

<u>Block/Lot</u>	<u>Owner's Name</u>	<u>Original Assessment</u>	<u>Reduced Assessment</u>	<u>Year</u>	<u>Credit</u>	<u>Refund</u>
49.02/10	Martin Sharit, Esq. & BDA Alpine, LLC	\$1,808,600	\$1,308,600	2018	\$3,395.00	\$485.00
78/3	Malone, Elliott & Arsovska, Jana	\$2,283,800	\$1,750,000	2018	\$4,142.29	
72/14.03	Theraube, Irina & Brown, David	\$4,406,400	\$3,900,000	2018	\$3,929.66	
81.01/9	Chan, Rizal & Lin, Jennifer	\$4,500,000	\$4,000,000	2018	\$3,880.00	
49/30	Lubliner, Brian	\$2,863,300	\$2,699,000	2018	\$1,274.97	

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

Resolution #156: 9'2018: 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, September 26, 2018 to approve the bills and claims, a copy of which are appended.

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

Tax Assessor's Report. Report on file.

MAYOR'S REPORT The Mayor reported on the following:

- Per request of the Riverside Cooperative the County has agreed to increase the hourly fee they reimburse municipalities for snow plowing on County roads.
- Municipal Clerk Wehmann chaired the quarterly safety committee meeting.
- Delaware Valley Raptor Center will give two shows at Stateline Lookout on October 7.
- The Lamont Doherty Observatory will hold its Open House October 13 from 10AM – 4PM.

REPORTS OF THE STANDING COMMITTEES

Administration Department No report.

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

59 scheduled inspections, 1 driveway permit, 9 tree permits, 5 soil moving applications, and 3 zoning review applications. Balance of the reports is on file in the Clerk's office.

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

Fire Department Councilwoman Gerstein advised the Northern Valley Fire Chiefs parade will take place on October 7 at 1PM in Old Tappan. All are invited. Balance of statistics are available for review.

Police Department Councilwoman Frankel reported 15 summonses were issued in August, 4 motor vehicle accidents with no injuries. The rest of the report is on file.

Resolution #157:9'2018: 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, September 26, 2018 to accept the reports of the Standing Committees.

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

BOARD OF EDUCATION LIAISON'S REPORT Councilman Shaddek advised the school finished milling and paving the upper driveway and are asking the Borough to pave the lower driveway recommended as part of next year's capital improvements. The ballfield refurbishment and school renovations including a new entrance are complete. They've removed the trailer that was used for temporary storage. He congratulated the School and Board of Education leadership stating the school has not looked better in twenty-five years.

BOROUGH ATTORNEY'S REPORT no report

BOROUGH ENGINEER'S REPORT Mr. Frenzel summarized updates as follows:

- **2018 NJDOT Municipal Aide Project** Litchfield Way paving project. Pre-construction meeting with D&L Paving was held and the work is scheduled tentatively for October 16 milling and October 17 paving.
- **2019 NJDOT Municipal Aide Project Application** Plans have been prepared for Allison Road at a similar cost to Litchfield Way.

Resolution #158:9'2018: Authorization for Engineer to Submit Application for 2019 DOT Municipal Aide for Allison Road.

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

WHEREAS, The New Jersey Department of Transportation has made funding available to Counties and Municipalities through grant applications through the Municipal Aid Program, and

WHEREAS, the Borough of Alpine, Bergen County intends to apply for funds through this program for **Allison Road**

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Alpine formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019–Alpine Borough–00264 for Alpine Borough to the New Jersey Department of Transportation on behalf of Borough of Alpine.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Alpine and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

MOTION APPROVED

- **2019 Road Improvement Program** DPW Superintendent has provided him with recommended projects including the remainder of the school driveway. He is preparing estimates. Councilwoman Gerstein questioned Buckingham Drive. Mr. Frenzel explained that Rockland Electric and Suez completed their restorations relative to their major road openings.

UNFINISHED BUSINESS – None

NEW BUSINESS

CONSENT AGENDA RESOLUTIONS Resolutions #159:9'2018 - #165:9'2018

1. a. Resolution #159:9'2018: Approval of Minutes Regular Meeting September 26, 2018

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, September 26, 2018 to approve the minutes of the Regular Meeting August 22, 2016.

