

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, December 16, 2020 @ 7:30 P.M.
(This meeting was recorded in its entirety).**

CALL TO ORDER/ PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE

The Mayor and Council, Borough of Alpine, convened for this Regular Meeting on Wednesday, December 16, 2020 at 7:30 P.M. The Public Announcement was read as follows:

In accordance with the provisions of the Open Public Meetings Law, and the Governor's Emergency Declaration the notice of this regular meeting of the Alpine Mayor and Council held on Wednesday, December 16, 2020 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. In addition, due to the current COVID-19 pandemic, instructions to the public on how to access this meeting by telephone have been posted in the Borough lobby and on the Borough website as part of the posted meeting agenda.

ROLL CALL (via teleconference)

Paul Tomasko, Mayor	Present	Vicki Frankel, Council President	Present
Michael Cacouris, Councilman	Present	Arthur Frankel, Councilman	Present
*left 7:42 pm			
Gayle Gerstein, Councilwoman	Present	John Halbreich, Councilman	Present
Laurence Shadek, Councilman	Present		
*arrived 7:32 pm			

Staff Attending: Borough Attorney Russell Huntington, Borough Engineer Perry Frenzel, Municipal Clerk Stephanie Wehmann

PUBLIC COMMENTS No comments.

REPORT OF THE FINANCE COMMITTEE A copy is on file in the Borough Clerk's office.

ConnectOne Current Operating Acct \$4,783,599.88

Resolution #189:12'2020: Return of Bonds and Escrow

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 16, 2020 to approve the return of the following bonds and escrow subject to review and approval by the Borough Engineer.

<u>Block/Lot</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
49.01/6	The Garden Hue, LLC	Engineering Soil/Septic	\$1,152.50
49/6	Emami, Arash & Ghodabi, Parand	Septic bond	\$10,000.00
		Engineering Escrow	\$663.00
TOTAL			\$10,663.00

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

Resolution 2020 Property Tax Refunds Due to County Board Judgments:

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 16, 2020

WHEREAS, Judgments were entered on October 7, 2020 and mailed on October 30, 2020 from the Bergen County Tax Board reducing the 2020 assessments on the following parcels

<u>Block</u>	<u>Lot</u>	<u>Owners Name</u>	<u>Original Assessment</u>	<u>Reduced Assessment</u>	<u>Refund</u>
39.01	9.06	John C. Penberthy III, Esq. & Zahedi, Tooraj	\$2,137,000	\$1,937,000	\$1,518.00
81.06	7	John C. Penberthy III, Esq. & Gafari, Iraj & Nejad Marzie	\$3,413,500	\$3,113,500	\$2,277.00
	77	Altman, Robert	\$3,393,000	43,025,000	\$2,793.12
39.01	9.16	Wanderman, Michael	\$3,019,800	\$2,400,000	\$4,704.28
39.02	13.02	Jennifer Jacobus, Esq. & He, Ningning	\$4,947,100	\$3,900,000	\$7,947.49

These minutes have been approved by the Mayor & Council.

73	3.01	Agirnasli, Murat & Ender	\$3,863,100	\$3,700,000	\$1,237.93
49	40	David York, Esq. & Zhang, Laiju	\$2,568,900	\$2,300,000	\$2,040.95
30	7	Trust of 12/12/12 FBO Hussein, Amtul	\$2,367,400	\$1,975,000	\$2,978.32
72	20	Richard Hubschman, Jr. Esq. & 887 Closter Dock Rd. Assoc.	\$20,959,700	\$19,500,000	\$11,079.12
79.01	3	Richard Hubschman, Jr. Esq. & Cassandra Trust I & II	\$9,540,100	\$9,000,000	\$4,099.36
TOTAL					\$40,675.57

WHEREAS, the reduction in assessments were not recorded in time for the 2020 Assessment records for the above referenced properties and were billed at the higher assessed value for 2020, resulting in an overbilling, and

WHEREAS, overpayments were made for the tax year listed above and therefore should be refunded or credited to any outstanding balances due for the 4th quarter 2020 or any 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 credits/refunds for the tax overpayments.

Discussion: Councilman Cacouris discussed unusually high rate of refunds noting cases were backlogged and compacted and at the County level due to COVID and are now being adjudicated. Mayor Tomasko noted in consultation with the Tax Assessor two need to be removed as the Borough will appeal.

