

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, August 26, 2015 @ 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 26, 2015 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 26, 2015 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
Michael Cacouris, Councilman	Absent	Gayle Gerstein, Councilwoman	Present
John Halbreich, Councilman	Present	Laurence Shaddek, Councilman	Present
Arthur Frankel, Councilman	Present		

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

PUBLIC COMMENTS John McCaffrey, Closter resident and Alpine business/property owner for 38 years apologized to the Mayor and Council for recent issues regarding his property, noting personal difficulties over the last 5 years. He looks forward to working closely to resolve matters.

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

Bank Of America Current Operating Acct **\$3,794,024.91**

Resolution #165:8'2015: 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 26, 2015 to approve the bills and claims, a copy of which are appended.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shaddek **Absent:** Cacouris

MOTION CARRIED

Resolution #166:8'2015: Approve Return of Bonds and/or Escrow

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 26, 2015 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>
Rosenberg, Brad & Margo	30/11	Tree Bond	\$35,500.00
Kim, Bill Cin & Mee Yung	79.03/3	Planning Board Escrow	995.69
Deglomini LI Enterprises, LLC	22/14	Planning Board Escrow	613.49
Cho, Nicole	39.01/9.12	Planning Board Escrow	1,429.94
Essence of Green, LLC	72/3	Nadjafian Road Opening	669.75
			\$39,208.87

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shaddek **Absent:** Cacouris

MOTION CARRIED

Resolution #167:8'2015: 2015 Property Tax Credits due to County Board Judgments

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 26, 2015

WHEREAS, Judgments were granted on June 10, 2015, and mailed on June 26, 2015 from the Bergen County Tax Board reducing the assessments on the following:

<u>Block</u>	<u>Lot</u>	<u>Owner's Name</u>	<u>Original Assm</u>	<u>Reduced Assm</u>	<u>Year</u>	<u>4th qtr credit</u>
30	5	Glazebnik, Mikhael & Galina	\$2,168,400	\$2,000,000	2015	\$1,296.68
46	1	Le, Tae Sun & Eun Hee	\$742,200	\$700,000	2015	\$324.94

WHEREAS, the reduction in assessment was not recorded in time for the 2015 Assessment records for the above referenced properties and was billed at the higher assessed value for 2015, resulting in an overbilling;

WHEREAS, an overbilling was made for the tax year listed above and therefore should be credited to the 4th quarter, or any outstanding balances due from prior quarters;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, hereby authorize the Borough Treasurer to issue a credit for the tax overbilling.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris

MOTION CARRIED

Resolution #168:8'2015: Approve Insertion Special Item Revenue 2015 Budget – Municipal Alliance Grant

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 26, 2015

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and,

WHEREAS, said director may also approve the insertion of an item of appropriation for equal amounts, and,

WHEREAS, the Borough of Alpine received approval from the Governor's Council on Alcoholism and Drug Abuse for the Municipal Alliance Grant for the fiscal year July 1, 2015- June 30, 2016; and,

WHEREAS, the Borough of Alpine is desirous to anticipate and appropriate such monies;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor & Council of the Borough of Alpine, Bergen County, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an additional item of revenue in the budget for 2015 in the sum of \$4,760.00 which item is now available as a revenue pursuant to the provision of statute, and,

BE IT FURTHER RESOLVED, that the like sum of \$4,760.00 be and the same is hereby appropriated under the caption of:

Operations Excluded from Caps

Municipal Alliance Grant : \$4,760.00

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services and the Borough Treasurer.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris

MOTION CARRIED

Resolution #169:8'2015: Change Title and Text of Appropriation – Municipal Alliance Grant

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 26, 2015

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality.

NOW THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-85, the Mayor and Council of the Borough of Alpine, County of Bergen, and State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget year 2015:

That the appropriation provided for in the approved budget entitled:

Public Safety

Police Dept. Other Expenses

Be reduced by the sum of \$1,190

And an appropriation in the amount of \$1,190 be added to the budget entitled:

Public and Private Programs Offset by Revenues

Excluded from Caps

Municipal Alliance Program – Matching Funds

BE IT FURTHER RESOLVED, that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Borough of Alpine for the reasons hereinafter set forth:

The Governor's Council on Alcoholism and Drug Abuse has awarded the Borough a grant for the budget period July 1, 2015 through June 30, 2016. The amount of grant and the related match requirement were not included in the adopted 2015 budget. In order to accept the Municipal Alliance Grant, legal provision for the required match must be made. The above correction will provide for the said legal provision.

