

The Combined Meeting of the Municipal Council of the Borough of Ho-Ho-Kus was held in the Municipal Building at 333 Warren Avenue, Ho-Ho-Kus, NJ on April 25, 2023. The meeting was called to order at 7:00 p.m. by Mayor Randall who asked the Clerk to read the open a public meeting statement:

The Combined Meeting of the Mayor and Council of the Borough of Ho-Ho-Kus is now in session in accordance with the provisions of Section 5 of the “Open Public Meetings Act”. Notice of this meeting has been posted in the front lobby entrance to the Borough Hall and Council Chambers, a copy has been filed with the Borough Clerk, and copies of the Annual Notice of Meetings, of which this is a part, have been heretofore sent to the Record and the Ridgewood News.

ROLL CALL:

Mayor.....	Thomas W. Randall
Council President.....	Douglas Troast - arrived at 7:10
Councilman.....	Steven Shell
Councilman.....	Edward Iannelli
Councilman.....	Kevin Crossley
Councilman.....	Dane Policastro - absent
Councilwoman.....	Kathleen Moran

Also, in attendance: Tim Wiss Borough Attorney; William Jones, Borough Administrator; Joan Herve, Borough Clerk, CFO, Joseph Citro & Borough Auditor, Paul Garbarini.

FLAG SALUTE:

Mayor Randall led those present in the salute to the American Flag.

PROCLAMATION

Mayor Randall recognized the following proclamations

“In Recognition of Autism Awareness Month April 2023”

“In Recognition of Mental Health Awareness Month May 2023”

“In Recognition of Arbor & Earth Day”

APPROVAL OF MINUTES

A motion was offered by Councilman Shell, seconded by Councilman Iannelli to approve the minutes of March 28, 2023 Public Meeting of the Mayor & Council. Motion carried on a roll call vote – all present voting “Ayes.

DEPARTMENT REPORTS: Reports are on file in the Municipal Clerk’s office:

- Reports on file in the Clerk’s Office
- Police – March 2023
- Court Report– March 2023
- Library Board – April 2023
- Health Report – March 2023
- Ambulance Report – March 2023
- Arborist Report - March 2023
- ZBA Annual Report for 2022

PUBLIC DISCUSSION

Mayor Randall opened the meeting to the public. He stated if anyone desired to be heard, please raise your and to be recognized, and state your name and address for the record. Seeing none, Mayor closed the meeting to the public.

CORRESPONDENCE

- a) Resignation letter from dispatcher, Aiden Berkenbush
- b) Thank you letter from the Parkinson's Foundation for the Borough's donation for Robert Re
- c) BC Utilities Authority Notice of Public Hearing for computation of connection fee – April 27, 2023 at 10am
- d) BC Ord. 23-05 - Revise the speed Limit on Franklin Turnpike in Ramsey
- e) BC Bond Ord. #23-07 Authorize the Acquisition of New Voting Machine in the sum of \$15,000,000.
- f) HHK Planning Board Resolution for the HHK BOE
- g) BC Planning Board Resolution adopting their Master Plan.
- h) Request for Albert Franco regarding the continuation of extending the seating of their establishments

ADMINISTRATORS REPORT

Unfinished Business

Water Filtration System Project: Pre-construction meeting was last week. The notice to proceed was issued today effective May 1st. Contractor laid out the following timelines: (8) weeks to have his shop drawings for the required vessels to prepared, 2 weeks to be submitted & reviewed, 4-8 weeks install from delivery of materials. They will be doing all the necessary site work ahead of time. Anticipated completion date May 2024.

New Business:

Discussed the Ordinances that were on the Agenda for adoption

BUDGET ADOPTION

ADOPTION OF ORDINANCES and PUBLIC HEARING

ORDINANCE 2023-81

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Ho-Ho-Kus (the "Borough") in the County of Bergen finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 1% increase in the budget for said year, amounting to **\$75,044** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to **\$262,653**, and that the CY 2023 municipal budget for the Borough be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

BUDGET-FINAL ADOPTION

Mayor Randall informed the public that this portion of the meeting is for the purpose of a public hearing and the adoption of the 2023 Municipal, Water and Solid Waste Budget.

Mayor Randall asked CFO, Joe Citro to summarize the major points of the budget.

Mayor opened the meeting to the public. He invited questions from the public on the Budget. Seeing none, Mayor Randall closed the hearing to the public on the Budget

A motion was offered by Councilman Shell and seconded by Councilman Iannelli to adopted Ordinance #2023-81. Motion carried on a roll call vote – All present voting “Aye”.

OFF-CONSENT RESOLUTIONS

Resolution #23-55- read in full by Councilman Shell

A Resolution – Budget Introduction

BE IT RESOLVED, that the following statements of Revenues and appropriations shall constitute the Municipal Budget for the year 2023; and

CURRENT FUND

General Appropriations

Appropriations within “CAPS”- Municipal Purposes	\$7,819,843.00
Appropriations excluded from “CAPS”-Municipal Purchases	2,766,313.67
Reserve for Uncollected Taxes	<u>260,000.00</u>
Total General Appropriations	10,846,156.67
Less: Anticipated Revenues	<u>2,442,503.67</u>
Amount to be raised by Taxes for Support of Municipal Budget	
Local Tax Municipal Purposes	\$7,908,610.46
Minimum Library Tax	<u>495,042.54</u>
Total to be raised by Taxes	<u>\$8,403,653.00</u>

WATER UTILITY FUND

Appropriations	<u>\$1,375,000.00</u>
Utility Revenues	<u>\$1,375,000.00</u>

SOLID WASTE UTILITY FUND

Appropriations	<u>\$1,223,000.00</u>
Utility Revenues	<u>\$1,223,000.00</u>

BE IT FURTHER RESOLVED, that the Governing Body of the borough of Ho-Ho-Kus does hereby adopt the above Budget for the year 2023:

A motion was offered by Councilman Shell and seconded by Councilman Crossley to adopt Resolution #23-55. Motion carried on a roll call vote – All present voting “Aye”.

ADOPTION OF ORDINANCES and PUBLIC HEARING

ORDINANCE #2023-82

“AN ORDINANCE TO AMEND CERTAIN PORTIONS OF CHAPTERS 80-2, 80-3 and 80-4 OF THE CODE OF THE BOROUGH OF HO-HO-KUS”

WHEREAS, the Governing Body of the Borough of Ho-Ho-Kus, in light of its strong appreciation for its volunteers, and for other good cause, wishes to increase the potential total VIP Program amount;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus that Chapters 80-2, 80-3 and Chapter 80-4 of the Code are hereby amended as follows (deletions in ~~strike through~~ and additions in **bold**):
§ 80-2. Points for volunteer services.

Each active volunteer member shall be credited with points for volunteer services provided to the Volunteer Fire Department/Ambulance Corps in accordance with the schedules attached hereto:

A. Ho-Ho-Kus Volunteer Fire Department: **Schedule A.****

B. Ho-Ho-Kus Volunteer Ambulance Corps, Inc.: **Schedule B.****

****Schedule A and B are amended as follows:**

Schedule A

To qualify for the Volunteer Incentive Program, a member of the Fire Department must have completed Firefighter I coursework and have been on the department for one year. The firefighter must be in good standing and approved by the Mayor and Council.

A. Point scale. To qualify for any points in the program, a firefighter must have made a minimum of 30% of department calls during the calendar year. Once the firefighter has made this minimum, the scale below will apply to call percentage.

(1) Thirty percent: 30 points.

(2) Forty percent: 40 points.

(3) Fifty percent: 60 points.

B. Once a firefighter has met the thirty-percent minimum on call percentage, he/she is then eligible for points for cleanups and drills based on guidelines listed below:

(1) Cleanups: A minimum of 12 cleanups is required to be eligible for this category, with a maximum benefit of 20 points, with each cleanup equaling one point.

(2) Drills: A minimum of 12 drills is required to be eligible for this category, with a maximum benefit of 20 points, with each drill equaling one point.

C. Once the minimum of 12 drills and 12 cleanups is met, extras can be utilized to meet the twenty-point maximum in both categories.

D. Extras. Extras are designated as classes, parades, Field Day, memorial services, mutual-aid meetings, special drills, special events, open house or fire prevention demonstrations. To be entitled to credit for extras, such extras must be documented on a drill sheet.

E. Percent of award (~~\$15~~ **\$20** for each point earned).

(1) Minimum to be eligible: 35 points.

(2) Maximum permitted: 100 points.

Schedule B

To qualify for the Volunteer Incentive Program, a member of the Ambulance Corps must possess current certification as an EMT and in CPR, complete a six-month probation period and be approved by the Mayor and Council.

EMS Calls

A. Point scale.

(1) Response to alarms, 35% of annual total: ~~40~~**50** points.

~~(2) Cleanups/drills, eight to 10 annually: 20 points.~~

~~(32)~~ Business meetings, seven to 10 annually: 20 points.

~~(43)~~ Continuing education units, for every two CEU's, up to ~~40~~**20** points to keep certification: one point.

~~(54)~~ Extra service points (parades, Field Day, standby, memorial services, special events), maximum permitted of 10: two points per event.

B. Percent of award: ~~\$15~~ **\$20** for each point earned.

Volunteer Driver-Lifter

To qualify for the Volunteer Incentive Program, a driver-lifter must possess a New Jersey driver's license, **current Certification in CPR/AED, complete a Driver's Course acceptable to the Corps**, and must be approved by the Mayor and Council.

A. Driver-lifter percent of award.

~~(1) —Seven dollars and fifty cents~~ **Ten Dollars** for each point earned, ~~beginning with point 36.~~

(2) Maximum permitted: 100.

§ 80-3. Annual stipend.

The annual stipend for each eligible member shall be up to ~~\$1,650~~ **\$2,000** per year.

§ 80-4. Estimated cost.

The estimated annual cost of the program has been calculated as follows: not to exceed ~~\$1,650~~ **\$2,000** per year for eligible **EMT members and \$1,000 per year for eligible driver-lifter** members of the Volunteer Fire Department and Volunteer Ambulance Corps., Inc.

All other sections not heretofore amended shall remain in full force and effect.

SECTION II: Repealer.

All other ordinances of the Borough, or parts thereof, which are in conflict with this ordinance, are hereby repealed to the extent of such conflict.

SECTION III: Effective Date.

This ordinance shall take effect upon passage and publication as required by law.

PUBLIC HEARING

Mayor Randall opened the meeting to the public. He stated this is the time and place for the public hearing on Ordinance #2023-82 and all persons who wishes to be heard, please state your name before making your statement. Seeing none, Mayor Randall closed the meeting to the public.

A motion was offered by Councilman Iannelli and seconded by Councilman Shell to adopted Ordinance #2023-82. Motion carried on a roll call vote – All present voting “Aye”.

ORDINANCE #2023-83

**AN ORDINANCE ADOPTING REGULATIONS FOR THE PLANTING,
GROWING AND/OR CULTIVATING OF BAMBOO**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HO-HO-KUS, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

[New Chapter

“Chapter 76B – Trees – Regulation for the Planting, Growing and/or Cultivating of Bamboo”

Section 1. Purpose.

It is determined that certain types of the bamboo plants are invasive, often difficult to control and can cause significant damage to property. The purpose of this article is to preserve and protect public and private property in the Borough of Ho-Ho-Kus from the damaging spread of bamboo, to protect indigenous and other plant materials from the invasive spread of bamboo and to maintain the general welfare of the residents of the Borough of Ho-Ho-Kus.

Section 2. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

BAMBOO – woody perennial grass plant species classified under the taxonomic family Poaceae, that may be known as monopodial (running) bamboo, sympodial (clumping) bamboo, “common” bamboo, golden bamboo and arrow bamboo, and including, but not limited to, the following species:

- A. Arundinaria.
- B. Bambusa.
- C. Chimonobambusa.
- D. Dendrocalamus.
- E. Fargesia.
- F. Phyllostia.
- G. Pleioblastus.
- H. Pseudosasa.
- I. Sasa.
- J. Sasaella.
- K. Semiarundinaria.

BAMBOO OWNER – any property owner or resident who has planted and/or grows bamboo, or who maintains bamboo on the property, or who permits bamboo to grow or remain on a property, prior to the effective date of this article.

BOROUGH/CODE ENFORCEMENT OFFICER – the Borough employee designated as the Code Enforcement Officer for the Borough of Ho-Ho-Kus or their designee.

BUFFER ZONE – a clear distance of 10 feet from any property line, street, public property or Borough right-of-way, or from any neighboring property, whichever is the most restrictive for the bamboo owner.

Section 3. Prohibitions.

A. No owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install or cause or permit the planting or installation of bamboo upon any property located within the Borough of Ho-Ho-Kus.

B. Any existing bamboo may not be replanted or replaced after any such bamboo has died or been destroyed, uprooted or otherwise removed.

C. Any person who plants or replants bamboo within the Borough limits after the effective date of this article shall be in violation thereof and subject to penalties as set forth herein.

Section 4. Duty to Confine.

A. In the event any bamboo is located upon any property within the Borough of Ho-Ho-Kus prior to the effective date of this prohibition, the owner and occupant of said property shall jointly and severally be required to confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way.

B. Within 180 days of the adoption of this article, bamboo owners shall notify the Code Enforcement Officer, in writing, by certified mail, return receipt requested, confirming the presence of bamboo on the property prior to the effective date of this article.

(1) No existing bamboo shall be permitted to remain in any buffer zone, and it shall be removed.

(2) Bamboo that has been confirmed to have already encroached onto another property prior to the effective date of this article shall be removed from the affected property by the bamboo owner and the affected property shall be restored to preexisting conditions at the bamboo owner's expense, as well as ensuring compliance with the other provisions of this article.

(3) In lieu of confining the species, the property owner or occupant may elect to totally remove the bamboo from the property and all affected properties.

(4) Failure to properly confine such bamboo shall require removal as set forth below. The cost of said removal shall be at the bamboo property owner's expense.

(5) This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Borough that the bamboo which is on his/her property at the time of the adoption of this article originated on another property.

(6) Bamboo owners that fail to comply with the requirements of this article within 120 days from the adoption of this article shall be subject to penalties as set forth herein.

Section 5. Removal.

A. In the event any bamboo located upon any property within the Borough of Ho-Ho-Kus prior to the effective date of this prohibition, is found to have encroachment of bamboo plant or root, either by receipt of a complaint or as otherwise determined by the Code Enforcement Officer after observation and/or inspection, and the Code Enforcement Officer confirms encroachment or invasion on any adjoining/neighborhood private or public property or public right-of-way (hereinafter "the affected property"), the Borough shall serve notice to the bamboo property owner, in writing, that the bamboo has invaded other private or public property(ies) or public right-of-way (rights-of-way) and demand the removal of the bamboo from the affected property and demand confinement in accord with Section 4 of this article.

B. The Code Enforcement Officer shall provide notice to the bamboo property owner, as well as to the owner of the affected property(ies), by certified, return receipt requested mail and regular mail.

C. Within 30 days of receipt of such notice, the bamboo property owner shall submit to the Code Enforcement Officer a plan for the removal of the bamboo from the affected property, which plan shall include restoration of the affected property after removal of the bamboo; a copy of which shall be provided to the owner of the affected property.

D. Within 60 days of approval of the plan of removal and restoration, the removal and restoration shall be completed to the satisfaction of the Borough.

Section 6. Violations and Penalties.

A. If a bamboo owner fails to confine existing bamboo in accord with Section 4 or does not accomplish the removal of the bamboo from such other private or public property or public right-of-way in accord with Section 5, the Code Enforcement Officer shall cause a summons to be issued and assess a penalty of up to \$100 for each day the violation continues, enforceable through the Ho-Ho-Kus Municipal Court. Each and every day a violation of this chapter shall exist shall constitute a separate violation.

B. The Code Enforcement Officer may request, and the Municipal Court may grant, a specific performance remedy. The Borough may also institute civil proceedings for injunctive or civil relief.

C. Noting herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a court of proper jurisdiction nor the institution of civil proceedings against the proper parties.

D. When an encroachment is upon public property or a public right-of-way and the bamboo property owner and/or occupant has not complied with the written notice provided as set forth

above, the Borough of Ho-Ho-Kus at its discretion, may remove or contract for the removal of such bamboo from Borough property or the public right-of-way. The cost of said removal shall be the responsibility of the bamboo property owner and/or occupant and shall be paid or assessed as a lien against the property on which the bamboo growth originated. The cost of said removal from Borough-owned property and/or the public right-of-way shall include the installation of an

appropriate barrier to prevent future bamboo invasion or other suitable remedy approved by the Borough.

Section 7. Enforcement.

The requirements under this article shall be enforceable by the Code Enforcement Officer or their designee, including, but not limited to, the Borough Construction Official or Zoning Officer. The Ho-Ho-Kus Police Department can also enforce provisions of this article.

Section 8. The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

Section 9. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 10. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 11: This ordinance shall take effect upon passage and publication according to law.

PUBLIC HEARING

Mayor Randall opened the meeting to the public. He stated this is the time and place for the public hearing on Ordinance #2023-83 and all persons who wishes to be heard, please state your name before making your statement. Seeing none, Mayor Randall closed the meeting to the public.

A motion was offered by Councilman Crossley and seconded by Councilman Iannelli to adopted Ordinance #2023-83. Motion carried on a roll call vote – All present voting “Aye”,

ORDINANCE #2023-84

**AN ORDINANCE ESTABLISHING A NEW CHAPTER “76C-
TREES-PROTECTION OF TREES” TO THE BOROUGH OF
HO-HO-KUS CODE**

WHEREAS, the Borough of Ho-Ho-Kus Code (the "Borough") does not contain specific provisions regarding the removal of trees on individual lots or tracts of land in the Borough; and

WHEREAS, it has come to the Borough's attention that there have been instances of the indiscriminate, uncontrolled and excessive destruction, removal and cutting of trees on privately owned individual lots and tracts of land; and

WHEREAS, the Borough desires to amend the Borough Code so as to add provisions regarding the removal of trees on privately owned individual lots and tracts of land; and

WHEREAS, the Borough Council finds and determines that amending the Borough Code so as to establish regulations regulating the removal of trees on privately owned individual lots and tracts of land is required to ensure and protect the safety, health and welfare of residents of the Borough and the public at large.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Ho-Ho-Kus in the County of Bergen and State of New Jersey, that the Borough of Ho-Ho-Kus Code be hereby amended as follows:

SECTION 1. Amendment(s). The Borough Code is hereby amended to create new Chapter 76C, entitled "Protection of Trees," which shall read as follows:

Chapter 76C: Trees

A. PURPOSES:

The Borough of Ho-Ho-Kus has long-standing commitment to preserving the environmental assets and aesthetics of its natural surroundings. Ho-Ho-Kus has determined that the indiscriminate, uncontrolled and excessive destruction, removal and cutting of trees upon privately owned individual lots and tracts of land within the Borough will increase the municipal costs to control surface drainage and will increase the probability of soil erosion, sedimentation and a decrease of soil fertility; all of which conditions negatively impact the environment and the public safety, health and welfare of the citizens of the Borough of Ho-Ho-Kus,

The appropriate management and use of existing vegetation resources are an important health, safety and welfare concern as per N.J.S.A. 40:48-2. Therefore, it is the intent of these regulations to: (1) Reduce soil erosion and protect surface water quality by minimizing soil and tree root disturbance

in existing woodlands, around tree masses or under individual trees. (2) Reduce stormwater runoff, velocity and volume by retaining woodland and forest areas where stormwater can infiltrate easily. (3) Increase groundwater recharge by retaining woodland areas where stormwater can infiltrate easily. (4) Improve air quality by conserving existing trees and other mature vegetation which produce oxygen and remove carbon dioxide from the atmosphere. (5) Protect wildlife habitat. (6) Retain existing trees to provide wind breaks, shade and other microclimate benefits. (7) Retain trees and woodlands that are important to the history or natural and aesthetic beauty of the Borough of Ho-Ho-Kus. (8) Preserve and enhance property values by retaining and properly protecting existing trees

B. DEFINITIONS

For the purposes of this Ordinance, the following terms as used within the Ordinance are defined as follows:

Caliper: Standard measure of tree size for trees to be newly planted. The measurement is taken six inches above the ground level for trees four inches in diameter or less and 54 inches above the ground for trees over four inches in diameter.

Dripline: A line connecting the tips of the outermost branches of a tree projected vertically onto the ground.

Emergency: Any tree that creates an immediate hazard or danger to persons and property, as a result of a weather event, such as a hurricane, windstorm, flood, freeze or other disaster, or other cause.

Endangered Species Tree: Any tree of a species which is threatened with extinction including, but not limited to, those species of trees so noted in New Jersey State and/or national registers.

Historic Tree: Any tree with or approaching the girth which is the largest of its species in the State of New Jersey, or any tree located on private property which has been identified as such by the State of New Jersey and/or dedicated by the Borough Council, with the consent of the landowner, to an individual or event.

International Society of Arboriculture: Provides accreditation to those in the tree industry with demonstrated knowledge and skills to properly care for trees.

Licensed Tree Care Operator (LTCO) and Licensed Tree Expert (LTE):

Professional Certifications issued by the NJ Board of Trees Experts as delineated in the Tree Expert and Tree Care Operator Licensing Act of 2010.

All tree care companies doing business in that State of New Jersey are required to have at least one licensed LTCO or LTE on staff.

Plan: The "Tree Removal/Replacement Plan", in accordance with the requirements of this tree ordinance, which indicates the trees to be removed or replaced.

Preferred Tree List: A list of trees recommended by the Borough Arborist to be best adapted to the climate, soil and topography of the Borough of Ho-Ho-Kus formulated for use by persons intending to plant trees.

Protective Barrier: A barrier constructed to protect the root system and/or the trunk of a tree from damage during construction and/or from equipment, soil or material deposited on the site. The protective barrier may consist of a snow fence, sawhorses or other similar structure which is sufficient to protect the root system or trunk of a tree from potential damage.

Regulated waters: all waters in the state excluding man-made canals and waters draining less than 50 acres as described in N.J.A.C 7:13-2.2.

Right of Way: A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, a crosswalk, a railroad, electric transmission lines, an oil or gas pipeline, a water line, a sanitary storm sewer, or other similar uses.

Riparian Zone: Land and vegetation within and adjacent to a regulated water.

