

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, August 26, 2020 @ 7:30 P.M.**
(This meeting was recorded in its entirety).

CALL TO ORDER/ PUBLIC ANNOUNCEMENT

The Mayor and Council, Borough of Alpine, convened for this Regular Meeting on Wednesday, August 26, 2020 at 7:30 P.M. The Public Announcement was read as follows: *In accordance with the provisions of the Open Public Meetings Law, and the Governor's Emergency Declaration the notice of this regular meeting of the Alpine Mayor and Council held Wednesday, August 26, 2020 has met the requirements of the law by being published in The Record, posted continuously on the bulletin board of the lobby of the Borough Hall and a copy filed in the office of the Borough Clerk.*

ROLL CALL *joined by telephone

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 Attending: Borough Attorney Russ Huntington, Borough Engineer Perry Frenzel
Municipal Clerk Stephanie Wehmann

PUBLIC COMMENTS No public present.

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

ConnectOne Current Operating Acct \$1,960,116.76

Resolution #134:8'2020: Return of Bonds and Escrow

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 26, 2020 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>
71/18	Miletic, Marko & Milena	Revegetation Bond	\$2,000.00
		Performance Bond	\$5,500.00
		Engineering/Soil Escrow	\$3,179.75
			\$10,679.75

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

Resolution #135:8'2020: Extension of Grace Period For 3rd Quarter 2020 Tax Payments

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 26, 2020

WHEREAS, the Certified tax rate for 2020 was received by the Bergen County Tax Board on August 20, 2020, making it necessary to delay the mailing of tax bills for the 3rd & 4th quarters of 2020 and 1st & 2nd quarters of 2021;

WHEREAS, pursuant to N.J.S.A. 54:4-66 et seq., the Tax Collector must extend the due date to allow at least 25 days from the date of mailing tax bills, without interest being charged;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby approves the extension of the grace period for 3rd quarter 2020 tax payments to allow 25 days from the date of mailing, and that notice of same will be included with every original tax bill mailed or delivered via electronic transmission.

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

These minutes have been approved by the Mayor & Council.

MOTION APPROVED

Resolution #136:8'2020: Cancellation of Outstanding Check for Unclaimed Escrow

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 26, 2020

WHEREAS, the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey received a request from the CFO/Treasurer a cancel the following check which was attempted to be served upon the owner of record for return of unused escrow but was returned to the Borough marked '*moved, left no address, unable to forward*'; and

WHEREAS, since holding these funds for an indefinite term is not in keeping with best practices as advised by the Borough Auditor, it is now necessary to cancel said funds to Current Fund Surplus, as follows;

<u>Check No.</u>	<u>Dated</u>	<u>Payable to</u>	<u>Amount</u>
5224	2/26/20	Grace Hwang	\$180.85

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, that the Borough Treasurer is authorized to cancel said check totaling \$180.85 to the Current Fund.

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

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

MOTION APPROVED

Resolution #137:8'2020: 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 26, 2020 to approve the bills and claims, a copy of which are appended.

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

Tax Assessor's Report. Report on file

MAYOR'S REPORT Mayor Tomasko highlighted:

- Tax rate 0.759 is slightly below last year's 0.779. Thanks to all admin staff for helping Ms. Hayward get the tax bills out in today's mail. Grace period extended to September 21, 2020. Anyone who does not pay by that date will be charged interest back to August 1, 2020.
- Passing of Alpine resident Charles Wetli will be noted in next newsletter.
- Thanks to DPW for installing historic marker highlighting the Alpine Community Church.
- League of Municipalities will be having a virtual conference this year due to COVID-19.

REPORTS OF THE STANDING COMMITTEES

Administration Department No report.

Building Department Councilman Halbreich noted 42 scheduled inspections, 1 fence permit, 7 tree permits, 5 soil moving applications, 5 zoning review applications. Balance of report is on file in the Clerk's office.

Department of Public Works Councilman Frankel noted Tropical Storm Isaias hit Alpine August 4th causing substantial tree damage, blocked roads, loss of power, phone and internet. Superintendent Zarembo did a terrific job with cleanup which work continues. The Mayor

added his compliments noting the long hours they worked. Councilman Cacouris commended the Alpine Police Department for handling all the road hazards.

