

Borough of Ho-Ho-Kus
County of Bergen
Mayor and Council Combined Work/Public Meeting Minutes
May 24, 2022 7:00 p.m.

The Combine Work/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 May 24, 2022. 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 Combine Work/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 - absent
Councilman.....	Steven Shell
Councilman.....	Edward Iannelli
Councilman.....	Kevin Crossley
Councilman.....	Dane Policastro
Councilwoman.....	Kathleen Moran

Also, in attendance Timothy Wiss , Borough Attorney; William Jones, Borough Administrator; Captain McBain and Joan Herve, Borough Clerk.

FLAG SALUTE:

Mayor Randall led those present in the salute to the American Flag and asked everyone to take a moment of silence for the Texas School Shooting.

PROCLAMATION

Mayor read a Proclamation recognizing June 2022 as LGBTQ+ Pride Month.

Mayor asked for motion to take Resolution #22-72 off of Consent Agenda and move to Off-Consent, moved by Councilman Shell, seconded by Councilwoman Moran. Motion Carried by voice vote – all present voting “Aye”.

MAYOR'S REMARKS

Mayor thanked each and every one who attended the last couple of meetings, especially as it relates to an issue near and dear to you. Mayor gave a brief recap; As indicating the borough has been examining ways to utilize a flag pole through the use of government speech for some time. Based on advice from our Borough Attorney, we became aware the United States Supreme Court would be taking up this very issue known as (Shurtleff v. Boston). Our concerns were always to protect the borough and residents from needless litigation and insuring any program that was undertaken by the borough would be within the law. Out of abundance of caution the borough was waiting for guidance from the decision of the Supreme Court Case, which has now been decided. Therefore, he is proud to announce the Borough intends to fly the Pride Flag in June utilizing dedicated flagpole on Borough Property located at the Library (91 Warren Avenue) to honor the Proclamation set forth as LGBTQ+ Pride month. This flagpole will be used as an expression for the municipality’s official sentiments, however not intended to serve as a forum for free expression by the public. Mayor asked Council Crossley to read that resolution authorizing Government Speech Flag Pole.

OFF-CONSENT RESOLUTION

Resolution #22-72 – read in full by Councilman Crossley

A Resolution – Authorizing Government Speech Flag Pole

WHEREAS, the Borough of Ho-Ho-Kus (“Borough”) desires to create a public flagpole where it can speak for itself through the flying of various flags; and

WHEREAS, the Borough wishes to establish a flagpole which is not intended to serve as a forum for free expression by the public; and

WHEREAS, the Borough wishes to only fly those flags which are an expression of the municipality’s official sentiments; and

WHEREAS, the Borough wishes to utilize the flagpole located at 91 Warren Ave, Ho-Ho-Kus, NJ 07423 for such purpose;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that a “government speech” flagpole is hereby established at 91 Warren Ave, Ho-Ho-Kus, NJ 07423;

BE IT FURTHER RESOLVED, that any flags flown on such pole shall be only for the expression of the municipality’s official sentiments and shall not establish a forum for free expression by the public;

BE IT FURTHER RESOLVED, that any flag recognized by the United States or State of New Jersey; any flag honoring a professional sports team commemorating a significant achievement involving the Borough of Ho-Ho-Kus; or any flag recognizing an official action, ceremony, or proclamation, may be flown by the Borough Administrator upon request of the Mayor;

BE IT FURTHER RESOLVED that the Mayor, the Borough Administrator, the Borough Clerk, and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution.

A motion was offered by Councilman Crossley and seconded by Councilman Shell to approve Resolution 22-72. Motion carried on a roll call vote – All present voting “Aye”.

PRESENTATION

Caileigh Mapes presented her Girl Scout Gold Ward Project, HHK Heritage Keepers to the Mayor and Council. Mayor Randall and Council presented her with a Certificate in recognition of her accomplishments.

DEPARTMENT REPORTS

Reports on file in the Clerk’s Office

Police Report – April 2022

Court Report – April 2022

Library Report - May 2022

APPROVAL OF MINUTES

A motion was offered by Councilman Shell and seconded by Councilman Policastro to approve the minutes of the April 26, 2022 Public Meeting of the Mayor and Council. Motion carried on a roll call vote – all present voting “Ayes.

PUBLIC COMMENTS

Mayor opened the meeting to the public. He stated if anyone desired to be heard, state your name and address for the record.

Karen Weber, 24 Hollis Drive

Resident asked the Mayor & Council to consider installing LED Solar Power Pedestrian Activated Crossing Signals at two of the crosswalks (Ackerman & Sheridan and Warren & Sheridan) that are frequented by children walking to and from school, as well as adults and seniors in the community for their safety.

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Administrator Jones stated those are County Roads, we are presently working with the County to have additional striping & painting and potentially those lights. Mayor stated we will bring those particular intersections to the County's attention. Resident asked who in the County she can reach out too. The Administrator suggested the Board of Commissioners.

Lauren, 17 Boiling Spring Road

Resident stated she is so happy to have this flag opportunity and asked the Mayor and Council if she can share an 8th grade service project video which was done by her daughter and friend, which was on this very issue "Flying the Pride Flag in June". Mayor and Council thanked her for sharing.

Dan Rubenstein, 540 East Gate Road

Mr. Rubenstein as a representing the Ho-Ho-Kus Pride Flag Coalition thanked the Mayor and Council for their support on flying the Pride Flag in June. By doing this you will have saved lives moving forward.

Mark, 19 N. Saddle Ridge Drive

Resident stated he recently build a house on 19 N. Saddle Ridge Drive; he has landscaping that include stones that is encroaching on the easement (ROW) and asked the Mayor & Council if there was any resolution they can come to. Mayor stated unfortunately our Zoning Official informed us the approved site plans did not show any of the work that you have done in regards to this landscaping. Attorney added this is also a safety concern when you start building rocks in the (ROW) it's designed to have that buffer, plows go through, cars, pedestrians. We are looking to our construction official to determine our zoning laws we set in place, given what's here and his concerns that is something you have to raise with him.

Mayor closed the meeting to the public

ADMINISTRATORS REPORT

Unfinished Business

BC United Way/Madeline Partnership Affordable Housing Project – BCUW is looking at the week of June 15th, 2022 for a grand opening celebration. Applications close out on June 1st. Expected occupancy will be sometime later in June/July 1st. They did receive the \$500,000 grant for this project.

HHK Crossing Project – Nothing new to report

Water Tanks Project – Nothing new to report

Water filtration System Project – Nothing new to report

On-line bill pay – continues to grow

New Business

Salute to Military Banner Program – sold out in less than 48 hours, 33 were sold. Most banners have already been put up and will stay up through veterans' day. We have about a dozen people on a waiting list. We are looking to expand.

HHK Day – Invites went out today to the members of the Chamber of Commerce for HHK Day, which is scheduled for September 10, 2022.

