

Borough of Ho-Ho-Kus
County of Bergen
Mayor and Council Public Meeting Minutes
March 23, 2021 7:30 p.m.

The Public Meeting of the Municipal Council of the Borough of Ho-Ho-Kus was held Via ZOOM Meeting on March 23, 2021. The meeting was called to order at 7:30 p.m. by Mayor Randall asked the Municipal Clerk to read the open public meeting statement:

The Public 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
Councilman.....	Steven Shell
Councilman.....	Edward Iannelli
Councilman.....	Kevin Crossley
Councilman.....	Dane Policastro
Councilwoman.....	Kathleen Moran

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

DEPARTMENT REPORTS: Reports are on file in the Municipal Clerk’s office:
Shade Tree 2021 Quarterly Report

FLAG SALUTE:

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

APPROVAL OF MINUTES

A motion was offered by Councilman Policastro, seconded by Councilwoman Moran to approve the work session minutes of February 16, 2021 Public Meeting – Motion carried on a roll call vote – all present voting “Ayes.

A motion was offered by Councilwoman Moran, seconded by Councilman Crossley to approve the work session minutes of February 16, 2021 Public Meeting – Motion carried on a roll call vote – all present voting “Ayes.

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 or hearing none, Mayor closed the meeting to the public

ADMINISTRATOR’S REPORT

Administrator reported on the following;

Unfinished Business

DOT Train Station Project – Project scheduled to begin sometime in May or June

Brandywine/Valley Forge Drainage Improvement (Phase3) – Project has begun, it will take approximately 1 month to complete.

BC United Way/Madeline Partnership Affordable Housing Project – Project continues to be moving along.

HHK Crossing Project – updates in close session

Resurfacing of Mill Road, Section 2 – Schedule to being April (weather permitting), should take approximately two weeks to complete.

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Bank of America (10 Orvil Court) – updates in close session

New Business

Administrator stated tonight we will be introducing the budget. Also discussed was the ordinances that are on for introduction tonight.

CORRESPONDENCE - NONE

ADOPTION OF ORDINANCES and PUBLIC HEARING - NONE

INTRODUCTION OF ORDINANCE

ORDINANCE 2021-46

COUNCILMEMBER CROSSLEY: moved the introduction of the Ordinance on first reading by title only

COUNCILMEMBER POLICASTRO: Seconded.

ROLL CALL VOTE: All present voting “Aye”

**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 1.0% 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 2021 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 2.5% increase in the budget for said year, amounting to \$171,030 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 2021 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 \$239,442, and that the CY 2021 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.

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A motion was offered by Councilman Crossley and seconded by Councilwoman Moran to introduce Ordinance #2021-46. Motion carried on a roll call vote – All present voting “Aye”.

OFF-CONSENT RESOLUTIONS

Resolution #21-42- 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 2021; and

CURRENT FUND

General Appropriations

Appropriations within “CAPS”- Municipal Purposes	\$7,247,219.00
Appropriations excluded from “CAPS”-Municipal Purchases	2,831,218.36
Reserve for Uncollected Taxes	<u>260,000.00</u>
Total General Appropriations	10,338,437.36
Less: Anticipated Revenues	<u>2,513,841.12</u>
Amount to be raised by Taxes for Support of Municipal Budget	
Local Tax Municipal Purposes	\$7,385,889.00
Minimum Library Tax	<u>438,707.24</u>
Total to be raised by Taxes	<u>\$7,824,596.24</u>

WATER UTILITY FUND

Appropriations	<u>\$1,840,000.00</u>
Utility Revenues	<u>\$1,840,000.00</u>

SOLID WASTE UTILITY FUND

Appropriations	<u>\$1,337,000.00</u>
Utility Revenues	<u>\$1,337,000.00</u>

BE IT RESOLVED, that said budget be published in the Ridgewood News on April 2nd, 2021; and
BE IT FURTHER RESOLVED, that the Governing Body of the borough of Ho-Ho-Kus does hereby approve the following as the Budget for the year 2021

A motion was offered by Councilman Shell and seconded by Councilman Iannelli to approve Resolution #21-42. Motion carried on a roll call vote – All present voting “Aye”.

***Resolution #21-43 – Self-Examination of Budget (this resolution is not used as the Borough does not qualify for Self-Examination this year.

INTRODUCTION OF ORDINANCE

ORDINANCE 2021-47

COUNCILMEMBER CROSSLEY: moved the introduction of the Ordinance on first reading by title only

COUNCILMEMBER MORAN: Seconded.

ROLL CALL VOTE: All present voting “Aye”

AN ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE V, CHAPTER 85, ZONING OF THE BOROUGH OF HO-HO-KUS SO AS TO CLARITY REQUIREMENTS FOR CERTAIN POOL CABANA ACCESSORY STRUCTURES

WHEREAS, the Borough’s policy is to maintain the established residential character and scale of the R-1, R-2, and R-3 districts and to promote development that is in character and scale with the established neighborhoods and supported by the Borough’s Master Plan; and

WHEREAS, the borough seeks to limit the overbuilding of residential principal and accessory structures that are out of scale with their neighborhoods by appropriate development regulations; and

WHEREAS, to further the goal of promoting the appropriate character and scale of structures in residential zones, including accessory structures, some amendments to the zoning ordinance are reasonable and appropriate.

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BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus, in the County of Bergen and State of New Jersey, that Article V section §85-15.1 entitled “Accessory buildings and structures” hereby amending and supplemented the existing code in the following particulars only: (deleted sections are noted by ~~strike throughs~~, new sections are underlined)

Section 1. Amend section §85-15.1, by amending to add the following:

F. Accessory pool cabana. Pool cabana structures shall be subject to the following:

- (1) An accessory pool cabana is permitted to be a one-story, ground level, detached accessory structure enclosed with a roof, serving a lawfully existing and approved inground swimming pool on a residential property.
- (2) Only one accessory pool cabana is permitted per residential property.
- (3) Such a structure shall be used only for recreational or storage purposes associated with the principal residential use of the property.
- (4) The pool cabana structure shall not contain a bedroom and/or similar living quarters and shall not contain such accommodations to be defined as having a full service kitchen. A toilet, sink and exterior (only) shower are permitted.
- (5) In addition, a cabana shall comply with the following maximum dimensions:

Lot Size (square feet)	Maximum Cabana Size (square feet)
6,500 to 22,000	150
22,001 to 43,000	200
43,001 and greater	300

(6) A

deed restriction containing the following language is to be filed with the Bergen County Clerk's Office for the property containing the accessory pool cabana stating minimally the following:

The grantor and grantee specifically represent and warrant that this deed contains a Deed Restriction whereby the cabana use will not contain, bedrooms and/or living quarters, full service kitchen or used for sleeping. This deed restriction is intended to prohibit conversion to a habitable space.

