Code Entitled "Certificate of Continued Occupancy"**

**PUBLIC HEARING** Mayor Tomasko opened the meeting to the public for a hearing on the above ordinance and being no comments closed the comment portion.

**Resolution #185:010'2023: Adoption of Ordinance No. 822**

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

At a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, October 25, 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 220-18-C(2) OF THE ALPINE MUNICIPAL CODE ENTITLED "CERTIFICATE OF CONTINUED OCCUPANCY"** does hereby pass its second and final reading and is hereby adopted and Notice of same be published according to law.

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

**NEW BUSINESS: CONSENT AGENDA RESOLUTIONS #186:10'2023 - #192:10'2023****Resolution #186:010'2023: Approval of Minutes Regular Meeting September 27, 2023**

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

At the regular meeting of the Alpine Mayor and Council held on October 25, 2023 to approve the Regular Meeting Minutes of September 27, 2023

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

**Resolution #187:010'2023: Approval of Minutes Executive Session Meeting September 27, 2023**

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

At the regular meeting of the Alpine Mayor and Council held on October 25, 2023 to approve the Executive Session Meeting Minutes of September 27, 2023

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

**Resolution #188:010'2023: Endorse Planning Board approval of Soil Moving Permit with Waivers – 8 Stone Tower Dr. B:21/L:12**

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

At this meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, October 25, 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 September 26, 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 October 24, 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 October 24, 2023.

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

**Resolution #189:010'2023: Amending Employee Handbook and Managerial/Supervisory Procedures Manual**

*These minutes have been approved by the Mayor & Council.*

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, October 25, 2023

**WHEREAS**, the Borough of Alpine in conjunction with the Municipal Excess Liability Joint Insurance Fund has developed an Employee Handbook and Managerial Supervisory Procedures Manual; and

**WHEREAS**, the Borough of Alpine is required to review and update these employment practices and policies manuals to ensure compliance with the JIF/MEL Plan of Risk Management, regulations and sound practices in regards to administration of the Borough, to better accommodate the actualities of the Borough workplace, and to remain eligible for certain Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund (JIF/MEL) premiums and deductible incentives; and

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

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Alpine hereby agrees to adopt the revised 2023 Employee Handbook and Managerial/Supervisory Procedures Manual as amended; and

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event that there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law, the terms and conditions of that contract shall prevail. In all other cases, the policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that the policies revised and included in the Employee Handbook and Managerial/Supervisory Procedures Manual shall be effective immediately from the adoption of this Resolution; and

**BE IT FURTHER RESOLVED** that copies of the revised Handbook and Manual will be produced and distributed to all current and future employees of the Borough of Alpine and copies maintained in the Municipal Clerk's office.

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

#### **Resolution #190:010'2023: To Affirm the Borough of Alpine's Civil Rights Policy**

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

At a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, October 25, 2023

**WHEREAS**, it is the policy of Borough of Alpine to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of the Borough of Alpine has determined that certain procedures need to be established to accomplish this policy.

**NOW, THEREFORE BE IT ADOPTED** by the Mayor and Council of the Borough of Alpine that:

**Section 1:** No official, employee, appointee or volunteer of the Borough of Alpine by whatever title known, or any entity that is in any way a part of the Borough of Alpine shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Alpine's business or using the facilities or property of the Borough of Alpine.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Alpine to provide services that otherwise could be performed by the Borough of Alpine.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Borough Council shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Borough Council shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Alpine, as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Borough Council shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Borough Clerk shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Alpine. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Alpine's web site, if applicable.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Borough of Alpine in order for the public to be made aware of this policy and the Borough of Alpine's commitment to the implementation and enforcement of this policy.

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

#### **Resolution #191:010'2023: Employment Office Assistant**

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

At this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, October 25, 2023 to confirm employment of Maria DiBiase as full-time Office Assistant at the starting salary of \$45,000 per year with benefits and conditions of employment per the current Employee Handbook with an effective start date of November 1, 2023.

**BE IT FURTHER RESOLVED,** the Municipal Clerk is hereby granted flexibility to schedule the Assistant's hours that may differ from the Employee Handbook provided the schedule meets the requirements of the office.

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

#### **Resolution #192:010'2023: Approval of Revised Municipal Clerk Stipend**

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

At the regular meeting of the Mayor and Council held on October 25, 2023

**WHEREAS,** an Office Assistant has been hired effective November 1, 2023 in the Office of the Municipal Clerk per resolution dated October 25, 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 resolution dated July 26, 2023 to compensate for her additional workload be revised and reduced effective November 1, 2023, to cover the Deputy Local Registrar position and balance of the Deputy Borough Clerk position as already provided for in the salary ordinance for these positions.