Fire Department Councilwoman Gerstein advised statistics are available for review.

Police Department Councilwoman Frankel noted report is on file. Councilwoman Frankel added her commendations for the work of the police during the storm.

Resolution #138:8'2020: Accepting the Reports of the Standing Committees

OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilman Shadek at the regular meeting of the Alpine Mayor and Council held on Wednesday, August 26, 2020 to accept the reports of the Standing Committees.

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

BOARD OF EDUCATION LIAISON'S REPORT Councilman Shadek advised there has not been a final decision of the format for school re-opening relative to the pandemic.

BOROUGH ATTORNEY'S REPORT He will provide a brief update on litigation in closed session.

BOROUGH ENGINEER'S REPORT Mr. Frenzel noted this was a busy month for permit application reviews. Report is on file.

UNFINISHED BUSINESS

A. ORDINANCE # 800 – REQUIRING PERMITS FOR SPECIAL EVENTS

1. **PUBLIC HEARING** Opened to the public and being none closed.

2. **Resolution #139:8'2020 Adoption of Ordinance #800**

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, August 26, 2020

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 REQUIRING PERMITS FOR SPECIAL EVENTS
TO BE HELD IN THE BOROUGH OF ALPINE**

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, A. Frankel, Halbreich, Shadek **MOTION APPROVED**

NEW BUSINESS

CONSENT AGENDA RESOLUTIONS Resolutions #140:8'2020 - #149:8'2020
Councilman Shadek abstains from 1c.

1a. Resolution #140:8'2020: Approval of Minutes Regular Meeting July 22, 2020

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2020 to approve the minutes of the Regular Meeting July 22, 2020.

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

1b. Resolution #141:8'2020: Approval of Minutes Executive Session July 22, 2020

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2020 to approve the minutes of the Executive Session Meeting July 22, 2020.

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

1c. Resolution #142:8'2020: Approval of Minutes Special Meeting August 10, 2020

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2020 to approve the minutes of the Special Meeting August 10, 2020.

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

2. Resolution #143:8'2020 Adopt Fee Schedule for Special Events

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

At this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2020

WHEREAS, Borough Ordinance 800 provides that the Mayor and Council shall set the fees regulating Special Events; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Alpine adopt the Special Events Fee schedule pursuant to **\$45-16.4** as appended hereto.

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

3. Resolution #144:8'2020 Authorizing Purchase Goods and Services thru NJS Cooperative Purchasing program (Police Dept) Fingerprint Machine

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

at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2020

WHEREAS pursuant to N.J.S.A. 40A:11-12A and N.J.A.C. 5:34-7.29(c), the Borough may, by resolution and without advertising for bids, purchase goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is an "open and fair" process under the New Jersey Pay-to-Play Law, N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS the Borough of Alpine plans to utilize the State Contract Vendor(s) listed below, for the purchase of one (1) Idemia Tenpint Capture w/Integrated Mug Photo-Desktop Printer. Such transaction subject to all conditions applicable to the current State contracts: Commodity: #T3083 10 Print Live Scan System, Contract#: 18-TELE-00671

WHEREAS, funds for this purpose have been provided for in the accounting records of the Borough of Alpine: Police Special Reserve Donation account 0-01-55-915-020

NOW, THEREFORE BE IT RESOLVED, by the Borough of Alpine, in the County of Bergen, that the Borough's Qualified Purchasing Agent is hereby authorized to purchase goods or services in 2020 from the approved New Jersey State Contract Vendor listed above pursuant to all conditions of the State contract; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, that the Borough of Alpine enter into an agreement with Indemnia of Anaheim, CA as authorized vendor distributor for the above contracts for the above noted goods and services in accordance with the aforementioned contract and the specifications attached hereto, in an amount not to exceed \$12,166.00 to be charged to the account(s) above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds.

BE IT FURTHER RESOLVED that, pursuant to N.J.A.C. 5:30-5.5(b), prior to placing any order for goods or services in accordance with this Resolution, a certification of available funds shall be executed by the Chief Financial Officer and attached to the file copy of the purchase order or other similar document.

