

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, January 27, 2016 @ 7:30 P.M.
Borough Hall - - 100 Church Street**

CALL TO ORDER/ PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE

The Mayor and Council, Borough of Alpine, convened for this Regular Meeting on Wednesday, January 27, 2016 at 7:30 P.M. in the Alpine Borough Hall. The Public Announcement was read and the Pledge of Allegiance recited.

In accordance with the provisions of the New Jersey Open Public Meetings Law, the notice of this Regular Meeting held Wednesday, January 27, 2016 has met the requirements of the law by being published in The Record as part of the Annual Notice on January 7, 2016, 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	Present	Gayle Gerstein, Councilwoman	Present
John Halbreich, Councilman	Present	Laurence Shadek, Councilman	Present
Arthur Frankel, Councilman	Present		

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

PUBLIC COMMENTS

Presentation. Donna Abene of Woodcliff Lake, appeared on behalf of WEDO (Women Empowered Democratic Organization) of Bergen County, a political group whose mission is to encourage, mentor and help women get elected on municipal, county, state and federal levels, to present a Certificate of Achievement to Council President Vicki Frankel for her long history of dedication to municipal government and for encouraging other women to seek office and thank her for her hard work.

John McCaffrey, Closter, NJ stated he has been a business owner/taxpayer in Alpine for almost 40 years and wished to speak to several items:

- **Beekeeping Ordinance** Asked Council and Borough Attorney to rescind an ordinance prohibiting beekeeping following recent NJS legislation prohibiting municipalities from restricting same, return his prior fines and related court costs and include notice of action in a future newsletter.
- **Borough of Alpine vs. McCaffrey** The Mayor noted this is not the forum to discuss litigation. Mr. McCaffrey expressed concern with money spent by the town on this litigation and the nature/ results of recent property inspections. He wants his escrow returned and a stop to the litigation.
- **DuBois Spring** The Mayor explained the proper forum will be the Planning Board in due course. Councilman Cacouris recommended comments be submitted in writing. Mr. McCaffrey states he has historic documents proving existence of the spring that neighbors have private inherent rights to, including access via Schoolhouse Lane. He observed and documented disturbances to the site; neighbors want to know what's going on. The Mayor advised he has the right to question the property owner and/or take action to assert his rights in court. Mr. McCaffrey stated the Mayor and Council have a responsibility to uphold the law. Attorney Huntington recommended the governing body refrain from entering into a dialogue on this matter.

Richard Incontro, Schoolhouse Lane also wished to speak to the rights of neighbors regarding the DuBois spring noting inaccuracies in Alpine III's plans and documents that call the spring an abandoned well despite proofs to the contrary. Mayor Tomasko explained the proper forum will be the Planning Board and Attorney Huntington recommended the governing body not enter into dialogue on this matter.

These minutes have been approved by the Mayor & Council.

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

Bank of New Jersey Current Operating Account **\$3,173,702.61**

Resolution #039: 1'2016: 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, January 27, 2016 to approve the bills and claims a copy of which are appended.

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

Resolution #040:1'2016 Return of Bonds and Escrow

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, January 27, 2016 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>
G. Heller Enterprises, Inc. (formerly Starwood Heller)	11/2	Performance Bond Escrow	\$53,907.33 350.86
			\$54,258.19
Hoffmann, Charles	48/6.01	Re-vegetation Bond Performance Bond Escrow	\$8,000.00 6,000.00 82.82
			\$14,082.82

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

Resolution #041:1'2016 Authorizing Transfer # 1 – 2015 Budget Reserve

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

at the regular meeting of the Borough of Alpine, County of Bergen, State of New Jersey held on January 27, 2016

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Alpine the Borough Treasurer be and is hereby authorized to make the following transfers in the 2015 Budget Reserve Appropriations in accordance with N.J.S.A. 40A: 4-59.

