

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, August 22, 2018 @ 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 22, 2018 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 22, 2018 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 Attorney Russ Huntington, Borough Engineer Perry Frenzel, Borough Clerk Stephanie Wehmann

Mayor Tomasko thanked officials present and Council for volunteering their service.

PUBLIC COMMENTS Mayor Tomasko opened the meeting to the public for comments.

Richard Incontro, 36 Schoolhouse Lane, stated tomorrow there is a Board of Health meeting scheduled to discuss the Alpine Three property and septic system. The Board of Health has to approve the septic systems and the Planning Board has to approve the entire site. Alpine Three will have to get a new LOI. They purchased the property from Mrs. Hille in 1985. The deed states that there is a percolating spring on the property. In 2014 the Cosgrove Report which was mandated by the court and paid for by Alpine Three concluded that the DuBois Spring is waters of the State and feeds into the Cresskill Brook which feeds into trout ponds in Alpine and Demarest. In April 2014 PK Engineering and a lawyer for Alpine Three stated the following. In fact, the NJDEP Division of Land Use Regulation was given the detail property wetlands survey that Mr. Cosgrove references which highlighted the location of said abandoned well. On four separate occasions as part of two LOI (Line Verification) applications and two General Permit #6 applications. The Alpine Borough Clerk was also given these identical NJDEP application packages for their review and comment via certified notices. In addition, the NJDEP Division of Watershed Management was also given the same maps, reports and surveys for their onsite inspection. In conclusion, the NJDEP made numerous on-site inspections of the entire property with the aforementioned information and issued four separate official regulatory authorizations related to their limits or regulatory jurisdiction related to freshwater wetlands, wetlands transition buffer and state open waters. They did but in all that documentation Alpine Three never identified that the DuBois Spring was there. All the documentation that Mr. Hubschman submitted never identified the DuBois Spring. He called it an abandoned well. Documentation that was originally sent to the Borough engineer at the beginning of this crusade didn't show anything but an abandoned well. The DuBois Spring is the key element in this development of this property and if Alpine Three didn't do due diligence it shouldn't be the public, the safety of the fish and the entire County who receives the short end of the stick. He suggests the Alpine Mayor and Council investigate and state for the residents of Alpine, the Planning Board, the Board of Health and Alpine Three that the DuBois Spring exists and flows into the Cresskill Brook. Also, that the DuBois Spring has been illegally modified and changed which they had no right to do. He thanked the Mayor and Council for listening.

The Mayor strongly recommended that if Mr. Incontro puts his remarks in writing for the Mayor and Council that he also sends it to the Planning Board. Councilman Cacouris stated he was interested also asked Mr. Incontro to provide the governing body with copies of all his materials and supporting documentation.

John McCaffrey, 203 Hickory Lane, Closter, NJ stated he owns several parcels of land near this land where the septic are in the process of going in right now. Last year his nephew had the fortune of meeting up with some people he believes were from NJDEP State Fish and Game on the Duckpond Road streambed. They explained they were examining the native brook trout because there are very few streams left in Northern Bergen County that actually support our state fish which is the native brook trout. They said the only reason why they're surviving in this stream bed is because there must be freshwater springs upstream that keeps the water nice and cold and aerated. They hit it right on the spot. My nephew intervened and said yes, my Dad and my uncle have rights to a spring known as the DuBois Spring that feeds this spring right here. He found it very interesting. Most recently they've had a lot of problems with the brook trout population in the state of New Jersey because of high water temperatures in the brooks and all of the springs being depleted, covered up through development and destroyed. So I think we have to take a real strong look at this and the reason why those brook trout are down there is because we have the fresh waters of that stream right here at our hands which brings up another subject.

