

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, SEPTEMBER 28, 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, September 28, 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, September 28, 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	Steven Cohen, Councilman	Present
David Kupferschmid, Councilman	Present		

Staff Present on Dais:

Attorney Levi Kool of Huntington Bailey, Borough Engineer Perry Frenzel,
Municipal Clerk Stephanie Wehmann

PRESENTATION In Recognition of Sergeant Stuart Conboy

The Mayor announced Sergeant Stuart Conboy's retirement effective October 1st. Sergeant Conboy began his law enforcement career in New York City in 1997 and joined the Alpine Police Department in 2000. His responsibilities over the years span from patrol, investigations, Municipal Counter Terrorism Coordinator, and promoted to Sergeant in 2013. Sergeant Conboy has received numerous awards: 2-unit citations, 2 excellent duties, an educational achievement award and many letters of recognition and appreciation. Councilwoman Frankel had sworn in Sergeant Conboy 22 years ago and commended him for doing an excellent job and being kind in tense situations. Police Chief Belcolle offered his congratulations and thanked the Sergeant for his support of the department. Sergeant Conboy was presented with a plaque in recognition of his service and dedication to the Alpine Police Department.

PUBLIC COMMENTS

- Representative from Shelter S1 Productions LLC film company, Thomas Dunn, appeared before the Mayor and Council to request for a waiver to film outside of permitted hours.

Resolution #145:09'2022: Authorizing Waiver of Filming Hours for Film Permit No. 120-22

OFFERED BY: Councilman Cohen

SECONDED BY: Councilwoman Gerstein

at the regular meeting of the Alpine Mayor and Council held on Wednesday, September 28, 2022

WHEREAS, Chapter 114 of the Borough Code entitled "Filming" sets forth the hours during which filming shall be permitted in residential zones in section 114-4(E), only Monday through Friday between the hours of 8 AM and 7 PM or sundown, whichever is earlier; and

WHEREAS, Film Permit Applicant Shelter S1 Productions LLC (Film Permit No. 120-22) appeared before the Council during public comment on September 28, 2022 to request a waiver of the time provision in order to film until 9 PM for their one-day project (followed by production wrap activities until 10 PM in a residential zone) in accordance with the appeal procedure provided by the film ordinance; and

WHEREAS, the film permit application was reviewed by the appropriate departments, officials, Borough Attorney and Risk Manager with no objections noted;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Alpine authorize a waiver for Film Permit Applicant Shelter S1 Productions LLC for filming until 9 PM subject to compliance with all other provisions of the Ch. 114 Filming ordinance, including notice to property owners within 200-feet of the filming location at least 10 days prior to filming.

VOTE: Ayes: Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid
Abstain: Bosworth

MOTION APPROVED

PUBLIC COMMENTS CONTINUED

- **Dr. Jon Mangot, 19 Old Dock Road** sought response to his request for a town hall meeting. Attorney Kool explained the Borough Hall cannot be used for political purposes but is restricted to a nonpartisan agenda. They can use another public forum. Dr. Mangot asked if once they select a date, can they use the Borough's Swift Call [Swift Reach- Emergency Alert System] to notify residents. Attorney Kool explained, even if both candidates attend, that would be a political function which is not a proper use for municipal services. Dr. Mangot asked if Alpine could host a holiday celebration similar to other towns. Mayor Tomasko noted a resident lights the Menorahs in the Borough Hall and a Christmas Tree is erected. While there has not been a request for a Diwali display, the Council is open to the idea. Dr. Mangot asked why emails to the Mayor and Council go through the Borough Clerk and not direct. The Mayor responded that is their preference. They do receive all messages. Dr. Mangot felt fellow residents may not agree and the Mayor noted they have not heard similar concerns. Dr. Mangot found it disturbing that a letter from members of Council to residents endorsed Mayor Tomasko. He felt this showed no confidence in any other candidate and didn't think it proper for a Council member to endorse one candidate over another whom they had not yet met.
- **Allison Mangot, 19 Old Dock Road** – Asked as a favor that the Mayor stand feet away from her husband when he is outdoors. The Mayor noted her request.