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

4. Resolution #145:8'2020 Renewal Agreements with B.C. Department of Health Services for 2021

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2020

WHEREAS, the Borough of Alpine by resolution dated January 4, 2016 entered into an interlocal agreement with the Bergen Department of Health Services (BCDHS) for Animal Control and Public Health Shared Services for years 2016 – 2020 which contract was awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(2) and expires December 31, 2020; and

WHEREAS, the Borough of Alpine by resolution dated April 26, 2017 the above agreement was amended to include Registered Environmental Health Specialist (REHS) Services through 2020 which agreement expires December 31, 2020; and

WHEREAS, the Borough of Alpine by resolution dated January 6, 2020 the above agreement was further amended to include Animal Cruelty Services (in compliance with N.J.S.A. 4:22 et seq. mandating appointment of a Municipal Humane Law Enforcement Officer (MHLEO) who shall be responsible for animal welfare within the jurisdiction of the municipality, which agreement expires December 31, 2020; and

WHEREAS, the County of Bergen, in recognition of the fiscal challenges brought upon municipalities by the COVID-19 pandemic, has decided to automatically renew all shared-service agreements expiring December 31, 2020 at the same fee and on the same billing cycles for the year 2021.

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

That the Municipal Clerk and the Mayor are hereby authorized and directed to execute the letter of agreement received July 21, 2020 to renew the shared service agreements noted above with the Bergen County Department of Health Services to the Municipality for the year 2021. Rates will remain the same as per the 2020 rates as set forth below:

Public Health Officer	\$ 7,087.61
Animal Control Services	\$ 2,736.52
Animal Cruelty (Option 1)	\$ 1,400.00
Registered Environmental Health Specialist	\$10,493.61

BE IT FURTHER RESOLVED that this agreement will be subject to certification by the Chief Financial Officer that sufficient legally appropriated funds will be made available for this purpose subject to appropriation of funds in the 2021 adopted budget. in accordance with N.J.A.C. 5:30 14.5,

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

5. Resolution #146:8'2020 Renewal Liquor License – Riverside Park, Inc. (Kiku)

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, August 26, 2020

BE IT RESOLVED by the Mayor and Council of the Borough of Alpine, in the County of Bergen and State of New Jersey to approve the renewal of a

Plenary Retail Consumption License
Liquor License # 0202-33-001-006
Riverside Park, Inc.
5-9 Route 9W, Alpine, NJ 07620

for a period of one year beginning July 1, 2020 and ending on June 30, 2021.

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

6. Resolution #147:8'2020 Re-Introduction Ordinance #798: Enacting Ch. 210 of the Borough Code Entitled "Towing & Storage"

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, August 26, 2020,

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 ENACTING CHAPTER 210 OF THE BOROUGH CODE OF THE BOROUGH OF ALPINE ENTITLED "TOWING AND STORAGE"

pass on first reading and remain on file with the Clerk for public inspection until public hearing thereon and further consideration thereof, which hearing shall be held in the Borough Hall, Alpine, New Jersey on Wednesday, September 23, 2020 at 7:30 p.m. prevailing time, or as soon thereafter as the matter can be heard, at which time and place all persons interested in said Ordinance will be heard.

The Borough Clerk is hereby directed to publish said Ordinance in full or by summary ten days prior to the date fixed for further consideration for final passage together with the Notice of Hearing thereon in The Record according to law.

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board in the lobby of the Borough Hall and copies shall be made available to the members of the public who shall request the same.

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

7. Resolution #148:8'2020 Authorizing Hiring of School Crossing Guards for 2020 – 2021 School Year

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, August 26, 2020,

WHEREAS, the Borough of Alpine Police Department recommends hiring Carol Parrino and Henry Liegeois to fill the positions of School Crossing Guards for the 2020-2021 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 at a rate per the Salary Ordinance for the 2020-2021 school

year (schedule per the Alpine District Board of Education Re-Start and Recovery Plan adopted July 27, 2020 or as may be amended).

