

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, AUGUST 24, 2022 @ 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 Wednesday, August 24, 2022 at 7:30 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 Open Public Meetings Law the notice of this regular meeting of the Alpine Mayor and Council held on Wednesday, August 24, 2022 at 7:30 PM has met the requirements of the law by being published as part of the annual meeting notice in The Record, posted continuously on the bulletin board of the lobby of the Borough Hall and a copy filed in the office of the Borough Clerk.

ROLL CALL OF THE MAYOR AND COUNCIL OF 2022

Paul Tomasko, Mayor	Present	Vicki Frankel, Council President	Present
Gayle Gerstein, Councilwoman	Present	Scott Bosworth, Councilman	Present
Arthur Frankel, Councilman	Present	Steven Cohen, Councilman	Absent
David Kupferschmid, Councilman (Upon Oath)	Present		

Staff Present on Dais:

Borough Attorney Russ Huntington, Attorney Levi Kool of Huntington Bailey, Borough Engineer Perry Frenzel, Municipal Clerk Stephanie Wehmann

VACANCY ON THE COUNCIL: Resolution #135:08'2022: Appointment to Fill Vacancy on Council

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

At a regular meeting of the Alpine Mayor and Council on Wednesday, August 24, 2022

WHEREAS, Laurence Shadek was elected to the Alpine Borough Council serving as Council Person with a term expiring on December 31, 2023; and

WHEREAS, Laurence Shadek has faithfully served the Borough of Alpine as Councilman since 2015, which service has included terms as Chairperson of the Building and Administration Committees; Member of the Finance Committee and Liaison to the Board of Education; and

WHEREAS, Councilman Shadek, to our regret has submitted a letter of resignation effective July 22, 2022 thereto creating a vacancy on Council pursuant to N.J.S.A. 40A:16-3 f.; and

WHEREAS, Councilman Shadek was an incumbent of the Democratic Party and, as a result of his resignation, a vacancy on Council was declared; and

WHEREAS, pursuant to N.J.S.A. 40A:16-5(f) as the remaining term of the vacant Council Member's office has become vacant **prior to September 1 of the next to the last year of the term of the office, the office shall be filled for its unexpired term at the next general election to be held not less than sixty (60) days after the occurrence of the vacancy. The Governing Body may temporarily fill that position by appointment until that next general election using the same method set forth in N.J.S.A. 40A:16-5; and**

WHEREAS, the Municipal Chair of the Democratic Committee was notified of such vacancy and advised to submit the names of three nominees for the selection of a successor to temporarily fill the vacancy within 15 days of the vacancy; and

WHEREAS, the Municipal Chair submitted said three nominees: **Richard Glazer, David Kupferschmid, Jeffrey Fromm** to the governing body in accordance with N.J.S.A. 40A:16-11 for action within 30 days after the occurrence of the vacancy. However, the regularly scheduled meeting of the governing body for the month of August falls on August 24, 2022, 33 days after the vacancy; and

WHEREAS, N.J.S.A. 40A:16-11 provides that if the governing body fails to appoint one of the nominees within the time prescribed herein, the municipal committee that named the three nominees shall, within the next 15 days, appoint one of the nominees as the successor to fill the vacancy, and such person shall be sworn in immediately.

NOW, THEREFORE, BE IT RESOLVED, that **David Kupferschmid** be and hereby is appointed by the Municipal Democratic Committee to temporarily fill the vacancy of the seat previously held by Laurence Shadek, which term expires December 31, 2023.

BE IT FURTHER RESOLVED, as a matter of record that the Borough Council has evaluated said nominees and affirms the appointment of the Municipal Democratic Committee.

Vote: Ayes: Bosworth, A. Frankel, V. Frankel, Gerstein

Absent: Cohen

MOTION APPROVED

Oath of Office Mayor Tomasko swore in David Kupferschmid as Councilman.

Public Comments None.

