ALPINE MAYOR AND COUNCIL REGULAR MEETING Monday, December 14, 2015 @ 7:30 P.M. Borough Hall - 100 Church Street, Alpine, NJ

CALL TO ORDER/ PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE

The Mayor and Council, Borough of Alpine, convened for this Regular Meeting on Monday, December 14, 2015 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 Monday, December 14, 2015 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 Shadek, Councilman	Present
Arthur Frankel, Councilman	Present		

<u>Staff Present on Dais:</u> Russell Huntington, Borough Attorney, Gary Vander Veer, Borough Engineer; Nancy Wehmann, Acting Clerk

PUBLIC COMMENTS

John McCaffrey, property owner, Closter Dock Road, expressed frustration regarding a follow-up inspection of his property at 1010 Closter Dock Road for property code violations that did not go well He felt he had done everything Borough officials requested of him and wants his performance bond back. He stated he has a right to run his business and paying more money to attorneys is counterproductive. He asked Mayor and Council to review. The Borough Attorney explained this meeting was not the proper forum for a discussion. The matter is the subject of litigation and neither Mr. McCaffrey's attorney nor the Attorney representing the Borough was present. Mr. McCaffrey repeated his desire to peacefully co-exist and be an asset to the town. He requested the Mayor and Council look at what he has done per the list, review his claim and make the determination.

<u>REPORT OF THE FINANCE COMMITTEE</u> Councilman Cacouris highlighted the report. A copy is on file in the Borough Clerk's office.

Bank Of America Current Operating Acct	\$3,052,361.87
Bank of New Jersey Current Operating Acct	\$92,844.83
	\$3,145,206.70

Resolution #218:12'2015: 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 Monday, December 14, 2015 to approve the bills and claims, a copy of which are appended.

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

Resolution #219:12'2015: Authorizing Transfer (#1) of 2015 Budget Appropriations

OFFERED BY: Councilman Cacouris SECONDED BY: Councilwoman Frankel

at the regular meeting of the Alpine Mayor and Council held on Monday, December 14, 2015

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 2015 Budget Appropriations.

		FROM	TC)
Legal Services	5-01-20-155-020	\$ 3,780.79		
Plumbing Inspector S/W	5-01-22-195-012		\$	785.06
Uniform Construction Code O/E	5-01-22-195-020		\$	606.88
Fire Official S/W	5-01-25-265-010		\$	713.34
Street Lighting	5-01-31-435-020		<u>\$</u>	1,675.51
TOTAL		\$ 3,708.79	\$	3,780.79
Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek MOTION CARRIED				

Tax Assessor's Report. On file.

MAYOR'S REPORT The Mayor reported on the following:

- Safety Committee Report. Mayor Tomasko highlighted the efforts of the Borough's Safety Committee. JIF Representative Ken Schulz attended this quarter's meeting and wrote the following glowing report: "The Committee included representatives from the following departments: Police Administrative, Fire and DPW. Risk Managers in attendance were Brian Eifert and Colleen Holdsworth. The meeting was chaired by Administrative Assistant Stephanie Wehmann. The meeting followed an established agenda that included all the essentials of an effective safety committee meeting. The meeting discussion revolved around the topics of accident and injury losses. Alpine's loss time accident frequency stands at zero."
- Walk with the Mayor scheduled for Saturday, January 16, 2016 at 10 AM.
- Christmas Tree Lighting Ceremony December 15, 2015 at 7 PM at the Alpine Community Church will involve members of the Alpine School and the community.
- Mayor and Council Sine Die and Reorganization meetings is scheduled for Monday, January 4, 2016 at 9 AM.

REPORTS OF THE STANDING COMMITTEES

Administration Department Councilman Shadek advised there is no report.

Building Department Councilman Halbreich read the report's main statistics: 62 inspections, 1 fence permits and 3 zoning review applications.

