

**ALPINE MAYOR AND COUNCIL  
REGULAR MEETING  
Wednesday, January 23, 2013 @ 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, January 23, 2013 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 New Jersey Open Public Meetings Law, the notice of this Regular Meeting held Wednesday, January 23, 2013 has met the requirements of the law by being published in The Record as part of the Annual Notice, posted on the bulletin board of the lobby in the Borough Hall and a copy filed in the office of the Borough Clerk. This meeting was recorded in its entirety.*

**OATHS OF OFFICE**

**Mayor Tomasko** administered the oath of office to **Michael Cacouris** for a three year term as Councilman expiring December 31, 2015.

**Fire Department** Attorney Huntington along with Fire Commissioner Gayle Gerstein administered the oaths of office to The Alpine Line Officers for 2013:

<b>CHIEF:</b>	<b>John Veras</b>
<b>ASSISTANT CHIEF:</b>	<b>Scott Bosworth</b>
<b>CAPTAIN:</b>	<b>Kyle Khorosian</b>
<b>1<sup>st</sup> LIEUTENANT</b>	<b>David Farshadfar</b>
<b>2<sup>nd</sup> LIEUTENANT</b>	<b>Chris Elarde</b>

Mayor Tomasko thanked the men for attending and expressed appreciation for all they do for the town.

**ROLL CALL**

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

**Staff Present on Dais:** Borough Clerk Gail Warming-Tanno, Borough Engineer Gary Vander Veer  
Borough Attorney Russ Huntington

**PUBLIC COMMENTS** Councilman Cacouris thanked Gail Warming-Tanno and Marilyn Hayward for preparing the budgets for the Borough in an efficient and easy to understand format.

Mayor Tomasko welcomed Acing Chief Belcolle and thanked him for attending.

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

**Bank Of America Current Operating Acct**

**\$2,792,088.00**

**Resolution #027:1'2013 Transfer of 2012 Budget Reserve Appropriations (#1)**

**OFFERED BY:** Councilman Cacouris **SECONDED BY:** Councilwoman Gerstein  
at the regular meeting of the Alpine Mayor and Council held on Wednesday, January 23, 2013

**WHEREAS**, N.J.S.A 40A-59 Permits transfers of appropriation reserves from the preceding year to be made during the first three months of the following fiscal year. This section reads as follows:

- a. If during the first three months of any fiscal year, the amount of any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during said preceding year which were chargeable to said appropriation, and there shall be an excess in any appropriation reserves over and above the amount deemed to be necessary to fulfill its purpose, the governing body may, by resolution adopt by not less than a 2/3 vote of the full membership thereof, transfer the amount of such excess to any appropriation reserve or an appropriation in the prior budget deemed to be insufficient to fulfill its purpose of for which no reserve was provided.

**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 2012 Budget Reserve Appropriations in accordance with N.J.S.A. 40A: 4-59.

		<u>FROM</u>	<u>TO</u>
Legal O/E	2-01-20-155-020	\$ 1,144.63	
Hydrants	2-01-25-265-038		\$ 624.23
Auditor's Fees	2-01-20-135-020	_____	<u>\$ 520.00</u>
		<b>\$ 1,144.63</b>	<b>\$ 1,144.63</b>

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

**Resolution #028: 1'2013: Approval of Bills and Claims**

**OFFERED BY:** Councilman Cacouris **SECONDED BY:** Councilwoman Gerstein  
at the regular meeting of the Alpine Mayor and Council held on Wednesday, January 23, 2013 to approve the bills and claims, a copy of which are appended.