Specimen Tree: Any tree which by its singular nature, condition, size, location and/or appearance is determined by the Borough Planner, Zoning Official, and/or Borough Arborist to impart a particular value to a property or landscape.

Borough Property: Lands which are owned by the Borough of Ho-Ho-Kus or are within the right-of-way (ROW) of the Borough's, County's or State's streets, highways (especially the area between the curbing and sidewalk), open space or under the control of the Borough of Ho-Ho-Kus by way of ownership, deed restriction or other covenant.

Tree: Any living woody perennial deciduous plant with a caliper of at least six inches (6") measured six inches (6") above the ground, or any living woody perennial evergreen plant or thinner deciduous plant (e.g., dogwoods, birches, American Hornbeams, etc.) at least fifteen feet (15') in height above ground level.

TREE PROTECTION ZONE (TPZ)

A radius of at least 1.25 feet of protected area for each inch of trunk diameter DBH.

Tree Removal Permit: Written authorization from the Ho-Ho-Kus Zoning Official allowing the removal of trees in accordance with the "Tree Removal/Replacement Plan" as approved by the Zoning Official, Borough Planner, and/or the Borough Arborist.

C. TREES ALLOWED TO BE REMOVED WITHOUT TREE REMOVAL PERMIT

If permitted as set forth below, any "Tree" as defined in this Ordinance (and any smaller trees) may be removed from a privately owned lot or tract of land without the necessity of submitting a "Tree Removal/Replacement Plan" and obtaining a "Tree Removal Permit" except that, in any case, no "Endangered Species Tree", "Historic Tree" or "Specimen Tree" may be removed without a "Tree Removal Permit", except in the case of an emergency as set forth in subsection 2 (b), below:

1. Up to six (6) trees may be removed every twelve (12) months for any reason from an existing lot within the Borough of Ho-Ho-Kus which contains a residential dwelling, but no more than ten (10) trees may be removed for any reason from an existing lot which contains a residential dwelling within any five (5) year period. The limitations herein shall not apply to any tree or trees removed for the approved construction of a new home, an addition to an existing home, the installation of a new septic system or the repair/replacement of an existing septic system, or the construction of an accessory structure to the home, such as a patio, deck, tennis court and/or swimming pool, but only to the extent reasonably required, after due consideration of the property owner's design needs, for the construction of the home, the addition, the repair/replacement of the septic system or an accessory structure.
2. The removal of the tree or trees permitted below shall not count toward the six (6) trees permitted to be removed every twelve (12) months or the total of ten (10) trees permitted to be removed in each five (5) year period specified in subsection 1, above.
 - (a) Any dead or diseased tree, or any tree that creates an imminent hazard or danger to persons and property or an Emergency, as defined in Section B, above, may be removed immediately. However, the property owner shall, upon request of the Zoning Official, be required to provide documentation confirming said conditions, which will include photographs of the trees removed and the property and a certification from a duly licensed LTE,.
 - (b) Any tree may be removed as directed by the Borough of Ho-Ho-Kus, Bergen County, the State of New Jersey.
 - (c) Any tree may be removed pursuant to an application for development (as defined in the Municipal Land Use Law, N.J.S.A. 40:55D-1et. seq.) approved by the Ho-Ho-Kus Borough Planning or Zoning Board, provided that said approval includes a Tree Replacement Plan.
 - (d) Any tree may be removed as part of the operation of an agricultural or horticultural use on property that is five acres or more, and that is assessed for local property taxes pursuant to the New Jersey Farmland Assessment Act of 1964, N.J.S. 54:4-23.1 et. seq.

D. REQUIRED TREE REMOVAL/REPLACEMENT PLANS

Unless the tree is smaller than described in the "Tree" definition of this ordinance or is otherwise permitted to be removed in accordance with one or more of the provisions listed in Section D.2. of this Ordinance hereinabove, no more than six trees every twelve (12) months, or ten (10) trees in any five year time period on any residential lot within the Borough of Ho-Ho-Kus shall be removed (or purposely injured or damaged) unless a "Tree Removal/Replacement Plan" is submitted to and approved by the Zoning Official, with the advice and review of the Borough Arborist in accordance with the provisions of this ordinance. **This requirement remains applicable for up to two years prior to an application being submitted and applies to development projects as defined in Section C1.**

Additionally, any landowner desiring to clear an area greater than one thousand five hundred (1,500) total square feet, including not only trees, but also brush and/or natural vegetation, must obtain approval under this Ordinance. The "Tree Removal/Replacement Plan" and accompanying information shall include the following:

1. The subject property where the tree(s) is/are to be removed shall be identified by street address, tax block and lot number(s) and approximate acreage;
2. The name, address and telephone number of the owner of the subject property or the owner's duly authorized agent;

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3. The name, address, and State license identification number of the NJ LTCO licensed tree contractor who will be performing the tree removal work. All tree contractors must comply with the NJ Tree Care Licensing Act, N.J.S.A. 45:15C-II et seq, and the Contractor must carry a current/valid LTCO or LTE license from the State of New Jersey. Unless the tree removal is being performed by the landowner, the tree removal must be performed by a LTCO or LTE as defined herein.
4. The tree(s) proposed to be removed shall be clearly marked on the subject property for review by the Zoning Official, Borough Planner and/or Borough Arborist;
5. To the extent required by the Zoning Officer to make an appropriate decision, the following information shall be shown on a map, legal survey or site plan which is drawn to scale and is of a suitable size to depict the required information:
 - a. The total number and the location and size of each tree proposed to be removed;
 - b. The total number and approximate location of any trees removed from the lot in the preceding twelve months, if known;
 - c. The location of the principal building and all accessory buildings on the subject property;
 - d. The location of any driveway on the subject property;
 - e. The location of any deed restricted areas, scenic buffers, and/or HOA restricted areas on the subject property;
 - f. The location, type, and number of trees to be replanted on the property.

E. GUIDELINES FOR THE PREPARATION OF REQUIRED TREE
REMOVAL/REPLACEMENT PLANS

1. Hardship Trees: Generally, any tree likely to cause a hardship upon the landowner or a neighboring landowner will be approved for removal.
2. Streetscape Trees: All trees between the frontage street and the principal building on a lot should be preserved to the maximum extent possible.
3. Trees Which Visually Screen: All trees which visually screen large tracts of vacant land or large structures shall be preserved to the maximum extent possible.
4. Trees On Public Land: No tree within a public right-of-way or easement or on any publicly owned land shall be removed by any individual unless specifically authorized in writing by the Borough of Ho-Ho-Kus.
5. Trees On Steep Slopes: No tree on a steep slope shall be removed if the Zoning Official, in consult with the Borough Engineer, factually concludes that the removal of the tree will cause increased surface water runoff onto an adjacent property, will cause increased soil erosion and/or silting, will cause significantly increased dust in the air, and/or will cause a decrease in the fertility of the soil.
6. Solar Installations: No trees may be removed or "topped" to expose ground mounted or roof mounted solar panels unless expressly permitted as a part of the Zoning Permit application process.
7. Trees Within Buffers: No tree may be removed that is located within a buffer that was created as a condition of approval of a development approved by the Planning or Zoning Board, or within recorded Homeowners Association documents, without approval of the board or body that imposed the buffer.

F. REPLACEMENT TREES

Each tree removed pursuant to a submitted and approved "Tree Removal/Replacement" plan and not otherwise allowed to be removed without a Tree Removal Permit pursuant to Section D, above, either shall be replanted on the subject property or shall be replaced with a new tree planted either on the subject property or as directed by the Zoning Official. The specific location of all replanted and newly planted trees shall be as approved by the Ho-Ho-Kus Zoning Official, and/or the Borough Arborist. All newly planted trees shall meet the following minimum standards and requirements:

1. Each newly planted tree shall be a species from the approved preferred tree list that is continually updated and will be provided by the Borough.
2. Each newly planted tree shall have a minimum caliper at the time of planting of one and one-half inches (1½") measured six inches (6") from the ground;
3. Each newly planted tree shall be of nursery stock and shall be balled and burlapped or container of similar size caliper; and
4. Each newly planted tree shall be guaranteed for at least two (2) years from the date of planting, and any tree which does not survive within that time period shall be replaced by another tree of the same size and species at the expense of the landowner.

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The tree replacement plan shall provide for replacing the removed or destroyed tree(s) in the same or contiguous location(s) on the premises, and in accordance with the following specific requirements. The tree replacement plan shall require that the applicant replace each removed or destroyed tree with one or more trees depending upon the DBH of the removed or destroyed tree, in accordance with "Tree Replacement Schedule".

Based on industry standards and site conditions on the premises, and in consultation with the Zoning Officer, the applicant may, in lieu of on-premises planting of the required replacement tree(s), be permitted to pay a tree replacement fee into the Ho-Ho-Kus Shade Tree Trust Reserve for up to fifty percent of the trees to be removed and/or destroyed based on the foregoing Tree Replacement Schedule. The tree replacement fee shall represent the cost to replace the removed or destroyed tree(s), including administration and labor costs. At least fifty percent of the required replacement trees shall be planted on the applicant's premises as identified in the application.

Tree Removed/Destroyed	Required Replacement Tree*	Tree Replacement Fee
Tree with DBH of 6" to 11.99"	One (1) Replacement Tree	\$500.00
Tree with DBH of 12.99" to 23.9"	Two (2) Replacement Trees	\$1000.00
Tree with DBH of 24" to 30.99"	Three (3) Replacement Trees	\$1500.00
Tree with DBH greater than 31"	Four (4) Replacement Trees	\$2,000.00

G. PROTECTIVE BARRIERS

During the construction of any structure on a property, care must be taken to protect any existing tree within the vicinity of the construction by erecting a "Protective Barrier" as defined in this ordinance and in accordance with the following:

1. No equipment, soil or material shall be placed within the TPZ or dripline, whichever is greater, of any tree located on the subject property within the vicinity of the construction and a protective barrier shall be erected around the areas of such trees defined by the dripline. For example, a tree with a 10ft diameter should have protection placed 12.5ft from tree. A 20ft diameter tree should have fencing placed at least 25ft from tree to protect the tree roots. This may mean protecting the roots on-site. This area is to be free of equipment, supplies or building materials and to be delineated by an orange construction fence.

H. REVIEW AND ACTION ON SUBMITTED PLANS

The Ho-Ho-Kus Borough Zoning Official or his/her designee shall review the site to determine whether the cutting, removal, or destruction of the tree shall impair drainage conditions, impair soil erosion, increase dust concentration, decrease the fertility of the soil or deteriorate the property value, destroy a buffer between residential and nonresidential uses; and shall further determine the overall physical conditions of the land and the deleterious effect thereon if any, in accordance with the standards set forth in this Ordinance. NO ACTION MAY BE TAKEN BY THE LANDOWNER UNTIL WRITTEN AUTHORIZATION IS RECEIVED AND A PERMIT ISSUED.

1. Two (2) copies of each "Tree Removal/Replacement Plan" shall be submitted to the Ho-Ho-Kus Borough Zoning Official who shall retain one (1) copy for the Borough's records.
2. The Ho-Ho-Kus Zoning Official shall review and act upon each submitted plan within ten (10) business days of the date the plan was submitted. Should the Zoning Official determine that a review is required by the Borough Planner and/or Borough Arborist, the Zoning Official shall have the authority to extend the review period to up to thirty (30) calendar days.
3. If the Zoning Officer requests review, the Ho-Ho-Kus Borough Arborist shall consider a request from the Zoning Official regarding the submitted plan, provided that the report is forwarded to the Borough Arborist within thirty (30) days of the date the plan was submitted to the Zoning Official.
4. The Ho-Ho-Kus Zoning Official, Borough Planner and/or Borough Arborist shall inspect the subject property as part of the review of the submitted plan.
5. Should the Zoning Official approve the submitted plan, either as submitted or subject to specified conditions, a "Tree Removal Permit" shall be issued by the Zoning Official in writing to the landowner indicating any specific conditions of the approval.
6. Should the Zoning Official deny approval of the submitted plan, the Zoning Official shall notify the

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- landowner in writing with the reasons for the denial.
7. If the submitted plan is denied by the Zoning Official, the landowner shall have the right to appeal the decision to the Zoning Board of Adjustment.
- I. FEES**
A \$100 Administrative Fee shall be required upon submission of a permit for the Tree Removal application. All fees collected for Tree Removal Application will be collected by the Zoning Office and deposited into a Tree Bank Trust Account, maintained by the Borough Finance office. Any expenditure of said fees must be approved by the Borough Arborist, and be utilized only for the purposes of tree planting and restoration in the Borough of Ho-Ho-Kus.
- J. ENFORCING AUTHORITY**
1. The requirements under this article shall be enforceable by the Code Enforcement Officer or his designee, including, but not limited to, the Borough Construction Official or Zoning Officer. The Ho-Ho-Kus Police Department can also enforce provisions of this article.
2. The Construction Official shall not issue a Construction Permit or a Certificate of Occupancy until all applicable requirements of this Ordinance have been met.
- K. VIOLATIONS AND PENALTIES**
Any person found to have violated any provision of this Ordinance shall be required to adhere to the requirements of this Ordinance and shall be subject to a fine not exceeding one thousand (\$1,000) or imprisonment for thirty (30) days, or both, for each offense. In addition to monetary sanctions, the Zoning Official may request and the Court may grant a specific performance penalty by way of a restoration plan for the cut trees and/or other disturbed areas. Restitution in accordance with the ISA Valuation of the tree(s) removed.
Cutting of each tree covered by this Ordinance shall be considered as a separate and independent Violation of this Chapter.

SECTION 2. REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.

PUBLIC HEARING

Mayor Randall opened the meeting to the public. He stated this is the time and place for the public hearing on Ordinance #2023-84 and all persons who wishes to be heard, please state your name and address before making your statement.

Julie

Resident asked what is the difference between a Shade Tree Commission and Beautification Committee? Attorney Wiss responded; a Beautification Committee does a host of many other thing besides trees. When the Borough changed from Commission to Committee the Regulations did not switch from Commission to the Committee it shifted back to the Borough in order for the Borough to have better communication with the residents.

Alice Siempelkamp, Douglas Standriff, Danny Chase, Gregory Martin

These Residents voiced their concerns regarding this ordinance. Mayor, Administrator & Attorney addressed their concerns.

Mayor Randall closed the meeting to the public.

A motion was offered by Councilman Crossley and seconded by Councilwoman Moran to adopted Ordinance #2023-84. Motion carried on a roll call vote – All present voting “Aye”.

ORDINANCE #2023-85

**“AN ORDINANCE TO AMEND CERTAIN PORTIONS OF THE CODE OF THE BOROUGH OF HO-HO-KUS
RELATIVE TO THE REGULATION OF TREES”**

WHEREAS, the Mayor and Council of the Borough of Ho-Ho-Kus believes it is in the best interest of the residents of the Borough to amend the Borough’s Code to further protect trees and amend its prior Ordinance for the further benefit of the residents of Ho-Ho-Kus;

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus that the Code of the Borough of Ho-Ho-Kus is amended by repealing the following sections and replacing the language as follows:

§ 57-5. Duties.

The duties of the Shade Tree and Beautification Committee shall be as follows:

A. To exercise, subject to review by the Borough Council, recommendation over the planting and care of shade and ornamental trees and shrubbery now located or which may hereafter be planted in any public highway, public park or public lands owned or under the jurisdiction of the Borough of Ho-Ho-Kus. The provisions of this Article do not and shall not be interpreted to delegate any authority to the Shade Tree and Beautification Committee to enforce any of the provisions of Borough Code.

B. To encourage the planting of shade and ornamental trees and shrubbery throughout the Borough of Ho-Ho-Kus on public and on private property and to assist the various public boards, bodies and agencies of the Borough in their efforts with regard to the encouragement of planting shade and ornamental trees and shrubbery.

C. To prepare, develop and distribute information with respect to the growing of and care for shade and ornamental trees and shrubbery.

D. To prepare, develop and recommend any improvements for the purpose of enhancing the overall outdoor appearance of the downtown area through streetscape design, plantings and landscaping, hardscape items, and other recommended projects in order to attract residents and businesses in a pedestrian friendly atmosphere.

E. To make annual reports to the Borough Council setting forth therein and detailing the activities and operations of the Shade Tree and Beautification Committee during the preceding 12 months.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus that sections of “Chapter 75B – Trees”, are hereby repealed and replaced as follows

§ 75B-1 Definitions.

As used in this chapter, the terms hereinafter set forth shall be defined and deemed to have the following meanings:

BOROUGH OFFICIAL

Zoning Official, Planning or Zoning Board, Construction Official, DPW, or other agency or official or designee as may be appropriate.

BOROUGH ARBORIST

An individual who holds a New Jersey State Tree Expert license as a Licensed Tree Expert (NJLTE)

Diameter Breast Height (DBH)

The diameter of a tree trunk, when measured at a height of 4.5 feet above the ground at the base of the tree, calculated as the circumference (or girth) of the tree divided by pi (3.1416). On sloping ground, the "above ground" reference point is the average between the highest and lowest points of the ground at the base of the tree. If the DBH point falls on a swelling in the trunk, it is measured below the swelling point where the diameter is the smallest. In case of trees with multiple trunks, The diameter of a multi-trunk tree is determined by measuring the full diameter of the largest trunk, plus half the diameter of the other trunks.

PERMITS

Whenever, pursuant to any provision of this chapter, a permit is required, the applicant shall apply to the Borough of Ho-Ho-Kus building department, which shall refer the matter to, Zoning Official, Planning or Zoning Board, or other agency or Borough Official as may be appropriate. The Construction Official (or appropriate official or officer or designee) shall either recommend approval or denial of an application for a permit, and it shall, in determining whether or not to recommend the issuance of such permit, take into consideration the nature, species, size, age and condition of any tree involved; the location thereof in the street or park; the planting, care, protection, maintenance, or removal procedures involved; the public safety and welfare; and the improvement and advancement of the shade tree plan or program of the Borough, based on conditions which may be established from time to time. The Construction Official shall thereafter make the final determination, subject to review by the Governing Body, of any permit application.

PERSON

Any individual, firm, partnership or corporation, or any combination thereof. Where, in the proper context, it is so required, this term may be construed to designate the plural as well as the singular.

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STREET

Any road, avenue, street or highway dedicated to the public use for street purposes. A street shall be deemed to include all portions lying between the dedicated or established right-of-way lines and/or planting easement thereof, said lines being identical with the front property lines of lands abutting the street.

TREE

Any tree, shrub or plant, or any root, branch, flower or other part thereof that is located in or upon any street, park or public property.

TREE PROTECTION ZONE (TPZ)

A radius of at least 1.25 feet of protected area for each inch of trunk diameter DBH. For example, a tree with a 10ft diameter should have protection placed 12.5ft from tree. A 20ft diameter tree should have fencing placed at least 25ft from tree to protect the tree roots. This may mean protecting the roots on-site. This area is to be free of equipment, supplies or building materials and to be delineated by an orange construction fence.

§75B-2 Responsibility for costs of planting and improvements.

Except as hereinafter provided, the initial cost of all trees recommended for planting by the Borough Official, the cost of planting the same, the cost of the posts and boards or guards used for the protection thereof, and the cost of the removal of any tree or part thereof dangerous to the public safety shall in accordance with uniform rules and regulations promulgated for this purpose, be a charge upon the real estate in front of which such tree or trees shall be planted or removed as an improvement thereof. Such cost, if it is so determined that it is to be paid by the owner, shall, unless paid directly to the Borough of Ho-Ho-Kus, be certified by it to the Collector of Taxes of the municipality; shall thereupon become and be a lien upon said real estate; shall be included in the next tax bill rendered to the owner or owners thereof; and be collected in the same manner as other taxes against that property.

B. The provisions of this section shall not apply to:

(1) A planting to replace a tree or trees theretofore recommended for planting by the Borough Official.

(2) A planting in connection with Arbor Day exercises or other educational demonstration.

§ 75-6 Construction and excavation work.

A. In any site improvement, erection, alteration or repair of any structure or building, the owner, contractor or other person in charge thereof shall place required protection around the tree protection zone (TPZ) of all street trees and nearby trees as directed by the Construction Official or his designee. No storage of equipment, supplies or building materials will be permitted in the tree protection zone.

B. No person shall use or operate any power equipment or any other implement or tool in such a manner so as to damage or destroy any tree.

§ 75-7 Wires; utility trimming.

A. No person shall string any wires in or through a public park or property without a permit.

B. Every person having or maintaining any electric, telephone, telegraph, cable TV or other wires running in or through a street, public property, or park shall securely fasten and maintain such wires in such manner as will safeguard all trees against any damage there from and shall make periodic adjustment whenever necessary to prevent damage to all trees.

C. No person shall, without a permit, attach or fasten any wires, insulator or other device for holding any wire to any tree.

D. Whenever the Borough shall deem it necessary to prune or remove any tree, any persons having a wire running in or through any street or park shall temporarily remove such wire within 24 hours after the service upon the owner or his agent of a written notice to do so.

E. Any public utility or its agents after filling out a permit may upon receiving written permission from the Borough at least 72 hours prior to the start of work, prune or remove trees for line clearance of utility wires in nonemergency situations pursuant to a line clearance program.

F. Any public utility or its agents may undertake emergency tree work to restore electrical service or spot work to prevent interruption of electrical, telephone, telegraph, cable TV or other wire services. In such event the utility will notify the Borough of said work within three business days of its beginning.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus that sections of Chapter 76 are hereby repealed and replaced as follows

§ 76-1Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERSON

Every person, firm, association, partnership, corporation and individual.

SHADE TREE

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Shade and ornamental trees and shrubbery now located or which may hereafter be planted in any public highway, park or parkway in the Borough, except those located or planted on county highways, parks and parkways and state highways.
STREET

Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway or which is shown upon a plat heretofore approved pursuant to law or which is approved by official action as provided by the Municipal Land Use Act or which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. For the purpose of this chapter, "street" shall be classified as follows:

A. ARTERIAL Those streets which are used primarily for fast or heavy traffic.

B. COLLECTOR Those streets which carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such development.

C. MINOR Those streets which are used primarily for access to the abutting properties.

D. MARGINAL ACCESS Those streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

E. ALLEYS Minor streets which are used primarily for vehicular service access to the back or side of the properties otherwise abutting on a street.

§ 76-8 Application for permit.

Where the permission, consent or approval of the Borough is required by the provisions of this chapter, any person, firm or corporation required to obtain such permission, consent or approval shall first make application therefor to the Building Department.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus that sections of Chapter 63, are hereby repealed and replaced as follows:

Chapter 63. Soil Movement

§ 63-17. General regulations.

Soil moving conducted in the Borough shall be performed in accordance with the following regulations:

A. In all operations for which a permit is required:

(1) Prior to the start of soil movement operations, the disturbance of a lot or construction, the following must be performed:

(a) The limits of disturbance must be delineated with construction fencing.

(b) Sediment barriers must be installed and maintained throughout the entire length of the project.

(c) Tree-protection measures must be installed to protect the tree Critical Root Zone of the existing trees and approved by the Borough Engineer or Borough Official. (CRZ) is the distance from the trunk that equals one foot for every inch of the tree's diameter.

(2) Lands shall be graded to conform to the approved contour lines and grades.

(3) Streets, roads and paved surfaces shall be cleaned, at the applicant's expense, on a daily basis, of sediments and debris.

(4) The top layer of soil, to a depth of six inches, shall not be removed from the premises, but shall be set aside and respread over the premises when the remainder of the soil has been moved.

B. In all operations, whether or not a permit is required:

(1) Prior to the start of soil movement operations, the disturbance of a lot or construction, the following must be performed:

(a) Sediment barriers must be installed and maintained throughout the entire length of the project.

(b) Tree-protection measures must be installed to protect the Critical Root Zone of the existing trees within the Tree Protection Zone and must be approved by the Borough Engineer or Borough Official. As used herein, Tree Protection Zone (TPZ) a radius of at least 1.25 feet of protected area for each inch of trunk diameter. For example, a tree with a 10ft diameter should have protection placed 12.5ft from tree. A 20ft diameter tree should have fencing placed at least 25ft from tree to protect the tree roots.

In general tree protection barriers shall be placed as space permits at a distance of at least ten (10) feet from the trunk of any tree or the tree's drip line or the TPZ, whichever distance shall be greater, and shall remain in place until all construction activity on the property has terminated.

(2) All boulders, tree stumps and other debris shall be removed from the property.

(3) In dry weather, the person conducting such operation shall dampen the ground where operations are conducted to prevent dust.

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- (4) No trucks used shall be loaded above the level of the sides of the truck, to prevent spillage, and all streets shall be cleaned, at the applicant's expense, each day, of any spillage or soil on such streets resulting from truck operations.
- (5) All truckloads shall be covered with tarpaulin and, if necessary, treated by water or chemicals to prevent flying dust.
- (6) No trucks, machinery or any part of the operation shall be conducted before 8:00 a.m. or after 5:00 p.m. on weekdays nor at any time on Saturday, Sunday or federal or state legal holidays.
- (7) All vehicles engaged in such operations shall use as routes only those Borough streets which have been approved by the Planning Board. The applicant shall notify the Police Department as to the route which will be utilized for transporting soil.
- (8) The entire area covered by the work shall be maintained and left in such manner as not to create or maintain a nuisance or condition hazardous to life and limb or to the health or general welfare of the inhabitants or the Borough of Ho-Ho-Kus.
- (9) All excavation, removal and other mandatory ground cover work, including restoration of property to final grades and subsequent seeding, must be completed within one year from the date of the permit.
- (10) No more soil shall be removed than is reasonably necessary for the development and use of the land.
- (11) No soil removal shall be allowed which shall cause drainage to adjacent property or prejudicially affect the values of adjacent properties.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus that sections of Chapter 32B-10, are hereby repealed and replaced as follows

Land Subdivision and Site Plan Review

Prior to any preliminary and/or final site plan approval, the Board shall have received a report from the Borough Planner, or Borough Arborist, or its designee, as to the adequacy of the landscape plan.

(e) The Mayor and Council of the Borough of Ho-Ho-Kus finds that lack of (canopy cover in the community) street trees is causing increased drainage problems, soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased groundwater recharge, increased buildup of atmospheric carbon dioxide, the establishment of a heat island effects and increased dust and pollution. All of the above can negatively affect the value of the properties in Ho-Ho-Kus and overall quality of life. Therefore, the Mayor and Council of the Borough of Ho-Ho-Kus finds that a street tree planting deposit is needed to ensure the health, safety and welfare of its residents and to maintain a high quality of life in the Borough of Ho-Ho-Kus.

1. Streets trees and plantings within the right-of-way of the Borough, including Borough-owned parks and buildings, are regulated by Ordinance The street planting deposit shall apply to any new house constructed on a vacant parcel or on a lot where an existing residence is demolished or the additional floor area is increased by 25% as determined by the Construction Code Official and to all commercial properties. The Construction Code Official. Borough Arborist, or its designee, shall inspect the affected property and make a determination on the requirement of a street tree planting deposit before a building permit is issued.
- ~~2.~~ If the property owner wishes to remove and/or destroy any tree on their property prior to the submission of an application to the Building Department, Planning Board or Zoning Board (i.e., as a step to prepare the property for an anticipated future development project), then the owner is required to apply for a permit and receive approval before such tree removal work can begin. This requirement remains applicable for up to two years prior to an application being submitted"
3. Borough Arborist shall be notified by the Planning Board or the Zoning Board of Adjustment upon receipt of any application regarding Subsection E(1) above. Borough Arborist, or its designee, will review and recommend street tree planting requirements within 15 business days. Plantings shall thereafter be done solely by an independent contractor engaged by the Borough and shall not be done by the owner or developer, absent written approval for the same.
4. One tree shall be planted every 25- 30 feet of street curb with a minimum of two trees per property A deposit a minimum of \$500 and up to the current market value of tree purchase and planting is required for each two-and-one-half-inch-caliper tree. The tree(s) will be planted by the Borough during the regularly scheduled street tree planting for each site, and an inspection fee will apply.
5. The estimate for street tree planting form is hereby adopted and shall be on file in the office of the Borough Clerk.
6. Deposit; accounts.
7. The street tree planting deposit shall be made prior to the issuance of a certificate of occupancy.

All other sections of the code not specifically repealed are to remain, unless inconsistent with the above.

SECTION 2. REPEALER, SEVERABILITY AND EFFECTIVE DATE

- D. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

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E. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

F. This Ordinance shall take effect immediately upon final passage and publication according to law.

SECTION III: The Borough Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Bergen County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Borough clerk is further directed to publish notice of the passage thereof and to file copy of this ordinance as finally adopted with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

PUBLIC HEARING

Mayor Randall opened the meeting to the public. He stated this is the time and place for the public hearing on Ordinance #2023-85 and all persons who wishes to be heard, please state your name and address before making your statement.

Scott Johnson

Resident questioned section 75B-2 of the ordinance and asked if this refers to existing borough trees that has already been planted. Administrator responded stating the section in question is not changing as part of the Ordinance that is being presented to the Council for adoption this evening. Resident suggested an addition wording to be added under Section 75B-2B – “To impose a potential cost responsibility upon Ho-Ho-Kus home owner with a Borough tree(s) already in front of their property places an unwarranted burden on them. Discussion ensued; Council President Troast stated the Council will take this under advisement.

Mayor Randall closed the meeting to the public.

A motion was offered by Councilman Crossley and seconded by Councilwoman Moran to adopted Ordinance #2023-85. Motion carried on a roll call vote – All present voting “Aye”.

CONSENT RESOLUTIONS (23-56 thru 23-63)

All Items listed were considered to be routine and non-controversial by the Mayor and Council and were approved by one motion.

Resolution #23-56

A Resolution - Payment of bills – April

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$3,100,693.93; and
WHEREAS, such claims have been listed according to Department and account number with corresponding vouchers to be reviewed and approved by the Mayor and Council; and,
WHEREAS, the CFO has determined that the funds have been properly appropriated for such purposes and are available, in the Borough of Ho-Ho-Kus and that the claims specified on the schedule attached hereto, following examination and approval by the Mayor and Council, be paid and checks issued accordingly; and,
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that the claims totaling \$3,100,693.93; be approved and ratified respectively

BILL LIST:

22-01903	12/09/22	03517	SIGNAL CONTROL PRODUCTS, LLC	TRAFFIC LIGHT CONTROLLER	Open	16,906.00
22-01963	12/16/22	02714	RUDCO PRODUCTS, INC.	2 CONTAINERS (DUMPSTERS)	Open	9,189.00
23-00107	01/17/23	03522	LOGO MAT CENTRAL	LOGO MAT & 2 AREA RUGS - POL D	Open	1,930.40
23-00171	01/27/23	02714	RUDCO PRODUCTS, INC.	40 YD OPEN TOP CONTAINER	Open	9,304.00
23-00206	02/01/23	03299	GEM SPORTS, LLC	APPAREL FOR AMBULANCE CORPS	Open	4,874.00
23-00334	02/27/23	00056	TYCO ANIMAL CONTROL SERVICES	ANIMAL CONTROL SVC MAR 2023	Open	500.00
23-00337	02/27/23	02686	ONE CALL CONCEPTS	ONE CALL MESSAGES - MAR 2023	Open	74.36
23-00413	03/20/23	01051	V. E. RALPH & SON	REEVES STRETCHERS/MASKS-AMBUL	Open	987.00
23-00414	03/20/23	00118	MCAA OF NJ-SPRING CONFERENCE	REGIST SPRING CONFERENCE-COURT	Open	285.00

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23-00420	03/20/23	80321	VIRMANI, MANIK	RETURN ESCROW BALANCE-820 WSRR	Open	471.86
23-00421	03/20/23	01662	AAA EMERGENCY SUPPLY	SCOTT PARTS AND REPAIRS-FIRE D	Open	1,766.48
23-00446	03/22/23	03536	ZERO9 SOLUTIONS	BODYCAM CASE WATCHGUARD-POL DP	Open	704.25
23-00454	03/24/23	02899	OFFICE CONCEPTS GROUP	DRYERASE BOARD -OEM	Open	537.55
23-00456	03/28/23	01840	OPTIMUM	POLICE/CAD CABLE 4/16-5/15	Open	93.44
23-00457	03/28/23	00030	HO-HO-KUS BOARD OF EDUCATION	SCHOOL TAX - MONTH OF APRIL	Open	1,253,689.16
23-00459	03/28/23	00029	BERGEN COUNTY DEPT OF ADM/FIN	2ND QTR 2023 PRELIM TAXES	Open	823,976.50
23-00460	03/28/23	01485	COUNTY OPEN SPACE TRUST FUND	2023 PRELIM 2ND QTR OPEN SPACE	Open	34,109.50
23-00461	03/28/23	00034	NORTHWEST B C UTIL AUTHORITY	2ND QTR SERVICE CHARGE 2023	Open	171,340.00
23-00462	03/28/23	03503	THE HERMITAGE MUSEUM	RENTAL-SENIORS MEETINGS-6 MOS.	Open	600.00
23-00463	03/28/23	01565	MINUTEMAN PRESS	2023 WATER RATES LETTERS	Open	311.78
23-00464	03/28/23	00106	M G L PRINTING SOLUTIONS	BUSINESS CARDS-L. STEWART	Open	109.00
23-00465	03/28/23	02858	THE RODGERS GROUP, LLC.	TRG ONLINE TRAINING-POL DEPT	Open	4,259.84
23-00466	03/28/23	03144	UNTOUCHABLE SOUNDS	WINDOW TINTING-NEW POL VEHICLE	Open	125.00
23-00467	03/28/23	00497	GENERAL CODE PUBLISHERS CORP.	NJMC STUDY GUIDE - CLERK	Open	49.00
23-00468	03/28/23	80088	SANTOS, CHRIS	REIMB. - EYE EXAM/GLASSES	Open	229.00
23-00469	03/28/23	02965	CORE & MAIN LP	SHUT OFF TOOL FOR COPPER-WATER	Open	311.85
23-00470	03/28/23	03239	AT&T MOBILITY	IPAD/CELL PHONE SV 2/12-3/11	Open	1,350.64
23-00471	03/28/23	03472	AMAZON CAPITAL SERVICES	TIRE WASH & BATTERY PACKS-DPW	Open	440.93
23-00472	03/28/23	03048	QUALITY AUTOMALL	DAMPER & KIT- VEH MAINTENANCE	Open	107.40
23-00473	03/28/23	00095	TRAFFIC SAFETY & EQUIPMENT	STREET ROAD SIGNS & POSTS-DPW	Open	1,639.24
23-00474	03/28/23	03277	ETD DISCOUNT TIRE CENTERS	2 TIRES FOR DPW VAN	Open	456.00
23-00475	03/28/23	00157	TREASURER - STATE OF NJ	3 DEP AIR QUALITY PERMITS	Open	2,655.00
23-00476	03/28/23	03228	HACKENSACK AUTO SPRING	FRONT WHEEL ALIGNMENT VEH #754	Open	98.00
23-00477	03/28/23	02551	TURN-OUT UNIFORMS	3 SHIRTS WITH LOGO - POL DEPT	Open	200.98
23-00478	03/28/23	00012	PROSTOCK MIDLAND	BRAKE PADS & TIMKEN SEAL-DPW	Open	154.48
23-00479	03/28/23	00375	UNITED ROTARY BRUSH CORP	PARTS FOR STREET SWEEPER	Open	2,206.88
23-00480	03/28/23	02297	THE SHARP SHOP	FUEL FILTER-LANDSCAPE EQUIP.	Open	17.98
23-00481	03/28/23	02513	HOFFMAN SERVICES INC	REPAIRS TO DPW GARAGE LIFT	Open	2,350.04
23-00482	03/29/23	00144	BORO OF H-H-K PAYROLL ACCT	CURRENT SOCIAL SECURITY - MAR	Open	15,692.05
23-00483	03/29/23	00144	BORO OF H-H-K PAYROLL ACCT	WATER DPT SOCIAL SECURITY-MAR	Open	1,349.62
23-00484	03/29/23	00144	BORO OF H-H-K PAYROLL ACCT	SOL WASTE SOCIAL SECURITY-MAR	Open	966.09
23-00485	03/29/23	00144	BORO OF H-H-K PAYROLL ACCT	DCRP - MAR 2023	Open	255.04
23-00486	03/29/23	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MNTH 3/31	Open	183,364.43
23-00487	03/30/23	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MNTH 3/31	Open	5,534.92
23-00488	03/30/23	03529	SCHWANEWEDE/HALS & VINCE	ENG SITE PL REV-4 COPPER BEECH	Open	400.00
23-00489	03/30/23	03529	SCHWANEWEDE/HALS & VINCE	ROAD OPENING CURB-419 ARDMORE	Open	250.00
23-00490	03/30/23	02712	OPTIMUM **	OPTONLINE SVC DPW -3/16-/15	Open	116.49
23-00491	03/30/23	02484	RACHLES/MICHELE'S OIL CO.	1450 GALS GAS DELIVERED 3/9	Open	3,623.07
23-00492	03/30/23	02484	RACHLES/MICHELE'S OIL CO.	936 GALS DIESEL DEL 3/13	Open	2,773.09
23-00493	03/31/23	00456	KAY PRINTING	2023 REC BROCHURE/FULFILLMENT	Open	1,893.31
23-00494	03/31/23	00012	PROSTOCK MIDLAND	VEHICLE PART - DPW	Open	113.97
23-00495	03/31/23	03204	MONTAGUE TOOL & SUPPLY	REPAIR & SHARPEN BLADES - DPW	Open	23.97
23-00496	03/31/23	02429	GRAINGER	5 MARKING FLAGS - WATER DEPT	Open	38.55
23-00497	03/31/23	03118	REDICARE LLC	FIRST AID PREMIUM PKG - DPW	Open	84.00
23-00498	03/31/23	03150	ELECTRO BATTERY SYSTEMS	4 VEHICLE BATTERIES - DPW	Open	670.92
23-00499	03/31/23	03472	AMAZON CAPITAL SERVICES	SPILL CONTROL PLUG COMPOUND-FD	Open	36.98
23-00500	03/31/23	00201	GARBARINI & CO PC	AUDIT WORK QTR 4 2022-CURRENT	Open	4,200.00
23-00501	03/31/23	00201	GARBARINI & CO PC	AUDIT WORK QTR 4 2022-WATER	Open	3,800.00
23-00502	03/31/23	00201	GARBARINI & CO PC	AUDIT WORK QTR 4 2022-S WASTE	Open	3,800.00
23-00503	03/31/23	00201	GARBARINI & CO PC	2023 BUDGET PROCEDURES-CURRENT	Open	6,000.00
23-00504	03/31/23	00201	GARBARINI & CO PC	2023 BUDGET PROCEDURES-WATER	Open	4,000.00
23-00505	03/31/23	00201	GARBARINI & CO PC	2023 BUDGET PROCEDURES-S WASTE	Open	4,000.00

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23-00506	03/31/23	00201	GARBARINI & CO PC	MUNI. SECURITIES DISCLOSURE	Open	3,000.00
23-00507	03/31/23	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 3/31	Open	7,771.27
23-00508	04/03/23	00001	HOME HARDWARE	MARCH PURCHASES - DPW	Open	212.62
23-00509	04/04/23	02612	PITNEY BOWES BANK RESERVE ACCT	POSTAGE METER-CURRENT QTR 1	Open	1,293.52
23-00510	04/04/23	02612	PITNEY BOWES BANK RESERVE ACCT	POSTAGE METER-WATER TRST-QTR 1	Open	175.74
23-00511	04/04/23	02612	PITNEY BOWES BANK RESERVE ACCT	POSTAGE METER-SOL. WASTE QTR 1	Open	93.39
23-00512	04/04/23	03326	PITNEY BOWES GLOBAL FIN SVCS.	POSTAGE METER RENTAL 12/1-5/31	Open	1,069.38
23-00513	04/04/23	02273	HHK/SR SOCCER ASSN	REFUND 2023 JIF INSUR. SOCCER	Open	4,800.00
23-00514	04/04/23	02590	AMERICANWEAR, INC.	MAR 2023 UNIFORMS - ROADS 2/3	Open	240.43
23-00515	04/04/23	02590	AMERICANWEAR, INC.	MAR 2022 UNIFORMS - WATER 1/3	Open	120.22
23-00516	04/04/23	00024	POSTMASTER - US POSTAL SERVICE	BULK MAIL POSTAGE DEPOSIT	Open	3,500.00
23-00517	04/04/23	00024	POSTMASTER - US POSTAL SERVICE	BULK MAIL POSTAGE DEPOSIT	Open	1,500.00
23-00518	04/04/23	03208	MONMOUTH TELECOM	TELECOM SERVICE - MAR/APR	Open	805.45
23-00519	04/05/23	03529	SCHWANEWEDE/HALS & VINCE	PLAN REV-RD OPENING-111 1ST ST	Open	220.00
23-00520	04/05/23	02863	LAW OFFICES OF GARY CUCCHIARA	PLANNING BD LEGAL SVCS - FEB	Open	1,980.00
23-00521	04/05/23	02863	LAW OFFICES OF GARY CUCCHIARA	PLAN BD SVCS-JAN/FEB 225 WEARI	Open	80.00
23-00522	04/05/23	02863	LAW OFFICES OF GARY CUCCHIARA	REV DOCS/CORRES. - CROSSINGS	Open	260.00
23-00523	04/05/23	02863	LAW OFFICES OF GARY CUCCHIARA	ZBA LEGAL SVCS - FEB	Open	1,220.00
23-00524	04/05/23	02863	LAW OFFICES OF GARY CUCCHIARA	REV CORRESPOND. - 225 ACKERMAN	Open	420.00
23-00525	04/05/23	02711	OPTIMUM *	OPTIMUM SVC BORO HL 4/1-4/30	Open	29.95
23-00526	04/05/23	00229	BORO OF H-H-K WATER DEPARTMENT	1ST QTR WATER BILLING TO DEPTS	Open	810.37
23-00527	04/05/23	99874	PRIESTNER, DAN	REIMB-REPAIR TO TABLET SCREENS	Open	300.00
23-00528	04/05/23	03538	JAMAR TECHNOLOGIES, INC.	RADAR KIT WITH LAPTOP - POLICE	Open	5,350.00
23-00529	04/05/23	02331	WISS & BOUREGY P. C.	BORO ATTORNEY LEGAL SVCS- MAR	Open	5,150.00
23-00530	04/05/23	02331	WISS & BOUREGY P. C.	LEGAL SVCS RE:TAX APPEALS-MAR	Open	375.00
23-00531	04/05/23	02331	WISS & BOUREGY P. C.	LEGAL SVCS RE: OPRA - MAR	Open	2,975.00
23-00532	04/05/23	02331	WISS & BOUREGY P. C.	LEGAL SVCS RE: FIRE DPT MATTER	Open	3,412.50
23-00533	04/05/23	03277	ETD DISCOUNT TIRE CENTERS	8 TIRES - POL VEHICLES	Open	1,864.00
23-00534	04/05/23	00294	STATE OF NEW JERSEY-PWT	1ST QTR PENNY TAX -WATER USAGE	Open	229.84
23-00535	04/05/23	03472	AMAZON CAPITAL SERVICES	MAST ANTENNA WITH CABLE-DPW	Open	28.95
23-00538	04/05/23	03519	CARE PLUS NJ, INC.	EMPLOY ASSISTANCE PROG JAN-MAR	Open	547.80
23-00539	04/05/23	80284	KIM, SAMUEL	REIMB-AUDIOEYE ICON PD WEBSITE	Open	490.00
23-00540	04/05/23	02484	RACHLES/MICHELE'S OIL CO.	590 GALS GAS DELIVERED 3/20	Open	1,379.84
23-00541	04/06/23	00610	NJ DEPT OF HEALTH	3/1-3/31 DOG LIC #299-368	Open	126.00
23-00542	04/06/23	80068	MALES, CHRIS	FOLD/STUFF/SEAL-Q1 WATER BILLS	Open	400.00
23-00543	04/06/23	80305	NH PROJECT GRADUATION	N HIGHLANDS PROJECT GRADUATION	Open	500.00
23-00544	04/06/23	03119	KONICA MINOLTA ****	COPIER PLN/ZON/CONS 1/4-4/3	Open	77.09
23-00545	04/06/23	03261	KONICA MINOLTA BUS. SOLUTIONS	POLICE COPIER-COPIES 3/4-4/3	Open	44.37
23-00546	04/06/23	00754	WALDWICK PRINTING COMPANY	ENGRAVED SIGNS-ADMIN/ZBA/PL BD	Open	84.00
23-00547	04/06/23	00140	VILLAGE OF RIDGEWOOD	FIRE ALARM INSTALLATION-BRKSID	Open	3,380.00
23-00548	04/06/23	00140	VILLAGE OF RIDGEWOOD	FIRE ALARM REPAIR-BROOKSIDE	Open	1,840.00
23-00549	04/10/23	03529	SCHWANEWEDE/HALS & VINCE	INSPECTIONS - CROSSINGS	Open	5,840.00
23-00550	04/10/23	00144	BORO OF H-H-K PAYROLL ACCT	MEDICAL/PRESCRIPT/DENTAL - APR	Open	78,074.36
23-00551	04/10/23	03288	GLOBAL INTERACTIVE SOLUTIONS	ZOOM PRO CONTRACT TO 5/14/2024	Open	398.80
23-00552	04/10/23	02723	CLARKE CATON HINTZ	COAH ADMIN. MATTERS - FEB	Open	4,072.53
23-00553	04/10/23	01607	BURGIS ASSOCIATES, INC.	AFFORD UNIT REQUIREMENTS-ADMIN	Open	116.25
23-00554	04/10/23	00105	P S E & G	FEB/MARGAS/ELECT. - CURRENT	Open	8,102.23
23-00555	04/10/23	00105	P S E & G	FEB/MAR GAS/ELECT. -WATER DEPT	Open	13,378.91
23-00556	04/10/23	03267	ELIZABETH STEWART, LLC	ARBORIST SVCS FEB/MAR-SH. TREE	Open	2,700.00
23-00557	04/10/23	02949	TREASURER - STATE OF NJ *	STORMWATER DISCHARGE PERMIT FE	Open	1,050.00
23-00558	04/10/23	00246	THE RIDGEWOOD NEWS	ONE YEAR SUBSCRIPTION RENEWAL	Open	19.73
23-00559	04/10/23	02671	SUBURBAN DISPOSAL INC.	SOLID WASTE/RECYCLING MAR 2023	Open	69,415.31
23-00560	04/10/23	01151	OAKLAND-MARINE & EQUIPMENT	CARBURETOR-LANDSCAPE EQUIP.	Open	71.99

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23-00561	04/10/23	02846	GTBM	E-TICKET BILLING JAN-MAR POL	Open	99.75
23-00562	04/11/23	00936	PATTMAN, JEFFREY	REIMB. WATER LICENSE	Open	51.65
23-00563	04/11/23	03048	QUALITY AUTOMALL	SWITCH & FILTERS - VEHICLES	Open	171.68
23-00564	04/11/23	00419	PROFESSIONAL GOVT EDUCATORS	L/T BUDGETING SEMINAR -J CITRO	Open	90.00
23-00565	04/11/23	00821	AT&T	MAR 2023 FAX/LONG DISTANCE	Open	96.59
23-00566	04/12/23	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MNTH 4/14	Open	176,907.55
23-00567	04/12/23	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 4/14	Open	8,020.19
23-00568	04/12/23	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-SWASTE 1/2 MNTH 4/14	Open	7,141.72
23-00569	04/12/23	03529	SCHWANEWEDE/HALS & VINCE	SITE PLAN REV-33 DEERHILL RD	Open	400.00
23-00570	04/12/23	03529	SCHWANEWEDE/HALS & VINCE	SITE PLAN REVISION-33 DEERHILL	Open	125.00
23-00571	04/12/23	03529	SCHWANEWEDE/HALS & VINCE	PLAN REVIEW-910 HOLLYWOOD AVE	Open	400.00
23-00572	04/12/23	03529	SCHWANEWEDE/HALS & VINCE	SITE PLAN REVIEW-910 HOLLYWOOD	Open	125.00
23-00573	04/12/23	03529	SCHWANEWEDE/HALS & VINCE	REV/SOIL MOVING-910 HOLLYWOOD	Open	375.00
23-00574	04/12/23	03529	SCHWANEWEDE/HALS & VINCE	PL REV/SOIL MOVNG-5 WHISPERING	Open	650.00
23-00575	04/12/23	03529	SCHWANEWEDE/HALS & VINCE	PLAN REV/SOIL MOVING-977 WSRR	Open	1,300.00
23-00576	04/12/23	00022	STONE INDUSTRIES, INC.	TOP ASPHALT - ROADS DPT	Open	146.85
23-00577	04/12/23	03048	QUALITY AUTOMALL	BRAKE KITS - POL VEHICLES	Open	272.00
23-00578	04/12/23	03529	SCHWANEWEDE/HALS & VINCE	ENG INSPECTION-849 WICKHAM WAY	Open	160.00
23-00579	04/12/23	80119	MORRISSEY, OWEN	REIMB. FOR EYEWEAR - 2023	Open	200.00
23-00580	04/12/23	02983	NJ ST ASSN OF CHIEFS OF POLICE	PROG. RE-ACCREDITATION FEE-POL	Open	1,334.00
23-00581	04/12/23	03004	WYCKOFF WASH	CAR WASHES-POL VEHICLES-MARCH	Open	38.50
23-00582	04/13/23	02513	HOFFMAN SERVICES INC	ANNUAL POSHA LIFT INSPECT.-DPW	Open	500.00
23-00583	04/13/23	03282	TREASURER, STATE OF NEW JERSEY	ANNUAL ELEVATOR INSPECTION FEE	Open	258.00
23-00584	04/13/23	00936	PATTMAN, JEFFREY	REIMB TRAINING-SAFE WATER	Open	115.00
23-00585	04/14/23	80298	PISANO, MICHAEL & LISA	RETURN ENG. BOND-622 WARREN AV	Open	1,500.00
23-00587	04/14/23	02892	TRUGREEN	LAWN SERVICE 4/3 -NORTH FIELD	Open	527.17
23-00588	04/14/23	01779	OUTSTANDING SERVICE	CHECK TANKS/BIOCIDES TREATMENT	Open	249.90
23-00589	04/14/23	03159	BOSWELL ENGINEERING. INC.	BACTERIOLOGICAL TEST-CROSSINGS	Open	925.00
23-00591	04/14/23	00038	VERIZON	WATER DEPT PHONES MAR/APR	Open	86.99
23-00592	04/14/23	00038	VERIZON	BORO DEPTS. PHONES - MAR/APR	Open	363.19
23-00593	04/14/23	02863	LAW OFFICES OF GARY CUCCHIARA	ZBA LEGAL SERVICES - MARCH	Open	1,100.00
23-00594	04/14/23	02863	LAW OFFICES OF GARY CUCCHIARA	PLANNING BD LEGAL SVCS - MARCH	Open	460.00
23-00595	04/14/23	02863	LAW OFFICES OF GARY CUCCHIARA	REV COMPLIANCE REP-CROSSINGS	Open	160.00
23-00596	04/14/23	02863	LAW OFFICES OF GARY CUCCHIARA	REV CORRESPONDENCE-225 ACKERMAN	Open	480.00
23-00597	04/17/23	03318	NATURAL GREEN LAWN CARE	REMOVAL/STORAGE-TURF BLANKETS	Open	1,432.00
23-00598	04/17/23	00255	NORTH JERSEY MEDIA GROUP	BORO LEGAL ADS - MARCH	Open	122.54
23-00599	04/17/23	00255	NORTH JERSEY MEDIA GROUP	PLANNING BD LEGAL NOTICE - MAR	Open	25.52
23-00600	04/17/23	03495	TOLLS BY MAIL	GWB EZ PASS TOLL-AMBULANCE	Open	46.00
23-00601	04/17/23	03280	CLEANING WORLD, INC.	CLEANING SVC - APRIL	Open	1,775.00
23-00602	04/17/23	00140	VILLAGE OF RIDGEWOOD	SEWER USE FEES 21 HOMES - 2023	Open	8,400.00
23-00603	04/18/23	03527	BOTTA ANGELI, L.L.C.	PROF SVCS PROSECUTOR - APR	Open	916.66
23-00604	04/18/23	03192	PIAZZA & ASSOCIATES, INC.	COAH CONSULTING - QTR 2 ADMIN	Open	300.00
23-00605	04/18/23	03468	MARRONE PEST MANAGEMENT SVCS.	PEST CONTROL BORO HALL-4/3	Open	180.00
23-00606	04/18/23	03529	SCHWANEWEDE/HALS & VINCE	STORMWATER MGT FILES	Open	50.00
23-00607	04/18/23	03529	SCHWANEWEDE/HALS & VINCE	INSPECT RD OPENING-7 BOILING S	Open	220.00
23-00608	04/18/23	01662	AAA EMERGENCY SUPPLY	HYDROTEST/O RING OVERHAUL-FIRE	Open	180.00
23-00609	04/18/23	03342	SPECTROTEL	INTERNET ACCESS OVER FIBER-APR	Open	390.04
23-00610	04/18/23	00213	AMERICAN TRADE MARK	ENGRAVE/PAINT 18 RADIOS-FIRE D	Open	405.00
23-00611	04/18/23	03158	WM RECYCLE AMERICA	RECYCLING PICKUPS MAR - DPW	Open	434.06
23-00612	04/18/23	00012	PROSTOCK MIDLAND	LIFT SUPPORTS/STARTER-VEHICLES	Open	331.08
23-00613	04/18/23	99874	PRIESTNER, DAN	REIMB-WHEEL WELL #5 STRP TOWER	Open	2,015.21
23-00614	04/18/23	02934	HUNTER EQUIPMENT SERVICES, LLC	REPAIR-HUNTER DSP BALANCER DPW	Open	260.00

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23-00615	04/18/23	00958	STATE OF NJ DEPT OF LABOR	QTR END 3/31/21 UNEMPLOYMENT	Open	3,654.11
23-00616	04/18/23	03529	SCHWANEWEDE/HALS & VINCE	BROOKSIDE RESURFACING	Open	1,200.00
23-00617	04/18/23	03529	SCHWANEWEDE/HALS & VINCE	STATE AID APPLIC WSRR RESURFAC	Open	4,945.00
23-00618	04/18/23	03540	ACCSES NEW JERSEY, INC.	BLDING AIR FILTERS - DPW	Open	360.98
23-00619	04/18/23	03529	SCHWANEWEDE/HALS & VINCE	PL REV-SOIL MOVING 33 DEERHILL	Open	250.00
23-00620	04/18/23	03319	AGRA ENVIRONMENTAL & LAB SVCS	WATER SAMPLES 3/21 & 4/4	Open	316.00
23-00621	04/18/23	02863	LAW OFFICES OF GARY CUCCHIARA	REVIEW DOCS/CORRESPON-906 WSRR	Open	870.00
23-00622	04/18/23	03529	SCHWANEWEDE/HALS & VINCE	PL REV/SOIL MOVE-14 SADDLE RIDG	Open	1,025.00
23-00623	04/18/23	00016	PETTY CASH - JOAN HERVE	REIMBURSE PETTY CASH - JAN-APR	Open	117.22
23-00624	04/18/23	00638	AQUARIUS SUPPLY INC	SOLENOID - DPW	Open	23.46
23-00625	04/18/23	03187	PRIME LUBE, INC. *	1 DRUM OF VEHICLE OIL - DPW	Open	688.88
23-00626	04/18/23	03247	JEM INDUSTRIAL SERVICES, INC.	DRUM PUMP/DEGREASER - DPW	Open	914.71
23-00628	04/19/23	03529	SCHWANEWEDE/HALS & VINCE	INSP. SEEPAGE PIT-241 BLAUVELT	Open	160.00
23-00629	04/19/23	00555	P S E & G *	ELECT. SVC-EASTGATE THRU 4/11	Open	66.25
23-00630	04/19/23	03529	SCHWANEWEDE/HALS & VINCE	PLAN REV/ZBA MTG-225 ACKERMAN	Open	880.00
23-00631	04/19/23	03267	ELIZABETH STEWART, LLC	TREE PLANTING PLAN225 ACKERMAN	Open	90.00
23-00632	04/19/23	02069	PATTMAN PLUMBING	A/C REFRIGERANT CHARGE-BORO HL	Open	1,817.50
23-00634	04/20/23	02271	H2M ASSOCIATES INC	WATER COMPLIANCE SERVICES -MAR	Open	1,642.50
23-00635	04/20/23	00936	PATTMAN, JEFFREY	REIMB. PICKUP GRABBERS - DPW	Open	223.30
23-00636	04/20/23	01910	E M GRANT	NEW GAS PUMP AND DISPLAY-DPW	Open	4,978.30
23-00637	04/20/23	01607	BURGIS ASSOCIATES, INC.	REVISED PLAN/RESOLUTION-CROSSI	Open	232.50
23-00638	04/20/23	01607	BURGIS ASSOCIATES, INC.	SUMMARY DOC-PL BD-HAZARD STUDY	Open	310.00
23-00639	04/20/23	02703	NORTHEAST WATER TECHNOLOGY	WATER LEAK SURVEY SVCS-1ST QTR	Open	6,363.00
23-00640	04/20/23	80316	CEBULSKI, DIANE	REIMB - EYE WEAR 2023	Open	300.00
23-00641	04/21/23	80202	JONES, WILLIAM J.	REIMB. EYE GLASSES - 2023	Open	300.00
23-00642	04/21/23	03541	JENNIFER MONTAGNE, LEGAL ASST.	STATE TAX APPEAL-18 POWDERHORN	Open	13,856.50

Resolution #23-57

A Resolution - Reinstate of Fire Fighter – Benjamin J. Tyler

WHEREAS, the Fire Department of the Borough of Ho-Ho-Kus, through its Acting Chief, has recommended to the Mayor and Council the too reinstate member as follows; and
WHEREAS, Benjamin J. Tyler passed his physical as required by the Borough; and
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that Benjamin J. Tyler is recommended to the New Jersey State Fireman's Association for membership.

Resolution #23-58

A Resolution - Recycling Tonnage Grant

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and
WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and
WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and
WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and
WHEREAS, A resolution authorizing this municipality to apply for the 2022 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough of Ho-Ho-Kus Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

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WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the Mayor and Council hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Jeffrey Pattman DPW Superintendent, Certified Recycling Professional (CRP) to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution #23-59

A Resolution - Designating May 14th – May 20th as “Police Recognition Week”

WHEREAS. The Law enforcement officer of New Jersey have served, and continue to serve, the citizens of our communities with selfless devotion, regardless of the peril or hazard to themselves; and

WHEREAS, Each day these officers preserve and protect the lives and property of the people of our State; and

WHEREAS, By enforcing federal and State law, these officers have secured the internal freedoms and rights we enjoy, most notably a freedom from the fear of violence and civil disorder that plagues the citizens of so many other nations; and

WHEREAS, These men and women, by their distinctive service and dedicated efforts as law enforcement officers, have earned our highest respect and deepest gratitude; and

WHEREAS, Since the enactment of Public Law 87-726 in 1962, the successive Presidents of this nation have each year proclaimed May 15th as Peace Officers Memorial Day, publicly recognizing the dedicated service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws and respectfully honoring all those officers who have been killed or disabled in the line of duty; and

WHEREAS, With the enactment of P.L. 1998, c.150 (C.26:2-50), the Legislature set aside May 15th as Peace Officers Memorial Day in this State to publicly recognize the peace officers throughout the State; and

WHEREAS, It is altogether fitting and proper to designate the days preceding Peace Officers Memorial Day, May 14th through 20th, as :Police Recognition Week” and encourage communities throughout the State to organize and sponsor appropriate ceremonies and activities which recognize and publicly acknowledge our appreciation of the selfless, heroic acts these officers perform every day; now, therefore,

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Ho-Ho-Kus call upon on all Citizens of Ho-Ho-Kus and upon all patriotic, civic and educational organizations to observe the week of May 14 – May 20, 2023, as Police Week, observing and commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves and enviable and enduring reputation for preserving the rights and security of all citizens; and

BE IT FURTHER RESOLVED, that a copy of the Resolution be forwarded to the seventy municipalities, the Police Department of each municipality, the Chief of the County Police Department, the Bergen County Director of Public Safety and the officers of the Bergen County 200 Club

Resolution #23-60

A Resolution - Forgiveness of Solid Waste 2nd Qtr. Bills

WHEREAS, 58 Jacquelin Ave, 23 Pitcairn Ave, 2 Pitcairn Ave, 109 Arbor Dr, 849 Wickham Way, and 12 Powderhorn Rd, which are lots under construction; and

WHEREAS, the above residential structures and lots will be credited accordingly and then will be reviewed for the balance.

NOW THEREFORE, be it resolved that the bills in question be cancelled.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to the Water & Solid Waste Registrar.

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Resolution #23-61

A Resolution - Forgiveness of Water bill – 609 W. Saddle River Rd

WHEREAS, resident and volunteer fireman Michael Medico located at 609 W Saddle River Rd, Block 1205 Lot 3 for 1st Quarter 2023 in the amount of \$115.44 for consideration of VIP

WHEREAS, the above residential property will be credited accordingly

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus hereby authorizes that the bill in question be cancelled.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to the Water & Solid Waste Registrar.

Resolution #23-62

A Resolution - Forgiveness of Water bill – 604 N. Maple Avenue

WHEREAS, Commercial building owned by Pandolfo Brothers LLC located at 604 N Maple Ave 2nd floor apartment, Block 1015 Lot 11 will be credited \$1,287.85 and Sunny Wok also at 604 N Maple Ave forgiveness of \$ 1,287.85 for 2 year look back period of incorrect billings from 1st Quarter 2021 through 4th Quarter 2022, due to incorrect meter assignments in 2014.

THEREFORE, BE IT RESOLVED, that the Water & Solid Waste Registrar is hereby authorized to process, without further action on part of the Governing Body; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be provided by the Municipal Clerk to the Water & Solid Waste Registrar.

Resolution #23-63

A Resolution - Forgiveness of Water bill – 604 N. Maple Avenue

WHEREAS, Arbor Day originated in 1872, when J. Sterling Morton asked the Nebraska Board of Agriculture to dedicate a day to the planting of trees; and

WHEREAS, a century after the first Arbor Day in Nebraska, President Nixon proclaimed the first National Arbor Day; and

WHEREAS, the celebration of Arbor Day has resulted in the planting of more than one million trees; and

WHEREAS, trees clean our air, moderate the temperature, and provide wildlife habitat; and

WHEREAS, the first Earth Day was celebrated on April 22, 1970; and

WHEREAS, Earth Day originated in the US and became recognized worldwide by 1990 with two hundred million people in over one hundred forty nations participating; and

WHEREAS, the observance of Earth Day will highlight and focus our attention on reducing our own environmental footprint, and

WHEREAS, Earth Day is a day celebrated around the globe to remind us all to do our part to protect the earth for future generation; and

WHEREAS, both Arbor Day and Earth Day celebrate our natural world and our commitment to preserving it;

NOW, THEREFORE BE IT RESOLVED, that the Mayor & Council hereby recognizes April 22, 2023, as Earth Day and April 26, 2023 as Arbor Day in the Borough of Ho-Ho-Kus.

A motion was offered by Council President Troast and seconded by Councilman Crossley to approve Resolutions #23-56 thru #23-63. Motion carried on a roll call vote – All present voting “Aye”.

LIAISON REPORTS

Recreation – Councilman Iannelli reported spring sports are underway. Registration is ready for summer sports. Fall registration will be posted in late summer. HHK Day planning has begun which is scheduled for September 9th with a rain date of September 10th. Invitations to participate has been offered to the merchants in town first and will going out to other organizations in the next few days. Movie night is scheduled for September 8th.

Library – No Report

Board of Education – No Report

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Ambulance Corps – Council Crossley reported they had their Ambulance Corp. meeting last night; where 17 members were in attendance. Sunday crew was available over the weekend for the Girls Scouts, Seeing Eye Dog Charity Bake Sale and the Molly Pearson Blood Drive. Valley BLS will be giving an EpiPen class to all our members at their May meeting. On May 7th they will be part of the Waldwick annual 5k race to provide mutual aid with Waldwick EMS.

Shade Tree/Beautification – Councilman Crossley reported now that the budget has been adopted this will begin our Phase 2 projects which includes; the building and grounds outside of the borough, adding more planters on Sheridan, the turnpike and Sycamore and updating all the current plant boxes with new plantings.

Fire Department – Councilman Shell reported tonight we reinstated Firefighter Ben Tyler, it's great to see his continued interest in volunteering in the Fire Department. As always they continued to answer calls and protect the residents of Ho-Ho-Kus.

Chamber of Commerce – Councilman Shell reported they continue to do ribbon cuttings for new business that are coming into town and joining the Chamber. They are looking forward to participating in HHK Day.

Police – Administrator Jones on behalf of Chief LaCroix reported they had their 2nd LEAD Graduation at HHK School last week. Town Green vandalism matter is still under investigation. The graffiti issue has been forwarded over to the Bergen County Prosecutors office along with HHK detective bureau.

DPW – No Report

MAYOR'S REMARKS

CLOSED SESSION - On a motion by Councilman Crossley, seconded by Councilman Shell, the Mayor and Council approved entering into Executive Session closed to the public. Motion Carried by voice vote – all present voting “Aye”.

A Resolution - providing for a meeting not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. NJSA 10:4-12

Whereas, the Borough Council of the Borough of Ho-Ho-Kus is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6; and

Whereas, the Open Public Meetings Act, NJSA 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 Borough Council of the Borough of Ho-Ho-Kus to discuss in a session not open to the public certain matters relating to the item or items authorized by NJSA 10:4-12 (b) as follows:

7-Pending or anticipated litigation

8-Matter involving employment

Now therefore, be it resolved by the Borough Council of the Borough of Ho-Ho-Kus assembled in public session on May 25, 2023 that an Executive Session closed to the public be and the same is hereby authorized for discussion of matters relating to the specified items designated above.

Closed Session began at 8:15 p.m. and ended at 8:21 p.m.

ADJOURNMENT

On a motion by Councilman Crossley, seconded by Councilman Iannelli, the meeting was adjourned at 8:22 p.m. Motion Carried by voice vote – all present voting “Aye”.

Respectfully submitted,

Joan Herve RMC/CMR
Borough Clerk