



- a. If during the first three months of any fiscal year, the amount of any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during said preceding year which were chargeable to said appropriation, and there shall be an excess in any appropriation reserves over and above the amount deemed to be necessary to fulfill its purpose, the governing body may, by resolution adopt by not less than a 2/3 vote of the full membership thereof, transfer the amount of such excess to any appropriation reserve or an appropriation in the prior budget deemed to be insufficient to fulfill its purpose of for which no reserve was provided.

**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 Reserve Appropriations in accordance with N.J.S.A. 40A: 4-59.

		<u>FROM</u>	<u>TO</u>
Legal O/E	0-01-20-155-020	\$ 4,393.32	
Police Dept. S/W (overtime)	0-01-25-240-013		\$ 4,393.32
<b>TOTAL</b>		<b>\$ 4,393.32</b>	<b>\$ 4,393.32</b>

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

**Resolution #042: 1'2021: Refund Due to County Board Judgement**

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

At the regular meeting of the Alpine Mayor and Council held on Wednesday, January 27, 2021

**WHEREAS**, Judgments were entered on November 4, 2020 and mailed on December 1, 2020 from the Bergen County Tax Board reducing the 2020 assessments on the following parcels:

<u>Block</u>	<u>Lot</u>	<u>Owner's Name</u>	<u>Original</u> <u>Assessment</u>	<u>Reduced</u> <u>Assessment</u>	<u>Refund/</u>	<u>Credit</u>	
81.06	18	Ko, Daniel	\$2,641,900	\$2,000,000	\$4,872.02		
79	1	Matthew Capizzi, Esq., & Luk, Charles & Vicky	\$3,666,200	\$3,000,000	\$5,056.46		
30	1	Carmine Alampi, Esq. & Estate of Mary Campbell	\$1,691,000	\$1,200,000	\$3,726.69		
120	4.01	Elliott Malone, Esq. & Lin, Jennifer	\$1,877,800	\$1,350,000	\$4,006.00		
81.04	15	Stavitsky & Assoc, Esq. & 14 Buckingham Dr. LLC	\$5,214,100	\$5,000,000	\$1,625.02		
81.07	6	Aboodi/Kadima Holdings LLC	\$7,849,800	\$5,000,000		\$21,629.98	
<b>TOTAL:</b>					<b>\$19,286.19</b>	<b>\$21,629.98</b>	

**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;

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

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

**Resolution #043: 1'2021: Return of Tax Overpayment**

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

At the regular meeting of the Alpine Mayor and Council held on Wednesday, January 27, 2021

**WHEREAS**, the following property owner made a duplicate payment of property taxes for 4th quarter 2020, and;

**WHEREAS**, the duplicate payment was applied to 1<sup>st</sup> quarter 2021 taxes, and;

**WHEREAS**, said property owner 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:

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Amount</u>
81.04	7	Agrachov, Thomas	115 Old Quarry Road	\$3,510.00

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

Resolution #044: 1'2021: Approval of Bills and Claims

OFFERED BY: Councilman Cacouris SECONDED BY: Councilwoman Frankel

at the regular meeting of the Alpine Mayor and Council held on Wednesday, January 27, 2021 to approve the bills and claims copies of which are appended.

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

Resolution #045: 1'2021: Return of Bonds and/or Escrow:

OFFERED BY: Councilman Cacouris SECONDED BY: Councilwoman Frankel

at the regular meeting of the Alpine Mayor and Council held on Wednesday, January 27, 2021 to approve the following bonds and/or escrow:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
49	37	Weber, Bennett	Road Opening	\$2,300.50
49.02	21	Lou, Samuel	Driveway Escrow	300.00
Alpine Scout Camp		Universal Television, LLC	Film Permit #112-20	1,681.79
<b>TOTAL:</b>				<b>\$4,282.29</b>

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

Tax Assessor's Report. Report on file in the Borough Clerk's Office.

MAYOR'S REPORT The Mayor reported on the following:

- Alpine's number of presumptive COVID-19 cases is now up to 81 or almost double over the last 7-8 weeks. We strongly encourage people to avail themselves of the vaccine as soon as it becomes available and to continue the normal safety precautions of masking, distancing and hand washing.
- Safety Committee chaired by Municipal Clerk Stephanie Wehmann met this morning to discuss the 2021 Safety Incentive Program. He thanked Ms. Wehmann for the additional time required.

REPORTS OF THE STANDING COMMITTEES

Administration Department Councilman Shadek - no report.