Many years ago, the Borough of Alpine Mayor and Council vacated the spring and Mayor Hertzberg said since there's no longer a need for the spring we're going to vacate the road to the spring and Schoolhouse Lane. The town vacated their right to the spring but they could not take away the inherent right of the other property owners that had the private interest in that spring written into their deeds. That covers about 60 people right now who are surviving and who own rights to that spring and the road to the spring. More recently, about five or six years ago the Borough acquired a piece of land on the corner of Church Street and Closter Dock Road; the former gas station. That property had the rights to Schoolhouse Lane open and unobstructed as a road forever and the rights to those spring waters and their children's children forever and ever as its written into the deed. Now the Borough bought another chunk of the spring right there. You have the rights right in your hand; you bought them. If you look deep into that deed and you do your investigating you'll see it. Thomas R. DuBois's deed to the heirs and passed down from their that is now in your hands. I'd like to ask the Borough Attorney on that: what is the legal aspect of that to the Borough? Mayor Tomasko advised this is a Planning Board manner and he hopes Mr. McCaffrey will come to the Planning Board; he has been there before. Attorney Huntington advised he wouldn't opine or speculate without further information. Councilman Cacouris asked if it is true that the rights to a spring are normally embedded in a deed. Attorney Huntington replied it's true that if a piece of property has particular rights, not necessarily a spring but any easements, etc., they can be embedded into a deed so they run with the land.

Mr. McCaffrey acknowledged Attorney Huntington would not be familiar with all the deeds and the lineage of this all the way from the Homesteaders Act of 1820 but he is and, to answer Mr. Cacouris' question, the deeds not only specify the spring and the rights of those spring waters to the children's children forever and ever, it was associated with a deeded map that was filed down in the County back in the 1880's. The DuBois Spring has a very strong pedigree. He doesn't think there's another piece of land in town that has it written into their deed about a spring. Mr. Cacouris asked if Mr. McCaffrey has any of these documents. Mr. McCaffrey replied that he has all the documentation.

Mr. McCaffrey continued this particular septic field in question right now is being tested. He has the adjoining property next door and the field is literally within fifteen of his boundary line. For the last three weeks that water level or more has been at the brim ready to overflow and he didn't take a transit reading with his laser because he couldn't go over there and be trespassing because they have signs all over but he truly believes the elevation of that water is above the level of his finished basement floor in his house. He asked what's going to happen when this is built? Mayor Tomasko advised Mr. McCaffrey owes it to himself to bring this up at tomorrow night's meeting. Mr. McCaffrey asked when they did this testing how could it possibly have passed if this isn't going down now and not to include the fact it is a safety issue? That pit, that seven to eight-foot-deep water by thirty by forty (feet) with no fence around it, is a mosquito farm like you can't believe and he petitions the governing body to go and look, walk the property so they can see what Richie and he are talking about and basically what they've fought for a long time which is the DuBois Spring. It has its pedigree. It's included in the Clean Waters Act and it behooves all of them, including the governing body who've taken an oath to uphold the law, to protect the Clean Waters Act. If you read into it starts with a spring. That's the birth for our clean waters is a spring nationwide. The spring is within seventy-five feet of the actual cap that they put on it. It is the DuBois Spring but they put like a caisson in there - which never was there. There's no more water crest there now which was there forever. That spring had been here for forty-two years and in all the droughts they've had for forty-two years that stream never dried up and that spring never stopped flowing. He will go to the Board of Health meeting to express what he's expressed tonight. Something's wrong with the way that they did their hydraulic tests and he asked if the Borough can hire an outside hydrologist to take an overlook on this whole issue and to make sure that if they're going to give approvals that it's really the right thing to do and he doesn't believe it is the right thing to do. He also asked them to immediately look into getting someone to put a fence around there for safety reasons. Attorney Huntington asked if could take some pictures and Mr. McCaffrey stated he already has.

Being no further comments, Mayor Tomasko closed this portion.

REPORT OF THE FINANCE COMMITTEE Councilman Cacouris highlighted the report.

Bank Of New Jersey Current Operating Acct **\$3,622,362.91**

Resolution #140: 8'2018: Authorizing Refund of Redemption Monies to Outside Lienholder – Tax Sale Certificate 39 Forest Street Block 60 Lot 8

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

WHEREAS, at the Municipal Tax Sale held on October 30, 2014, a lien was sold on Block 60 Lot 8, also known as 39 Forest Street, Alpine, NJ for 2013 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate #14-00002, was sold to PAM Investors, 127 S. Washington Ave., Bergenfield, NJ 07621 for a 2% redemption penalty; and,

WHEREAS, Westervelt Development Group, owner of the property located at 39 Forest Street, Block 60 Lot 8 has effected redemption of Certificate #14-00002 in the amount of \$14,097.81;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, hereby authorize the Borough Treasurer to issue a check in the amount of \$14,097.81 payable to PAM Investors, 127 S. Washington Ave., Bergenfield, NJ 07621 for the redemption of Tax Sale Certificate #14-00002.

