

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, February 26, 2020 @ 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, February 26, 2020 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, February 26, 2020 has met the requirements of the law by being published in The Record as part of the Annual Notice on January 7, 2020, 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	Absent	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, Municipal Clerk Stephanie Wehmann

PUBLIC COMMENTS None

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

Bank of New Jersey Current Operating Account **\$4,243,724.24**

Resolution #047: 2'2020: Approval of Bills and Claims

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, February 26, 2020 to approve the bills and claims copies of which are appended.

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

Resolution #048: 2'2020: Return of Bonds and/or Escrow:

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, February 26, 2020 to approve the following bonds and/or escrow:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
60	15.01	Tobar Excavating – Release Escrow to Brough of Alpine – final repair not completed	Road Opening 2016-16-02	500.00
22	17.03	Hwang, Grace	ZBA Escrow	180.85
81.07	17.03	Zeino, Dr. S.	Soil Moving	98.36
121	6	Edwards, Mark & Suzanne	ZBA Escrow	1,006.00
41	1	NYSMSA c/o Price Meese	Bid Security – Verizon	1,500.00
121	7	McCourty, Devin	ZBA Escrow	1,538.00
71	4	Koby, Yacobina	Soil Moving – Pool	610.00
41	6	Roh, Sangho & Jeemin	ZBA Escrow	32.01
71	9	Adamo, Robert	Soil Moving	649.25
71	22		Soil Moving	<u>3,372.50</u>
				4,021.75
39.01	11.03	Sudakoff, Diane	Septic Repair	304.00
75	15	Sharma, Indu & Vivek	Septic Repair	363.75
21	12	Capizzi Law Offices for Stone Tower Realty	ZBA Escrow – Application withdrawn	1,911.50

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

These minutes have been approved by the Mayor and Council.

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

MAYOR'S REPORT The Mayor reported on the following:

- Passing of long time resident Irene Carleton
 - **Appointment:** Dr. Britta Pedersen to the Environmental Commission as Alternate Member II for the unexpired portion of a two-year term ending December 2020
Resolution #049: 2'2020: Affirm Mayor's Appointment Environmental Commission OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein at the regular meeting of the Alpine Mayor and Council held on Wednesday, February 26, 2020 to affirm the Mayor's appointment of Dr. Britta Pedersen to the Environmental Commission as Alternate Member II for the unexpired portion of a two-year term ending December 2020.
- Budget update. Budget reviews with DPW, Police and Fire complete and draft ready for submission to the auditor subject to final decision on road improvement projects this evening.
- Acknowledgement and gratitude to Police Commissioner Frankel for her work on the police budget and PBA contract.
- Resident Mark Wellington asked if the Borough would be interested in the donation of a piano for the Borough Hall lobby for anyone's use. Councilwoman Frankel is in favor of this idea. Council had no objection.

REPORTS OF THE STANDING COMMITTEES

Administration Department Councilman Shadek – no report.

Building Department Councilman Halbreich reported 60 scheduled inspections, 1 tree permit, 3 soil moving applications, 8 zoning review applications. Balance of the report is on file.

Department of Public Works Councilman Frankel advised report is on file.

Fire Department Councilwoman Gerstein advised statistics are on file.

Resolution #050:2'2020: Approval of Firefighter Application: Dominic DeRasse

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, February 26, 2020 to approve the application for **Dominic DeRasse** for Membership as a Firefighter in the Alpine Volunteer Fire Department.

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

Police Department Councilwoman Frankel noted there were 16 summonses issued and 14 motor vehicle accidents with 1 injury. The rest of the report is on file.

Resolution #051:2'2020: 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, February 26, 2020 to accept the reports of the Standing Committees.

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

BOARD OF EDUCATION LIAISON'S REPORT Mayor Tomasko met with Superintendent Maureen McCann and the new Executive Director of the Tenafly Nature Center (which actually touches on Alpine, Tenafly and Cresskill) to explore use of TNC as a learning resource.

BOROUGH ATTORNEY'S REPORT No report

BOROUGH ENGINEER’S REPORT Borough Engineer Frenzel distributed his report

- Riverside Cooperative 2020 Road Improvement Projects – A resolution is needed.

Resolution #052:2’2020: Acknowledging Engineer Authorization to Submit Quantity Estimates for 2020 Riverside Cooperative Road Improvement Program

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, February 26, 2020 authorizing submission of quantity estimates by Borough Engineer Perry Frenzel to the Riverside Cooperative for purposes of preparation of bid specifications as part of Alpine’s 2020 Road Improvement Program with final submissions due no later than February 28, 2020. The following roads are to be included per the final submission due no later than February 28, 2020: Alpine Drive, Borough Hall Parking Lot, Fire Department Parking Lot, Old Chapel Court and Old Quarry Road.