REPORT OF THE FINANCE COMMITTEE Connect One Bank Current Operating Account \$4,089,185.56

Resolution #146:09'2022: Return of Bonds and Escrow

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

At the regular meeting of the Alpine Mayor and Council held on Wednesday, September 28, 2022 to approve the following return of bonds and escrow:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
49.01	4	LoConte, Peter	Septic Bond Engineering	\$10,000.00 30.00 \$10,030.00
73	10	Kurtz, David	Engineering/Soil	\$ 672.50
79.02	2	Kupferschmid, David	Performance Bond Tree Bond Soil Moving	\$72,373.32 21,469.62 880.00 \$94,722.94
53 50	10 1.02	Whelan, Kevin & Irene 375 Hillside LLC	Engineering for Septic Performance Bond Re-Veg Bond Tree Bond Engineering/Soil/Sewer	\$ 1,613.50 \$45,000.00 14,500.00 18,500.00 6,143.00 \$84,143.00
TOTAL:				\$191,181.94

VOTE: Ayes: Bosworth, Cohen, A. Frankel, V. Frankel, Gerstein
Abstain: Kupferschmid

MOTION APPROVED

Resolution #147:09'2022: Refund of 2020, 2021 & 2022 Tax Overpayment Due to State Tax Court Judgements (Block 72 Lot 20)

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

At the regular meeting of the Alpine Mayor and Council held on Wednesday, September 28, 2022 to approve the refund of 2020, 2021 and 2022 Tax Overpayment Due to State Tax Court Judgements

WHEREAS, State Tax Court Judgments were granted on August 17, 2022 from the Tax Court of New Jersey reducing the assessments on the following:

<u>Block</u>	<u>Lot</u>	<u>Owner's Name</u>	<u>Original Assessment</u>	<u>Reduced Assessment</u>	<u>Year</u>	<u>Refund Due</u>	<u>Credit Due</u>
72	20	887 Closter Dock	\$20,959,700	\$19,500,000	2020	\$11,079.12	

Road Assoc., LLC	\$20,959,700	\$19,500,000	2021	\$11,341.87
	\$19,500,000	\$17,000,000	2022	\$19,175.00
			TOTAL:	\$22,490.99 \$19,175.00

WHEREAS, the reductions in assessment were not recorded in time for the 2020, 2021 and 2022 assessment records for the above referenced properties and were billed at the higher assessed value for 2020, 2021 and 2022, resulting in an overbilling, and

WHEREAS, overpayments were made for the tax years listed above and therefore should be credited to any outstanding balances due for the 4th quarter 2022 or any prior quarters, or refunded to the owner, made payable to:

Richard Hubschman, Esq.
 & 887 Closter Dock Road Assoc, LLC
 c/o Hubschman & Roman Esq.
 460 Bergen Blvd.
 Palisades Park, NJ 07650

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, hereby authorize the Borough Treasurer authorize the Borough Treasurer to issue refunds/apply credits for the tax overpayments.

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

Resolution #148:09'2022: Refund of 2020, 2021 & 2022 Tax Overpayment Due to State Tax Court Judgements (Block 79.01 Lot 3)

OFFERED BY: Councilman Cohen

SECONDED BY: Councilwoman Frankel

WHEREAS, State Tax Court Judgments were granted on August 17, 2022 from the Tax Court of New Jersey reducing the assessments on the following:

<u>Block</u>	<u>Lot</u>	<u>Owner's Name</u>	<u>Original</u>	<u>Reduced</u>	<u>Year</u>	<u>Refund Due</u>
			<u>Assessment</u>	<u>Assessment</u>		
79.01	3	Cassandra Trust I & Trust II	\$9,540,100	\$9,000,000	2020	\$4,099.36
			\$9,661,700	\$9,000,000	2021	\$5,141.41
			\$9,500,000	\$9,000,000	2022	\$3,835.00
					TOTAL:	\$13,075.77

WHEREAS, the reductions in assessment were not recorded in time for the 2020, 2021 and 2022 assessment records for the above referenced properties and were billed at the higher assessed value for 2020, 2021 and 2022, resulting in an overbilling, and

WHEREAS, overpayments were made for the tax years listed above and therefore should be refunded to the owner made payable to:

Richard Hubschman, Esq.
 & Cassandra Trust I & Trust II
 c/o Hubschman & Roman Esq.
 460 Bergen Blvd.
 Palisades Park, NJ 07650

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, hereby authorize the Borough Treasurer to issue a refund for the tax overpayment.

