

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, July 27, 2022 @ 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, July 27, 2022 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 Open Public Meetings Law the notice of this regular meeting of the Alpine Mayor and Council held on Wednesday, July 27, 2022 at 7:30 PM has met the requirements of the law by being published as part of the annual meeting notice in The Record, posted continuously on the bulletin board of the lobby of the Borough Hall and a copy filed in the office of the Borough Clerk.

ROLL CALL OF THE MAYOR AND COUNCIL OF 2022

Paul Tomasko, Mayor	Present	Vicki Frankel, Council President	Present
Gayle Gerstein, Councilwoman	Present	Scott Bosworth, Councilman	Present
Arthur Frankel, Councilman	Present (telephonically)	Steven Cohen, Councilman	Present

Staff Present on Dais:

Borough Attorney Russ Huntington, Attorney Levi Kool of Huntington Bailey, Borough Planner Joseph Burgis, Borough Engineer Perry Frenzel, Municipal Clerk Stephanie Wehmann

Resignation of Councilman Laurence Shadek

Resignation Councilman Laurence Shadek Noting his absence this evening, Mayor Tomasko was sad to read Larry Shadek's letter of resignation following the sale of his Alpine home. Mr. Shadek's letter recalled moving to the Borough when he was in high school and feeling privileged having lived in Alpine the past 57 years. His children graduated from the Alpine Public School and he served on numerous governing bodies beginning with the Board of Education in 1984 which he viewed as the education of a lifetime. Alpine will always be a special place to him and he will continue to follow local events with great interest. Mayor Tomasko wished to pay tribute to Larry noting his lengthy service as head of the Alpine Board of Education, one of the top three heavy-duty volunteer commitments right up there with Mayor and Fire Chief. He also served on the Zoning Board of Adjustment and Council. He would have made an excellent Mayor but was politely steadfast in his declination. He generously gave of his energy and talents to Alpine, a community he loves and he will be missed as a dear friend.

Introductions For the benefit of the public Mayor Tomasko introduced the Councilmembers and staff attending this meeting.

Affordable Housing Mayor Tomasko asked Mr. Burgis to provide an overview.

Mr. Burgis began by noting the 1976 Supreme Court determined every municipality has a constitutional obligation to provide affordable housing. Courts favor affordable housing and their sole test relies upon their appointed Special Master finding the municipal housing plan fairly meets the needs of low and moderate income households in the state. Whether residents or communities find it fair is not part of the court's test.

Early on the Council on Affordable Housing {COAH} provided each municipality with a very specific number of housing units as their obligation. This number can be reduced based on the municipality's Vacant Land Adjustment (VLA) which is obtained by identifying every single vacant property and overlaying that with land that COAH regulations recognize as environmentally constrained. The result is the Realistic Development Potential (RDP). The municipality has limited options. They can develop a housing plan to address that number, mediate a resolution with the Special Master, Fair Share Housing and the team hired by Mr. Richard Kurtz (Sylco) as an interested party, or go the trial; the latter being the least desirable.

He explained industry terms to be familiar with:

- Council on Affordable Housing {COAH} created by state legislature in 1986 to determine housing need numbers for each municipality in the state and the process for municipalities to file housing plans for certification by COAH which afforded protection from any Mount Laurel litigation for ten years.
- Mount Laurel is a N.J. municipality where residents banded together to establish affordable housing and the resulting Supreme Court case decided in their favor.
- Fair Share Housing Center {FSHC} is a non-profit group of lawyers seeking to protect low and moderate income housing needs. In 2015 the courts determined they would have a seat at the table of each affordable housing plan considered for adoption.
- Special Master is the person charged with assisting the court to determine if the submitted plan sufficiently addresses the community's affordable housing needs and obligations. They also help mediate any disputes between the municipality, FSHC and any intervener. Mr. Burgis serves as Special Master for 7 Judges in 15 municipalities.

