

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, July 22, 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, July 22, 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, July 22, 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	Present	Gayle Gerstein, Councilwoman	Present
John Halbreich, Councilman	Present	Laurence Shadek, Councilman	Present
Arthur Frankel, Councilman	Present		

Staff Present on Dais: Borough Engineer Gary Vander Veer, Dermot J. Doyle for Borough Attorney Russ Huntington, Acting Municipal Clerk Nancy Wehmann

PUBLIC COMMENTS None. Mayor Tomasko welcomed Stephanie Wehmann to the meeting.

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	\$1,842,569.27
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Resolution #152:7'2015: 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, July 22, 2015 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 #153:7'2015: Approve 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, July 22, 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>
Minettian, Christopher & Anna	72/26	Escrow	\$578.00
		Performance Bond	25,000.00
	49.02/4	Performance & Re-veg	1,500.00
Rosenberg, Brad & marge	30/11	Planning Board Escrow	1,542.99
Sprint Corp.		Escrow	403.75
Nextel Corp.		Escrow	117.60

TOTAL:	\$29,142.34
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Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek

MOTION CARRIED

Resolution #154:7'2015: Cancellation of Escrow Balances (Stale)**OFFERED BY:** Councilman Cacouris **SECONDED BY:** Councilwoman Frankel

at the regular meeting of the Alpine Mayor and Council held on Wednesday, July 22, 2015

WHEREAS, escrow for the following projects have been held for more than five years; and has not been claimed though notices of these remaining balances has been attempted to be served upon the owners of record; and

WHEREAS, holding these monies on account for an indefinite term is not in keeping with best practices as advised by the Borough Auditor; and

WHEREAS, placing of these monies into the general fund for 2015 has been reviewed by the Treasurer with the Auditor; and

WHEREAS, the projects have been completed; and now therefore, be it resolved, that the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, authorize the Borough Treasurer to cancel the escrow in the amount of \$38,333.79 to Current Fund surplus as follows:

<u>Name</u>	<u>Block/Lot</u>	<u>Balance</u>
VML Designs	20/11	\$ 32,928.50
Swersky, David	79.02/3	<u>5,405.29</u>

TOTAL: \$ 38,333.79

WHEREAS, the Borough Treasurer has verified said amounts in the Trust Account Ledger and approved release of same.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Borough Treasurer upon adoption of same.

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

MOTION CARRIED**Resolution #155:7'2015: Cancellation of Escrow Balances (Interest)****OFFERED BY: SECONDED BY:**

at the regular meeting of the Alpine Mayor and Council held on Wednesday, July 22, 2015

WHEREAS, the following projects have been completed and escrow and/or bonds have been returned to the developers and;

WHEREAS, interest was posted to the accounts after the escrow and/or bonds were released; and now therefore, be it resolved, that the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, authorize the Borough Treasurer to cancel the balances totaling **\$865.25** to Current Fund surplus as follows:

<u>Block/Lot</u>	<u>Project #</u>	<u>Amount</u>	<u>Block/Lot</u>	<u>Project #</u>	<u>Amount</u>
140/1	10005	\$35.20	79.03/8.07	30333	4.81
74/1	20139	19.52	75/13	30334	19.23
75/15	20143	18.66	75/4	30349	4.17
72/15	20144	43.06	71/20	60057	10.34
76/5	20145	18.64	71/20	60058	65.40
59/4	20146	22.60	49/39	60152	0.54
81.04/18.01	20150	27.41	81.02/10	60222	60.71
75/13	20152	12.21	74/1	60230	20.30
75/4	20160	5.83	72/15	60251	33.71
81.02/4	30212	8.05	75/15	60253	11.18

<u>49/40</u> <u>Block/Lot</u>	<u>30253</u> <u>Project #</u>	<u>11.86</u> <u>Amount</u>	<u>81.04/18.01</u> <u>Block/Lot</u>	<u>60269</u> <u>Project #</u>	<u>28.16</u> <u>Amount</u>
120/2.02	30275	6.71	75/13	60296	15.56
74/1	30306	25.86	81.01/2	60310	0.75
72/15	30316	99.61	23/2	60335	13.29
59/4	30317	12.43	80/9	70003	49.38
75/15	30318	18.82	49/8	70010	0.34
Closter Dock Rd.	30321	75.66	79.03/8.01	70017	0.20
75/22	30323	60.55	79.03/8.08	70026	4.50
TOTAL:					\$865.25

WHEREAS, the Borough Treasurer has verified said amounts in the Trust Account Ledger and approved release of same.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Borough Treasurer upon adoption of same.

