

The Public 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 March 28, 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 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.

**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 Councilman Crossley to approve the minutes of *February 21, 2023* Work Session Meeting of the Mayor & Council. Motion carried on a roll call vote – all present voting “Ayes, with the exception of Council President Troast & Councilman Shell who abstained.

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

A motion was offered by Councilman Policastro, seconded by Councilman Shell to approve the minutes of the *March 14, 2023* Public Meeting of the Mayor & Council. Motion carried on a roll call vote – all present voting “Ayes, with the exception of Councilwoman Moran who abstained.

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

- Police – February 2023
- Court Report– February 2023
- Library Board – March 2023
- Health Report – February 2023
- Ambulance Report – February 2023
- Arborist Report - February 2023

**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.

Cynthia O’Keefe, 542 West Saddle River, Ridgewood

Ms. O’Keefe wanted to make the Mayor & Council aware of what is happening at the Schedler Historic House. Ridgewood is planning on putting a multipurpose regulation field on the property and shared her concerns.

John Blute, 605 Saddle River Road

Resident questioned relative to the budget real estate taxes, is there be a better way for the Mayor & Council to communicate with the residents regarding the process. Discussion ensued, he suggested to put out an eblast/NIXLE when the budget will be advertised in the paper and/or on the borough website. Council agreed.

Dennis Branca, 18 Saddle Ridge Road

Resident stated she is still struggling with the abolishment of the Shade Tree Commission. She asked what happens to the funding that was there. Attorney Wiss explained just because the shade tree was abolished that is just a structure, the protections that are in the ordinance is still there. Attorney also added her concerns regarding clear cutting and preservation of trees are being addressed in the ordinances that are being introduced tonight. Resident questioned if we have a Enviromental Commission. Mayor Randall replied he is working with Mayors at an Inter-Local level specifically with Ridgewood.

Mayor closed the meeting to the public.

**MAYOR'S REMARKS**

Mayor reported there was a recent ranking of towns nationally and Ho-Ho-Kus came in 47<sup>th</sup> in the nation. First in the County of Bergen. Best suburb to live in NJ, we were 1<sup>st</sup> out of 418 towns. Best places to live in NJ, we were 3<sup>rd</sup> out of 641 places and best suburb to raise a family 3<sup>rd</sup> out of 416.

**CORRESPONDENCE**

- a) Bergen County Board of Taxation – Ho-Ho-Kus Revaluation
- b) Notice of Public Meeting – BC Planning Board to discuss the Bergen County Master Plan
- c) First Step Level Certificate of Recognition from the NJ Safe Routes Program
- d) Girl Scout Troop 97285 requesting approval to use the Gazebo for a fundraiser on 04/22/23 from 12 – 3:30. (action needed)

\*\*\*correspondence “d” - A motion was offered by Council President Troast, seconded by Councilman Shell to approve the use of the Gazebo for a fundraiser on 04/22/23 from 12 – 3:30. Motion carried by a voice vote. All in favor.

**ADMINISTRATORS REPORT**

**Unfinished Business**

Water Filtration System Project: Administrator Jones reported at the last Council meeting they awarded the bid for this project in the amount of \$2,784,000.00, wich has been submitted to the NJDEP & I BANK who will be funding the project with the borough. Project scheduled to be complete by the end of the year.

**New Business:**

Discussed the ordinances that are on for Introduction tonight.

Shred Day – Scheduled for Saturday, April 1<sup>st</sup> from 9 -1pm for residents only. This is part of our recycling program that helps with our tonnage grants.

Budget: Administrator Jones, CFO, Joe Citro and Councilman Shell gave a brief overview of the 2023 budget. Scheduled to be adopted on April 25, 2023.

## **BUDGET INTRODUCTION**

### **INTRODUCTION OF ORDINANCE**

#### **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.

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

### **OFF-CONSENT RESOLUTIONS**

**Resolution #23-47- 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>
<b>Total to be raised by Taxes</b>	<b><u>\$8,403,653.00</u></b>

### **WATER UTILITY FUND**

Appropriations	<u>\$1,375,000.00</u>
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Utility Revenues	<u>\$1,375,000.00</u>
<b><u>SOLID WASTE UTILITY FUND</u></b>	
Appropriations	<u>\$1,223,000.00</u>
Utility Revenues	<u>\$1,223,000.00</u>

**BE IT RESOLVED**, that said budget be published in the Ridgewood News on April 14<sup>th</sup>, 2023; 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 2023

A motion was offered by Councilman Shell and seconded by Councilman Policastro to approve Resolution #23-47. Motion carried on a roll call vote – All present voting “Aye”.

**Resolution #23-48**

**A Resolution – Self-Examination of Budget**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5 the BOROUGH of HO-HO-KUS has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

**NOW THEREFORE BE IT RESOLVED** by the governing body of the BOROUGH of HO-HO-KUS that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer’s certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution will be forwarded to the director of the division of Local Government Services upon adoption.