72	20	Richard Hubschman, Jr. Esq. & 887 Closter Dock Rd. Assoc.	\$20,959,700	\$19,500,000	\$11,079.12
79.01	3	Richard Hubschman, Jr. Esq. & Cassandra Trust I & II	\$9,540,100	\$9,000,000	\$4,099.36

He called for an amended resolution. Mr. Frankel requested clarification of the property identifications. The motion was amended as follows:

Resolution #190:12'2020 Amended: 2020 Property Tax Refunds Due To County Board Judgments:

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 16, 2020

WHEREAS, Judgments were entered on October 7, 2020 and mailed on October 30, 2020 from the Bergen County Tax Board reducing the 2020 assessments on the following parcels

Block	Lot	Owners Name	Original Assessment	Reduced Assessment	Refund
39.01	9.06	John C. Penberthy III, Esq. & Zahedi, Tooraj	\$2,137,000	\$1,937,000	\$1,518.00
81.06	7	John C. Penberthy III, Esq. & Gafari, Iraj & Nejad Marzie	\$3,413,500	\$3,113,500	\$2,277.00
77	9	Altman, Robert	\$3,393,000	43,025,000	\$2,793.12
39.01	9.16	Wanderman, Michael	\$3,019,800	\$2,400,000	\$4,704.28
39.02	13.02	Jennifer Jacobus, Esq. & He, Ningning	\$4,947,100	\$3,900,000	\$7,947.49
73	3.01	Agirnasli, Murat & Ender	\$3,863,100	\$3,700,000	\$1,237.93
49	40	David York, Esq. & Zhang, Laiju	\$2,568,900	\$2,300,000	\$2,040.95
30	7	Trust of 12/12/12 FBO Hussein, Amtul	\$2,367,400	\$1,975,000	\$2,978.32
TOTAL					25,497.09

WHEREAS, the reduction in assessments were not recorded in time for the 2020 Assessment records for the above referenced properties and were billed at the higher assessed value for 2020, resulting in an overbilling, and

WHEREAS, overpayments were made for the tax year listed above and therefore should be refunded or credited to any outstanding balances due for the 4th quarter 2020 or any 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 credits/refunds for the tax overpayments.

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

Resolution #191:12'2020: Cancellation of Grant Receivable:

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 16, 2020

WHEREAS, a grant receivable balance of \$9,304.17 entitled New Jersey Department of Transportation Grant Ordinance 769, Church and Graham Streets Sect. 3 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: V. Frankel, Cacouris, A. Frankel, Gerstein Halbreich, Shadek **MOTION APPROVED**

Resolution #192:12'2020: Authorizing the Transfer of 2020 Budget Appropriations (Transfer #2)

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 16, 2020

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 2020 Budget Appropriations.

		<u>FROM</u>	<u>TO</u>
Electricity	0-01-31-430-020	\$503.38	
Street Lighting	0-01-31-435-020		\$503.38
		TOTAL: \$503.38	\$503.38

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

Resolution #193:12'2020: Approval of Bills and Claims

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 16, 2020 to approve the bills and claims, a copy of which are appended.

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

Tax Assessor's Report. Report on file. Councilman Cacouris has to leave for personal reasons.

MAYOR'S REPORT Mayor Tomasko highlighted:

- NJS Stormwater Management Compliance – Outfall mapping was completed by the Borough Engineer at a cost of \$13,871.00; the latest example of costs levied on municipalities by state mandates.
- Safety Committee met chaired by Municipal Clerk Wehmann
- Presumptive COVID19 positives rose significantly over the course of the last month. Alpine's cumulative total is 51 up from 35 a month ago. Alpine is second lowest behind Teterboro.

REPORTS OF THE STANDING COMMITTEES

Administration Department No report.

Building Department Councilman Halbreich noted 34 scheduled inspections, 2 fence permits, 4 tree permits, 1 soil moving application, 4 zoning review applications. Balance of report is on file in the Clerk's office.

Department of Public Works Councilman Frankel noted report is on file. Mayor Tomasko noted crews are out plowing as we meet for the season's first significant snowfall.

Fire Department Councilwoman Gerstein noted report on file

Police Department Councilwoman Frankel advised 6 summonses issued for the month, 4 motor vehicle accidents with 0 injuries and the rest of the report is on file.

Resolution #194:12'2020: 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, December 16, 2020 to accept the reports of the Standing Committees.

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

MOTION APPROVED

BOARD OF EDUCATION LIAISON'S REPORT Councilman Shadek reported in-person learning resumed. It is noted going forward snow days will be replaced by virtual learning days.