- **Department of Public Works** Councilman Frankel highlighted the report noting leaf pickup is complete, maintenance performed on Borough buildings, salt spreaders and plows setup on all trucks, repairs made to equipment and the 4th quarter JIF safety meeting was conducted and required report will be submitted by month's end. Councilman Frankel expressed appreciation to Superintendent Ralph Wehmann for his detailed reports. Mayor Tomasko noted as usual they continue to receive compliments about the performance of the DPW regarding leaf pickup.
- Fire Department Mayor Tomasko noted they are privileged to have Fire Chief Charles Hoffmann in the audience. Councilwoman Gerstein wished to approve the application for Junior Firefighter Armon Afshar whose older brother is already a member of the Alpine Fire Department.

Resolution #220:12'2015: Appointment of Junior Firefighter Armon Afshar

OFFERED BY: Councilwoman Gerstein SECONDED BY: Councilwoman Frankel

at the regular meeting of the Alpine Mayor and Council held on Monday, December 14, 2015 to approve the application for **Armon Afshar** for Junior Membership in the Alpine Volunteer Fire Department.

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

Councilwoman Gerstein announced Santa will be at the Firehouse Saturday at 10 AM. All are welcome. Mayor Tomasko thanked the Fire Department for making that possible. Councilman Gerstein noted statistics regarding the Fire Department are available.

Police Department Councilwoman Frankel advised 69 summonses were issued and there were 5 motor vehicle accidents with no injuries. The rest of the report is on file.

Resolution #221:12'2015: Accepting the Reports of the Standing Committees

OFFERED BY: Councilwoman Gerstein And approved unanimously at the regular meeting of the Alpine Mayor and Council held on Monday, December 14, 2015 to accept the reports of the Standing Committees. Vote: Ayes: V. Frankel, Cacouris, Gerstein, Halbreich, A. Frankel, Shadek MOTION CARRIED

BOARD OF EDUCATION LIAISON'S REPORT No report.

BOROUGH ATTORNEY'S REPORT Attorney Huntington stated he will provide an updated status report regarding Mr. McCaffrey's property by year's end.

BOROUGH ENGINEER'S REPORT Engineer Vander Veer's distributed his report highlighting the following:

- 2016 Capital Improvement Projects he'll provide a report outlining potential projects for next year for budget purposes.
- Fence Encroachment approval of an existing fence in the Borough Right of Way listed on the Consent Agenda
- Alpine Three, LLC, Closter Dock Road Septic system testing procedures provided to the Governing Body for consideration.

The report is on file in the Borough Clerk's office.

UNFINISHED BUSINESS None

NEW BUSINESS

CONSENT AGENDA RESOLUTIONS Resolutions #222-227:12'2015

1. Resolution #222:12'2015: Approval of Minutes Regular Meeting November 23, 2015

OFFERED BY: Councilwoman Frankel SECONDED BY: Councilwoman Gerstein

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Monday, December 14, 2015 to approve the minutes of the regular meeting held November 23, 2015.

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

2. Resolution #223:12'2015: Use of Church Street & School Ballfields Tenafly United Soccer Club (Spring)

OFFERED BY: Councilwoman Frankel SECONDED BY: Councilwoman Gerstein

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Monday, December 14, 2015 to approve the request by the Tenafly United Soccer Club for

Use of the Borough (Church Street) field:

- Mondays and Thursdays between 3:30 PM and 6:45 PM from March 14 through June 24, 2016; and Use of the Borough (School) field:
- Saturdays and Sundays between 8:30 AM and dark from March 20 through June 26, 2016; and

Such use is also subject to the Borough's Risk Management Policies for Use of Facilities, including but not limited to provision of a Certificate of Insurance listing the Borough as additional insured and Hold Harmless Agreement. Use of Hillside Avenue/school field is also subject to coordination of use with Alpine School who has priority use of the field. Notwithstanding the foregoing approval for use of the Borough's Hillside Avenue/school field, said use may be limited or terminated relative to pending field reconstruction dates as yet to be determined.