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

Resolution #149:09'2022: 2022 Property Tax Credits Due to County Board Judgements (Block 22 Lot 1, Block 81.04 Lot 10 and Block 39.01 Lot 12.03)

OFFERED BY: Councilman Cohen

SECONDED BY: Councilwoman Frankel

WHEREAS, Judgments were granted on July 27, 2022 and mailed on August 5, 2022 from the Bergen County Tax Board reducing the assessments on the following:

<u>Block</u>	<u>Lot</u>	<u>Owner's Name/Address</u>	<u>Original</u>	<u>Reduced</u>	<u>Year</u>	<u>4th qtr Credit</u>
			<u>Assessment</u>	<u>Assessment</u>		
22	1	Chawla, Rajesh Tribhovan & Varsha 6 Tulip Tree Lane	\$3,200,000	\$3,000,000	2022	\$ 1,534.00
81.04	10	Feinberg, Herbert & Deanna 5 Autumn Terrace	\$3,345,800	\$3,000,000	2022	\$ 2,652.29

39.01	12.03	Arp, Christopher & Renee 294 Wilson Drive	\$2,002,300	\$1,775,000	2022 \$ 1,743.39
					TOTAL: \$ 5,929.68

WHEREAS, the reduction in assessment was not recorded in time for the 2022 Assessment records for the above referenced properties and were billed at the higher assessed value for 2022, resulting in an overbilling;

WHEREAS, an overbilling was made for the tax year listed above and therefore should be credited to the 4th quarter, or any outstanding balances due from prior quarters;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, hereby authorize the Borough Treasurer to issue a credit for the tax overbilling.

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

Resolution #150:09'2022: Refund 2022 Tax Overpayment (Block 55 Lot 23.01)

OFFERED BY: Councilman Cohen

SECONDED BY: Councilwoman Frankel

WHEREAS, the following property owner made payment of property taxes for 3rd quarter 2022, and;

WHEREAS, said property owner sold the property on September 9, 2022 and 3rd quarter payment was deducted at closing, and;

WHEREAS, the seller 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(seller):

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Amount</u>
55	23.01	FE Alpine, Inc.	14 Frick Drive	\$21,801.40

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

Resolution #151:09'2022: Approval of Bills & Claims - \$1,304,077.01

OFFERED BY: Councilwoman Frankel

SECONDED BY: Councilwoman Gerstein

At the regular meeting of the Alpine Mayor and Council held on Wednesday, September 28, 2022 to approve the bills and claims of which copies are appended.

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

TAX ASSESSOR'S REPORT On File.

MAYOR'S REPORT

- Quarterly safety meeting chaired by Stephanie Wehmann, with Councilman Kupferschmid in attendance, was successfully held. Councilman Kupferschmid also attended the pre-construction meeting, Board of Health and Planning Board meetings. Councilman Cohen attended the Planning Board meeting last night. The Mayor was appreciative of their time and support.
- The Swim Club had a successful season, and broke even. The Mayor thanked Lane Goldstein, Sara Reeves, sub-committee members, and Councilman Bosworth for volunteering his time to be the certified Pool Manager, and the Borough Offices.

REPORT OF THE STANDING COMMITTEES

- **Administration Department** No report.
- **Building Department** Councilman Kupferschmid reported: 67 scheduled inspections, 2 driveway permits, 1 fence permit, 7 tree permits, 5 soil moving applications, 5 zoning review applications, 3 miscellaneous; Property maintenance doing best to address issues and working with Zoning Officer for better enforcement in the future.
- **Department of Public Works** Councilman Frankel commended work and success of the Swim Club which was enjoyed by those that participated. In anticipation of the storm, our DPW cleared storm drains; rest of the report on file.
- **Fire Department** Councilwoman Gerstein reported all statistics on file.
- **Police Department** Councilwoman Frankel reported 11 summonses, 5 MVA with 1 injury; report is on file.

Resolution #152:09'2022: 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, September 28, 2022 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 communicated that the school is working on safety standards and there will be a plan in place. Mayor Tomasko added that the school is in good shape and that the safety plan is contingent on responses they receive from the survey.

BOROUGH ATTORNEY'S REPORT Attorney Kool would like to save his comment for Bergen County United Way on the consent agenda. No public report.