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

**Resolution #029:1'2013 Change Order No. 1 & Final 2012 Road Improvement Program**

**OFFERED BY:** Councilman Cacouris **SECONDED BY:** Councilwoman Gerstein  
at the regular meeting of the Alpine Mayor and Council held on Wednesday, January 23, 2013

**WHEREAS**, AJM Contractors, Inc. ("Contractors") entered into a contract with the Borough of Alpine in regards to the **2012 Road Improvement Program**; and

**WHEREAS**, the Borough Engineer has submitted Change Order No. 1 & Final which accurately reflects the changes in the unit costs and original work required, as noted in Change Order No. 1 & Final attached; and

**WHEREAS**, based upon the as-built and an inspection the Borough Engineer requests a net decrease in the original contract amount of \$149,319.00 to an adjusted amount of \$146,995.53 and

**WHEREAS**, funds for said purpose are available within Capital Bond Ordinance 730,  
**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Alpine that Change Order No. 1 & Final for the **2012 Road Improvement Program**; decreasing the total amount of the contract to AJM Contractors, Inc. by \$2,323.47 which decreases the overall contract price from \$149,319.00 to \$146,995.53 is hereby approved; said approval shall be retroactive to the date of performance of the work, and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Borough Engineer.

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

**MOTION CARRIED**

**2012 Road Improvement Program**

Project: 2012 Road Improvement Program  
 Municipality: Alpine  
 County: BERKSHIRE  
 Contractor: AJM CONTRACTORS, INC.

Item No.	Description	Quantity	Unit	Amount
1	HMA Milling, 3" in base	727 sq yd	\$ 3.35	-2435.95
2	HMA 12.5%66 Surface Course	54.27 tons	72.30	-4022.81
3	Crack Filler (Type II) (100)		279.00	1,800.00
4	Concrete Curb	121.64	38.00	4,622.00
5	Traffic Markings, Thermoplastic	8 sq ft	8.00	64.00
6	Trade Surges, 6'x2' Hx 2' Deep	1	1.25	1.25
7	Rest 4"			
8	Fast Price Adjustment	L.R.	500.00	-500.00
9	Applied Price Adjustment	L.R.	1,700.00	-1,700.00
<b>Total Change</b>				<b>-\$2,323.47</b>

Amount of Original Contract: \$149,319.00  
 Amount of Change: -\$2,323.47  
 Revised Contract Price: \$146,995.53

**2012 ROAD IMPROVEMENT PROGRAM**

**CHANGE ORDER NO. 1 & FINAL**

Item No.	Description	Quantity	Unit	Amount
1.	HMA Milling, 3" in base	727 sq yd	\$ 3.35	-2435.95
2.	HMA 12.5%66 Surface Course	54.27 tons	72.30	-4022.81
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7.	Rest 4"			
8.	Fast Price Adjustment	L.R.	500.00	-500.00
9.	Applied Price Adjustment	L.R.	1,700.00	-1,700.00
<b>Total Change</b>				<b>-\$2,323.47</b>

**Resolution #030:1'2013 Return of Bonds and Escrow**

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, January 23, 2013 to approve the return of the following bonds and escrow subject to review and approval by the Borough Engineer.

<u>Name</u>	<u>Block/Lot</u>	<u>Type</u>	<u>Amount</u>
Fazeli, Harry	39.01/12.12	Pedestrian Easement	\$392.75
Linker, David & Sheri	23/4	Re-vegetation Bond	\$3,000.00
		Performance Bond	\$12,500.00
		Tree Bond	\$6,000.00
		Escrow	\$255.50
<b>Total</b>			<b>\$21,755.50</b>

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

**MOTION CARRIED**

**Tax Assessor's Report.** Report on file in the Borough Clerk's Office.

**MAYOR'S REPORT** The Mayor reported on the following:

- Every year the Joint Insurance Fund offers Public Officials and Employment Practice Liability Cost training classes for elected officials. The Borough receives a \$250 liability premium discount per attendee. The Mayor completed training given by David Grubb, Executive Director of the Municipal Joint Insurance Fund that was conducted in Harrington Park on January 21<sup>st</sup>. This seminar was very well done and worth the time. There was one tonight in Closter and additional offerings include February 11 in Woodcliffe Lake and March 4 in Demarest at 7 PM. The Mayor encouraged at least one additional Council member to attend the Demarest session in March.
- In regard to the Borough's resolutions requesting more of the Energy Receipt taxes be remitted back to municipalities, Assemblyman Gordon Johnson has responded with his full support.
- Alpine has been a member of The Riverside Cooperative for many years now. The Coop has saved the Borough a lot of money. Of the 18 towns in the Coop two, Alpine and the host town of Haworth, had perfect attendance for the 2012 meetings. Our engineer will be meeting with the Coop engineers regarding the 2012 Road resurfacing although we do not know if we will fund the program this year.
- Receipt of annual notice from B.C. Tax Board on what Alpine would have received in taxes if the Palisades Interstate Parkway Commission land was not tax exempt: \$3,631,192.32.