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, A. Frankel, Halbreich, Shadek **MOTION APPROVED**

8. Resolution #149:8'2020 Authorization to Advertise for Sale of Vehicles and Equipment No Longer Needed for Public Use

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2020

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

Dept	Year	Make	Model	VIN or Description	Mileage	Minimum Bid
Police	2009	Ford	Crown Victoria	2FAHP71VX9X117588	100,000	\$2,000.00; as is
Police	2012	Ford	Expedition	1FMJU1G56CEF62990	30,000	\$13,000.00; as is
Police	2013	Dodge	Charger	2C3CDXAT2DH721493	100,000	\$7,000.00; as is
DPW	1995	GMC	Topkick Dump Truck with Monroe Plow & Salter	1GDP7H1J6SJ510748	26,665	\$1,000.00; as is
DPW	1997	Ford	F-350 Mason Dump with Fisher Plow	3FEKF38F8VMA11826	60,377	\$2,000.00; as is
Admin	2006	Ford	Crown Victoria	2FAHP71W26X104306	111,437	\$1,500.00; as is

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

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

End of Consent Agenda Resolutions

COMMUNICATIONS: WRITTEN AND ORAL None

EXECUTIVE SESSION

Resolution#150:8'2020: 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: Councilman Frankel **SECONDED BY:** Councilwoman Gerstein at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, August 26, 2020

WHEREAS, the Mayor and Council of the Borough of Alpine is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Mayor and Council of the Borough of Alpine to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b subsection designated below:

(b)(7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, assembled in public session on Wednesday, August 26, 2020, 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, A. Frankel, Halbreich, Shadek **MOTION APPROVED**

Mayor and Council convened the Executive Session at 7:44 PM and returned to the regular public session at 8:02 PM and immediately adjourned.

ADJOURNMENT

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

and approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday August 26, 2020 at 8:02 P.M.

Respectfully submitted,
Stephanie Wehmann, Municipal Clerk

BOROUGH OF ALPINE
ORDINANCE #800
AN ORDINANCE REQUIRING PERMITS FOR SPECIAL EVENTS TO BE HELD
IN THE BOROUGH OF ALPINE

WHEREAS, the Mayor and Council of the Borough of Alpine has determined that it is in the best interests of the community to require anyone intending to hold any of the types of events hereinafter described, to obtain a Permit for any such event, and

NOW THEREFORE, BE IT ORDAINED by the Borough of Alpine, County of Bergen, State of New Jersey, that the Borough of Alpine Revised General Ordinances are hereby amended and supplemented as follows:

CHAPTER 45, POLICE REGULATIONS SPECIAL EVENT PERMITS

45-16 SPECIAL EVENT PERMITS

45-16.1 PURPOSE AND INTENT

The purpose and intent of this ordinance is to enable the Borough of Alpine and its Governing Body to have control over the type and scope of special events to be held within the confines of the Borough, while insuring the protection of the interests of those in the community upon whom such special events shall impact. This Ordinance shall not affect the Provisions of Ordinance 161-5 relating to permits issued by the Recreation Commission.

45-16.2 PERMIT REQUIRED

Any person or organization desiring to hold any concert, race, party in which attendees are charged a fee to attend, carnival, celebration, show, or any event which involves festival seating, or any other similar event in or upon any public grounds or private property, or road of the Borough of Alpine must first apply for and obtain a special events permit in accordance with the requirements of this section. The following shall be illustrative of, but not a limitation upon, the type of event(s) requiring a permit: a party or social gathering in which attendees are charged admission to attend, the closing of a public street, the sale of merchandise, food or beverage on public property, or on private property where otherwise prohibited by law, the installation of a stage, bandshell, trailer, van, portable building, tent, grandstand or bleachers on public property, or on private property where otherwise prohibited by law, or placement of temporary “No parking” signs on public right of way.

