

**MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, August 28, 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, August 28, 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, August 28, 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	Absent	Michael Cacouris, Councilman	Present
Gayle Gerstein, Councilwoman	Present	Joan Ornstein, Councilwoman	Present
John Halbreich, Councilman	Present		

Staff Present on Dais: Borough Clerk Gail Warming-Tanno, Borough Engineer Gary Vander Veer, Dermott Doyle, Attorney, in for Borough Attorney Russ Huntington

PUBLIC COMMENTS None

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

Bank Of America Current Operating Acct **\$4,267,329.90**

Resolution #119: 8'2013: Approval of Bills and Claims

OFFERED BY: Councilman Cacouris **SECONDED BY:** Councilwoman Frankel
at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 28, 2013 to approve the bills and claims, a copy of which are appended.

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

MOTION CARRIED

Resolution #120: 8'2013: Authorize Return of Bonds and/or Escrow

OFFERED BY: Councilman Cacouris **SECONDED BY:** Councilwoman Frankel
at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 28, 2013 to authorize the return of the following escrow and/or bonds

Chung, Nancy & Park, David 49.02/12 Planning Board Escrow \$2,000.00

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

MOTION CARRIED

Resolution #121: 8'2013: Group Affidavit for 2012 Audit

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 28, 2013

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 2012 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.

Comments: Councilman Cacouris is not prepared to vote as he has not had sufficient time to review the audit statement provided by the Borough Auditor. Mayor Tomasko noted two brief pages, the Comments and Recommendations, could be reviewed expeditiously this evening. Councilman Cacouris put on record the audit report has a comment with respect to fair presentation and since there is an exclusion in the comment about presentation he would like to know whether all of the municipalities in Bergen County have the similar exception or are we in some way singular. Mayor Tomasko could not answer that but can put him in touch with the people who can.

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

MOTION CARRIED

Resolution #122: 8'2013: Authorization for Tax Collector to Process Prop. Tax Refunds and Cancel Prop. Tax Delinquencies of Less Than \$10.00

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 28, 2013

WHEREAS, N.J.S.A. 40A:5-17.1 provides that a municipality may authorize the processing of tax refunds of less than Ten (\$10.00) Dollars and the cancellation of tax delinquencies of less than Ten (\$10.00) Dollars.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Municipality of Alpine, New Jersey that the Tax Collector is hereby authorized to process, without any further action on the part of the Governing Body, any property tax refund of less than Ten (\$10.00) Dollars; and,

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to process, without further action on the part of the Governing Body, the cancellation of any property tax delinquency of less than Ten (\$10.00) Dollars; and,

BE IT FURTHER RESOLVED, that a Certified Copy of this Resolution be provided by the Municipal Clerk to the Tax Collector and the Chief Financial Officer.

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

MOTION CARRIED

TAX ASSESSOR'S REPORT is on file.

MAYOR'S REPORT No report.

REPORTS OF THE STANDING COMMITTEES

Administration Department Councilwoman Ornstein advised no report.

Building Department Councilman Halbreich read report. There were 49 scheduled inspections, 1 fence permit, 11 tree permits, 3 soil moving applications, 7 zoning review applications. Rest of report including property maintenance on file.

Department of Public Works Mayor Tomasko expressed appreciation for the advance notice given by Councilman Garjian advising he could not attend tonight's meeting due to a professional obligation. Councilwoman Frankel read report. DPW cleaned Boro pathways, completed town wide pothole repair, attended JIF Safety meeting, performed monthly town wide chipping, repaired damaged/missing street signs and responded to all daytime fire calls, maintained affordable housing units, freshly painted traffic stop lines, and handled phone calls/meetings with residents to address problems and concerns. Rest of report on file.

Fire Department Councilwoman Gerstein noted report is on file.

Police Department Councilwoman Frankel read report. 62 summons; 4 motor vehicle accidents with 5 injuries. 31 alarms; laser unit purchased for speed enforcement / measurements at accident scenes using funds from the Drunk Driving Enforcement Fund. Two new Dodge Charger police vehicles acquired and outfitted for use, replacing two used vehicles that will be sold.

Resolution #123:8'2013: 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, August 28, 2013 to accept the reports of the Standing Committees.

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

MOTION CARRIED

BOARD OF EDUCATION LIAISON'S REPORT Mayor Tomasko visited this afternoon and advised preparations for school opening underway.

BOROUGH ATTORNEY'S REPORT Attorney Dermott Doyle in for Attorney Huntington. No report.

BOROUGH ENGINEER'S REPORT Report on file.

2014 NJDOT Municipal Aid Application Borough Engineer Vander Veer's report of recommendations dated August 6, 2013 indicates although Graham Street and Glen Goin Drive are also candidates for resurfacing, Cambridge Way stands the best chance of meeting the state's criteria for the granting of municipal State Aid.

Resolution #1243: 8'2013: Authorize Application to NJDOT for 2014 Municipal Aid

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 28, 2013 to authorize the Borough Engineer to submit application on behalf of the Borough for Alpine to NJDOT for 2014 Municipal Aid for Cambridge Way.