**REPORTS OF THE STANDING COMMITTEES**

**Administration Department** No report

**Building Department** Councilman Halbreich read the report's main statistics.

Highlights:40 inspections 1 fence permit, 3 tree permits, 1 soil moving application, 7 zoning review applications, and 1 sign permit.

**Department of Public Works** Councilman Cacouris read the report on file. Highlights: Light snowstorms 12/24, 26, 29 and 1/16. FEMA report filed for Superstorm Sandy and Temporary Debris Staging Area to be cleared by month's end. Mayor Tomasko noted Ralph Wehmann is also Safety Officer and due to his efforts and that of the Borough employees there have been no lost days in about three years.

**Fire Department** Report is on file at the Fire Department.

**Police Department** Report is on file. The Mayor noted that this may be the only regularly scheduled Mayor and Council meeting that Police Commissioner Frankel has ever missed.

**Resolution #031:1'2013: Accepting the Reports of the Standing Committees**

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, January 23, 2013 to accept the reports of the Standing Committees.

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

**MOTION CARRIED**

**BOARD OF EDUCATION LIAISON'S REPORT**

No report.

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

**BOROUGH ENGINEER'S REPORT** Engineer Vander Veer advised 2012 Road and Drainage Improvements have been completed.

**UNFINISHED BUSINESS** None

**NEW BUSINESS**

**CONSENT AGENDA RESOLUTIONS** Resolutions #032:1'2013 - #039:1'2013

**1. Approval of Minutes**

**a. Resolution #032:1'2013:Regular Meeting December 19, 2012**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 23, 2013 to approve the minutes of the Regular Meeting of December 19, 2012.

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

**MOTION CARRIED**

**b. Resolution #033:1'2013:Sine Die Meeting of January 3, 2013**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 23, 2013 to approve the minutes of the Sine Die Meeting January 3, 2013.

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

**MOTION CARRIED**

**c. Resolution #034:1'2013:Reorganization Meeting of January 3, 2013**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 23, 2013 to approve the minutes of the Reorganization Meeting January 3, 2013.

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

**MOTION CARRIED**

**2. Resolution #035:1'2013: Authorization to Apply for Tonnage Grants**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 23, 2013;

**WHEREAS**, the Mandatory Source Separation and Recycling Act., P.L. 1987. C. 102., has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records or materials collected and claimed by the municipality; and

**WHEREAS**, a Resolution authorizing the Borough of Alpine to apply for such tonnage grants for calendar year 2012 will memorialize the commitment of the Borough of Alpine to

recycling and to indicate the assent of the Mayor and Council of the Borough of Alpine to the efforts undertaken by the Borough and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a Resolution should designate the individual authorized to ensure the applications is properly completed and timely filed,

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpine that the Borough of Alpine hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Ralph Wehmann to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED**, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

**MOTION CARRIED**

**3. Resolution#036:1'2013: Authorizing 2013 Combined Shared Services Contract with Bergen County Department of Health Services (Includes Bloodborne Pathogen Compliance Training, Animal Control Services, and Public Health Services)**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 23, 2013