45-16.3 APPLICATION

- a. Any person(s) or organization(s) seeking issuance of a permit hereunder shall file an application with the Borough Clerk, on a form to be provided by the Borough of Alpine for that purpose, on which the applicant shall furnish pertinent information, to include, but not limited to the following:
 - 1. The name, address and telephone number of the applicant(s).
 - 2. The name, address and telephone number of the person or persons, corporation, organization or association sponsoring the activity.
 - 3. A detailed description of the proposed event and a sketch that shows the area or route to be used, along with proposed structures, tents, fences, barricades, signs, banners and restroom facilities, more commonly referred to as a footprint.
 - 4. The date(s) and hours for which the permit is desired.
 - 5. The location of the event for which the permit is desired, and complete details as to how the applicant intends to provide for security, parking, traffic control, site cleanup, separation of recyclables and disposal of trash and debris and parking (and whether any temporary parking areas or street closures will be required).
 - 6. The number of attendees, participants, spectators, contestants, cast, crew and/or other people that are reasonably anticipated to attend the event.
 - 7. A detailed description of the Borough’s resources or services that may be required to be provided in connection with the event.
- b. Upon verification that the application is complete, the Borough Clerk may require the applicant to supplement its application with any pertinent documentation that may be of assistance to the Borough in its review of the application.
- c. All applications must be submitted to the Borough Clerk at least thirty (30) days prior to the desired event, unless the applicant receives a waiver of this requirement from the Borough Clerk, or unless the application is for a special event of the type by subsection d and below.
- d. Permits for public gatherings and assemblies protected by the First Amendment to the United States

Constitution and the New Jersey State Constitution (ie. Demonstrations, rallies, etc.) shall receive an expedited review. Such permits shall be granted or denied by the Borough, within three (3) business days of receipt of a fully completed application. The Borough granting of an approval may be with such conditions as are deemed to be in the best interests of the Borough, upon consultation with the Police Chief, Fire Chief and any other Borough officials.

45-16.4 FEES

All applicants for special events permits shall be required to pay a non-refundable application fee, as well as all other fees that are determined to be necessary by the Borough of Alpine depending upon the nature and extent of the proposed activity. The application fee shall be due and payable at the time that an application is submitted. Other fees that may be required include, but are not necessarily limited to, costs associated with the provision of police and/or fire supervision, emergency services, staffing, use of Borough owned property and/or use of Borough owned vehicles or equipment and the creation and/or use of temporary parking areas. A fee schedule setting forth all of the potential fees shall be established by the Borough of Alpine by Resolution. All required fees shall be due and payable at least ten (10) days prior to the event. Any requests for reductions or waivers of fees must be submitted in writing to, and approved by, the Borough Clerk. In addition to the fees payable prior to the event, the applicant shall be required to pay for any and all additional or unanticipated expenses which were occasioned or become necessary during or after the event, as a direct result of the event. In the case of an event to be held on private property, the owner of such property shall be the applicant or co-applicant.

45-16.5 STANDARDS

The standards for issuance of a permit pursuant to this section shall include but shall not necessarily be limited to, the following findings:

- a. That the proposed event will not unreasonably interfere with or detract from the general public's enjoyment of private property, public parks, roadways, or facilities to be utilized.
- b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation and will not unreasonably interfere with the quiet enjoyment of neighboring residents.
- c. That the proposed activity and uses that are reasonably anticipated will not be likely to include violence, crime or disorderly conduct.
- d. That the facilities desired have not been reserved for other use at the date and hour requested in the application.
- e. That the applicant will maintain premises in the same condition which existed prior to the event.

45-16.6 DENIAL OF PERMITS

The standards for denial of a permit pursuant to this section shall include but shall not necessarily be limited to, the following findings:

- a. That the proposed event is anticipated to disrupt traffic within the Borough beyond practical solutions.
- b. That the location of the special event may cause undue hardship to adjacent property owners.
- c. That the proposed event will require the diversion of so many public employees that allowing the event would unreasonably deny service to, or jeopardize the safety of, the remainder of the Borough's residents.
- d. That the application contains incomplete or inaccurate information, or that the applicant has failed or refused to provide necessary information upon request from the Borough.
- e. That the application fails to comply with all the terms of this section, including the failure to remit all fees or deposits, or the failure to provide proof of proper liability insurance coverage, or the failure to execute an indemnification and hold harmless agreement, or the failure to provide a performance bond or cash security deposit when required by the Borough, or for any other violation of the terms and conditions of this section.

45-16.7 RESPONSIBILITY, LIABILITY, PERFORMANCE GUARANTEE/SECURITY DEPOSIT, INSURANCE COVERAGE AND INDEMNIFICATION.

