

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, May 22, 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, May 22, 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, May 22, 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.

ROLL CALL

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

Staff Present on Dais: Deputy Borough Clerk Nancy Wehmann, Borough Engineer Gary Vander Veer, Borough Attorney Russ Huntington

PUBLIC COMMENTS No public comments.

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

Bank Of America Current Operating Acct \$2,770,412.09

Resolution #093: 5'2013: Approval of Bills and Claims

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Wednesday,
May 22, 2013 to approve the bills and claims, a copy of which are appended.

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

MOTION CARRIED

TAX ASSESSOR's REPORT Two month report on file

MAYOR'S REPORT The Mayor reported on the following:

- Memorial Day. All invited Monday, May 27, 2013. The Mayor described the day's events and distributed the program which includes the names of residents who served and highlighting those who gave their lives in service to their country. He thanked his fellow Memorial Day Committee (Councilwomen Frankel and Gerstein), DPW Superintendent Ralph Wehmann for his setup work to date and Deputy Borough Clerk Wehmann for her help with the program.
- Richard Kurtz, Alpine resident, was given the Legacy Award by Englewood Hospital Medical Center. He noted Councilwoman Gerstein sits on the EHMC Board.
- Pascack Valley Hospital will reopen as a full service facility at month's end.
- The town has received two grants. Mayor Tomasko thanked DPW Superintendent Wehmann for his work on the Clean Communities grant increased from last year and noted Borough Engineer Vander Veer will report on the NJDOT grant in his report.

REPORTS OF THE STANDING COMMITTEES

Administration Department No report.

Building Department Councilman Halbreich advised there were 67 scheduled inspections, 4 fence permits, 5 tree permits, 2 soil moving applications and 5 zoning review applications. The rest of the report is on file.

Department of Public Works Councilman Garjian thanked Mr. Wehmann for work on the Clean Communities grant and preparations for the Memorial Day festivities. The rest of the report is on file for review.

Fire Department Report is on file. Mayor Tomasko noted the volunteer fire department is a big part of the Memorial Day event.

Police Department Councilwoman Frankel reported 72 summonses, 8 accidents with 6 injuries and the rest of the report is on file.

Resolution #094:5'2013: 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, May 22, 2013 to accept the reports of the Standing Committees.

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

MOTION CARRIED

BOARD OF EDUCATION LIAISON'S REPORT Councilman Garjian reported the next Board of Ed meeting is June 6th at the school. More information is available on their website. The 8th grade trip to Boston is in June and the Spring Concert is tomorrow night. Mayor Tomasko wished to acknowledge the important role the school plays in the Borough's recognition of Memorial Day.

BOROUGH ATTORNEY'S REPORT No report.

BOROUGH ENGINEER'S REPORT Borough Engineer Vander Veer distributed his report.

- **Closter Dock Road Drainage Improvements** from Berkery Place to just short of Warren Lane. The County advised the project is substantially ready to go out to bid He requests authorization to advertise for bids in anticipation of awarding a contract in June. Work could begin after completion of the major water company project currently underway.
- **2013 Municipal Aid, NJDOT** Alpine applied for and has been awarded a \$150,000.00 grant for improvements to Church Street from Closter Dock Road to Hillside and continuing from Hillside Avenue to Graham Street. The grant is less than requested so he will have to review costs. The Borough should receive an executed agreement in due course. Typically the contract must be awarded within 18 months. The work can be done in 2014.

Mayor Tomasko thanked Mr. Vander Veer for his work on the application and the State for bestowing the grant which represents an important project benefiting all residents.

Councilman Garjian asked if the Borough is reimbursed for the current police details for traffic control on Closter Dock Road and was advised they are by the utility company. United Water's target date for completion is the end of this month.

Resolution #095:5'2013: Authorization for Borough Engineer to Advertise for Bids for the Closter Dock Road Drainage Improvements Project

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, May 22, 2013 to authorize the Borough Engineer to advertise for bids for the Closter Dock Road Drainage Improvement Project funded by Bergen County.

