

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, May 25, 2016 @ 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, May 25, 2016 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, May 25, 2016 has met the requirements of the law by being published in The Record as part of the Annual Notice, posted on the bulletin board of the lobby in the Borough Hall and a copy filed in the office of the Borough Clerk. This meeting was recorded in its entirety.

ROLL CALL

Paul Tomasko, Mayor	Present	Vicki Frankel, Council President	Present
Michael Cacouris, Councilman	Present	Gayle Gerstein, Councilwoman	Present
John Halbreich, Councilman	Present	Laurence Shaddek, Councilman	Absent
Arthur Frankel, Councilman	Present		

Staff Present on Dais: Borough Engineer Gary Vander Veer, Borough Attorney Russ Huntington, Municipal Clerk Stephanie Wehmann

PUBLIC COMMENTS None

REPORT OF THE FINANCE COMMITTEE A copy of the monthly Finance Report including the First Quarter Statement of Revenues and Expenditures is on file in the Borough Clerk's office.

Bank Of New Jersey Current Operating Acct **\$3,497,082.52**

Resolution #102: 5'2016: 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, May 25, 2016 to approve the bills and claims, a copy of which are appended.

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel **Absent:** Shaddek

MOTION CARRIED

Resolution #103:5'2016: 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, May 25, 2016 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>
Kallenberg, Barry	22/3		\$518.50

Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel **Absent:** Shaddek

MOTION CARRIED

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

MAYOR'S REPORT The Mayor reported on the following:

- Review of Memorial Day preparations for Monday, May 23, 2016. Draft of Memorial Day Program circulated to Council for review.
- Swim Club plans Open House for Memorial Day
- All should have received Annual Civil Rights Notice via e-mail May 5, 2016.

REPORTS OF THE STANDING COMMITTEES

Administration Department No report.

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

Highlights: 85 inspections, 1 driveway permit, 7 tree permits, 3 soil moving applications, 9 zoning review applications, 1 sign permit. The rest of the report is on file.

Department of Public Works Councilman Frankel noted the Annual Spring Cleanup has been completed and was a success. Preparations are underway for Memorial Day. The remainder of the report is on file.

Fire Department Councilwoman Gerstein advised statistics are on file.

Police Department Councilwoman Frankel reported 39 summonses issued and 5 motor vehicle accidents with 3 injuries.

Resolution #104 :5'2016: 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, May 25, 2016 to accept the reports of the Standing Committees.

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

MOTION CARRIED

BOARD OF EDUCATION LIAISON'S REPORT No report.

BOROUGH ATTORNEY'S REPORT No report.

BOROUGH ENGINEER'S REPORT Engineer Vander Veer provided his report and a copy is on file.

UNFINISHED BUSINESS

Ordinance 761: Establish Criminal History Background Checks of Persons Working With Youth

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

Resolution #105:5'2016: Adoption of Ordinance 761

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, May 25, 2016

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 ESTABLISH CRIMINAL HISTORY BACKGROUND CHECKS OF PERSONS WORKING WITH YOUTH

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

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

MOTION CARRIED

{Ordinance 761 appended to these minutes in its entirety.}

Ordinance 762: Amend Chapter 161-3 Fees for Park and Recreation Areas

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

Resolution #106:5'2016: Adoption of Ordinance 762

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, May 25, 2016

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 161-3 "PARKS AND RECREATION AREAS"
OF THE BOROUGH OF ALPINE CODE ESTABLISHING PROCEDURE TO SET FEES.**

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

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

MOTION CARRIED

{Ordinance 762 appended to these minutes in its entirety.}

NEW BUSINESS

A. CONSENT AGENDA RESOLUTIONS Resolutions #107:5'2016 - #117:5'2016

1. Resolution #107:5'2016:Approval of Minutes Regular Meeting April 27, 2016

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, May 25, 2016 to approve the minutes of the Regular Meeting April 27, 2016.