REPORT OF THE FINANCE COMMITTEE

Connect One Bank Current Operating Account \$2,288,105.22

Resolution #136:08'2022: Return of Bonds and Escrow

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

At the regular meeting of the Alpine Mayor and Council held on Wednesday, August 24, 2022 to approve the following return of bonds and escrow:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
		Universal Television LLC	Film Permit	\$ 1,418.48
53	1	Ziotas, Konstantia	Engineering	\$ 1,112.00
39.01	13.03	Kim, Bill Cin	Septic Repair Escrow	\$ 382.00
40	5	Lin, Joan C.	Septic Repair Escrow	\$ 28.00
TOTAL:				\$ 2,940.48

Vote: Ayes: Bosworth, A. Frankel, V. Frankel, Gerstein, Kupferschmid **Absent:** Cohen **MOTION APPROVED**

These minutes have been approved by the Mayor & Council.

**Footnote: 10/20/2022 Reposted corrected minutes which inadvertently omitted approved consent agenda resolutions 145:08'2022 – 147:08:2022.*

Resolution #137:08'2022: Extension GRACE PERIOD FOR 3RD QUARTER 2022 TAX PAYMENTS**OFFERED BY:** Councilwoman Frankel**SECONDED BY:** Councilwoman Gerstein

At the regular meeting of the Alpine Mayor and Council held on Wednesday, August 24, 2022 to approve extending the grace period for 3rd Quarter 2022 tax payments:

WHEREAS, the Certified tax rate for 2022 was received from the Bergen County Tax Board on August 11, 2022, making it necessary to delay the mailing of tax bills for the 3rd & 4th quarters of 2022 and 1st & 2nd quarters of 2023;

WHEREAS, pursuant to N.J.S.A. 54:4-66 et seq., the Tax Collector must extend the due date to allow at least 25 days from the date of mailing tax bills, without interest being charged;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby approves the extension of the grace period for 3rd quarter 2022 tax payments to allow 25 days from the date of mailing, and that notice of same will be included with every original tax bill mailed or delivered via electronic transmission.

BE IT FURTHER RESOLVED that this approval be retroactive to August 16, 2022, on which date the tax bills were mailed.

Vote: Ayes: Bosworth, A. Frankel, V. Frankel, Gerstein, Kupferschmid **Absent:** Cohen **MOTION APPROVED**

Resolution #138:08'2022: Approval of Bills and Claims - \$88,458.50**OFFERED BY:** Councilwoman Frankel**SECONDED BY:** Councilwoman Gerstein

At the regular meeting of the Alpine Mayor and Council held on Wednesday, August 24, 2022 to approve the bills and claims of which copies are appended.

Vote: Ayes: Bosworth, A. Frankel, V. Frankel, Gerstein, Kupferschmid **Absent:** Cohen **MOTION APPROVED**

Resolution #139:08'2022: Group Affidavit for 2021 Audit**OFFERED BY:** Councilwoman Frankel**SECONDED BY:** Councilwoman Gerstein

At the regular meeting of the Alpine Mayor and Council held on Wednesday, August 24, 2022

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year **2021** has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: General Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: 'General Comments – Recommendations' as evidenced by the group affidavit form of the governing body attached hereto, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit: R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provision of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Alpine, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Vote: Ayes: Bosworth, A. Frankel, V. Frankel, Gerstein, Kupferschmid

Absent: Cohen

MOTION APPROVED

Resolution #140:08'2022: APPROVE THE CORRECTIVE ACTION PLAN IMPLEMENTED AS A RESULT OF THE 2021 MUNICIPAL AUDIT REPORT**OFFERED BY:** Councilwoman Frankel**SECONDED BY:** Councilwoman Gerstein

At a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, August 24, 2022

WHEREAS, the 2021 Annual Audit of the Borough of Alpine, conducted by Lerch, Vinci & Bliss, LLP contained certain recommendations requiring action; and

WHEREAS, these recommendations have been reviewed by the Certified Municipal Financial Officer; and

WHEREAS, the Certified Municipal Financial Officer, in accordance with the requirements promulgated by the New Jersey Division of Local Government Services, has developed a plan to address the recommendations listed by the auditors;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Alpine, that the Corrective Action Plan for the 2021 Annual Audit, hereto attached, is hereby approved and accepted; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the New Jersey Division of Local Government Services.