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

Resolution #141: 8'2018: Approval of Bills and Claims

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 22, 2018 to approve the bills and claims, a copy of which are appended.

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

Resolution #142: 8'2018: Return of Bonds and Escrow

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 22, 2018 to approve the return of the following bonds and escrow subject to review and approval by the Borough Engineer.

<u>Block/Lot</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
11/2	Montammy Golf Club	Tree Bond	\$41,068.71

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

Tax Assessor's Report. Report on file.

MAYOR'S REPORT The Mayor reported on the following:

- Passing of Jeanine Saal
- Thank you to Councilman Cacouris for joining the Alpine Swim Club
- Tax bills were sent out and time to pay extended to date posted outside

REPORTS OF THE STANDING COMMITTEES

Administration Department No report.

Building Department Councilman Halbreich read the report's main statistics:

47 scheduled inspections, 4 driveway permits, 1 fence permit, 8 tree permits, 2 soil moving applications, and 4 zoning review applications. Balance of the reports is on file in the Clerk's office.

Department of Public Works Councilman Frankel highlighted two large trees fell blocking main roads, Closter Dock Road and Hillside Avenue and the DPW crew were effective in timely removal to minimize disruption. The balance of the report is on file.

Fire Department Councilwoman Gerstein advised statistics are available for review.

Resolution #143: 8'2018: Approve Fire Fighter Application Aaron D. Seymour

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 22, 2018 to approve the application for **Aaron D. Seymour** for Membership as a Firefighter in the Alpine Volunteer Fire Department.

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

Police Department Councilwoman Frankel reported 13 summonses were issued in July, 6 motor vehicle accidents with 4 injuries. The rest of the report is on file.

Resolution #144:8'2018: 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 22, 2018 to accept the reports of the Standing Committees.

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

BOARD OF EDUCATION LIAISON'S REPORT Councilman Shadek advised the school has hired a new School Business Administrator and assistant.

BOROUGH ATTORNEY'S REPORT Attorney Huntington advised the Borough continues to be immune from affordable housing suits.

BOROUGH ENGINEER'S REPORT Mr. Frenzel summarized updates as follows:

- **2018 NJDOT Municipal Aide Project** Necessary documents from D&L Paving received for review regarding Litchfield Way paving project. Pre-construction meeting will be scheduled.
- **2019 NJDOT Municipal Aide Project Application** It's time to consider projects for the 2019 application due October. Allison Road was next on the list The Transportation Fund is now considerable largely so he'll be reviewing other roads with the DPW Superintendent.

Resolution #145:8'2018: Authorization for Engineer to Submit Application for 2019 DOT Municipal Aide for Allison Road.

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 22, 2018 authorizing the Borough Engineer to submit a 2019 NJ DOT Municipal Aide application for Allison Road.

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

MOTION APPROVED

UNFINISHED BUSINESS

Ordinance #780 Amending Chapter 45 Police Department to Add Section 45-15 Random Drug Testing of Police officers

Public Hearing: Opened to the public for comments and, being none, closed.

Resolution #146:8'2018: Adoption of Ordinance 780

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 22, 2018

BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine in the County of Bergen and State of New Jersey, that an Ordinance entitled:

AN ORDINANCE TO AMEND CHAPTER 45 OF THE CODE OF THE BOROUGH OF ALPINE, ENTITLED "POLICE DEPARTMENT" TO ADD SECTION 45-15 TITLED "RANDOM DRUG TESTING OF POLICE OFFICERS"

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

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek **MOTION APPROVED**
{Ordinance 780 appended to these minutes in its entirety.}

NEW BUSINESS

CONSENT AGENDA RESOLUTIONS Resolutions #147:8'2018 - #150:8'2018
Councilman Cacouris abstains from #4.

