

Borough of Ho-Ho-Kus
County of Bergen
Mayor and Council Combined Work/Public Meeting Minutes
August 24, 2021 7:30 p.m.

The Combined Meeting of the Municipal Council of the Borough of Ho-Ho-Kus was held in the Municipal Building at 333 Warren Avenue, Ho-Ho-Kus, NJ on August 24, 2021. The meeting was called to order at 7:30 p.m. by Mayor Randall who asked the Clerk to read the open a public meeting statement:

The Combined Meeting of the Mayor and Council of the Borough of Ho-Ho-Kus is now in session in accordance with the provisions of Section 5 of the “Open Public Meetings Act”, adequate 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 - absent

Also, in attendance Timothy Wiss, Borough Attorney; William Jones, Borough Administrator; Joan Herve, Borough Clerk. Via conference call was also Ed Snieckus, Borough Planner, and Diane Dabulas, Special Counsel for the HHK Crossing project.

FLAG SALUTE:

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

DEPARTMENT REPORTS

Reports on file in the Clerk’s Office

Police Report – June 2021

Court Report – June 2021

APPROVAL OF MINUTES

A motion was offered by Council President Troast and seconded by Councilman Crossley to approve the July 20, 2021 meeting minutes of the Mayor and Council. Motion carried on a roll call vote – all present voting “Ayes.

PUBLIC COMMENTS

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

Andrew Pattap, 553 Eastgate Road

Mr. Pattap voiced his displeasure with the noise coming from the IHA field. Discussion ensued. Mayor Randall stated he will reach out to Mark Berninger, Zoning Officer to discuss this situation.

Mayor Randall closed the meeting to the public.

ADMINISTRATOR REPORT

Unfinished Business

BC United Way/Madeline Partnership Affordable Housing Project –. Project continues, schedule date of completion sometime in the beginning of the new year.

HHK Crossing Project – tonight is the hearing on the redevelopment plan, once that is complete we can name the developer.

Water Tanks Project –two resolutions regarding this project are on the agenda tonight, one to award the full-service maintenance contractor and the other to make the application to the Local Finance Board for their review.

HHK Day – Suspended for this year, will start planning for September of 2022

New Business

Administrator Jones reported on the following; on the consent resolutions tonight, we have the MOU between the BOE & HHK for the Security Cameras, a resolution for Joan Herve, Borough Clerk, who has been with us for three years is up for tenure, which he fully supports. We also received \$47,850.00 for our tub grinder which we co-owned with Waldwick. We are awarding a contractor for the ADA handicap restrooms at Borough Hall, with our \$70,000 Community Development Grant, which will off-set some of the cost.

CORRESPONDENCE

- a) HHK ZBA notice of Public Hearing for applicant – Prorock Investment, LLC
- b) Planning Board review letter regarding Ordinance 2021-60-Adopting 619 N. Maple Avenue, 217& 239 First Street Redevelopment Plan

ADOPTION OF ORDINANCES and PUBLIC HEARING

ORDINANCE 2021-57

AN ORDINANCE TO REPEAL CHAPTER 66 STORMWATER MANAGEMENT AND CHAPTER 66A STORMWATER CONTROL AND TO ESTABLISH A NEW CHAPTER 66A OF THE BOROUGH OF HO-HO-KUS CODE ENTITLED “STORMWATER CONTROL”

§ 66A-1 Policy; Purpose; Applicability; Effect on Other Requirements.

A. Policy statement.

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low-impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose.

It is the purpose of this article to establish minimum stormwater management requirements and controls for “major development,” as defined in § 66A-2 and any increase in “regulated impervious surface” greater than 200 square feet.

C. Applicability.

- (1) This article shall be applicable to the following major developments:
 - (a) Nonresidential major developments; and

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- (b) Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
- (2) This article shall also be applicable to all major developments undertaken by the Borough of Ho-Ho-Kus.
- (3) This article shall also be applicable to an increase in “regulated impervious surface” greater than 200 square feet to any single-family residential property or any development.
- D. Compatibility with other permit and ordinance requirements:**
- (1) Development approvals issued pursuant to this article are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- (2) This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 66A-2 Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA CENTERS, CORES OR NODES” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA PLANNING MAP” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

“COMMUNITY BASIN” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

“COMPACTION” means the increase in soil bulk density.

“CONTRIBUTORY DRAINAGE AREA” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“CORE” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“COUNTY REVIEW AGENCY” means an agency designated by the County Board of Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“DEPARTMENT” means the Department of Environmental Protection.