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

MOTION CARRIED

Resolution #156 :7'2015: Insert Special item of Revenue: Police Department Equipment Grant

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, July 22, 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 has been approved to receive grant monies in conjunction with the 200 Club of Bergen County for the purchase of Police Department Emergency Equipment; and,

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

NOW THEREFORE, BE IT RESOLVED that the Mayor and 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 \$1,500.00 which item is now available as a revenue from the 200 Club of Bergen County pursuant to the provision of statute; and,

BE IT FURTHER RESOLVED, that the like sum of \$1,500.00 be and the same is hereby appropriated under the caption of:

State/County Grants:

Police Department Emergency Equipment: \$1,500.00

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, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek

MOTION CARRIED

Resolution #157 :7'2015: Group Affidavit for the 2014 Audit

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, July 22, 2015

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 2014 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: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek

MOTION CARRIED

Tax Assessor's Report. On file.

MAYOR'S REPORT The Mayor reported on the following:

- Attended Groundbreaking Ceremony for upgrade to Closter Plaza and took opportunity to thank the County Executive for resurfacing Closter Dock Road.
- State certified new tax rate. Target to mail out new bills is early next week.

REPORTS OF THE STANDING COMMITTEES

Administration Department No report

Building Department Councilman Halbreich read the report's main statistics: 66 inspections, 1 fence permit, 10 tree permits, 1 soil moving application and 7 zoning review applications. The rest of the report is on file.

Department of Public Works Councilman Frankel noted traffic lines are being re-painted throughout town and the rest of the report is on file.

Fire Department Councilwoman Gerstein is in receipt of an application for Junior Fireman as recommended by Fire Chief Hoffmann.

Resolution #158 :7'2015: Approve Junior Firefighter Application: Ashley Kupferschmid OFFERED BY:

at the regular meeting of the Alpine Mayor and Council held on Wednesday, July 22, 2015 to approve the application for **Ashley Kupferschmid** for Junior Membership in the Alpine Volunteer Fire Department.

Discussion: Councilwoman Gerstein noted this is Alpine's first female Junior Firefighter.

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

MOTION CARRIED

Police Department Councilwoman Frankel advised there were 57 summonses issued, 3 MVA and the rest of the report is on file.

Resolution #159 :7'2015: 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, July 22, 2015 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 Engineer Vander Veer distributed his report and highlighted:

- **2015 Road Improvement Program / Riverside Cooperative** The master contract has been executed and the municipal contract has been revised and sent to JA Alexander for execution and return. They are still on target to begin work in August.
- **Alpine School Field Renovation** Plans are being prepared.
- **Alpine School Parking Feasibility** A sketch plan was provided for a potential layout at the front of the school that would add 21 parking spaces. Councilman Halbreich questioned feasibility in the DPW space and was advised that location would involve DEP. An open water course at the south end would have an impact on any paving or reconstruction in the DPW yard. The area is available to the school, as is, for emergency overflow parking. The area at the front seems to be the most realistic, quickest and convenient place to install additional parking.

UNFINISHED BUSINESS None

NEW BUSINESS

CONSENT AGENDA RESOLUTIONS Resolutions #160:7'2015 - #161:7'2015

1. Resolution #160:7'2015: Approval of Minutes Regular Meeting June 24, 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, July 22, 2015 to approve the minutes of the regular meeting held June 24, 2015.

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

MOTION CARRIED

2. Resolution #161:7'2015: Amending Flexible Spending (\$125 Cafeteria)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, July 22, 2015

WHEREAS, the Internal Revenue Service (IRS) rules governing §125 cafeteria plans prohibit participants in such plans from using their contributions in one plan year to purchase a benefit that will be provided in a subsequent plan year; and

WHEREAS, the rule, commonly called the "use or lose" rule, requires that unused benefits or contributions remaining as of the end of a plan year (that is, amounts credited to a health Flexible Spending Account (FSA) participant's account that remain unused) be forfeited; and

WHEREAS, in a 2005 ruling, the Treasury department and the IRS modified the "use or lose" rule to allow up to two months and 15 days after the end of a plan year (a "grace period") during which a participant can use unused amounts remaining from that year; and

WHEREAS, Section 125(i) provides that, starting in 2013, a health FSA plan must limit a plan participant's salary reduction contributions to no more than \$2,500 per taxable year (as indexed for cost-of-living adjustments); and