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

MOTION CARRIED

UNFINISHED BUSINESS

Ordinance 735: Capital Bond Ordinance (Fire Truck & Computer)

Public Hearing: Opened to the public for comments and being none closed.

Resolution #096:5'2013: Adoption of Ordinance 735

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, May 22, 2013

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:

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE ENGINE AND COMPUTER EQUIPMENT BY AND IN THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$541,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$514,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF

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

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

MOTION CARRIED

NEW BUSINESS

CONSENT AGENDA RESOLUTIONS Resolutions #097:5'2013 - #99:5'2013

Councilman Garjian abstains from #1 as came late to that meeting and Councilwoman Gerstein abstains from #2 as she is a member.

1. Resolution #097:5'2013: Approval of Minutes - Regular Meeting March 27, 2013

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, May 22, 2013 to approve the minutes of the Regular Meeting April 24, 2013.

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

MOTION CARRIED

2. Resolution #098:5'2013: Liquor License Renewal for Montammy Golf Club

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, May 22, 2013

BE IT RESOLVED by the Mayor and Council of the Borough of Alpine, in the County of Bergen and State of New Jersey to approve the renewal of the liquor license of Montammy Golf Club for a period of one year ending on June 30, 2014

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

MOTION CARRIED

3. Resolution #099:5'2013: Liquor License Renewal for Kiku Restaurant (Riverside Park, Inc.)

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, May 22, 2013

BE IT RESOLVED by the Mayor and Council of the Borough of Alpine, in the County of Bergen and State of New Jersey to approve the renewal of the liquor license of Riverside Park, Inc. for a period of one year ending on June 30, 2014.

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

MOTION CARRIED

End of Consent Agenda Resolutions

COMMUNCIATIONS: WRITTEN AND ORAL None

Resolution #100:5'2013 EXECUTIVE SESSION: A Resolution providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, May 22, 2013

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)(8) Matter Relating to the Employment Relationship: Police Personnel Matter

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, assembled in public session on Wednesday, May 22, 2013, 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: Frankel, Garjian, Gerstein, Ornstein, Halbreich **Absent:** Cacouris

MOTION CARRIED

Executive Session began at 7:45 p.m. and the public portion reconvened at 7:50 p.m.

Resolution #101:5'2013 Authorizing Police Committee to Extend an Offer of Employment for a New Patrolman

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, May 22, 2013 to authorize the Police Committee to extend an offer of employment as discussed in greater detail during the executive session.

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

MOTION CARRIED

ADJOURNMENT Upon a motion by Councilwoman Frankel seconded by Councilwoman Gerstein this regular meeting of the Alpine Mayor and Council adjourned at 7:51 PM.

Respectfully submitted,

Nancy Wehmann, Deputy Borough Clerk

**BOROUGH OF ALPINE
ORDINANCE NUMBER 735**

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE ENGINE AND COMPUTER EQUIPMENT BY AND IN THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$541,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$514,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken by the Borough of Alpine, in the County of Bergen, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$541,500, which sum includes \$27,500 as the aggregate amount of down payments for said improvements or purposes as required by the Local Bond Law (N.J.S.A. 40A:2-1 et seq.) (the "Local Bond Law"). The down payments are now available by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$541,500 appropriation not provided for by said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the aggregate principal amount of \$514,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in an aggregate principal amount not exceeding \$514,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) acquisition of a fire engine; and	\$540,000	\$512,600	\$27,400	10 years
(ii) acquisition of computer equipment for the Tax/Finance Office.	1,500	1,400	100	5 years
TOTALS	<u>\$541,500</u>	<u>\$514,000</u>	<u>\$27,500</u>	

- (a) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$514,000.
- (b) The aggregate estimated cost of said improvements or purposes is \$541,500, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$514,000, is the aggregate amount of the down payments available for said purposes in the amount of \$27,500.

(c) All such improvements or purposes shall include materials, equipment, accessories and work necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Borough and available for public inspection and hereby approved.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Bergen make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Bergen. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Bergen shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the Office of the Clerk of the Borough and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.98 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$514,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$15,250 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended and supplemented (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-(1)(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds, "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$514,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.