Summer Hours – Starting this Friday the Borough Hall will be closing on Fridays at 12:30 as part of our summer hours program, which allows us to stay open to 6pm on Tuesdays throughout the year.

CORRESPONDENCE

- a) Email from Kirstie Forellati regarding flying the Pride Flag
- b) NJDOT – Deadline for grant application – July 1, 2022
- c) Bergen Utilities Authority public meeting notice – Computation of connection fees to be held on May 26, 2022 at 10am
- d) Zoning Ord. 22-11 from Washington Township to establish conditional use standards for places of worship.
- e) Ramsey Ambulance Corps. asking HHK to participate in the Yellow Dot Program.
- f) State of NJ, Dept of Community Affairs information regarding Daniel's Law.

INTRODUCTION OF ORDINANCES

ORDINANCE 2022-69

AN ORDINANCE TO AMEND ARTICLE VII, CHAPTER 85-37, ZONING OF THE BOROUGH OF HO-HO-KUS. THE FOLLOWING SECTIONS ARE AMENDED.

WHEREAS, the Borough's policy is to maintain the established character and scale of the Borough and to regulations that are in character and scale with the established neighborhoods; and

WHEREAS, the borough seeks to establish sign regulations to promote the orderly arrangement of regulations and to promote a safe and efficient use of signs in the Borough to promote the goals and objectives of the Borough Master Plan.

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus, in the County of Bergen and State of New Jersey, that Article VII Special Regulations section entitled §85-37 entitled "Signs" are hereby amended and supplementing the existing code in the following particulars only: (deleted sections are noted by ~~striketroughs~~, new sections are underlined)

Section 1. Amend section §85-37.004 Prohibited Sign and Sign Features item M., by amending the following particulars only:

- M. ~~No metal signs shall be permitted.~~ Signs shall be constructed of wood or carved wood material, not of metal except as specifically permitted herein. Freestanding sign support posts may be constructed of metal or masonry composite designed and detailed to be complimentary to the theme of the sign design and building style.

Section 2. Amend section 85-37.005 General Sign Regulations, by amending the following particulars only:

- H. (Add New Section) A coordinated graphics sign design theme throughout a building or property is encouraged. The design theme should include a consistent style and size of lettering, construction materials, colors, location, type of pole or standard, size and lighting as permitted herein. The color of letters and backgrounds should be coordinated in relation to the color of the material or buildings or where the signs are proposed to be located.

Section 3. Amend section §85-37.014 Signs Permitted for Business Related Uses (Multi-Tenanted Buildings or Industrial Parks), by amending the following particulars only:

§85-37.014 (Amend to **37.015**) **Signs Permitted for Business Related Uses (Multi-Tenanted Buildings or Industrial Parks)**

- C. (Amend to letter A.) Each such tenant or user shall submit a tenant signing plan to the Planning Board for approval.
- D. (Amend to letter B.) The signing plan shall be based on an integrated design theme to include all of the elements in §85-37.02. All of the above elements shall be designed to be in harmony and consistent with each other, the architecture and materials of the principal structures and the landscaping plan. The reviewing board, in its sole discretion, shall determine if a proposed signing plan meets the goals and objectives of this subsection.
- E. (Amend to letter C.) The total area of all signs inside or outside each main building on any one property shall not exceed two square feet per foot of building frontage or 60 square feet, whichever is the smaller, and the lesser dimension of any sign shall not exceed two feet.
- F. (Amend to letter D.) No such tenant sign mounted to the building shall be higher than 20 feet as measured from the average façade elevation. If such tenant sign is freestanding it shall be no higher than 6 feet.
- E. (Add New Section) A building wall mounted and/or a freestanding tenant directory ground sign is permitted for a multi-tenanted or multi-use building as permitted herein. A freestanding tenant directory sign is permitted only

where a principal building is setback a minimum of 40 feet from a street R.O.W. providing access to said property, otherwise a directory sign shall **only** be attached to the principal building. Such tenant directory sign background shall be constructed of wood except, the individual tenant plaques may be composed of a non-wood, plastic or metal material. A tenant directory sign in the IP Industrial Park zones may be constructed of metal, wood or wood simulated composite material. The tenant sign shall be permitted to identify the name of the building in addition to the businesses on the premises. The directory sign shall have a maximum sign area of 25 square feet and a maximum height of 6 feet from grade at the base of the sign and a width of no greater than 8 feet. Freestanding tenant directory signs shall have a minimum setback of five feet from a street line or right-of-way line and 5 feet from a property line.

Section 4. Amend section §85-37.015 Signs Permitted for Service Station Uses, by amending the following particulars only:

~~§85-37.015~~ (Amend to **37.016**) **Signs Permitted for Service Station Uses**

Section 5. Amend section §85-37.009 Nonconforming Signs item B., by amending the following particulars only:

B. A sign existing on the effective date of the adoption of this section which does not conform to any provision thereof, shall be deemed a nonconforming use and may be continued, maintained and repaired upon its present premises, provided that such sign was lawful under any prior ordinance. ~~Any legal nonconforming sign on any premises involving a change in tenancy of said premises or involving a change in the physical appearance of the sign shall revoke the nonconforming rights as soon as the physical appearance of the sign is changed in any manner whatsoever.~~ Nothing herein shall be construed to prohibit the normal maintenance of a legal nonconforming sign, such as bulb replacement, painting or replacement of existing lettering.

Section 6. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section 7. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 8. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Bergen County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Borough clerk is further directed to publish notice of the passage thereof and to file copy of this ordinance as finally adopted with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

Section 9. This ordinance shall take effect twenty (20) days after final passage and publication as prescribed by law.

A motion was offered by Councilman Shell and seconded by Councilman Iannelli to Introduce Ordinance #2022-69. Motion carried on a roll call vote – All present voting “Aye”.

