

**MAYOR AND COUNCIL  
REGULAR MEETING  
November 20, 2023 @ 7:30 PM  
Borough Hall – 100 Church Street – Alpine, NJ  
(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 November 20, 2023 at 7:31 P.M. in the Alpine Borough Hall. The Public Announcement was read: *In accordance with the provisions of the New Jersey Open Public Meetings Law, the notice of this Regular meeting has met the requirements of the law by being e-mailed to The Record, posted on the bulletin board of the lobby in the Borough Hall and a copy filed in the office of the Borough Clerk.*

**ROLL CALL**

Paul H. Tomasko, Mayor	Present	Gayle Gerstein, Council President	Present
Steven Cohen, Councilman	Present	Vicki Frankel, Councilwoman	Present
Arthur Frankel, Councilman	Present	Scott Bosworth, Councilman	Present
David Kupferschmid, Councilman	Present		

**Staff Present on Dais:** Borough Attorney Levi Kool(\*via telephone), Borough Engineer Perry Frenzel, Borough Clerk Stephanie Wehmann,

**PUBLIC COMMENTS**

Mayor Tomasko welcomed former Councilman Michael Cacouris who was in attendance.

Robert Policano questioned Ordinance No. 823. Mayor Tomasko explained they propose a more comprehensive amendment in response to a resident's concerns. Tonight is just introduction. The proposed ordinance amendment will be available from the clerk for review and a public hearing/comment period will be held at next month's meeting prior to any action to adopt.

George Abad questioned status of IT system upgrades in the Building Department. Councilman Kupferschmid provided a progress report.

**REPORT OF THE FINANCE COMMITTEE** Councilman Cohen reported.

**ConnectOne Bank Current Operating Account \$4,880,203.93**

**Resolution #196:011'2023: Return of Bonds and Escrow**

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

At a regular meeting of the Mayor and Council of the Borough of Alpine held on November 20, 2023 to return the following escrow and/or bonds:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
70	24	Fortin, Maxine & Lee, Shina	Performance Bond	\$6,089.79
			Engineering & Soil	<u>7,150.50</u>
				\$13,240.29
30	11	Rosenberg, Brad & Marge	Performance Bond	\$8,018.32
			Revegetation Bond	2,225.00
			Engineering & Soil	<u>963.75</u>
				\$11,207.07

**VOTE: AYES:** Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **MOTION APPROVED**

**Resolution #197:011'2023: Refund of 2023 Tax Overpayment – 44 Litchfield Way B71/L22**

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

At a regular meeting of the Mayor and Council of the Borough of Alpine held on November 20, 2023

**WHEREAS,** the following property owner has made an overpayment of property taxes for 4th quarter 2023 and;

**WHEREAS,** said property owner has requested refund of the duplicate payment in the amount as shown below.

**NOW, THEREFORE, BE IT RESOLVED,** that the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, hereby authorize the Borough Treasurer to issue the necessary check in the following amount and made payable to the property owner:

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Amount</u>
71	22	Sabathia, Carsten C. & Amber	44 Litchfield Way	\$21,266.00

**VOTE: AYES:** Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **MOTION APPROVED**

*These minutes printed have been approved by the Mayor & Council.*

**Resolution #198:011'2023: Authorizing the Transfer of 2023 Budget Appropriations (Transfer #1)**

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

At a regular meeting of the Mayor and Council of the Borough of Alpine held on November 20, 2023

**WHEREAS**, title 40A:4-58 of the New Jersey Statutes provides that should it become necessary during the last two months of the fiscal year to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore, and there shall be an excess in any appropriation over and above the amount claimed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by Resolution setting forth the facts (adopted by not less than 2/3 vote of the full membership thereof) transfer the amount of such excess of those appropriations deemed to be insufficient.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Alpine, the Borough Treasurer be and is hereby authorized to make the following transfers in the 2023 Budget appropriations.

		<u>FROM</u>	<u>TO</u>
Legal services	3-01-20-155-020	\$7,116.31	
Fire Dept. Operating Expenses	3-01-25-265-020		\$5,161.88
Police & Fire Retirement Systems	3-01-36-475-000		\$ 354.43
Alpine Swim Club Operating Expenses	3-01-28-371-020		<u>\$1,600.00</u>
	TOTAL:	\$7,116.31	\$7,116.31

**VOTE: AYES:** Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **MOTION APPROVED**

**Resolution #199:011'2023: Approval of Bills and Claims**

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

At a regular meeting of the Mayor and Council of the Borough of Alpine held on November 20, 2023 to approve the bills and claims as outlined in the Finance Report.

**VOTE: AYES:** Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **MOTION APPROVED**

**TAX ASSESSOR'S REPORT** Report on file.

**MAYOR'S REPORT**

- Mayor Tomasko, Councilman Kupferschmid and Planning/Zoning Board Member Abad attended the NJ League of Municipalities Annual Conference. Councilman Kupferschmid reported it was a great experience noting how valuable the conference for its educational and networking opportunities. He encouraged all to think about attending in future.
- Positive article in Wall Street Journal published last Friday.