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

MOTION CARRIED

2. Resolution #108:5'2016: Liquor License Renewal for Riverside Park, Inc. (Kiku Restaurant)

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, May 25, 2016.

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

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, 2016 and ending on June 30, 2017.

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

MOTION CARRIED

3. Resolution #109:5'2016: Liquor License Renewal for Montammy Golf Club

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, May 25, 2016.

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

Club License

Liquor License # 0202-31-002-001

Montammy Golf Club

Rt 9W Montammy Drive, Alpine, NJ 07620

for a period of one year beginning July 1, 2016 and ending on June 30, 2017.

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

MOTION CARRIED

4. Resolution #110:5'2016: Establishing Fees for Recreation Field Use and Endorsing Recreation Commission Policy for Field Use

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein at the regular meeting of the Alpine Mayor and Council held on Wednesday, May 25, 2016

WHEREAS, the Recreation Commission has seen an increase in requests for use of the Borough's recreational fields by outside entities including for profit groups and has recommended the establishment of fees and clarification of the permitting guidelines; and

WHEREAS, pursuant to Borough Ordinance 161-3 as amended by Borough Ordinance 762 duly adopted at this evening's meeting permits the Mayor and Council to establish fees for the use of the Borough's recreational fields:

NOW, THEREFORE BE IT RESOLVED that the following fee schedule for use of the Borough's recreation fields provided a proper permit has been obtained as approved by Recreation Commission and the Mayor and Council is hereby established and which may be amended from time to time by resolution:

- By the Board of Education or youth sports sanctioned through liaison with Tenafly Recreation such as Tenafly Lions Little League and Tenafly United Soccer Club: No fee.
- By a non-profit group or organization based in the Borough of Alpine: \$10.00 for practices and \$20.00 for games. Must provide proof of organization's Alpine address (not a PO Box) and non-profit status. At least 75% of the group's participants must physically reside in Alpine.
- By a non resident non-profit group or organization: \$50.00 per hour; \$500 minimum
- By a for-profit group or organization: \$100 per hour; \$1000 minimum

BE IT FURTHER RESOLVED that the Mayor and Council herewith endorse the recommendations of the Recreation Commission and approve the following Policy for Field Use clarifying priority usage and permit criteria.

Policy for Field Use

Priority of Users

1. Board of Education sponsored activities subject to Borough Ordinance §161-7. No user fees.
2. Youth sports sanctioned through liaison with Tenafly Recreation such as Tenafly Lions Little League and Tenafly United Soccer Club. No user fees.
3. Private groups or organizations (Non-profit). Recreation commission shall review and submit recommendations to the Mayor and Council who must issue final approval. Proof of legal non-profit status with the IRS and State of New Jersey required to Recreation Commission's satisfaction. User fees apply.
4. Private groups or organizations (For profit) Recreation commission shall review and submit recommendations to the Mayor and Council who must issue final approval. User fees apply.

Permit Criteria

1. Prior year's field use
2. Team rosters must be submitted upon request including participants' first and last names alphabetized, address and phone number. This includes any coaches, staff, assistants.
3. For non-profit: Satisfactory proof
 - IRS 501 (c) (3) – Letter, plus copies of
 1. Articles of Incorporation including name and address of Registering Agent
 2. By-Laws
 3. Form 1023 (Application)

- 4. Most recent Form 990/990-EZ or 990-N as required and 990-T if applicable
- 5. List Names and contact information Board of Directors and Voting Members
- 6. Organizational Chart including names of volunteer and/or paid staff.
- NJ Certificate of Incorporation, plus copies of
 - 1. Copy of most recent Annual Report submitted to NJ Division of Taxation
 - 2. Proof of Charitable Registration with NJ Division of Consumer Affairs or proof of exemption
- 4. For profit:
 - Name, address (not a PO Box) and type of group, organization (Inc., LLC, etc.)
 - Business Registration Certificate
 - Names, addresses (no PO Box) and phone numbers for principals along with title.
- 5. Additional as required on application: Insurance, Hold Harmless, Lightning Policy, Criminal History Background Check for employees, volunteers working with youth under the age of 18.