ORDINANCE 2022-70

AN ORDINANCE APPROVING AND AUTHORIZING THE BOROUGH OF HO-HO-KUS TO EXECUTE A FINANCIAL AGREEMENT WITH LMF HHK URBAN RENEWAL LLC

WHEREAS, by Resolution No. 20-38 pursuant to N.J.S.A. 40A:12A-6, the Borough of Ho-Ho-Kus directed the Planning Board of the Borough Ho-Ho-Kus (the “Planning Board”), to undertake a preliminary investigation to determine whether the area in the Borough of Ho-Ho-Kus, known and designated as Block 1016, Lots 3, 5 and 11, inclusive of any and all streets, and right of ways, as shown on the Official Tax Map of the Borough of Ho-Ho-Kus, commonly known as 619 North Maple Avenue, 217 First Street and 239 First Street, (the “Redevelopment Area”), meets the criteria of an area in need of redevelopment set forth in N.J.S.A. 40A:12A-5, without the use of eminent domain in accordance with Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”) ; and

WHEREAS, the Planning Board authorized Edward Snieckus, Jr., PP, LLA, ASLA, of Burgis Associates, Inc. (the “Planner”), to review the designation criteria and prepare a report to the Planning Board as to whether the Redevelopment Area meets the criteria of a non-condemnation redevelopment area, in accordance with N.J.S.A. 40A:12A-1, et seq.; and

WHEREAS, after reviewing the preliminary investigative report entitled “619 N. Maple Avenue, 217 First Street and 239 First Street, Area in Need of Redevelopment Study-Non-condemnation” dated May 5, 2020” prepared by the Planner, and convening a public hearing, the Planning Board meets the criteria set forth in N.J.S.A. 40A:12A-5(d) and

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(h) for redevelopment designation and recommended to the Mayor and Council that the delineated area be designated as a non-condemnation redevelopment area, in accordance with N.J.S.A. 40A:12A-1, et seq.; and

WHEREAS, at its regularly scheduled public meeting on July 21, 2020, on the basis of the Planning Board's recommendation and the Planner's investigative report and taking into account the public comments made, the Mayor and Council of the Borough of Ho-Ho-Kus adopted Resolution No. 20-89 designating Block 1016, Lots 3, 5 and 11, commonly known as 619 North Maple Avenue, 217 First Street and 239 First Street, respectively, as a non-condemnation redevelopment area; and

WHEREAS, by Resolution 20-90, the Mayor and Council of the Borough of Ho-Ho-Kus directed the Planning Board to prepare a redevelopment plan for the designated Redevelopment Area, which was prepared and entitled "619 N. Maple Avenue, 217 & 239 First Street Redevelopment Plan" dated July 12, 2021 (the "Redevelopment Plan"); and

WHEREAS, the Planning Board, after having considered the aforementioned report and having held a public hearing, recommended that the Mayor and Council adopt the Redevelopment Plan; and

WHEREAS, by Ordinance dated August 24, 2021, the Borough adopted the Redevelopment Plan; and

WHEREAS, the Mayor and Council, via Resolution 21-100, on or about August 24, 2021, designated LMF HHK Urban Renewal LLC (the "URE") as the Redeveloper of the Redevelopment Area consistent with the Redevelopment Plan who proposes to construct 67 market rate residential rental units including 10 affordable rental units with related parking and onsite and offsite infrastructure improvements (hereinafter referred to as the "Project") within the **Borough of Ho-Ho-Kus** on a portion of the site described as Block 1016, Lots 3, 5 and 11 as shown on the Official Borough Tax Map of the Borough of Ho-Ho-Kus, Bergen County, State of New Jersey; and

WHEREAS, URE is an urban renewal entity, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. (the "Long Term Tax Exemption Law"); and

WHEREAS, URE is the contract purchaser of owner of Block 1016, Lots 3, 5 and 11 (the "Property"); and

WHEREAS, the Property is located in the Redevelopment Area, as required by the Long Term Tax Exemption Law, more specifically N.J.S.A. 40A:20-4; and

WHEREAS, URE has submitted an application on to the Borough for the approval of an urban renewal project, as such term is used in the Long Term Tax Exemption Law, all in accordance with the Long Term Tax Exemption Law, more specifically N.J.S.A. 40A:20-8 (the "Exemption Application"); and

WHEREAS, absent the tax incentives provided by the Long Term Tax Exemption Law, URE would likely not proceed with the Project; and

WHEREAS, Borough has determined after a detailed, critical evaluation, that the relative benefits of approving the Exemption Application outweigh the costs thereof and it is in the Borough's best interest;

WHEREAS, in order to enhance the economic viability of and opportunity for a successful project, the Borough will enter into an agreement (the "Financial Agreement") with URE, governing payments made to the Borough in lieu of real estate taxes on the Property pursuant to the Long Term Tax Exemption Law; and

WHEREAS, the Entity has agreed to make payment of the Annual Service Charge (as defined in the Financial Agreement) to the Borough; and

WHEREAS, the Mayor has submitted the Exemption Application and Financial Agreement to the Borough Council with her recommendation for approval (the "Mayor's Recommendation"); and

WHEREAS, the Council has determined that the Project represents an undertaking permitted by the Long Term Tax Exemption Law, and has further determined that the Project is an improvement made for the purposes of clearance, replanning, development, or redevelopment of an area in need of redevelopment within the Borough, as authorized by the Long Term Tax Exemption Law and finds that the Project shall promote and further the redevelopment of the Borough.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL
OF THE BOROUGH OF HO-HO-KUS, NEW JERSEY AS FOLLOWS:**

1. The Mayor in consultation with counsel to the Borough is hereby authorized to execute and/or amend, modify or make such necessary changes to the Exemption Application, the Financial Agreement and any other agreements necessary to effectuate the Financial Agreement.
2. An exemption from taxation as set forth in the Financial Agreement is hereby granted to URE, with respect to the Project on the Property for the term set forth in the Financial Agreement; provided that in no event shall the tax exemption exceed the earlier of (i) thirty-five (35) years from the date of execution of the Financial Agreement or (ii) to the extent permitted by N.J.S.A. 40A:20-13, thirty (30) years from URE's receipt of a Certificate of Occupancy and only so long as the Entity remains subject to

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and complies with the Financial Agreement and the Long Term Tax Exemption Law and any other agreement related to the Project or the Property.

3. The executed copy **of the** Financial Agreement shall be certified by and be filed with the Office of the Borough Clerk.

4. The Project shall conform with all Federal and State law and ordinances and regulations of the Borough relating to its construction and use.

5. The URE shall, in the operation of the Project, comply with all laws so that no person because of race, religious principles, color, national origin or ancestry, will be subject to discrimination.

6. The Entity shall, from the time the Annual Service Charge becomes effective, pay the Annual Service Charge as set forth in the Financial Agreement.

7. The following occurrences are express conditions to the grant of this tax exemption to be performed by the URE:

(a) URE shall not, without prior consent of the Borough as set forth in the Financial Agreement, convey, mortgage or transfer all or any part of the Project which would sever, disconnect or divide the improvements being tax exempted under the Financial Agreement from the land underlying the exempted improvements.

(b) URE shall complete the Project within the timeframes set forth in the Redevelopment Agreement between URE and the Borough of Ho-Ho-Kus.

8. The Project will result in the redevelopment of the Borough by providing additional and improved residential development.

9. The Financial Agreement with URE is a necessary inducement to the undertaking of the Project.

10. A certified copy of this Ordinance and the Financial Agreement shall be transmitted by the Borough Clerk to the Director of the Division of Local Government Services, as required by N.J.S.A. 40A:20-12.

11. This Ordinance shall take effect after final passage and publication according to law.

STATEMENT

This Ordinance authorizes the Borough of Ho-Ho-Kus to enter into a Financial Agreement for the Payment in Lieu of Taxes with LMF HHK Urban Renewal LLC.