**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.*; as provided for in the contract and summarized as follows:

- 1) Public Health Services Infrastructure Administration pursuant to N.J.A.C. 8:52 including Direct Nursing Services for the Communicable Disease Reportable Surveillance System and Immunization Audits at a cost not to exceed \$7,881.00
- 2) Bloodborne Pathogens Training Coordination pursuant to N.J.S.A. 40A:60-1 *et seq.* and in compliance with P.E.O.S.H.A. as follows: Exposure Control Plan Development; Policies and Procedures; Training Programs; and Record/Report Generation and Retention and billing support documentation at a cost not to exceed \$2,600.00 for training plus \$288 for purchase of vaccine as needed under State Contract based on \$48.00 per vaccination.
- 3) Animal Control Services pursuant to N.J.A.C. Title 8 – Chapter 52:4.3 and the rabies statutes [NJSA], Chapter 19, Article 3 and Chapter 23A Facility Operations and N.J.A.C. 8:23A Veterinary Public Health at a cost not to exceed \$2,311.25.
- 4)

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

- 1. That Gail Warming-Tanno, Borough Clerk and/or the Mayor are hereby authorized and directed to execute an agreement with the Bergen County Department of Health Services to perform the public health services of a professional nature which services and costs are outlined above
- 2. This contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(2); and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer has certified, in accordance with N.J.A.C. 5:30 14.5 that sufficient legally appropriated funds will be available for this purpose subject to appropriation of funds in the 2013 adopted budget.

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

**MOTION CARRIED**

**4. Resolution #037:1'2013 Authorizing Contract for 2013 Child Health Care Conference**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 23, 2013

**WHEREAS**, there exists a need for the Borough of Alpine Health Department to provide Child Health Conference services in compliance with the New Jersey State Department of Health and Senior Services guidelines

**WHEREAS**, the Hillsdale Board of Health can provide duly qualified personnel to carry out these child health services; and

**WHEREAS**, the Hillsdale Board of Health has agreed to provide child health services through a contract agreement with the Borough of Alpine Health Department for the Calendar year 2013, for a cost not to exceed \$100 and

**WHEREAS**, any additional costs of the services, \$30 for each visit, will be paid for from fees charged to the recipients, and

**WHEREAS**, it has been certified that this meets the statutes and regulations concerning the award of said contract:

1. **NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Alpine that Gail Warming-Tanno, Borough Clerk and/or the Mayor are hereby authorized and directed to execute an agreement with the Hillsdale Board of Health to perform child health services as outlined in the contract.

2. This contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(2); and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer has certified, in accordance with N.J.A.C. 5:30 14.5 that sufficient legally appropriated funds will be available for this purpose subject to appropriation of funds in the 2012 temporary and/or adopted budget.

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

**MOTION CARRIED**

**5. Resolution #038:1'2013: Permission to Use Church Street Field - Tenafly /Alpine Soccer**

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 23, 2013 to approve the request by the Tenafly Soccer for Use of the Borough (Church Street) field for

- weekday afternoons between 3:30 pm and 5:50 pm beginning March 11, 2013 through June 20, 2013
- during spring school break April 8 through April 12 from 8:30 am – 4:30 pm

Such use is also subject to the Borough's Risk Management Policies for Use of Facilities, including but not limited to provision of a Certificate of Insurance listing the Borough as additional insured.

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

**MOTION CARRIED**

**6. Resolution #039:1'2013: Permission to Use Church Street Field - Tenafly /Alpine Little League**

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 23, 2013 to approve the request by the Tenafly Lions Little League, Inc. for Use of the Borough (Church Street) field for

- weekday afternoons between 6:00 pm and dark beginning March 1, 2013 through July 30, 2013
- weekends (Sat & Sun) between 8:00 am and dark beginning March 1, 2013 through July 30, 2013
- weekday afternoons between 6:00 pm and dark beginning September 1, 2013 through October 30, 2013.

Such use is also subject to the Borough's Risk Management Policies for Use of Facilities, including but not limited to provision of a Certificate of Insurance listing the Borough as additional insured.