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

#### **End of Consent Agenda**

**COMMUNICATIONS: WRITTEN AND ORAL** None

#### **Resolution #193:010'2023: Executive Session**

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

At a regular meeting of the Mayor and Council of the Borough of Alpine, held on October 25, 2023

**WHEREAS,** the Mayor and Council of the Borough of Alpine is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

**WHEREAS,** the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

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*These minutes have been approved by the Mayor & Council.*

**WHEREAS**, it is necessary for the Mayor and Council of the Borough of Alpine to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b subsection designated below:

(b)(7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Affordable Housing

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpine, assembled in public session on June 28, 2023, that an Executive Session closed to the public shall be held for the discussion of matters relating to the specific items designated above; and

**BE IT FURTHER RESOLVED**, that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

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

The Mayor & Council entered into executive session at 7:44 PM, reconvening the public session at 8:08 PM.

**Resolution #194:010'2023: Authorizing The Execution of a Settlement Agreement Fair Share Housing Center**  
**OFFERED BY:** Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel

**WHEREAS**, on August 14, 2015, the Borough of Alpine ("Borough" or "Alpine") filed a Complaint in the matter captioned In the Matter of the Application of the Borough of Alpine, Docket No. BER-L-6286-15 ("DJ Litigation"), seeking a declaration from the New Jersey Superior Court that its Housing Element and Fair Share Plan ("HEFSP") and Zoning Ordinances are constitutionally compliant; and

**WHEREAS**, Fair Share Housing Center ("FSHC") has been designated as an interested party in the DJ Litigation pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"); and

**WHEREAS**, the Borough and FSHC have engaged in settlement negotiations and have come to an agreement resolving all of the differences between them with regard to the DJ Litigation including the satisfaction of the Borough's affordable housing obligation; and

**WHEREAS**, the terms and conditions of said agreement are set forth in a certain Settlement Agreement dated October 18, 2023; and

**WHEREAS**, the Alpine desires to resolve the issues between the Borough and FSHC with regard to the DJ Litigation as set forth in the Settlement Agreement.

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

1. All the terms and conditions of a certain Settlement Agreement by and between Fair Share Housing Center and the Borough dated October 18, 2023, be and the same are hereby approved, ratified and confirmed by the Borough subject to (i) a satisfactory reconciliation of the Borough's RDP of 32 with its compliance commitment of 34 credits; and (ii) a satisfactory clarification of any carry-forward obligation for affordable housing units and/or credits referenced in Paragraph 10 of said Settlement Agreement to satisfy the Borough's RDP of 32 and to satisfy the Borough's 12 family unit credit requirement, which may result from less than four accessory apartment units being created or in progress by July 1, 2025.

2. The Borough Mayor and the Borough Clerk are hereby authorized to execute said Settlement Agreement subsequent to the execution by FSHC and, together with other appropriate officers and employees of the Borough, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.

3. The Borough hereby authorizes and approves any non-substantive modifications to the Settlement Agreement as may be recommended and approved by the Borough Mayor, Borough Attorney, Borough Special Counsel, and Borough Planner in this Litigation prior to execution.

4. This Resolution shall take effect immediately.

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

**Resolution #195:010'2023: Authorizing The Execution of a Settlement Agreement in Certain Litigation**  
**Captioned *Sylco Investments #4, Llc Et Al V. Borough Of Alpine*, Docket No. Ber-L-0293-20**  
**OFFERED BY:** Councilman Kupferschmid **SECONDED BY:** Councilwoman Gerstein

**AUTHORIZING THE EXECUTION OF A SETTLEMENT  
AGREEMENT**

**WHEREAS**, the Borough of Alpine ("Borough" or "Alpine") is involved in litigation in the New Jersey Superior Court, captioned *Sylco Investments #4, LLC et al v. Borough of Alpine*, Docket No. BER-L-0293-20 ("Litigation"); and

**WHEREAS**, the parties have entered into discussions in an effort to resolve the Litigation by adopting a revised zoning ordinance to permit the development of a 40 unit townhouse development on the property commonly known as Block 55, Lots 26-30 on the Official Tax Map of the Borough of Alpine ("Property"), which will create a realistic opportunity for the construction of 8 affordable housing units; and

**WHEREAS**, the parties have arrived at form of settlement agreement dated October 25, 2023 containing all the terms and conditions thereof; and

**WHEREAS**, the Borough desires to resolve the issues by entering into the settlement agreement and approving its terms and conditions.

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

1. All the terms and conditions of a certain Settlement Agreement by and between the Borough and the developer entities consisting of F.E. Alpine, Inc.; Sylco Investments #4, LLC; Sylco Investments 854, LLC; 850 Closter Dock Road, LLC; 842 Closter Dock Road, LLC and Sylco Investments #5, LLC dated October 25 2023 be and the same are hereby approved, ratified, and confirmed by the Borough, subject to a revision of Exhibit A to the Settlement Agreement to reflect the signage standards recommended by the Borough's Planner, Joseph Burgis, PP, AICP, specifically, regarding the identification signs located on Closter Dock Road, having a maximum sign area of 24 square feet; a maximum height of signage letters of 10 inches; and a maximum height of signage of 42 inches, with the maximum wall height on which the signage shall be placed, inclusive of any ornamental features on the wall structure, being 6 feet.