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

MOTION CARRIED

5. Resolution #111:5'2016: Authorizing Purchases of Commodities Under State Contract

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, May 25, 2016

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 Borough of Alpine has a need to purchase on a timely basis, goods and services utilizing State Contracts during 2016 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 listed below, such transaction shall be subject to all conditions applicable to the current State contracts; now, therefore

Commodities:	T0109 Radio Communication Equipment & Accessories
Service Vendor Name:	Motorola Solutions Inc
State Contract #:	NJ 83909

Commodities:	M0483 Computer Equipment, Peripherals and Related Services
Service Vendor Name:	Island Tech Services (ITS)
State Contract #:	NJ 89980

Commodities:	T-2776 Police Vehicles: Sport Utility Vehicles ½ Ton, 4WD
Service Vendor Name:	Day Chevrolet Inc
State Contract #:	NJ 89938

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 2016 from the approved New Jersey State Contract Vendors listed above pursuant to all conditions of the State contract; and

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, Halbreich, A. Frankel **Absent:** Shadek

MOTION CARRIED

6. Resolution #112:5'2016: Police Dept. Authorizing Purchase Computer Equipment Under State Contract

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, May 25, 2016

WHEREAS, the Borough of Alpine is in need of acquiring and installing/removing *Computer Equipment, Peripherals and Related Services* for the Alpine Police Department; and

WHEREAS pursuant to N.J.S.A. 40a:11-1 et seq. and N.J.A.C. 5:34-7.29(c), the Borough may, by resolution and without obtaining multiple quotes or 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 Borough of Alpine by prior resolution has approved purchases from the State Contract Vendor listed below for this item; 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, funds for this purpose have been provided for in Account Numbers C-04-55-965-201 (Capital Fund Ordinance #759) and 6-01-25-240-046 (Acquisitions Police Vehicles) in the accounting records of the Borough of Alpine;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, that the Borough of Alpine enter into an agreement with Island Tech Services PO Box 88 Brookhaven NY 11719 Contact: Robert Gronenthal Authorized vendor for State Contracts 89980 for the acquisition and installation/removal of Computer Equipment, Peripherals and Related Services, in accordance with the aforementioned contract and the specifications attached hereto, in an amount not to exceed \$18,704 to be charged to the accounts above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds.

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

MOTION CARRIED

7. Resolution #113:5'2016: Police Dept. Authorizing Purchase Radio Communication Equipment Under State Contract

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, May 25, 2016

WHEREAS, the Borough of Alpine is in need of acquiring of *Radio Communication Equipment & Accessories* as part of a Trunking Radio System Conversion for the Alpine Police Department; and

WHEREAS pursuant to N.J.S.A. 40a:11-1 et seq. and N.J.A.C. 5:34-7.29(c), the Borough may, by resolution and without obtaining multiple quotes or 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 Borough of Alpine by prior resolution has approved purchases from the State Contract Vendor listed below for this item; 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, funds for this purpose have been provided for in Account Numbers C-04-55-965-202 (Capital Fund Ordinance #759) and 6-01-55-915-020 (Reserve for Police Special Donations) in the accounting records of the Borough of Alpine;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, that the Borough of Alpine enter into an agreement with Motorola Solutions, Inc. PO Box 305 Bordentown NJ 08505 Contact: Marcial Mojena Authorized vendor for State Contracts 83909 for the acquisition of Radio Communication Equipment & Accessories, in accordance with the aforementioned contract and the specifications attached hereto, in an amount not to exceed \$59,334.00 to be charged to the accounts above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds.