- (7) Pool cabanas shall conform to the accessory structure setback and coverage requirements as set for the in the zone and in Section 85-15.1 herein.

Section 2. Amend section §85-7 B. by amending to add the following definition:

FULL SERVICE KITCHEN

A full-service kitchen includes an indoor area for food preparation containing a stove or range.

Section 3. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section 4. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. 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.

Section 6. This ordinance shall take effect twenty (20) days after final passage and publication as prescribed by law.

A motion was offered by Council President Troast and seconded by Councilman Iannelli to introduce Ordinance #2021-47. Motion carried on a roll call vote – All present voting “Aye”.

ORDINANCE 2021-48

COUNCILMEMBER POLICASTRO: moved the introduction of the Ordinance on first reading by title only

COUNCILMEMBER CROSSLEY: Seconded.

ROLL CALL VOTE: All present voting “Aye”

“AN ORDINANCE TO AMEND AND CLARIFY SECTION 77.7 OF ARTICLE III, CHAPTER 77 OF THE CODE ENTITLED “UNIFORM CONSTRUCTION CODE DEPARTMENT” WITH RESPECT TO LARGE OPEN VOLUME CONSTRUCTION PERMIT FEES

WHEREAS, the Borough of Ho-Ho-Kus has heretofore adopted Chapter 77.7 of the Code of the Borough of Ho-Ho-Kus; and WHEREAS, the Borough of Ho-Ho-Kus wishes to amend Chapter 77.7 (A)(1) so as to add sub-section (b) which clarifies the construction permit fees for large, open volume buildings BE IT ORDAINED by the Mayor and council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey as follows:

SECTION I

Chapter 77.7 (A)(1) of the Code is hereby amended by inclusion of a new subsection (b) as follows:

SECTION 77.7

Fee for a Construction Permit

The fees and charges required under the code of the Borough of Ho-Ho-Kus entitled Construction Codes, Uniform, shall be as follows (new section is in *italics* below):

A. The fee for a construction permit shall be the sum of the subcode fees listed in paragraphs a., 1. Through 10. Thereof, and shall be paid before the permit is issued.

(1) New construction and additions are based on the volume of structure:

(a) Volume of building in cubic feet x \$0.07.

(b) Fees for new construction of large, open-volume, single story spaces, such as barns, silos, greenhouses, warehouses, distribution centers, and other agricultural, and storage-use occupancies, the fee shall be based on volume and use groups as follows:

(1) for uses A1, A2, A3, A4, A5, F1, F2, S1, and S2: \$.021 per cubic foot.

(2) for the purpose of calculating the volume to determine the fee for these spaces as defined under sub-section(b)(1) above, the height shall be limited to 20 feet notwithstanding the fact that the actual height of the space may be greater than 20 feet. However, the minimum fee shall be not less than \$40.

Section II Severability

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section III Inconsistent Ordinances Repealed.

All ordinances or parts or ordinances which are inconsistent with the provisions of ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section IV Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Section V

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.

A motion was offered by Councilman Crossley and seconded by Councilman Iannelli to introduce Ordinance #2021-48. Motion carried on a roll call vote – All present voting “Aye”.

ORDINANCE 2021-49

COUNCILMEMBER IANNELLI: moved the introduction of the Ordinance on first reading by title only

COUNCILMEMBER MORAN: Seconded.

ROLL CALL VOTE: All present voting “Aye”

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE, CONVEYANCE AND
MODIFICATION OF A DRAINAGE EASEMENT LOCATED AT BLOCK 905, LOT 3,
40 DEERHILL DRIVE**

WHEREAS, N.J.S.A. 40A:12-4 authorizes a municipality to acquire easements; and

WHEREAS, N.J.S.A. 40A:12-5 permits a municipality to convey easements by Ordinance; and

WHEREAS, through consultation with the Borough’s engineering consultants, Schwanewede/Hals Engineering, the Borough has

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determined that an improved stormwater management system would be better facilitated by replacing the existing easement on the property located at 40 Deerhill Drive with a modified easement on the same property; and

WHEREAS, the Borough previously granted a soil moving permit to the property owners of 40 Deerhill Drive by Resolution dated October 25, 2005 for the purpose of installation of an improve stormwater management system;

WHEREAS, based upon the goal of mitigating the impact of stormwater in the area and mitigating the risk of flooding due to the presence of stormwater in the area and in consultation with the Borough's consulting engineers, the Borough has identified the located the modified easements as set forth in the "Deed of Easement" attached hereto, and the terms of which are incorporated herein;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council that the Borough is hereby authorized to convey the Deed of Easement aforesaid under the terms and conditions set forth herein/

After all requirements respecting the enactment of this Ordinance have been fulfilled and the aforesaid metes and bounds description and survey prepared by Conklin Associates dates March 8, 2021, revised March 16, 2021 and the Easement shall be recorded in the Office of the Bergen County Clerk.

2. Having passed a first reading, this Ordinance shall be published in the manner required by N.J.S.A. 40:49-6, at least once not less than ten (10) days prior to the time fixed for further consideration for final passage.

3. Pursuant to N.J.S.A. 40:49-6, at least one week prior to the time fixed for final passage, a copy of the Ordinance, together with notice of the introduction, including time and place fixed for final passage, shall be mailed to every person whose land may be affected by the Ordinance.

4. The Clerk shall, within sixty (60) days after the Ordinance becomes effective, file a Certified Copy thereof, under seal of the Borough of Ho-Ho-Kus, together with a copy of proof of publication thereof, in the Office of the Clerk of Bergen County, pursuant to N.J.S.A. 40:67-21

5. The Mayor, the Borough Attorney, and the Administrator are authorized to execute any and all instruments, or take such other action necessary to effectuate the purposes hereof.

6. This ordinance shall take effect after final passage and publication as provided by law

A motion was offered by Councilman Crossley and seconded by Councilman Iannelli to introduce Ordinance #2021-49. Motion carried on a roll call vote – All present voting "Aye".

