

ALPINE MAYOR AND COUNCIL
REGULAR MEETING - Wednesday, August 22, 2012 @ 7:30 PM
Borough Hall - - 100 Church Street
{Public meeting taped in its entirety}

CALL TO ORDER/ PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE

The Mayor and Council, Borough of Alpine, convened for this Regular Meeting Wednesday, August 22, 2012 at 7:30 PM 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, August 22, 2012 has met the requirements of the law by being e-mailed to The Valley Star/Press Journal and The Record and 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	Sidney Merians, Councilman	Absent
Michael Cacouris, Councilman	Absent	Gayle Gerstein, Councilwoman	Present
Joan Ornstein, Councilwoman	Present		

Staff Present on Dais: Borough Clerk Gail Warming-Tanno, Borough Engineer Gary Vander Veer
 Borough Attorney Russell Huntington @ 7:33PM

PUBLIC COMMENTS None

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

Bank Of America Current Operating Acct **\$3,337.916.06**

Resolution #148:8'2012: 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, August 22, 2012 to approve the bills and claims, a copy of which are appended.

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

MOTION CARRIED

Resolution #149:8'2012 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 22, 2012 to approve the return of the following escrow.

<u>Name</u>	<u>Block/Lot</u>	<u>Type</u>	<u>Amount</u>
Fazelli, Harry	39.01/12.12	Planning Board Escrow (Application withdrawn)	\$1,000.00
Lee, Hyang Ja & Thomas	81.06/24	Tree Bond	\$33,601.78

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

MOTION CARRIED

Resolution #150:8'2012 Return of Duplicate Tax Payment

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 22, 2012 to refund the following duplicate 3rd quarter 2012 property tax payment, per tax payer's request

<u>Name</u>	<u>Block/Lot</u>	<u>Type</u>	<u>Amount</u>
Kim, Charles & Rosemary	42/3	Refund Duplicate Payment	\$1,503.29

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

MOTION CARRIED

Resolution #151:8'2012 Group Affidavit 2011 Audit

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 22, 2012

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 2010 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: Frankel, Garjian, Gerstein, Ornstein **Absent:** Cacouris, Merians

MOTION CARRIED

Tax Assessor's Report is on file and available for review.

MAYOR'S REPORT The Mayor noted 4 news articles were written about Ordinance 732

REPORTS OF THE STANDING COMMITTEES

Administration Department No report.

Building Department The Mayor reported activity listed as 43 scheduled inspections, 1 driveway permit, 1 fence permit, 3 tree permits, 2 soil moving applications, 2 zoning review applications. Remainder of report on file.

Department of Public Works Councilman Garjian noted personnel attended JIF Safety meetings, responded to all daytime fire alarms. The rest of the report is on file.

Fire Department Mayor Tomasko welcomed volunteer Fireman John Halbreich and thanked him for his photographic documentation of the firefighters on their behalf. Councilwoman Gerstein wished to welcome new junior firefighter, Adam Jutte, to the Alpine Fire Department, a local resident. The rest of the report is on file.

Resolution #152:8'2012 Approval of New Jr. Firefighter: Adam Jutte

OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel
at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 22, 2012 to approve the application for **Adam Jutte** for Junior Membership in the Alpine Volunteer Fire Department.

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

MOTION CARRIED

Police Department Councilwoman Frankel reported 93 summons issued, 6 motor vehicle accidents, emergency services did an outstanding job extinguishing an oven fire at a Glen Goin home before it spread, a vehicle was stolen from Montammy that has not yet been recovered. The rest of the report is on file.

Resolution #153:8'2012 Acceptance of 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, August 22, 2012 to accept the reports of the Standing Committees.

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

MOTION CARRIED

BOARD OF EDUCATION LIAISON'S REPORT School starts Tuesday, September 4th.

BOROUGH ATTORNEY'S REPORT Attorney Huntington noted no change in status of tax appeals.

BOROUGH ENGINEER'S REPORT Engineer Vander Veer highlighted status of ongoing or completed construction. Pre-construction meeting was held re: 2012 Road Program. The contractor expects to begin work milling the week of September 10th and complete same in one to two weeks. Roads included are Wilson, Deerhill, Duckpond and Charney. The 2013 Municipal DOT State Aid Applications are now available and due by October 16, 2012. He recommends Church Street and being no objection the Mayor asked him to proceed. Funding for annual minimal drainage improvement projects such as repairs to catch basins was included in this year's Capital Bond Ordinance and should not exceed the bid threshold. He would like permission to request proposals so as to award a contract at the next meeting.

Resolution #154:8'2012 Authorization to Request Proposals for 2012 Drainage Improvement Program

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilman Garjian
at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 22, 2012

WHEREAS, the Borough has a need to effect certain drainage improvements, and
WHEREAS, funding for same has been provided for in Capital Bond Ordinance 730 and
WHEREAS, the cost for said improvements is not expected to exceed the bid threshold
NOW, THEREFORE BE IT RESOLVED, that the Borough Engineer is hereby authorized to request proposals for said drainage improvements and make recommendation for award of a contract to perform the work at the next meeting of the Mayor and Council.