Vote: Ayes: Bosworth, A. Frankel, V. Frankel, Gerstein, Kupferschmid

Absent: Cohen

MOTION APPROVED

TAX ASSESSOR'S REPORT On file in the Borough Clerk's Office.

MAYOR'S REPORT

- Mayor Tomasko provided a direct replacement on the Planning Board vacancy and appointed George Abad. Asked to affirm appointment.

These minutes have been approved by the Mayor & Council.

**Footnote: 10/20/2022 Reposted corrected minutes which inadvertently omitted approved consent agenda resolutions 145:08'2022 – 147:08:2022.*

Resolution #141:08'2022: Planning Board Appointment**OFFERED BY:** Councilwoman Frankel**SECONDED BY:** Councilwoman Gerstein

At the regular meeting of the Alpine Mayor and Council held on Wednesday, August 24, 2022

WHEREAS, Planning Board Member Class IV, **David Kupferschmid** was appointed to fill a vacancy on the Council on August 24, 2022, thereby creating a vacancy on the Planning Board and Zoning Board of Adjustment; and

WHEREAS, the Mayor has appointed **George Abad, Jr.** as a **Class IV member of the Alpine Planning Board** to fill the vacancy for the unexpired portion of a four-year term ending December 31, 2023.

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

Vote: Ayes: Bosworth, A. Frankel, V. Frankel, Gerstein, Kupferschmid**Absent:** Cohen**MOTION APPROVED**

Mayor Tomasko communicated:

- On July 28, there was an audit exit conference and recommendation the auditor made was accepted. The auditor complimented the borough on the outstanding job; and praised Marilyn Hayward our CFO in particular.
- Alpine tax rate decreased slightly from .777 last year to .767 this year which will result in property taxes going down a little. This does not happen often or at all; and the borough is pleased to have taken a part on the municipal portion with other factors falling into place to make this possible.
- The state took over energy tax receipts which they were holding back. There has been a restoration of these tax receipts from the state and the borough got a little reprieve; which will add approximately \$20-21K to our revenue in the coming fiscal year.
- There was a pre-construction meeting on the 17th of this month regarding milling and resurfacing of borough streets. Alpine is in good shape to have those streets finished in more than enough time before school starts.

REPORT OF THE STANDING COMMITTEES**Administration Department** No report.

Building Department Mayor Tomasko reported there are 42 scheduled inspections, 8 tree permits, 4 soil moving applications, 4 zoning review applications, 3 miscellaneous; rest of the report on file in the Borough Clerk's office.

Department of Public Works Tomasko highlighted one item in the DPW report: pine mulch spread around Borough Hall was paid for by an anonymous donor and we are very appreciative of their generosity. Councilman Frankel stated rest of the report is on file in the Borough Clerk's office.

Fire Department Councilwoman Gerstein reported all statistics on file**Police Department** Councilwoman Frankel reported 36 summonses, 11 MVA with 8 injuries; report is on file.**Resolution #142:08'2022: Accepting the Reports of the Standing Committees****OFFERED BY:** Councilwoman V. Frankel**SECONDED BY:** Councilwoman Gerstein

At the regular meeting of the Alpine Mayor and Council held on Wednesday, August 24, 2022 to accept the reports of the Standing Committees.

Vote: Ayes: Bosworth, A. Frankel, V. Frankel, Gerstein, Kupferschmid**Absent:** Cohen**MOTION APPROVED****BOARD OF EDUCATION LIAISON'S REPORT**

Mayor Tomasko reported he is in contact with Superintendent Maureen McCann and that school is in recess and will begin normal operations after Labor Day.