CONSENT RESOLUTIONS (21-44 thru 21-48)

Resolution #21-44 – Introduced and read by Council President Troast

A Resolution - Payment of bills – March

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$1,962,212.93; 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 \$1,962,212.93; be approved and ratified respectively

BILL LIST:

20-01704	12/04/20	02375	ROUTE 23 AUTO MALL LLC	WATER UTILITY TRUCK	Open	53,822.00	0.00
20-01865	12/31/20	03036	GRAYBAR	SECURITY CAMERAS - DPW	Open	1,296.82	0.00
21-00028	01/12/21	00023	GANN LAW BOOKS	NJ ZONING/LAND USE ADMIN BOOKS	Open	470.00	0.00
21-00172	01/29/21	03298	PASCACK DATA SERVICES, INC	2 DELL OPTIPLEX COMPUTERS-POL	Open	3,979.54	0.00
21-00173	01/29/21	00001	HOME HARDWARE	FEB 2021 PURCHASES	Open	1,230.30	0.00
21-00174	01/29/21	00056	TYCO ANIMAL CONTROL SERVICES	ANIMAL CONTROL SVC FEB 2021	Open	560.00	0.00
21-00177	01/29/21	02686	ONE CALL CONCEPTS	ONE CALL MESSAGES - FEB 2021	Open	27.17	0.00
21-00178	01/29/21	02590	AMERICAN WEAR, INC.	FEB 2021 UNIFORMS - ROADS 2/3	Open	288.61	0.00
21-00179	01/29/21	02590	AMERICAN WEAR, INC.	FEB 2021 UNIFORMS - WATER 1/3	Open	144.30	0.00
21-00195	02/04/21	02900	EAGLE POINT GUN/T J MORRIS	AMMUNITION FOR POLICE DEPT	Open	1,344.00	0.00
21-00240	02/12/21	01662	AAA EMERGENCY SUPPLY	GMI METER & AIR PAK REPAIRS-FD	Open	1,523.98	0.00
21-00248	02/16/21	00208	W E TIMMERMAN	EPOKE AUTOMATIC SPREADER-DPW	Open	1,750.00	0.00

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21-00253	02/16/21	00106	M G L PRINTING SOLUTIONS	2500 SELF SEAL ENVELOPES-COURT	Open	315.00	0.00
21-00260	02/17/21	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES - WATER DEPT	Open	269.60	0.00
21-00277	02/22/21	01919	ULINE	3 CARTONS PAPER TOWELS - DPW	Open	264.18	0.00
21-00281	02/22/21	00030	HO-HO-KUS BOARD OF EDUCATION	SCHOOL TAX - MONTH OF MAR	Open	1,205,540.10	0.00
21-00285	02/22/21	01571	BOROUGH OF MIDLAND PARK	QTR 1-CONSTRUCTION INTERLOCAL	Open	20,000.00	0.00
21-00286	02/23/21	01662	AAA EMERGENCY SUPPLY	EQUIPMENT HYDRO TEST-FIRE DEPT	Open	360.00	0.00
21-00287	02/23/21	03306	SARJO INDUSTRIES, INC.	VEHICLE MAINTENANCE PARTS-DPW	Open	117.10	0.00
21-00288	02/23/21	01457	A-VAN ELECTRICAL SUPPLY INC	CAT 6E CABLE-BLDINGS & GROUNDS	Open	138.72	0.00
21-00289	02/23/21	00139	PRESTIGE LOCK & HOME	PANICBAR LEVER/KEYED T DPW KEY	Open	485.13	0.00
21-00290	02/23/21	02846	GTBM	E-TICKET BILLING OCT-DEC POL	Open	144.50	0.00
21-00291	02/23/21	00144	BORO OF H-H-K PAYROLL ACCT	DCRP FEBRUARY 2021	Open	334.01	0.00
21-00292	02/23/21	00144	BORO OF H-H-K PAYROLL ACCT	CURRENT SOCIAL SECURITY - FEB	Open	20,598.63	0.00
21-00293	02/23/21	00144	BORO OF H-H-K PAYROLL ACCT	WATER DPT SOCIAL SECURITY-FEB	Open	1,426.05	0.00
21-00294	02/23/21	00144	BORO OF H-H-K PAYROLL ACCT	SOL WASTE SOCIAL SECURITY-FEB	Open	1,068.23	0.00
21-00295	02/23/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MNTH 2/26	Open	166,925.07	0.00
21-00296	02/23/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 2/26	Open	7,451.06	0.00
21-00297	02/23/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MNTH 2/26	Open	5,745.86	0.00
21-00298	02/25/21	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES - POL DEPT	Open	152.42	0.00
21-00299	02/26/21	02489	FELDMAN BROTHERS ELEC SUPPLY	ELECTRIC SUPPLIES-WELL HOUSES	Open	458.32	0.00
21-00300	02/26/21	02712	OPTIMUM **	OPTONLINE SVC DPW - 1/16-2/15	Open	116.47	0.00
21-00301	02/26/21	80119	MORRISSEY, OWEN	REIMB. FOR EYEWEAR - 2021	Open	200.00	0.00
21-00302	02/26/21	01609	JESCO, INC.	BLADES FOR LOADER PLOWS - DPW	Open	793.22	0.00
21-00303	02/26/21	03299	GEM SPORTS, LLC	UNIFORM FOR DISPATCHER	Open	145.00	0.00
21-00304	02/26/21	00712	CLIFFSIDE BODY CORPORATION	PARTS FOR SALTER DPW VEH #769	Open	539.78	0.00
21-00305	02/26/21	01647	WSP USA	LAB WATER TESTING	Open	1,134.50	0.00
21-00306	02/26/21	03159	BOSWELL ENGINEERING. INC.	DESIGN WATER TREATMNT SY 1/29	Open	1,746.00	0.00
21-00307	02/26/21	00095	TRAFFIC SAFETY & EQUIPMENT	HANDHELD PLOW CONTROL - DPW	Open	350.40	0.00
21-00308	02/26/21	02723	CLARKE CATON HINTZ	COAH REPORT/FAIR SH MONITOR RP	Open	1,418.00	0.00
21-00309	02/26/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG PLAN REV. REVISION-1110/9	Open	125.00	0.00
21-00310	02/26/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG SITE PLAN REVIEW-501/4	Open	400.00	0.00
21-00311	02/26/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG ROAD OPENING FEE-WARREN AV	Open	1,250.00	0.00
21-00312	02/26/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG RD OPENING FEE-849 WICKHAM	Open	250.00	0.00
21-00313	02/26/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG. PLAN REVIEW - 1301/21	Open	400.00	0.00
21-00314	02/26/21	03239	AT&T MOBILITY	IPAD/CELL PHONE SV 1/12-2/11	Open	1,845.04	0.00
21-00315	02/26/21	00201	GARBARINI & CO PC	SECONDARY MARKET DISCOLSURES	Open	3,000.00	0.00
21-00316	02/26/21	00201	GARBARINI & CO PC	2021 FAST BUDGET SUBMISSION	Open	2,000.00	0.00
21-00317	03/01/21	00031	T.C.T.A. OF NJ	MEMBERSHIP - TAX COLLECTOR	Open	100.00	0.00
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21-00319	03/03/21	02701	ALL SERVICE	3/16" HOSE AND CLAMP - DPW	Open	19.80	0.00
21-00320	03/03/21	03208	MONMOUTH TELECOM	TELECOM SERVICE MAR	Open	1,148.58	0.00
21-00321	03/03/21	03305	AMERICA THE BEAUTIFUL FLAGS	FLAGS AND FLAGPOLE PARTS-DPW	Open	293.38	0.00
21-00322	03/03/21	02558	JASON SZAPKA JS TOOLS LLC	ESSENTIAL COIL KIT - DPW	Open	139.40	0.00
21-00323	03/03/21	02271	H2M ASSOCIATES INC	HYDROLOGICAL WATER SVCS 1/29	Open	825.00	0.00
21-00324	03/03/21	03224	ALS GROUP USA CORP.	COLIFORM TESTS - 2/24	Open	44.00	0.00
21-00325	03/03/21	03001	TREASURER, STATE OF NEW JERSEY	SOL WASTE TRANSPORTER REGISTRA	Open	400.00	0.00
21-00326	03/03/21	01764	HAVILAND PHOTOGRAPHY	PICTURES MASTERPLAN/SOC MEDIA	Open	700.00	0.00
21-00327	03/03/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG. PLAN REVIEW 1015/13 & 14	Open	675.00	0.00
21-00328	03/03/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG FINAL PLAN REVIEW 404/13	Open	110.00	0.00
21-00329	03/03/21	01580	MCMMASTER-CARR	HEX/NUT KIT/PULL HANDLE-WATER	Open	345.98	0.00
21-00330	03/03/21	02965	CORE & MAIN LP	6" OS&Y VALVE - WELL #2	Open	838.82	0.00
21-00331	03/03/21	03330	NH SAFE SOBER PROJ GRAD 2021	N HIGHLANDS PROJECT GRADUATION	Open	500.00	0.00
21-00332	03/04/21	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES - DPW	Open	107.96	0.00
21-00333	03/04/21	00012	PROSTOCK MIDLAND	BELT PULLEY - DPW	Open	27.95	0.00

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21-00334	03/04/21	03294	CARUCCI, LAURA A.	TRANSCRIBE ZOOM ZBA MTG 2/4	Open	810.00	0.00
21-00336	03/04/21	01607	BURGIS ASSOCIATES, INC.	SVCS RE:CROSSINGS REDEVELOPME	Open	937.50	0.00
21-00337	03/04/21	01446	ROGUT MC CARTHY	CROSSINGS REVIEW 11/2-1/28	Open	4,164.48	0.00
21-00338	03/08/21	03261	KONICA MINOLTA BUS. SOLUTIONS	POLICE COPIER-COPIES 2/4-3/3	Open	51.71	0.00
21-00339	03/08/21	02711	OPTIMUM *	OPTIMUM SVC BORO HL 3/1-3/31	Open	29.95	0.00
21-00340	03/08/21	02671	SUBURBAN DISPOSAL INC.	SOLID WASTE/RECYCLING FEB 2021	Open	64,870.60	0.00
21-00341	03/08/21	00440	PITNEY BOWES, INC	POSTAGE METER - SUPPLIES	Open	210.87	0.00
21-00342	03/08/21	03215	STATE TOXICOLOGY LABORATORY	2 RANDOM DRUG TESTS-POLICE DPT	Open	90.00	0.00
21-00343	03/08/21	03331	JENNIFER JACOBUS - TRUSTEE	STATE TAX APPEAL - 2020 REFUND	Open	8,250.00	0.00
21-00344	03/08/21	00012	PROSTOCK MIDLAND	LUBE & FUEL FILTERS -FIRE DPT	Open	31.56	0.00
21-00345	03/08/21	03306	SARJO INDUSTRIES, INC.	BOLTS/FUSES/SCREWS/NUTS-DPW	Open	832.40	0.00
21-00346	03/08/21	03049	STORR TRACTOR COMPANY	GAS SHOCK/HEATER AIRFILTER-DPW	Open	147.72	0.00
21-00347	03/08/21	00886	SCHWANEWEDE/HALS ENGINEERING	BID REV/AWARD-MILL RD RESURFAC	Open	2,539.95	0.00
21-00348	03/08/21	00886	SCHWANEWEDE/HALS ENGINEERING	MTG W/DOT-RE:RAILROAD CROSSING	Open	150.00	0.00
21-00349	03/08/21	00886	SCHWANEWEDE/HALS ENGINEERING	MTGS/INSPECTS-BRANDYWINE DRAIN	Open	2,650.00	0.00
21-00350	03/08/21	02196	AMERICAN HOSE & HYDRAULICS	MOTOR REPAIR - DPW VEHICLE	Open	616.21	0.00
21-00351	03/08/21	03256	THE ALAIMO GROUP, INC.	ON SITE CHECK 802/1.01	Open	217.50	0.00
21-00352	03/08/21	03256	THE ALAIMO GROUP, INC.	ON SITE CHECK-802/10.07	Open	72.50	0.00
21-00353	03/08/21	03256	THE ALAIMO GROUP, INC.	ON SITE CHECK 802/10.01	Open	145.00	0.00
21-00354	03/08/21	03256	THE ALAIMO GROUP, INC.	SITE PLAN/SUB DIV REV-802/3.01	Open	800.00	0.00
21-00355	03/08/21	03256	THE ALAIMO GROUP, INC.	SITE PL/SUB DIV REV-802/10.05	Open	800.00	0.00
21-00356	03/08/21	03256	THE ALAIMO GROUP, INC.	ON SITE CHECK-802/4.01	Open	357.50	0.00
21-00357	03/08/21	03256	THE ALAIMO GROUP, INC.	ON SITE CHECK - 802/10.03	Open	72.50	0.00
21-00358	03/08/21	03256	THE ALAIMO GROUP, INC.	ON SITE CHECK/DESIGN 802/10.02	Open	335.00	0.00
21-00359	03/08/21	03256	THE ALAIMO GROUP, INC.	ON SITE CHECK 802/10.08	Open	145.00	0.00
21-00360	03/08/21	03256	THE ALAIMO GROUP, INC.	ON SITE CHECK 802/10.04	Open	145.00	0.00
21-00361	03/09/21	02484	RACHLES/MICHELE'S OIL CO.	2047 GALS DIESEL DEL 2/12	Open	3,873.95	0.00
21-00362	03/09/21	00078	B C POLICE CHIEF'S ASSOCIATION	2021 DUES BC POL CHIEFS ASSN.	Open	500.00	0.00
21-00363	03/09/21	02484	RACHLES/MICHELE'S OIL CO.	1579 GALS GAS DELIVERED 2/15	Open	2,740.28	0.00
21-00364	03/09/21	00144	BORO OF H-H-K PAYROLL ACCT	MEDICAL/PRESCRIPT/DENTAL- MAR	Open	68,863.85	0.00
21-00365	03/09/21	00105	P S E & G	FEB GAS/ELECT.- CURRENT	Open	5,230.83	0.00
21-00366	03/09/21	00105	P S E & G	FEB GAS/ELECT.- WATER	Open	12,026.98	0.00
21-00367	03/10/21	03298	PASCACK DATA SERVICES, INC	COMPUTER SUPPORT SVC 3/15-6/14	Open	6,750.00	0.00
21-00368	03/10/21	03298	PASCACK DATA SERVICES, INC	AWS OFF SITE BACKUP 4/1-6/30	Open	1,674.00	0.00
21-00369	03/10/21	00329	RG GROUP	PARKER UNION - VEHICLE MAINT.	Open	19.96	0.00
21-00370	03/10/21	00925	CITY WIDE TOWING	TOW POL CAR FR BODYSHOP TO DPW	Open	415.00	0.00
21-00371	03/10/21	00886	SCHWANEWEDE/HALS ENGINEERING	2020 RD RESURFACE-INSPECTIONS	Open	11,335.00	0.00
21-00372	03/10/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MNTH 3/15	Open	169,791.39	0.00
21-00373	03/10/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 3/15	Open	6,920.67	0.00
21-00374	03/10/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MNTH 3/15	Open	5,451.34	0.00
21-00375	03/10/21	00008	AIRGAS USA, LLC.	ARC WELDING WIRE/CYLINDER-DPW	Open	179.23	0.00
21-00376	03/10/21	02628	STRYKER MEDICAL	MAINT AGREEMENT-LUKAS MACH-AMB	Open	1,162.80	0.00
21-00377	03/10/21	00201	GARBARINI & CO PC	2021 BUDGET PROCEDURES-CURRENT	Open	4,200.00	0.00
21-00378	03/10/21	00201	GARBARINI & CO PC	2021 BUDGET PROCEDURES-WATER	Open	3,800.00	0.00
21-00379	03/10/21	00201	GARBARINI & CO PC	2021 BUDGET PROCEDURES-S WASTE	Open	3,800.00	0.00
21-00380	03/10/21	02690	VERIZON WIRELESS*	WIRELESS CHARGES 2/4-3/3	Open	137.25	0.00
21-00381	03/10/21	00246	THE RIDGEWOOD NEWS #1300	ONE YEAR SUBSCRIPTION RENEWAL	Open	19.56	0.00
21-00383	03/11/21	02899	OFFICE CONCEPTS GROUP	COPY PAPER - WATER DEPT	Open	399.90	0.00
21-00384	03/11/21	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES-SOLID WASTE DP	Open	353.17	0.00
21-00385	03/11/21	00142	T.C.T.A. OF BERGEN COUNTY	2021 MEMBERSHIP-J KROPIEWNICKI	Open	50.00	0.00
21-00386	03/11/21	00821	AT&T	FEB 2021 FAX/LONG DISTANCE	Open	100.92	0.00
21-00387	03/12/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG. ROAD OPENING - 800 WSR	Open	250.00	0.00

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21-00388	03/12/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG. ROAD OPENING- 842 BERNARD	Open	250.00	0.00
21-00389	03/12/21	00109	BORO OF WALDWICK	WELL CHILD CARE SVCS	Open	125.00	0.00
21-00390	03/12/21	03332	KONASH, CHRIS	HOLIDAY TREE LIGHTING TELECAST	Open	200.00	0.00
21-00391	03/12/21	03333	BERGEN COUNTY CAMERA	SONY CAMERA/LENS/TRIPOD/FLASH	Open	3,849.90	0.00
21-00392	03/15/21	00001	HOME HARDWARE	FEB PURCHASES - WATER DEPT.	Open	55.59	0.00
21-00393	03/16/21	00038	VERIZON	WATER DEPT FEB-MAR	Open	85.51	0.00
21-00394	03/16/21	00038	VERIZON	FEB-MAR PHONE - DEPTS.	Open	361.16	0.00
21-00395	03/16/21	03076	HHK/SR ATHLETIC ASSN **	REFUND-2021 JIF INSUR. SOCCER	Open	4,800.00	0.00
21-00396	03/16/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG PLAN REVIEW 306/18	Open	400.00	0.00
21-00397	03/17/21	01172	YORK MOTORS	HUSKY TOWING 5TH WHEEL HARNESS	Open	45.00	0.00
21-00398	03/17/21	02304	PERSONNEL CONCEPTS	WORKPLACE GOVT/LABOR POSTERS	Open	204.95	0.00
21-00399	03/17/21	00936	PATTMAN, JEFFREY	REIMB. HDMI SPLITTER - DPW	Open	74.63	0.00
21-00400	03/17/21	02513	HOFFMAN SERVICES INC	ANNUAL VEHICLE LIFT INSPECTION	Open	500.00	0.00
21-00401	03/17/21	00712	CLIFFSIDE BODY CORPORATION	WEAR SHOE-PUSH BOY - VEH. PART	Open	650.60	0.00
21-00402	03/17/21	02965	CORE & MAIN LP	WATER FITTINGS - DPW	Open	582.30	0.00
21-00403	03/17/21	00012	PROSTOCK MIDLAND	ACCUMULATOR ASY AIR CON-DPW	Open	93.02	0.00
21-00404	03/17/21	02777	BOSS SECURITY SYSTEMS, INC.	ALARM MONITORING-WELL HOUSE	Open	276.00	0.00
21-00405	03/17/21	03158	WM RECYCLE AMERICA	RECYCLING PICKUPS JAN - DPW	Open	178.90	0.00
21-00406	03/17/21	01534	HACH COMPANY	SAMPLE CELL/PHENOLRED-WATER DP	Open	116.68	0.00
21-00407	03/17/21	03118	REDICARE LLC	FIRST AIS SUPPLIES - DPW	Open	22.07	0.00
21-00408	03/17/21	01619	TYLER, GARY	REIMB. CELL PHONE COVER-DPW	Open	89.99	0.00
21-00409	03/17/21	00106	M G L PRINTING SOLUTIONS	ENVELOPES - TAX & FINANCE	Open	529.00	0.00
21-00410	03/17/21	01028	WILLIAM J. MARTIN, ARCHITECT	ARCHITECT SVCS - ADA BATHROOMS	Open	2,300.00	0.00
21-00412	03/17/21	00555	P S E & G *	ELECT. SVC-EASTGATE THRU 3/10	Open	70.15	0.00
21-00413	03/17/21	00255	NORTH JERSEY MEDIA GROUP	LEGAL ADS-NOT. OF ZBA MEETINGS	Open	303.22	0.00
21-00414	03/17/21	00255	NORTH JERSEY MEDIA GROUP	NOT OF ZBA MTG RE:19 SPRUCE	Open	90.45	0.00
21-00415	03/17/21	00255	NORTH JERSEY MEDIA GROUP	FEB. LEGAL ADS - BORO	Open	254.04	0.00
21-00416	03/17/21	02484	RACHLES/MICHELE'S OIL CO.	2450 GALS GAS DELIVERED 2/24	Open	4,608.45	0.00
21-00417	03/17/21	00162	RUSCON TRUCK SERVICE & EQUIP	REPAIRS TO ENGINES #731 & #733	Open	8,722.97	0.00
21-00418	03/17/21	02232	STICKEL, KOENING & SULLIVAN	REV REPORTS/APPLICA-	Open	337.50	0.00
21-00419	03/18/21	00319	NORTHWEST BERGEN MAYOR'S ASSOC	2021 MEMBERSHIP DUES	Open	200.00	0.00
21-00420	03/18/21	00046	RUTHERFORD, DAVID L.,ESQ.	REV OF APPLICATION - 1104/13	Open	562.50	0.00
21-00421	03/18/21	00046	RUTHERFORD, DAVID L.,ESQ.	REV APPLIC/REVISINS - 1004/8	Open	843.75	0.00
21-00422	03/18/21	02863	LAW OFFICES OF GARY CUCCHIARA	PLAN BD ATTY SVCS -641 N MAPL	Open	180.00	0.00
21-00423	03/18/21	01607	BURGIS ASSOCIATES, INC.	REV/EVALUATE APPLIC -1015/13	Open	2,175.00	0.00
21-00424	03/18/21	02863	LAW OFFICES OF GARY CUCCHIARA	PLAN BOARD ATTY SVCS- JAN	Open	1,080.00	0.00
21-00425	03/18/21	02863	LAW OFFICES OF GARY CUCCHIARA	PLAN BOARD ATTY SVCS- FEB	Open	1,605.00	0.00
21-00426	03/18/21	02863	LAW OFFICES OF GARY CUCCHIARA	PLAN BD SVS-BCUW/MADELINE	Open	1,560.00	0.00
21-00427	03/18/21	03256	THE ALAIMO GROUP, INC.	SITE PL/SUB DIV REV-614 N MAPL	Open	495.00	0.00
21-00428	03/18/21	03256	THE ALAIMO GROUP, INC.	CONSTRUCT SUPERVISN-614 N MAPL	Open	475.00	0.00
21-00429	03/19/21	00097	ACTION RUBBER & INDUSTRIAL SUP	HOSE/BELL REDUCER - WATER DPT.	Open	56.01	0.00
21-00430	03/19/21	01566	CAMPBELL FOUNDRY CO.	TYPEN CURB - DPW ROADS DEPT	Open	155.00	0.00
21-00431	03/19/21	02601	OMAHA STANDARD, INC.	2 DOOR PINS - DPW	Open	44.58	0.00
21-00432	03/19/21	03334	HARWOOD LLOYD , LLC	TAX APPEAL ATTY SVS- FEB	Open	2,865.00	0.00

Resolution #21-45 – Introduced and read by Council President Troast

A Resolution Urging the Legislature to Amend Senate Bill 3454 (Also Known as Assembly Bill 5342) to permit Law Enforcement Officers to Perform Their Duties without Substantial Risk of civil and Criminal Liability

WHEREAS, Senate Bill 3454 (also known as Assembly Bill 5342) (collectively “the Legislation”); and
WHEREAS, the Legislation prohibits law enforcement officers from engaging in certain actions when investigating an

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individual under the age of 21 for possession of marijuana, hashish, cannabis, or alcohol. The legislation criminalizes the conduct of officers who respond to a call for service or are investigating the underage use of marijuana, hashish, cannabis, or alcohol by:

- no longer allowing the odor, possession or consumption of marijuana, hashish, cannabis or alcohol to be used as reasonable articulable suspicion to initiate a stop of an individual under the age of 21, nor does it provide probable cause to search the person's personal property or vehicle,
- no longer allowing for marijuana, hashish, cannabis or alcoholic beverages, observed in plain sight to constitute probable cause to initiate a search of an individual under the age of 21 or that individual's personal property or vehicle,
- an individual under the age of 21 shall not be arrested, detained, or otherwise taken into custody except to the extent required to issue a written warning.
- Officers are further prohibited from contacting the minor's parent or guardian to advise them of the minor's possession or consumption of marijuana, hashish, cannabis or alcoholic beverages for the minor's first offense.

WHEREAS, the Legislation will discourage officers from enforcing underage use and possession of marijuana, hashish, cannabis, or alcohol and will specifically expose officers to civil and criminal liability for the deprivation of civil rights, even if the officer did not act with specific intent to deprive a person of his or her civil rights; and

WHEREAS, the Governing Body believes that the Legislation will result in officers avoiding situations where criminal conduct has occurred to limit exposure to civil and criminal liability; and

WHEREAS, the Governing Body is of the opinion that the Legislation creates significant burdens on law enforcement and will obstruct police officers from performing their duties and conducting lawful investigations of individuals under the age of 21, who possess or consume any amount of marijuana, hashish, cannabis, or alcohol in any public place, including a school, criminalizing law enforcement actions; and

WHEREAS, the Legislation will severely limit the ability of law enforcement agencies to police our community effectively, increase risks to children from illicit drugs and alcohol, and fail to protect society from criminal drug activity and impaired drivers to the detriment of public safety.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that it does hereby indicate its strenuous apposition to the Legislation and urge members of the State Senate and General Assembly to immediately enact amendatory Legislation so as to permit law enforcement personnel to perform their duties in the interest of safety and general welfare without substantial risk of civil and criminal liability.

Resolution #21-46 – Introduced and read by Council President Troast

A Resolution Demanding that the NJ State Legislature Accept its Responsibility to Administer the Provisions of the Affordable Housing Ace and Stay Further Action Until Such Times as It has Promulgated Rules Governing its Implementation

WHEREAS, in 1975 the New Jersey Supreme Court in Mount Laurel I decreed that every municipality in New Jersey, "must, by its land use regulations, presumptively make realistically possible an appropriate variety and choice of housing. More specifically, presumptively it cannot foreclose the opportunity of the classes of people mentioned for low and moderate income housing and in its regulations must affirmatively afford that opportunity, at least to the extent of the municipality's fair share of the present and prospective regional need therefor" (*10 S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 67 N.J. 151, 174 (1975)) ; and

WHEREAS, in 1983, the Supreme Court in Mount Laurel II expanded the Mount Laurel doctrine, saying:

"Therefore, proof of a municipality's bona fide attempt to provide a realistic opportunity to construct its fair share of lower income housing shall no longer suffice. Satisfaction of the Mount Laurel obligation shall be determined solely on an objective basis: if the municipality has in fact provided a realistic opportunity for the construction of its fair share of low and moderate income housing, it has met the Mount Laurel obligation to satisfy the constitutional requirement; if it has not, then it has failed to satisfy it. Further, whether the opportunity is "realistic" will depend on whether there is in fact a likelihood-to the extent economic conditions allow-that the lower income housing will actually be constructed. Plaintiff's case will ordinarily include proof of the

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municipality's fair share of the regional need and defendant's proof of its satisfaction. Good or bad faith, at least on this issue, will be irrelevant.” (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158, 220–22 (1983)); and

WHEREAS, the Supreme Court in Mount Laurel II suggested that builders’ remedies should be used to force compliance by municipalities, reasoning that:

Experience . . . has demonstrated to us that builder's remedies must be made more readily available to achieve compliance with Mount Laurel. We hold that where a developer succeeds in Mount Laurel litigation and proposes a project providing a substantial amount of lower income housing, a builder's remedy should be granted unless the municipality establishes that because of environmental or other substantial planning concerns, the plaintiff's proposed project is clearly contrary to sound land use planning. We emphasize that the builder's remedy should not be denied solely because the municipality prefers some other location for lower income housing, even if it is in fact a better site. (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158, 279–80 (1983)); and

WHEREAS, the New Jersey Legislature responded quickly to the Court’s Mount Laurel decision by enacting the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., which created the Council on Affordable Housing (“COAH”) which as the Court noted in Mount Laurel IV “ . . . was designed to provide an optional administrative alternative to litigating constitutional compliance through civil exclusionary zoning actions.” (*In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous.*, 221 N.J. 1, 4 (2015)); and

WHEREAS, COAH, pursuant to the authority granted to it by the Fair Housing Act, then adopted procedural and substantive rules which provided clear guidance to municipalities as to how they could meet their affordable housing obligation; and

WHEREAS, in its rules, COAH assigned a fair share number to each municipality and set forth various mechanisms that a municipality could use in order to satisfy that obligation; and

WHEREAS, Borough of Ho-Ho-Kus, like many other municipalities throughout the State of New Jersey, met its First and Second Round Affordable Housing Obligations through the COAH process; and

WHEREAS, COAH adopted the First Round Rules for the period from 1987 through 1993 and the Second Round Rules for the period 1993 to 1999 and then extended to 2004; and

WHEREAS, COAH was obliged by the Fair Housing Act to adopt Third Round Rules to take effect in 2004, however, but never adopted rules that were acceptable to the Courts; and

WHEREAS, in 2015, the Supreme Court again stepped in, finding that COAH’s failure to adopt Third Round Rules forced the Court to intervene; and

WHEREAS, the Supreme Court designated Mount Laurel judges in each of the fifteen court vicinages to hear all Mount Laurel cases; and

WHEREAS, instead of providing clear guidance, like the COAH rules did, the Supreme Court in Mount Laurel IV set forth vague standards that have led to a complex system of non-uniform implementation;

and

WHEREAS, as a result of the Supreme Court’s decision in Mount Laurel IV, municipalities no longer were assigned fair share numbers, no longer had clear and concise procedural and substantive rules to follow, and no longer had one tribunal to decide these issues, which meant that even the threshold issues of regional need and local fair share obligations had to be litigated before fifteen different Mount Laurel judges, and as a result, municipalities were forced to spend tens of thousands, and in some cases hundreds of thousands of dollars, to negotiate fair share numbers with the Fair Share Housing Center (“FSHC”) and to gain court approval of settlement agreements negotiated with FSHC; and

WHEREAS, the Supreme Court in Mount Laurel IV concluded its opinion by encouraging the Legislature to once again assume responsibility in the area of affordable housing, saying:

“In conclusion, we note again that the action taken herein does not prevent either COAH or the Legislature from taking steps to restore a viable administrative remedy that towns can use in satisfaction of their constitutional obligation. In enacting the FHA, the Legislature clearly signaled, and we recognized, that an administrative remedy that culminates in voluntary municipal compliance with constitutional affordable housing obligations is preferred to litigation

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that results in compelled rezoning. (Citation omitted.) It is our hope that an administrative remedy will again become an option for those proactive municipalities that wish to use such means to obtain a determination of their housing obligations and the manner in which those obligations can be satisfied” (*In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous.*, 221 N.J. 1, 34 (2015)); and

WHEREAS, it has been five years since the Mount Laurel IV opinion was issued and, to the detriment of each municipality in New Jersey and to the future viability of the State, neither the Legislature nor the Governor nor COAH have taken any action to remedy the situation; and

WHEREAS, if the Governor, the Legislature and COAH continue to ignore their responsibilities, municipalities will once again face a burdensome, time-consuming and expensive process to obtain Fourth Round Mount Laurel compliance starting in 2025;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Brough of Ho-Ho-Kus in the County of Bergen, State of New Jersey, that it does hereby demand that the Governor and the Legislature cease their unconscionable disregard of this most important provision of the State constitution and take immediate and decisive action to restore a viable administrative remedy that municipalities can use in satisfaction of their constitutional obligations to provide affordable housing.

Resolution #21-47 – Introduced and read by Council President Troast

A Resolution - Declaring Solidarity with the Asian and Asian-American Community

WHEREAS, hate crimes motivated by anti-Asian sentiment have jumped 1,900% in New York City in 2020 and almost 3,000 reports of anti-Asian discrimination between March 19 and December 31, 2020 have been recorded by the **Stop AAPI Hate**;

WHEREAS, racially-motivated assaults and harassment targeting of Asian and Asian-American seniors have dramatically increased, including the recent attack and subsequent tragic death of 84-year-old Vicha Ratanapakdee in San Francisco on January 28, 2021;

WHEREAS, in response to the xenophobic and inflammatory rhetoric about COVID-19 President Joseph Biden issued an Executive Order on January 26, 2021 during the first week of his administration;

WHEREAS, the Mayor and Council of the Borough of Ho-Ho-Kus unanimously resolved and declared racism as a public health crisis to the residents of Ho-Ho-Kus and unanimously request to pass a resolution to support measures at the municipal and state level to combat the insidious and persistent impact of racism.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council to:

1. Condemn and denounce racism, xenophobia and intolerance in all forms.
2. Call on public officials in other municipalities and at the state level to condemn and denounce racism, xenophobia and intolerance in all forms and stand with us in solidarity with the Asian and Asian Americans and Pacific Islanders communities.
3. Continues to promote and advocate for equality and equity through all policies approved by the Mayor and Council.
4. Recognize the dedication of Asian and Asian-American frontline medical workers, teachers, police and fire officers and essential workers. They along with their colleagues show up to work every day so that our society can still function. The strain of COVID is particularly heavy for Asian and Asian-American frontline and essential workers because they have been personally attacked for their ethnicity in the midst of providing their essential services to us.
5. Continue to advocate locally and through the New Jersey State League of Municipalities, New Jersey Conference of Mayors and all other appropriate associations for relevant policies that improve health in communities of color.
6. Support local, state, regional, and federal initiatives that advance efforts to dismantle systemic racism.
7. Further work to solidify alliances and partnerships with other organizations that are confronting racism and encourage other local, state, regional and national entities to recognize racism as a public health crisis.