1. Resolution #147:8'2018: Approval of Minutes Regular Meeting August 22, 2018

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 22, 2018 to approve the minutes of the Regular Meeting August 22, 2018.

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

2. Resolution #148:8'2018 Authorizing Hiring of School Crossing Guards for 2018-2019 School Year

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

At this meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 22, 2018

WHEREAS, the Borough of Alpine Police Department recommends hiring Carol Parrino and Henry Liegeois to fill the positions of School Crossing Guards for the 2018-2019 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 by the Mayor and Council of the Borough of Alpine that Carol Parrino and Henry Liegeois are hired to perform the duties of School Crossing Guards for the Police Department for the school year, September 5, 2018 – June 25, 2019 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 Ms. Parrino, Mr. Liegeois, the Police Chief, the Treasurer and the Borough Clerk/Personnel Administrator.

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

3. Resolution #149:8'2018: Award Quote to Replace DPW Salt Shed Roof

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

At this meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 22, 2018

WHEREAS, the Department of Public Works has identified a need to replace the salt shed roof; and

WHEREAS, the Borough of Alpine solicited and received quotes for this service, one from Highwood Construction Company of Bergenfield, NJ for \$7,250.00 and one from Charles A. Hoffmann Construction, LLC of Alpine, NJ for \$7,460.00; and

WHEREAS, these quotes were reviewed, and a recommendation made by the DPW Superintendent that the acquisition be awarded to Highwood Construction Company of Bergenfield, NJ as the lowest responsible quote totaling \$7,250.00; and

WHEREAS, funds for this purpose have been provided for in the following account(s):
C-04-55-976-201 Capital Ordinance #777/#779.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Alpine hereby award the quote to purchase equipment cabinetry for replacement of the salt shed roof for the Department of Public Works to Highwood Construction Company of Bergenfield, NJ for \$7,250.00. The Chief Financial Officer has provided the Certification of Availability of Funds.

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

4. Resolution #150:8'2018: Amending Employee / Supervisor Manuals

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 22, 2018

WHEREAS, the Borough of Alpine in conjunction with the Municipal Excess Liability Joint Insurance Fund has developed employee handbooks establishing personnel practices and policies; and

WHEREAS, every two years municipalities are required to review and update these employment practices and policies manuals to remain eligible for certain MEL premium and deductible incentives; and

WHEREAS, the Borough of Alpine and the Borough Attorney reviewed the policies and updated certain provisions therein in accordance with the recommendations of the MEL/JIF and Personnel Administrator; and

NOW, THEREFORE BE IT RESOLVED that the Borough's Employee Handbook and Managerial/Supervisory Procedures Manual are hereby approved, as amended in accordance with the recommendations of the MEL/JIF and the Mayor and Council. Substantial changes exclusive of grammatical corrections or changes to table of contents and format are provided herein attached as Addendum A for the Borough's Employee Handbook and Addendum B for the Managerial/Supervisory Procedures Manual.

BE IT FURTHER RESOLVED that an updated Employee Handbook will be distributed to all employees within the Borough of Alpine and an updated Managerial/Supervisory Procedures Manual will be distributed to all Department Heads.

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

MOTION APPROVED

(Addendums appended to minutes)

End of Consent Agenda

B. Resolution #151:8'2018: Extending Medical Leave for Work Related Injury

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on August 22, 2018

WHEREAS, Sergeant Matthew Kent has been incapacitated since February 13, 2017 due to a work-related incident; and

WHEREAS, Sections 23 and 24 et. seq. of the Agreement between the Borough of Alpine and PBA Local #399 effective January 1, 2017 provides that an Employee shall be retained on the payroll at full salary and benefits for a continued period of six months during the continuance of said incapacitation and that the Governing body shall have the option of extending the period during which an Employee shall receive the benefit of this Article on an individual basis and after considering the merits of each case; and

WHEREAS, at the regular meeting of the Mayor and Council held August 23, 2017 continuation of full salary and benefits for the above-named employee was approved for a period of 60 days retroactive to August 13, 2017; and

WHEREAS, continuation of full salary and benefits was subsequently approved at the regular meetings of the Mayor and Council held on September 27, 2017, November 20, 2017, January 24, 2018, and May 23, 2018, and is currently effective through September 10, 2018;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine concurs with the Police Committee and that the above-named employee be continued at full salary and benefits for an additional 60 days effective September 10, 2018.