BOROUGH ATTORNEY'S REPORT No public report.**BOROUGH ENGINEER'S REPORT**

- Documents for NJDOT municipal aid has been forwarded to AJM Contractors and as soon as we obtain signatures from them, pre-construction conference will be scheduled.
- 2022 Riverside program is underway. Milling and paving completed on Robin Lane ahead of schedule. Forest Street to be paved and completed tomorrow.

UNFINISHED BUSINESS: None.**NEW BUSINESS: CONSENT AGENDA RESOLUTIONS #143:08'2022 - #147:08'2022****Resolution #143:08'2022: Approval of Regular Meeting Minutes July 27, 2022****OFFERED BY:** Councilwoman Frankel**SECONDED BY:** Councilwoman Gerstein

At a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, August 24, 2022, to approve the Regular Meeting Minutes from July 27, 2022.

Vote: Ayes: Bosworth, A. Frankel, V. Frankel, Gerstein**Absent:** Cohen **Abstain:** Kupferschmid**MOTION APPROVED****Resolution #144:08'2022: Approval of Executive Session Minutes July 27, 2022****OFFERED BY:** Councilwoman Frankel**SECONDED BY:** Councilwoman Gerstein

At a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, August 24, 2022, to approve the Executive Session July 27, 2022.

Vote: Ayes: Bosworth, A. Frankel, V. Frankel, Gerstein**Absent:** Cohen **Abstain:** Kupferschmid**MOTION APPROVED****Resolution #145:08'2022: Authorization to Hire School Crossing Guard for 2022-2023 School Year****OFFERED BY:** Councilwoman Frankel**SECONDED BY:** Councilwoman Gerstein

At this meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 24, 2022

WHEREAS, the Borough of Alpine Police Department recommends hiring Henry Liegeois to fill the position of School Crossing Guard for the 2022-2023 school year subject to medical clearance; and

These minutes have been approved by the Mayor & Council.

**Footnote: 10/20/2022 Repeated corrected minutes which inadvertently omitted approved consent agenda resolutions 145:08'2022 – 147:08:2022.*

WHEREAS, it is understood by all parties that this position is considered seasonal, part time work at an hourly salary not to exceed what is provided for in the Salary Ordinance of the Borough of Alpine;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Alpine that **Henry Liegeois** is hired to perform the duties of School Crossing Guard for the Police Department at a rate per the Salary Ordinance for the 2022-2023 school year.

BE IT FURTHER RESOLVED that Crossing Guard(s) shall be given a copy of the Employee Handbook and requisite training as determined and provided for by the Alpine Police Department.

A copy of this resolution shall be provided to Mr. Liegeois, the Police Chief, the Treasurer and the Borough Clerk/Personnel Administrator.

Vote: Ayes: Bosworth, A. Frankel, V. Frankel, Gerstein, Kupferschmid

Absent: Cohen

MOTION APPROVED

Resolution #146:08'2022: Authorize Executive of Leaf Grinding Agreement Between Borough of Alpine, Borough of Cresskill and Organic Recycling, Inc.

OFFERED BY: Councilwoman Frankel

SECONDED BY: Councilwoman Gerstein

At this meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 24, 2022

WHEREAS, an Interlocal Agreement exists between the Borough of Alpine and the Borough of Cresskill regarding use of the Alpine Leaf Compost Facility which includes a provision to equally share payment of fees including the cost of a tub grinder; and

WHEREAS, the Borough of Alpine and the Borough of Cresskill are desirous of entering into an agreement with Organic Recycling, Inc. to provide tub grinding services; and

WHEREAS, for purposes of cost stabilization the term of this Agreement will be for five (5) years, beginning October 17, **2022** and ending October 16, **2027** with the rate per year as follows: 1st year \$17,500, 2nd year \$18,000, 3rd year \$18,500, 4th year \$19,000, 5th year \$19,500; and

WHEREAS, funds for this purpose have been provided for in the following account: 7-01-26-290-000 Streets & Roads Operating Account

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Alpine hereby authorize the Mayor to enter into a five-year agreement between the Borough of Alpine, the Borough of Cresskill and Organic Recycling, Inc. commencing October 17, 2022, and subject to provision of adequate funding in subsequent years and provision of the Chief Financial Officer's Certification of Availability of Funds.