A motion was offered by Councilman Iannelli and seconded by Councilwoman Moran to approve Resolution #23-

48. Motion carried on a roll call vote – All present voting “Aye”.

## **ADOPTION OF ORDINANCES and PUBLIC HEARING**

### **ORDINANCE #2023-79**

#### **AN ORDINANCE TO AMEND CERTAIN PORTIONS OF CHAPTERS 25 OF CODE OF THE BOROUGH OF HO-HO-KUS”**

**WHEREAS**, the Mayor and Council of the Borough of Ho-Ho-Kus believes it is be in the best interest of the residents of the Borough to repeal Section 25-5 of the Code of the Borough of Ho-Ho-Kus and replace it with a more streamlined process, which still provides for notice and an opportunity to be heard to an accused member or line officer; and

**WHEREAS**, the Mayor and Council of the Borough of Ho-Ho-Kus also believes it would be in the best interests of the residents of the Borough to modify Section 25-3 to provide veto power to the Governing Body for any proposed by-law changes of the Ho-Ho-Kus Volunteer Fire Department; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Ho-Ho-Kus that Chapter 25 of the code is hereby amended as follows (deletions in ~~strike through~~ and additions in **bold**):

**Chapter 25-5 is deleted in its entirety and replaced as follows:**

#### **§ 25-5 Suspension or expulsion of members or line officers.**

- A. In addition to such disciplinary process as may be provided under the Volunteer Fire Department’s bylaws, and notwithstanding the same, the Fire Commissioner of the Borough of Ho-Ho-Kus shall have the right to expel or suspend any firefighter or line officer as set forth below.**
- B. In event of any accusation of any allegation of misconduct, violation of Borough Ordinance, or action effecting the health, safety or welfare of the residents of the Borough of Ho-Ho-Kus by any member or line officer, any person may issue a written complaint, which shall be referred to the Fire Commissioner or his designee. The Fire Commissioner, or his designee, shall review the matter and may proffer charges against such member seeking his expulsion or removal.**
- C. Upon proffering such charges, the Fire Commissioner shall provide such member or line officer with notice of the charges and an opportunity to provide a written response to the charges. The Fire Commissioner shall thereafter recommend sustaining, not sustaining, or modifying the charges, without a further hearing. Any member or line officer shall have no greater rights than an “at-will” non-paid volunteer and nothing herein shall be read to provide any greater rights to such member or line officer.**
- D. If any charges are sustained or modified, the Fire Commissioner shall inform the Borough Council, which shall determine whether to suspend or expel such member or line officer from the Fire Department, or take such other action as it deems appropriate, without a further hearing.**
- E. Notwithstanding the above, the Fire Commissioner may immediately suspend any member or line officer prior to receiving the member’s written response should he deem such suspension in the best interest for the health, safety, and welfare of the residents of the Borough of Ho-Ho-Kus.**
- F. In the event of any conflict between the Volunteer Fire Department’s By-laws and this Chapter, the provisions of this Chapter shall control.**

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

**BE IT FURTHER ORDAINED** by the Mayor and Council of the Borough of Ho-Ho-Kus that Chapter 25-3 of the code is hereby amended as follows (deletions in ~~strike through~~ and additions in **bold**):

#### **§ 25-3 Bylaws and rules.**

The Bylaws and Rules Committee of the Fire Department shall each year review, amend and/or accept the bylaws and rules for the Department. The bylaws shall become effective immediately after approval and adoption by a vote of 2/3 of the eligible membership present, **and after review and approval by the Mayor and Council, which shall be able to veto any proposed bylaw modifications by a majority vote of the Governing Body.** After approval and adoption **as provided herein,** ~~by the membership,~~ the bylaws shall be forwarded by the Department to the Fire Commissioner, a copy of which shall also be filed with the Borough Clerk.

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: Severability,**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION IV: 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 #2023-79 and all persons who wishes to be heard, please state your name and address before making your statement. Seeing none, Mayor Randall closed the meeting to the public.

A motion was offered by Councilman Iannelli and seconded by Councilwoman Moran to adopted Ordinance #2023-79. Motion carried on a roll call vote – All present voting “Aye”, with the exception of Councilman Policastro who abstained.

**ORDINANCE #2023-80**

**AN ORDINANCE TO AMEND CERTAIN PORTIONS OF CHAPTER 3 OF CODE OF THE BOROUGH OF HO-HO-KUS**

**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 repeal Section 3-5 of the Code of the Borough of Ho-Ho-Kus and replace it with a more streamlined process, which still provides for notice and an opportunity to be heard to an accused member or officer;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Ho-Ho-Kus that Chapter 3-5 of the Code is hereby amended as follows (deletions in ~~strike through~~ and additions in **bold**):