The program worked fairly well until the early 2000's. The program deteriorated as COAH changed how they determined numbers. For about 14 years there was constant litigation until finally in 2015 the Supreme Court ruled COAH was

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

dysfunctional and took over. A number of municipalities including Alpine have not yet obtained their certification. At one point 350 municipalities banded together to recommend numbers but these were a lot less than FSHC projected. The ensuing Mercer County court battle resulted in the Jacobson Decision which considered prior round obligations from 1986-2001 and prospective need obligations from 2001-2015. Alpine's prior round obligation was 214 units which was ultimately reduced to 32 units. At the time Alpine used a Regional Contribution Agreement to provide 16 units for Fairview. By constructing 8 units of rental housing the borough received 8 credits thereby meeting its obligation for the first and second (or prior) round obligation. Alpine was assigned 122 units for their prospective need obligation. We prepared a new VLA and RDP for 15 units and a plan that would not significantly impact the community. FSHC's number is significantly different. Alpine is currently in mediation and as such we are legally precluded from divulging specifics. However, he can relay that to determine appropriateness of a site it must meet a few basic rules: be available, developable, suitable and approvable. They review environmental constraints, slopes greater than 15%, wetlands, and 100-year floodplain areas. They can also note constraints that while not specifically mentioned in the COAH regulations are clear in DEP regulations such as a 300-foot buffer around C-1 streams and wetland buffers that clearly should be part of the VLA and RDP. These are the kinds of arguments they're making on Alpine's behalf.

Mr. Burgis noted the difference between the court number under the Jacobson Decision and the RDP is termed an unmet need. That number is not an obligation but more of an aspiration. Oft times developers will use that number to intervene (Builders Remedy). The affordable housing set aside is typically 15% for rentals and 20% if units are for sale.

Attorney Kool affirmed the governing body is not trying to hide anything but face the tough issue of being legally constrained from disclosure of privileged and confidential information relative to the ongoing litigation and mediation. Sylco entities owned by Mr. Kurtz, filed a motion to intervene and Alpine can't now exclude the properties from being in play. Multiple lawsuits in other municipalities have been unsuccessful. This is the current situation we have to deal with.

Mayor Tomasko noted Alpine has been seeking Third Round Certification (aka substantive certification, judgment of repose, declaratory judgment) for seven years and dealing with Mr. Kurtz for about three years. Alpine is one of the few municipalities in the state and the only one in Bergen County that has not resolved this issue and under increasing pressure and a narrowing timeframe to do so. Mr. Kurtz has expanded his land holdings beyond the Frick estate. Alpine continues its best to negotiate the numbers down. Mayor Tomasko thanked Mr. Simotas and Ms. Abad for bringing Mr. Kurtz's DEP application to the attention of people who live beyond the 200 foot required notification letters noting the Mayor & Council have been reporting on this in the newsletter for three years. Everyone can comment to the DEP.

Before opening the floor to public comments Mayor Tomasko reminded the public names, addresses and comments are reflected in meeting minutes posted publicly on the website.

Public Comment

Phil Simotas, 8 Litchfield Way, appreciated the summary. He questioned how Mr. Kurtz is able to challenge a 2005 decision or intervene when the court previously denied his lawsuits. Attorney Kool explained Mr. Kurtz filed a prerogative writ, challenging the Borough's failure to include his properties in our 2005 second round calculation. This alerted FSHC and the Special Master who advised, despite status of litigation, the properties will be included. It would be a waste of legal fees to pursue the prerogative writ at this time which will effectively be decided by the declaratory judgment action. Mayor Tomasko recalled the borough received a substantive judgment of repose in 2000 after settling a 1995 Alpine Three builders remedy lawsuit that initially sought 15 units on 1.1 acres comprised of three smaller lots with a Regional Contribution Agreement (RCA). They recently received Planning Board approval for four units. The RCA option was subsequently eliminated but was one of Alpine's main tools to address our prior round obligation, provide opportunities for town sponsored projects and eliminate the builders remedy or density bonus.

Mr. Simotas stated his cursory reading of the code indicated water quality, stormwater and waste management issues would disqualify the proposed properties. A lot of residents can testify these sites can't handle what is there now, much less 110 high density units. Mr. Burgis noted the developer, not the municipality has to prove there are municipal services. Attorney Kool noted the Borough's constitutional obligation is to provide the RDP. The municipality is constrained by the court to address ancillary issues such as traffic, water, sewer, DEP restrictions, etc. and it is the developer's job to resolve those issues with the agencies that oversee them and make their own determinations as to what the site can handle.