A motion was offered by Councilman Shell and seconded by Councilman Iannelli to Introduce Ordinance #2022-70. Motion carried on a roll call vote – All present voting “Aye”.

CONSENT AGENDA RESOLUTIONS (22-64 thru 21-73)

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

Resolution #22-64

A Resolution – Payment of Bills – May 2022

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$1,999,609.57; and

WHEREAS, such claims have been listed according to Department and account number with corresponding vouchers to be reviewed and approved by the Mayor and Council; and,

WHEREAS, the CFO has determined that the funds have been properly appropriated for such purposes and are available, in the Borough of Ho-Ho-Kus and that the claims specified on the schedule attached hereto, following examination and approval by the Mayor and Council, be paid and checks issued accordingly; and, NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that the claims totaling \$1,999,609.57; be approved and ratified respectively

BILL LIST:

21-01743	11/17/21	02567	EAST COAST EMERGENCY LIGHTING	WARNING LIGHT BAR - FIRE ENG.	Open	7,369.50	0.00
22-00530	03/29/22	00001	HOME HARDWARE	APR PURCHASES - DPW	Open	722.45	0.00
22-00531	03/29/22	00056	TYCO ANIMAL CONTROL SERVICES	ANIMAL CONTROL SVC APR 2022	Open	500.00	0.00

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22-00534	03/29/22	02686	ONE CALL CONCEPTS	ONE CALL MESSAGES - APR 2022	Open	70.07	0.00
22-00578	04/01/22	03298	PASCACK DATA SERVICES, INC	PC AND MONITOR - POLICE DEPT	Open	2,481.48	0.00
22-00608	04/07/22	03205	NORTH JERSEY PUMP & CONTROLS	FLOW CONTROL FOR WELL PUMP	Open	1,852.00	0.00
22-00652	04/18/22	03098	KONICA MINOLTA ***	SQ 9 MAINT CONTRACT-SCANNER	Open	825.01	0.00
22-00659	04/19/22	03098	KONICA MINOLTA ***	I3250 SCANNER MAINT. AGREEMENT	Open	1,123.00	0.00
22-00677	04/20/22	01662	AAA EMERGENCY SUPPLY	AIR COMPRESSOR SERVICE-FIRE DP	Open	1,088.25	0.00
22-00678	04/20/22	00052	NORTHWEST BERGENMUTUAL AID	MUTUAL AID DUES 2022 FIRE DPT	Open	500.00	0.00
22-00682	04/21/22	03298	PASCACK DATA SERVICES, INC	SONICWALL SMA SUPPORT-RENEWAL	Open	284.00	0.00
22-00683	04/21/22	80309	LASALA, BRIAN & BALLEY, HEATHER	RETURN ZBA ESCROW 1206/17	Open	860.60	0.00
22-00691	04/22/22	01840	OPTIMUM	POLICE/CAD CABLE 5/16-6/15	Open	93.43	0.00
22-00692	04/22/22	00030	HO-HO-KUS BOARD OF EDUCATION	SCHOOL TAX - MONTH OF MAY	Open	1,229,651.00	0.00
22-00694	04/25/22	03192	PIAZZA & ASSOCIATES, INC.	COAH CONSULTING FEE - APRIL	Open	100.00	0.00
22-00695	04/25/22	03300	ABMA'S FARM	WOOD CHIPS DUMPED - 30 YARDS	Open	285.00	0.00
22-00696	04/25/22	03338	MOMAR, INC.	URINAL SCREEN - DPW	Open	117.55	0.00
22-00697	04/25/22	03483	HOME DEPOT CREDIT SERVICES	LUMBER PRODUCTS - DPW	Open	297.46	0.00
22-00698	04/25/22	02380	I. D. M. MEDICAL GAS CO	REFILL 3 OXYGEN D SIZE CYL-AMB	Open	78.38	0.00
22-00699	04/25/22	03223	PIERCE-EAGLE EQUIPMENT	RECEPTACLE/FLOAT ARM-WATER DP	Open	558.23	0.00
22-00700	04/25/22	03239	AT&T MOBILITY	CELL PHONE SERVICE 3/12-4/11	Open	198.80	0.00
22-00701	05/09/22	03298	PASCACK DATA SERVICES, INC	COMPUTER SUPPORT 6/15-9/14	Open	6,750.00	0.00
22-00702	05/09/22	03280	CLEANING WORLD, INC.	CLEANING SVC INCL WINDOWS -APR	Open	2,560.00	0.00
22-00703	05/10/22	03198	CAREER DEVELOPMENT INSTITUTE	HLEO WAIVER COURSE- POL DPT	Open	389.00	0.00
22-00704	05/10/22	00329	RG GROUP	PRESTOLOCK FITTING - DPW	Open	30.01	0.00
22-00705	05/10/22	01607	BURGIS ASSOCIATES, INC.	CORNER LOT AMENDMENT - PLAN BD	Open	620.00	0.00
22-00706	05/10/22	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES - POLICE DEPT	Open	73.98	0.00
22-00707	05/10/22	00106	M G L PRINTING SOLUTIONS	ENVELOPES TAX/FINANCE	Open	574.50	0.00
22-00708	05/10/22	00106	M G L PRINTING SOLUTIONS	WATER BILL FORMS - WATER DPT	Open	700.50	0.00
22-00709	05/10/22	03208	MONMOUTH TELECOM	TELECOM SERVICE APRIL/MAY	Open	1,926.06	0.00
22-00710	05/10/22	02331	WISS & BOUREGY P. C.	BORO ATTORNEY LEGAL SVCS-APRIL	Open	5,325.00	0.00
22-00711	05/10/22	02701	ALL SERVICE	LATCH - DPW	Open	113.52	0.00
22-00712	05/11/22	00232	SITEONE LANDSCAPE SUPPLY	FERTILIZER - DPW	Open	455.73	0.00
22-00715	05/11/22	00821	AT&T	APR 2022 FAX/LONG DISTANCE	Open	110.22	0.00
22-00716	05/11/22	03261	KONICA MINOLTA BUS. SOLUTIONS	POLICE COPIER-COPIES 4/4-3/3	Open	51.97	0.00
22-00717	05/11/22	02711	OPTIMUM *	OPTIMUM SVC BORO HL 5/1-5/31	Open	29.95	0.00
22-00718	05/11/22	01201	PROGRESSIVE BRICK	20 24"x20' PIPES - DPW	Open	723.10	0.00
22-00719	05/11/22	03150	ELECTRO BATTERY SYSTEMS	2 BATTERIES - AMBULANCE	Open	602.88	0.00
22-00720	05/11/22	00208	W E TIMMERMAN	MISC. PARTS	Open	61.38	0.00
22-00721	05/11/22	02843	AMANO MCGANN, INC.	TICKET ROLLS - PARKING METERS	Open	17.00	0.00
22-00722	05/11/22	00160	CERTIFIED SPEEDOMETER	FLARES USED FOR STORM -POL DPT	Open	282.00	0.00
22-00723	05/11/22	03338	MOMAR, INC.	PUMP-UP SPRAYER - DPW	Open	513.54	0.00
22-00724	05/11/22	03338	MOMAR, INC.	PASSAGE BLOCK - DPW	Open	747.08	0.00
22-00725	05/12/22	03288	GLOBAL INTERACTIVE SOLUTIONS	ZOOM PRO CONTRACT TO 5/14/2023	Open	398.80	0.00
22-00726	05/12/22	00106	M G L PRINTING SOLUTIONS	REAL ESTATE SIGN LABELS	Open	257.00	0.00
22-00727	05/12/22	00097	ACTION RUBBER & INDUSTRIAL	SUP HOSE FITTINGS - DPW	Open	21.09	0.00
22-00728	05/12/22	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES - DPW	Open	131.98	0.00
22-00729	05/12/22	03223	PIERCE-EAGLE EQUIPMENT	PIPE NIPPLE - WATER DEPT	Open	78.42	0.00
22-00730	05/12/22	02568	NEAL SYSTEMS, INC.	SCADA COMPUTER UPGRADE-WATER D	Open	3,996.00	0.00
22-00731	05/12/22	03158	WM RECYCLE AMERICA	RECYCLING PICKUPS MARCH - DPW	Open	146.79	0.00
22-00732	05/12/22	01088	DEPOSITORY TRUST COMPANY	BOND ANTICIPATION NOTE-INTERES	Open	37,499.99	0.00
22-00733	05/12/22	00144	BORO OF H-H-K PAYROLL ACCT	DCRP - APR 2022	Open	403.90	0.00
22-00734	05/12/22	00144	BORO OF H-H-K PAYROLL ACCT	CURRENT SOCIAL SECURITY - APR	Open	14,101.13	0.00
22-00735	05/12/22	00144	BORO OF H-H-K PAYROLL ACCT	WATER DPT SOCIAL SECURITY-APR	Open	1,309.45	0.00

