

**ALPINE MAYOR AND COUNCIL
SINE DIE MEETING**

Thursday, January 3, 2013 9:00 a.m. at Borough Hall

CALL TO ORDER/ PUBLIC ANNOUNCEMENT / PLEDGE OF ALLEGIANCE

The Mayor and Council, Borough of Alpine, convened for this Sine Die Meeting on Thursday, January 3, 2013 at 9:00 a.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 Sine Die meeting held Thursday, January 3, 2013 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 OF THE MAYOR AND COUNCIL

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

Also Present on the Dais: Borough Clerk Gail Warming-Tanno, Borough Attorney Russell Huntington, Borough Engineer Gary Vander Veer,

UNFINISHED BUSINESS - None

NEW BUSINESS by Consent Agenda

FINANCE REPORT Bank of America Current Operating Account \$2,573,595.97.
The 2012 percentage of tax collections was 98.83%

Resolution #215:1'2013SD Authorizing the Payment of Bills and Claims

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

at the Sine Die meeting of the Mayor and Council of the Borough of Alpine held on Thursday, January 3, 2013 to approve the bills and claims, a copy of which are appended.

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

MOTION CARRIED

Resolution #216:1'2013SD Alpine Fire Dept 2012 LOSAP

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

at the Sine Die meeting of the Mayor and Council of the Borough of Alpine held on Thursday, January 3, 2013.

WHEREAS, the Borough of Alpine has established of a Length of Service Award Program (LOSAP) for Alpine Fire Department and has approved an Interlocal Agreement with the Borough of Closter, and

WHEREAS, the Borough of Alpine has received a certification from the Alpine Fire Department of the annual list for the year 2013 commencing January 1, 2013 and ending December 31, 2013 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 2011 reporting year:

Scott Bosworth

Chris Elarde

David Farshadfar

John Halbreich

Charles Hoffmann

Richard Incontro

Doug Isley

Anthony Khorozian

Derek Khorosian

Kyle Khorozian

Rich Marty

Chris Pesce

Frank Rickenbaugh

H. Josh Schneeweiss

Harold Shaw III

John Veras

Ralph Wehmann

Gregory Zaremba

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: Frankel, Gerstein, Merians, Ornstein **Absent:** Cacouris, Garjian

MOTION CARRIED

Resolution #216:1'2012SD: Proposed Water Quality Management Plan Amendment

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

at the Sine Die meeting of the Mayor and Council of the Borough of Alpine held on Thursday, January 3, 2013.

WHEREAS, Alpine Three, LLC sought an amendment ("WMP Amendment") to the Bergen County Utilities Authority Wastewater Management Plan, which is part of the Northeast Water Quality Management Plan, to provide sanitary sewer service for seven (7) proposed residential townhouse units to be located on the property known and designated as Block 43, Lots 6.01, 6.02 and 6.03 according to Alpine Borough's tax and assessment maps;

WHEREAS, by Stipulation of Settlement ("Stipulation") in the matter of Alpine Three, LLC v. New Jersey Department of Environmental Protection, OAL Dkt. No. ELUWM 13600-2008N, filed in the New Jersey Office of Administrative Law, fully executed on September 21, 2012 by the New Jersey Department of Environmental Protection ("DEP"), the NJDEP set forth a process whereby the NJDEP would consider the WMP Amendment and set forth several conditions that would need to be satisfied for the WMP Amendment to be approved;

WHEREAS, by letter dated December 6, 2012, counsel for Alpine Three, LLC requested that the governing body of the Borough of Alpine consent to the WMP Amendment but did not provide any evidence that Alpine Three, LLC has complied with the conditions imposed by the Stipulation;

WHEREAS, as a result of Alpine Three, LLC's failure to provide any evidence of satisfaction with the conditions imposed by the Stipulation, Borough Council of the Borough of Alpine can not consent to the WMP Amendment as requested by Alpine Three, LLC;

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of January 2013, by the governing body of the Borough of Alpine that:

1. The Borough of Alpine does not consent to the WMP Amendment for the following reasons:
 - a. Alpine Three, LLC has not established that there has been a municipal approval of Alpine Three, LLC's stormwater design and calculations pursuant to the current standards set forth in N.J.A.C. 7:8 as required by the Stipulation.
 - b. Alpine Three, LLC has not established that there is a deed restriction preventing any future connection to the force main and sewer line as required by the Stipulation.