2. The Borough Mayor and the Borough Clerk are hereby authorized to and directed to execute said Settlement Agreement with the revisions to Exhibit A noted above subsequent to the execution thereof by the developer entities and, together with other appropriate officers and employees of the Borough, are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.

3. The Borough hereby authorizes and approves any non-substantive modifications to the Settlement Agreement as may be recommended and approved by the Borough Mayor, Borough Attorney, Borough Special Counsel, and Borough Planner in this Litigation prior to execution.

4. This Resolution shall take effect immediately.

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

Councilman Cohen wished to thank Mayor Tomasko for his strong leadership throughout this issue. Council echoed and applauded. The Mayor was grateful for their support but noted has been a team effort.

**Communications:** DRAFT 2024 Annual Meeting Notice distributed for Council review.

#### **ADJOURNMENT**

Upon a motion by Councilman Cohen, seconded by Councilwoman Gerstein and approved by all this regular meeting of the Mayor and Council adjourned at 8:12 PM.

Respectfully submitted,

Stephanie Wehmann  
Municipal Clerk

#### **BOROUGH OF ALPINE ORDINANCE NO. 822**

#### **AN ORDINANCE BY THE BOROUGH OF ALPINE IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY AMENDING SECTION 220-18-C(2) OF THE ALPINE MUNICIPAL CODE ENTITLED "CERTIFICATE OF CONTINUED OCCUPANCY"**

**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 220-18 of 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 220-18 C(2) entitled "Certificate of Continued Occupancy" is hereby deleted in its entirety and replaced with the following:

2. New Alpine Municipal Code Section 220-18 C(2) entitled "Certificate of Continued Occupancy, Certificate of Non-Compliance"

- (2) Certificate of Continued Occupancy Resale requirements upon the transfer of ownership.
- (a) Certificate of Continued Occupancy Resale shall be required upon any transfer of ownership to an existing premises which is accompanied by a change in the occupancy of such premises.
- (b) The Certificate of Continued Occupancy Resale shall be evidence that a general inspection of the visible parts of the principal building, property or other structures on the property have been made and that there are no apparent visible violations of the Borough of Alpine ordinances, New Jersey Uniform Construction Code, the New Jersey Uniform Fire Code or other applicable, County, State or Federal Codes, Statutes or Regulations have been determined to have occurred and no unsafe conditions have been found.
- (c) An application for a Certificate of Continued Occupancy Resale required by this section shall be made in writing on forms provided by the Alpine Building Department. The application shall be submitted at least 20 business days prior to the proposed change of occupancy. Upon receiving the required completed application and fees the Code Official/Building Inspector shall inspect the property within 10 business days. In the event that the Code Official/Building Inspector declines to issue a certificate of occupancy resale, his/her reasons for doing so shall be stated in writing and a copy be given to the applicant. The applicant must request a reinspection once all violations have been corrected to the satisfaction of the Code Official/Building Inspector.
- (d) Application fee for a Certificate Continued of Occupancy Resale upon the transfer or change of ownership shall be based upon the amount of time remaining before the change of occupancy is expected as follows:
1. The fee for a certificate of continued occupancy resale upon the change of occupancy for a one family dwelling or commercial or industrial building are as follows:

10 or more days prior	\$400.00 residential	\$600.00 commercial or industrial
4 to 10 days prior	\$600.00 residential	\$800.00 commercial or industrial
4 days prior	\$800.00 residential	\$1,000.00 commercial or industrial
  2. The fee for a Re-Inspection is \$90.00 – for each reinspection request.
- (3) A Certificate of Non-Compliance shall be required for the transfer of ownership in the event that the principal building is to be demolished or when there are outstanding issues that need to be corrected and approval can only be obtaining after closing.
- (a) Procedure to obtain a Certificate of Non-Compliance - Request shall be made in writing on forms supplied by the Alpine Building Department. The application must be presented to the Code Official/Inspector. This form must be completed, signed by the Seller(s) and must be notarized. Also, required is a Letter of Understanding Regarding Application for Certificate of Non-Compliance. This form must be completed, signed by both the Seller(s) and Buyer(s) and must be notarized. Executed documents must be submitted to the Alpine Building Department. These



documents must be reviewed and approved by both the Borough Attorney and the Borough Engineer. Once approvals are received the Code Official/Inspector will issue a Certificate of Non-compliance for the transfer of ownership ONLY. Occupancy is prohibited until violations are corrected and a Certificate of Occupancy is obtained.

(b) The fee for a Certificate of Non-Compliance if \$400.00

(4) Failure to submit a completed application for a Certificate of Occupancy Resale or a Certificate of Non-Compliance upon the change of ownership to an existing premises shall result in the levying of a fine in the amount of \$1,000.00 against the owner of record of the property at the time that the change of occupancy or title occurred. Said owner(s) shall also be subject to a per diem charge of \$100.00 for each and every day that a completed application is not submitted starting from the day of discovery by the Alpine Building Department. This section will be enforced by the Code Official of the Borough of Alpine.

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: September 27, 2023

ADOPTION: October 25, 2023

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