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

- Closter Dock Road/Route 9W Intersection Design – Preliminary plan prepared for extension of the right-turn lane on Closter Dock Road. Meeting scheduled with Bergen County March 4, 2020.

UNFINISHED BUSINESS None

NEW BUSINESS - CONSENT AGENDA RESOLUTIONS Resolutions #053:2’2020 - #62:2’2020

1. Approval of Minutes

a. Resolution #053:2’2020:Regular Meeting January 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, February 26, 2020 to approve the minutes of the regular meeting held on January 22, 2020

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

b. Resolution #054:2’2020:Executive Session Meeting January 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, February 26, 2020 to approve the minutes of the Executive Session meeting held on January 22, 2020.

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

2. Resolution #055:2’2020: Appointing Tax Assessor and Borough Attorney For Tax Appeal Matters

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

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

WHEREAS, there is a need for the Borough Tax Assessor and the Borough Attorney to take certain actions regarding tax appeals with the Borough of Alpine; and

WHEREAS, the Mayor and Council of the Borough of Alpine have authorized the Borough Tax Assessor and the Borough Attorney to take such certain action;

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

The Mayor and Council of the Borough of Alpine confirm the authority of the Borough Tax Assessor and the Borough Attorney to take certain actions regarding tax appeals including the following:

- Commencement of actions seeking to raise assessments;
- Settlement of pending appeals;
- Retention of expert witnesses; and
- Such other actions incidental to the above as may be needed.

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

3. Resolution #056:2'2020: Authorizing Sale of Solar Renewable Energy Credits (S-RECs) Matters

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

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

WHEREAS, the Borough of Alpine has certain photovoltaic equipment that generates electricity; and

WHEREAS, the Borough of Alpine has earned valuable Solar Renewable Energy Credits (S-RECs), in recognition of the clean energy produced by its photovoltaic equipment; and

WHEREAS, these S-RECs are not needed for public use and may therefore be sold as surplus personal property; and

WHEREAS, S-RECs may be sold through an online auction process, pursuant to the Local Unit Technology Pilot Program and Study Act, P.L. 1002, c. 30 and the regulations promulgated thereunder; and

WHEREAS, the Division of Local Government Services, within the New Jersey Department of Community Affairs, has approved the use of Flett Exchange, LLC, to conduct online auctions of S-RECs;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council authorizes the sale of its current S-RECs through an online auction conducted by Flett Exchange, LLC, and

BE IT FURTHER RESOLVED that the Borough of Alpine shall publish notice of the impending sale of the S-RECs in accordance with N.J.S.A. 40A:11-36 and a certified copy of this resolution shall be forwarded to the Division of Local Government Services and the Board of Public Utilities.

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

4. Resolution #057:2'2020: Approving Right-of-Way use to Cross River Fiber

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

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

WHEREAS, Cross River Fiber LLC ("Cross River Fiber"), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the Borough of Alpine for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Borough of Alpine for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is in the best interests of the Borough of Alpine and its citizens to grant consent to Cross River Fiber; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber.

NOW THEREFORE BE IT RESOLVED, by the Borough of Alpine, of the County of Bergen, that the Borough of Alpine is hereby authorized to grant Cross River Fiber a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution.

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

5. Resolution #058:2'2020: Re-Appointment Fire Police

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

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

WHEREAS, the following active member of the Alpine Fire Department has completed the necessary training and certification as required by law, and

WHEREAS, the Fire Chief recommends his appointment to the office of Fire Police

BE IT RESOLVED that the Mayor and Council of the Borough of Alpine renew the appointments of the following active Alpine Fire Department members currently expiring on March 22, 2020 as Fire Police for a new five-year term expiring March 21, 2025.

H. Josh Schneeweiss.

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

6. Resolution #059:2'2020: Endorse Planning Board Approval of Soil Moving Permit with Waivers – 12 Margo Way Block 81.04 Lot 18.04

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

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

WHEREAS, Borough Ordinance 183-3D(5) lays down the procedure for review of an application for a soil movement permit in compliance with N.J.S.A. 40:20D-26b; and

WHEREAS, the application was reviewed by the Planning Board at a hearing held **December 17, 2019** and the Planning Board laid down their written recommendation to the Mayor and Council with respect to this application in a resolution approved at their regular meeting held on **January 28, 2020** (copy attached hereto); and

WHEREAS, the Mayor and Council has examined the application and the recommendations of the Planning Board and have considered the results of the public hearing before the Planning Board;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine find that the proposed soil movement and waivers will not create conditions inimical to the public health, welfare and safety, nor create any drainage, soil erosion or other conditions of danger and

BE IT FURTHER RESOLVED that the Mayor and Council hereby approve said application subject to all conditions as laid out in the Planning Board's resolution of January 28, 2020.