“DESIGNATED CENTER” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

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“DESIGN ENGINEER” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“DEVELOPMENT” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, development means: any activity that requires a state permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 *et seq.*

“DISTURBANCE” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“DRAINAGE AREA” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“ENVIRONMENTALLY CONSTRAINED AREA” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“ENVIRONMENTALLY CRITICAL AREA” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“EMPOWERMENT NEIGHBORHOODS” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“EROSION” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“GREEN INFRASTRUCTURE” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

“HUC 14” or “HYDROLOGIC UNIT CODE 14” means an area within which water drains to a particular receiving surface water body, also known as a sub watershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“IMPERVIOUS SURFACE” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“INFILTRATION” is the process by which water seeps into the soil from precipitation.

“LEAD PLANNING AGENCY” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning

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committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“MAJOR DEVELOPMENT” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021 *{or the effective date of this ordinance, whichever is earlier}*; or
4. A combination of 2 and 3 above that total an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

“MOTOR VEHICLE” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“MOTOR VEHICLE SURFACE” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“MUNICIPALITY” means any city, borough, town, township, or village.

“NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP)

MANUAL” or **“BMP MANUAL”** means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with § 66A-4. F of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“NODE” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“NUTRIENT” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“PERSON” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“POLLUTANT” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or

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surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“RECHARGE” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“REGULATED IMPERVIOUS SURFACE” means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“REGULATED MOTOR VEHICLE SURFACE” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or
quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“SEDIMENT” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“SITE” means the lot or lots upon which a major development is to occur or has occurred.

“SOIL” means all unconsolidated mineral and organic material of any origin.

“STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“STATE PLAN POLICY MAP” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“STORMWATER” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“STORMWATER MANAGEMENT BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“STORMWATER MANAGEMENT MEASURE” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“STORMWATER RUNOFF” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“STORMWATER MANAGEMENT PLANNING AGENCY” means a public body authorized by legislation to prepare stormwater management plans.

“STORMWATER MANAGEMENT PLANNING AREA” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan

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prepared by that agency.

“TIDAL FLOOD HAZARD AREA” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“URBAN ENTERPRISE ZONES” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“URBAN REDEVELOPMENT AREA” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“WATER CONTROL STRUCTURE” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“WATERS OF THE STATE” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“WETLANDS” or **“WETLAND”** means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§ 66A-3 Design and Performance Standards for Stormwater Management Measures.

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.
- C. Stormwater management measures for any increase in “regulated impervious surface” greater than 200 square feet, but not classified as a major development, shall be designed to control the increase in the stormwater runoff volume and shall be designed for a 10-year storm with at least 60-minute duration and calculated in accordance with § 66A-5.A and reviewed by the Borough Engineer.

§ 66A-4 Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 66A-10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 66A-4.P, Q and R:
 - 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 66A-4.P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - 1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - 2. The applicant demonstrates through an alternative's analysis, that through the use of stormwater management measures, the option selected complies with the requirements of § 66A-4.O, P, Q and R to the maximum extent practicable;
 - 3. The applicant demonstrates that, in order to meet the requirements of § 66A-4.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under § 66A-4.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 66A-4.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in § 66A-4.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:
https://njstormwater.org/bmp_manual2.htm
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

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Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

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Table 2: Green Infrastructure BMPs for Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond	50-90	Yes	No	N/A
Table 3: BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Footnotes to Tables 1, 2, and 3:

(a) Subject to the applicable contributory drainage area limitation specified at § 66A-4.O.2.

(b) Designed to infiltrate into the subsoil;

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- (c) Designed with underdrains;
 - (d) Designed to maintain at least a 10-foot-wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
 - (e) Designed with a slope of less than two percent;
 - (f) Designed with a slope of equal to or greater than two percent;
 - (g) Manufactured treatment devices that meet the definition of green infrastructure in § 66A-2.
 - (h) Manufactured treatment devices that do not meet the definition of green infrastructure in § 66A-2.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with § 66A-6.B. Alternative stormwater management measures may be used to satisfy the requirements at § 66A-4.O only if the measures meet the definition of green infrastructure at § 66A-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 66A-4.O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at § 66A-4.O.2 are subject to the contributory drainage area limitation specified at § 66A-4.O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at § 66A-4.O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 66A-4.D is granted from § 66A-4.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high-water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
- 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high-water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with requirements of § 66A-8.C;
 - 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;