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

MOTION CARRIED

8. Resolution #114:5'2016: Fire Dept. Authorizing Purchase Command Vehicle

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, May 25, 2016

WHEREAS, the Borough of Alpine is in need of acquiring a Police Vehicle: Sport Utility Vehicle ½ Ton 4WD (Command Vehicle) for the Alpine Fire Department; and

WHEREAS pursuant to N.J.S.A. 40a:11-1 et seq. and N.J.A.C. 5:34-7.29(c), the Borough may, by resolution and without obtaining multiple quotes or 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 Borough of Alpine by prior resolution has approved purchases from the State Contract Vendor listed below for this item; 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, funds for this purpose have been provided for in Account Numbers C-04-55-967-201 and 6-01-25-265-032 (New Equipment) in the accounting records of the Borough of Alpine;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, that the Borough of Alpine enter into an agreement with Day Chevrolet Inc. 3996 William Penn Hwy Monroeville, PA 15146 Contact: Len Polistina Authorized Vendor for State Contract NJ 89938 for the purchase of a 2016 Chevrolet Tahoe Police Vehicle 4WD, in accordance with the aforementioned contract and the specifications attached hereto, in an amount not to exceed \$40,532.62 to be charged to the accounts above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds.

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

MOTION CARRIED

9. Resolution #115:5'2016: Authorization to Advertise & Receive Bids for DPW Plow Truck

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, May 25, 2016 to authorize advertisement for receipt of bids for purchase of one (1) new 2017 HINO 338 Truck with Plow or equivalent.

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

10. Resolution #116:5'2016: Authorization to Advertise & Receive Bids for Use of Facilities: Alpine Swim Club

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, May 25, 2016

WHEREAS, it is the recommendation of the Alpine Swim & Tennis Club that leasing the Alpine Swim Club at dates and times not in regular use by members may be advantageous to the Borough through generation of additional income and may help to increase general membership by broadening the public's awareness of the facilities

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council authorize the Borough Attorney in conjunction with the Borough Clerk to proceed with the bid process for use of facilities and to prepare the necessary bid package documents and advertise for bids to be received prior to the next meeting.

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

MOTION CARRIED

11. Resolution: #117:5'2016: Authorizing Agreement w/Bergen County for the 2016-2018 Snow Plowing Program

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, May 25, 2016,

WHEREAS, the Borough of Alpine has participated in the annual Snow Plowing Program with the County of Bergen for many years; and

WHEREAS, the County of Bergen Department of Public Works has provided the Borough with the Agreement for the 2016-2018 snow plowing seasons,

WHEREAS, the Borough of Alpine agrees to furnish the necessary equipment and personnel required to perform snow plowing operations on County roads located within the Borough of Alpine, and

WHEREAS, the County of Bergen shall compensate the Borough of Alpine for conducting snow plowing operations on County roads within the Borough according to the price schedule provided;

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Alpine that the Mayor and Acting Borough Clerk are hereby authorized and directed to execute an agreement with the County of Bergen Department of Public Works for the 2016-2018 Snow Plowing Program.

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

MOTION CARRIED

End of Consent Agenda Resolutions

B. Resolution #118:5'2016: Appoint Acting Plumbing Subcode Official Eff 6/15/2016

OFFERED BY: Councilman Halbreich **SECONDED BY:** Councilman Gerstein
at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, May 25, 2016

WHEREAS, the laws of the State of New Jersey require that the Borough of Alpine appoint a Plumbing Subcode official to be responsible for the administration and enforcement of the plumbing subcode; and

WHEREAS, Raymond T Eckel, plumbing subcode official, has tendered a letter of resignation to the Borough of Alpine with an effective date of June 15, 2016; and

WHEREAS, pursuant to NJAC 5:23-4.4 (a) 6, a municipality shall appoint an acting subcode official any time the absence of such official would impede orderly administration of the Uniform Construction Code and other duties mandated by the municipality; and

WHEREAS, the Building Commissioner and the Building Committee have recommended the appointment of Giuseppe Lamastra to serve as part-time Acting Plumbing Subcode official to fill the vacancy of the position for a period not to exceed 60 days, effective June 15, 2016; and

WHEREAS, acting appointments shall not constitute the statutory four-year term for construction and subcode officials or any portion thereof.