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

MOTION CARRIED

UNFINISHED BUSINESS

ORDINANCE 732: Amending Chapter 65-8 Under Age Alcohol Construction Possession

PUBLIC HEARING Opened to the public there were no comments.

Resolution #155:8'2012 Adoption Ordinance 732

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 22, 2012 to

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 TO AMEND CHAPTER 65-8 ENTITLED
"CONSUMPTION BY PERSONS UNDER LEGAL AGE"**

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, Ornstein **Absent:** Cacouris, Merians

MOTION CARRIED

NEW BUSINESS

A. CONSENT AGENDA RESOLUTIONS Resolutions #156:8'2012 - #163:8'2012

1. Resolution#156:8'2012: Approval of Minutes Regular Meeting July 25, 2012

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, August 22, 2012 to approve the minutes of the Regular Meeting of July 25, 2012.

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

MOTION CARRIED

2. Resolution#157:8'2012: Approval of Minutes Executive Session July 25, 2012

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, August 22, 2012 to approve the minutes of the Executive Session of July 25, 2012.

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

MOTION CARRIED

3. Resolution#158:8'2012: Quote Approval: Capital Purchase Radios for DPW

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

At a regular meeting of the Alpine Mayor and Council on Wednesday, August 22, 2012

WHEREAS, the Federal Communications Commission (FCC) has set a deadline of January 1, 2013 for upgrading two-way radio equipment (FCC Narrowbanding Mandate) and

WHEREAS, the Borough of Alpine solicited quotes to upgrade radio equipment for the Department of Public Works and,

WHEREAS, the Borough of Alpine received two quotes during July 2012; and

WHEREAS, these quotes were reviewed, and a recommendation made by the D.P.W. Superintendent of the Borough of Alpine for award to Goosetown Communications of Congers, NY as the lowest responsive, responsible quote for \$6,360.00, and

WHEREAS, funds for this purpose have been provided for in the 2012 Capital Budget identified by Account Number C-04-55-945-202 in the accounting records of the Borough of Alpine;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Alpine hereby award the quote for upgrading two-way radio equipment for the Department of Public Works to Goosetown Communications of Congers, NY for \$6,360.00 contingent upon the Certification of Availability of Funds by the Chief Financial Officer.

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

MOTION CARRIED

4. Resolution #159:8'2012: Authorizing Purchase of Goods & Services NJS Cooperative Purchasing System

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

at a Regular Meeting of the Alpine Mayor and Council held on Wednesday, August 22, 2012

WHEREAS pursuant to N.J.S.A. 40A:11-12A and N.J.A.C. 5:34-7.29(c), the Borough may, by resolution and without advertising for bids, purchase goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS the Borough of Alpine has a need to purchase on a timely basis, goods and services utilizing State Contracts during 2012; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is an "open and fair" process under the New Jersey Pay-to-Play Law, N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS the Borough of Alpine plans to utilize the State Contract Vendor listed below, such transaction shall be subject to all conditions applicable to the current State contracts; now, therefore

Commodity:	POLICE & HOMELAND SECURITY EQUIPMENT AND SUPPLIES
Service Vendor Name:	10-75 EMERGENCY LIGHTING LLC
State Contract #:	A81334T0106 & A81347T0106

BE IT RESOLVED, by the Borough of Alpine, in the County of Bergen, that the Borough's Qualified Purchasing Agent is hereby authorized to purchase goods or services in 2012 from the approved New Jersey State Contract Vendor listed above pursuant to all conditions of the State contract; and

BE IT FURTHER RESOLVED that, pursuant to N.J.A.C. 5:30-5.5(b), prior to placing any order for goods or services in accordance with this Resolution, a certification of available funds shall be executed by the Chief Financial Officer and attached to the file copy of the purchase order or other similar document.

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

MOTION CARRIED

5. Resolution#160:8'2012: Authorizing Purchase of Police & Homeland Security Equipment under N.J.S. Cooperative Purchasing System (Equipment Conversion Costs)

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, August 22, 2012

WHEREAS, the Borough of Alpine is in need of acquiring Police & Homeland Security Equipment And Supplies (Equipment Conversion Costs)for the Alpine Police Department; and

WHEREAS pursuant to N.J.S.A. 40a:11-1 et seq. and N.J.A.C. 5:34-7.29(c), the Borough may, by resolution and without obtaining multiple quotes or advertising for bids, purchase goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS the Borough of Alpine by prior resolution has approved purchases from the State Contract Vendor listed below for this item; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is an "open and fair" process under the New Jersey Pay-to-Play Law, N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, funds for this purpose have been provided for in the 2012 Capital Budget identified by Account Number C-04-55-943-202 and General Fund Account Number 2-01-25-240-046 [Acquisition of Police Vehicles] in the accounting records of the Borough of Alpine;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, that the Borough of Alpine enter into an agreement with 10-75 Emergency Lighting LLC, 51 Executive Parkway Bldg 1, Ringwood, NJ 07456 Contact: Ryan Dodd, authorized vendor for State Contracts A81334T0106 & A81347T0106 for the acquisition of Police & Homeland Security Equipment And Supplies (Equipment Conversion Costs) in accordance with the aforementioned contract and the specifications attached hereto, in an amount not to exceed \$9,799.00 to be charged to the accounts above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds.