BOROUGH ATTORNEY'S REPORT Defer to Executive Session

BOROUGH ENGINEER'S REPORT Mr. Frenzel's report is on file.

- Riverside Coop 2021 Road Improvement Program: Estimates due February 19. Will review candidates with DPW Superintendent Zaremba.

NEW BUSINESS

A. CONSENT AGENDA RESOLUTIONS Resolutions #195:12'2020 - #199:12'2020

1a. Resolution #195:12'2020: Approval of Minutes Regular Meeting November 23, 2020

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, December 16, 2020 approving Regular Meeting minutes November 23, 2020.

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

MOTION APPROVED

1b. Resolution #196:12'2020: Approval of Minutes Executive Session November 23, 2020

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, December 16, 2020 approving Executive Session Meeting minutes November 23, 2020.

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

MOTION APPROVED

2. Resolution #197:12'2020 Authorize Lease/Purchase of 2021 Dodge Charger through Cranford Cooperative (Police Dept. Vehicle)

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

at this regular meeting of the Mayor and Council of the Borough of Alpine held on December 16, 2020

WHEREAS, the Borough of Alpine is party to a cooperative purchasing agreement with the Cranford Police Department Cooperative Pricing System, a cooperative purchasing program organized pursuant to the Local Public Contracts Law, N.J.S.A. 40:A:11-10 and pursuant to N.J.A.C. 5:34-7, the Borough may, by resolution and without advertising for bids, purchase goods or services under the Cranford Police Cooperative Pricing System which is considered an "open and fair" process under the New Jersey Pay to Play Law N.J.S.A. 19:44A-20.5 et. seq.; and

WHEREAS the Mayor and Council of the Borough of Alpine wish to enter into a three (3) year lease with option to purchase ONE (1) 2021 DODGE CHARGER (LDEE38) PURSUIT BASE POLICE VEHICLE w/ AWD & EXTENDED WARRANTY at a discounted rate through the Cranford Police Cooperative Pricing System Contract 20-01 Police & Administrative Vehicles (2021 Model Year) System Identifier 47-CCPCPS; and

WHEREAS, Beyer Ford / Beyer of Morristown, 170 Ridgedale Avenue, Morristown, NJ 07962 Contact: Barbara Karle, authorized vendor has been awarded Cranford Police Cooperative Pricing System Contract 20-01 Police & Administrative Vehicles (2021 Model Year) System Identifier 47-CCPCPS expiring 08/31/2021 for ONE (1) 2021 DODGE CHARGER (LDEE38) PURSUIT BASE POLICE VEHICLE w/ AWD & EXTENDED WARRANTY; and

WHEREAS, 911Leasing.com 321A Frye Farm Road, Greensburg, PA 15601 submitted a proposal indicating they will fund the monies to lease ONE (1) 2021 DODGE CHARGER (LDEE38) PURSUIT BASE POLICE VEHICLE w/ AWD & EXTENDED WARRANTY at a discounted rate from 911Leasing.com, an authorized vendor, through a 36 month term lease, with an annual percentage rate of 4.97% through 911Leasing.com and the total amount to be funded is \$33,487.92 plus a one-time \$279.00 document fee plus \$1.00 per vehicle for a total of \$33,767.92 paid out over thirty-six (36) monthly payments of \$930.22. At the end of the lease, the Borough will buy the vehicle for the purchase price of \$1; and

WHEREAS, the lease fund has been appropriated through the Police Department 2020 Operating Budget General Account Number 0-01-25-240-046 [Acquisition of Police Vehicles] for the first and last payment and document fee of \$279.00 totaling \$2,139.44 and

WHEREAS, this resolution will be deemed extended by inclusion in subsequent year operating budgets as follows:

Appropriation of the next twelve (12) monthly payments totaling \$7,441.76 in the 2021 Operating Budget; and

Appropriation of the next twelve (12) monthly payments totaling \$11,162.64 in the 2022 Operating Budget; and

Appropriation of the next twelve (12) monthly payments totaling \$11,162.64 in the 2023 Operating Budget; and

Appropriation of the next two (2) monthly payments totaling \$1,860.44 plus \$1.00 in the 2024 Operating Budget; and

WHEREAS, the total cost for the lease with purchase option of ONE (1) 2021 DODGE CHARGER (LDEE38) PURSUIT BASE POLICE VEHICLE w/ AWD & EXTENDED WARRANTY is expected not to exceed \$33,766.92 and \$1.00 over 36 months and funds are available for this purpose as is indicated by the Chief Financial Officer attached certification for the availability of 2020 funds for this contract,

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Alpine, County of Bergen, State of New Jersey herein authorize the Police Chief to execute a lease/purchase agreement for the purchase of ONE (1) 2021 DODGE CHARGER (LDEE38) PURSUIT BASE POLICE VEHICLE w/ AWD & EXTENDED WARRANTY from Beyer Ford / Beyer of Morristown, an authorized vendor, and 911Leasing.com for a 36-month lease not to exceed \$33,766.92 and \$1.00 over 36 months. At the end of the lease, the Borough will own the vehicles for the cost of \$1.00.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage.