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4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at § 66A-8; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J.** Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at § 66A-2 may be used only under the circumstances described at § 66A-4.O.4.
- K.** Any application for a new agricultural development that meets the definition of major development at § 66A-2 shall be submitted to the Soil Conservation District for Review and approval in accordance with the requirements at § 66A-4.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, “agricultural development” means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L.** If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 66A-4.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M.** Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Bergen County Clerk’s Office. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 66A-4.O, P, Q, and R shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to § 66A-10.B.5 Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N.** A stormwater management measure approved under the stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to § 66A-4 of this article and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Bergen County Clerk’s Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

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O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at § 66A-4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § 66A-4.F and/or an alternative stormwater management measure approved in accordance with § 66A-4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at § 66A-4.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 66A-4.G
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 66A-4.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with § 66A-4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 66A-4.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at § 66A-4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with § 66A-4.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 66A-5, either:

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- a. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
- b. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - a. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - b. Industrial stormwater exposed to “source material”

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - a. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - b. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4: Water Quality Design Storm Distribution

Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972

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Table 4: Water Quality Design Storm Distribution

Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250

Table 4: Water Quality Design Storm Distribution

Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in a series is necessary to achieve the required eighty-percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B)/100$$

Where:

R = Total TSS percent load removal from application of both BMPs.

A = The TSS percent removal rate applicable to the first BMP.

B = The TSS percent removal rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff

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generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in § 66-4.P, Q and R.

7. In accordance with the definition of "FW1" at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. The stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable materials(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 66A-5 complete one of the following:
 - a. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - b. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - c. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - d. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (2)(a), (b) and (c) above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing or increased rate of stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§ 66A-5 Calculation of Stormwater Runoff and Groundwater Recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:
 - a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 – Urban

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Hydrology for Small Watersheds (TR-55) dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

- b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at § 66A-5.A.1.a and the Rational and Modified Rational Methods at § 66A-5.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing preconstruction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts that may reduce preconstruction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 (or superseding document), Urban Hydrology for Small Watersheds, and other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures. Notwithstanding the preceding, where tailwater will affect the hydraulic performance of a stormwater management measure, the design engineer shall include such effects in the measure's design.

B. Groundwater recharge may be calculated in accordance with the following:

1. The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference, as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

§ 66A-6 Sources for Technical Guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:
http://www.nj.gov/dep/stormwater/bmp_manual2.htm.
1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
 2. Additional maintenance guidance is available on the Department's website at:
https://www.njstormwater.org/maintenance_guidance.htm.
- B. Submissions required for review by the Department should be mailed to:
The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

§ 66A-7 Solids and Floatable Materials Control Standards

- A. Site design features identified under § 66A-4.F above, or alternative designs in accordance with § 66A-4.G, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § 66A-7.A.2 below.
1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bats in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.
 - c. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
 2. The standard in A.1. above does not apply:
 - a. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - b. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - c. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed at a minimum, to prevent delivery of all solid and floatable material that could not pass through one of the following:

[1] A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

[2] A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

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- d. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1-inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- e. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

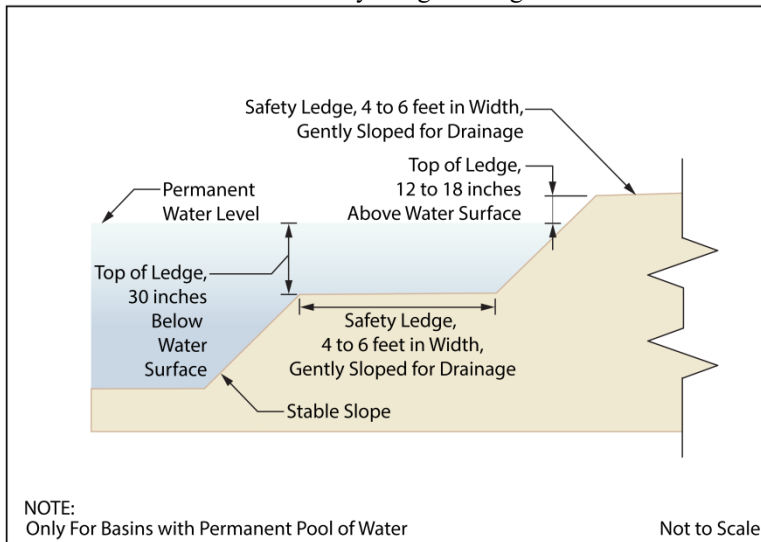
§ 66A-8 Safety Standards for Stormwater Management Basins.