VOTE: AYES: Cacouris, A. Frankel, V. Frankel, Gerstein, Halbreich, Shadek

MOTION APPROVED

Mayor Tomasko advised DPW Superintendent Frank Rickenbaugh submitted his written intent to retire at year's end. The Mayor, DPW Commissioner and DPW Superintendent met and recommend extending an offer of employment to Alpine resident, Greg Zarembo, who's been a member of the volunteer Alpine Fire Department for many years, has extensive DPW experience. They consulted with retired DPW Superintendent Ralph Wehmann who also supports this hire. The intent is to have Mr. Zarembo start a month before Mr. Rickenbaugh leaves to ensure a smooth transition. Mr. Frankel advised Mr. Zarembo is well qualified and they feel he will do an excellent job. Both Mr. Rickenbaugh and Mr. Zarembo were in attendance.

C. Resolution #152:8'2018: Offer of Employment – Acting DPW Superintendent & Property Maintenance Official

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

WHEREAS, there exists within the Borough of Alpine a vacancy in the position of Superintendent of the Department of Public Works and Property Maintenance Official; and

WHEREAS, a person well known to the governing body of the Borough of Alpine and uniquely qualified to fill the above referenced position due to his employment from time to time, as needed by the Borough of Alpine, for work related to the Public Works Department is available; and

WHEREAS, based upon the foregoing, the Borough has chosen to waive the recruitment procedures normally associated with new hires; and

WHEREAS, the foregoing decision is found to be in the best interest of the Borough;

NOW, THEREFORE, BE IT RESOLVED that the Borough shall offer the position of Acting DPW Superintendent and Property Maintenance Official to Greg Zarembo upon terms and conditions customary to the position and to be memorialized in a Memorandum of Employment.

VOTE: AYES: Cacouris, A. Frankel, V. Frankel, Gerstein, Halbreich, Shadek

MOTION APPROVED

COMMUNICATIONS: WRITTEN AND ORAL - None

EXECUTIVE SESSION

Agenda Items A&B were acted upon under new business without need for executive session.

Resolution#153:08'2018: 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, August 22, 2018

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) Pending Contract Negotiation

(b)(7) Pending Litigation

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, assembled in public session on Wednesday, March 28, 2018, 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: Cacouris, A. Frankel, V. Frankel, Gerstein, Halbreich, Shadek **MOTION APPROVED**

Mayor and Council convened the Executive Session at 7:59 PM and returned to the regular public session at 8:25 PM where they immediately adjourned.

ADJOURNMENT

OFFERED 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 22, 2018 at 8:26 P.M.

Respectfully submitted,

Stephanie Wehmann, Municipal Clerk

**BOROUGH OF ALPINE
ORDINANCE NO. 780**

**AN ORDINANCE TO AMEND
CHAPTER 45 OF THE CODE OF THE BOROUGH OF ALPINE, ENTITLED "POLICE DEPARTMENT" TO ADD SECTION
45-15 TITLED "RANDOM DRUG TESTING OF POLICE OFFICERS"**

WHEREAS, on March 20, 2018 the Attorney General of the State of New Jersey issued Directive No. 2018-2 titled "Statewide Mandatory Random Drug Testing" (the "Directive") to ensure that law enforcement provides the highest level of services to the public, and that all officers have the physical and mental capacity to perform their duties safely and effectively; and

WHEREAS, in accordance with the Directive, all law enforcement agencies operating under the authority of the laws of the State of New Jersey are required to implement and comply with the policies, procedures, standards, and practices set forth in the Directive.

NOW, THEREFORE BE IT ORDAINED by the Council of the Borough of Alpine in the County of Bergen, State of New Jersey as follows:

Chapter 45 titled "Police Department," of Part I titled "Administrative Legislation," of the Borough of Alpine General Ordinances is hereby amended to add Section 45-15, titled "Random Drug Testing of Police Officers" as follows:

1. Section § 45-15 Random Drug Testing of Police Officers

A. The Chief of Police shall implement and maintain a Random Drug Testing Policy in accordance with Attorney General Law Enforcement Directive No. 2018-2, and any successor directive, and in accordance with legislation and administrative rule, now in effect or effective after the effective date of this Section 45-15 requiring the Police Department to conduct random drug testing on members of the Police Department.

