

**MAYOR AND COUNCIL
REGULAR MEETING
January 22, 2025 @ 7:30 P.M.
BOROUGH HALL - 100 CHURCH STREET - ALPINE, NJ
(This meeting was recorded in its entirety)**

CALL TO ORDER / PUBLIC ANNOUNCEMENT / PLEDGE OF ALLEGIANCE

The Mayor and Council, Borough of Alpine, convened for this Regular Meeting on January 22, 2025, at 7:30 P.M. in the Alpine Borough Hall. The Public Announcement was read: *In accordance with the provisions of the New Jersey Open Public Meetings Law, the notice of this Regular meeting has met the requirements of the law by being e-mailed to The Record, posted on the bulletin board of the lobby in the Borough Hall and on the website and a copy filed in the office of the Borough Clerk.*

SWEARING-IN: Councilman Cohen had advised he would be unable to attend this meeting. However, the Councilman's oath of office has been filed with the Borough.

ROLL CALL

Paul H. Tomasko, Mayor	Present	Gayle Gerstein, Council President	Present*by phone
George Abad, Councilman	Present	Scott Bosworth, Councilman	Present
Steven Cohen, Councilman	Absent	Arthur Frankel, Councilman	Present
David Kupferschmid, Councilman	Present		

Staff Present on Dais: Borough Engineer Perry Frenzel, Borough Attorney Levi Kool, Borough Clerk Stephanie Wehmann

PUBLIC COMMENTS

Mayor Tomasko opened for public comment. Hearing none, the meeting was closed to the public.

REPORT OF THE FINANCE COMMITTEE

ConnectOne Bank Current Operating Account at 12/31/24: \$3,349,579.23

ConnectOne Bank Current Operating Account at 01/16/25: \$3,771,635.36

Resolution #037:01'2025 Return of Bonds or Escrows (not needed/not used)

Resolution #038:01'2025 Authorizing the Transfer of 2024 Budget Appropriations (Transfer #4)

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

Whereas, title 40A:4-58 of the New Jersey Statutes provides that should it become necessary during the first three months of the current fiscal year to expend for any of the purposes specified in the previous year's budget an amount in excess of the respective sums appropriated therefore, and there shall be an excess in any appropriation over and above the amount claimed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by Resolution setting forth the facts (adopted by not less than 2/3 vote of the full membership thereof), transfer the amount of such excess of those appropriations deemed to be insufficient.

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 2024 Budget Appropriations.

		<u>FROM</u>	<u>TO</u>
Police Department SW Overtime	4-01-25-240-013	\$ 7,000.00	
Police Department OE Safety Equipment	4-01-25-240-025		\$7,000.00
Computer Data Processing	4-01-20-140-020	\$ 54.00	
Buildings and Ground OE (Right to Know)	4-01-26-310-040		\$ 54.00
Computer Data Processing	4-01-26-310-020	\$ 100.00	
Alpine Swim Club OE	4-01-28-371-020		\$ 100.00

These minutes have been approved by the Mayor and Council.

Computer Data Processing	4-01-26-310-020	\$ 165.00	
OEM OE	4-01-26-252-020		\$ 165.00
Roll Call Vote: Ayes: Abad, Bosworth, Frankel, Gerstein, Kupferschmid		Absent: Cohen MOTION APPROVED	

TAX ASSESSOR’S REPORT on file

MAYOR’S REPORT Mayor Tomasko shared that former municipal attorney Russ Huntington was honored at the Bergen JIF for his service. The Bergen County Police Chiefs' Installation Dinner was held Friday night. Alpine resident Steve Shallop was elected by his peers to be the head of the Bergen County Chiefs' Association. Mayor Tomasko attended last week’s State of the State address by the New Jersey Governor. The Governor addressed accusations that state spending had increased during his tenure and pointed to the funding of pensions and schools as major reasons.

REPORTS OF THE STANDING COMMITTEES

Administration Department no report

Building Department 61 Scheduled Inspections, 1 tree permit, 1 soil moving permit, 2 Zoning Review applications, and 3 miscellaneous applications

Department of Public Works The DPW had a busy month with snow; also a lot of time and expense were devoted to the affordable housing units.

Fire Department The report is on file.

Police Department There were 20 summonses in the month of December. There were 7 motor vehicle accidents. The report is on file.