**New Jersey State League of Municipalities 1<sup>st</sup> Vice President** Council President Gerstein asked to read the following media release from NJLM:

Mayor Tomasko of Alpine is the new 1<sup>st</sup> Vice President of the New Jersey State League of Municipalities. Mayor Tomasko was elected at the League of Municipalities' Annual Business Meeting in atlantic City.

As 1<sup>st</sup> Vice President of the NJLM Mayor Tomasko will help lead the Association of New Jersey's 654 municipal governments. He will represent the interests and needs of New Jersey's local elected officials to county, state and federal governments.

Mayor Paul Tomasko has been on the NJLM Executive Board since 2014 and he was named to the Gold Level of the League's Mayors Hall of Fame in 2018.

Mayor Tomasko has lived in the Borough of Alpine for 46 years and has served Alpine for more than 30 years starting as a member of the Alpine Environmental Commission in 1985 to 1986. He has been a member of the Borough's Planning Board since 1997 and began elected office as a Councilman 1991 through 1996. In 1999 he began his first term as Mayor of Alpine.

He has been on the Palisades Interstate Parkway Commission since 2021. Formerly President of the Bergen County League of Municipalities (2010-2021), Mayor Tomasko is a member of the Executive Boards of the Bergen Municipal Joint Insurance Fund, the Environmental Joint Insurance Fund, the Residual Claim Fund, the Municipal Excess Liability Joint Insurance Fund and the Palisades Park Conservancy.

Mayor Tomasko thanked Council President Gerstein noting the title gives him a bigger soapbox to represent the needs of the constituency. Attorney Kool expressed appreciation for all his service noting the Mayor has been an advocate for municipalities throughout the state on important issues such as affordable housing and OPRA and many others. Applause followed.

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**REPORT OF THE STANDING COMMITTEES**

- **Administration Department** No report
- **Building Department** Councilman Kupferschmid: 62 regular inspections, 3 driveway permits, 6 tree permits, 1 soil moving permit and 6 zoning reviews. The report is on file.
- **Department of Public Works** Councilman Frankel noted the report is on file.
- **Fire Department** Councilwoman Gerstein stated statistics available for review.
- **Police Department** Councilwoman Frankel reported 28 motor vehicle summonses issued, 8 motor vehicle accidents with 2 injuries and at least one serious bicycle injury. Report is on file.

**Resolution #200:011'2023: 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 Monday, November 20, 2023 to accept the reports of the Standing Committees.

**VOTE: AYES:** Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **MOTION APPROVED**

**BOARD OF EDUCATION LIAISON'S REPORT** Councilman Kupferschmid reported Phil Simotas was re-elected to the School Board along with Maria DiBiase. Shai Barbi who did not make it on to the ballot due to a technicality received ample write-in votes and the Board welcomes him back as well. They're preparing for holiday celebrations. Mayor Tomasko reported the Book Fair was last week, they conducted a Food Drive and the Winter Concert will be December 13<sup>th</sup>.

**BOROUGH ATTORNEY'S REPORT** No report.**BOROUGH ENGINEER'S REPORT** Mr. Frenzel reported

- **Marie Major Road Improvement Project** preparatory work began today which includes replacement of catch basins and curb replacement. Paving will be put off until spring due to the onset of colder weather.
- **2024 Grant Application Anderson Avenue Phase II** N.J.S. D.O.T. awarded Alpine a \$186,939 grant to repave the portion between Closter Dock Road and Buckingham Drive. They will apply for Phase III next year.

**UNFINISHED BUSINESS:** None**NEW BUSINESS: CONSENT AGENDA RESOLUTIONS #201:11'2023 - #205:11'2023**

Councilman Bosworth abstains from the first two resolutions as he was absent last meeting.

**Resolution #201:011'2023: Approval of Minutes Regular Meeting October 25, 2023****OFFERED BY:** Councilwoman Gerstein **SECONDED BY:** Councilman Cohen

At the regular meeting of the Alpine Mayor and Council held on November 20, 2023 to approve the Regular Meeting Minutes of October 25, 2023.

**VOTE: AYES:** Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **ABSENT:** Bosworth **MOTION APPROVED****Resolution #202:011'2023: Approval of Minutes Executive Session Meeting October 25, 2023****OFFERED BY:** Councilwoman Gerstein **SECONDED BY:** Councilman Cohen

At the regular meeting of the Alpine Mayor and Council held on November 20, 2023 to approve the Executive Session Meeting Minutes of October 25, 2023.

**VOTE: AYES:** Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **ABSENT:** Bosworth **MOTION APPROVED**

**Resolution #203:011'2023: Introduction of Ordinance No. 823: An Ordinance by the Borough of Alpine in the County of Bergen, State of New Jersey Amending Section 153-2 of the Alpine Municipal Code Entitled "Excessive Noise Enumerated."**

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

At this meeting of the Mayor and Council of the Borough of Alpine held on Monday, November 20, 2023

**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:

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**AN ORDINANCE BY THE BOROUGH OF ALPINE IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY AMENDING SECTION 153-2 OF THE ALPINE MUNICIPAL CODE ENTITLED "EXCESSIVE NOISE ENUMERATED"**

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, December 20, 2023 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:** Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **MOTION APPROVED**

**Resolution #204:011'2023: Authorizing Execution of Amendment to the Interlocal Services Agreement By and Between the Borough of Paramus and the Borough of Alpine for Administration of Affordable Housing.**

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

At this meeting of the Mayor and Council of the Borough of Alpine held on November 20, 2023.