B. Every member of the Police Department is subject to the terms of Attorney General Law Enforcement Directive No. 2018-2, and any successor directive, and subject to legislation and administrative rule, now in effect or effective after the effective date of this Section 45-15, requiring the Police Department to conduct random drug testing on members of the Police Department

2. All Ordinances of the Borough of Alpine that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED that this ordinance shall become effective upon final adoption.

INTRODUCED: July 25, 2018

ADOPTED: August 22, 2018

BOROUGH OF ALPINE
Addendum A
to Resolution Amending Employee Handbook

Changes to the Employee Handbook:

Table of Contents updated.

2. *B. Policies Relating to Employees Rights and Obligations Amend Item B1 and B2 and add Item 8 to read as follows:*

1. Americans with Disabilities Act Policy / NJ Pregnant Worker’s Fairness Act

The Borough is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker’s Fairness Act (LAD). Under no circumstances will the Borough of Alpine discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, **breastfeeding**, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, the Borough Clerk, the Personnel Administrator or the Labor Attorney.

2. Americans with Disabilities Act Policy / New Jersey Pregnant Worker’s Fairness Act*

In compliance with the Americans with Disabilities Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker’s Fairness Act (LAD), the Borough does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The Borough will endeavor to make every work environment handicap accessible and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines.

It is the policy of the Borough of Alpine to comply with all relevant and applicable provisions of the Americans with Disabilities Act and LAD. We will not discriminate against any qualified employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, childbirth, **breastfeeding**, or pregnancy related medical condition. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Borough.

The Borough Clerk/Personnel Administrator shall engage an interactive dialogue with disabled/pregnant employees, prospective disabled/pregnant employees and/or their physician as permitted to identify reasonable accommodations. **In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.** All decisions with regard to reasonable accommodation shall be made by the Borough Clerk/Personnel Administrator in consultation with the appropriate Department Head and Borough/Labor Attorney. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough to offer permanent “light duty,” relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Borough of Alpine facilities. Any questions concerning proper assistance should be directed to the Personnel Administrator.

1. *Item 2.C. Workplace Policies Amend Item 5 to read as follows:*

5. Communication Media Policy:*

The Borough’s Communication Media are the property of the Borough and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, “Communication Media” includes all electronic media forms provided by the Borough, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax. **Employees are restricted from accessing or using the company’s Communication Media for personal purposes during company time on company equipment without prior authorization from the Administration to do so.**

All data stored on and/or transmitted through Communication Media is the property of the Borough. For purposes of this policy, “Data” includes “electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche

These minutes have been approved by the Mayor & Council.

materials which serve a Borough business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Borough's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Borough's local or wide-area networks."

The Borough respects the individual privacy of its employees. However, employee communications transmitted by the Borough's Communication Media are not private to the individual. **All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Borough. The Borough reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough's Communication Media.** By using the Borough's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel. The existence of passwords does not restrict or eliminate the Borough's ability or right to access electronic communications. However, pursuant to New Jersey law the Borough cannot require the employee to provide ~~the~~ password to his/her personal account(s).

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited. **Employees are hereby advised that if they conduct work-related business on their personal emails, cell phones, or other personal Communication Media, it is also subject to the provisions of the Open Public Records Act. However, nothing in this social media policy prevents employees from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administration, and are asked to refrain from posting comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media.**

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use Borough's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances. **Further, discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through Communication Media, whether same is performed on the Borough's equipment or on the employee's own personal Communication Media.**

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by Borough. Certain data, or applications that process data, may require additional security measures as determined by the Borough. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

Information security is necessary to protect the Borough's information (data and software) from accidental or intentional unauthorized disclosure, modification, or loss. Information security is managed under guidelines dealing with identification, authentication, authorization, production environment, and ability to audit. All employees should be familiar with such security measures adopted by the Borough.