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22-00736	05/12/22	00144	BORO OF H-H-K PAYROLL ACCT	SOL WASTE SOCIAL SECURITY-APR	Open	843.41	0.00
22-00737	05/12/22	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MNTH 4/29	Open	177,232.03	0.00
22-00738	05/12/22	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 4/29	Open	7,363.66	0.00
22-00739	05/12/22	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MNTH 4/29	Open	5,515.67	0.00
22-00740	05/12/22	00144	BORO OF H-H-K PAYROLL ACCT	MEDICAL/PRESCRIPT/DENTAL- MAY	Open	68,942.36	0.00
22-00741	05/12/22	00012	PROSTOCK MIDLAND	DEXCOOL ANTI-FREEZE/BULBS- DPW	Open	152.57	0.00
22-00742	05/12/22	02297	THE SHARP SHOP	2 TIRE TUBES-LANDSCAPE EQUIP.	Open	19.98	0.00
22-00743	05/12/22	01919	ULINE	GARBAGE BAGS & GLOVES - DPW	Open	254.17	0.00
22-00744	05/12/22	00886	SCHWANEWEDE/HALS ENGINEERING	SITE PLAN REV-REVISION 1203/9	Open	125.00	0.00
22-00745	05/12/22	03240	USA SECURITY SERVICES, INC.	REPAIRS TO SECURITY SYSTEM	Open	825.00	0.00
22-00749	05/12/22	00610	NJ DEPT OF HEALTH	3/1-3/31 DOG LIC #390-401	Open	17.40	0.00
22-00750	05/12/22	02538	A & A SIGNS	LETTERING/STRIPING NEW POL CAR	Open	685.00	0.00
22-00751	05/12/22	03004	WYCKOFF WASH	CAR WASH-3 POL VEHICLES-APR	Open	16.50	0.00
22-00752	05/12/22	02339	ZUIDEMA PORTABLE TOILETS	1 MO PORT TOILET N. FIELD 4/22	Open	130.00	0.00
22-00753	05/13/22	00886	SCHWANEWEDE/HALS ENGINEERING	ENG PLAN REVIEW 1010/13	Open	1,200.00	0.00
22-00754	05/13/22	00886	SCHWANEWEDE/HALS ENGINEERING	ENG REV/PLAN BD MTG 1010/13	Open	1,007.50	0.00
22-00755	05/13/22	02863	LAW OFFICES OF GARY CUCCHIARA	PL BD ATTORNEY REVIEW 1010/13	Open	1,020.00	0.00
22-00756	05/13/22	01607	BURGIS ASSOCIATES, INC.	REV APPLIC/JAN MTG 1010/13	Open	348.75	0.00
22-00757	05/13/22	01607	BURGIS ASSOCIATES, INC.	REVIEW/PL BD FEB MTG 1010/13	Open	465.00	0.00
22-00758	05/13/22	02429	GRAINGER	QUICK CONNECT FILTERS - DPW	Open	90.08	0.00
22-00759	05/13/22	02478	QUENCH USA	5/1-7/31 WATER COOLER MAINT.	Open	100.95	0.00
22-00760	05/13/22	02938	ASSOCIATED APPRAISAL GROUP*	SETTLEMENT CONF. SASSO 502/21	Open	125.00	0.00
22-00761	05/13/22	80121	KIRSCH, JESSICA	REIMB.- POL. BICYCLE REPAIR	Open	186.58	0.00
22-00762	05/13/22	00347	HAWTHORNE CHEVROLET	TANK FOR POLICE 2020 TAHOE	Open	63.27	0.00
22-00763	05/13/22	00936	PATTMAN, JEFFREY	REIMB.-PAINT & BRUSHES	Open	47.43	0.00
22-00764	05/13/22	03464	Y-PERS INC.	LATEX COATED GLOVES - DPW	Open	74.28	0.00
22-00765	05/13/22	80108	ADAMS, NORA	SPANISH INTERPRETER-COURT 5/4	Open	150.00	0.00
22-00766	05/13/22	02723	CLARKE CATON HINTZ	AFFORDABLE HOUSING SVCS.-MAR	Open	1,699.50	0.00
22-00767	05/13/22	02069	PATTMAN PLUMBING	A/C REPAIR - POL DPT.	Open	1,137.50	0.00
22-00768	05/13/22	02831	GARDEN STATE BOBCAT	100' WINCHLINE-DPW VEH. MAINT.	Open	473.09	0.00
22-00769	05/16/22	03144	UNTOUCHABLE SOUNDS	WINOW TINTING - POL VEHICLE	Open	100.00	0.00
22-00770	05/16/22	00555	P S E & G *	ELECT. SVC-EASTGATE THRU 5/10	Open	68.48	0.00
22-00771	05/16/22	02474	KONICA MINOLTA	BORO H COPIER MAINT 5/12-8/11	Open	723.27	0.00
22-00772	05/16/22	02564	PENGUIN MANAGEMENT INC.	VOICE NOTIFICATION SYST-FIRE D	Open	870.00	0.00
22-00773	05/16/22	02671	SUBURBAN DISPOSAL INC.	SOLID WASTE/RECYCLING APR 2022	Open	73,265.60	0.00
22-00774	05/16/22	80310	PONTECORVO, MICHAEL	RETURN ZONING PERMIT FEE	Open	50.00	0.00
22-00775	05/16/22	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MNTH 5/13	Open	173,066.85	0.00
22-00776	05/16/22	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 5/13	Open	8,117.46	0.00
22-00777	05/16/22	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MNTH 5/13	Open	4,484.66	0.00
22-00778	05/17/22	03303	B.C.U.W./MADELINE	REQUISITION #17-AFFORD HOUSING	Open	85,571.25	0.00
22-00779	05/17/22	03342	SPECTROTEL	INTERNET ACCESS OVER FIBER-MAY	Open	386.35	0.00
22-00780	05/17/22	00105	P S E & G	MAR-APR GAS/ELECT. - CURRENT	Open	6,638.45	0.00
22-00781	05/17/22	00105	P S E & G	MAR/APR GAS/ELECT. - WATER DEPT	Open	6,889.26	0.00
22-00782	05/17/22	03334	HARWOOD LLOYD , LLC	HEARING OFFICER-CONFERENCE	Open	315.00	0.00
22-00783	05/17/22	02900	EAGLE POINT GUN/T J MORRIS	AMMUNITION- POL. DEPT.	Open	1,120.00	0.00
22-00784	05/17/22	02590	AMERICAN WEAR, INC.	APR 2022 UNIFORMS - ROADS 2/3	Open	233.63	0.00
22-00785	05/17/22	02590	AMERICAN WEAR, INC.	APR 2022 UNIFORMS - WATER 1/3	Open	116.81	0.00
22-00786	05/17/22	00038	VERIZON	WATER DEPT PHONES APR-MAY	Open	83.35	0.00
22-00787	05/17/22	00038	VERIZON	APR-MAY PHONE - DEPTS.	Open	356.50	0.00
22-00788	05/17/22	00255	NORTH JERSEY MEDIA GROUP	LEGAL ADS - CLERK - APRIL	Open	519.76	0.00
22-00789	05/17/22	00255	NORTH JERSEY MEDIA GROUP	LEGAL ADS-ZONING BOARD - APRIL	Open	35.10	0.00