Resolution #039:01’2025 Accepting the Reports of the Standing Committees

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

At a regular meeting of the Mayor and Council of the borough of Alpine held on January 22, 2025,, to accept the reports of the Standing Committees.

Roll Call Vote: Ayes: Abad, Bosworth, Frankel, Gerstein, Kupferschmid **Absent:** Cohen **MOTION APPROVED**

BOARD OF EDUCATION LIAISON’S REPORT The Board of Education held their reorganization meeting.

BOROUGH ATTORNEY’S REPORT Clarification written by the Special Council for Affordable Housing was read by the Borough Attorney, in relation to the resolution that is on the agenda.

BOROUGH ENGINEER’S REPORT No report

NEW BUSINESS

Resolution #040:01’2025 Professional Services Agreement-Engineering Expert

OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilman Abad

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on January 22, 2025

WHEREAS, there exists a need for professional services in providing expert testimony in litigation involving the Borough of Alpine, Garrett Smith and Liza Shabetayev v. Borough of Alpine, et al.

WHEREAS, Frank Farrell, P.E., C.M.E. of the firm of Grotto Engineering Associates, LLC has the expertise required to provide testimony on behalf of the Borough of Alpine in the ancillary litigation;

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of such professional services contracts without competitive bidding; and

WHEREAS, this contract for professional services is subject to the Chief Financial Officer of the Borough of Alpine, County of Bergen, State of New Jersey, having first ascertained that there are available sufficient appropriations in the year 2025 Temporary Current Fund Budget to award said contracts for services of a technical and professional nature in compliance with N.J.A.C. 5:30-5.4 and/or other applicable regulations;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Alpine hereby authorizes a contract be awarded to Frank Farrell, P.E., C.M.E. of the firm of Grotto Engineering Associates, LLC for expert services in at a cost not to exceed \$5,000.00;

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby authorized to cause notice to be published once in The Record newspaper stating the nature, duration, service and amount of the contract and that the resolution and contracts are on file and available for public inspection in the Borough Clerk's office.

Roll Call Vote: Ayes: Abad, Bosworth, Frankel, Gerstein, Kupferschmid **Absent:** Cohen **MOTION APPROVED**

Resolution #041:01'2025 Approval of Bills and Claims

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

At a regular meeting of the Mayor and Council of the Borough of Alpine held on January 22, 2025, to approve the bills and claims as outlined in the Finance Report.

Roll Call Vote: Ayes: Abad, Bosworth, Frankel, Gerstein, Kupferschmid **Absent:** Cohen **MOTION APPROVED**

CONSENT AGENDA RESOLUTIONS #042:01'2025 – 050:01'2025

Resolution #042:01'2025 Approval of Minutes Regular Meeting December 18, 2024

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

At the regular meeting of the Alpine Mayor and Council held on January 22, 2025, to approve the Regular Meeting Minutes of December 18, 2024.

Roll Call Vote: Ayes: Abad, Bosworth, Frankel, Gerstein, Kupferschmid **Absent:** Cohen **MOTION APPROVED**

Resolution #043:01'2025 Approval of Minutes Sine Die Meeting January 6, 2025

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

At the regular meeting of the Alpine Mayor and Council held on January 22, 2025, to approve the Sine Die Meeting Minutes of January 6, 2025.

Roll Call Vote: Ayes: Abad, Bosworth, Frankel, Gerstein, Kupferschmid **Absent:** Cohen **MOTION APPROVED**

Resolution #044:01'2025 Approval of Minutes Reorganization Meeting January 6, 2025

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

At the regular meeting of the Alpine Mayor and Council held on January 22, 2025, to approve the Reorganization Meeting Minutes of January 6, 2025.

Roll Call Vote: Ayes: Abad, Bosworth, Frankel, Gerstein, Kupferschmid **Absent:** Cohen **MOTION APPROVED**

Resolution #045:01'2025 Planning Board Class III Appointment

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on January 22, 2025

WHEREAS, Councilwoman Gayle Gerstein was appointed as Class III Member to the Planning Board by resolution of the Council at the 2025 Reorganization meeting held January 6, 2025; and

WHEREAS, Councilwoman Gerstein has advised she will need to temporarily step down from her role on the Planning Board due to unforeseen personal reasons;

NOW, THEREFORE BE IT RESOLVED, that the Council of the Borough of Alpine appoint **Councilman George Abad** as Planning Board **Class III** member, for the unexpired portion of a one-year term expiring 12/31/2025.