All employees may access only data for which the Borough has given permission. All employees must take appropriate actions to ensure that Borough data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized. **All Borough data must be stored centrally as required by the Borough. This provides greater security and ensures backup of all Borough data is performed.**

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Borough's computing environment.

Employees may not install, ~~or~~ modify or remove ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Borough. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Workstation settings and configurations and network settings must not be **modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses etc.**

Social Media and its uses in government and daily life are expanding each year, however information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media.

Only those Employees directly authorized by the Mayor or his/her designee may engage in social media activity during work time through the use of the Borough's Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Borough employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Mayor of the Borough or his/her designee. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Mayor or his/her designee. Except in "emergency situations," Employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough's Communication Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough's Communication Media or otherwise, may be issued unless it has first been approved by the Mayor of the Borough or his/her designee. Specifically, employees are forbidden from using the Borough's Communication Media to impersonate the employer; to make statements on behalf of the employer without authorization; and/or to make statements that can be construed as establishing what the employer's official position or policy is on any particular issue. In addition, employees are prohibited from placing or posting on the Internet through the employer's Communication Media or the employee's own personal media, either during working or non-working hours, any employer-related confidential, sensitive or other employer information of a proprietary nature, including but not limited to employer records or documents, trade secrets, internal reports, tips based on inside information that may be considered insider trading, screenshots of computer stations, pictures of monitors and/or actual documents of the employer, any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences. ~~Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough.~~ Such unauthorized communications may result in disciplinary action.

Because (authorized) postings placed on the Internet through use of the Borough's Communication Media will display on the Borough's return address, any information posted on the Internet must reflect and adhere to all of the Borough's standards and policies.

All users are personally accountable for messages that they originate or forward using the Borough's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else without a legitimate authorized purpose and authorized by the Mayor of the Borough or his/her designee) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public Borough and other third-party rights. Any use of the Borough's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Borough, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

If employees choose to identify themselves as a Borough employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Borough, as such no employee shall knowingly represent themselves as a spokesperson of the Borough, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the Borough expresses views that are detrimental to the Borough's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Borough employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Borough employees.

To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the Borough's employment policies. For all other communications by employees on personal social media sites in which matters related to the Borough are discussed, employees must add a disclaimer on the front page stating that the posting does not express the views of the Borough, and that the employees are expressing their own personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." The disclaimer must be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Borough or the Borough's business, with the exception of postings and social media communications by employees engaging in protected concerted activities. Employees are advised that if they post information on social media that is in violation of either the terms and conditions of the within social media policy, or in violation of federal, state, or local laws, the disclaimer

will not shield them from disciplinary action. However, no retaliation or discipline will result if and when employees are engaging in protected concerted activity, and/or choose to report inappropriate social media activities to the Borough Administration.

Nothing in these policies is designed to interfere with, restrain, or prevent social media communications by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the National Labor Relations Act. All Borough employees have the right to engage in or refrain from such activities.

~~To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough's employees, or if they discuss matters related to the Borough on a social media site, if employees choose to identify themselves as a Borough of Alpine employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Borough, as such no employee shall knowingly represent themselves as a spokesperson of the Borough, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the Borough, expresses views that are detrimental to the Borough's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Borough employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Borough employees. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.~~

~~Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Borough employees have the right to engage in or refrain from such activities.~~

BOROUGH OF ALPINE
Addendum B
to Resolution Amending Managerial/Supervisory Procedures

Changes to the Managerial/ Supervisory Procedures Manual:

Table of Contents updated.

Item 3. Open Public Meetings Act Procedure concerning Personnel Matters to read as follows:

3. Open Public Meetings Act Procedure concerning Personnel Matters*

Discussions by the governing body or any body of the Borough concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session **with the right of the employee to be present**, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or any body of the Borough concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session. ~~If the individual(s) does not request that the discussion be held in open session, the governing body or other body may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session.~~

Additionally, whenever the governing body or any public body of the (local unit type) **intends to act on a matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employees employed or appointed by the governing body or any public body of the Borough then that governing body or that public body of the Borough must provide notice of said intended action to said prospective public officer or employee or current public officer or employees.** Prior to the matter being acted on, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed.