

Resolution #128: 7'2019: 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, July 24, 2019 to approve the bills and claims, a copy of which are appended.

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

MOTION APPROVED

Resolution #129:7'2019: 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, July 24, 2019 to approve the return of the following bonds and escrow subject to review and approval by the Borough Engineer.

<u>Name</u>	<u>Block/Lot</u>	<u>Type</u>	<u>Amount</u>
Klein, John	72/20	Closing Condition	\$99,608.00
Brusco, Michael	81.04/2	Septic Repair	\$116.00
Low, Russell & Melinda	73/10	Engineering & Soil	\$1,138.75
375 Hillside LLC	50/1&3	Planning Board	\$73.75

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

MOTION APPROVED

Resolution #130: 7'2019: Extension of Grace Period for 3rd Quarter 2019 Tax Payments

OFFERED BY: Councilman Cacouris **SECONDED BY:** Councilwoman Gerstein at a regular meeting of the Mayor and Council of the Borough of Alpine, held on July 24, 2019;

WHEREAS, the Certified tax rate for 2019 was received by the Bergen County Tax Board on July 10, 2019 and the software uploaded by Edmunds on July 15, 2019, making it necessary to delay the mailing of tax bills for the 3rd & 4th quarters of 2019 and 1st & 2nd quarters of 2020;

WHEREAS, pursuant to N.J.S.A. 54:4-66 et seq., the Tax Collector must extend the due date to allow at least 25 days from the date of mailing tax bills, without interest being charged;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby approve the extension of the grace period for 3rd quarter 2019 tax payments to August 20, 2019, and that notice of same has been included with every original tax bill mailed or delivered via electronic transmission.

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

MOTION APPROVED

Tax Assessor's Report. On file.

MAYOR'S REPORT The Mayor reported on the following:

- Annual Audit Exit Conference held last week. For the third straight year there were no recommendations which is extraordinary and can be attributed to CFO Marilyn Hayward in particular and to all the other department heads that work with her.
- Alpine Swim Club is open and doing well. We can always use additional members.
- Reminders to homeowners were included with the annual tax bill mailing: requirements for rental registration, inspections prior to change in occupancy, film permits and property maintenance.

REPORTS OF THE STANDING COMMITTEES

Administration Department No report.

Building Department Councilman Halbreich reported main statistics: 65 scheduled inspections, 5 tree permits, 1 soil moving application, and 1 zoning review application. Balance of the reports is on file in the Clerk's office.

Department of Public Works Councilman Frankel noted report on file.

Fire Department Councilwoman Gerstein advised statistics are available for review.
Police Department Councilwoman Frankel reported 21 summonses were issued in June, 8 motor vehicle accidents with 3 injuries. The rest of the report is on file.

Resolution #131 :7'2019: 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, July 24, 2019 to accept the reports of the Standing Committees.

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

MOTION APPROVED

BOARD OF EDUCATION LIAISON'S REPORT Councilman Shadek noted Borough portion of the school exit has been paved. The Board of Educations sends thanks.

BOROUGH ATTORNEY'S REPORT No report.

BOROUGH ENGINEER'S REPORT Mr. Frenzel distributed his report focused on updates of the road programs:

- **2019 DOT Municipal Aid Allison Road project:** We are in receipt of the NJS funding contract. Plans and specs have been forwarded to DOT for approval. Bid specs are being prepared.
- **Riverside Coop 2019 Road Improvement Program** Paving complete: Berkery Place, Main Street, West Main Street and Borough portion of school access and parking lanes, Hilltop Lane. Striping will be completed in due course.
- **2020 DOT Municipal Aid Cambridge Way Application** was filed.

UNFINISHED BUSINESS None

NEW BUSINESS

CONSENT AGENDA RESOLUTIONS Resolutions #132:7'2019 - #140:7'2019

Councilman Frankel recused from Item #1 he was not present.
Councilman Cacouris asked Item #8 be removed for discussion.

1. Resolution #132:7'2019: Approval of Minutes Budget Meeting June 26, 2019

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 24, 2019 to approve the minutes of the Regular Meeting June 26, 2019.

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

MOTION APPROVED

2. Resolution #133:7'2019 Authorizing Purchases of Goods and Services in 2019 Through the State of New Jersey Cooperative Purchasing Program

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

at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, July 24, 2019

WHEREAS pursuant to N.J.S.A. 40A:11-12A and N.J.A.C. 5:34-7.29(c), the Borough may, by resolution and without advertising for bids, purchase goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS the Borough of Alpine has a need to purchase on a timely basis, goods and services utilizing State Contracts during 2019; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is 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 Borough of Alpine plans to utilize the State Contract Vendor listed below, such transaction shall be subject to all conditions applicable to the current State contracts; now, therefore

Commodities	T-2776 POLICE VEHICLES" SPORT UTILITY VEHICLES
Service Vendor Name:	DAY CHEVROLET, INC.
State Contract #s:	A89938

BE IT RESOLVED, by the Borough of Alpine, in the County of Bergen, that the Borough's Qualified Purchasing Agent is hereby authorized to purchase goods or services in 2019 from the approved New Jersey State Contract Vendor listed above pursuant to all conditions of the State contract; and

BE IT FURTHER RESOLVED that, pursuant to N.J.A.C. 5:30-5.5(b), prior to placing any order for goods or services in accordance with this Resolution, a certification of available funds shall be executed by the Chief Financial Officer and attached to the file copy of the purchase order or other similar document.

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

MOTION APPROVED

3. Resolution #134:7'2019 Authorizing Acquisition of Fire Department Vehicle – 2019 Chev. Tahoe

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

at this regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, July 24, 2019

WHEREAS, the Borough of Alpine is in need of acquiring a 2019 Chevrolet Tahoe for the Fire Department; and

WHEREAS pursuant to N.J.S.A. 40a:11-1 et seq. and N.J.A.C. 5:34-7.29(c), the Borough may, by resolution and without obtaining multiple quotes or advertising for bids, purchase goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS the Borough of Alpine by prior resolution has approved purchases from the State Contract Vendor listed below for this item; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is 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, funds for this purpose have been provided for in Capital Account Number C-04-55-978-201 [Ordinance 787] in the accounting records of the Borough of Alpine;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, County of Bergen, that the Borough of Alpine enter into an agreement with

Day Chevrolet, Inc. 1600 Golden Mile Hwy., Monroeville, PA 15146 Contact: Len Polistino, authorized vendor for State Contract A89938, (T2776) for the acquisition of POLICE VEHICLES" SPORT UTILITY VEHICLES more specifically a 2019 Chevrolet Tahoe for the Fire Department, in accordance with the aforementioned contract and the specifications attached hereto, in an amount not to exceed \$39,987.08 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds.

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

MOTION APPROVED

4. Resolution #135:7'2019 in Support of the New Jersey State League of Municipalities' Petition for Rulemaking to Amend the Uniform Construction Code

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

At this regular meeting of the Alpine Mayor & Council, County of Bergen, State of New Jersey held on July 24, 2019

WHEREAS, the State of New Jersey has adopted a Uniform Construction Code ("UCC") with the purpose to provide for uniform construction standards to insure healthy, safe, and sanitary construction but also less expensive construction for the citizens of the State; and

WHEREAS, the Department of Community Affairs ("DCA") has been granted authority to amend or alter provisions of the UCC to ensure the intent and purposes of the UCC continue to be fulfilled; and

WHEREAS, municipal construction officials act as the enforcing agency tasked with administering and enforcing all provisions of UCC for construction within municipal boundaries; and

WHEREAS, permits and inspections form the foundation for the safe building environment; and

WHEREAS, the DCA made amendments to N.J.A.C. 5:23-1.4, 2.7, 2.14, & 2.17A, commonly referred to as the "Minor Work" and "Ordinary Maintenance" provisions of the UCC that took effect on March 5, 2018, which undermine the UCC's intent and purpose; and

WHEREAS, unless these amendments are retracted or further remedial amendments are made to the UCC, the health, safety, and welfare of the citizens of the State will be jeopardized and residents could see overall construction expenses increase if work is not properly performed; and

WHEREAS, the New Jersey State League of Municipalities along with New Jersey's six professional code official associations has filed a petition for rulemaking with the DCA requesting necessary and appropriate amendments be made to ensure the intent and purpose of the UCC is reinforced and preserved.

NOW, THEREFORE, BE IT RESOLVED, that Borough of Alpine supports the rulemaking petition submitted by the League and the six professional code official associations and requests that the DCA work to expeditiously adopt the measures offered by the petition; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the Commissioner of the New Jersey Department of Community Affairs, Division of Codes and Standards, and the New Jersey State League of Municipalities.

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

MOTION APPROVED

5. Resolution #136:7'2019 Cancellation of Unexpended Improvement Authorizations

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

At this regular meeting of the Alpine Mayor & Council, County of Bergen, State of New Jersey held on July 24, 2019

WHEREAS, a certain General Capital Fund Improvement Authorization balance remains dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balance so that the unexpended balances may be credited to general capital surplus;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Alpine, that the following unexpended Improvement Authorization in the General Capital Fund be canceled:

	Cancel to	
	General Capital	
<u>Ordinance No.</u>	<u>Description</u>	<u>Surplus</u>
683	2009 Capital Improvements	<u>\$22,871.23</u>

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

MOTION APPROVED

6. Resolution #137:7'2019 Capital Budget Amendment

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

At this regular meeting of the Alpine Mayor & Council, County of Bergen, State of New Jersey held on July 24, 2019

WHEREAS the local capital budget for the year 2019 was adopted on the 24th of April 2019; and, WHEREAS, it is desired to amend said adopted capital budget section

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Alpine, County of Bergen that the following amendment(s) to the adopted capital budget section of the 2011 be made:

FROM

2018 CAPITAL BUDGET (Current Year Action)

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN RPRIOR YEARS	5 PLANNED FUNDING SERVICES FOR CURRENT YEAR 2011					6 TO BE FUNDED IN FUTURE YEARS
				5a 2011 Budget Appropriations	5b Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Amortized	
None									
TOTAL ALL PROJECTS									

3 YEAR CAPITAL PROGRAM 2019-2021

Anticipated PROJECT Schedule and Funding Requirement

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 ESTIMATED COMPLETION TIME	5 FUNDING AMOUNTS PER YEAR					
				Budget Year 2011	2012	2013	2014	2015	2016
None									
TOTAL ALL PROJECTS									

3 YEAR CAPITAL PROGRAM 2019-2021

SUMMARY ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 Estimated TOTAL COST	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Gains	6 Grant in Aid And Other Funds	7 BONDS AND NOTES			
		Current Year 2011	Future Years				General	Self Liquidating	Assessment	School
None										
TOTAL ALL PROJECTS										

TO

2019 CAPITAL BUDGET (Current Year Action)

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN RPRIOR YEARS	5 PLANNED FUNDING SERVICES FOR CURRENT YEAR 2011					6 TO BE FUNDED IN FUTURE YEARS
				5a 2011 Budget Appropriations	b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Amortized	
Allison Road Project		\$177,500				\$11,100	\$166,400		
Acquisition of Swim Pool Cover		\$9,000				\$9,000			
TOTAL ALL PROJECTS									

3 YEAR CAPITAL PROGRAM 2019-2021

Anticipated PROJECT Schedule and Funding Requirement

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 ESTIMATED COMPLETION TIME	5 FUNDING AMOUNTS PER YEAR					
				Budget Year 2019	2020	2021	2022	2023	2024
Allison Road Project		\$177,500		\$177,500					
Acquisition of Swim Pool Cover		\$9,000		\$9,000					
TOTAL ALL PROJECTS									

3 YEAR CAPITAL PROGRAM 2019-2021

SUMMARY ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 Estimated TOTAL COST	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grant in Aid And Other Funds	7 BONDS AND NOTES			
		Current Year 2019	Future Years				General	Self Liquidating	Assessment	School
Allison Road Project	\$177,500				\$11,100	\$166,400				
Acquisition of Swim Pool Cover	\$9,000				\$9,000					
TOTAL ALL PROJECTS										

These minutes have been approved by the Mayor & Council.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 24th day of July 2019.

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

MOTION APPROVED

7. Resolution #138:7'2019: Introduction Capital Ordinance #788 for 2019 DOT Municipal Aid Road Improvement Project – Allison Road and Acquisition of a Swim Pool Cover

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 24, 2019

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:

CAPITAL ORDINANCE APPROPRIATING \$186,500 FROM THE CAPITAL FUND BALANCE TO PAY FOR VARIOUS CAPITAL IMPROVEMENTS, IN AND BY THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, 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 Wednesday, August 28, 2019 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 by Title/Summary, 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: A. Frankel V. Frankel, Cacouris, Gerstein, Halbreich, Shadek

MOTION APPROVED

[#8 removed and voted on separately]

9. Resolution #139:7'2019: 34th Annual Bike MS New York City Bike Ride National MS Society - Southern New York Chapter Sunday, October 20, 2019

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

At this regular meeting of the Alpine Mayor & Council, County of Bergen, State of New Jersey held on July 24, 2019

WHEREAS, the National Multiple Sclerosis Society Southern New York Chapter raises money for charity and has held their Annual Bike MS Bike Event in previous years; and

WHEREAS, The National MS Society Southern New York Chapter has requested authorization from the towns through which riders will traverse. The route in Alpine will be along Route 9W on Sunday, October 20, 2019 and includes a rest stop. The time will be from approximately 7:00 am to 5:30 pm; and

WHEREAS, Police Chief Belcolle has no objections and will be actively coordinating with The National MS Society Southern New York Chapter regarding any necessary police assistance; and

WHEREAS, The National MS Society Southern New York Chapter has provided their Certificate of Liability Insurance and a Facilities Use Hold Harmless Agreement which has been reviewed and approved by our Risk Manager.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine authorize The National Multiple Sclerosis Society Southern New York Chapter’s 35thAnnual Bike MS New York City Bike Ride Event to be held on Sunday, October 20, 2019.

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

End of Consent Agenda Resolutions

8. Resolution #140:7'2019: Granting Permission to AT&T Corp. to Install Communications Facilities Above, Under and Over the Public Right-of-Way in Order to Provide Communications Services to the Public.

Discussion: Attorney Huntington described this matter which has been under review since early this year. AT&T Corp was provided with a list of conditions on behalf of residents. They agreed to all of the Borough's requests. Councilman Cacouris requested the type of equipment be stipulated in the agreement. Attorney Huntington recommended the resolution be amended with the appendage of that the resolution is subject to verification that the above is for fiberoptic equipment as opposed to wireless.

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, July 24, 2019

WHEREAS, AT&T Corp., through its operating subsidiary Teleport Communications America, LLC (collectively, "AT&T"), is a communications carrier authorized to provide service by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, AT&T, as a public utility and common carrier, has requested approval to install communications facilities in Alpine public right-of-way; and

WHEREAS, AT&T is seeking to lease or obtain conduit space and access to poles with other utilities, particularly Verizon New Jersey Inc., and Verizon has required that AT&T obtain approval of the Alpine Borough Council as a condition of such access;

NOW THEREFORE BE IT RESOLVED BY THE ALPINE BOROUGH COUNCIL THAT:

1. Permission and authority are hereby granted to AT&T to install communications facilities, or lease or obtain for such communications facilities space on existing poles or in existing conduits, in the public right-of-way in Alpine in order to provide communications services to the public, and to operate, maintain and repair said facilities, subject to the following:

A. The facilities shall be installed in underground conduit and/or on to existing utility poles in the public right-of-way.

B. AT&T, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right-of-way.

C. AT&T, its successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.

D. Such permission be and is hereby given upon the condition and provision that AT&T, its successors and assigns, not only indemnify and save harmless the Borough of Alpine, its officers, agents, and servants, from any claims whatsoever arising from or in any way connected to the acts or omissions of AT&T in use of the public right-of-way but shall agree on behalf of the Borough to defend any action at law or equity which may be brought against the Borough upon such claims or from claims arising during the construction period, excluding in all instances claims arising out of gross negligence or willful misconduct on the part of the Borough.

E. In addition to the aforesaid indemnity agreement, AT&T, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Borough, in the amount of at least \$5,000,000, covering bodily injury and property

damage arising out of any one accident. Proof of said coverage, naming the Borough as an insured and including the indemnification clause in Section D shall be filed with the Borough Clerk prior to the installation of any plant. The Borough shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section provided it does so generally for all companies using the public right-of-way within the Borough. Said insurance shall not be subject to cancellation or change until thirty (30) days after the Borough Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.

F. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way AT&T, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Borough.

G. Such permission be and is hereby given upon the condition that AT&T shall obtain all applicable permits which may be required by the Borough.

H. AT&T shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation or maintenance of said plant.

I. Minimize Aesthetic Impact. Contractor will only install new poles, if needed, adjacent to the boundary lines between two property side lines so as to minimize their impact on the streetscape. No poles shall be erected where existing wires are buried.

J. Removal of Unnecessary Poles. Contractor will cooperate with the Borough and Orange & Rockland so that whenever a new pole is installed to replace a damaged pole, AT&T will be promptly notified so that they can also migrate their cables to the new poles so as to minimize the number of poles and to avoid unused poles being left in place.

K. Maintenance and Restoration. AT&T will repair or restore any area or vegetation disturbed or damaged. AT&T will promptly repair low-hanging or damaged cables so that they do not create a safety hazard, a nuisance or an unwelcomed appearance.

L. Control Boxes. This consent does not extend to the installation of any type of control box or locker larger than 2 x 3 upon a pole or 4 x 2.5 upon the ground. Boxes shall not obstruct any sidewalk.

M. Reimbursement for Expenses. AT&T can be required to reimburse the Borough of Alpine for professional fees incurred in connection with the review of this request subject to the rule of reasonableness.

N. Pole Height and Types. This consent is limited to the installation of fiber optic cable upon existing poles or where necessary, replacements for existing poles and not for poles in excess of the typical height of other poles within the Borough of Alpine and is not included for the installation of fiber optic cable on cross pieces or wings.

O. Notwithstanding any provision contained herein, neither the Borough nor AT&T shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.

P. This instrument shall be adopted on behalf of the Borough by the Alpine Borough Council and attested to by the Borough Clerk who shall affix the Borough Seal thereto. Said execution, approval, and filing shall constitute the existence of public notification.

Q. The permission and authority hereby granted shall be for a period of 50 years. However, after 15 years from the date of this agreement, the Borough shall have the right to terminate permission and authority, by Resolution with a minimum one year notice to AT&T to sell or liquidate its facilities in the public right-of-way. Conversely, AT&T shall be allowed to terminate permission and authority, by request of Resolution with a minimum of one year from passage of such Resolution to sell or liquidate its facilities in the public right-of-way.

STATEMENT

This resolution authorizes AT&T to install communications lines within conduit or on existing poles in the public right-of-way in order to provide communications services to the public.

The above resolution is subject to verification that the above is for fiberoptic equipment and not wireless.

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

MOTION APPROVED

COMMUNICATIONS: WRITTEN AND ORAL

ADJOURNMENT

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
and approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday July 24, 2019 at 7:44 P.M.

Respectfully submitted,

Stephanie Wehmann, Municipal Clerk