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

3. Resolution #224:12'2015: 2015 LOSAP Alpine Fire Department

OFFERED BY: Councilwoman Frankel SECONDED BY: Councilwoman Gerstein

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Monday, December 14, 2015

WHEREAS, the Borough of Alpine has established of a Length of Service Award Program (LOSAP) for Alpine Fire Department, and

WHEREAS, the Borough of Alpine has received a certification from the Alpine Fire Department of the annual list for the year 2015 commencing December 1, 2014 and ending November 30, 2015 of all volunteer members who have qualified for credit under the LOSAP program, and

WHEREAS, the Borough of Alpine has reviewed the said list and does hereby believe that the same should be certified.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine that the following named members of the Alpine Fire Department have attained the minimum number of points and therefore qualify to receive an award for the 2015 reporting year:

Raffi Aynilian	Scott Bosworth	Chris Elarde		
John Halbreich	Charles Hoffmann	Richard Incontro		
Kyle Khorozian	Rich Marty	Frank Rickenbaugh		
H. Josh Schneeweiss	Harold Shaw III	John Veras		
Ralph Wehmann	Gregory Zaremba			

BE IT FURTHER RESOLVED, that copy of this Resolution shall be posted for a period of thirty (30) days on the bulletin boards in the lobby of the Alpine Borough Hall and in the Alpine Fire Department Fire House and a copy be forwarded to the Chief of the Alpine Fire Department.

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

4. Resolution #225:12'2015: Authorize License Agreement for Fence Encroachment in Boro Rightof-Way BI.70 Lot 3

OFFERED BY: Councilwoman Frankel SECONDED BY: Councilwoman Gerstein

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Monday, December 14, 2015

to authorize a License Agreement between the Borough of Alpine and George T. Conway and Kellyanne E. Conway to permit that portion of a fence they installed which has been found to slightly encroach into the Borough Right of Way on their property located at Block 70 Lot 3 known as 11 Litchfield Way, Alpine, New Jersey to remain subject to the conditions as outlined in the agreement, a signed and recorded copy of which will be appended to these minutes.

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

5. Resolution #226:12'2015: Award of Curbside Recycling Contract

OFFERED BY: Councilwoman Frankel SECONDED BY: Councilwoman Gerstein

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Monday, December 14, 2015

WHEREAS, the Borough of Alpine advertised for bids for a curbside recycling contract in the Star Ledger and The Record on September 29, 2015 and posted same on the Borough website from September 29, 2015 – December 3, 2015; and

WHEREAS, bids were opened December 3, 2015 at 10 AM at the Borough Hall, 100 Church Street, Alpine, NJ 07620 and the Borough of Alpine received one bid:

Company / City, State	Two Year Bid	Three Year Bid
Buldo Carting, Inc.	\$35,135/year	\$35,135/year
River Vale, NJ	TOTAL \$70,270.00	TOTAL \$105,405.00

WHEREAS, the bid(s) were reviewed by the Borough Attorney; and

WHEREAS, Buldo Carting, Inc. of River Vale, NJ as sole bidder is the lowest responsible bidder for the curbside recycling contract.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine that a contract be awarded to: Buldo Carting, Inc. of River Vale, NJ for a period of two years as follows: 2016 \$35,135.00

These minutes have been approved by the Mayor & Council.

2017 \$35,135.00

BE IT FURTHER RESOLVED, that, if possible, the contract provide for the option to renew for a third year as follows: 2018 \$35,135.00.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified, in accordance with N.J.A.C. 5:30 14.5 that sufficient legally appropriated funds will be available for this purpose subject to appropriation of adequate funds as may be required for the extended period.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are authorized to execute a contract in a form as approved by the Borough Attorney.