**Chapter 3-5 is deleted in its entirety and replaced as follows:**

**§ 3-5 Suspension or expulsion of members or officers.**

- D. In addition to such disciplinary process as may be provided under the Volunteer Ambulance Corp’s bylaws, and notwithstanding the same, any Ambulance Liaison of the Borough of Ho-Ho-Kus shall have the right to expel or suspend any member or line officer as set forth below.**
- E. In event of any accusation of any allegation of misconduct, violation of Borough Ordinance, or action effecting the health, safety or welfare of the residents of the Borough of Ho-Ho-Kus by any member or officer, any person may issue a written complaint, which shall be referred to any Ambulance Liaison or his designee. Such Ambulance Liaison shall consult with any other Ambulance Liaison, and such Liaisons shall review the matter and may proffer charges against such member seeking the members expulsion or removal. In the event of a tie or disagreement between the Liaisons, the Mayor shall have the ability to break the tie.**
- F. Upon proffering such charges, the Ambulance Liaisons shall provide such member or officer with notice of the charges and an opportunity to provide a written response to the charges. The Ambulance Liaisons shall thereafter recommend sustaining, not sustaining, or modifying the charges, without a further hearing. Any member or officer shall have no greater rights than an “at-will” non-paid volunteer and nothing herein shall be read to provide any greater rights to such member or officer. In the event of a tie or disagreement between the Liaisons, the Mayor shall have the ability to break the tie.**
- D. If any charges are sustained or modified, the Ambulance Liaisons shall inform the Borough Council, which shall determine whether to suspend or expel such member or officer from the Ambulance Corps or take such other action as it deems appropriate, without a further hearing.**
- G. Notwithstanding the above, any Ambulance Liaison, acting alone, may immediately suspend any member or line officer prior to receiving the member’s written response should he or she deem such suspension in the best interest for the health, safety, and welfare of the residents of the Borough of Ho-Ho-Kus.**

**H. In the event of any conflict between the Ambulance Corp's By-laws and this Chapter, the provisions of this Chapter shall control.**

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: Severability,**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION IV: 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 #2023-80 and all persons who wishes to be heard, please state your name and address 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 #2023-80. Motion carried on a roll call vote – All present voting “Aye”.

**INTRODUCTION OF ORDINANCES**

**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.

A motion was offered by Councilman Crossley and seconded by Councilman Shell to introduce Ordinance #2023-82. Motion carried on a roll call vote – All present voting “Aye”, with the exception of Councilman Policastro who abstained.

### **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. Phyllostachys.
- G. Pleioblastus.
- H. Pseudosasa.
- I. Sasa.
- J. Sasaella.
- K. Sinarundinaria.

**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.

A motion was offered by Councilman Policastro and seconded by Councilman Iannelli to introduce 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.

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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-1 et. 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;
- 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-11 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

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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.

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 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

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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 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

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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.

A motion was offered by Councilman Policastro and seconded by Councilwoman Moran to introduce 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



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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.

**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.

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**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

**§ 76-1 Definitions.**

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

**PERSON**

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

**SHADE TREE**

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

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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.

(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.

(c) 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.

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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.
- 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.

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

**CONSENT RESOLUTIONS** (23-49 thru 23-54 )

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

**Resolution #23-49**

**A Resolution - Payment of bills – March**

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$3,390,444.17; 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 \$3,390,444.17; be approved and ratified respectively

**BILL LIST:**

22-00181	01/27/22	02900	EAGLE POINT GUN-T J MORRIS	8 CASES LE132 00 AMMUNITION-PD	Open	879.60
22-01877	12/05/22	02435	RIO SUPPLY, INC.	WATERMETER READING SUB. SVC.	Open	29,935.00
22-01987	12/23/22	03298	PASCACK DATA SERVICES, INC	5820 TOWER-REDACTIVE SYSTEM-PD	Open	6,753.81
22-02012	12/29/22	02965	CORE & MAIN LP	2 DARLING B-62 HYDRANTS	Open	9,003.98
23-00059	01/11/23	03520	MARIN CONSULTING ASSOCIATES	TRAINING - CAPT. MCBAIN	Open	300.00
23-00147	01/25/23	00001	HOME HARDWARE	FEB PURCHASES - DPW	Open	84.54
23-00148	01/25/23	00056	TYCO ANIMAL CONTROL SERVICES	ANIMAL CONTROL SVC FEB 2023	Open	560.00
23-00151	01/25/23	02686	ONE CALL CONCEPTS	ONE CALL MESSAGES - FEB 2023	Open	42.90
23-00174	01/27/23	02296	ARROW TREE SERVICE INC	TREE REMOVAL 1 LLOYD RD	Open	1,665.00
23-00229	02/07/23	02983	NJ ST ASSN OF CHIEFS OF POLICE	COURSE-OPRA/RECORDS MGT-MCBAIN	Open	299.00
23-00234	02/08/23	02983	NJ ST ASSN OF CHIEFS OF POLICE	COURSE-OPRA/RECORDS MGT-GIL	Open	299.00
23-00255	02/09/23	02983	NJ ST ASSN OF CHIEFS OF POLICE	COURSE-OPRA/RECORDS MGT-MOSCA	Open	299.00
23-00281	02/16/23	03520	MARIN CONSULTING ASSOCIATES	TRAINING - SGT. GIL	Open	300.00
23-00293	02/17/23	02425	MCAA OF NJ	MCAA 2023 DUES - COURT	Open	50.00