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

1. b. Resolution #160:9'2018: Approval of Minutes Executive Session August 22, 2018

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, September 26, 2018 to approve the minutes of the Executive Session August 22, 2018.

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

2. Resolution #161:9'2018 Authorizing Municipal Snow Plowing Agreement with County of Bergen 2018-2020

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

At this meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, September 26, 2018

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 2018-2020 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 for the two winter seasons commencing October 1, 2018 and ending April 30, 2018, and

WHEREAS, per the terms of the agreement, the County of Bergen shall compensate the Borough of Alpine at a rate of \$110 per hour of active plowing. The County will not be required to pay for standby time. The County will continue to provide the municipality with salt sufficient for County roads.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Alpine that the Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the County of Bergen Department of Public Works for the 2018-2020 Snow Plowing Program.

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

3. Resolution #162:9'2018: Award Quote Swim Club Repairs

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

At this meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, September 26, 2018

WHEREAS, the Department of Public Works has identified a need to replace shingles and plywood on the existing roof of the Swim Club Bathhouse and install sealant around the skylights; and

WHEREAS, the Borough of Alpine solicited and received quotes for this service, one from Highwood Construction Company of Bergenfield, NJ for \$1,200.00 and one from Charles A. Hoffmann Construction, LLC of Alpine, NJ for \$1,500.00; and

WHEREAS, these quotes were reviewed, and a recommendation made by the DPW Superintendent that the acquisition be awarded to Highwood Construction Company of Bergenfield, NJ as the lowest responsible quote totaling \$1,200.00; and

WHEREAS, funds for this purpose have been provided for in the following account(s):

C-04-55-976-201 Capital Ordinance #777/#779.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Alpine hereby award the quote for repairs to the existing Swim Club bathhouse roof to Highwood Construction Company of Bergenfield, NJ for \$1,200.00. The Chief Financial Officer has provided the Certification of Availability of Funds.

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

4. Resolution #163:9'2018: Endorse Planning Board Approval Soil Moving Asulin Block 39.02 Lot 16.06 – 22 Church Street

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

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on September 26, 2018

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

WHEREAS, a soil movement application for Dr. and Mrs. Yitzhack Asulin Block 39.02 Lot 16.06 – 22 Church Street was reviewed by the Alpine Planning Board at a public hearing held on July 24, 2018; and

WHEREAS, the Alpine Planning Board laid down their written recommendation to the Mayor and Council with respect to this application in a resolution approved at their regular meeting held on August 28, 2018 (copy attached hereto); and

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

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

BE IT FURTHER RESOLVED that the Mayor and Council hereby approve said application subject to all conditions as laid out in the Planning Board's resolution of September 26, 2018.

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

MOTION APPROVED

(Addendums appended to minutes)

5. Resolution #164:9'2018: To Postpone Bid Award for Recycling for the Borough of Alpine until October 24, 2018

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

BE IT RESOLVED by the Mayor and Council of the Borough of Alpine that consideration of the bid award for recycling for the Borough of Alpine be postponed until October 24, 2018.

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

MOTION APPROVED

6. Resolution #165:9'2018: Award Professional Services Agreement

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

at the regular meeting of the Mayor and Council of the Borough of Alpine Wednesday, September 26, 2018

WHEREAS, the Borough of Alpine requires certain professional services of a type as listed in the table below; and

WHEREAS, the Mayor and Council have determined, based on professional experience, expertise and reputation, to award the contract for such services as noted below pursuant to N.J.S.A. 19:44A-20.4 and/or 20.5 as other than a "Fair and Open" contract as defined therein; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of such professional services contracts without competitive bidding; and

WHEREAS, these contracts for professional services are subject to the Chief Financial Officer of the Borough of Alpine, County of Bergen, State of New Jersey, having first ascertained that there are available sufficient appropriations in the year 2018 Current Fund Budget to award said contracts for services of a technical and professional nature in compliance with N.J.A.C. 5:30-5.4 and/or other applicable regulations;

Firm/ Town, State	Services	Amount Estimated Not to exceed	Term
Melick-Tully Associates S. Bound Brook, NJ	Hydrogeologist consultant	\$7,500.00	Project length

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough of Alpine authorizes the Mayor and Borough Clerk to execute agreement; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby authorized to cause notice to be published once in The Record newspaper stating the nature, duration, service and amount of the

contract and that the resolution and contract are on file and available for public inspection in the Borough Clerk's office.