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

6. Resolution #227:12'2015: Affirm Planning Board re: Soil Moving App: Cliff Investment Group, LLC BI.72 Lot 9 – 46 Berkery Place

OFFERED BY: Councilwoman Frankel SECONDED BY: Councilwoman Gerstein

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Monday, December 14, 2015

WHEREAS, Borough Ordinance 185-3D(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 Cliffside Investment Group, LLC Block 72 Lot 9 – 46 Berkery Place was reviewed by the Alpine Planning Board at a public hearing held on November 24, 2015; and

WHEREAS, the volume of soil to be moved in connection with this application is less than the amount required for Board approval but required a waiver from the prohibition for encroachment into the side yard buffer area to allow construction of a two foot high wall within two feet of the property line, which invoked the Board's jurisdiction; 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 December 8, 2015 (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 support the Findings of Fact and Conclusions as contained in the Board's resolution dated December 8, 2015 a copy of which is attached hereto; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby deny said application and a copy of this resolution be provided to the Applicant, the Construction Code Official of the Borough of Alpine, the Secretary of the Planning Board and the Borough Clerk.

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

End of Consent Agenda

COMMUNCIATIONS: WRITTEN AND ORAL

John McCaffrey referring to the Borough Engineer's reports requested clarification of mention in the report of the Alpine Three septic system. Mr. Vander Veer explained he referred to a procedure for testing subsurface conditions to determine adequacy for installation of a septic system; not to test the existing system. Mr. McCaffrey questioned status of the DuBois Spring. While deferring to the Planning Board Mayor Tomasko had heard of no change. Mr. McCaffrey questioned the owner's plans. Mayor Tomasko stated his belief the owners will present that in due course.

Resolution#228:12'2015: Executive Session <u>A Resolution providing for a Meeting Not Open to the Public</u> in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12. OFFERED BY: Councilwoman Frankel SECONDED BY: Councilwoman Gerstein at a regular meeting of the Mayor and Council of the Borough of Alpine held on Monday, December 14, 2015

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 – Alpine Three, LLC

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, assembled in public session on Monday, December 14, 2015, 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, Shadek MOTION CARRIED

MOTION CARRIED

Executive Session began at 7:47 PM and adjourned at 8:17 PM upon a motion by Councilwoman Gerstein and seconded by Councilwoman Frankel and approved by all.

The public portion reconvened at 8:17 PM.

It was noted for the record that Councilman Shadek had recused himself and left the meeting at the beginning of the Executive Session having identified a potential conflict of interest as confirmed by the Borough Attorney. The Borough Attorney left the executive session at 7:57 PM to attend another event.

Resolution #229:12'2015: Authorization for Mayor and Acting Borough Clerk

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, August 26, 2015

BE IT RESOLVED that Council hereby authorizes the Mayor and Acting Borough Clerk, on behalf of the Borough of Alpine to execute an amendment to the Settlement Agreement dated May 24, 2000 between Edward Norian and George Haralabatos trading as Alpine Three, LLC, the Borough of Alpine and the Alpine Planning Board which for the moment, because of the pending nature of this litigation, must remain confidential until properly executed.

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

ADJOURNMENT

Upon a motion by, seconded by and approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Monday, December 14, 2015 at 8:18 P.M.

Respectfully submitted,

Nancy Wehmann, Deputy Borough Clerk / Acting Clerk

RESOLUTION

ALPINE PLANNING BOARD IN THE MATTER OF THE APPLICATION OF CLIFF INVESTMENT GROUP, LLC FOR WAIVER FROM A PROVISION OF THE SOL MOVEMENT ORDINANCE BLOCK 72, LOT 9 46 BERKERY PLACE

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 Cliff Investment Group, LLC ("Applicant") for a waiver from the prohibition for encroachment into the side yard buffer area to allow construction of a two foot high wall within two feet of the property line. The volume of soil to be moved in connection with this application is less than the amount required for appearance before this Board. However, the need for the waiver has invoked the Board's jurisdiction. The property is located on Berkery Place. The lot is identified on the Borough Tax Maps as Block 72, Lot 9 ("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 November 24, 2015.