NOW, THEREFORE, BE IT RESOLVED, that Giuseppe Lamastra be appointed Acting Plumbing Subcode Official for a period of 60 days and that notification of this acting appointment be sent to the Office of Regulatory Affairs, NJS Department of Community Affairs within seven days.

BE IT FURTHER RESOLVED, that the fees for Mr. Lamastra are established at \$50 per inspection, \$50 per plan review with work not to exceed a maximum of 15 hours per week. Funding is provided for in the current Salary Ordinance.

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

MOTION CARRIED

Bergen County Community Development Representatives

Mayors Appointment: B.C. Community Development Regional Committee Representative

Mayor Tomasko appointed the following representative to serve on the Community Development Committee for the term of one year coinciding with the fiscal year July 1, 2016 through June 30, 2017: **Councilman Michael Cacouris** and, although not required, asked if Council wished to affirm.

Resolution #119:5'2013: Affirm Mayors Appointment Representative for Bergen County Community Development Regional Committee

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, May 25, 2016 to affirm the Mayor's appointment of Councilman Michael Cacouris as his representative to the Bergen County Community Development Regional Committee.

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

MOTION CARRIED

Resolution #120:5'2013: Council Appointment Council Representative for Bergen County Community Development Regional Committee

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, May 25, 2016

WHEREAS, the Borough of Alpine has entered into a Three Year cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et. seq. and Title I of the Housing and Community Development Act of 1974 for the Program Years 2015, 2016 and 2017 (July 1, 2015 – June 30, 2017) per resolution dated August 27, 2014 and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Community

Development Regional Committee for the term of one year coinciding with the fiscal year July 1, 2016 through June 30, 2017.

NOW, THEREFORE BE IT RESOLVED, that the governing body hereby appoints **Council President Vicki Frankel** as its representative to participate on the Community Development Regional Committee.

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

MOTION CARRIED

Resolution #121:5'2013: Appointing Representative to Bergen County Open Space Trust Regional Advisory Committee

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, May 25, 2016

WHEREAS, the Borough of Alpine has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et. seq. to participate in the Bergen County Open Space, Recreation, Farmland and Historic Trust Fund; and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1, 2016 through June 30, 2017.

NOW, THEREFORE BE IT RESOLVED, that the governing body hereby appoints **Council President Vicki Frankel** as its representative to participate on the Open Space Trust Regional Committee.

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

MOTION CARRIED

COMMUNCIATIONS: WRITTEN AND ORAL None

At recommendation of Borough Attorney to enter into an Executive Session to discuss potential action in a matter under litigation.

Resolution#122:1'2016: Executive Session A Resolution providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, May 25, 2016

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) Matter Relating to Litigation, Negotiation and/or Attorney-Client Privilege

- McCaffrey litigation

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, assembled in public session on Wednesday, May 25, 2016, 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, Halbreich, A. Frankel **Absent:** Shadek

MOTION CARRIED

Executive Session convened at 7:44 PM and re-convened in open public session at 7:57PM.

Resolution#123:1'2016: Authorization for Work Pursuant to Court Order

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, May 25, 2016 that, pursuant to Civil Action Order dated March 17, 2016 Docket No. BER-C-271-14 Borough of Alpine vs. Robert & John P. McCaffrey, the Borough retain Tobar Excavating, Inc. at a cost of \$6,000.00 to perform the Court ordered work consisting of demolition of a low roofed structure and removal of all remnants of same from the site located at 1010 Closter Dock Road if same has not been completed by the Defendant by the court ordered deadline of June 3, 2016 and the cost to be charged to the Security Fund established per the Settlement Agreement between the parties dated September 14, 2015.

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

MOTION CARRIED

ADJOURNMENT

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

and approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday May 25, 2016 at 7:58 P.M.