Craig Leoce, 1 Old Saw Mill Road asked how they go from needing 30 units to building 110 units. Mr. Burgis noted it's a 4:1 ratio based on COAH regulations so for example if they build 80 market rate units they need 20 affordable units. Mayor Tomasko added the state incorporated Builder's Remedy/Density Bonus into our constitution as a means for builders to construct affordable housing which otherwise they wouldn't do; they wouldn't make enough money.

Marlyn Friedberg, 43 Litchfield Way thought there had to be public transportation within a mile. Mr. Burgis stated unfortunately that is suggested but not mandated. Attorney Kool noted while reasonable we can't consider this.

Lisa Abad, 802 Closter Dock Road asked what happens if Mr. Kurtz does not get DEP approval and Mr. Burgis advised he couldn't build and if the site were eliminated the RDP would need to be adjusted. What if they wanted to build the affordable housing on another property in town. Mr. Burgis noted based on the VLA they would be hard pressed to find an available property.

David Kupferschmid, 6 Cassandra Drive questioned scenarios with zoning, if Mr. Kurtz gets approvals but for a lesser number of units, if they rolled back the plan and decided to just build seven mansions or if someone else takes ownership. Mr. Burgis stated they would still be obligated. The number of affordable units would be reduced but still based on the COAH ratio. The affordable units built remain in perpetuity regardless of who owns the property. Mr. Kool added courts do not look favorably on developers that get in under the guise of affordable housing and then try to pull back and replace a plan with something vastly different.

Lisa Abad, 802 Closter Dock Road asked how the court process works when the judge reviews the settlement and if residents can appear with representation to voice any concerns or address changes made. Mr. Burgis advised there will be two hearings. A Fairness Hearing where the outline of the structure of the settlement is presented to the judge who determines if it is fair to low and moderate income households. The municipality then has a period time to prepare the Housing Element and Fair Share Plan which is presented at a Compliance Hearing. The Borough's professionals will be there but anyone from the public can also be there and speak. Mayor Tomasko reminded that the "Fairness" hearing looks at what is fair to the low and moderate income households in the housing region comprised of Bergen, Passaic and Hudson Counties and is not necessarily tilted towards concerns of neighbors. It's worth the effort but they should be realistic regarding the difference they can make.

Rupert Pun, 16 Pike Street asked if the town could build 22 units now could we stop them from building 100 units as that cost would be less than the cost to provide infrastructure for 100 units. Mr. Burgis explained while the town does have the right to build 100% affordable projects we do not have sufficient property. Mayor Tomasko added anything the town provides would be considered as an addition to what Mr. Kurtz proposes, not instead of it.

Allison Mangot, 19 Old Dock Road asked if this was a Builder's Remedy lawsuit. Attorney Kool responded no.

Paul Donnelly, 7 Berkery Place asked who the players are and who is requiring these obligations. Attorney Kool explained the process is driven by the FSHC and Special Master. Mr. Donnelly raised questions regarding what's happening in other towns and whether they can sue. Ms. Abad questioned a lawsuit in Demarest and judges. Attorney Kool noted Alpine was only involved as an interested party in a passive role. We do not have claims against us nor against any party in that litigation. Personal lawsuits are beyond his scope and they could seek their own counsel for that advice. Mayor Tomasko noted Mr. Kurtz had been unsuccessful in having the judge who ruled against him removed from this case.

Linda Simotas, 8 Litchfield Way questioned the influence of environmental groups. Attorney Kool repeated the Borough has to provide an opportunity for development and are forced to allow a developer to deal with those issues. The FSHC and Court Master confine municipalities solely to the provision of the RDP for affordable housing. That does not usurp the authority of DEP, Bergen County or any other regulatory agency who retain 100% authority to address those issues. DEP continues to promulgate stricter regulations and private residents also have the ability to relay their concerns

Mr. Leoce asked the proper venue to raise concerns regarding the enormous strain such a development would place on infrastructure, traffic and the school. Mr. Burgis lamented a sound master plan gets tossed out the window when dealing with affordable housing. The Supreme Court ruled affordable housing is more significant than those issues. Attorney Kool added the courts deem it is the municipalities responsibility to develop and provide quality education to children and the impact is more intense in smaller municipalities like Alpine. They are aware of the impact but they are locked into providing a RDP for affordable housing by the FSHC and the Court Master.