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

7. Resolution #060:2'2020: Endorse Planning Board Approval of Soil Moving Permit– 3 Deerhill Road Block 50 Lot 1.01

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

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

WHEREAS, Borough Ordinance 183-3D(5) lays down the procedure for review of an application for a soil movement permit in compliance with N.J.S.A. 40:20D-26b; and

WHEREAS, the application was reviewed by the Planning Board at a hearing held **December 17, 2019** and the Planning Board laid down their written recommendation to the Mayor and Council with respect to this application in a resolution approved at their regular meeting held on **January 28, 2020** (copy attached hereto); and

WHEREAS, the Mayor and Council has examined the application and the recommendations of the Planning Board and have considered the results of the public hearing before the Planning Board;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine find that the proposed soil movement will not create conditions inimical to the public health, welfare and safety, nor create any drainage, soil erosion or other conditions of danger and

BE IT FURTHER RESOLVED that the Mayor and Council hereby approve said application subject to all conditions as laid out in the Planning Board's resolution of January 28, 2020.

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

8. Resolution #061:2'2020: Authorize the Execution of Interlocal Services Agreement with the Borough of Paramus for the Administration of Affordable Housing

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey held on February 26, 2020.

WHEREAS, the Uniformed Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., allows any municipality or county to enter into a contract with any other municipality or county for the joint provision of any services within their joint jurisdiction; and

WHEREAS, the Borough of Paramus and the Borough of Alpine each have respective obligations to provide and administer affordable housing programs for the purpose of providing their required fair share of the regional present and prospective need for families at low- and moderate-income levels; and

WHEREAS, the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (the "Fair Housing Act") recognizes and encourages municipalities to cooperate with and work together to achieve the goal of the Fair Housing Act; and

WHEREAS, the Borough of Paramus and the Borough of Alpine are each located in Bergen County and within New Jersey Affordable Housing Region 1 as designated and defined by the New Jersey Council on Affordable Housing ("COAH"); and

WHEREAS, the Borough of Alpine recognizes the expertise of the Borough of Paramus in its administration of its affordable housing obligations; and

WHEREAS, the Borough of Alpine is desirous that the Borough of Paramus administer the Borough of Alpine's affordable housing rental program; and

WHEREAS, the Borough of Paramus and the Borough of Alpine desire to enter into an agreement pursuant to which the Borough of Paramus will provide administrative services for the Borough of Alpine's affordable housing rental program, which services will include serving as the administrative agent for the Borough of Alpine's affordable housing program and the management and oversight of the renting of existing affordable housing rental units located in the Borough of Alpine; and

WHEREAS, it is in the best interests of the Borough of Alpine to enter into the Inter-Local Services Agreement with the Borough of Paramus as described above and the supplemental agreement between the Borough of Alpine and the Borough of Paramus's authorized subcontractor Paramus Affordable Housing Corp.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Alpine hereby authorizes the Mayor and Borough Clerk to execute and deliver the Inter-Local Services Agreement set forth in this resolution, and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Alpine hereby authorizes the Mayor and Borough Clerk to execute and deliver the agreement between the Borough of Alpine and Paramus Affordable Housing Corp., as authorized subcontractor for the Borough of Paramus.

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

9. Resolution #062:2'2020: Professional Services Agreement – COAH Special Counsel

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey held on February 26, 2020.

WHEREAS, the Borough of Alpine has a need to acquire the professional services of **Edward J. Buzak, Esq.** of the law firm **The Buzak Law Group, LLC** as additional Special Counsel regarding COAH matters for the Borough of Alpine. This appointment is made without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) to be provided as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and/or 20.5; and,

WHEREAS, Attorney Buzak has submitted a proposal indicating he will provide services for the prices as approved in his letter of agreement; and

WHEREAS, these professional services may exceed the aggregate threshold set by N.J.S.A. 19:44A-20.4 and/or 20.5, and this appointment is subject to Attorney Buzak's submission of a Business Entity Disclosure Certification certifying neither he nor his firm have made any reportable contributions to a political or candidate committee in the Borough of Alpine for the elected officials in the Borough of

Alpine in the previous one year, and acknowledging this agreement will prohibit he or his firm from making any such reportable contributions through the term of the contract, and

WHEREAS, this contract is further subject to the Chief Financial Officer of the Borough of Alpine, County of Bergen, State of New Jersey, establishing sufficient funds are available in the COAH Trust Fund.

NOW THEREFORE, BE IT RESOLVED that Mayor and Council of the Borough of Alpine approves the letter of agreement; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value, as required, be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of the award of this Professional Service Agreement will be published in the Record.

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

COMMUNICATIONS: WRITTEN AND ORAL

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 February 26, 2020 at 7:41 P.M.

Respectfully submitted,

Stephanie Wehmann
Municipal Clerk