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

End of Consent Agenda

COMMUNICATIONS: WRITTEN AND ORAL

The Mayor distributed the draft quarterly newsletter for review by Councilmembers.

EXECUTIVE SESSION

Resolution#166:09'2018: 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 Halbreich **SECONDED BY:** Councilwoman Gerstein
at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, September 26, 2018

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) Pending Litigation

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, assembled in public session on Wednesday, September 26, 2018, 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: Cacouris, A. Frankel, V. Frankel, Gerstein, Halbreich, Shadek **MOTION APPROVED**

Mayor and Council convened the Executive Session at 7:42 PM and returned to the regular public session at 8:07 PM.

Resolution #167:9'2018: To Approve Settlement Agreement Simpson vs. Borough of Alpine

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, September 26, 2018 to approve the Settlement Agreement in the pending litigation entitled Simpson v. Borough of Alpine as discussed in closed session as recommended by the Borough's insurance counsel.

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

ADJOURNMENT **OFFERED BY:** Councilman Shadek **SECONDED BY:** Councilwoman Gerstein
and approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday September 26, 2018 at 8:22 P.M.

Respectfully submitted,

Stephanie Wehmann, Municipal Clerk

**RESOLUTION
ALPINE PLANNING BOARD
IN THE MATTER OF THE APPLICATION OF
DR. AND MRS. ITZHACK ASULIN
FOR SOIL MOVEMENT PERMIT WITH VARIANCES FROM CERTAIN STEEP SLOPE
REGULATIONS AND WAIVERS FROM THE SOIL MOVEMENT ORDINANCE
BLOCK 39.02 LOT 16.06
22 CHURCH STREET**

BE IT RESOLVED, BY THE Planning Board of the Borough of Alpine that the following Procedural History Findings of Fact and Conclusions of Law are hereby adopted in reference to this matter.

PROCEDURAL HISTORY

An application was made before the Alpine Planning Board by Dr. and Mrs. Yitzhak Asulin ("Applicant") for a soil moving permit with variances from the Steep Slope ordinance and a waiver for minor grading in some buffer areas. The steep slope variances were to allow the location of some seepage pits, a generator and a minor portion of some retaining walls in areas with a slope of 15% to 24%. The lot is identified on the Borough Tax Maps as Block 39.02, Lot 16.06 ("Property"). The application was made pursuant to the Municipal Land Use Law and the ordinances of the Borough of Alpine.

The application was deemed to be substantially complete by the Borough Engineer and was referred to the Planning Board for its agenda for July 24, 2018.

Proof of compliance with the notice requirements of the Borough soil movement ordinance was provided to the satisfaction of the Board Secretary.

The applications was heard by the Planning Board on July 24, 2018. The Application was presented by Matthew Capizzi, Esq. At the meeting Andrea Piazza, P.E. testified with regard to plans prepared by Piazza Engineering.

FINDINGS OF FACT

1. The Board considered the following materials:

A plan entitled "Site Plan, Details and Notes, Asulin Residence 22 Church Street, Block 39.02, Lot 16.06, Borough of Alpine, Bergen County, New Jersey", prepared by Piazza Engineering dated June 19, 2018 consisting of seven sheets.

A plan entitled "Tree Replacement Plan Asulin Residence", prepared by Meumann Associates dated June 25, 2018.

Architectural Plans entitled "Private Residence for Dr. and Mrs. Asulin prepared by James Paragano Architect, LLC consisting of two pages dated May 16, 2018 revised to June 27, 2018;

Drainage Report for Asulin Residence prepared by Piazza Engineering dated June 25, 2018;

Cut and Fill Report prepared by Piazza Engineering dated June 20, 2018;

Set of four color photographs;

Application for Zoning Review dated July 2, 2018

These minutes have been approved by the Mayor & Council.