BOROUGH ENGINEER'S REPORT

- Pre-construction conference with AJM Contractors held on September 20 and contract was signed at that time. AJM anticipates commencement of repaving project by October 11; this is a 4-day process and should be done reasonably quickly.
- Notice to prospective bidders published for Glen Goin and Marie Major repaving. Bids will be received on October 14. Plans and specs are available to contractors in the Borough Clerk's office.
- 2022 Riverside Coop Paving program was completed on August 25; with re-stripping completed a few days later. This contractor was used on a previous project and the Borough and Engineer are happy with their work.
- The Mayor communicated that Cambridge Way was on the docket for resurfacing but the only reason why this was not repaved already is because the water company wanted to do a water main project there. The Borough did not want Cambridge Way to have a newly paved surface, only to have the water company tear it out. The Borough pushing to have Cambridge Way on the schedule to be resurfaced as soon as possible in the next couple weeks.

UNFINISHED BUSINESS: None.

NEW BUSINESS: CONSENT AGENDA RESOLUTIONS #153:09'2022 - #159:09'2022

Resolution #153:09'2022: Approval of Regular Meeting Minutes August 24, 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, September 28, to approve the Regular Meeting Minutes from August 24, 2022.

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

Resolution #154:09'2022: Approval of Executive Session Minutes August 24, 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, September 28, 2022, to approve the Executive Session August 24, 2022.

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

Resolution #155:09'2022: Introduction Ordinance #815: Amending 2022 Salary Ordinance #812

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 28, 2022, Be it resolved, by the Mayor and Council of the Borough of Alpine, in the County of Bergen and State of New Jersey, that an Ordinance entitled:

"AN ORDINANCE AMENDING ORDINANCE NO. 812 PROVIDING FOR THE SALARIES, WAGES OR COMPENSATION OF OFFICERS, EMPLOYEES, OFFICIALS OF THE BOROUGH OF ALPINE IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY."

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 October 26, 2022 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 #156:09'2022: Award of Quote – DPW Chipper Repair

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 28, 2022,

WHEREAS, the Alpine Department of Public Works has identified a need for repair of an existing Vermeer Chipper BC1800XL chipper;

WHEREAS, the Borough of Alpine Department of Public Works solicited quotes for such repair; and

WHEREAS, the Borough of Alpine has received two quotes, one from Vermeer North Atlantic of Middletown, PA for \$11,557.70, and one from Ricardo Jaurez equipment LLC in Harrington Park, NJ for \$13,069.68; and

WHEREAS, these quotes were reviewed, and a recommendation made by the DPW Superintendent for award to Vermeer North Atlantic of Middletown, PA as the lowest responsive, responsible quote totaling \$11,557.70, and

WHEREAS, funds for this purpose have been provided for in the 2022 Current Fund Budget as identified by **Account Number 2-01-55-915-014 - Recycling Tonnage Reserves** in the accounting records of the Borough of Alpine; and

WHEREAS, the cumulative total for this vendor in fiscal year 2022 will exceed the quote threshold of \$6,600.00;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Alpine hereby award the quote for chipper repair for the Department of Public Works to Vermeer North Atlantic of Middletown, PA for \$11,557.70, contingent upon the Certification of Availability of Funds by the Chief Financial Officer.

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

Resolution #157:09'2022: Endorse Planning Board Approval of Soil Moving Permit: J&J Realty Holding, LLC – 19 Rio Vista Drive B: 20/L: 8

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 28, 2022,

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, the application was reviewed by the Planning Board at a hearing held August 23, 2022, and the 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 September 27, 2022 (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 27, 2022.

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

NEW BUSINESS:

- 1) The Mayor introduced the Developers' Agreement Resolution authorizing execution of documents per the Planning Board's approved resolution.

Resolution #158:09'2022: To Execute Alpine III, LLC Developer's Agreement

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 28, 2022,

WHEREAS, the Planning Board of the Borough of Alpine provided final site plan approval to an Applicant, Alpine III, LLC as developer for the property designated as Block 43, Lots 6.01, 6.02 and 6.03 on the tax maps of the Borough of Alpine; and

WHEREAS, as part of said approval, the Borough and the Developer were directed to enter into a Developer's Agreement setting forth certain terms and conditions relative to the development as authorized by the Planning Board; and

WHEREAS, the Borough of Alpine Planning Board, the Planning Board Attorney, and the Attorney for the Borough have reviewed and approved the Developer's Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Alpine, County of Bergen and State of New Jersey that the Developer's Agreement which is incorporated herein as if set forth at length, may be duly executed by the Mayor of the Borough of Alpine. **BE IT FURTHER RESOLVED** that this action shall take place as soon as practical.