	<u>FROM</u>	<u>TO</u>
Legal O/E	5-01-20-155-020	\$ 13,902.84
Police Dept. S/W	5-01-25-240-010	\$ 11,621.96
Fire Dept. O/E	5-01-25-265-020	433.05
Street Lighting	5-01-31-435-020	1,847.83
Streets & Roads O/E	5-01-26-290-020	180.74
Buildings & Grounds O/E	5-01-26-310-020	180.74
TOTAL		\$ 14,083.58

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

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

MAYOR'S REPORT The Mayor reported on the following:

- Councilman Shadek and he attended the Orientation for Newly Elected, Re-Elected and Experienced Municipal Officials training sponsored by NJS League of Municipalities January 9th.
- Letter received from the Palisades Interstate Parkway Commission in accordance with NJSA 54:4A-5 certifying the amount of money Alpine would have derived for FY2015 as tax revenue for PIPC owned lands which are tax exempt: \$3,841,931.16.
- JIF Elected Officials Training: Will be held at the following dates, times and locations:
 - Tuesday, February 9 6 PM at 380 Hillside Avenue, Hillsdale, NJ
 - Wednesday, February 10, 2016 at 295 Closter Dock Road, Closter, NJ
 - Tuesday, February 16, 2016 at 227 Old Tappan Road, Old Tappan, NJThe Borough receives a \$250.00 insurance premium credit for each elected official attending.
- Zoning Board of Adjustment Annual Report Has been received and distributed to the Mayor and Council pursuant to N.J.S.A. 40:55D-70.1

REPORTS OF THE STANDING COMMITTEES

Administration Department Councilman Shadek advised no report this evening.

Building Department Councilman Halbreich reported 56 scheduled inspections, 3 driveway permits, 3 tree permits, 2 soil moving applications, 2 zoning review applications. Balance of the report is on file.

Department of Public Works Councilman Frankel highlighted several episodes of sanding & salting prior to last week's major snowstorm and commended DPW Supt Wehmann and crew. Mayor Tomasko also recognized Fire Chief Charles Hoffmann and Assistant Fire Chief Kyle Khorozian noting they had worked with the DPW throughout the storm.

Fire Department Councilwoman Gerstein reported on the Fire Department's response to a working house fire January 26. Assistant Fire Chief Kyle Khorozian was first on scene and, along with Police Officers Colussi and Prunk, helped rescue occupants. We are thankful to all the mutual aid companies (Closter, Demarest and Harrington Park) for their support and for medical coverage provided by Closter Ambulance and EHMC paramedics. This event served as a great example of how important a working fire alarm system is to residents' safety.

The Fire Department also worked extra hours to clear fire hydrants of snow this past weekend. We owe them a big thank you. Details of activities are available from the Fire Department.

Mayor Tomasko noted mutual aid towns also responded to a working house fire in Old Tappan this morning.

Police Department Councilwoman Frankel reported there were 43 summonses issued and 4 motor vehicle accidents with 0 injuries. The consent agenda includes a resolution to appoint a patrolman to fill the vacancy created by Lt. Kavanagh's retirement. The Police Committee received 100+ resumes, interviewed 10 candidates, re-interviewed 3 finalists and chose a local officer with 3 years experience.

Resolution #042:1'2016: 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, January 27, 2016 to accept the reports of the Standing Committees.

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

BOARD OF EDUCATION LIAISON'S REPORT No report.

BOROUGH ATTORNEY'S REPORT No report.

BOROUGH ENGINEER'S REPORT Borough Engineer Vander Veer distributed his report and requested action on the 2016 Road Improvement Program to comply with the Riverside Cooperative's request for submission of roads and quantities by February 17 to prepare bid documents.

Resolution #043:1'2016:Authorize Engineer to Submit Quantity Estimate Riverside Coop Road Improvement Program

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 27, 2016 to authorize Borough Engineer Vander Veer to submit quantity estimates to the Riverside Cooperative for purposes of preparation of bid specifications. The following roads to be included: Robin Lane (south of Graham Street), Oxford Way, Sherwood Court, Tulip Tree Lane.