WHEREAS, in view of this new limitation and due to other reasons, the Treasury Department and IRS have determined that it is appropriate to modify the "use or lose" rule to permit the use of up to \$500 of unused amounts in a health FSA plan in the immediately following plan year; and

WHEREAS, the Employer named below wishes to adopt this "rollover option" in its health FSA plan for the benefit of plan participants;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Alpine Cafeteria Plan Document and Summary Plan Description be amended as follows:

1. Starting with the plan year commencing January 1, 2015 and until further notice otherwise, plan participants shall be allowed to carry over health FSA amounts unused as of the end of a current plan year to the succeeding plan year, so that these unused amounts can be applied to reimburse qualified medical expenses incurred during that succeeding plan year.

2. An unused amount carried over for a plan participant pursuant to 1. above, shall not exceed \$500.

3. Since this new IRS modification described above cannot apply if a health FSA plan already includes the grace period option allowed by the IRS in an earlier ruling, and since this plan included this option, the grace period option allowed under this plan shall cease to apply as of the last day of the plan year that commenced on January 1, 2014.

BE IT FURTHER RESOLVED, that the Treasurer forward a copy of this resolution to Choice Strategies to effect these changes.

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

MOTION CARRIED

End of Consent Agenda

Request for Support of Fibrodysplasia Ossifans Progressive F.O.P. Awareness

Mayor Tomasko reviewed Mr. Whyte is asking for an endorsement in the form of a resolution or proclamation to focus attention on this condition. He is not a resident. Council members expressed mild concern that this could open the Borough to many such solicitations. Councilman Shadek found this presenter to be genuine. There is no issue with the model proclamation provided.

Resolution#162:7'2015: Authorizing Proclamation in Support of F.O.P. Awareness

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, July 22, 2015 to hereby approve and authorize the Mayor to issue the following proclamation:

WHEREAS, Fibrodysplasia Ossificans Progressive is a rare genetic incurable condition in which the body makes additional bone where bone should not form, such as within muscle, tendons, ligaments and other connective tissues, with symptoms of FOP including excruciating pain and distortion of the existing skeletal frame; and

WHEREAS, A gene has been identified after 15 years of hard research by the University of Pennsylvania, the only known research facility currently investigating a cure for this; and

WHEREAS, Discoveries made in the FOP lab by scientists and researchers may aid in the treatment or cure for other genetic diseases such as osteoporosis, arthritis, and spinal cord injuries; and

WHEREAS, The symptoms of FOP usually begin in the first or second decade of life, with the majority of patients diagnosed by age 10, depriving children of normal development, with FOP affecting approximately 2,500 people worldwide; and

WHEREAS, since learning that the daughter of a close friend had been diagnosed with FOP, Gary W. Whyte of Mountainside, New Jersey, with the help and support of his wife and three sons, has made it his mission to raise awareness of this debilitating disease by asking the Mayors of all 565 New Jersey municipalities and all 21 New Jersey Counties pass either a Proclamation or a Resolution urging FOP awareness to be placed in a FOP Awareness Campaign Book to hopefully one day display in Washington, D.C. on behalf and in support of the children/young adults in the state of New Jersey afflicted with FOP and equally show concern for all other children afflicted with FOP.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey does hereby proclaim to acknowledge and help raise awareness of Fibrodysplasia Ossificans Progressive and commends Gary W. Whyte and his wife and three sons for their dedication in making others aware of this affliction and for their work and support for the benefit of FOP and further urges all Bergen County Municipalities to adopt a Resolution or Proclamation to assist with FOP awareness and forward same to Gary W. Whyte to include in his FOP Awareness Campaign Book.

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

MOTION CARRIED

COMMUNICATIONS: WRITTEN AND ORAL None

Resolution#163:7'2015: 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 Frankel **SECONDED BY:** Councilman Shadek
at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, July 22, 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

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, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek

MOTION CARRIED

Executive Session began at 7:44 PM and adjourned at 9:00 PM. The public portion reconvened at 9:01 PM.

Resolution#164:7'2015: Approval and Authorization for Borough Attorney to Act on Settlement of Litigation

OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilman Frankel
at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, July 22, 2015 to approve settlement of litigation in the matter of Borough of Alpine v. McCaffrey, as per their discussion during Executive Session.

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

MOTION CARRIED

ADJOURNMENT

Upon a motion 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 July 22, 2015 at 9:02 P.M.

Respectfully submitted,

Nancy Wehmann,
Deputy Borough Clerk / Acting Clerk