Roll Call Vote: Ayes: Abad, Bosworth, Frankel, Gerstein, Kupferschmid **Absent:** Cohen **MOTION APPROVED**

Resolution #046:01'2025 Award of Quote and Authorization of Cleaning Services Agreement

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

At this meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 22, 2025

WHEREAS, the Borough of Alpine received quotes for janitorial / cleaning services for the Borough **for the term of February 1, 2025 to January 31, 2026;** and

WHEREAS, two companies provided price quotes: JPA Maintenance, Inc., of Demarest, NJ for \$22,872.00 and Fermaint Cleaning Services, LLC of Union City, NJ for \$29,400.00; and

WHEREAS, these quotes were reviewed, and a recommendation made by the DPW Superintendent that the quote be awarded to **Fermaint Cleaning Services LLC** of Union City, NJ as the lowest responsible quote totaling **\$22,900.00;** and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Alpine hereby award the quote and authorize the Mayor and/or Municipal Clerk to enter into an agreement with **Fermaint Cleaning Services LLC** for the term February 1, 2025 through January 31, 2026. Funds are available in the 2025 Temporary Budget to fund the first two months of the contract and shall be subject to further appropriation of funds for the contract period. Upon final adoption of the 2025 Municipal Budget the Chief Financial Officer shall provide written certification, to be affixed to this resolution, as to the availability of funds for the duration of the contract.
Roll Call Vote: Ayes: Abad, Bosworth, Frankel, Gerstein, Kupferschmid **Absent:** Cohen **MOTION APPROVED**

Resolution #047:01'2025 Alpine Fire Department LOSAP (2024)

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, January 22, 2025

WHEREAS, the Borough of Alpine has established a Length of Service Award Program (LOSAP) for Alpine Fire Department, and

WHEREAS, the Borough of Alpine has received a certification from the Alpine Fire Department of the annual list for the year 2024 commencing December 1, 2023 and ending November 30, 2024 of all volunteer members who have qualified for credit under the LOSAP program, and

WHEREAS, the Borough of Alpine has reviewed the said list and does hereby believe that the same should be certified.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine that the following named members of the Alpine Fire Department have attained the minimum number of points and therefore qualify to receive an award for the 2024 reporting year:

Raffi Aynilian	Scott Bosworth	Chris Elarde
Ariel Gabay	Max Gabay	Lane Goldstein
Omar Hassan	Charles Hoffmann	Richard Incontro
Doug Isley	Kyle Khorozian	Andrew Kraus
Rich Marty	Chris Pesche	Frank Rickenbaugh
Hal Shaw	John Veras	

Note: Remittance of LOSAP subject to eligible member's timely completion and submission of a LOSAP application directly with the fund administrator. Eligible member's responsibility to confirm account status.

BE IT FURTHER RESOLVED, that copy of this Resolution shall be posted for a period of thirty (30) days on the bulletin boards in the lobby of the Alpine Borough Hall and in the Alpine Fire Department Fire House and a copy be forwarded to the Chief of the Alpine Fire Department.

Roll Call Vote: Ayes: Abad, Frankel, Gerstein, Kupferschmid **Abstain:** Bosworth **Absent:** Cohen **MOTION APPROVED**

Resolution #048:01'2025 Committing to Round 4 Present and Prospective Need Affordable Housing Obligations

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

WHEREAS, the Borough of Alpine, County of Bergen, State of New Jersey, (hereinafter, "Alpine") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations; and

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to provide an estimate of the fair share affordable housing obligations of all municipalities on or before October 20, 2024 based upon the criteria on the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the fair share affordable housing obligation for all municipalities based upon its interpretation of the standards in the Act; and

WHEREAS, the DCA Report calculates Alpine's Round 4 (2025-2035) fair share affordable housing obligations as follows: a Present Need (Rehabilitation) Obligation of 0 and a Prospective Need (New Construction) Obligation of 117; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support revised calculations of Round 4 fair share affordable housing obligations; and

These minutes have been approved by the Mayor and Council.