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22-00791	05/17/22	80220	CARROLL, JOANN	REIMB. -FLOWERS RUTHERFORD WAKE	Open	332.67	0.00
22-00792	05/17/22	02723	CLARKE CATON HINTZ	AFFORDABLE HOUSING SVCS- 4/29	Open	583.50	0.00
22-00794	05/17/22	02484	RACHLES/MICHELE'S OIL CO.	1260 GALS DIESEL DEL 4/11	Open	4,504.75	0.00
22-00795	05/17/22	02484	RACHLES/MICHELE'S OIL CO.	2400 GALS GAS DELIVERED 4/20	Open	7,776.82	0.00
22-00796	05/18/22	03483	HOME DEPOT CREDIT SERVICES	LUMBER PRODUCTS - DPW	Open	31.92	0.00
22-00797	05/18/22	03472	AMAZON CAPITAL SERVICES	BIKE HELMET - POL DPT	Open	67.88	0.00
22-00798	05/18/22	03472	AMAZON CAPITAL SERVICES	TRASH PICK UP TOOL - DPW	Open	112.02	0.00
22-00799	05/18/22	03472	AMAZON CAPITAL SERVICES	BACK UP CAMERA - POL VEHICLE	Open	105.98	0.00
22-00800	05/18/22	03192	PIAZZA&ASSOCIATES, INC.	COAH CONSULTING FEE - MAY	Open	100.00	0.00
22-00801	05/18/22	02271	H2MASSOCIATES INC	WATER ENG. SVCS THRU 4/29	Open	2,550.00	0.00
22-00802	05/18/22	03319	AGRA ENVIRONMENTAL & LAB SVCS	COLIFORM TESTS - WATER DEPT.	Open	316.00	0.00
22-00803	05/19/22	00106	M G L PRINTING SOLUTIONS	HEALTH DPT CERT. BINDER/INDEX	Open	132.00	0.00
22-00804	05/19/22	02703	NORTHEAST WATER TECHONOLGY	WATER LEAK SURVEY SVCS-2ND QTR	Open	6,363.00	0.00
22-00805	05/19/22	03048	QUALITY AUTO MALL	WASHER JET KIT/HOSE POL. VEH.	Open	23.56	0.00
22-00806	05/19/22	02297	THE SHARP SHOP	WEED TRIMMER/SPARK PLUG-DPW	Open	65.97	0.00
22-00807	05/19/22	03150	ELECTRO BATTERY SYSTEMS	BATTERY - POL VEH #713	Open	99.69	0.00
22-00808	05/19/22	02285	HAWTHORNE HITCH & TRAILER	VENTVISOR - POL VEH.	Open	95.60	0.00
22-00809	05/19/22	03486	THE VERTEX COMPANIES, LLC	INSPECTIONS 3/27 - 4/30 B OF A	Open	3,187.50	0.00
22-00810	05/19/22	01049	TREASURER, STATE OF NEW JERSEY	RENEW QPA CERTIFICATE -J CITRO	Open	35.00	0.00
22-00811	05/19/22	00016	PETTY CASH - JOAN HERVE	REIMBURSE PETTY CASH - MAY	Open	114.18	0.00
22-00812	05/20/22	01457	A-VAN ELECTRICAL SUPPLY INC	STREET LIGHT BULBS - DPW	Open	250.39	0.00
22-00813	05/23/22	03487	MILITARY TRIBUTE BANNERS	32 VETERAN BANNERS	Open	3,567.00	0.00
22-00814	05/23/22	03486	THE VERTEX COMPANIES, LLC	INSPECTIONS 2/27 - 3/26 B OF A	Open	5,812.50	0.00

Resolution #22-65

A Resolution – Bond Anticipation Note, \$4,242,000

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF HO-HO-KUS, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF HO-HO-KUS AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$4,242,000 BOND ANTICIPATION NOTE, DATED MAY 6, 2022 AND PAYABLE MAY 5, 2023, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Ho-Ho-Kus, in the County of Bergen, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$4,242,000 bond anticipation note, dated May 6, 2022 and payable May 5, 2023 (the "Note"); and

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WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Ho-Ho-Kus, in the County of Bergen, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2022.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2022.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2022 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

Resolution #22-66

A Resolution – Appt. of Firefighter – Patrick E. Balatbat

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, Patrick E. Balatbat 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 Patrick E. Balatbat is recommended to the New Jersey State Fireman's Association for membership.