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8. Support community efforts to amplify community efforts to be anti-racist and to combat discrimination and xenophobia while engaging actively and authentically with communities of color wherever they live.
 9. Promote and support policies and resources that prioritize the health of all people, such as bystander intervention programs like <https://www.ihollaback.org/bystanderintervention/>.
 10. Encourage racial equity training among all community partners, vendors and contractors.
 11. Call upon Bergen County Executive Tedesco and the Bergen County Board of Chosen Freeholders to declare racism as a public health crisis and to enact equity in all policies in the County of Bergen.
12. Call upon Governor Murphy, State Senate President Sweeney, and State Assembly Speaker Coughlin to also declare racism as a public health crisis and to enact equity in all policies of the state of New Jersey.
- BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to Governor Murphy, Senate President Sweeney, Assembly Speaker Coughlin, Senator Weinberg, Assemblywoman Schepisi, Assemblyman Auth and Bergen County Executive Tedesco, for their review and potential action.

Resolution #21-48 – Introduced and read by Council President Troast

A Resolution - Hazard Mitigation Plan

WHEREAS, the Borough of Ho-Ho-Kus, New Jersey, has experienced natural hazards that result in Public Safety hazards and damage to private and public property;

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk through the adoptions of a Bergen County Multi-Jurisdictional Hazard Mitigation Plan (“Hazard Mitigation Plan”); and

WHEREAS, the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the Hazard Mitigation Plan; and,

WHEREAS, a draft Hazard Mitigation Plan has been developed by the Mitigation Planning Committee; and

WHEREAS, the draft hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property; and

WHEREAS, the draft Hazard Mitigation Plan was provided to each participating jurisdiction and was posted on the Borough of Ho-Ho-Kus’s website and the County Office of Emergency Management’s website so as to introduce the planning concept and to solicit questions and comments; and to present the Hazard Mitigation Plan and request comments, as required by law; and

WHEREAS, the draft Hazard Mitigation Plan was submitted by the Bergen County Office of Emergency Management to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on August 7, 2020; and

WHEREAS, the New Jersey Office of Emergency Management and the Federal Emergency Management Agency have approved the draft Hazard Mitigation Plan as submitted; and

WHEREAS, formal adoption and maintenance of the Hazard Mitigation Plan by the governing body is a condition of receipt of federal disaster aid; and

WHEREAS, the Bergen County Office of Emergency Management has recommended to the County Executive and Board of Chosen Freeholders that the Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on August 7, 2020, be adopted as the official Hazard Mitigation Plan of the County of Bergen.

NOW THEREFORE BE IT RESOLVED, by the **Mayor and Council of the Borough of Ho-Ho-Kus**, upon the recommendation of the Ho-Ho-Kus Office of Emergency Management and the Bergen county Office of Emergency Management, as follows:

1. The Bergen County Multi-Jurisdictional Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on August 7, 2020 by the Bergen County Office of Emergency Management is hereby adopted as an official plan of the County of Bergen; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.

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2. A hard copy of the Hazard Mitigation Plan shall be kept on file at the Ho-Ho-Kus Office of Emergency Management and Bergen County Office of Emergency Management, and a digital copy shall be posted on the website of the Borough of Ho-Ho-Kus.
3. Any action proposed by the Hazard Mitigation Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the County of Bergen, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Borough of Ho-Ho-Kus Bergen shall prepare an annual progress report on the goals set forth in the Hazard Mitigation Plan. Copies of those reports will be kept on file at the Ho-Ho-Kus Office of Emergency Management. The status reports shall be submitted on an annual basis by a predetermined date as agreed upon by all stakeholders, and as required by applicable statutes and regulations.

A motion was offered by Council President Troast and seconded by Councilman Crossley to approve Resolutions 21-44 through 21-48. Motion carried on a roll call vote – All present voting “Aye”.

LIAISON REPORTS

Recreation – Councilman Iannelli reported wrestling finished a shorten season. Travel Baseball has begun practicing with games starting next week. Recreation baseball and softball will be picking their teams this week and plan to commence in April. Travel basketball for boys and girls has concluded,

Library – Councilman Policastro reported the Library Board announced that Morgan Taylor has accepted the position of Library Director at the starting salary of \$80,000. She is available to start as early as April 26, 2021.

Board of Education - Councilman Policastro reported today the school went to full remote instruction because recently some individuals tested positive for COVID-19. The school worked closely with health department officials to conduct contact tracing and now that the close contacts are identified, the school will re-open for on-site instruction tomorrow. The close contacts are quarantining. In a letter sent to the School Community today, Superintendent Mardy urged vigilance in continuing to follow CDC safeguards. Comprehensive cleaning protocols remain in place. The school is disinfected multiple times throughout the day. They are taking additional precaution by limiting the number of people who enter the building. At last week’s Board of Ed meeting, the Board approved the retirement of Dr. Alexis Eckert effective July 1st. He will be meeting with Superintendent Mardy and a Board of Education member this Friday, March 26th.

Ambulance Corp. – Councilman Crossley reported he met with Carol Tyler today, their monthly meeting will start up again next Monday. He will have a full report at next month’s meeting.

Fire Department – Councilman Shell reported the Fire Department continues to work very well responding to calls. They continue to meet in-person by social distancing as well as via ZOOM.

Chamber of Commerce – Councilman Shell reported the Chamber is interested in participating in any downtown beautification efforts. HHK Pharmacy is continuing to provide rapid tests

MAYOR'S REMARKS

Mayor asked for a moment of silence for the two national tragedies in Colorado & Atlanta and for long-time resident Ho-Ho-Kus, Emma Lou Sayers wife of former Mayor Sayers. She herself was very active in her own right with the Girls Scouts and raising her children. She truly will be missed.

CLOSED SESSION - On a motion by Council President Troast, seconded by Councilman Shell, the Mayor and Council approved entering into Executive Session closed to the public. Motion Carried by roll call 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

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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:

4-Matters relating to collective bargaining agreements

HHK Crossing

5-Matters involving the purchase, lease, or acquisition of real property with public funds

Bank of America/HHK Inn

Now therefore, be it resolved by the Borough Council of the Borough of Ho-Ho-Kus assembled in public session on March 23, 2021 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 8:13 p.m. and ended at 8:45 p.m.

ADJOURNMENT

On a motion by Councilman Crossley, seconded by Councilman Iannelli, the meeting was adjourned at 8:45 p.m. Motion Carried by voice vote – all present voting “Aye”.

Respectfully submitted,

Joan Herve RMC/CMR
Borough Clerk