Respectfully submitted,

Stephanie Wehmann
Municipal Clerk

**BOROUGH OF ALPINE
ORDINANCE NO. 761**

AN ORDINANCE TO ESTABLISH CRIMINAL HISTORY BACKGROUND CHECKS OF PERSONS WORKING WITH YOUTH

WHEREAS, N.J.S.A. 15A:3-A-1, et seq. permits "non-profit youth serving organizations" (including municipalities) to perform a criminal background check on current and prospective employees or volunteers who have direct contact with minors in order to preclude those employees and volunteers who have been convicted of certain crimes;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 162 Criminal History Background Check ("CHBC") for Persons Working With Youth is hereby established to read as follows:

§162-1. Purpose.

Pursuant to N.J.S.A. 15A:3-A-1, et seq., the purpose of this Chapter is to authorize a municipal official or officer to request a CHBC of current and prospective Borough employees and volunteers who have direct contact with minors.

§162-2. Designated Official or Officer.

The Alpine Police Chief, Borough Clerk, and Personnel Administrator or their designee are hereby authorized to request a CHBC on current and prospective Borough employees or volunteers who have direct contact with minors.

§162-3. Requests for CHBCs; Consent Required; Costs

A. All prospective Borough employees and volunteers of a youth-serving recreation organization shall be subject to CHBC for a Non Criminal Purpose, either Name Check Only or Fingerprint-based at the Borough's discretion, through the State Bureau of Identification ("SBI") in the Division of the State Police or an authorized vendor.

B. Written Consent Required.

The Borough's designated official or officer shall conduct a CHBC **only** upon receipt of written consent for said CHBC from the subject. Refusal to provide written consent will disqualify subject's employment or participation.

C. Costs.

The Borough of Alpine shall bear costs for CHBCs for current and prospective Borough employees and volunteers such as those associated with the Alpine Swim Club. It is understood that the Borough of Tenafly performs and bears the costs for CHBCs for personnel associated with Tenafly-sponsored Recreation Sports Programs requesting permission to use Alpine ball fields.

All other youth-serving organizations seeking use of the Borough of Alpine's fields or facilities shall require all employees and volunteers of that organization who have direct contact with minors to obtain a CHBC and provide results to the Borough of Alpine at the time application for permit for use of Alpine field(s) is made at their own expense.

§162-4. Effective Date / Notification of Subsequent Disqualifying Offense

A. Any person who, by virtue of his/her occupation, is required by statute to undergo a federal and state criminal history background check similar in nature to the requirements contained herein, and who can provide the results of such a background check, is exempt from the requirement hereunder until three years has elapsed since the most current background check.

B. A new successful background check remains valid for three years.

C. Notwithstanding §162-4(A & B), if an employee or volunteer of a youth-serving organization is convicted of a disqualifying crime or offense as specified under §162-5, after such person has cleared the required CHBC, such person must immediately (no later than 72 hours post-conviction) notify the Police Chief and the Borough Clerk of that fact. Such person shall be immediately disqualified from their position.

§162-5. Conditions under which a person is disqualified from service.

A person may be disqualified from serving as an employee or volunteer of a youth-serving recreation organization if that person's CHBC reveals a record of conviction of any of the following crimes and offenses.

A. In New Jersey, any crime or more than one disorderly persons offense:

1. Homicide (N.J.S.A. 2C:11)
2. Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
3. Kidnapping (N.J.S.A. 2C:13)
4. Sexual Offenses (N.J.S.A. 2C:14)
5. Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
6. Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
7. Robbery (N.J.S.A. 2C:15)
8. Theft (N.J.S.A. 2C:20)

B. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in this section.

§162-6. Limitations on access and use of CHBC

A. Access to criminal history record information for non-criminal justice purposes, including licensing and employment is restricted to authorized personnel of the nonprofit youth-serving organization and the Borough's designated officials or officers, on a need-to-know basis, as authorized by federal or state statute, rule or regulation, executive order, administrative code, local ordinance or resolution regarding obtaining and dissemination of criminal history record information obtained under this chapter.