Haroon Choudhri, 26 Audrey Urban Court asked if the U.S. Army Corps of Engineers have or should study impact to wetlands. Mr. Burgis advised COAH regulations require review of the wetlands in two steps. Standard wetland maps are reviewed at the outset. The applicant will also be required to file a site plan and wetlands would be reviewed as part of the site plan review before a town board.

Don Kesselman, 65 Glen Goin Drive asked if the proposed will have to go before a Board to address the issues residents have raised and if so when. Mr. Burgis acknowledged it would. The applicant will have their professionals and the Board will have its attorney, engineer and planner and may retain other consultants as deemed necessary. This won't be for some time as they need to get through two court hearings and then the applicant has to submit an application with detailed drawings for a completeness review. At that level there may be changes. Attorney Kool clarified the priority now is to obtain the court determination of our RDP to maintain our immunity from Builder's Remedy lawsuits. If that immunity is lost other developers can file suit to claim property for development. Once obtained that provides a zone for potential development. It does not give him approval to begin development. Mr. Kesselman noted the farm there now. Mayor Tomasko noted the court issued a consent order prohibiting commercial sale of farm products but Alpine does not have an ordinance prohibiting residents from growing vegetables.

John Law, 20 Graham Street stated he's had unwanted solicitations and felt this will proliferate unsavory activity. The Mayor noted they have done what they can to develop the best police in Alpine and he should call them if he has an issue.

Salma Choudhri, 26 Audrey Urban Court asked how many units is the town obligated to provide. Mayor Tomasko explained the Special Master indicated she expects us to provide more than our prior obligation. Borough is looking into special needs housing as a means to help meet our obligation and credits one unit per bedroom which would minimize impact. He noted towns that don't comply and fought and lost in court wound up with extensive development.

Mrs. and Mr. Simotas asked questions regarding various scenarios surrounding the Borough's obligations, how many rounds there are, development potential of Mr. Kurtz's properties. What the recourse is if the expected units are not built? The Mayor stated FSHC could sue. Mr. Burgis noted the required affordable housing units based on the COAH ratio will be deed restricted for that purpose. We are only obligated to zone the property to allow it to happen, not actually construct the housing. If Mr. Kurtz could not build the full complement of units due to environmental constraints, etc. that acreage should never have been counted toward the RDP. Attorney Kool noted this would only be a factor for discussion if there is a Round 4. We will structure the agreement so there is no commitment that if that occurs, we are not stuck with those units. That's pretty commonplace. Also, once we have our Judgment of Repose another developer cannot come in for Round Three. Rounds have gone in ten-year increments and this will continue unless there is a change by the Legislature, Governor or Courts. Most towns have settled and have developers coming in to help them meet their obligations. Upper Saddle River is constructing 172 units of 100% affordable housing. They're about twice the population of Alpine. Any comment on current development potential for the

Kurtz property would be speculative. Mr. Kurtz is currently seeking an interpretation from DEP to get an idea of the development potential on his property.

Philip Sauma, 5 Frick Drive, Demarest noted families in the development paid engineers for a report that two 6,000 square foot lots were not buildable based on what we know now and to ask why the town did not use this for ammunition. Mr., Burgis explained COAH identifies certain kinds of restraints but buffers are not part of the COAH regulations. We know there are C-1 streams and it is DEP who regulates those buffers. We'll have to see how DEP responds. Attorney Kool noted all these issues have been brought to Court Masters and they are only concerned with our RDP.

Mrs. Simotas asked if the residents and public can send letters or call to bring their concerns to their attentions. Attorney Kool advised nothing stops private citizens from bringing their issues to DEP's attention.

Mr. Kupferschmid asked if the goal is to settle before the DEP ruling regardless of whether the property is buildable or not, what is the process and how long is protection from Builder's Remedy. Attorney Kool noted they are not waiting for DEP which could take months. They want to resolve this and be protected. Mayor Tomasko noted they have been granted temporary extensions of immunity but for shortening time periods. If the court decides not to continue the extension we will be exposed. We are trying to close this out to minimize impact.