BE IT FURTHER RESOLVED, that the Borough Clerk forward a certified copy of this resolution to the Chief Financial Officer for electronic filing [per LFN 2014-11] with the Director of Local Government Services for approval.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris

MOTION CARRIED

Resolution #170:8'2015: Corrective Action Plan

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2015

WHEREAS, the Annual Report of the Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6; and,

WHEREAS, the Local Finance Board of the State of New Jersey requires the preparation of a Correction Action Plan, prepared by the Chief Financial Officer, which addresses each of the findings in the Annual Report;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, hereby states that it has reviewed the Correction Action plan dated as prepared by the Chief Financial Officer, and hereby approves said Corrective Action Plan.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris

MOTION CARRIED

Tax Assessor's Report. On file.

MAYOR'S REPORT The Mayor reported on the following:

- Appointment of Dr. Armand Fasano to the Recreation Subcommittee of the Alpine Swim & Racquet Club. This is appointment will expire December 31, 2015.

Resolution #171:8'2015: Approval of Appointment Alpine Swim & Racquet Club

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 26, 2015 to approve the appointment of Dr. Armand Fasano to the to the Recreation Subcommittee of the Alpine Swim & Racquet Club for the balance of a one year term expiring December 31, 2015.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris

MOTION CARRIED

- Appointment of Joyce Sonpal to the Planning Board as Alternate I

Resolution #172:8'2015: Affirmation of Appointment Planning Board Alternate I

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 26, 2015 to affirm the appointment of Joyce Sonpal as Planning Board Alternate Member I for the unexpired portion of a two year term expiring December 31, 2015.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris

MOTION CARRIED

- Tax bills were mailed out in a timely fashion despite delays on the County level avoiding the time and expense of sending out estimated tax bills as some towns did.
- Note the passing of three longtime Alpine residents: Henry Bonnabel, William "Bill" Vandersteel and Mary Donegan.
- Congratulations to our employees Marilyn Hayward for passing the state exam for Chief Financial Officer and Stephanie Wehmann for passing the state exam for Registered Municipal Clerk.

REPORTS OF THE STANDING COMMITTEES

Administration Department Councilman Shadek advised there is no report.

Building Department Councilman Halbreich read the report's main statistics: 70 inspections, 1 driveway permit, 4 tree permits, 1 soil moving application and 5 zoning review applications. He thanked Ralph Wehmann for regular inclusion of the monthly property maintenance report. The rest of the report is on file.

Department of Public Works Councilman Frankel noted the road improvement project has commenced on Autumn Terrace and Warren Lane and will soon start on Overlook Road. The rest of the report is on file.

Fire Department Councilwoman Gerstein noted the report is on file.

Police Department Councilwoman Frankel advised there were 78 summonses issued, 4 MVA and the rest of the report is on file.

Resolution #173 :8'2015: 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 26, 2015 to accept the reports of the Standing Committees.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris

MOTION CARRIED

BOARD OF EDUCATION LIAISON'S REPORT Councilman Shadek reported school begins September 2nd and the Interim Superintendent is Richard J. Brockel, Ed.D.

BOROUGH ATTORNEY'S REPORT No report.

BOROUGH ENGINEER'S REPORT Engineer Vander Veer distributed his report and highlighted:

- **2015 Road Improvement Program / Riverside Cooperative** Work has begun and is expected to continue through next Tuesday.
- **Alpine School Field Renovation** Plans are being finalized with intent to advertise for bids and award at next meeting subject to bids falling within the budget.
- **2016 NJDOT Municipal State Aide Application** A resolution is listed on the consent agenda to authorize submission for the same roads as last year: Church Street extension and Graham Street.

UNFINISHED BUSINESS None

NEW BUSINESS

CONSENT AGENDA RESOLUTIONS Resolutions #174:8'2015 - #187:8'2015

1.a. Resolution #174:8'2015: Approval of Minutes Regular Meeting July 22, 2015

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 26, 2015 to approve the minutes of the regular meeting held July 22, 2015.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris

MOTION CARRIED

1.b. Resolution #175:8'2015: Approval of Minutes Executive Session July 22, 2015

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 26, 2015 to approve the minutes of the executive session meeting held July 22, 2015.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris

MOTION CARRIED

3. Resolution #176:8'2015: Bergen County Municipal Employee Benefits Fund Membership Renewal

OFFERED BY: SECONDED BY:

at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2015

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **Bergen Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of the Borough of Alpine, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type(s) of coverage(s):
 - a.) Health Insurance (currently Dental Benefits only) as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