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

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

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

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

**WHEREAS**, the Borough of Alpine, recognizing the expertise of the Borough of Paramus in its administration of its affordable housing obligations, previously entered to a shared services agreement with the Borough of Paramus (the "Shared Services Agreement") pursuant to which the Borough of Paramus provides administrative services for the Borough of Alpine's affordable housing programs, which services will include serving as the administrative agent for the Borough of Alpine, assuming responsibility for compliance with the rules and regulations of the Council on Affordable Housing ("COAH") and the management and oversight of affordable housing programs and the construction, management and oversight of the sale and renting of affordable housing units located in the Borough of Alpine; and

**WHEREAS**, it is now in the best interests of the Borough of Alpine to enter into an agreement with the Borough of Paramus amending the fee schedule terms of the Interlocal Services Agreement, effective January 1, 2024.

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

**VOTE: AYES:** Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **MOTION APPROVED**

**Resolution #205:011'2023: Authorize 2024-2025 Shared Services Agreement Bergen County Department of Health Services Bloodborne Pathogen Program**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on November 20, 2023

**WHEREAS**, the Uniform Shared-Services Act (USSA) found at N.J.S.A. 40A:65-1 was passed in an effort to encourage and ease the sharing of services; and

**WHEREAS**, there exists a need for the Borough of Alpine and its Health Department to provide state mandated health services of a technical and professional nature and

**WHEREAS**, the Borough of Alpine desires to contract for the furnishing of certain of these health services by the BCDHS to the Borough of Alpine, pursuant to N.J.S.A. 26:3A2-1 *et seq.*; as provided for in the contract and summarized as follows:

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Bloodborne Pathogens Program Coordination pursuant to N.J.S.A. 40A:60-1 *et seq.* and in compliance with P.E.O.S.H.A. as follows: Exposure Control Plan Development; Policies and Procedures; Training Programs; and Record/Report Generation and Retention and billing support documentation at a cost not to exceed \$25 per each trained employee.

**WHEREAS**, for purposes of cost stabilization the term of this Agreement will be for two (2) years beginning January 1, 2024 and expiring December 31, 2025;

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

1. That the Borough Clerk and/or the Mayor are hereby authorized and directed to execute an agreement with the Bergen County Department of Health Services to perform the public health services of a professional nature which services and costs are outlined above
2. This contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(2); and

**BE IT FURTHER RESOLVED** that this agreement shall be dependent upon the future appropriation of funds in the 2024 and 2025 fiscal year budget for the purposes of this contract and the Chief Financial Officer providing a certification, to be affixed to this resolution, as to the availability of funds for this contract upon that appropriation.

**VOTE: AYES:** Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **MOTION APPROVED**

### **End of Consent Agenda**

### **GOVERNING BODY ACKNOWLEDGMENT OF BEST PRACTICES INVENTORY**

The Best Practices Inventory was certified and submitted on November 1, 2023, ahead of the November 3<sup>rd</sup> deadline. The Mayor met with Borough Officials to review BPI questions and responses prior to submission. This year's inventory was comprised of 67 questions including unscored survey questions designed to obtain information from the municipality on its practices. At the time of submission there was an inventory score of 37 which should result in no penalty or withholding of Property Tax Relief (CMPTRA) and Energy Tax Receipts (ETR), or other applicable state aid, based on the rubric provided in Local Finance Notice 2023-17. The entire report with questions and answers is available for review. Mayor Tomasko added the State's BPI mandate, initiated years ago, adds another level of red tape. While touted as a means to collect and monitor municipal practices it is noteworthy that no questions on the impact of OPRA or affordable housing appear on the list. In his humble opinion the state missed a significant opportunity to thoroughly examine statewide municipal concerns and feedback about those matters and make necessary and long overdue changes to both. The State has a costly and inefficient approach to affordable housing in particular and where the intent of OPRA was transparency it has become overrun with requests and overlaid with numerous often contradictory court decisions. It has become incredibly burdensome to municipal staff and many municipalities throughout the state have had to hire personnel just for that purpose. It impacts all departments including police and particularly the Borough Clerk. He is committed to getting action from the state on these two issues. Councilman Kupferschmid asked who makes those decisions at the State level. Mayor Tomasko advised DCA and he has made his comments known to the Commissioner. He hopes next year the BPI will be more relevant to the needs of municipalities.

**COMMUNICATIONS: WRITTEN AND ORAL** None

**EXECUTIVE SESSION:** None/ Not Needed

### **ADJOURNMENT**

Upon a motion by Councilwoman Gerstein, seconded by Councilman Cohen, and approved by all this regular meeting of the Mayor and Council adjourned at 7:52 PM.

Respectfully submitted,

Stephanie Wehmann  
Municipal Clerk