Resolution #22-67

A Resolution – Resolution calling for Review and Reform of OPRA

WHEREAS, the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., enacted in 2002, has been in effect long enough to review the impact on Municipalities; and

WHEREAS, it is the position of the Bergen County League of Municipalities (BCLM), which represents all 70 municipalities in Bergen County, that OPRA can and must be improved upon to make it less onerous on municipalities and protect the safety and welfare of the public; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who bombard municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

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WHEREAS, municipalities are already required by state law to post and provide certain information and documentation on their municipal websites, including but not limited to, annual budgets, annual financial statements, annual audits, public meeting notices and meeting minutes; and

WHEREAS, under existing law, OPRA fees are woefully inadequate for the amount of time and effort needed to search for documents; it takes valuable time away from staff — not only in the Clerk's office — but also among other departments that may be involved in the same request; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor and, a requestor who prevails in any proceeding in appealing a denial of access is permitted to collect exorbitant attorney's fees; conversely, however, the resources and guidance available to record custodians and municipal counsel tasked with responding to such requests has narrowed drastically in the ever-changing OPRA arena, muddled by subsequent, voluminous and often-conflicting court decisions that contradict the original intent of the law and will continue to do so in the absence of necessary legislative reform; and

WHEREAS, OPRA law allows outside businesses, and activist groups to utilize municipal time and services for marketing leads or private commercial gain, and for litigants to use OPRA as a method of discovery; and

WHEREAS, a clear distinction needs to be made between individual and commercial and discovery requests; and

WHEREAS, serious concerns about breaches or misuse of personal information exist along with the potential for OPRA to be exploited and abused by requestors, as a threat, harassment, or retaliatory measure to bury local governments in hundreds of requests, not necessarily because the requested records are of any particular interest, but merely because they can and have been emboldened by the courts to do so, to the significant detriment of all other municipal business; and

WHEREAS, most importantly, OPRA must be reformed to enable municipalities, their respective record custodians and legal counsels to protect the safety and welfare of the general public;

WHEREAS, over the years, court decisions have chipped away at the reasonable expectation of privacy provision of the law, thus allowing the law to be molded and wielded as a tool that severs any sensible balance of transparency, and instead, now perpetuates rampant and dangerous degrees of for-profit data-mining, unsolicited marketing and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, and all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, the pandemic has resulted in a startling and exponential rise in fraud and identity theft, crimes that were already notoriously difficult to investigate, track and prosecute; OPRA, left unchecked and unreformed, continues to add fuel to this already dangerous fire; and

WHEREAS, in a most reprehensible instance in the midst of the pandemic, the unthinkable happened when the young son of a U.S. District Court Judge was senselessly killed by an individual who had managed to compile a dossier of personal information about the Judge including a home address, ushering in the passage of Daniel's Law; and

WHEREAS, while this law as intentioned provides for necessary strides and long overdue amendments to OPRA, the scope of protection provided is critically deficient, the implementation creates challenges for custodians and municipal officials that remain unaddressed by law, with limited channels for guidance, while the vast remainder of the Open Public Records Act continues to be left recklessly unreformed, potentially leaving any officials not covered under Daniel's Law or even, the general public at-large exposed to the whim of any nefarious OPRA requestor lurking in the shadows of those demanding transparency at any cost;

WHEREAS, Assembly Bill No. 4894, introduced January 17, 2019, calling for the creation of a study commission to review OPRA, to-date, has been left negligently stagnant and, to-date the legislative approach to addressing the dangers of OPRA have been fragmented, haphazard and contradictory at best, leading to a dire need for streamlined overhaul and reform, which, at a minimum should include the following:

- Immediate creation of a study commission on OPRA.

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- Uniformity under the law: municipalities shall not be subject to any provision under OPRA that the legislature or other state agencies are, by contrast, exempt from.
- Provide a universal platform for clear and concise guidance for records custodians. Such guidance should be in place prior to any laws that impact OPRA going into effect.
- Require that official OPRA Request forms be used in order to be considered valid, including certifications by the requestor of (1) non-conviction of an indictable offense and (2) that information obtained will not be used for profit, solicitation, marketing or commercial gain, or published as part of a separate internet database or search engine.
- Prohibit OPRA requestors from remaining anonymous.
- Require that requestors provide a State of New Jersey address in order to be valid (OPRA should not apply to out-of-state requests).
- Prohibit requests for commercial purposes.
- Exempt email addresses (also serves as a deterrent to spoofing, phishing and other cyber scams and crimes).
- Exempt information maintained for emergency notification purposes.
- Exempt any information related to minor individuals, disabled persons and senior citizens as well as classes of citizens who are vulnerable to exploitation of their information.
- Exempt personal identifying information from Motor Vehicle Accident Reports, including driver's license numbers, dates of birth (DOB's), home addresses, VINs and registration/plate numbers, unless the requestor is a subject of the record, or their designated legal or insurance representative.
- Exempt pet license information to a need-to-know basis only (health department, police department, veterinarian of record, hospital, bite victim) to deter rising pet thefts and potential for targeted thefts of non-large-breed dog owners.
- Reaffirm exemption of unlisted telephone numbers, including personal cell phones.
- Exempt property owner names, CAMA Data and reaffirm the exemption of property record cards.
- Protections afforded under Daniel's Law should be afforded to all government officials, employees, volunteers and members of the general public as the threats from the disclosure of personal information is not unique to those rightfully protected under Daniel's Law.
- Provide a carve out for fee-shifting where a municipality in good faith and without clear guidance through Statute or case law denies a request or redacts information which could reasonably be interpreted as not subject to disclosure.

NOW, THEREFORE BE IT RESOLVED, that the BCLOM finds it imperative that the New Jersey Senate and Assembly review and reform the New Jersey Open Public Records Act.

BE IT FURTHER RESOLVED, that copies of this resolution are sent to all New Jersey State Legislators, the New Jersey State League of Municipalities, the New Jersey Municipal Clerks' Association, the Bergen County Municipal Clerks' Association, the New Jersey State Association of Chiefs of Police and the Bergen County Police Chiefs' Association.

Resolution #22-68

A Resolution – Authorize Street Closure Linden – Block Party

WHEREAS, the Borough of Ho Ho-Kus has received a request for a street closure from resident Helen Laidler; and

WHEREAS, Ms. Laidler is requesting that Linden be closed from the intersecting street of Arbor and Chestnut on June 4, 2022 from 11am – 4pm;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus, that the request for the street closure is approved.