Checklist for Soil Movement Application undated;

Soil Report by Johnson Soils Company dated February 26, 2018;

Report prepared by Perry E. Frenzel, P.E., P.P. dated July 9, 2018

2. The application was for the movement of 3,315 cubic yards of soil with requested waiver from the soil movement ordinance and variances from the steep slope ordinance. The initially requested variance for placement of the generator pad in the steep slope area was withdrawn during the hearing.

3. Andrea Piazza, P.E. a licensed professional engineer in New Jersey was accepted by the Board in her capacity as a professional engineer. Using sheets C-1 and C-6 of the submitted plans the witness explained the current configuration of the property, the location of the newly installed septic systems and the proposed redevelopment of the property including the removal of the existing driveway and relocation of the driveway. As originally proposed, variances from the steep slope ordinance were required for the location of some seepage pits, a generator pad and a small portion of retaining wall in the steep slope area. Some minor grading was proposed in the tree buffer area to establish proper grades. During the course of the hearing the applicant agreed to move the generator closer to the home eliminating the need for steep slope relief for that item. The witness also noted that the lot is currently undersized by about 600 square feet. This is a pre-existing nonconformity and is not being exacerbated.

The witness explained the change of driveway location and the fill needed to accomplish that move. She also described the drainage proposals and noted that there is a water quality device shown if needed. Although not required by current regulations based on the extent of development the Board concluded that this device should be installed as shown. It was also noted that the potential development of the lot is at a maximum without a variance for further impervious surface. The witness satisfactorily addressed the questions raised by the members of the Board.

4. The Applicant also presented Bradley Meumann, a licensed landscape architect to discuss tree replacement and the design of the wall across the front of the property. The witness used Exhibit A-1, a rendered copy of the landscape plan and Exhibit A-2 a depiction of the front wall to aid his testimony. The wall depicted in A-2 is a result of the relocation of the septic fields to the front of the property and the need to protect the grade in that location. He also testified that landscaping beyond required tree replacement will be provided.

5. No member of the public appeared at the hearing.

6. After discussion, the Board concluded that the requested relief from the steep slope ordinance would provide a better development of the property as would the waiver from the soil movement ordinance.

CONCLUSIONS

Upon hearing the testimony produced on behalf of the Applicant and studying the exhibits, and with the Applicant's consent to the proposed conditions, the Planning Board unanimously voted to approve the soil movement permit application with the variances from the steep slope ordinance and the waiver from the soil movement ordinance subject to Mayor and Council approval, and also subject to the following:

A. Compliance with the list of Required Revisions/Supplements set forth in the engineering report of Perry E. Frenzel, P.E., P.P. dated July 9, 2018, a copy of which is annexed hereto and incorporated by reference.

B. Revision to the satisfaction of the Board Engineer of all plans as follows:

- i. Place the proposed generator by the garage outside the steep slope area
- ii. Show the water quality device as being required to be installed.

C. Submission of acceptable proof of liability insurance coverage held by or for the benefit of the Borough as an additional named insured in minimum amount of one million dollars, combined single limit and submission of a performance guarantee and revegetation guaranty in the amounts determined by the Borough Engineer.

D. This Board approval incorporates the plans described in Findings of Fact. Any deviations from the elevations or contours indicated thereon shall be referred by the Applicant to the Borough Engineer, who may approve such modification or refer the Applicant back to the Planning Board for review.

E. In the event that the Borough Engineer determines that any deviations from the approved plan are major, the Engineer shall notify the Applicant that the approval is void and the Applicant must return to the Planning Board for additional review.

F. Soil is not to be moved from or to the site during those hours that children are going to, or coming from school, before the hour of 8 a.m. or on Sundays or holidays.

G. The Applicant will be required to publish a brief notice of the decision in the official newspaper of the Borough in the time and manner provided by law and provide proof of publication to the Board Secretary.

H. The applicant is required to obtain all other government approvals including the Environmental Commission and County Soil Conservation District.

The Board has resolved that a copy of this Resolution shall be provided to the Applicant, the Construction Code Official of the Borough of Alpine, the Secretary of the Planning Board of the Borough of Alpine on July 24, 2018 adopted August 28, 2018

CATHERINE PARILLA
CHAIR
ALPINE PLANNING BOARD

MARILYN HAYWARD,
RECORDING SECRETARY
ALPINE PLANNING BOARD

DATED 8/28/2018