Vote: Ayes: V. Frankel, A. Frankel, Gerstein Halbreich, Shadok **Absent:** Cacouris

MOTION APPROVED

3. Resolution #198:12'2020 Authorizing the Execution of an Interlocal Agreement for the Maintenance and Repair of Vehicles by and between the Borough of Paramus and the Alpine Fire Department

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

at this regular meeting of the Mayor and Council of the Borough of Alpine held on December 16, 2020

WHEREAS, the Borough of Paramus and the Borough of Alpine seek to enter into an Interlocal Agreement wherein the Borough of Paramus will provide labor and maintenance services on Borough of Alpine Fire Department vehicles; and

WHEREAS, both of the parties to such an Agreement are authorized by law to enter into an agreement with one another to provide jointly for any lawful service to and for the residents of the respective municipalities pursuant to the provisions of the "Interlocal Services Act" N.J.S.A. 40:8A-1 et seq.; and

WHEREAS, the governing bodies of the Borough of Paramus and the Borough of Alpine recognize that the implementation of an Interlocal Agreement to provide labor and maintenance services at a cost as set forth in the agreement attached hereto is in the best interest of the taxpayers of the respective municipalities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Alpine that the Mayor and Borough Clerk are authorized to execute an Interlocal Services Agreement with the Borough of Paramus subject to the approval of the Alpine Borough Attorney.

BE IT FURTHER RESOLVED that the Agreement shall commence on January 1, 2021 and end on December 31, 2021.

BE IT FURTHER RESOLVED that the Agreement shall take effect upon the execution of same and adoption of Resolutions by both parties as provided by law.

BE IT FURTHER RESOLVED that a copy of the Agreement be maintained on file and open to public inspection at the office of the Borough Clerk.

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

MOTION APPROVED

4. Resolution #199:12'2020 Appointment of Assistant Zoning Officer

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

at this regular meeting of the Mayor and Council of the Borough of Alpine held on December 16, 2020

WHEREAS, Chapter 15-18 of the Alpine Borough Code provides for the appointment of an Assistant Zoning Officer who shall also have the duty, power and authority to enforce the provisions of the zoning code; and

WHEREAS, pursuant to the code and due to an unforeseen increase in the workload of the Zoning Office, the Mayor and Council desire to appoint **Brian Frugis**, who has served the Borough as the part-time Building Inspector since June 25, 2008 and Building Sub-Code Official since July 28, 2008; and

WHEREAS, the appointment shall be for an interim period effective December 17, 2020 through December 31, 2020, pending reappointment effective January, 1, 2021. This interim period shall be in addition to the duties already performed as Building Sub-Code Official/Inspector and confer no additional salary or benefits at this time;

NOW, THEREFORE, BE IT RESOLVED, that effective December 17, 2020, Brian Frugis be appointed as interim part-time Assistant Zoning Officer.

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

MOTION APPROVED

COMMUNICATIONS: WRITTEN AND ORAL None

EXECUTIVE SESSION

Resolution#200:12'2020: 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 Frankel **SECONDED BY:** Councilwoman Gerstein

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, December 16, 2020

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, December 16, 2020, 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, A. Frankel, Gerstein Halbreich, Shadek **Absent:** Cacouris

MOTION APPROVED

Mayor and Council convened the Executive Session at 7:48 PM, reconvened in public session at 8:26 PM.

Resolution#201:12'2020: Authorization for Borough Attorney to proceed with preliminary steps toward Settlement of Affordable Housing litigation.

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, December 16, 2020

BE IT RESOLVED to authorize the Borough Attorney to proceed with settlement of the affordable housing litigation preliminary steps as outlined in this evening's Executive Session.

Discussion: Attorney Huntington noted public questions or comments on this matter can be directed to his office.

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

MOTION APPROVED

ADJOURNMENT OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel and approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday December 16, 2020 at 8:30 P.M.

Respectfully submitted,

Stephanie Wehmann, Municipal Clerk