

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, March 27, 2019 @ 7:30 P.M.
Borough Hall - 100 Church Street
*This meeting was recorded in its entirety.***

CALL TO ORDER/ PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE

The Mayor and Council, Borough of Alpine, convened for this Regular Meeting on Wednesday, March 27, 2019 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, March 27, 2019 has met the requirements of the law by being published in The Record as part of the Annual Notice on January 4, 2019, 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: David S. Lafferty, Esq. for Borough Attorney Russ Huntington, Borough Engineer Perry Frenzel, Municipal Clerk Stephanie Wehmann

POLICE PROMOTION EFFECTIVE APRIL 1, 2019

Resolution #064: 3'3019: Promoting Patrolman Wendell Simpson to Sergeant

OFFERED BY: Councilwoman Frankel SECONDED BY: Councilman Cacouris

at the regular meeting of the Alpine Mayor and Council held on Wednesday, March 27, 2019

WHEREAS, Chapter 45-1 of the Municipal Code for the Borough of Alpine calls for a Police Department consisting of among other positions, one (1) or more Sergeants; and

WHEREAS, the Mayor and Council for the Borough of Alpine shall promote Patrolman Wendell Simpson to the position of Sergeant; and

WHEREAS, this promotion shall be effective on April 1, 2019;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine that Patrolman Wendell Simpson be promoted to the position of Sergeant; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Police Chief Christopher Belcolle.

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

Sergeant Simpson took the oath of office as administered by Mayor Tomasko. Sergeant Simpson thanked the Mayor and Council who offered their congratulations.

PUBLIC COMMENTS None

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

Bank Of New Jersey Current Operating Acct **\$4,095,832.07**

Resolution #065: 3'3019: Emergency Appropriation to Increase the 2019 Temporary Budget

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 27, 2019

WHEREAS, an emergency has arisen with respect to Current Fund appropriations; and

These minutes have been approved by the Mayor and Council.

WHEREAS, no adequate provision has been made in the 2019 Temporary Budget for the aforesaid purpose, and R.S. 40A:4-20 provides for the creation of an emergency appropriation for the purpose, and,

WHEREAS, the total temporary emergency resolutions adopted in the year 2019 pursuant to the provision of Chapter 96, P.L. 1951 (R.S. 40A:4-20) including this resolution total \$176,429.24 and shall be provided for in the 2019 budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, that in accordance with R.S. 40A:4-20, temporary emergency appropriations be and the same is hereby made for the following and that upon adoption, one certified copy of this resolution be filed with the Director of Local Government Services.

OPERATIONS: Within "Cap"

| | | |
|--------------------------------------|-----------------|---------------------|
| Interborough Police Radio | 9-01-25-250-021 | \$ 5,663.50 |
| PSE&G (Gas) | 9-01-31-446-020 | \$ 154.10 |
| Police & Firemen's Retirement System | 9-01-36-475-000 | \$170,611.64 |
| | TOTAL: | \$176,429.24 |

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

Resolution #066: 3'3019: 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, March 27, 2019 to approve the bills and claims, a copy of which are appended.

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

Resolution #067: 3'3019: 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, March 27, 2019 to approve the return of the following bonds and escrow subject to review and approval by the Borough Engineer.

| <u>Name</u> | <u>Block/Lot</u> | <u>Type</u> | <u>Amount</u> |
|-----------------------|------------------|--------------------|---------------|
| Chong, Wonho & Oksoon | 39.01/12.10 | Engineering Escrow | \$568.00 |

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

Resolution #068:3'3019 Governing Body Certification of Compliance with EEOC Enforcement Guidance

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

At this regular meeting of the Alpine Mayor and Council, County of Bergen, State of New Jersey held on March 27, 2019

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Alpine hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement

guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

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

Resolution #069:3'3019 Introduction Ordinance #784 To Exceed The Municipal Budget Appropriation Limits And To Establish A CAP Bank (N.J.S.A. 40a:4-45.14) For Calendar Year 2019

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 27, 2019

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:

CALENDAR YEAR 2019

An ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

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 Council Chambers, Alpine Municipal Building, Church Street, Alpine, New Jersey on Wednesday, April 24, 2019 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, 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: Cacouris, A. Frankel, V. Frankel, Gerstein, Halbreich, Shadek **MOTION APPROVED**

Resolution #070:3'3019 Introduction 2019 Municipal Budget

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, March 27, 2019

BE IT RESOLVED, that the following statement of revenues and appropriations attached hereto constitute the local Budget of the Borough of Alpine, Bergen County, New Jersey for the year 2019.

BE IT FURTHER RESOLVED, that the said budget be published in The Record in the issue of April 4, 2019, and that a hearing on the Budget will be held at the Municipal Building on April 24, 2019 at 7:30 PM or as soon thereafter as the matter may be reached.