- a. Responsibility.
 - 1. It shall be the permit applicant's responsibility to secure all necessary other permits, licenses and/or approvals which may be required (i.e. by State, local or other outside agencies), in conjunction with the proposed event.

2. All permit applicants shall assume all risks associated with premature advertisement of any event prior to the time of the issuance of a permit by the Borough, as well as any and all other costs which may have been expended prior to the time of official approval of the application by the Borough.
 3. All permit holders shall be required to abide by all requirements set forth in the permit, as well as all borough ordinances, State Statutes (including but not limited to the New Jersey Riot Act, N.J.S.A. 2C:33-1 et seq.) and all other rules and regulations which may be applicable to the event.
 4. All permit holders shall be responsible for any and all additional costs that are incurred as a result of the event, including costs which may not have been foreseen at the time that the permit was issued but which become necessary, such as costs associated with additional resources provided by the Borough, including but not limited to, manpower and/or equipment costs, police, and/or fire supervision, emergency services, cleanup activities, etc.
 5. Any personnel provided by the Borough (i.e. police, fire, emergency, public works or other Borough employees) in connection with any special event sponsored by an outside party shall not be considered employees or agents of the outside party. If emergency services are required for any special event, then only Borough of Alpine emergency personnel may be utilized.
 6. The person and organization to which the permit is issued will be responsible to see that all rules, regulations and ordinances are obeyed and that Borough property and/or adjacent property is not damaged.
 7. The person and organization to which the permit is issued will be responsible to coordinate all parking requirements and street closures with the Alpine Police Department by contacting the Police Chief.
- b. Liability.
1. All permit holders shall be liable for all losses, damages, and/or injuries sustained by any person whatsoever by reason of the event or activities associated with the event.
 2. The terms of this section shall not be construed as imposing upon the Borough or its officers or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which the permit was issued. The Borough and its officials and employees should not be deemed to have assumed any liability or responsibility by reason of any inspections performed, the issuance of any permits, or the approval for use of any Borough property in connection with a permit issued hereunder.
 3. All permit holders shall assume full responsibility for the acts and conduct of all persons admitted to the event by or with the consent of the permit holder, or of any personal action for or on behalf of the permit holder.
 4. The person and organization that obtains the permit assumes all risk for damage or defacement of the Borough Property. If any portion of Borough property or other premises where the event is held is damaged by the act or omission of the permit holder, or by the permit holder's agents, employees, patrons, customers, guests, invitees, or any other person admitted to the premises by the permit holder, the permit holder shall be responsible for all costs associated with restoration of the property or premises to the condition that existed prior to the occurrence of such damage. The amount of such damage shall be considered an additional fee.
 5. A cash security deposit may be required to ensure compliance with all terms and conditions imposed by the Board of Commissioners in connection with issuance of the permit.
- c. Insurance Coverage
1. All permit holders must submit minimum liability insurance coverage in an amount to be determined by the Borough depending upon the size and nature of the event planned. The Borough, its officers, employees, professionals, agents and representatives must be named as "additional insured" parties on the policy.
 2. A Certificate of Insurance showing coverage in the amount required must be submitted to the Borough prior to the special event.

d. Indemnification

1. All permit holders must answer to actions resulting in bodily injury to any and all persons and shall defend, indemnify and hold the Borough, its officers, employees, professionals, contractors, agents and representatives harmless from and against any and all liability for claims, demands, damages, suits, judgments, fines, losses and expenses, of any nature, which are sustained as a result of the event, and shall execute an indemnification and hold harmless agreement in a form acceptable to the Borough prior to the event.

45-16.8 NO RIGHTS CONVEYED, REVOCATION

All permits issued pursuant to this section shall be temporary and do not invest any permanent or continuing rights. No permit issued pursuant to this section shall convey any right, interest or title in any Borough property to the permit holder. Any permit may be revoked at any time by the Borough, for violation of the conditions for which the permit was issued, or for violation of any ordinance which relates to the conducting of the event, or for violation of any of

the terms of this section, or when the event is found not to be in the best interests of the Borough or for other good cause shown.