Building Department Councilman Halbreich reported the department continues to work hard and stay safe. 33 scheduled inspections, 1 fence permit, 3 tree permits, 2 soil moving applications, 4 zoning review applications. Balance of the report is on file.

Department of Public Works Councilman Frankel advised report is on file and highlighted:

- A generator is required for the DPW building. Quotes were solicited and the recommended will be for \$12,950.00 from Pesh-E-Lectric. The DPW Superintendent reviewed and approves this quote. A resolution of approval appears on the consent agenda. report is on file.
- A windstorm Christmas Eve into Christmas Day brought down several trees causing power outages to many residents. The DPW worked judiciously and expeditiously with the utility companies to get power restored as soon as reasonably possibly.
- Mayor Tomasko advised Superintendent Greg Zarembo passed the Certified Public Works Manager exam. This is a requirement that every DPW Superintendent must complete within two years of hire. Several courses are involved. Congratulations to Mr. Zarembo.

Fire Department Councilwoman Gerstein advised statistics are on file.

Police Department Councilwoman Frankel noted there were 9 summonses issued and 4 motor vehicle accidents with 4 injuries. The rest of the report is on file.

**Resolution #046:1'2021: Accepting the Reports of the Standing Committees**

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, January 27, 2021 to accept the reports of the Standing Committees.

**VOTE: Ayes:** Cacouris, A. Frankel, V. Frankel, Gerstein, Halbreich, Shaddek **MOTION APPROVED**

**BOARD OF EDUCATION LIAISON'S REPORT** No report

**BOROUGH ATTORNEY'S REPORT** Attorney Huntington thanked the governing body for their trust in reappointing him. He asked if newly elected officials' oaths were signed. Municipal Clerk Wehmann affirmed she has these in her possession. No change regarding the affordable housing matter at this time. An Executive Session is not needed. The Borough's immunity from Builders Remedy lawsuits has been extended through March.

**BOROUGH ENGINEER'S REPORT** Borough Engineer Frenzel also expressed appreciation for their reappointment. His report is on file.

- Candidates for the Riverside Cooperative 2021 Road Improvement Program will be circulated to the Mayor and DPW Superintendent for review in the coming week prior to filing by the deadline of February 19.
- The County would like to include the Closter Dock Road / 9W Intersection design in this year's work program. They are working with their office to finalize plans prior to their initiation of the bid process.

**UNFINISHED BUSINESS**

**Ordinance # 801 Amend Property Maintenance**

**Public Hearing:** Opened to the public for comments and being none closed.

**Resolution #047: 1'2021: Adoption of Ordinance #801**

**OFFERED BY:** Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel at a regular meeting of the Mayor and Council of the Borough of Alpine, held on

Wednesday, January 27, 2021

**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 CHAPTER 169 OF THE MUNICIPAL CODE OF THE BOROUGH OF ALPINE ENTITLED "PROPERTY MAINTENANCE" CLARIFYING ROLE AND AUTHORITY OF PROPERTY MAINTENANCE OFFICER**

does hereby pass its second and final reading and is hereby adopted and Notice of same be published according to law.

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

*(A copy of this Ordinance is appended to these minutes)*

**NEW BUSINESS - CONSENT AGENDA RESOLUTIONS** Resolutions #048:1'2021 - #056:1'2021

**1. Approval of Minutes**

**a. Resolution #048:1'2021:Regular Meeting December 16, 2020**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 27, 2021 to approve the minutes of the regular meeting held on December 16, 2020.

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

**b. Resolution #049:1'2021:Executive Session Meeting December 16, 2020**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 27, 2021 to approve the minutes of the Executive Session meeting held on December 16, 2020.

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

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

**c. Resolution #050:1'2021:Sine Die Meeting of January 5, 2021**

**OFFERED BY:** Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel  
at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday,  
January 27, 2021 to approve the minutes of the 2020 Sine Die Meeting held January 5, 2021.

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

**c. Resolution #051:1'2021:Reorganization Meeting of January 5, 2021**

**OFFERED BY:** Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel  
at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday,  
January 27, 2021 to approve the minutes of the Reorganization Meeting held January 5, 2021.

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

**2. Resolution #052:1'2021:2020 LOSAP Alpine Fire Department**

**OFFERED BY:** Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel  
at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday,  
January 27, 2021

at the regular meeting of the Mayor and Council of the Borough of Alpine held on January 27,  
2021

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

**WHEREAS,** the Borough of Alpine has received a certification from the Alpine Fire Department of the  
annual list for the year 2020 commencing December 1, 2019 and ending November 30, 2020 of all volunteer  
members who have qualified for credit under the LOSAP program, and

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

**NOW, THEREFORE BE IT RESOLVED,** by the Mayor and Council of the Borough of Alpine that the  
following named members of the Alpine Fire Department have attained the minimum number of points and  
therefore qualify to receive an award for the 2020 reporting year:

- |                         |                          |                            |
|-------------------------|--------------------------|----------------------------|
| <b>Raffi Aynilian</b>   | <b>Scott Bosworth</b>    | <b>Chris Elarde</b>        |
| <b>Charles Hoffmann</b> | <b>Richard Incontro</b>  | <b>Doug Isley</b>          |
| <b>Adam Jutte</b>       | <b>Kyle Khorozian</b>    | <b>Andrew Kraus</b>        |
| <b>Chris Pesce</b>      | <b>Frank Rickenbaugh</b> | <b>H. Josh Schneeweiss</b> |
| <b>Harold Shaw III</b>  | <b>John Veras</b>        |                            |

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

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

**3. Resolution #053:1'2021: Professional Services Agreement Edward J. Buzak Esq/The Buzak Law Group LLC**

**OFFERED BY:** Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel  
at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday,  
January 27, 2021

**WHEREAS,** the Borough of Alpine requires certain professional services of a type as listed below;  
and

**WHEREAS,** the Mayor and Council have determined, based on professional experience, expertise  
and reputation, to award contracts for such services as noted below pursuant to N.J.S.A. 19:44A-20.4  
and/or 20.5 as other than a "Fair and Open" contract as defined therein and the Local Public Contracts  
Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of such professional services contract without  
competitive bidding; and

**WHEREAS,** in any instance where it is anticipated that the expenditure for each professional  
service will exceed the sum of \$17,500 for said calendar year, the professionals have completed,  
submitted and filed an Affirmation of Compliance with Borough Ordinance 725 "Regulation of Contract  
Awards", a Business Entity Disclosure certificate and a Political Contribution Disclosure Form certifying

that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and Borough of Alpine Ordinance 725, and those professionals or business entities, whose services will or may exceed the aggregate threshold pursuant to N.J.S.A. 10-5-31 et seq. and N.J.A.C. 17:27-5.2, have either provided or will provide prior to execution of their agreements an Acknowledgement of Compliance with Mandatory Equal Employment Opportunity Language and either a Certificate of Employee Information Report Form AA302 or Letter of Federal Affirmative Action Plan Approval, and

**WHEREAS**, these contracts for professional services are subject to the Chief Financial Officer of the Borough of Alpine, County of Bergen, State of New Jersey, having first ascertained that there are available sufficient appropriations in the year 2021 Temporary Current Fund Budget to award said contracts for services of a technical and professional nature in compliance with N.J.A.C. 5:30-5.4 and/or other applicable regulations;

Name/Firm/Town,State	Services	Amount Estimated Not to exceed*	Term For Year
Edward J. Buzak, Esq. The Buzak Law Group LLC Montville, NJ	<b>Special Counsel &amp; Affordable Housing Related Development Apps</b> *retroactive to January 1, 2021	<b>\$40,000</b>	2021*

**NOW THEREFORE, BE IT RESOLVED** that the Council of the Borough of Alpine authorizes the Mayor and Borough Clerk to execute agreements for each; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk is hereby authorized to cause notice to be published once in The Record newspaper stating the nature, duration, service and amount of the contract and that the resolution and contracts are on file and available for public inspection in the Borough Clerk's office.

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

**3. Resolution #054:1'2021: Appointment of Construction Code Official and Reaffirmation of Zoning Officer Appointment**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 27, 2021

**WHEREAS**, the position of Construction Code Official will become vacant effective January 29, 2021; and

**WHEREAS**, Brian Frugis has served the Borough of Alpine as the Building Sub-Code Official and Inspector since July 28, 2008; and

**WHEREAS**, the Borough has determined to appoint Mr. Frugis to serve as Construction Code Official. For this additional part-time position, Mr. Frugis shall receive compensation per the current salary ordinance, without additional benefits; and

**WHEREAS**, this resolution further reaffirms Mr. Frugis' appointment as Zoning Officer per **Resolution 013:01'2021** adopted at the January 5, 2021 Reorganization Meeting for a one (1) year term expiring December 31, 2021, a part-time position at a rate per the current salary ordinance without additional benefits

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Alpine, County of Bergen, state of New Jersey that Brian Frugis be and is hereby appointed to the position of Construction Code Official for a four (4) year term effective January 29, 2021.

**BE IT FURTHER RESOLVED**, this appointment is subject to approval by the Department of Community Affairs to whom a copy of this resolution shall be forwarded upon adoption.

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

4. Resolution #055:1'2021:Award of Quote – DPW Generator

OFFERED BY: Councilwoman Gerstein SECONDED BY: Councilwoman Frankel

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 27, 2021

WHEREAS, the Borough of Alpine has identified a need to purchase and install a generator at the DPW building; and

WHEREAS, the Borough of Alpine solicited and received quotes, one from Pesh-E-Lectric, Inc. of Closter, NJ for \$12,950.00 and one from Academy Electrical Contractors, Inc. of Emerson, NJ for \$14,890.00 and

WHEREAS, these quotes have been reviewed by the DPW Superintendent, and a recommendation made to award to Pesh-E-Lectric, Inc. of Closter, NJ as the lowest responsible quote totaling \$12,950.00; and

WHEREAS, funds for this purpose have been provided for in the following account(s):

C-04-55-988-205 Capital Ordinance #796.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Alpine hereby award the quote to purchase and install a generator for the DPW building Pesh-E-Lectric, Inc. of Closter, NJ for \$12,950.00. The Chief Financial Officer has provided the Certification of Availability of Funds.

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

5. Resolution #056:1'2021:Appointment of Additional Alternate Prosecutor-Elsbeth Crusius, Esq.

OFFERED BY: Councilwoman Gerstein SECONDED BY: Councilwoman Frankel

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, January 27, 2021

WHEREAS, the following appointments for Prosecutor, Alternate Prosecutor and Public Defender were authorized per Resolution 021:01'2021 adopted at the 2021 Reorganization Meeting on January 5, 2021; and

Name	Town,State	Services	Amount Estimated Not to exceed	Term For the Year
Mark Fierro of Dimin Fierro LLC	Fort Lee, NJ	Prosecutor Pursuant to N.J.S.A. 2B:25-4a	\$10,000	2021
Douglas Doyle	Teaneck, NJ	Alternate Prosecutor Pursuant to N.J.S.A. 2B:25-4a	\$10,000	2021
Jordan Yuelys	Hackensack, NJ	Public Defender Pursuant to N.J.S.A. 2B:24-3	\$10,000	2021

WHEREAS, the Prosecutor has recommended that an additional alternate also be appointed in the event the Alternate Prosecutor is unavailable, and has recommended Elsbeth Crusius, Esq. for the position;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey that Elsbeth Crusius be and is hereby appointed to the position of Additional Alternate Prosecutor effective immediately for the year 2021 at an amount not estimated to exceed \$10,000.

Name	Town, State	Services	Amount Estimated Not to exceed	Term For the Year
Douglas Doyle Elsbeth Crusius	Teaneck, NJ Hackensack, NJ	Alternate Prosecutor Additional Alternate Prosecutor Pursuant to N.J.S.A. 2B:25-4a	\$10,000	2021

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

**COMMUNICATIONS: WRITTEN AND ORAL** Mayor Tomasko thanked his fellow Council who volunteer to run for office and give their time to our town. It's the beginning of a new year but he appreciates how generous the Borough's volunteers (Fire Department and Board and Commissions' included) are with their time. Councilman Shadek echoed that also includes the Mayor.

**ADJOURNMENT**

**OFFERED BY:** Councilman Shadek **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 January 27, 2021 at 7:55 P.M.

Respectfully submitted,

Stephanie Wehmann  
Municipal Clerk

**BOROUGH OF ALPINE**

**ORDINANCE NO. 801**

**AN ORDINANCE AMENDING CHAPTER 169 OF THE MUNICIPAL CODE OF THE BOROUGH OF ALPINE ENTITLED "PROPERTY MAINTENANCE" CLARIFYING ROLE AND AUTHORITY OF PROPERTY MAINTENANCE OFFICER**

**WHEREAS** the Mayor and Council of the Borough of Alpine, Bergen County, New Jersey has determined a need to clarify and codify the administrative position and authority of the Property Maintenance Officer as distinct from the Construction Code Official;

**BE IT ORDAINED** by the Mayor and Council of the Borough of Alpine, Bergen County, New Jersey that Chapter 169-7, 169-8 and 169-9 of the Municipal Code of the Borough of Alpine entitled "Property Maintenance" be amended to replace "Construction Code Official" with "Property Maintenance Officer in each of the ten places it appears as follows:

**§ 169-7 Administrative provisions.**

- A. Designation of the public officer. All inspections, regulations, enforcement and hearings on violations of the provisions of this chapter, unless expressly stated to the contrary, shall be under the direction and supervision of the Property Maintenance Officer. The Property Maintenance Officer may appoint or designate such other local public officers or employees to perform duties as may be necessary to the enforcement of this chapter, including the making of inspections and appearances at hearings.
  
- B. General administrative provisions. The Property Maintenance Officer shall make inspection to determine whether the condition of any premises is in compliance with this chapter.
  - (1) Following inspection, if the Property Maintenance Officer determines the premises are not in compliance with this chapter, he shall then issue and cause to be served upon the owner and/or operator of the premises a written notification stating the nature of the violation and allowing 30 days for its correction. (In cases where the violation presents a clear and present danger to public health and safety, the complaint is to be turned over to the Police Department or the Board of Health for prompt action within their jurisdictions.)
  - (2) Failure to take action upon notice from public officer. If the violation is not corrected within the 30 days prescribed in the notice from the Property Maintenance Officer, notification of the violation and failure to take action will be placed on the agenda of the Borough Council for the next regularly scheduled public meeting.
  - (3) Option of the Mayor and decision of the Borough Council.
    - (a) The Mayor, prior to the regularly scheduled public meeting, may designate the Building Committee to review all findings and present a recommendation to the Council, or may call a special meeting for the purpose of reviewing all findings as a committee of the whole.
    - (b) If the decision rendered by the Borough Council at the regularly scheduled public meeting upholds the decision of the Property Maintenance Officer, a second notification shall be issued and served allowing 15 days for correction of the violation and carrying notice of the penalties which will be imposed for failure to comply.
    - (c) The Borough Council may modify or withhold strict enforcement of this chapter after making determination that:

- [1] Strict enforcement would constitute an undue and unnecessary hardship on the owner and/or operator because it would compel expenditures on the premises which would be substantially disproportionate to any benefit to health, safety or welfare that might be derived from compliance; and
- [2] The owner and/or operator is without any practical or feasible means to comply with the strict provisions of this chapter; and
- [3] The premises are about to change ownership and the new owner indicates clear intention to bring the premises into compliance with this chapter.
- (d) The Borough Council may decide to bring the premises cited into compliance with this chapter through the expenditure of borough funds. The Property Maintenance Officer shall then present a report of work proposed to be done to achieve compliance along with an estimate of its cost. The Borough Council may then by resolution authorize that the work be done to correct the violation and bring the premises into compliance with this chapter of the Code of the Borough of Alpine. The Borough Council may then designate the appropriate borough employee to oversee the work done and to ensure that it is in accordance with the Council resolution and does not exceed the amount specified in the resolution and, upon completion, to submit a report of the work done and the moneys expended to the Borough Council.

**§ 169-8 Violations and penalties.**

- A. Where any owner or operator fails to comply with an order issued pursuant to this chapter they shall be deemed in violation of this chapter and subject to the penalties provided herein. It shall be the duty of the Property Maintenance Officer to cause a summons to be issued from the Municipal Court for such violation, but nothing contained herein shall limit the power of the Property Maintenance Officer to take such further action under the criminal and civil laws of this state through any court of competent jurisdiction as may be necessary to remove or abate any nuisance.
- B. Each violation of any of the provisions of this chapter and each day the violation exists shall be taken to be a separate and distinct offense and shall be punished as otherwise provided in this Code. A fine not to exceed \$750 per day and per offense, levied against the owner or operator. **[Amended 7-28-1999 by Ord. No. 560]**
- C. Where abatement of any nuisance as defined herein was accomplished and premises brought into compliance with this chapter through the expenditure of borough funds, such costs shall be assessed against the premises cited as a lien in the same manner as real estate taxes.

**§ 169-9 Compliance inspections.**

- A. Inspections. Upon issuance of notice required by § 169-7B(1), the property owner shall correct the condition and notify the Property Maintenance Officer that said condition has been corrected. An inspection shall then be made for which no fee shall be charged. Should full compliance not be achieved upon the issuance of a notice, action described in § 169-7B(1) shall thereupon be required. The borough shall be reimbursed for cost of all reinspections by the property owner. Failure to reimburse the borough shall result in a lien for said cost being placed against the property.
- B. Fees. There shall be no fee for an inspection made following the issuance of notice required by § 169-7B(1). Fees for subsequent inspections to determine compliance shall increase \$25 for the first inspection and shall increase in \$25 increments for subsequent

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon passage and publication as required by law.

ADOPTED: January 27, 2021