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

- 2) Resolution to execute Developers' Agreement with Bergen County United Way
- Attorney Kool stated there are small, non-substantive changes that's been included in the provision. He clarified that the Development Agreement with Bergen County United Way is not for twelve (12) multi-bedroom units. This is for a twelve (12) bedroom unit in one building. Provision is included that BCUW will provide all architectural plans, concepts plans and final plans for Borough review and comment. Attorney Kool stated that he had worked with the BCUW in other municipalities and they have never acted adversely. They build structures that are consistent with the community and in mind with other projects on the property.
 - The Mayor stated that this low-income supportive housing, designed for diagnosed, developmentally disabled persons, will be located across from the 8 affordable housing units; and give the Borough 12 affordable housing credits. Councilwoman Gerstein asked if there will be apartments for caretakers. Attorney Kool answered that there will be 24-hour continuous care, cycling through 8-hour shifts, but caretakers do not live on site.

Resolution #159:09'2022: To Execute Transfer and Development Agreement with the Bergen County United Way

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 28, 2022,

WHEREAS, the Borough of Alpine filed a Declaratory Judgment Action to address its constitutional mandate to provide for affordable housing in the Borough; and

WHEREAS, as part of the negotiations with the Special Master assigned to the Action and the Fair Share Housing Center, the Borough has proffered to partner with the Bergen County United Way to develop a 100% affordable housing project designated for use by individuals with developmental disabilities; and

WHEREAS, in order to effectuate said development, the Borough is required to enter into a transfer and development agreement for a portion of the Borough owned property located at Block 39, Lot 2.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Alpine, County of Bergen and State of New Jersey that the Transfer and Development Agreement which is incorporated herein as if set forth at length, may be duly executed by the Mayor of the Borough of Alpine.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Alpine, County of Bergen and State of New Jersey that the Borough Attorney is authorized to proceed as needed to effectuate the terms and intent of the Transfer and Development Agreement, including but not limited to sub-dividing the necessary portion of the property.

BE IT FURTHER RESOLVED that this action shall take place as soon as practical.

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

COMMUNICATIONS - WRITTEN AND ORAL None.

Mayor Tomasko noting three members of the public were present reopened for comments:

- **John Patrick McCafferty, owner of Alpine Gardens**, asked why the Borough has allowed another landscaper to operate a business on Borough property. Mayor Tomasko advised the landscaper does not operate his business, but is allowed to store certain equipment in exchange for specified services per agreement at no cost to taxpayers. It was reviewed by the Borough and deemed to be advantageous to the Borough. Mr. McCaffrey noted the landscaper has been unable to work for 4 months and he felt such agreement was unfair. Mr. McCaffrey questioned residency of a former Councilman. Attorney Kool advised no response was required.
- **Rocco Errico, 10 Duck Pond Road**, noted his constant interaction with Alpine County Club (ACC) to resolve landscaping noise issues. After an attempt at a municipal court where he could not be heard, he wrote to the assignment judge and was advised the current municipal ordinance doesn't really cover certain equipment at certain times and users. Councilwoman Frankel recalled their earlier conversations and that ACC had agreed to obtain quieter equipment (blowers/mowers). Mr. Errico indicated the problem never stopped and landscapers do whatever they want whatever time they want. They start leaf blowing at 7 AM on a Sunday despite Alpine's ordinance. Councilman Frankel asked Mr. Errico if he had spoken with Demarest. Councilwoman Frankel noted 95% of ACC is located in Demarest. Councilman Frankel opined Alpine's ordinances were sufficient and advised there is new management and a new groundskeeper at ACC and recommended Mr. Errico reach out to them again. Mr. Errico felt the ordinance is overbroad referencing leaf blower or motorized equipment but not specific items such as "grass dryer." Mayor Tomasko thanked Mr. Errico and stated he will look into this matter and the Borough's ordinance. Mr. Errico noted he would be happy to meet with Councilwoman Frankel and ACC again.

Resolution #160:10'2022: EXECUTIVE SESSION

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 28, 2022,

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, August 24, 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.

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

EXECUTIVE SESSION

Mayor and Council convened the Executive Session at 8:15 PM, and reconvened in public session at 8:27 PM.

ADJOURNMENT

OFFERED BY: Councilwoman Frankel

SECONDED BY: Councilwoman Gerstein

and approved by all present to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, September 28, 2022 at 8:27 P.M.

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

Respectfully submitted,

Stephanie Wehmann
Municipal Clerk