James Schwartz, 5 Apple Tree Lane asked if they could utilize the tennis court area. Mayor Tomasko noted that land is already included and they are expecting us to do something additional. He reminded anything we come up with would be in addition to, not in lieu of, what Mr. Kurtz is offering.

Mr. Pun asked if they can buy a building in another town to satisfy the obligation and questioned the ten-year time line. Mayor Tomasko noted they have used up a good deal of this ten-year period with the next round going into effect in 2025. Attorney Kool noted towns used to be able to outsource their obligation under Regional Contribution Agreements but the state discontinued that. Mayor Tomasko noted it has been a top priority for the New Jersey State League of Municipalities Executive Board, for as long as he has served on it, to get RCAs reinstated.

George Abad, 36 Allison Road asked if DEP can waive buffers to accommodate affordable housing. Mayor Tomasko noted DEP may have some discretion but that's why it's important for community members to weigh in.

Mr. Simotas announced he has created a Facebook page called "Alpine Against Frick Development" and posted information including a sample letter and the DEP contact for this application.

Andrea Abad noted Mr. Kurtz has hired attorneys with political affiliations to ask if they should reach out to their representatives and involve Cluster and Demarest and those concerned with the wetlands. Mayor Tomasko noted until the end of this year Alpine will be in the 37th District under Senator Gordon Johnson. Due to redistricting at the state level, next year Alpine will be returned to the 39th District under Senator Holly Schepisi, daughter of Mr. Kurtz's attorney, John Schepisi. The Mayor thinks anytime they can get a representative's ear it is good to make them aware of the issues. He noted a former candidate for Governor sought to 1) eliminate the density bonus; 2) reinstitute regional contribution agreements and 3) start moving some of this obligation back to urban areas. That candidate didn't lose by much and ironically had a lot of signs supporting his candidacy along the front of the Frick property. It is important to talk about the burdens, the inequities and concerns to see if we can move them.

Mr. Donnelly asked what if someone wanted to buy the property from Mr. Kurtz and did not want to develop it. Attorney Kool stated they could ask to withdraw the property from consideration. FSHC and the Court Master might still ask us to place overlay zoning on the property but a new owner could do what they wish with or without an overlay zone. They can't be forced to make that development.

Being no further questions, the Public Comment section was closed.

REPORT OF THE FINANCE COMMITTEE

\$3,036,403.52

Connect One Bank Current Operating Account

Resolution #127:07'2022: Return of Bonds and Escrow

OFFERED BY: Councilman Cohen

SECONDED BY: Councilwoman V. Frankel

At the regular meeting of the Alpine Mayor and Council held on Wednesday, July 27, 2022 to approve the return of bonds and escrow subject to review and approval by the Borough Engineer.

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
78	2	Schonberg, Stephen & Hirsch, Toby	Tree Bond	\$ 9,750.00
			Performance Bond	37,357.34
			Revegetation Bonds	9,500.00
			Soil & Engineering	<u>1,471.75</u>
				\$ 58,079.09
73	10	Kurtz, David	Tree Bond	\$ 18,500.00
			Performance Bond	37,000.00
			Revegetation Bond	13,000.00
			Septic Bond	<u>\$10,000.00</u>
				\$78,500.00

These minutes have been approved by the Mayor & Council.

TOTAL: \$136,579.09

Vote: Ayes: Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein

MOTION APPROVED

Resolution #128:07'2022: Cancellation of Grant Receivable – New Jersey Department of Transportation 2018 Municipal Aid Grant, Ordinance 776 – Litchfield Way

OFFERED BY: Councilman Cohen

SECONDED BY: Councilwoman V. Frankel

At the regular meeting of the Alpine Mayor and Council held on Wednesday, July 27, 2022 to approve the cancellation of Grant Receivable;

WHEREAS, a grant receivable balance of \$30,466.45 entitled New Jersey Department of Transportation 2018 Municipal Aid, Grant Ordinance 776 - Litchfield Way, remains open on the Capital Fund balance sheet; and**WHEREAS**, it is necessary to formally cancel the grant receivable balance from the balance sheet;**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Alpine, Bergen County, State of New Jersey, that the above-mentioned grant receivable balance be cancelled of record.**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

Vote: Ayes: Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein

MOTION APPROVED

Resolution #129:07'2022: Approval of Bills and Claims - \$2,499,156.41

OFFERED BY: Councilman Cohen

SECONDED BY: Councilwoman V. Frankel

At the regular meeting of the Alpine Mayor and Council held on Wednesday, July 27, 2022 to approve the bills and claims of which copies are appended.