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23-00294	02/17/23	02316	BCMCAA	BCMCAA 2023 MEMBERSHIP - COURT	Open	40.00
23-00307	02/21/23	01938	INTERNATIONAL CODE COUNCIL	NFPA NAT. ELECTRIC CODE BOOK	Open	280.00
23-00316	02/24/23	03298	PASCACK DATA SERVICES, INC	SONICWALL MOB SECURE ACCESS-PD	Open	282.78
23-00317	02/27/23	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES - POLICE DEPT.	Open	56.16
23-00318	02/27/23	00282	TANIS CONCRETE, INC.	3 DECORATIVE BLOCKS - DPW	Open	270.00
23-00319	02/27/23	00144	BORO OF H-H-K PAYROLL ACCT	CURRENT SOCIAL SECURITY - FEB	Open	19,796.37
23-00320	02/27/23	00144	BORO OF H-H-K PAYROLL ACCT	WATER DPT SOCIAL SECURITY-FEB	Open	1,131.97
23-00321	02/27/23	00144	BORO OF H-H-K PAYROLL ACCT	SOL WASTE SOCIAL SECURITY-FEB	Open	867.48
23-00322	02/27/23	00144	BORO OF H-H-K PAYROLL ACCT	DCRP - FEB 2023	Open	250.34
23-00323	02/27/23	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MNTH 2/28	Open	209,232.30
23-00324	02/27/23	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL - RABIES CLINIC 2023	Open	150.00
23-00325	02/27/23	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 2/28	Open	8,036.23
23-00326	02/27/23	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MNTH 2/28	Open	5,444.78
23-00327	02/27/23	02435	RIO SUPPLY, INC.	REPAIR BELT CLIP - DPW	Open	180.00
23-00328	02/27/23	03277	ETD DISCOUNT TIRE CENTERS	8 TIRES D P245/55R18 - POL DPT	Open	2,000.00
23-00329	02/27/23	02781	VFIS	ACCIDENT/SICKNESS POLICY - FD	Open	3,679.00
23-00330	02/27/23	02380	I.D.M. MEDICAL GAS CO	REFILL 6 OXYGEN CYLINDERS-AMBU	Open	134.78
23-00331	02/27/23	03319	AGRA ENVIRONMENTAL & LAB SVCS	2 COLIFORM TESTS - WATER DPT	Open	158.00
23-00332	02/27/23	02712	OPTIMUM **	OPTONLINE SVC DPW -2/16-3/15	Open	116.49
23-00333	02/27/23	01446	ROGUT MCCARTHY	REV CROSSINGS DEVELP AGREEMENT	Open	797.56
23-00335	02/27/23	01840	OPTIMUM	POLICE/CAD CABLE 3/16-4/15	Open	93.44
23-00336	02/27/23	00030	HO-HO-KUS BOARD OF EDUCATION	SCHOOL TAX - MONTH OF MAR.	Open	1,253,689.16
23-00338	02/27/23	00018	BERGEN COUNTY MUNICIPAL JIF	2ND INSTALLMENT 2023 JIF	Open	81,023.00
23-00339	02/27/23	01571	BOROUGH OF MIDLAND PARK	QTR 1-CONSTRUCTION INTERLOCAL	Open	20,000.00
23-00341	02/27/23	00209	WORTH PINKHAM MEMORIAL LIBRARY	TRANSFER Q1 2023 OPER CASH	Open	61,260.75
23-00342	03/13/23	03474	KOCH 33 FORD	2023 FORD POLICE INTERCEPTOR	Open	38,230.00
23-00343	03/14/23	00208	W E TIMMERMAN	GAS SHOCKS/SPIROL PINS - DPW	Open	141.66
23-00344	03/14/23	02705	COMMERCIAL RECREATION SPECIAL.	LIGHTENING DETECT. -MAINT PLAN	Open	4,077.00
23-00345	03/14/23	03261	KONICA MINOLTA BUS. SOLUTIONS	POLICE COPIER-COPIES 12/4-3/3	Open	167.90
23-00346	03/14/23	00821	AT&T	FEB 2023 FAX/LONG DISTANCE	Open	97.35
23-00347	03/14/23	01699	THE VERDIN COMPANY	REPAIR TO TOWN CLOCK	Open	1,292.00
23-00348	03/15/23	80319	PARKINSON'S FOUNDATION	DONATION - MEMORY ANTHONY DEAK	Open	100.00
23-00349	03/15/23	03453	PURAQUA PRODUCTS, INC.	SLEEVE/SOLENOID KIT-WATER DEPT	Open	892.81
23-00350	03/15/23	99874	PRIESTNER, DAN	REIMB-CEU WATER CLASS	Open	115.00
23-00351	03/15/23	80320	CJM PROPERTIES	RETURN ESCROW BAL-225 WEARIMUS	Open	433.75
23-00352	03/15/23	02863	LAW OFFICES OF GARY CUCCHIARA	PLANNING BD LEGAL SVCS - JAN	Open	920.00
23-00353	03/15/23	02863	LAW OFFICES OF GARY CUCCHIARA	ZONING BD LEGAL SVCS - JAN	Open	2,220.00
23-00354	03/15/23	02863	LAW OFFICES OF GARY CUCCHIARA	CORRESP/DOCUMENTS-520 BRAEBURN	Open	140.00
23-00355	03/15/23	02863	LAW OFFICES OF GARY CUCCHIARA	REVIEW DOCUMENTS 2 ORVIL CT	Open	180.00
23-00357	03/15/23	02843	AMANO MCGANN, INC.	CDMA/WEBHST/TRAIN PARKING	Open	300.00
23-00358	03/15/23	02965	CORE & MAIN LP	CHLORINE ANALYZER KIT- WATER	Open	363.89
23-00359	03/15/23	03208	MONMOUTH TELECOM	TELECOM SERVICE - FEB/MAR	Open	799.59
23-00360	03/15/23	02004	HOFFMAN EQUIPMENT	ANNUAL POSHA LIFT INSPECT. -DPW	Open	500.00
23-00361	03/15/23	02297	THE SHARP SHOP	SHOULDER STUD - DPW	Open	5.46
23-00362	03/15/23	01919	ULINE	CUSTODIAL SUPPLIES - DPW	Open	871.34
23-00363	03/15/23	03204	MONTAGUE TOOL & SUPPLY	MOWER TUNEUP KIT/BLADES - DPW	Open	186.13
23-00364	03/15/23	00936	PATTMAN, JEFFREY	REIMB.-BATTERY TERMINALS - POL	Open	200.90
23-00365	03/15/23	00012	PROSTOCK MIDLAND	LOCKING GAS CAP - DPW	Open	15.79
23-00366	03/15/23	00144	BORO OF H-H-K PAYROLL ACCT	ANNUAL PENSION CONTRIBUTION	Open	1,140,022.00
23-00367	03/15/23	00144	BORO OF H-H-K PAYROLL ACCT	MEDICAL/PRESCRIPT/DENTAL-MAR	Open	78,074.36
23-00368	03/15/23	00926	IPD	4 WEBINARS-TAXCOLLECTOR	Open	200.00
23-00369	03/15/23	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MNTH 3/15	Open	182,412.12
23-00370	03/15/23	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL DPW STORM TRUST 3/15	Open	20,000.00

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23-00371	03/15/23	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 3/15	Open	9,870.80
23-00372	03/15/23	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MNTH 3/15	Open	7,093.69
23-00373	03/15/23	00610	NJ DEPT OF HEALTH	2/1-2/28 DOG LIC #159-298	Open	243.00
23-00374	03/15/23	02711	OPTIMUM *	OPTIMUM SVC BORO HL 3/1-3/31	Open	29.95
23-00375	03/16/23	02671	SUBURBAN DISPOSAL INC.	SOLID WASTE/RECYCLING FEB 2023	Open	66,513.03
23-00376	03/16/23	03073	EMERGENCY SERVICES MARKETING	1 YEAR PAGING SVC-AMBULANCE	Open	660.00
23-00377	03/16/23	00103	BORO OF H-H-K WATER TRUST ACCT	REIMBURSE POSTAGE-REC BROCHURE	Open	278.96
23-00378	03/16/23	03004	WYCKOFF WASH	CAR WASHES-POL VEHICLES - FEB	Open	71.50
23-00379	03/16/23	00754	WALDWICK PRINTING COMPANY	NAMEPLATES-COUNCIL/ZBA/PLAN BD	Open	1,218.00
23-00380	03/16/23	01565	MINUTEMAN PRESS	SACKS/WRISTBANDS - STIGMA FREE	Open	1,185.90
23-00381	03/16/23	03524	HOLIDAY BOWL	STIGMA FREE BOWLING EVENT	Open	428.00
23-00382	03/17/23	02777	BOSS SECURITY SYSTEMS, INC.	ALARM MONITORING-WELL HOUSE	Open	276.00
23-00383	03/17/23	03319	AGRA ENVIRONMENTAL & LAB SVCS	WATER SAMPLES 2/7 & 2/8	Open	158.00
23-00384	03/17/23	00419	PROFESSIONAL GOVT EDUCATORS	ETHICS/CONTROL WEBINAR-J CITRO	Open	90.00
23-00385	03/17/23	03298	PASCACK DATA SERVICES, INC	AWS OFF SITE BACKUP 1/1-3/31	Open	1,779.00
23-00386	03/17/23	03298	PASCACK DATA SERVICES, INC	MICROSOFT OFFICE LICENSE	Open	684.55
23-00387	03/17/23	03342	SPECTROTEL	INTERNET ACCESS OVER FIBER-MAR	Open	390.04
23-00388	03/17/23	00319	NORTHWEST BERGEN MAYOR'S ASSOC	2023 MEMBERSHIP DUES	Open	300.00
23-00389	03/17/23	03280	CLEANING WORLD, INC.	CLEANING SVC - MAR	Open	1,775.00
23-00390	03/17/23	03527	BOTTA ANGELI, L.L.C.	PROF SVCS PROSECUTOR - MAR	Open	916.66
23-00391	03/17/23	03192	PIAZZA & ASSOCIATES, INC.	COAH CONSULTING FEE- MAR ADMIN	Open	100.00
23-00392	03/17/23	02331	WISS & BOUREGY P.C.	BORO ATTORNEY LEGAL SVCS- FEB	Open	5,225.00
23-00393	03/17/23	02331	WISS & BOUREGY P.C.	LEGAL SVCS RE:TAX APPEALS-FEB	Open	1,075.00
23-00394	03/17/23	03530	ONE SOURCE OF NEW JERSEY LLC	MISC VEHICLE PARTS - DPW	Open	578.27
23-00395	03/17/23	02271	H2M ASSOCIATES INC	WATER COMPLIANCE SERVICES	Open	3,571.00
23-00396	03/17/23	02339	ZUIDEMA PORTABLE TOILETS	1 MO PORT TOILET N. FIELD 3/25	Open	145.00