BE IT FURTHER RESOLVED, the Borough of Cresskill will act as lead agency whereby billing the Borough of Alpine for fifty percent (50%) of the annual contract amount and remitting payment in full to Organic Recycling.

Vote: Ayes: Bosworth, A. Frankel, V. Frankel, Gerstein, Kupferschmid

Absent: Cohen

MOTION APPROVED

Resolution #147:08'2022: Board of Health Appointments

OFFERED BY: Councilwoman Frankel

SECONDED BY: Councilwoman Gerstein

At the regular meeting of the Alpine Mayor and Council held on Wednesday, August 24, 2022

WHEREAS, current Member of the Board of Health, **Anthony Inguaggiato, Sr.** has expressed a desire to resign as full member of the Board, but wishes and is willing to remain on the Board as an alternate; and

WHEREAS, the Mayor has appointed **Dr. Jack Boghossian** as **member** of the Alpine Board of Health for the unexpired portion of a four-year term ending December 31, 2022.

WHEREAS, the Mayor has appointed **Anthony Inguaggiato, Sr. as Alternate Member I** of the Alpine Board of Health for the unexpired portion of a two-year term ending December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Alpine affirms these appointments

Vote: Ayes: Bosworth, A. Frankel, V. Frankel, Gerstein, Kupferschmid

Absent: Cohen

MOTION APPROVED

Resolution #148:08'2022: Executive Session: Matter Relating to Litigation, Negotiation and Attorney Client Privilege – Affordable Housing

OFFERED BY: Councilwoman Frankel

SECONDED BY: Councilwoman Gerstein

At a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, August 24, 2022, to

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

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 Wednesday, August 24, 2022, 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: Bosworth, A. Frankel, V. Frankel, Gerstein, Kupferschmid

Absent: Cohen

MOTION APPROVED

COMMUNICATIONS - WRITTEN AND ORAL None.

The Borough Attorney proceeded into a brief Executive Session with consensus of Council. Mayor and Council convened the Executive Session at 7:44 PM, and reconvened in public session at 9:00 PM.

These minutes have been approved by the Mayor & Council.

**Footnote: 10/20/2022 Repeated corrected minutes which inadvertently omitted approved consent agenda resolutions 145:08'2022 – 147:08:2022.*

ADJOURNMENT

OFFERED BY: Councilwoman Frankel
and approved by all present to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, August 24, 2022 at 9:00 P.M.

Vote: Ayes: Bosworth, A. Frankel, V. Frankel, Gerstein

Absent: Cohen

SECONDED BY: Councilwoman Gerstein

MOTION APPROVED

Respectfully submitted,

Stephanie Wehmann
Municipal Clerk

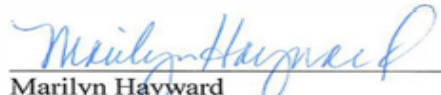
August 24, 2022

CORRECTIVE ACTION PLAN

Borough of Alpine, Bergen County
Audit Date: July 28, 2022 for year-end December 31, 2021

Finding #1

1. **Description:** It is recommended that greater care be taken when calculating employee health benefit contributions.
2. **Analysis:** The audit of employee health benefit contributions revealed that contribution amounts for two employees were not updated for current year salary amounts. Those contribution amounts were calculated using an outdated Percentage of Premiums Contributions Calculator on the State of New Jersey, Division of Pensions & Benefits website.
3. **Corrective Action:** The State Pension & Benefit website will no longer be utilized to calculate contributions. Current year employee health benefit contributions have been calculated manually and re-checked for accuracy.
4. **Implementation Date:** August 2022


 Marilyn Hayward
 Chief Financial Officer
 BOROUGH OF ALPINE

These minutes have been approved by the Mayor & Council.

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