- A.** This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.
- B.** The provisions of this section do not preempt more stringent municipal or county safety requirements for new or existing stormwater management basins. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management basins to be retrofitted to meet one or more of the safety standards in § 66A-8.B.1, 2 and 3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C.** Requirements for trash racks, overflow grates and escape provisions.
 - 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - a. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars.
 - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
 - c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
 - d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - b. The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - 3. Stormwater management BMPs shall include escape provisions as follows:
 - a. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to § 66A-8.C, a free-standing outlet structure may be exempted from this requirement;
 - b. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See § 66A-8.E for an illustration of safety ledges in a stormwater management BMP; and
 - c. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.
- D.** Variance or exemption from safety standards.

A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§ 66A-9 Requirements for Site Development Stormwater Plans.

A. Submission of site development stormwater plan.

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the checklist for the Site Development Stormwater Plan at § 66A-9.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 4 copies of the materials listed in the checklist for site development stormwater plans in accordance with § 66A-9.C of this ordinance.

B. Site Development Stormwater Plan Approval.

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan.

The following information shall be required:

1. Topographic base map.
The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one-inch equals 200 feet or greater, showing two-foot contour intervals. The map, as appropriate, may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and floodplains, along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown.
2. Environmental site analysis:
A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
3. Project description and site plan(s):

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A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

4. Land use planning and source control plan.

This plan shall provide a demonstration of how the goals and standards of § 66A-3 through § 66A-5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater management facilities map.

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- a. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations:

- a. Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in § 66A-4 of this article.
- b. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and repair plan.

The design and planning of the stormwater management facility shall meet the maintenance requirements of § 66A-10.

8. Waiver from submission requirements.

The municipal official or board reviewing an application under this article may, in consultation with the Municipal Engineer, waive submission of any of the requirements in § 66A-9.C.1 through 6 of this article when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

9. Any other items as may be required by the appropriate Borough of Ho-Ho-Kus ordinance(s) checklist(s), if applicable.

§ 66A-10 Maintenance and Repair

A. Applicability.

Projects subject to review as in § 66A-1.C of this article shall comply with the requirements of § 66A-10.B and C.

B. General maintenance.

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks

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and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
 4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
 5. If the party responsible for maintenance identified under § 66A-10.B.3 above is not a public agency, the maintenance plan and any future revisions based on § 66A-10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
 6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
 7. The party responsible for maintenance identified under § 66A-10.B.3 above shall perform all of the following requirements:
 - a. Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - b. Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - c. Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by § 66A-10.B.6 and B.7 above.
 8. The requirements of § 66A-10.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
 9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§ 66A-11 Violations and Penalties

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this article shall be subject to the following penalties:

- A. Any person who refuses to correct or abate any violation or violations within five days after written notice has been served upon such person, by either mail or personal service, shall, for each and every violation, be subject to a fine not exceeding \$1,000, a term of imprisonment not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof. The Judge before whom any person is convicted of violating any of the provisions of this article shall have the power to impose any fine or term of imprisonment not exceeding the maximum fixed herein.

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B. Each and every day that such violation continues after such notice shall be considered a separate and specific violation of this article.

§ 66A-12 Severability.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

§ 66A-13 Repealer.

All other ordinances of the Borough, or parts thereof, including Chapter 66, Stormwater Management, to the extent inconsistent or in conflict with this article, are hereby repealed to the extent of such conflict.

§ 66A-14 When effective.

This article shall be in full force and effect from and after its adoption and any 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 #2021-57 and all persons who wishes to be heard, please state your name and address before making your statement.

Seeing none, the Mayor Randall closed the meeting to the public.

A motion was offered by Councilman Crossley and seconded by Councilman Policastro to adopt Ordinance #2021-57. Motion carried on a roll call vote – All present voting “Aye”.

ORDINANCE 2021-58

**“AN ORDINANCE TO AMEND AND CLARIFY THE FEE SETFORTH IN CHAPTER 85-37.4(B) OF
ARTICLE VII, SPECIAL REGULATIONS”**

WHEREAS, the Borough of Ho-Ho-Kus has heretofore adopted Chapter 85-37.4(B) of the Code of the Borough of Ho-Ho-Kus; and

WHEREAS, the Borough of Ho-Ho-Kus wishes to amend Chapter 85-37.4(B) so as to clarify the fee for electronic pet containment systems;

NOW, BE IT ORDAINED by the Mayor and council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey as follows:

SECTION I

Chapter 85-37.4 (B) of the Code is hereby amended and replaced as follows:

Permit requirements. Before any electronic pet containment system may be installed, altered, or reconfigured, an application for a permit must be made to the Borough's Animal Control Officer. The application shall include a simple plot plan showing the location of the electronic pet containment system, a description of the adjacent street or streets, and a general indication of the topographic conditions where the electronic pet containment system is to be installed. The application must be accompanied by a fee of \$75. The Animal Control Officer shall determine whether the application meets the provisions of this section.