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

MOTION CARRIED

6. Resolution #161:8'2012: Hiring of School Crossing Guards 2012-2013 School Year

OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 22, 2012

WHEREAS, the Borough of Alpine Police Department recommends hiring Patrick O'Donovan and Kristina Pinkerton to fill the positions of School Crossing Guards for the 2012-2013 School Year; and

WHEREAS, it is understood by all parties that these positions are considered seasonal, part time work not to exceed 15 hours per week at hourly salaries not to exceed what is provided for in the Salary Ordinance of the Borough of Alpine.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Alpine that Patrick O'Donovan and Christina Pinkerton are hired to perform the duties of School Crossing Guard for the Police Department September 4, 2012 – June 30, 2013 at a rate of \$17.00 per hour as provided in Salary Ordinance 728;

BE IT FURTHER RESOLVED that they 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. O'Donovan, Ms. Pinkerton, the Police Chief, the Treasurer and the Borough Clerk/Personnel Administrator.

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

MOTION CARRIED

7. Resolution#162:8'2012: Bergen County Municipal Joint Insurance Fund Membership Renewal

OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday August 22, 2012

WHEREAS, the Borough of Alpine is a member of the Bergen County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2012 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE BE IT RESOLVED as follows:

1. The Borough of Alpine agrees to renew its membership in the Bergen County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Bergen County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

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

MOTION CARRIED

8. Resolution#163:8'2012: Bergen County Municipal Joint Insurance Fund Renewal of Indemnity & Trust Agreement

OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday August 22, 2012

WHEREAS, the Bergen County Municipal Joint Insurance Fund (hereinafter the Fund) is a duly chartered Municipal Insurance Fund as authorized by NJSA 40A:10-35 et seq., and:

WHEREAS, the Borough of Alpine is currently a member of said Fund; and

WHEREAS, effective December 31, 2012, said membership will expire unless earlier renewed, and;

WHEREAS, the Mayor and Council of the Borough of Alpine has resolved to renew said membership;

NOW THEREFORE BE IT RESOLVED it is agreed as follows:

1. The Borough of Alpine hereby renews its membership in the Bergen County Municipal Joint Insurance Fund for a three (3) year period, beginning January 1, 2013 and ending January 1, 2016*.

2. The Borough of Alpine hereby ratifies and reaffirms the Indemnity Trust Agreement, Bylaws and other organizational and operational documents of the Bergen County Municipal Joint Insurance Fund as from time to time amended and altered by the Department of Insurance in accordance with the Applicable Statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.

3. The Borough of Alpine agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.

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

MOTION CARRIED

9. Resolution#164:8'2012: Sale of Kyocera Copier No Longer Needed for Public use

OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday August 22, 2012 to approve the sale of a Kyocera copier. Bids to be submitted with the award to the highest bidder at the next meeting of the Mayor and Council to be held Wednesday, September 26, 2012. The copier and notice that sealed bids be submitted to the Borough Clerk by Thursday, September 20, 2012 will be posted in the lobby of the Borough Hall.

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

MOTION CARRIED

END OF CONSENT AGENDA

COMMUNICATIONS: WRITTEN AND ORAL None

ADJOURNMENT

OFFERED BY: Councilwoman Frankel **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 August 22, 2012 at 7:41PM.

Respectfully submitted,
Gail Warming-Tanno, Municipal Clerk

**BOROUGH OF ALPINE
ORDINANCE No. 732**

**AN ORDINANCE TO AMEND CHAPTER 65-8 ENTITLED "CONSUMPTION BY PERSONS
UNDER LEGAL AGE"**

BE IT ORDAINED, by the Mayor and Council of the Borough of Alpine, County of Bergen and State of New Jersey that Chapter 65 of the revised Ordinances of the Borough of Alpine, entitled "Alcoholic Beverages" of the revised Ordinances of the Borough of Alpine, entitled "Zoning" are hereby amended as follows:

Section 1. Section 65-8. Title

The title of 65-8 is hereby amended to read: "Consumption or Possession by persons under legal age."

Section 65-8 B is hereby deleted in its entirety and replaced with the following:

"It is unlawful for any person under the legal age to consume alcohol, and to, without legal authority, knowingly possess, constructively possess or knowingly consume an alcoholic beverage on private property. Constructive possession of alcohol shall be defined as a person who does not physically possess alcohol, but is aware of its presence and is in a position in which he or she has the ability to exercise dominion or control of the alcohol."

BE IT FURTHER ORDAINED that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication as required by law.

ADOPTED: AUGUST 22, 2012