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

UNFINISHED BUSINESS

Ordinance 736 Electric Power Generator Systems

Ordinance 736 as introduced July 24, 2013 considered recommendations by both the Zoning Board of Adjustment [Annual Report March 31, 2013] and Planning Board [Memo July 11, 2013]. The Planning Board finds the ordinance is consistent with the Master Plan [Memo August 28, 2013].

Public Hearing: Opened for public comment.

Mehrdad Amirsaleh, 163 Anderson Avenue is in the process of submitting an application for a generator. He urged the Mayor and Council to approve the ordinance simply because many residents have a lot of utilities including sprinklers. The ordinance will be beneficial in terms of accessibility and serviceability where a side yard installation would be the best location.

Being no further comments public hearing closed.

Resolution #125:8'2013: Adoption

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilman Cacouris at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, August 28, 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:

AN ORDINANCE OF THE BOROUGH OF ALPINE TO AMEND CHAPTER 220, SECTION 13 AUTHORIZING AN AMENDMENT TO THE ZONING CODE FOR AN ADDITION OF A NEW SECTION ENTITLED "ELECTRIC POWER GENERATOR SYSTEMS".

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

VOTE: Ayes: Cacouris, Frankel, Gerstein, Ornstein, Halbreich **Absent:** Garjian
{Copy appended in full to minutes}.

NEW BUSINESS

CONSENT AGENDA RESOLUTIONS Resolutions #126-128:8'2013

1. Resolution #126:8'2013: Approval of Minutes - Regular Meeting July 24, 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, August 28, 2013 to approve the minutes of the Regular Meeting July 24, 2013.

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

MOTION CARRIED

2. Resolution #127:8'2013: Hiring of School Crossing Guards 2013-2014 School Year

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 28, 2013

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 2013-2014 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 3, 2013 – June 30, 2014 at a rate of \$17.00 per hour as provided in Salary Ordinance 734;

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 Acting Police Chief, the Treasurer and the Borough Clerk/Personnel Administrator.

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

MOTION CARRIED

3. Resolution #128:8'2013: Authorization to Advertise Sale of Vehicles No Longer Needed for Public Use

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 28, 2013

WHEREAS, the following vehicles are no longer be needed for public use:

Dept	#	Year	Make	Model	VIN	Mileage
PD	1	2006	Ford	Crown Victoria	2FAHP71W46X104307	90094.3
PD	1	2009	Ford	Crown Victoria	2FAHP71V89X117587	93701.8
DPW	1	1991	Chev	Kodiac C7H042	1GBP7 H1J1M J111970	28827.6
FD	1	2002	GMC	Yukon	1GKEK13Z42J278692	66774.0

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine hereby authorizes the above vehicles to be advertised for sale to the highest bidder as obtained by sealed bids in accordance with the provisions of the advertisement.

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

MOTION CARRIED

End of Consent Agenda Resolutions

These minutes have been approved by the Mayor and Council.

COMMUNICATIONS: WRITTEN AND ORAL None

ADJOURNMENT Upon a motion by Councilwoman Frankel seconded by Councilwoman Gerstein this regular meeting of the Alpine Mayor and Council adjourned at 7:41 PM.

Respectfully submitted,
Gail Warming-Tanno, Borough Clerk

**BOROUGH OF ALPINE
ORDINANCE NO. 736**

AN ORDINANCE OF THE BOROUGH OF ALPINE TO AMEND CHAPTER 220, SECTION 13 AUTHORIZING AN AMENDMENT TO THE ZONING CODE FOR AN ADDITION OF A NEW SECTION ENTITLED “ELECTRIC POWER GENERATOR SYSTEMS”.

WHEREAS, due to the increasing frequency of weather related power outages, it has come to the attention of the Mayor and Council of the Borough of Alpine that power generators have become an increasingly necessary amenity desired by its residents;

WHEREAS, such structures can be noisy and detract from the aesthetics of bucolic settings such as exist within the Borough of Alpine unless regulated for noise and situated appropriately;

NOW THEREFORE, BE IT ORDAINED that the Mayor and Council of the Borough of Alpine find that amendment to the Zoning Code of the Borough of Alpine will be enhanced by the addition of the following new section:

Section 220-13B(5).

Electric generators, which are to be used during public utility electrical outages, shall be permitted in a side or rear yard, subject to the measured sound pressure levels of Section 153-3 (Noise Ordinance). No portion of an electric generator shall be located within a “buffer area” as defined by Section 205-1.B, and in no case shall an electric generator be located any closer to a lot line or public right-of-way than ten (10) feet. All such equipment shall be suitably buffered and screened to minimize views from adjacent properties and the public right-of-way.

BE IT FURTHER ORDAINED, that all Ordinances or parts of Ordinances that are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies; and

BE IT FURTHER ORDAINED, that the provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional or invalid by any Court, the remaining parts of this Ordinance will remain in full force and effect; and

BE IT ORDAINED that this Ordinance shall take effect upon passage and publication as required by law and further upon the filing of a copy of the Ordinance with the Bergen County Planning Board in accordance with N.J.S.A. 40:55D-16; and

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ADOPTED: August 28, 2013