Section II Severability

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

Section III Inconsistent Ordinances Repealed.

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

Section IV Effective Date.

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

PUBLIC HEARING

Mayor Randall opened the meeting to the public. He stated this is the time and place for the public hearing on Ordinance #2021-58 and all persons who wishes to be heard, please state your name and address before making your statement.

Seeing none, the Mayor Randall closed the meeting to the public.

A motion was offered by Councilman Shell and seconded by Councilman Policastro Moran to adopt Ordinance #2021-58. Motion carried on a roll call vote – All present voting “Aye”.

ORDINANCE 2021-59

**“AN ORDINANCE TO AMEND AND CLARIFY THE FEE SETFORTH IN CHAPTER 81-29(C) OF
ARTICLE II, FEES AND CHARGES”**

WHEREAS, the Borough of Ho-Ho-Kus has heretofore adopted Chapter 81-29(C) of the Code of the Borough of Ho-Ho-Kus; and

WHEREAS, the Borough of Ho-Ho-Kus wishes to amend Chapter 81-29(C) so as to clarify the process for discontinuance of water service and certain fees;

NOW, BE IT ORDAINED by the Mayor and council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey as follows:

SECTION I

Chapter 81-29(C) of the Code is hereby amended as follows: (*new items in italics, deletions in strikethrough*)

C. Discontinuance of water service *or transfer of account.*

(1) Temporary, *for less than 30 days*, where the meter remains on the customer's premises *and service will continue with the same owner.:* ~~\$20~~ \$50 ~~quarterly~~. *Water service may be discontinued at the written request of the owner of the property utilizing the service, on forms prescribed by the Municipal Clerk. If the written request states that the discontinuation is for a period of 30 days or less and specifies a date for the restoration of service, the Department will not obtain a meter reading unless the usual date for obtaining a reading occurs during the period when service is discontinued. The Department will restore discontinued service at the written request of the owner provided that there are no past due charges for service or for repairs or replacement of meters or receptacles.*

(2) Permanent *or for discontinuance of service greater than 30 days*, where the meter is removed: ~~\$35~~ \$50. *Water service may be discontinued at the written request of the owner of the property utilizing the service, on forms prescribed by the Municipal Clerk. The Department will restore discontinued service at the written request of the owner provided that there are no past due charges for service or for repairs or replacement of meters or receptacles. A restoration fee of \$50 will also be charged.*

(3) *Transfer of Account at the Request of the Customer – A water account may be finalized for the purpose of transferring the account to a new property owner at the written request of the owner of the property utilizing the service, on forms prescribed by the Municipal Clerk. The Department will obtain a final meter reading as of the date when service is discontinued and the owner shall pay the final bill based on the reading. The final bill will include a service charge of \$100 for the meter reading.*

(4) *Meter Protection - In every case where service is discontinued, and the meter, receptacle, and volume read-out device will not be removed from the property, the owner shall take appropriate steps to protect those devices from damage and injury if the property is to be vacant. If the meter, receptacle or read-out device is damaged, destroyed, or stolen, the owner shall be responsible for paying for any required repairs or replacement.*

Section II Severability

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

Section III Inconsistent Ordinances Repealed.

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

Section IV Effective Date.

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

PUBLIC HEARING

Mayor Randall opened the meeting to the public. He stated this is the time and place for the public hearing on Ordinance #2021-59 and all persons who wishes to be heard, please state your name and address before making your statement.

Seeing none, the Mayor Randall closed the meeting to the public.

A motion was offered by Councilman Policastro and seconded by Councilman Iannelli to adopt Ordinance #2021-59. Motion carried on a roll call vote – All present voting “Aye”.