45-16.9 OFFENSES AND PENALTY

- a. Offenses. A person commits an offense if he or she:
 1. Commences or conducts an event that is subject to the requirements of this section without a permit, or
 2. Fails to comply with any condition, requirement or provision of the permit, or otherwise violates any ordinance, rule or regulation that is applicable to the event.
- b. Penalty. A person who violates a provision of this section shall be guilty of a separate offense for each day or part thereof during which the violation is committed or continued and shall be liable, upon conviction, to the penalty as stated in section 1-17 of the Borough Code, or as provided by State Statute. Nothing in this Ordinance shall prevent a Person from being charged with a violation of any other Ordinance, Offense, Statute or other regulation.

**SPECIAL EVENT PERMIT FEE SCHEDULE
ADOPTED PER RESOLUTION 8/26/2020**

1. **PERMIT FEE** (Non-refundable) \$200.00
2. **ESCROW REQUIRED** - The application shall be accompanied by a \$5,000 escrow in cash, cashier's check or certified check, to cover the cost of any damage to curbs, streets or other municipally owned property as determined by the Borough Engineer, any reasonable legal and engineering fees and all fees which may be incurred under § 45-16, except for the permit fee of \$ 200.00 which is in addition to the said escrow. All costs and fees shall be deducted from the escrow. Upon completion of the special event, any unexpended escrow shall be returned to the person applying for the permit. If the escrow is insufficient to cover all costs and fees, the applicant, upon written notification from the Borough Clerk, shall immediately deposit additional funds into the escrow account to cover said costs and fees.
3. **POLICE**
 - a. **ADMINISTRATIVE** A one-time administrative fee for police services of \$125 shall apply to each project. Any police equipment used by the Police Department as deemed necessary by the Chief of Police shall be charged at a reasonable rate determined by the Chief of Police.
 - b. **SERVICES** - The charge for each police officer shall be for a minimum of four hours. The rates for compensation for contracting the services of off-duty law enforcement officers shall be based on a rate equal to that of time and one-half of the contractual hourly rate for the individual officer being compensated. The party requesting the service shall not make any payment directly to the police officers. All payments shall be made to the Borough of Alpine.
 - c. **POLICE VEHICLES** - The charge for the use of each police vehicle as required and determined by the Chief of Police shall be at the rate of \$175 per day.
 - d. **POLICE EQUIPMENT** - Any police equipment used by the Police Department as deemed necessary by the Chief of Police shall be charged at a reasonable rate as determined by the Chief of Police.
4. **FIRE DEPARTMENT**
 - a. **INSPECTION** Daily fee for the Fire Official to inspect the site for fire lane approval, equipment, fire protection inspection (exits, etc.) and an inspection on the day of the special event: \$100.
 - b. **FIRE VEHICLES / EQUIPMENT** In the event the Fire Official requires fire equipment to be at the site, the charge for each vehicle for each eight hours day or part thereof: \$200.
 - c. **WATCH SERVICES & ADMINISTRATIVE** The charge for a standby or active firefighter shall be as determined by the Fire Official and shall be at the rate of \$40 per hour per person, and there shall be a minimum payment of four hours per person plus an administration fee of 15% applied for the person(s).
 - d. **FIRE SAFETY PERMIT** If a fire safety permit is required, the fee shall be charged in accordance with Chapter 119 of the Revised General Ordinances.
5. **BUILDING DEPARTMENT** Daily fee for inspection of site, floor load measurement/footing and set inspection by the Building Inspector: \$100.
6. **DEPARTMENT OF PUBLIC WORKS**
 - a. **SUPERVISION / INSPECTION** Any supervision or inspection by employees of the Department of Public Works must be conducted before 7:00 a.m. or after 3:00 p.m. during normal working days. The rate for each employee conducting said supervision or inspection shall be at the regular overtime rate of 1 1/2 times the individual worker's salary.
 - b. **SERVICES** The charge for each Department of Public Works employee shall be at overtime rates for a minimum of four hours.
7. **DEPARTMENT OF HEALTH** The charge for the Health Inspector to make a septic inspection, portable facilities inspection and catering (food) inspection: \$100.