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

UNFINISHED BUSINESS None

NEW BUSINESS

CONSENT AGENDA RESOLUTIONS Resolutions #044:1'2016 - #047:1'2016

Councilman Halbreich will abstain from Sine Die & Reorg minutes 1/4/2016. Mayor Tomasko requested approval of Executive Session minutes be removed from the Consent Agenda to permit discussion of minor amendments in Executive Session.

1. Approval of Minutes

a. Resolution #044:1'2016:Regular Meeting December 14, 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, January 27, 2016 to approve the minutes of the regular meeting held on December 14, 2015.

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

MOTION CARRIED

c. Resolution #045:1'2016:Sine Die Meeting of January 4, 2016

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, January 27, 2016 to approve the minutes of the Sine Die Meeting January 4, 2016.

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

MOTION CARRIED

d. Resolution #046:1'2016:Reorganization Meeting of January 4, 2016

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, January 27, 2016 to approve the minutes of the Reorganization Meeting January 4, 2016.

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

MOTION CARRIED

2. Resolution 047:1'2016: Authorizing Agreement to Operate Interboro Regional Communications Network

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, January 27, 2016.

WHEREAS, at a regular meeting of the Mayor and Council of the Borough of Alpine held on Monday January 4, 2016 a resolution was adopted supporting the continuation of the Interboro Regional Communications Network and its more formal organization/formation as a legally recognized entity to act as a contracting unit for its members and authorizing an agreement between Bergen County and the Interboro Regional Police Communications Network to continue to provide 9-1-1 public safety answering and safety services; and

WHEREAS, the Boroughs of Alpine, Closter, Haworth, Harrington Park, Norwood, Northvale and Rockleigh collectively operate the Interboro Regional Police Communications Network formed under the Interlocal Services Act (N.J.S.A.40:8a-1 et seq.), collectively referred to as the "Municipalities"; and

WHEREAS, these Municipalities wish to enter into a new agreement with each other to continue the aforesaid services for a five (5) year term commencing on January 1, 2016 and ending on December 31, 2020; and

WHEREAS, an agreement for operation of the Interboro Regional Police Communications Network memorializing the duties and responsibilities for the member municipalities has been prepared;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, that the Mayor and Borough Clerk are hereby authorized and directed to execute the Agreement to Operate with the member municipalities on behalf of the Borough.

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

3. Resolution #048:1'2016: Affirming the appointment of Vincent Ariano

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, January 27, 2016 to affirm the appointment of Vincent Ariano as Patrolman in the Alpine Police Department effective February 3, 2016.

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

End of Consent Agenda

COMMUNICATIONS: WRITTEN AND ORAL Councilman Cacouris along with Councilwomen Frankel and Gerstein wished to echo commendations to the Alpine DPW noting complimentary reports received from neighbors regarding the condition of Alpine's streets following the heavy snowstorm.

Mayor Tomasko distributed to Council copies of a resolution adopted by the Bergen County League of Municipalities requesting no further action on S781 and S782 To Amend Open Public Records Act (OPRA) and Open Public Meetings Act (OPMA).

Resolution#049:1'2016: 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 Frankel **SECONDED BY:** Councilwoman Gerstein

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 27, 2016

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) Matters Relating to Litigation, Negotiation and/or Attorney-Client Privilege

- o Executive Session minutes December 14, 2015
- o McCaffrey litigation

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, assembled in public session on Wednesday, January 27, 2016, 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, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION CARRIED**

The public portion reconvened at 8:29 PM.

These minutes have been approved by the Mayor & Council.

b. Resolution #050:1'2016:Executive Session December 14, 2015

OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilman Halbreich
at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday,
January 27, 2016 to approve the minutes of the executive session held on December 14, 2015 as
amended per discussion in Executive Session.

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

ADJOURNMENT

OFFERED BY: Councilman Shadek **SECONDED BY:** Councilwoman Gerstein
and approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of
Alpine, held on Wednesday January 27, 2016 at 8:30 PM.

Respectfully submitted,

Stephanie Wehmann
Municipal Clerk