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

Although the Applicant is a limited liability corporation and is therefore required to be represented by counsel, the two principals of the Applicant and their engineer appeared to present the application. They were advised that continuing the presentation without counsel could result in an issue with regard to the unauthorized practice of law. The Applicant elected to proceed. At the meeting Michael Hubschman, PB testified with regard to the plans propared by his office.

FINDINGS OF FACT

1. The Board considered the following materials:

A plan entitled "Site Plan, Proposed Single Family Residence No. 46 Berkery Place" prepared by Hubschman Engineering, P.A. dated July 14, 2015 and last revised on October 15, 2015, consisting of three sheets.

Application form for Zoning Review dated October 26, 2015, and Application and Checklist for Soil Movement, undated.

However, the Board members voted three in favor and three against the motion to approve thereby rejecting the motion for approval resulting in a denial of the application.

The Board has resolved that a copy of this Resolution denying the application shall be provided to the Applicant, the Construction Code Official of the Borough of Alpine, the Sceretary of the Planning Board, and the Borough Clerk.

This Resolution constitutes a Resolution of Memorialization of the action taken by the Planning Board of the Brorough of Alpine on November 24, 2015 adopted on December 8, 2015. Contraction Construction Contraction of the action taken by the CATHERINE PARILLA MARILY NEL AVAILA CHAIR, ALPINE PLANNING BOARD ALPINE PLANNING BOARD Dated _24 / 8 / 5

Document entitled "Drainage Report" prepared by Michael J. Hubschman, P.C. dated July 14, 2015.

Document entitled "Soil Moving Report" prepared by Hubschman Engineering, P.C. dated July 14, 2015 revised to September 18, 2015.

Set of six site photos dated July 21, 2015.

Reports prepared by Gary Vander Veer, P.E. dated July 30, 2015, November 2, 2015 and November 20, 2015.

- The application was for the movement of less than 1,000 cubic yards of soil and a waiver to allow intrusion into the side yard buffer. 2.
 - 3. Michael J. Hubschman, P.E. a licensed professional engineer in New Jersey was accepted by the Board in his capacity as a professional engineer. Using a rendered copy of the sheet 1 of the plans submitted (revision 4 dated October 15, 2015, marked as Exhibit A-1), the witness described the minimal soil movement proposed, the nature of the development on site, and the rationale for the requested waiver.
 - aevicepment on site, and the rationale for the requested waiver. The proposed garage will face the side yard and the Applicant wants to provide additional backup space by placing a two foot high wall parallel to the side property line and within two feet of that sideline. During his testimony, the witness acknowledged that the horne itself takes up much of the width of the narrow lot and as designed without the waiver would allow less than the desired 30 feet of backup space. The members of the Board asked about moving the house slightly away from the sideline or changing the elevation of the garage floor (and perhaps other floor heights in the proposed home) to bring the driveway elevation closer to the natural grade and allowing a natural clearance for backing up thereby eliminating the need to encroach into the side yard buffer with a wall. The Board also noted that this lot is a narrow lot and the proposed dovelopment (5 bedrooms with at least is buffromom) is close to, if not right at, the maximum development potential of the lot. The witness took time to speak with the principals to determine if they would act on any of the suggestions of the Board and indicated that determine if they would act on any of the suggestions of the Board and indicated that they were "too far along' in the process .
 - No members of the public appeared in connection with the application 4
 - During the deliberations by the Board it was apparent that the members believed that there were reasonable alternatives that would have eliminated or significantly reduced the need for any waiver. 5,

CONCLUSIONS

After completion of the hearing, a motion was made and seconded to recommend that the Council approve the Soil Movement Permit Application and to grant the requested waiver subject to the recommendations contained in the Board Engineer's November 20, 2015 review letter...

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