ORDINANCE 2021-60

**AN ORDINANCE ADOPTING THE REDEVELOPMENT PLAN ENTITLED “619 N. MAPLE AVENUE,
217 & 239 FIRST STREET REDEVELOPMENT PLAN” DATED JULY 12, 2021;” PURSUANT TO THE
LOCAL REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-1 et seq.**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land located therein constitute an area in need of redevelopment; and

WHEREAS, the Redevelopment Law sets forth a specific procedure for establishing an area in need of redevelopment; and

WHEREAS, by Resolution No. 20-38, pursuant to N.J.S.A. 40A:12A-6, the Borough of Ho-Ho-Kus authorized 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, (“Study Area”), meets the criteria of an area in need of redevelopment set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Mayor and Council had previously determined that the use of eminent domain will not to be authorized by the Borough of Ho-Ho-Kus and that the delineated area shall be deemed a non-condemnation redevelopment area in accordance with Redevelopment Law; and

WHEREAS, the Planning Board of the Borough of Ho-Ho-Kus, authorized Edward Snieckus, Jr., PP, LLA, ASLA of Burgis Associates, Inc. to review the designated criteria and prepare a report to the Planning Board as to whether the Study Area is an area in need of redevelopment as a non-condemnation redevelopment area, in accordance with N.J.S.A. 40A:12A-1, et seq.; and

WHEREAS, the said planner has submitted to the Planning Board a 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 Burgis Associates, Inc.; and

WHEREAS, On June 29, 2020 the Planning Board of the Borough of Ho-Ho-Kus, after having considered the aforementioned report and having held a public hearing, found that the Study Area, inclusive of any and all streets, and right of ways, as shown on the official Tax Map of the Borough of Ho-Ho-Kus, meets the criteria set forth in N.J.S.A. 40A:12A-5(d) and (h) for redevelopment designation, and recommended to the Mayor and Council that the delineated area be designated as an area in need of redevelopment, as a non-condemnation redevelopment area, in accordance with N.J.S.A. 40A:12A-1, et seq.; and

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WHEREAS, the Borough of Ho-Ho-Kus, considered the Planning Board's recommendation and Resolution recommending that the Study Area be designated as a non-condemnation redevelopment area, at its regularly scheduled public meeting on July 21, 2020 wherein members of the general public were given an opportunity to be heard and to address questions concerning the potential designation of the Study Area as a Non-Condemnation Redevelopment Area; and

WHEREAS, the Governing Body has adopted Resolution 20-89, determining that Block 1016, Lots 3, 5 and 11, commonly known as 619 North Maple Avenue, 217 First Street and 239 First Street, respectively, is a non-condemnation redevelopment area; and

WHEREAS, the Mayor and Borough Council adopted Resolution 20-90, directing the Planning Board of the Borough of Ho-Ho-Kus to prepare a Redevelopment Plan for the designated redevelopment area; and

WHEREAS, the Planner prepared a Redevelopment Plan entitled 619 N. Maple Avenue, 217 & 239 First Street Redevelopment Plan" dated July 12, 2021; and

WHEREAS, the Mayor and Borough Council desire to have the Planning Board review and comment upon the Redevelopment Plan, pursuant to the Redevelopment Law; and

WHEREAS, subject to receipt of the Planning Board's recommendations concerning the Redevelopment Plan, the Mayor and Borough Council believes that the adoption of the Redevelopment Plan is in the best interests of the Borough and the redevelopment of the Redevelopment Area; and

WHEREAS, the Planning Board of the Borough of Ho-Ho-Kus, after having considered the aforementioned report and having held a public hearing, recommended that the Mayor and Council adopt the Redevelopment Plan as presented to the Planning Board on July 8, 2021 with recommendations which said recommendations were incorporated and on August 12, 2021 again recommended that the Mayor and Council adopt the Redevelopment Plan dated July 12, 2021; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Ho-Ho-Kus, in the County of Bergen, New Jersey that the aforementioned recitals are incorporated herein by references though fully set forth at length.

BE IT FURTHER ORDAINED, pursuant to N.J.S.A. 40A:12A-7(e), the Borough Council hereby refers the Redevelopment Plan, as described on Exhibit A attached hereto, to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations and submit same to the Borough Council within 45 days after referral, as required by the Redevelopment Law.

BE IT FURTHER ORDAINED, contingent upon the receipt of the Planning Board's recommendations, the Borough Council hereby adopts the Redevelopment Plan, pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

BE IT FURTHER ORDAINED, the zoning ordinances of the Borough are hereby amended to include the amendments indicated in the Redevelopment Plan and the provisions therein.

BE IT FURTHER ORDAINED, the Borough Council shall serve as Redevelopment Entity for purposes of implementing the Redevelopment Plan and exercising the powers granted to a redevelopment entity under the Redevelopment Law.

BE IT FURTHER ORDAINED, in case any one or more of the provisions of this Ordinance or the Redevelopment Plan shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance or the Redevelopment Plan and this Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

BE IT FURTHER ORDAINED, if any section, sub-section, 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.