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

**MOTION CARRIED**

**End of Consent Agenda Resolutions**

**Resolution #040:1'2013: Fire Department Interborough Mutual Aid**

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

**WHEREAS**, the undersigned municipalities, its fire departments and respective fire companies have entered into a mutual aid and assistance program pursuant to and required by law as set forth in N.J.A.C. 5:7A-2.2; and

**WHEREAS**, this agreement is and shall be by and between the following boroughs, towns, municipalities, fire departments and fire companies and the parties who agree to be bound thereby:

Alpine	Dumont	Norwood
Bergenfield	Harrington Park	Old Tappan
Closter	Haworth	Rockleigh
Cresskill	New Milford	Tenafly
Demarest	Northvale	

**WHEREAS**, the Borough of Alpine wishes to continue to participate in said program

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpine hereby affirm their intent to continue as participants in the Interboro Mutual Aid Group Agreement, the details of which are in the possession of the respective Fire Chief of the Fire Departments included in the Interboro Mutual Aid and as detailed by resolution of the Alpine Mayor and Council dated January 23, 2013;

**BE IT FURTHER RESOLVED**, that copy of this Resolution be forwarded to the Mayor and Council of the aforementioned municipalities.

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

**MOTION CARRIED**

**Resolution #040:1'2013: Fence Encroachment in Boro Right-Of-Way Block 79.02 Lot 2**

**Discussion:** Attorney Huntington suggested the process may need to be formalized in a recordable format for the protection of all parties.

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 23, 2013 to authorize a License Agreement between the Borough of Alpine and David Kupferschmid to permit that portion of a fence they installed which has been found to slightly encroach into the Borough Right of Way on their property located at Block 79.02 Lot 2 known as 6 Cassandra Drive, Alpine, New Jersey to remain subject to the conditions as outlined in the agreement, a signed and recorded copy of which will be appended to these minutes.

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

**MOTION CARRIED**

**COMMUNICATIONS: WRITTEN AND ORAL**

Mayor Tomasko read a note from former Police Chief Jerry Beckmann thanking them for the beautiful plaque and wonderful send off. "Alpine was my home away from home. Best regards for 2013."

**ADJOURNMENT**

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

and approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday January 23, 2013 at 7:51 P.M.

Respectfully submitted,

Gail Warming-Tanno, Municipal Clerk

LICENSE AGREEMENT

Between

Borough of Alpine  
And  
David Kupferschmid

WHEREAS, David Kupferschmid is the sole owner of Lot 2 Block 79.02, commonly known as 4 Cassandra Drive, Alpine, New Jersey; and

WHEREAS, Mr. Kupferschmid has caused a fence to be installed on his property described above but upon a portion thereof where the Borough holds a Right Of Way as shown on the survey annexed; and

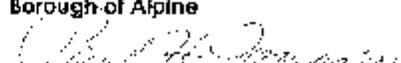
WHEREAS, Mr. Kupferschmid has petitioned the Mayor and Council for permission to keep the fence at its present location upon lot 2 Block 79.02 as shown on the Tax Map of the Borough of Alpine, Bergen County;

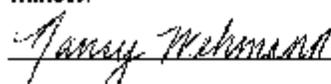
NOW, THEREFORE, IT IS AGREED as follows:

1. The Borough shall permit the fence to remain subject to terms hereat.
2. This agreement shall be binding on Mr. Kupferschmid and his heirs, successors and assigns and shall be recorded in the Bergen County Clerk's Office.
3. Mr. Kupferschmid shall indemnify and hold the Borough harmless from any and all claims and costs arising out of the existence of the fence or of the enforcement of this Agreement; and
4. Mr. Kupferschmid agrees to keep the fence in good repair and to remove it within thirty (30) days should the Borough, by Resolution, ever request that they do so.
5. Mr. Kupferschmid agrees that, should he need to remove the fence in the course of repairing it, he shall at that time move any newly constructed fence so that it complies.
6. Mr. Kupferschmid shall hold the Borough harmless from any claims concerning the fence including damage to the fence should the Borough ever need to enter its easement and perform work there upon.

Dated: Feb. 11, 2013

Witness:  
  
BY: Gail Warming-Tanno, Borough Clerk

Borough of Alpine  
  
BY: Paul H. Tomasko, Mayor

Witness:  


David Kupferschmid  