This resolution was adopted by the Mayor and Council of the Borough of Alpine at a meeting on Wednesday, August 26, 2015

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris
MOTION CARRIED

4. Resolution #177:8'2015: Bergen County Municipal Joint Insurance Fund Membership Renewal

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

at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2015

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, 2015 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: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris
MOTION CARRIED

5. Resolution #178:8'2015: Hiring of School Crossing Guards 2015-2016 School Year

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

at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2015

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 2015-2016 School Year subject to medical clearance; and

WHEREAS, it is understood by all parties that these positions are considered seasonal, part time work 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 Kristina Pinkerton are hired to perform the duties of School Crossing Guard for the Police Department September 2, 2015 – June 30, 2016 at a rate per the Salary Ordinance.

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: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris
MOTION CARRIED

6. Resolution #179:8'2015: Authorize Grant Agreement: B.C. Open Space Trust Fund Project – Soccer Field Upgrade Phase II

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

at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2015

BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine wish to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$27,800.00 matching grant award from the 2014 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park project entitled "Soccer Field

Upgrade Phase II" located at 500 Hillside Avenue, Block 39, Lots 1 and 2 on the tax maps of the Borough of Alpine;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize the Mayor, Paul H. Tomasko, to be a signatory to the aforesaid Contract; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about July 15, 2017; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris
MOTION CARRIED

7. Resolution #180:8'2015: Approve Quote: Replacement COAH Water Heaters

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

at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2015

WHEREAS, the Department of Public Works has identified a need to upgrade the hot water heaters and ancillary plumbing equipment for seven (7) of the Borough 's Affordable Housing units located at 115 Route 9W.

WHEREAS, the Borough of Alpine solicited and received quotes for this equipment, one from Stewart Drescher & Son, Inc. of Closter, NJ for \$8,855.00 and one from Plumbing & Heating by Donato LLC of Demarest, NJ for \$9,800.00; and

WHEREAS, these quotes were reviewed, and a recommendation made by the DPW Superintendent in consultation with the COAH Special Liaison to recommend the bid be awarded to Stewart Drescher & Son, Inc. of Closter, NJ as the lowest responsible quote totaling \$8,855.00; and

WHEREAS, funds for this purpose have been provided for in the following accounts:

COAH Project #90100- Developer Fees \$8,855.00

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Alpine hereby award the quote to upgrade the hot water heaters and ancillary plumbing equipment in the seven (7) Affordable Housing Units to Stewart Drescher & Son, Inc. of Closter, NJ for \$8,855.00. The Chief Financial Officer has provided the Certification of Availability of Funds and the vendor has submitted the following: Business Registration Certificate and Signed Acknowledgment of Compliance with Borough Ordinance 725 Regulating Contract Awards.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris
MOTION CARRIED

8. Resolution #181:8'2015: Approve Quote: Maintenance COAH Unit A

OFFERED BY: SECONDED BY:

at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2015

WHEREAS, the a need has been identified to perform certain routine maintenance including painting, replacement of carpet and ancillary minor repairs on Unit A of the Borough's Affordable Housing units located at 115 Route 9W, and

WHEREAS, the Borough of Alpine solicited and received quotes for this service, one from Sandal Builders of Tenafly, NJ for \$6,357.86 and one from Natural Homebuilder LLC of Alpine, NJ for \$7,650.00; and

WHEREAS, these quotes were reviewed, and a recommendation made by the DPW Superintendent in consultation with the COAH Special Liaison to recommend the bid be awarded to Sandal Builders of Tenafly, NJ as the lowest responsible quote totaling \$6,357.86; and

WHEREAS, funds for this purpose have been provided for in the following accounts:

COAH Project #90100- Developer Fees \$6,357.86

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Alpine hereby award the quote to perform certain routine maintenance including painting, replacement of carpet and ancillary minor repairs on Unit A of the Borough 's Affordable Housing units located at 115 Route 9W to Sandal Builders of Tenafly, NJ for \$6,357.86. The Chief Financial Officer has provided the Certification of Availability of Funds and the vendor has submitted the following: Business Registration Certificate and Signed Acknowledgment of Compliance with Borough Ordinance 725 Regulating Contract Awards.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris

MOTION CARRIED

9. Resolution #182:8'2015: Authorize Bike Event 31st Annual Bike National MS Society October 4, 2015

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

at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2015

WHEREAS, the National Multiple Sclerosis Society Southern New York Chapter raises money for charity and has held their Annual Bike MS Bike Event in previous years; and