- c. Alpine Three, LLC has not established that it has title or can acquire title to the real property where the proposed sewer line will run throughout the Borough of Alpine.
 - d. The Borough of Alpine is unable to fully assess the impact to the borough and the community, because Alpine Three, LLC has not obtained final site plan approval and currently has an application for preliminary and final site plan approval pending before the Borough of Alpine Planning Board, which seeks modifications to the previously approved development, including the location of the proposed sewer lines.
 - e. No Developer's Agreement has been executed between Alpine Three, LLC and the Borough of Alpine regarding the proposed development, including the obligation for the proposed development to establish a perpetual fund for the purposes of maintaining and replacing the proposed sanitary sewer system.
2. The Borough of Alpine expressly requests that the NJDEP consider the following when evaluating the merits of providing sanitary sewers to the development of the Property:
- a. The Borough of Alpine has traditionally not permitted sanitary sewers within its borders, except for a limited portion of land located near sanitary sewerage systems located in neighboring municipalities. The Borough of Alpine is concerned that permitting this proposal may open other portions of Alpine to be serviced by sanitary sewers, which will increase the intensity of development in the community and alter the established character of the community.
 - b. The Borough of Alpine is concerned about the technical feasibility and reliability of a small, long force main winding its way through the municipality. The Borough of Alpine requests that the NJDEP assure the Borough of Alpine that the sewer line will operate as intended and that the NJDEP will require any necessary improvements and procedures to ensure that it does. For instance, should a duplicate, dry line be installed as a back-up in case the sewerage line fails? The Borough of Alpine's position has been clear – it will not accept the responsibility, financial or otherwise, for the maintenance and/or repair of the sanitary sewerage line. The NJDEP must ensure that the proposed sanitary sewerage system will operate as intended.
3. The Borough of Alpine notes that Alpine Three, LLC has consistently refused to copy the Borough of Alpine or its consultants on documents submitted to the NJDEP regarding the WMP Amendment, despite Alpine Three, LLC's knowledge of the importance of this issue to the Borough of Alpine. The Borough of Alpine requests that the NJDEP contemporaneously provide the Borough of Alpine with information concerning this WMP Amendment.
4. The Borough of Alpine authorizes that this Resolution be sent to the NJDEP, the BCUA, Bergen County and the attorney for Alpine Three, LLC, and the Borough of Alpine authorizes its attorneys and engineers to communicate with each of the foregoing regarding this matter.

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

MOTION CARRIED

Resolution #217:1'2012SD: Resolution Supporting Assembly Bill A-2753 Requiring Direct Payment Of Energy Taxes To Municipal Government

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

at the Sine Die meeting of the Mayor and Council of the Borough of Alpine held on Thursday, January 3, 2013.

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

WHEREAS, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State officials have diverted funding from Energy Taxes to plug holes in the State budget and to fund State programs; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

WHEREAS, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has contributed to higher municipal property taxes; and

WHEREAS, A-2753, sponsored by Assemblymen Daniel Benson and Wayne DeAngelo, and S-1923, sponsored by Senator Linda Greenstein, would restore the \$331 million in municipal property tax relief funding, ensure that each municipality will be restored to the 2007 (SFY 2008) Energy Tax Receipts/CMPTRA level and adjust that amount to account for inflation.; and

WHEREAS, the bills would require certain energy tax receipts to be paid directly to municipalities and, thereby, would assure local property taxpayers compensation for hosting transmission facilities and lines that allow gas and electric energy corporations to serve customers and conduct business in our Garden State; and

WHEREAS, the time has come to restore to local budgets the millions in property tax relief that have been annually diverted to meet State needs; now therefore be it

RESOLVED, that the Mayor and Council of the Borough of Alpine salutes the sponsors for listening to the Mayors in their districts and all around New Jersey and for advancing this legislation; and

BE IT FURTHER RESOLVED, that we enthusiastically support and urge our State Legislators to pass A-2753/S-1923; and

BE IT FINALLY RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, New Jersey Senate President Steve Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Sheila Oliver, New Jersey Assembly Republican Leader Jon Bramnick, our State Senator Loretta Weinberg, our Assemblypersons Valerie Vaneiri-Huttle and Gordon M. Johnson, and to the New Jersey League of Municipalities.

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

MOTION CARRIED

COMMUNICATIONS: WRITTEN AND ORAL None

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

and approved by all those eligible to vote, the Sine Die meeting of the Mayor and Council held on Thursday, January 3, 2013 adjourned at 9:03 a.m. **MOTION CARRIED**

Respectfully submitted

Gail Warming-Tanno. Borough Clerk