23-00397	03/17/23	00414	THE RECORD	SUBSCRIPTION THRU 4/1-3/31	Open	476.42
23-00398	03/17/23	01446	ROGUT MCCARTHY	REV CROSSINGS DEVELP AGREEMENT	Open	210.46
23-00399	03/17/23	02590	AMERICAN WEAR, INC.	FEB 2023 UNIFORMS - ROADS 2/3	Open	191.01
23-00400	03/17/23	02590	AMERICAN WEAR, INC.	FEB 2022 UNIFORMS - WATER 1/3	Open	95.51
23-00401	03/17/23	03529	SCHWANEWEDE/HALS & VINCE	ENG SITE PLAN REV 7 BOILING SP	Open	125.00
23-00402	03/17/23	03472	AMAZON CAPITAL SERVICES	PILLOW BLOCK/RAM/SCALE-WATER D	Open	147.69
23-00403	03/17/23	03529	SCHWANEWEDE/HALS & VINCE	SITE PL REV REVISION-790 WSR	Open	125.00
23-00404	03/17/23	00742	LACROIX, MICHAEL C	REIMB. GUN SAFE FOR POL DPT	Open	3,058.98
23-00405	03/17/23	03327	CLARIS INTERNATIONAL, INC	FILEMAKER SOFTWARE-POL CAD SYS	Open	1,850.00
23-00406	03/17/23	03529	SCHWANEWEDE/HALS & VINCE	SITE PL REV-22 SADDLE RIDGE	Open	650.00
23-00407	03/17/23	03532	LEGACY TREATMENT SERVICES	TELECOMM COURSE - J TYLER	Open	125.00
23-00408	03/17/23	03533	AUDIOEYE, INC.	AUDIO AID FOR WEBSITE	Open	490.00
23-00409	03/20/23	00022	STONE INDUSTRIES, INC.	WINTER TOP ASPHALT - DPW	Open	802.70
23-00410	03/20/23	03534	WALK THE TALK CONSULTANTS, LLC	POLICE TRAINING CLASS - MCBAIN	Open	225.00
23-00411	03/20/23	00555	P S E & G *	ELECT. SVC-EASTGATE THRU 3/10	Open	63.83
23-00412	03/20/23	03535	MID-ATLANTIC LAW ENFORCEMENT	EXEC DEVELOPMENT SEMINAR-POL	Open	850.00
23-00415	03/20/23	00106	M G L PRINTING SOLUTIONS	PRINT - 2000 WATER BILLS	Open	492.00
23-00416	03/20/23	80067	MONGELLI, JOHN	DESIGN 2023 HHK REC BROCHURE	Open	125.00
23-00417	03/20/23	01607	BURGIS ASSOCIATES, INC.	RE RESOLUTION COMPLIANCE-XINGS	Open	542.50
23-00418	03/20/23	03159	BOSWELL ENGINEERING, INC.	INSPECT-WATER MAIN-CROSSINGS	Open	3,950.00
23-00419	03/20/23	03531	P S E & G ***	ELECT/GAS CLIFF ST THRU 2/21	Open	19.64
23-00422	03/20/23	01607	BURGIS ASSOCIATES, INC.	REVIEW PL COMPLIANCE-CROSSINGS	Open	77.50
23-00423	03/20/23	01607	BURGIS ASSOCIATES, INC.	REV APPLIC COMPLIANCE-CROSSING	Open	155.00
23-00424	03/20/23	02863	LAW OFFICES OF GARY CUCCHIARA	REV RESOLUTION LETTER-CROSSING	Open	260.00
23-00425	03/20/23	00038	VERIZON	WATER DEPT PHONES FEB/MAR	Open	86.61
23-00426	03/20/23	00038	VERIZON	BORO DEPTS. PHONES - FEB/MAR	Open	364.41
23-00427	03/21/23	00255	NORTH JERSEY MEDIA GROUP	ZONING BD LEGAL AD SPECIAL MTG	Open	48.00