WHEREAS, The National MS Society Southern New York Chapter has requested authorization from the towns through which riders will traverse. The route in Alpine will be along Route 9W on Sunday, October 4, 2015 and includes a rest stop. The time will be from approximately 7:30am to 5:30pm; and

WHEREAS, Police Chief Belcolle has no objections and will be actively coordinating with The National MS Society Southern New York Chapter regarding any necessary police assistance; and

WHEREAS, The National MS Society Southern New York Chapter has provided their Certificate of Liability Insurance and a Facilities Use Hold Harmless Agreement which has been reviewed and approved by our Risk Manager.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine authorize The National MS Society Southern New York Chapter's 31st Annual Bike MS New York City Bike Ride Event to be held on Sunday, October 4, 2015.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris

MOTION CARRIED

10. Resolution #183:8'2015: Authorize Submission 2016 NJ DOT Grant Application & Contract Execution for Church Street Section 3 and Graham Street

OFFERED BY: SECONDED BY:

at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2015

NOW, THEREFORE BE IT RESOLVED, that the Council of the Borough of Alpine formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-20165-ALPINE BOROUGH-00013 to the New Jersey Department of Transportation on behalf of Borough of Alpine.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement, if awarded, on behalf of the Borough of Alpine and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris
MOTION CARRIED

11. Resolution #184:8'2015: K.O. Realty Alpine, LLC Re: Repairs Lane Adjacent Block 49 Lot 7: Releases & Continued Responsibilities

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

at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2015

WHEREAS, K.O. Realty Alpine, L.L.C. has heretofore obtained permission from the Mayor and Council of the Borough of Alpine to install certain improvements on an unnamed lane servicing Lot 7, Block 49; and

WHEREAS, on or about June 30, 2015 the Borough of Alpine approved the request of K.O. Realty Alpine, L.L.C. subject to their producing a Certificate of Insurance and Hold Harmless Agreement in favor of the Borough for all construction related activities; and

WHEREAS, the construction has been satisfactorily concluded without claim complaint or incident.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Alpine does hereby release K.O. Realty Alpine, L.L.C. from the Hold Harmless Agreement and the responsibility to supply a continuing Certificate of Insurance for the Borough.

IT IS FURTHER RESOLVED that the Borough's consent to the above improvements is not an acceptance of the unnamed lane and it shall remain the continuing responsibility of K.O. Realty Alpine, L.L.C. to maintain the roadway and plow snow thereupon as needed.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris
MOTION CARRIED

12. Resolution #185:8'2015: Endorsing & Urging Passage of State Legislation to Protect the Viewshed of the Hudson Palisades

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

at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2015

WHEREAS, in 1964, the Congress of the United States of America designated the Hudson Palisades a National Historic Landmark; and

WHEREAS, in 1983, the Secretary of the United states Department of the Interior designated the "Palisades of the Hudson" as a Natural National Landmark, thus bestowing upon the Hudson Palisades a rare additional national landmark distinction; and

WHEREAS, the Mayor and Council of the Borough of Alpine have determined that a desirable visual environment, and the protection of historic and natural resources, warrants height limitations on development that might otherwise compromise or undermine the scenic vista of the Hudson Palisades; and

WHEREAS, Alpine has had a height limit of 35 feet in effect since 1974, prior to which it was 30 feet going all the way back to 1949; and

WHEREAS, state legislation would strengthen what Alpine has had in place for 65 years and wants to maintain not only to protect the Palisades but also to preserve the character of Alpine; and

WHEREAS, the Mayor and Council of the Borough of Alpine has now determined that it is necessary and desirable to make a commitment to protect the Palisades in perpetuity for the benefit of future generations of the Borough, the State of New Jersey, and the United States of America;