Vote: Ayes: Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein

MOTION APPROVED

TAX ASSESSOR'S REPORT On file in the Borough Clerk's Office.**MAYOR'S REPORT** Alpine Swim Club is doing well.**REPORT OF THE STANDING COMMITTEES****Administration Department** No report.**Building Department** Report on file.**Department of Public Works** Report on file.**Fire Department** Councilwoman Gerstein made motion to accept the following application for membership to the Fire Department. Mr. Mayor Tomasko noted that Councilman Bosworth as Captain of the Fire Department recuses from voting.**Resolution #130:07'2022: Approval of Firefighter: Alexandros Mantziaris**

OFFERED BY: Councilwoman V. Frankel

SECONDED BY: Councilwoman Gerstein

At the regular meeting of the Alpine Mayor and Council held on Wednesday, July 27, 2022 to approve Firefighter Alexandros Mantziaris for Membership as a Firefighter in the Alpine Volunteer Fire Department, subject to receipt of supplemental documentation as required.

Vote: Ayes: Cohen, A. Frankel, V. Frankel, Gerstein

Abstain: Bosworth

MOTION APPROVED

Police Department Report is on file.**Resolution #131:07'2022: Accepting the Reports of the Standing Committees**

OFFERED BY: Councilwoman V. Frankel

SECONDED BY: Councilwoman Gerstein

At the regular meeting of the Alpine Mayor and Council held on Wednesday, July 27, 2022 to accept the reports of the Standing Committees.

Vote: Ayes: Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein

MOTION APPROVED

BOARD OF EDUCATION LIAISON'S REPORT School is on recess.**BOROUGH ATTORNEY'S REPORT** No public report.**BOROUGH ENGINEER'S REPORT**

Mr. Frenzel reported on the following: NJDOT 2023 Municipal Aid Grant Application filed for Anderson Avenue from Closter Dock Road to Johnson Court.

UNFINISHED BUSINESS: None.**NEW BUSINESS:** CONSENT AGENDA RESOLUTIONS #127:07'2022 - #134:07'2022**Resolution #132:07'2022: Approval of Regular Meeting Minutes June 22, 2022**

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, July 27, 2022, to approve the Regular Meeting Minutes from June 22, 2022.

Vote: Ayes: Bosworth, Cohen, V. Frankel, Gerstein

Abstain: A. Frankel

MOTION APPROVED

Resolution #133:07'2022: Approval of Executive Session Minutes June 22, 2022

OFFERED BY: Councilwoman Frankel

SECONDED BY: Councilwoman Gerstein

These minutes have been approved by the Mayor & Council.

At a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, July 27, 2022, to approve the Executive Session June 22, 2022.

Vote: Ayes: Bosworth, Cohen, V. Frankel, Gerstein **Abstain:** A. Frankel **MOTION APPROVED**

Resolution #134:07'2022: Authorizing Municipal Snow Plowing Agreement with the County of Bergen for the 2022 – 2024 Snow Plowing Seasons

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

at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, July 27, 2022,

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 2022-2024 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, 2022 and ending April 30, 2024, and

WHEREAS, per the terms of the agreement, the County of Bergen shall compensate the Borough of Alpine at a rate of \$115.00 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 2022-2024 Snow Plowing Program.

Vote: Ayes: Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein **MOTION APPROVED**

COMMUNICATIONS - WRITTEN AND ORAL None

EXECUTIVE SESSION

At a regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, July 27, 2022, to

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) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Affordable Housing

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, assembled in public session on Wednesday, July 27, 2022, 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.

The Borough Attorney proceeded into a brief Executive Session with consensus of Council. Mayor and Council convened the Executive Session at 9:23 PM, and reconvened in public session at 9:25 PM.

ADJOURNMENT

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

and approved by all present to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, July 27, 2022 at 9:25 P.M.

Vote: Ayes: Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein **MOTION APPROVED**

Respectfully submitted,

Stephanie Wehmann
Municipal Clerk