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23-00428	03/21/23	00255	NORTH JERSEY MEDIA GROUP	BORO LEGAL ADS - FEB	Open	278.36
23-00429	03/21/23	03158	WM RECYCLE AMERICA	RECYCLING PICKUPS FEB - DPW	Open	323.80
23-00430	03/21/23	01607	BURGIS ASSOCIATES, INC.	HAZARD VULNERABILITY STUDY-FEB	Open	503.75
23-00431	03/21/23	01915	BALESTRIERI, ANTHONY	REIMBURSE-EYE EXAM/EYEWEAR	Open	300.00
23-00433	03/21/23	03329	WORTH PINKHAM MEM. LIBRARY*	CLOSE-OUT OF 2022 BUDGET	Open	15,438.65
23-00434	03/21/23	02484	RACHLES/MICHELE'S OIL CO.	2900 GALS GAS DELIVERED 2/10	Open	7,221.58
23-00435	03/21/23	02484	RACHLES/MICHELE'S OIL CO.	850 GALS DIESEL DEL 2/13	Open	2,578.95
23-00436	03/21/23	00105	P S E & G	JAN/FEB GAS/ELECT. - CURRENT	Open	5,444.04
23-00437	03/21/23	00105	P S E & G	JAN/FEB GAS/ELECT. -WATER DEPT	Open	7,879.13
23-00438	03/22/23	02342	MCBAIN, GREG	REIMB. HOTEL- TRAINING COURSE	Open	882.61
23-00439	03/22/23	99874	PRIESTNER, DAN	REIMB.-PILLOW BLOCK -WATER DPT	Open	73.63
23-00440	03/22/23	03204	MONTAGUE TOOL & SUPPLY	OIL COOLER - DPW	Open	126.25
23-00441	03/22/23	02484	RACHLES/MICHELE'S OIL CO.	1600 GALS GAS DELIVERED 2/24	Open	3,772.80
23-00442	03/22/23	03529	SCHWANEWEDE/HALS & VINCE	REV ROAD OPENING-203 ELMWOOD	Open	250.00
23-00443	03/22/23	03290	AJM CONTRACTORS, INC.	RESURFACE VARIOUS STREETS-2021	Open	11,996.54
23-00444	03/22/23	02723	CLARKE CATON HINTZ	ZBA APPLICATION - 2 ORVIL CT	Open	739.50
23-00445	03/22/23	02723	CLARKE CATON HINTZ	COAH SVCS - ADMIN NOV/DEC	Open	552.50
23-00447	03/23/23	02535	RIDGEWOOD CYCLE SHOP	BICYCLE FOR DARE/LEAD PROGRAMS	Open	500.00
23-00448	03/23/23	03481	PRINCETON MARRIOTT	HOTEL- MCAA SPRING CONF. -COURT	Open	388.28
23-00449	03/23/23	03128	P S E & G **	ELECT/GAS ORVIL CT 2/18-3/16	Open	239.40
23-00450	03/23/23	03537	P S E & G ****	ELECT/GAS CLIFF ST 2/22-3/15	Open	181.68
23-00451	03/23/23	01662	AAA EMERGENCY SUPPLY	AIR COMPRESSOR SVC/PARTS-FIRE	Open	1,133.75
23-00452	03/23/23	03472	AMAZON CAPITAL SERVICES	PRESSURE WASHER/DEODORIZER-DPW	Open	160.69
23-00453	03/23/23	00144	BORO OF H-H-K PAYROLL ACCT	2023 POLICE SEVERANCE	Open	16,813.20