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

1. The Mayor and Council's commitment to the Borough's long-standing traditional thirty-five (35) foot height limitation is hereby affirmed.
2. The Mayor & Council of the Borough of Alpine hereby supports and urges passage of legislation by the State of New Jersey that would establish a "Preservation Zone" for the Palisades, such zone extending from the southern boundary of the Borough the Borough of Englewood Cliffs north to the New York State border, and two thousand (2,000) feet landward from, and parallel to, the line formed by the top or steep ridge of the Palisades, or crest of the slope in places where the steep Palisades rocks are absent; provided that such legislation shall:
 - a. Include a 35 foot maximum height limitation for all new development within the Preservation Zone in the Borough.
 - b. Codify existing Borough zoning within the Preservation Zone which the Borough has long determined is protective;
 - c. Grandfather within the Preservation Zone any and all existing structures which may exceed the 35 foot height limitation;
 - d. Exempt, within the Preservation Zone, all public utilities, including water towers, cell towers, communication devices, and any other devices governed by federal regulation;
 - e. Permit height variances that are less than 10% of the maximum height limitation of 35 feet established in the Preservation Zone.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent by the Borough Clerk to: State Senator Loretta Weinberg, State Assemblyman Gordon Johnson, State Assemblywoman Valerie Huttle, Bergen County Executive James Tedesco III, the Bergen County Board of Chosen Freeholders, the Mayor and Council of Englewood Cliffs, the Mayor and Council of Tenafly.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris
MOTION CARRIED

13. Resolution #186:8'2015: Sale of Vehicle No Longer Needed for Public Use – 1984 Fire Department Mack Truck

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 26, 2015

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

Dept	#	Year	Make	Model	VIN	Mileage	Minimum Bid
Fire	1	1984	Mack	Fire Truck – 963	1M1H143C5EM001142	15,677	\$5,000.00

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

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shaddek **Absent:** Cacouris

MOTION CARRIED

14. Resolution #187:8'2015: Affirm Planning Board Soil Moving Application: Barot 10 Rio Vista Drive Block 21 Lot 3

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 26, 2015

WHEREAS, Borough Ordinance 183-3D(5) lays down the procedure for review of an application for a soil movement permit in compliance with N.J.S.A. 40:20D-26b; and

WHEREAS, a soil movement application for Barot Block 21 Lot 3, 10 Rio Vista Drive was reviewed by the Alpine Planning Board at a public hearing held on July 28, 2015; and

WHEREAS, the Alpine Planning Board laid down their written recommendation to the Mayor and Council with respect to this application in a resolution approved at their regular meeting held on August 25, 2015 (copy attached hereto); and

WHEREAS, the Mayor and Council has examined the application and the recommendations of the Planning Board and have considered the results of the public hearing before the Planning Board;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine find that the proposed soil movement will not create conditions inimical to the public health, welfare and safety, nor create any drainage, soil erosion or other conditions of danger and

BE IT FURTHER RESOLVED that the Mayor and Council hereby approve said application subject to all conditions as laid out in the Planning Board's resolution of August 25, 2015

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shaddek **Absent:** Cacouris

MOTION CARRIED

End of Consent Agenda

Discussion: Construction Noise and Hours

Mayor Tomasko noted with an increase in construction throughout town there has been an expression of concern from residents in various neighborhoods about the noise levels and the days and times that this is happening. He recommends the Planning Board be asked to review the noise ordinance to see what, if any, revisions might be appropriate. Councilwomen Frankel and Gerstein offered they may recommend no Saturdays as they did with landscaping last year.

Resolution #188:8'2015: Request Planning Board Review of the Noise Ordinance

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 26, 2015

WHEREAS, there has been an expression of concern from residents in various neighborhoods about the days, hours and levels of construction noise

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine recommend the Planning Board review the Borough's noise ordinance to see what, if any, revisions might be appropriate.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shaddek **Absent:** Cacouris

MOTION CARRIED

COMMUNCIATIONS: WRITTEN AND ORAL None

Resolution#189:8'2015: 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, August 26, 2015

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)(7) Matter Relating to Litigation - Borough of Alpine v. McCaffrey

(b)(7) Contractual Matter - Potential Litigation - Curbside Recycling

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, assembled in public session on Wednesday, May 27, 2015, 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: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris

MOTION CARRIED

Executive Session began at 7:46 PM and adjourned at 8:22 PM. The public portion reconvened at 8:22 PM.

Resolution #190:8'2015: Authorization for Borough Attorney and Acting Borough Clerk

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 26, 2015

BE IT RESOLVED that the Mayor and Council hereby authorize the Borough Attorney and Acting Municipal Clerk to implement the decisions made in the Closed Executive Session regarding the Contractual Matter which for the moment, because of pending litigation, must remain confidential.

Vote: Ayes: V. Frankel, Gerstein, A. Frankel, Halbreich, Shadek **Absent:** Cacouris

MOTION CARRIED

ADJOURNMENT

Upon a motion 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 26, 2015 at 8:24 P.M.

Respectfully submitted,

Nancy Wehmann,
Deputy Borough Clerk / Acting Clerk