B. Such persons or organizations shall limit their use of criminal history record information solely to the authorized purpose for which it was given and it shall not be disseminated to any unauthorized persons. Any person violating federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

§162-7. Challenging Accuracy of a CHBC report.

A. If a criminal history record may disqualify an employee or volunteer for any purpose, a Review Committee (comprised of the Police Chief, Borough Clerk, Personnel Administrator, and other designated official(s) of the municipality as appropriate) shall review same and form a determination. If there is a rejection, the Review Committee may still allow the employee or volunteer to participate. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the

These minutes have been approved by the Mayor and Council.

record. An acquittal, dismissal, successful completion of Pre-trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction.

B. The Review Committee shall promptly notify the prospective or current employee or volunteer whose CHBC reveals a disqualifying conviction. The person shall have 14 days from the receipt of that notice to petition the Review Committee for a review to challenge the accuracy of the information contained in the criminal history record and cite reasons substantiating their appeal, which time period may be reasonably extended at the Committee's discretion. Such Notice of Appeal must be sent in writing to the Review Committee and shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to NJAC 13:59-1.6. During the 14-day period listed above, and until the issuance of the decision of the Review Committee an employee will be placed on suspension with or without pay, at the discretion of the Committee in consultation with the Borough Attorney and/or Labor Attorney, pending the outcome of the Notice of Appeal.

C. Notwithstanding the provision of §162-5 of this article, no persons shall be disqualified from serving as an employee or volunteer of a youth-serving organization on the basis of any conviction disclosed by a CHBC if the person can affirmatively demonstrate rehabilitation to the Review Committee. In determining whether a person has affirmatively demonstrated rehabilitation, the Review Committee shall consider the following factors:

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

D. The Review Committee shall promptly advise the non-profit youth-serving organization, in writing, if a current or prospective employee or volunteer whose CHBC record reveals a disqualifying offense has affirmatively demonstrated rehabilitation under this section.

E. This section shall not apply to persons who have been convicted, adjudicated delinquent or acquitted by reason of insanity of aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (s) of subsection (c) of N.J.S.A. 2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection (a) of N.J.S.A. 2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection (b) of N.J.S.A. 2C:24-4; luring or enticing pursuant to section 1 P.L. 1993, C. 291 N.J.S.A. 2C:13-6); criminal sexual contact pursuant to N.J.S.A. 2C:14-3b, if the victim is a minor; kidnapping pursuant to N.J.S.A. 2C:13-2 or false imprisonment pursuant to N.J.S.A. 2C:13-3; if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) subsection (b) of N.J.S.A. 2C:34-1; or attempt to commit any of these enumerated offenses.

F. The determination of the Review Committee shall be final and not subject to further appeal.

Section 2. That all ordinances or parts of ordinances inconsistent with this Ordinance be and the same are hereby repealed.

Section 3. Severability. To the extent that any part or parts of this ordinance are repealed or otherwise modified or voided by the State Statute or case law, the remaining sections of this ordinance shall remain in full force and effect.

Section 4. The ordinance shall take effect upon final passage, approval and publication as provided by law.

ADOPTED: May 25, 2016

**BOROUGH OF ALPINE
ORDINANCE NO. 762**

**AN ORDINANCE TO AMEND CHAPTER 161-3 "PARKS AND RECREATION AREAS"
OF THE BOROUGH OF ALPINE CODE ESTABLISHING PROCEDURE TO SET FEES.**

WHEREAS, the Recreation Commission of the Borough of Alpine has recommended establishing a fee schedule for the use of the Borough's ball fields for same,

NOW, THEREFORE BE IT RESOLVED, AS FOLLOWS:

Section 1 Replace the last sentence of paragraph A to read as follows:

Section § 161-3. Public use and availability of park and recreation areas

A. The Council shall have the authority to enact by resolution reasonable fees in connection with the use of any public recreation or other public area within the Borough, including but not limited to the Alpine Swim and Racquet Club and Borough's ball fields: Church Street Field and Hillside Avenue (School) Field.

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.

ADOPTED: May 25, 2016