WHEREAS, the Amended FHA gives municipalities the opportunity to propose a different fair share affordable housing obligation from those reported by the DCA on October 18, 2024 based upon the standards in Sections 6 and 7 of the Act; and

WHEREAS, the Amended FHA further provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing (“COAH”) unless those regulations are contradicted by statute, including the Act, or binding court decisions” (N.J.S.A 52:27D-311 (m)); and

WHEREAS, COAH regulations empower municipalities to secure vacant land adjustments, durational adjustments and other adjustments; and

WHEREAS, Alpine has accepted the Present Need (Rehabilitation) Obligation of 0 as reported by the DCA in its October 18, 2024 Report; and

WHEREAS, Alpine has accepted the Prospective Need Obligation of 117 as reported by the DCA on October 18, 2024; and

WHEREAS, the Amended FHA provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of the Act; and

WHEREAS, Alpine’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of the Act; and

WHEREAS, in addition to setting forth its Round 4 fair share affordable housing obligations for the reasons summarized above, substantial activity has occurred and is ongoing that warrants the reservation of certain rights to avoid any claim that it has waived them; and

WHEREAS, for example, the New Jersey Institute of Local Government Attorneys (NJILGA) has expressed its support for proposed legislation (hereinafter “NJILGA Legislation”) would reduce Alpine’s Round 4 Prospective Need to 53 and would give Alpine “90 days from receipt of revised fair share obligations from the [DCA] to provide amended Housing Element and Fair Share Plans addressing the new number); and

WHEREAS, Alpine supports the NJILGA Legislation and would have the right to reduce its Round 4 obligation in the event that the Legislature enacts the NJILGA Legislation; and

WHEREAS, similarly, a number of municipalities, led by the Borough of Montvale, have filed suit (MER-L-1778-24) (hereinafter “Montvale Litigation”) challenging the validity of the Act and other aspects deriving from the Act, including, without limitation, Directive 14-24, issued by the Acting Director of the Administrative Office of the Courts (hereinafter, respectively, “Director” and “AOC”), as further referenced below; and

WHEREAS, the process established by the Amended FHA creates an opportunity to object by interested parties opposing the obligations to which a municipality commits, thereby creating the potential for litigation over the obligations of the municipality; and

WHEREAS the court approved a vacant land adjustment (hereinafter, “VLA”) and a realistic development potential (hereinafter, “RDP”) for Alpine in Round 3; and

WHEREAS, because there has been no material change in vacant land in Alpine since the approval of its VLA and RDP, and because Alpine provided a realistic opportunity for the satisfaction of its RDP approved by the Court in Round 3, Alpine is entitled to a VLA in Round 4 and a minimal RDP in Round 4 that will be fully addressed and included in the HEFSP it submits by the June 30, 2025 deadline; and

WHEREAS, the Amended FHA requires municipalities to adopt a binding resolution no later than January 31, 2025 as to its obligations; and

WHEREAS, in light of the above, Alpine finds that it is in its best interest to declare its obligations in accordance with this binding resolution in accordance with the Act; and

WHEREAS, in addition to the above, the Director issued Directive #14-24, dated December 13, 2024, and made the Directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking compliance certification with the Act shall file an action in the form of a declaratory judgment complaint within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, Alpine seeks a compliance certification with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED on this 22nd day of January, 2025 by the Governing Body of the Borough of Alpine, County of Bergen, State of New Jersey, as follows:

1. The preamble of this resolution is incorporated into the operative clauses of this resolution as if set forth in full.

2. For the reasons set forth in this resolution and its attachments, Alpine commits to a Round 4 Present Need (Rehabilitation) Obligation of 0 and a Round 4 Prospective Need (New Construction) obligation of 117, as set forth in the October 18, 2024, DCA Report, subject to all reservations of all rights, which specifically include, without limitation, the following:

- a) The right to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted in accordance with the Act and COAH regulations;
- b) The right to comply with the NJLGA Legislation if enacted, including the right to adjust its fair share obligations;
- c) The right to adjust its fair share obligation in the event of any future legislation that adjusts the fair share obligations that the DCA reported on October 18, 2024;
- d) The right to adjust its fair share obligations based upon any ruling in the Montvale Litigation or other litigation; and
- e) The right to adjust its fair share obligations in the event of a third party challenge to the fair share obligations and Alpine's response thereto.