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Resolution #22-69

A Resolution – Forgiveness of Solid Waste 2nd qtr. 2022 bill

WHEREAS, 6 Saddle Ridge Rd., 58 Jacqueline Ave., 241 Blauvelt, 23 Pitcairn, 2 Pitcairn, 109 Arbor Dr., 849 Wickham Way, 507 Warren Ave, which are lots under construction; and

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

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

Resolution #22-70

A Resolution – 2022-2023 Liquor Licenses Renewals

WHEREAS, applications have been made by certain persons and corporations for the renewal of Plenary Retail Consumption, and Plenary Retail Distribution licenses for the year commencing July 1, 2022 and terminating June 30, 2023; and

WHEREAS, no complaints or objections have been filed with the Borough Clerk against said persons or corporations; and

WHEREAS, the Police Department of the Borough of Ho-Ho-Kus has not received any complaints of violations of Alcoholic Beverage Control regulations by any of the applicants hereinafter named; and

WHEREAS, said applicants have filed their applications with the Alcohol Beverage Control of the State of New Jersey, paid the State fee, received their Tax Clearance Certificate from the NJ Division of Taxation and paid the municipal fees of \$2,000.00 for the Plenary Retail Consumption license and \$825.00 for each of the three Plenary Retail Distribution licenses.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the following Plenary Retail Consumption and Plenary Retail Distribution licenses be issued:

Ho-Ho-Kus Inn & Tavern LLC	(0228-33-002-010)	Retail Consumption	ABC Pocket License
Red Cellar Inc.	(0228-44-003-007)	Retail Distribution	DBA: Uncorked Wines
HoHoKus High Spirits, Inc.	(0228-44-004-006)	Retail Distribution	DBA: Wine & Spirit World
Garbo's Italian Deli Inc.	(0228-44-001-006)	Retail Distribution	DBA: Garbo's Italian Deli & Liquors

Resolution #22-71

A Resolution – Authorizing Execution of “Amendment to Purchase and Sale Agreement”

WHEREAS, the Borough of Ho-Ho-Kus (“Borough”) has previously indicated its intent to acquire 10 Orvil Ct., Ho-Ho-Kus Borough, Block 1008, Lot 4 (“the Property”), through the eminent domain process, and passed Resolutions authorizing the same;

WHEREAS, the Borough and Bank of America National Association, the property owner, have reached an understanding to enter into a “Purchase and Sale Agreement” in order for the Borough to acquire the property;

WHEREAS, the Borough and Bank of America National Association have negotiated an “AMENDMENT TO PURCHASE AND SALE AGREEMENT” the terms of which are incorporated by reference herein;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the Mayor and Borough Clerk are authorized to execute an “AMENDMENT TO PURCHASE AND SALE AGREEMENT”;

BE IT FURTHER RESOLVED that the Mayor, the Borough Administrator, the Borough Clerk, and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution.

Resolution #22-73

A Resolution – Authorizing Execution of Agreements with American Tower

WHEREAS, the Borough of Ho-Ho-Kus (“Borough”) has previously signed a lease Agreement dated August 2, 1994;

WHEREAS, the Borough wishes to execute a “FIRST AMENDMENT TO LAND LEASE AGREEMENT” with American Tower which seeks to make certain additions, alterations, and improvements, the terms of which are incorporated by reference herein;

Whereas, the Borough also wishes to sign a “REQUEST FOR APPROVAL OF PROPOSED INSTALLATION OF EQUIPMENT,” the terms of which are further incorporated by reference herein;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the Mayor and Borough Clerk are authorized to execute a “ FIRST AMENDMENT TO LAND LEASE AGREEMENT” and “REQUEST FOR APPROVAL OF PROPOSED INSTALLATION OF EQUIPMENT” and all other documents required for such purpose; and

BE IT FURTHER RESOLVED that the Mayor, the Borough Administrator, the Borough Clerk, and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution.

A motion was offered by Councilman Shell and seconded by Councilman Crossley to approve Resolutions 22-64 through 22-71 & Resolution # 22-73. Motion carried on a roll call vote – All present voting “Aye”.

LIAISON REPORTS

Recreation – Councilman Iannelli reported fall sports is still open for registration. The planning for HHK Day is well underway. They have begun their messaging campaign today. They will be putting out information through social media and getting flyers out shortly. We are in the process of getting food truck secured and the logistically layout should be done in the next couple of weeks .

Library – Councilman Policastro reported in the month of April circulation totaled 3028, this is 1% higher than March and 11% lower than 2021. Library ran 17 events in April with a total participation of 109. DPW inspected the library leaky area in the ceiling following the last couple of rain storms, which appears to be rotting. DPW added two additional tarps to the roofs to manage these spots which have been effective so far. The new circulation position is going to be filled soon. Lastly, the Board of Trustee is working on a revised set of by-laws.

Board of Education – Councilman Policastro reported during the first week in May a bear took up residence in a tree on the school grounds. The Police Department had control over the situation. The HHK Education Foundation held a fundraiser event on May 6th Sanzari’s New Bridge Inn. The HSA had their County Fair on May 13th and was a big success.

Ambulance Corp. – Councilman Crossley reported they had meeting last night. All the driver’s that took the CEVO class all passed. Councilman discussed; the Ambulance Corp. is looking into joining the Yellow Dot Program, which is an emergency medical program in which participants paste a Yellow Dot decal on the rear windshield or bumper of their vehicle. This Yellow Dot indicates that essential emergency medical information of the participant (their emergency contacts, current medications, medical issues, tec) is in their glove compartment. Therefore, in the case of a car accident in which the participant may be unresponsive, first responders have easy access to crucial medical information. More details to follow.

Fire Department - Councilman Shell reported, he was away on business so he cannot attend the meeting. However, they have been responding to many calls. He thanked them for their service. Councilman Iannelli added they are doing some training tonight 115 & 119 first street as these two structures are going to be torn down.

Chamber of Commerce – Councilman shell report the new administration at the Chamber is drawing a nice crowd at their meeting. The Chamber is very engaged in HHK Day.

Police - Captain Mc Bain reported they had to two attempted car burglaries and was successful. Since the Attorney General changed the guidelines where we can know pursue the number had decreased in the state. We are in our final stages of our creditations. The incident on May 12 on Lakewood Avenue ended peacefully

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and he is getting the help he needs.

Beautification Committee - Council Crossley reported they had their first meeting last week. They took a field trip to scope the grounds to discuss the work that needs to be done. Our focus right now is on the Town Green, Memorial Park and Sycamore. Looking to get this done by the end of the summer.

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

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

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

Whereas, the Open Public Meetings Act, NJSA 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by resolution; and

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

4-Matters relating to collective bargaining agreements

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

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 May 24, 2022 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 8:01 p.m. and ended at 9:12 p.m.

ADJOURNMENT

On a motion by Councilman Crossley, seconded by Councilwoman Moran, the meeting was adjourned at 9:12 p.m. Motion Carried by voice vote – all present voting “Aye”.

Respectfully submitted,

Joan Herve, RMC/CMR
Borough Clerk