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

{Statement of Revenues and Appropriations appended to minutes}

Resolution #071:3'3019 Introduction 2019 Temporary Capital Budget

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, March 27, 2019

WHEREAS the local capital budget for the year 2019 has not been adopted

WHEREAS, it is desired to Introduce a Capital Ordinance

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Alpine, County of Bergen that the following temporary capital budget of 2019 be made:

CAPITAL BUDGET (Current Year Action)
2019

| 1 Project | 2 Project Number | 3 Estimated Total Cost | 4 Amounts Reserved in Prior Years | Planned Funding Services for Current Year 2019 | | | | | 6 To be Funded In Future Years |
|---------------------------|------------------------|---------------------------------|--|---|---------------------------|--------------------------|--|--------------------------|--|
| | | | | 5a 2017 Budget Appropriations | 5b Improvement Fund | 5c Capital Surplus | 5d Grants in Aid and Other Funds | 5e Debt Authorized | |
| 2019 Road Program | | \$225,000 | | | \$11,250 | | | \$213,750 | |
| Various 2019 Improvements | | 165,000 | | | 8,250 | | | 156,750 | |
| TOTAL ALL PROJECTS | | \$390,000 | | | 19,500 | | | \$370,500 | |

3 YEAR CAPITAL PROGRAM 2019-2021
Anticipated PROJECT Schedule and Funding Requirement

| 1 Project | 2 Project Number | 3 Estimated Total Cost | 4 Estimated Completion Time | 5 Funding Amounts per Year | | | | | |
|----------------------|------------------------|---------------------------------|--------------------------------------|-------------------------------|------|------|------|------|------|
| | | | | Budget Year 2019 | 2020 | 2021 | 2022 | 2023 | 2024 |
| 2019 Road Program | | \$225,000 | | \$225,000 | | | | | |
| Various Improvements | | 165,000 | | 165,000 | | | | | |
| TOTAL ALL PROJECTS | | \$390,000 | | \$390,000 | | | | | |

3 YEAR CAPITAL PROGRAM 2019-2021
Summary of Anticipated Funding Sources and Amounts

| 1 Project | 2 Estimated Total Cost | 3 Budget Appropriations | | 4 Capital Improvement Fund | 5 Capital Surplus | 6 Grant in Aid And Other Funds | 7 Bonds and Noted | | | |
|----------------------|------------------------------|----------------------------|-----------------|-------------------------------------|-------------------------|--|----------------------|---------------------|-----------------|--------|
| | | Current Year 2017 | Future Years | | | | General | Self Liquidating | Assess- ment | School |
| 2019 Road Program | \$225,000 | | | \$11,250 | | | \$213,750 | | | |
| Various Improvements | 165,000 | | | 8,250 | | | 156,750 | | | |
| TOTAL ALL PROJECTS | \$390,000 | | | 19,500 | | | \$370,500 | | | |

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

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

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

MAYOR'S REPORT The Mayor reported on the following:

- Commended CFO Marilyn Hayward for the work done on the Municipal Budget
- Suez Water Company has reached out individual residents to address lead in their system and the Borough is aware of their ongoing efforts.
- Memorial Day Committee will include the Mayor and Councilwomen Frankel and Gerstein. Grand Marshal this year will be George Hamlin who grew up in Alpine. He has a distinguished record of military service from the Viet Nam War era and his name is listed on Alpine's Memorial Rock.
- Mayor Tomasko commended Safety Committee Chair Stephanie Wehmann for her attention to detail and ensuring safety training is completed on a monthly basis. Alpine was presented the Platinum Award at the annual Bergen County Joint Insurance Fund

Safety Award Breakfast recognizing a perfect safety record. The Borough received a beautiful plaque and a check for \$2,500.00.

- County Engineer responded to the Borough's request to extend the righthand turning lane from Closter Dock Road to Route 9W. They will need engineering plans from the Borough to address drainage. The County is amenable to entering into a shared services agreement where the cost of construction plans, including any necessary survey work and permitting would be the responsibility of the Borough and the County will be responsible for the construction costs.

REPORTS OF THE STANDING COMMITTEES

Administration Department No report

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

25 scheduled inspections, 3 tree permits, 3 soil moving permit applications and 5 zoning review applications. Balance of the report is on file in the Clerk's office.

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

Fire Department Councilwoman Gerstein advised statistics are available for review.

Police Department Councilwoman Frankel reported for February: 31 motor vehicle summonses issued, 9 motor vehicle accidents with 2 injuries.

Resolution #072:3'2019: 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, March 27, 2019 to accept the reports of the Standing Committees.

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

BOARD OF EDUCATION LIAISON'S REPORT Councilman Shadek advised the School Play will be presented April 4th and the State Aide to the school increased about 6% (\$10,000) to \$192,000.

BOROUGH ATTORNEY'S REPORT Attorney Lafferty advised a resolution is needed while negotiations continue with the Post Office.

Resolution #073:3'2019: to Authorize the Execution of an Agreement with JMH Cleaning, LLC for Cleaning Services Pursuant to an Agreement with the United States Postal Service to Share Cleaning Services.

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held Wednesday, March 27, 2019

BE IT RESOLVED by the Mayor and Council of the Borough of Alpine that the Mayor and/or Municipal Clerk be authorized to extend the 2018 agreement with JMH Cleaning, LLC for Cleaning Services for the Borough Hall for an additional term of thirty (30) days, commencing March 31, 2019, pending a new agreement between the Borough of Alpine and the United States Postal Service.

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

MOTION APPROVED

BOROUGH ENGINEER'S REPORT Engineer Frenzel distributed his report a copy of which is on file. No changes this month re: status of road improvement projects. Work begun on preliminary alignment plans for the Route 9W/Closter Dock Road turning lane extension project.

UNFINISHED BUSINESS

ORDINANCE #781: to amend Certain Borough Ordinances and Increase Fees Under the Building and Zoning departments Relevant to Chapters 97 UCC, 103 Driveways, 111 Fences, 177 Signs

PUBLIC HEARING: Mayor Tomasko opened the meeting to the public for discussion of Ordinance #781 and being none closed the public hearing.

Resolution #074:3'3019 Adoption Ordinance #781

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Wednesday, March 27, 2019

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 CERTAIN BOROUGH ORDINANCES
AND INCREASE FEES UNDER THE BUILDING AND ZONING DEPARTMENTS
RELEVANT TO CHAPTERS 97 UCC, 103 DRIVEWAYS, 111 FENCES, 177 SIGNS**

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

Vote: Ayes: Cacouris, A. Frankel, V. Frankel, Gerstein, Halbreich, Shadek **MOTION APPROVED**
{Ordinance #781 Appended in Full}

ORDINANCE #782: to amend Chapter 109-2 Police Services

PUBLIC HEARING: Mayor Tomasko opened the meeting to the public for discussion of Ordinance #782 and being none closed the public hearing.

Resolution #075:3'3019 Adoption Ordinance #782

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Wednesday, March 27, 2019

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 109-2 Police Services

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

Vote: Ayes: Cacouris, A. Frankel, V. Frankel, Gerstein, Halbreich, Shadek **MOTION APPROVED**
{Ordinance #782 Appended in Full}

Resolution #076:3'3019 Adoption Ordinance #783

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
at the regular meeting of the Alpine Mayor and Council held on Wednesday, March 27, 2019

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 192 ARTICLE III OF THE CODE OF THE BOROUGH OF ALPINE, ENTITLED "STREETS AND
SIDEWALKS:EXCAVATIONS"**

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

Vote: Ayes: Cacouris, A. Frankel, V. Frankel, Gerstein, Halbreich, Shadek **MOTION APPROVED**
{Ordinance #783 Appended in Full}

NEW BUSINESS

CONSENT AGENDA RESOLUTIONS Resolutions #077:3'3019 - #000:3'3019

1. Resolution #077:3'3019:Approval of Minutes Regular Meeting February 27, 2019

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, March 27, 2019 to approve the minutes of the Regular Meeting February 27, 2019.

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

2. Resolution #078:3'3019: Introduction Ordinance 785 2019 Salary Ordinance

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, March 27, 2019.

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 PROVIDING FOR THE SALARIES, WAGES OR COMPENSATION OF OFFICERS, EMPLOYEES, OFFICIALS OF THE BOROUGH OF ALPINE IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY."

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 Council Chambers, Alpine Municipal Building, Church Street, Alpine, New Jersey on Wednesday, April 24, 2019 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 title, 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: Cacouris, A. Frankel, V. Frankel, Gerstein, Halbreich, Shadek **MOTION APPROVED**

3. Resolution #079:3'3019: Introduction Capital Bond Ord. 786 2019 Road Improvements

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 27, 2019,

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:

BOND ORDINANCE PROVIDING FOR THE 2019 ROAD PROGRAM IN AND BY THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$225,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$213,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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 Council Chambers, Alpine Municipal Building, Church Street, Alpine, New Jersey on Wednesday, April 24, 2019 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 by Title/Summary, 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: Cacouris, A. Frankel, V. Frankel, Gerstein, Halbreich, Shadek **MOTION APPROVED**

3. Resolution #080:3'3019: Introduction Capital Bond Ord. 787 2019 Various Improvements

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 27, 2019,

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:

BOND ORDINANCE PROVIDING FOR VARIOUS 2019 CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$165,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$156,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF

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 Council Chambers, Alpine Municipal Building, Church Street, Alpine, New Jersey on Wednesday, April 24, 2019 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 by Title/Summary, 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: Cacouris, A. Frankel, V. Frankel, Gerstein, Halbreich, Shadek **MOTION APPROVED**

4. Resolution #081:3'3019: Increase Contribution for Alpine Fire Department LOSAP – Consumer Price Index Adjustment

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 27, 2019,

WHEREAS, the Mayor and Council of the Borough of Alpine have heretofore adopted legislation providing for a Length of Service Award Program ("LOSAP") in the Borough of Alpine in accordance with the applicable statutes; and

WHEREAS, the enabling Ordinance §36-3(C) was amended by Ordinance 770 adopted April 26, 2017 to provide for Consumer Price Index adjustments and an adjustment made by Resolution #085:4'2017 adopted April 26, 2017; and

WHEREAS, the Mayor and Council, having determined that it is in the best interest of the Borough to adjust the annual LOSAP contribution from time to time to reflect changes in the cost of living as represented in the Consumer Price Index;

NOW, THEREFORE, BE IT RESOLVED that the contribution for qualified members of the Volunteer Fire Department of the Borough of Alpine shall be increased to include \$163.00 of Consumer Price Index adjustments in addition to the underlying base contribution of \$1,150.00 for a total contribution of \$1,481.00.

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

5. Resolution #082:3'3019:Oppose Vegetative Management Response Act (S2505/A2558)

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, March 27, 2019,

These minutes have been approved by the Mayor and Council.

At this regular meeting of the Mayor and Council Borough of Alpine, County of Bergen, State of New Jersey held on Wednesday, March 27, 2019.

WHEREAS, there is presently pending before the New Jersey Senate and Assembly the proposed Vegetative Management Response Act (S2505/A2558); and

WHEREAS, said legislation would allow any public utility to unilaterally usurp the role of local government in the management of public trees within public parks and within the public right-of-way, and would unilaterally permit the removal of trees on private property without the owner’s consent whenever the public utility determines that such trees are “growing in, near, or adjacent to the electric utility’s right-of-way, and the electric distribution and transmission system...which may fall into, touch, affect, or otherwise interfere with an electrical distribution line;” and

WHEREAS, proposed amendments to N.J.S.A. 40:64-12.c would expand the purview of any public utility (such as electric, gas, water and pipeline) or cable television company to clear, remove, cut, or destroy any tree, shrub, or plant, without municipal permission or consultation, if done to install or maintain any structures or fixtures; and

WHEREAS, the proposed legislation exempts public utilities from local regulation or penalty if they claim to be “acting in good faith, with due diligence and reasonable judgement;” and

WHEREAS, under the proposed legislation, a utility is under no obligation to confer with the local government or the private property owner before unilaterally choosing to clear, move, cut or destroy the vegetation; and

WHEREAS, the proposed legislation limits the authority of local shade tree commissions by granting authority to any public utility to carry out “vegetative management” without notifying or consulting with the municipality or taking municipal regulations into account; and

WHEREAS, the Borough of Alpine values both its public and private trees, which not only add to the beauty and overall livability of the Borough, but also serve as a buffer to the extremes of weather, offer cooling shade in the summer and shelter from winter winds, produce oxygen and reduce carbon dioxide in the air and help to curtail flooding and restore the groundwater supply; and

WHEREAS, the proposed legislation is imbalanced and dramatically expands the authority of electric and other public utilities; and

WHEREAS, the Borough Council finds that public utilities and cable television providers have an obligation and responsibility to work with local authorities to cooperate in the responsible management of trees;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Alpine, Bergen County, New Jersey that the Borough of Alpine opposes the Vegetative Management Response Act in its present form and urges the New Jersey Senate and Assembly not to adopt same; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to provide a copy of the within resolution to State Senator Loretta Weinberg, Assemblyman Gordon Johnson and Assemblywoman Valerie Vainieri Huttle and to the municipal clerks within Bergen County.

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

End of Consent Agenda Resolutions

COMMUNICATIONS: WRITTEN AND ORAL

Draft newsletter distributed for Council review. The Mayor requested comments this week.

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 March 27, 2019 at 7:49 P.M.

Respectfully submitted,
Stephanie Wehmann, Municipal Clerk

2019 MUNICIPAL BUDGET
of the Borough of Alpine
County of Bergen for the fiscal year 2019
Revenue and Appropriation Summaries

| Summary of Revenues | Anticipated | |
|-------------------------------------|------------------|------------------|
| | 2019 | 2018 |
| 1. Surplus | 1,200,000 | 1,125,000 |
| 2. Total Miscellaneous Revenues | 1,299,983 | 1,317,945 |
| 3. Receipts from Delinquent Taxes | 224,000 | 222,600 |
| 4. Local Tax for Municipal Purposes | 3,348,427 | 3,275,763 |
| Total General Revenues | 6,072,410 | 5,941,308 |

| Summary of Appropriations | 2019 Budget | Final 2018 Budget |
|---|---|----------------------|
| | 1. Operating Expenses: Salaries & Wages | 2,685,190 |
| Other Expenses | 1,477,638 | 1,441,948 |
| 2. Deferred Charges & Other Appropriations | 649,177 | 594,126 |
| 3. Capital Improvements | | 13,000 |
| 4. Debt Service (Include for School Purposes) | 470,405 | 456,394 |
| 5. Reserve for Uncollected Taxes | 790,000 | 770,000 |
| Total General Appropriations | 6,072,410 | 5,941,308 |
| Total Number of Employees | 32 | 34 |

2019 Dedicated Open Space Trust Fund

| Summary of Revenues | Anticipated | |
|---------------------------------|------------------|------------------|
| | 2019 | 2018 |
| 1. Amount to be Raised by Taxes | \$ 99,473 | \$ 99,050 |
| 2. Reserve Funds | | |
| Total General Revenues | \$ 99,473 | \$ 99,050 |

| Summary of Appropriations | 2019 Budget | Final 2018 Budget |
|-------------------------------------|---------------------------|----------------------|
| | 1. Reserve for Future Use | \$ 99,473 |
| 2. Salaries & Wages | | |
| 3. Other Expenses | | |
| Total General Appropriations | \$ 99,473 | \$ 99,050 |

| Debt Information - Bonds, Notes and Loans | | | | |
|---|------------------|---------------|---------------|-----------------|
| | General | Water Utility | Sewer Utility | Utility – Other |
| Interest on Bonds and Notes | | N/A | N/A | N/A |
| Interest on Notes | 66,915 | | | |
| Principal on Bonds | 0 | | | |
| Principal on Notes | 400,000 | | | |
| Repayment of Loans | 3,490 | | | |
| Outstanding Balance - 12/31/17 | 2,741,361 | | | |

These minutes have been approved by the Mayor and Council.

BOROUGH OF ALPINE
ORDINANCE NO. 781
AN ORDINANCE TO AMEND CERTAIN BOROUGH ORDINANCES
AND INCREASE FEES UNDER THE BUILDING AND ZONING DEPARTMENTS RELEVANT TO
CHAPTERS 97 UCC, 103 DRIVEWAYS, 111 FENCES, 177 SIGNS

WHEREAS, the Mayor and Council of the Borough of Alpine based upon the recommendation of the Building Department have determined that there is a need to increase fees and update certain ordinances in compliance with state statute:

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Alpine, Bergen County, New Jersey to amend the following sections or portions thereof as follows:

Section 1

Section § 97-4. Fees.

- A. Construction permit fee, sum of subcode fees. The fee for construction permit shall be the sum of the subcode fees and shall be paid before the permit is issued.
 - (1) Building Subcode Fee:
The building subcode fee shall be:
 - (a) For new construction: **\$0.10** per cubic foot of building or structure volume provided that the minimum residential fee shall be \$300 and the minimum commercial fee shall be \$500.
 - (b) For renovations, alterations, and repairs:
 - [1] Residential: **\$40** per \$1,000 of estimated cost of the work provided that the minimum Residential fee shall be **\$100**.
 - [2] Commercial: **\$60** per \$1,000 of estimated cost of the work provided that the minimum Commercial fee shall be \$200.
 - (c) For additions: **\$0.10** per cubic foot of building or structure volume for the added portion provided that the minimum residential fee shall be \$300 and the minimum commercial fee shall be \$500.
 - (d) For combinations of renovations and additions: the sum of the fees computed separately as renovations and additions.
 - (e) For construction of swimming pool, hot tub, spa, water feature, outdoor kitchens, outdoor fireplace, **and** any other recreational facility or any other appurtenant structure:
 - [1] Residential: **\$40** per \$1,000 of the estimated cost of such structure and appurtenances provided that the minimum Residential fee shall be **\$100**.
 - [2] Commercial: **\$60** per \$1,000 of estimated cost of the work provided that the minimum Commercial fee shall be \$200.
 - (f) For the construction of Large Open – Volume Buildings / Structures: \$0.095 per cubic foot of the building or structure provided that the minimum fee is \$200.
 - (2) Plumbing / **Mechanical** Subcode Fee:
The plumbing subcode fee shall be:
 - (a) **\$40** per plumbing fixture or device to be installed provided that the minimum Residential fee shall be **\$100** and the minimum Commercial fee shall be \$200.
For the purpose of computing this fee, fixtures shall include lavatories, kitchen sinks, slop sinks, water closets, bathtubs, shower stalls, laundry tubs, dishwashers, or other similar devices.
 - (b) Special devices.
 - [1] Air Condition Units: \$90 per appliance.
 - [2] Gas piping: \$75 per appliance.
 - [3] Hot water storage tanks: \$90.
 - [4] Grease traps: \$90.
 - [5] Oil separators: \$90.
 - [6] Heating Systems - Boiler, steam or water, Hot Air Furnance or similar devices: ~~\$90~~ \$180.
 - [7] Generators: \$180
 - [8] Hot Water Heater, gas or electric: \$90.
 - [9] Back flow preventer: Residential: \$90.
 - [10] Back flow with test ports: \$100, Commercial.
 - [11] Pool Heaters: \$90.
 - [12] Drains, floor, pool, spa, hot tub, roof, condensate **\$40** each.
 - [13] Active Solar System \$100.
 - [14] Stacks: \$75.
 - [15] Propane Tank: \$200.
 - [16] Chimney Liner Inspections 1 and 2 family houses: \$90.
 - (c) Sanitary sewer utility, septic connections, utility and ejector pumps, connections or replacement, curb to house, or other similar devices: \$100.
 - (d) Water Service
 - [1] Residential: \$100.
 - [2] Commercial
 - [a] Less than two-inch \$100.
 - [b] Two inches or more: \$150.
 - (e) Septic Tank Abandonment: \$200.

- (f) Well Abandonment: \$200.
- (g) Annual testing of backflow preventers \$100.
- (h) Minimum Residential plumbing fee shall be **\$100.**, and the minimum commercial fee shall be \$200.
- (3) Electrical subcode fee. The electrical subcode fee shall be determined as follows:
 - (a) Receptacles: **\$5.00 per device.**
 - [1] Receptacles include, but are not limited to, lighting outlets, wall switches, lighting fixtures, fluorescent fixtures, detectors, light poles, emergency & exit lights, communication points, alarm devices/F.A.C Panel and motors of less than one horsepower (hp) and other similar devices or devices of less than one kilowatt (kw).
 - (b) Motors and Electrical Devices:
 - [1] One horsepower to 10 horsepower: **\$100.**
 - [2] Greater than 10 horsepower to 50 horsepower: \$150.
 - [3] Greater than 50 horsepower to 100 horsepower: \$250.
 - [4] Greater than 100 horsepower: \$450.
 - (c) For each service panel, service entrance, subpanels **or similar devices:**
 - [1] Less than or equal to 200 amps: \$100.
 - [2] More than 200 amps or equal to 300 amperes: \$300.
 - [3] More than 300 amps through 600 amperes: \$450.
 - [4] More than 600amps through 1200 amperes: \$600.
 - [5] More than 1200 amps \$750.
 - [6] Trenching: \$85.
 - [7] Temporary Service \$100.
 - (d) For transformers and generators **or similar devices:** equipment and appliances, including electrical range oven, dishwasher, dryer, water heater, boiler, furnace, baseboard heat, space heaters, transfer switches or other fixed or plug in appliance each:
 - [1] One kilowatt to up 10 kilowatts **\$100.**
 - [2] More than 10 kilowatts to 50 kilowatts: \$200.
 - [3] More than 50 kilowatts to 110 kilowatts: \$350.
 - [4] More than 110 kilowatts: \$550.
 - (e) Swimming pools:
 - [1] Pool vault: \$90.
 - [2] Pool bonding \$90.
 - [3] Pool filter motor: \$90.
 - [4] Pool lights (up to 3 units) including controls: \$90; each additional light: \$10.
 - (f) Spa / hot tub (in door): \$90.
 - (g) Spa / hot tub (outdoor): \$90.
 - (h) Certificate of Compliance - annual inspection for public pools, spas, hot tubs, \$200 (for each unit).
 - (i) Burglar Alarm System: \$90.
 - (j) Air conditioning units: (disconnects, compress/condensers and air handlers):
 - [1] One ton through six tons, each unit \$90.
 - [2] Greater than six tons through 15 tons each unit: \$120.
 - [3] Replacement of any system part: \$90.
 Minimum residential fee: **\$100**
 Minimum commercial fee is \$200.
- (4) Fire Protection Subcode Fees:

The fees for the fire protection subcode shall be as follows:

 - (a) For gas or oil heating systems installations or conversions in private residences: \$90 in commercial buildings: \$200.
 - (b) For gas or oil heating systems installation or conversion in all other structures, per unit: \$90.
 - (c) For the installation of any supplemental heating appliance which utilizes solid fuel such as wood or coal: \$90. Any such appliance shall be vented into its own single flue chimney.
 - (d) For installation of a fuel storage tank for a residential building: \$90.
 - (e) Fuel oil or gasoline storage tanks:
 - [1] For installation of fuel oil gasoline storage tanks in connection with a commercial or business building:
 - [a] Each tank up to 1,000 gallons capacity: \$200.
 - [b] Each tank 1,001 to 3,000 gallons capacity: \$300.
 - [c] Each tank in excess of 3,000 gallons capacity: \$400.
 - [2] When installed with oil burning equipment, the fee for installation of the tank shall include the fee for the installation of the oil burning equipment.
 - (f) For installation of fire sprinklers systems, control valves, flow switch and Fire Department Connections, the fee shall be computed on the number of devices to be installed.
 - [1] One to 25 heads: \$150.
 - [2] Twenty-six to 75 heads: \$200.
 - [3] Seventy-six to 100 heads: \$250.

- [4] One hundred one or more heads: \$300.
 - [5] Fire Service Main: \$150.
 - (g) For fire suppression systems such as dry chemicals, carbon monoxide, halon or foam systems:
 - [1] One to 10 heads or diffusers: \$90.
 - [2] Eleven or more heads or diffusers: \$150.
 - (h) Smoke detectors, heat detectors and carbon monoxide detectors.
 - [1] For installation of smoke detectors, heat detectors and carbon monoxide detectors: **\$10.00 for each detector/device.**
 - (i) Fire Alarm Control Panel shall be: \$90.
 - (j) Kitchen Hood Exhaust System (Commercial): \$200.
 - (k) Commercial chimney liner: \$200.
 - (l) Installation of fireplaces utilizing gas, per unit: \$90.
 - (m) Yard Hydrants: \$200.
 - (n) Minimum residential fee: **\$100**; minimum commercial fee: \$200.
- (5) Miscellaneous:
- (a) The fee for a construction permit for any item requiring a Uniform Construction Code Permit not specifically addressed shall be as follows unless otherwise specifically set by other subcode or municipal ordinance:
 - [1] Residential: **\$100**
 - [2] Commercial: \$200.
 - (b) For the reactivation for any permit that has become abandoned the current fees schedule shall apply.
 - (c) Temporary Tents / Party Tents: over 900 square feet or thirty feet of length in one direction:
 - [1] Building Fee: \$100 Residential; \$200 Commercial
 - [2] Electrical Fee: \$100 Residential; \$200 Commercial
 - [3] Plumbing Fee: \$100 Residential; \$200 Commercial
 - [4] Fire Protection Fee: \$100 Residential; \$200 Commercial
 - (d) Change of Contractor Processing / Administrative Fee - The fee to apply for a charge of contractor of each, building, plumbing, electrical and fire protection shall be \$90 plus any additional items / cost.
 - (e) Variation: The fee to apply for a building, plumbing, electrical or fire protection variation shall be \$150 per discipline.
- B. Plan review fee. The fee for plan review shall be 20% of the amount to be charged for the construction permit and shall be paid before plans are reviewed. The amount paid for this fee shall be credited toward the amount of the fee charged for the construction permit, but shall not be refundable. The minimum fee shall be **\$100** for residential and \$200 for commercial. For the purpose of determining estimated cost, the applicant shall submit to the Building Department, if available, cost data produced by the architect or engineer of record, by a recognized estimating firm or by the contractor. A bona fide contractor's bid may also be submitted if available. The Construction Official shall make the final decision regarding estimated cost.
- C. Demolition fee: The fee for a permit for demolition of:
- (1) A one- or two-family residence: **\$350**; commercial buildings: **\$450**
 - (2) Buildings or structures accessory to a one or two-family dwelling: **\$200**; commercial fee: **\$300**.
- D. Removal of fuel storage tanks:
- (1) Residential. The fee for a permit for the removal of a residential fuel storage tank: \$100.
 - (2) Commercial. The fee for a permit for the removal of a nonresidential fuel storage tank: \$200
- E. Certificate of occupancy fees.
- (1) **All new construction: residential and commercial, \$1,000.**
 - (2) **New construction for additions: residential, \$400; commercial, \$600.**
 - (3) Accessory structure: residential, \$100; commercial, \$200.
 - (4) Other. For a certificate of continued occupancy, a certificate of occupancy pursuant to a change in use, multiple certificate of occupancy or similar conditions: residential, \$400; commercial \$600.
 - (5) The initial issuance of a temporary certificate of occupancy shall be free, however, the fee for a renewal of a temporary certificate of occupancy shall be \$30 for all structures, including accessory structures.

Section 2

Section § 111-13. Fences.

- B. Construction permit.
 - (1) Persons who file an application shall, upon receiving approval from the Alpine Building Department, obtain a construction permit upon the payment to the Construction Official of a fee of:
 - [a] Residential. **\$40** per \$1000 of estimated cost of work, provided that the minimum residential fee shall be **\$100** and
 - [b] Commercial **\$60** per \$1000 of estimated cost of work, provided that the minimum commercial fee shall be \$200.
 - (2) The Building Department, upon completion of construction, shall notify the Assessor so that the information can be recorded on the permanent record card for the particular tract of parcel upon which the fence or retaining wall has been erected.

Section 3

Section § 177-4B. Sign Permit – Permits and Applications

- B Permits and Applications. An application with signed permit shall be made by the owner of the premises and the person responsible for the erection of the signing, and both shall be responsible for compliance with this section. The application accompanied by a fee of **\$60** per \$1,000 of the estimated cost of work for each permanent sign, provided that the minimum fee is \$200 and \$100 for a temporary sign, shall be made to the Building Inspector and shall contain the following information: *[a-d unchanged]*

Section 4

Section § 103-8B Driveway Fees

- B. Permit to install, expand, repair, repave or replace existing driveways shall be:
 - (1) Residential **\$40** per \$1,000 estimated cost of the work, provided that the minimum fee for residential is \$100
 - (2) Commercial **\$60** per \$1,000 estimated cost of the work, provided that the minimum fee for commercial is \$200

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 after publication and filing a copy with the Bergen County Planning Board and Department of Community Affairs in accordance with law.

ADOPTED: MARCH 27, 2019

**BOROUGH OF ALPINE
ORDINANCE NO. 782**

AN ORDINANCE TO AMEND CHAPTER 109-2 Police Services

WHEREAS, the Mayor and Council of the Borough of Alpine based upon the recommendation of the Police Department have determined that there is a need to increase fees and update certain ordinances in compliance with state statute:

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Alpine, Bergen County, New Jersey to amend the following sections or portions thereof as follows:

Section 1

Section § 109-2 Police Services.

- B. Administrative costs. In addition, the party requesting such service shall pay a one-time fee for each project of **\$125** to cover the administrative costs associated with the project.
- C. Use of police vehicles. If a party requests a police car or vehicle in conjunction with the services of a police officer or special officer, then the party shall pay the Borough of Alpine a reimbursement rate of **\$175** per day for the use of each police vehicle.

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 after publication.

ADOPTED: MARCH 27, 2019

**BOROUGH OF ALPINE
ORDINANCE NO. 783
AN ORDINANCE TO AMEND**

CHAPTER 192 ARTICLE III OF THE CODE OF THE BOROUGH OF ALPINE, ENTITLED "STREETS AND SIDEWALKS:EXCAVATIONS"

BE IT ORDAINED, by the Mayor and Council of the Borough of Alpine in the County of Bergen and State of New Jersey that Chapter 192 Article III of the Code Of The Borough Of Alpine, Entitled "Streets And Sidewalks : Excavations" be amended as follows:

- 1. Delete §192-4 through §192-10 in their entirety and replace with the following:

192-4 DEFINITIONS:

APPROPRIATE BOROUGH OFFICIAL

Minor street opening: The Superintendent of the Department of Public Works

Major street opening: The Borough Engineer

STREET Any street, road, highway, public way, public alley, easement or other right-of-way accepted or maintained by the Borough as a public thoroughfare as well as any state or county road or highway over which the Borough has acquired jurisdiction by agreement.

MINOR STREET OPENING Any excavation or tunnel which extends less than 30 linear feet and is less than six feet in depth.

MAJOR STREET OPENING Any excavation or tunnel which is not a minor street opening.

TUNNEL Any subsurface excavation performed by augering, directional drilling, pipe-jacking or any similar trenchless construction procedure.

192-5 Permit required

A. No person shall make an excavation in or tunnel under any street without first obtaining a permit issued by the Superintendent of Public Works following review of the proposed street opening (major or minor) by the appropriate public official.

B. Emergency Opening. May be commenced without a permit when an emergency has arisen which makes it necessary to commence work immediately; provided, however, that prior to work commencing the application for a permit shall be filed with the Borough Clerk, or in the case of an emergency during nonbusiness hours, the next business day, along with the requisite fees and guarantees as required. In all cases where emergency work is to be performed immediate notice must be made to the Alpine Police Department and the Superintendent of the Department of Public Works prior to work commencing. Issuance of an emergency permit shall be retroactive to the date on which the work was begun.

C. A road opening permit issued under this section shall be valid for a period of forty-five (45) days which may be extended upon written request to the Superintendent of the Department of Public Works for an additional forty-five (45) days.

D. The Superintendent of the Department of Public Works may issue permits to other public bodies without a fee.

192-6. Denial of permit: appeal.

The Superintendent of Public Works is authorized to refuse the issuance of any permit, if such refusal is in the interest of public safety, convenience or health. In the event that a permit shall be refused by the Superintendent, an appeal may be taken to the Borough Council. The Council, after hearing the applicant and the Superintendent and other evidence as may be produced, may either direct the issuance of the permit or sustain the refusal of the Superintendent.

192-7. Application for permit.

Application for a permit shall be made to the Department of Public Works and shall contain the following information:

- A. Name, address, telephone number and e-mail of the applicant.
- B. Property owner's name, address, telephone number and Borough tax map block and lot number of the property for the benefit of which the opening is to be made
- C. Street in which the opening is to be made and street number, if any, of the abutting property
- D. Nature of the surface in which the opening is to be made
- E. Character and purpose of the work proposed
- F. Dimensions of the opening to be made: depth, length, width
- G. Time when the work is to commenced and completed
- H. Each application must include a drawing or set of plans in duplicate showing the exact location and dimensions of all openings.
- I. Names of the architect and engineer
- J. Name and address of the contractor performing the work
- K. Name, address, and 24/7 telephone number of the party to be reached in the event of an emergency
- L. Name of the street where the opening is to be made and the street number, if any, of the abutting property.
- M. The Borough tax map block and the lot number of the property for the benefit of which the opening is to be made.
- N. Signed acknowledgement that the applicant agrees to replace, at his own cost and expense, the street, curb, gutter, bike path, sidewalk, catch basins, manholes and all other disturbed areas, so as to restore said area to such state and condition as complies with Borough standards, within 90 days of the street opening; provided, however, that within 24 hours of such opening the area shall be temporarily restored by the placement of a stabilized base course, maintained as determined in the reasonable judgment of the appropriate Borough official until the final surface has been laid. The final surface shall not be installed between November 15 and April 15 unless otherwise permitted by a written authorization of the Superintendent of Public Works or the Borough Engineer.
- O. In the case of a proposed road opening that
 - 1) would require sheeting or shoring;
 - 2) could impact the structural stability of the thoroughfare in which the excavation or tunnel is proposed, or any private property or structure(s) adjacent thereto; or
 - 3) could create a situation that may impact the health and safety of the general public and the workers involved in the project served by the road opening,

the Borough Engineer can require fully engineered plans, supporting design calculations, geo-technical investigations and permits from any other governmental agencies having jurisdiction.

Application hereunder shall be filed not less than five business days in advance of any excavation except in case of an emergency opening where the provisions of 192-5B apply.

192-8. Fees

A. MINOR ROAD OPENING PERMIT : Openings up to thirty (30) feet in length: two hundred fifty dollars (\$250.00)

B. MAJOR ROAD OPENING PERMIT : Openings in excess of thirty feet in length: three hundred dollars (\$300.00), plus fifty (\$0.50) cents per linear foot in excess of thirty(30) feet.

C. Exception: In the event that a public utility shall be exempted by statute from payment of fees as required by the preceding subsection, the utility company shall nevertheless file with the Borough Clerk annually a surety bond, approved as to form by the Borough Attorney, in the penal sum of not less than \$25,000, conditioned upon the complete restoration of the disturbed surface to such condition as complies with Borough standards.

192-9 Inspection and Engineering Fees

Each applicant for a MAJOR ROAD OPENING PERMIT deposit in trust with the Borough Clerk an amount as determined by the Appropriate Borough Official which is an estimate of all anticipated inspection and engineering costs and fees. In the event that such actual costs and fees are less than the amount deposited in trust, then the Borough shall refund the difference between the amount deposited in trust and the actual costs and fees charged to the applicant. In the event that such actual costs and fees

exceed the amount deposited in trust, then the difference between the actual costs and fees and the amount deposited in trust may be payable from the cash bond required by the terms of 192-8C or by replenishment of the trust account by the applicant.

2. Sections 192-11 through 192-27 unchanged but renumbered to become Sections 192-10 through 192-26.
3. 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 after publication.

ADOPTED: MARCH 27, 2019