**Resolution #23-50**

**A Resolution - Appointment of Firefighter – Kevin James Zatorski**

WHEREAS, the Fire Department of the Borough of Ho-Ho-Kus, through its Acting Chief, has recommended to the Mayor and Council the appointments of member as follows; and

WHEREAS, Kevin James Zatorski 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 Kevin James Zatorski is recommended to the New Jersey State Fireman's Association for membership.

**Resolution #23-51**

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S**

**“Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions  
Under Title VII of the Civil Rights Act of 1964”**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Governing Body of the Borough of Ho-Ho-Kus, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be

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maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Resolution #23-52

A Resolution - Approved payment of accrued sick time payouts

WHEREAS, the Borough of Ho-Ho-Kus approves a payment in the amount of \$16,605.62 in accrued sick time payouts as per the PBA Contract

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Ho-Ho-Kus, hereby authorizes payment of \$16,605.62 for accrued sick time.

BE IT FURTHER RESOLVED, a copy of this resolution shall be sent to PBA Representatives.

Resolution #23-53

A Resolution - Authorization Purchase of Police Vehicle

WHEREAS, the Borough of Ho-Ho-Kus requires vehicles for use by its Police Department as well as use by the Office of Emergency Management Coordinator who is a member of the Police Department; and

WHEREAS, the Borough has identified the availability of 2023 Ford Explorer through the Cranford Police Cooperative Pricing System under Contract No. 47, Item 1, with base price of \$38,230.00 and options of \$21,157.44 for a total price of \$59,387.44; and

WHEREAS, the purchase through a Municipal Cooperative Pricing System satisfies the requirements of the Local Public Contracts Law and the New Jersey Pay to Play laws applicable to such purchases; and

WHEREAS, the Chief Financial Officer has certified availability of funds through the Municipal Budget, Capital Outlay Account #2-01-301-227, so as to allow for an award of a purchase order and payment in total certified amount of **\$59,387.44**;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Ho-Ho-Kus does approve the issuance of two (2) purchase orders and remittance of payment by way of checks in the sum of \$59,387.44 to:

Koch Ford - **\$38,230.00**

Plecktown Road

Easton, PA 18045

East Coast Lighting - **\$21,157.44**

200 Mecco Drive

Millstone Twp, NJ 08535

**CERTIFICATION OF AVAILABILITY OF FUNDS**

As required by NJSA 40A:4-57, NJAC 5:30-14.5 and any other applicable requirement of law, I Joseph Citro, Chief Financial Officer of the Borough of Ho-Ho-Kus, have determined that there are available, sufficient funds, not committed to any other purpose, through the Municipal Budget, Capital Outlay, 2-01-301-227, so as to allow for an award of a purchase order and payment in total certified amount of \$59,387.44.

Joseph Citro, Chief Financial Officer

Resolution #23-54

A Resolution – Transfer of Funds

	<b>FROM:</b>	<b>TO:</b>
DPW (S&W)	\$16,000.00	
Police (O.E.)	\$50,000.00	
Reserve for Tax Appeals		\$50,000.00
Legal (O.E.) (2022)		\$10,000.00
Ambulance (O.E.) (2022)		\$ 2,000.00
Insurance other Premiums (2022)		\$ 4,000.00



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Total	<u>\$66,000.00</u>	<u>\$ 66,000.00</u>
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A motion was offered by Council President Troast and seconded by Councilman Crossley to approve Resolutions #23-49 thru #23-54. Motion carried on a roll call vote – All present voting “Aye”.

### **LIAISON REPORTS**

Recreation – Councilman Iannelli thanked Jim Furry for his service to the Football Association. Baseball season is underway, there is going to be a new field constructed off of Route 17, should be completed by the end of the year. Baseball Association was able to obtain permits to use the multi-purpose bathrooms on Lloyd Field for Saturdays during baseball/softball season. Soccer is underway. Preparations has already begun for HHK Day, which is scheduled for September 9, 2023.

Library – Councilman Policastro reported Circulation in the month of February decreased 5.8% from the previous month and increased 13.6% from the previous year. The Circulation Assistant position and the Marketing & Adult Program Coordinator positions have been filled.

Board of Education – Councilman Policastro reported; Congratulations to the Ho-Ho-Kus Public School for their victory over the Borough at the 2<sup>nd</sup> annual Proud to be Stigma Free Bowlerama. Now the score is even, next year let's see who breaks the tie! Dr. Mardy reported that the annual Ho-Ho-Kus Public School musical was a big success and lots of fun. This year the production was *High School Musical Jr.* It ran last Thursday through Saturday evening, March 23<sup>rd</sup> through 25<sup>th</sup>.

Ambulance Corps – Councilman Crossley reported EMT & Drivers are going to be attending a class on Narcan and EpiPen on April 24, 2023. They will have a rig at the 5K Waldwick event on May 7, 2023 as well as the County Fair on May 12, 2023. The Corp is looking into offering a CPR Class to employees as well as resident, date is TBD.

Beautification – Councilman Crossley reported on Thursday they will start to install the benches along Sheridan, East Franklin Turnpike & Sycamore. There is a totally of 12, which were all donated. They are waiting for the budget to be adopted before they can start Phase 2, which will consist of the improvements outside of borough hall.

Fire Department – Councilman Shell continues to thank the Volunteers for their services.

Chamber of Commerce – Councilman Shell reported they had a really good turnout at their last meeting, where they had a guest speaker who was really engaging and got the attention of the members around social media. They are very excited about HHK Day.

Police – Chief LaCroix thanked the Mayor & Council for allowing him to purchase a new Police Vehicle. He is proud to say this is the first time we received the Gold Level award for the NJ Safe Routes Program,. Captain McBain added they are going over to the school tomorrow to talk about the vandalism incident that happened on the Town Green.

DPW – No report

### **NEW BUSINESS**

**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

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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

Now therefore, be it resolved by the Borough Council of the Borough of Ho-Ho-Kus assembled in public session on March 28, 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 8:00 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