3. Alpine hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in the appropriate venue within 48 hours after adoption of this resolution attaching this resolution.

4. Alpine hereby authorizes its Affordable Housing Counsel to file this resolution with the Program or any other such entity as may be determined to be appropriate.

5. This resolution shall take effect immediately, according to law.

ROLL CALL VOTE: Ayes: Abad, Bosworth, Frankel, Gerstein, Kupferschmid **Absent:** Cohen **MOTION APPROVED**

Resolution #049:01'2025 Authorization for Borough Engineer to Submit Quantity Estimates for 2025 Riverside Cooperative Road Improvement Program

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

at this regular meeting of the Mayor and Council of the Borough of Alpine held on January 22, 2025

WHEREAS, list of roads and quantity estimates are due to the Riverside Cooperative by February 7, 2025 for purposes of preparation of bid specifications as part of Alpine's 2025 Road Improvement Program; and

WHEREAS, per the review by the Borough Engineer and DPW Superintendent, it is recommended that the following roads be included in the 2025 Road Improvement Program:

- **Ruckman Road**
- **Miles Street**

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Alpine authorizes the Borough Engineer to submit the list and quantity estimates by the February 7, 2025 deadline on behalf of the Borough of Alpine.

Roll Call Vote: Ayes: Abad, Bosworth, Frankel, Gerstein, Kupferschmid **Absent:** Cohen **MOTION APPROVED**

Resolution #050:01'2025 Authorizing a Mutual Aid Assistance Agreement Between the Sparkill-Palisades (NY) Fire District and the Borough of Alpine

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held on January 22, 2025

WHEREAS, the Borough of Alpine authorized a mutual aid and assistance agreement with the Sparkill-Palisades Fire District per prior resolutions #201:1'2019SD, dated January 3, 2019 and #100:04'2023 dated April 26, 2023; and

WHEREAS, an updated Mutual Aid and Assistance Agreement has been prepared which authorizes the Borough of Alpine Fire Department and the Sparkill-Palisades Fire District to assist each other in firefighting, drills and emergency conditions as may reasonably be required; and

WHEREAS, said Agreement is in the best interests of the public safety and welfare of the citizens of Alpine.

NOW THEREFORE BE IT RESOLVED that Mayor Tomasko and Fire Chief Kyle Khorozian be and are hereby authorized to execute the aforesaid Agreement on behalf of the Borough of Alpine.

Roll Call Vote: Ayes: Abad, Bosworth, Frankel, Gerstein, Kupferschmid **Absent:** Cohen **MOTION APPROVED**

COMMUNICATIONS: WRITTEN AND ORAL

**FINAL REPORT OF BID RESULTS
SALE OF SURPLUS PROPERTY/ VEHICLES NO LONGER NEEDED FOR PUBLIC USE**

Authorized by Resolution dated November 18, 2024

Advertised in The Record on Tuesday, December 3, 2024

Bid Date: Friday, December 13, 2024 at 7:30PM

Conducted Utilizing Online Auction Services of GovDeals, Inc. (GovDeals.com)

BID DATE	VEHICLE	BIDDER/ BUYER	AWARDED BID
12/13/24	2013 CHEVROLET MALIBU VIN 1G11D5SR8DF259378	WILLIE WEATHER CLAYTON, NJ	\$2,851
12/13/24	2012 CHEVROLET TAHOE VIN 1GNSK2E001CR184850	DYLAN GOBLE FLANDERS, NJ	\$3,250
12/13/24	1995 ODB Leaf Vac Trailer VIN11951911	ROBERT COPPOTELLI COPPOTELLI EQUITIES, INC. TOMS RIVER, NJ	\$2,025
12/13/24	1976 INTERNATIONAL CUB TRACTOR	RICHARD VERSNEL RV AUTO SALES TOMS RIVER, NJ	\$500
	TOTAL		\$8,626

EXECUTIVE SESSION: None/Not needed

Councilman George Abad and resident Keren Barbi were sworn in to the Planning Board by Mayor Tomasko.

The Mayor shared that the quarterly newsletter had been sent out at the end of December.

ADJOURNMENT

Upon a motion by Councilman Cohen, seconded by Councilwoman Gerstein and approved by all, this regular meeting of the Mayor and Council adjourned at 7:49 PM.

Respectfully submitted,

Stephanie Wehmann
Municipal Clerk