BE IT FURTHER ORDAINED, all ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, this ordinance shall take effect 20 days after final passage and publication as prescribed 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 #2021-60 and all persons who wishes to be heard, please state your name and address before making your statement.

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Seeing none, the Mayor Randall closed the meeting to the public.

A motion was offered by Councilman Policastro and seconded by Councilman Crossley to adopt Ordinance #2021-60. Motion carried on a roll call vote – All present voting “Aye”.

INTRODUCTION OF ORDINANCE

ORDINANCE 2021-61

AN ORDINANCE OF THE BOROUGH OF HO-HO-KUS, COUNTY OF BERGEN, STATE OF NEW JERSEY AUTHORIZING THE LEASE OF A PORTION OF PROPERTY OWNED BY THE BOROUGH OF HO-HO-KUS HAVING A STREET ADDRESS OF THE DPW LOCATION AT HOLLYWOOD AVENUE, PART OF LOTS 3 AND 4, BLOCK 603 BY WAY OF PUBLIC BID IN ACCORDANCE WITH PROVISIONS SET FORTH IN N.J.S.A. 40A:12-14

WHEREAS, the Borough of Ho-Ho-Kus is the owner of certain lands commonly referred to as the DPW Building on Hollywood Avenue, Block 603, Lot 3 and 4 (hereinafter the “Real Property”); and

WHEREAS, the Governing Body has been made aware of the need for improved cellular communication within the boundaries of the Borough that would require the update and/or installation of certain cellular communication facilities and tower within the Borough; and

WHEREAS, in order to meet this need, the Governing Body has determined that a portion of Block 603, Lot 3 and 4, also known as the DPW Building is not needed for public use and would be an appropriate location for the installation of such a facility and tower; and

WHEREAS, N.J.S.A. 40A:12-14 (a) authorizes the leasing of public property to a private person by submission of sealed bids; and

WHEREAS, it is in the best interest of the Borough to advertise for purposes of leasing a portion of the Real Property for purposes of the allowing an update and/or installation of certain cellular communication facilities/tower to be constructed thereon by submission of sealed bids in accordance with N.J.S.A. 40A:12-14 (a).

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Ho-Ho-Kus that the Real Property stated above shall be advertised for lease to a private person for purposes of installation of a cellular communication facility and tower, and all necessary space and easements that may be required for access to the Real Property, pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law and specifically in accordance with section N.J.S.A. 40A:12-14 (a) as it relates to the submission of sealed bids.

BE IT FURTHER ORDAINED that the Governing Body shall also adopt a resolution setting forth terms and conditions of the bidding process and receipt of said bids in accordance with N.J.S.A. 40A:12-14 (a).

BE IT FURTHER ORDAINED that following receipt and review of the all bids and final approval of the successful bidder, if any, that the Mayor and Clerk shall be and are hereby authorized to execute a lease agreement in a form acceptable to the Borough Attorney, for the purposes set forth herein.

Section 2. 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 3. 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 4 This Ordinance shall take effect immediately upon final publication as provided by law.

A motion was offered by Councilman Crossley and seconded by Councilman Shell to introduce Ordinance #2021-61. Motion carried on a roll call vote – All present voting “Aye”.

CONSENT AGENDA RESOLUTIONS (21-92 thru 21-100)

Resolution #21-92- Introduced by Council President Troast

A Resolution – Payment of Bills – August 2021

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,342,920.11; and

WHEREAS, such claims have been listed according to Department and account number with corresponding

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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 \$2,342,920.11; be approved and ratified respectively

BILL LIST:

20-01843	12/29/20	02319	WITMER PUBLIC SAFETY GROUP	17 GLOCKPISTOLS/HOLSTERS-PD	Open	6,386.00	0.00
21-00126	01/20/21	02319	WITMER PUBLIC SAFETY GROUP	HOLSTERS-POLICE DEPT	Open	2,255.00	0.00
21-00822	06/09/21	03298	PASCACK DATA SERVICES, INC	2 OPTILPEX 3080 COMPUTERS-POL	Open	3,624.00	0.00
21-00827	06/09/21	03298	PASCACK DATA SERVICES, INC	NEW WIFI SYST-BORO HALL & DPW	Open	3,725.24	0.00
21-00907	06/18/21	02974	ATLANTIC TACTICAL	SARARILAND VEST - PTL. RODRIGO	Open	1,290.80	0.00
21-00950	06/24/21	03298	PASCACK DATA SERVICES, INC	SYST BACKUP AND RECOVERY-BORO	Open	3,882.99	0.00
21-00951	06/24/21	03298	PASCACK DATA SERVICES, INC	SYST BACKUP AND RECOVERY-POL D	Open	2,493.74	0.00
21-00986	06/30/21	00001	HOME HARDWARE	JULY 2021 PURCHASES	Open	188.49	0.00
21-00987	06/30/21	00056	TYCOANIMAL CONTROL SERVICES	ANIMAL CONTROL SVC JULY 2021	Open	500.00	0.00
21-00990	06/30/21	02686	ONE CALL CONCEPTS	ONE CALL MESSAGES - JULY 2021	Open	58.63	0.00
21-00994	06/30/21	02590	AMERICAN WEAR, INC.	JULY 2021 UNIFORMS - ROADS 2/3	Open	323.40	0.00
21-00995	06/30/21	02590	AMERICAN WEAR, INC.	JULY 2021 UNIFORMS - WATER 1/3	Open	161.70	0.00
21-01008	07/06/21	03341	HARD ROCK HOTEL & CASINO	NJSLOM 2021 FALL CONF.	Open	5,120.00	0.00
21-01073	07/13/21	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES - POL DEPT	Open	156.48	0.00
21-01080	07/15/21	03298	PASCACK DATA SERVICES, INC	ADOBE GOV ACROBAT PRO 2020	Open	396.00	0.00
21-01091	07/15/21	02899	OFFICE CONCEPTS GROUP	6 CHAIRS - POLICE DEPT	Open	1,594.00	0.00
21-01102	07/20/21	00030	HO-HO-KUS BOARD OF EDUCATION	SCHOOL TAX - MONTH OF AUGUST	Open	1,558,259.00	0.00
21-01103	07/20/21	01840	OPTIMUM	POLICE/CAD CABLE 8/16-9/15	Open	131.47	0.00
21-01105	07/20/21	00209	WORTH PINKHAM MEMORIAL LIBRARY	TRANSFER Q3 2021 OPER CASH	Open	47,176.75	0.00
21-01106	07/20/21	02380	I.D.M. MEDICAL GAS CO	REFILL 6 OXYGEN CYLINDERS -AMB	Open	100.42	0.00
21-01107	07/20/21	02712	OPTIMUM **	OPTONLINE SVC DPW - 7/16-8/15	Open	116.48	0.00
21-01108	07/20/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG PLAN REV/SOIL MOVE 1201/5	Open	650.00	0.00
21-01109	07/21/21	02339	ZUIDEMA PORTABLE TOILETS	1 MO PORT TOILET N. FIELD 7/19	Open	130.00	0.00
21-01111	07/21/21	02863	LAW OFFICES OF GARY CUCCHIARA	PLANNING BD ATTORNEY SVCS-JUNE	Open	825.00	0.00
21-01112	07/21/21	02863	LAW OFFICES OF GARY CUCCHIARA	PLAN BD ATTORNEY SVCS-REDEVEL.	Open	705.00	0.00
21-01113	07/21/21	03342	SPECTROTEL	INTERNET ACCESS OVER FIBER-AUG	Open	483.56	0.00
21-01114	07/22/21	02271	H2M ASSOCIATES INC	HYDROLOGICAL WATER SVCS 6/25	Open	2,295.00	0.00
21-01115	07/22/21	02689	STATE OF NEW JERSEY	STATE BOILER INSPECTION FEES	Open	500.00	0.00
21-01116	07/22/21	03218	NEW JERSEY REGISTRAR'S ASSOC*	NJRA 2021 CONF - REGISTRAR	Open	86.00	0.00
21-01117	07/22/21	00012	PROSTOCK MIDLAND	STOPLIGHT SWITCH - FD VEHICLE	Open	17.99	0.00
21-01118	07/22/21	03224	ALS GROUP USACORP.	WATER TESTING ON 6/17 & 7/12	Open	1,946.00	0.00
21-01119	07/22/21	00372	REGIONAL COMMUNICATIONS INC	2 REMOTE SPKR MICROPHONES - PD	Open	264.00	0.00
21-01120	07/23/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG PLAN REV/INSPECT. 1301/17	Open	580.00	0.00
21-01121	07/26/21	03239	AT&T MOBILITY	IPAD/CELL PHONE SVC 6/12-7/11	Open	1,217.53	0.00
21-01122	07/26/21	00106	M G L PRINTING SOLUTIONS	1000 #10 NO WINDOW ENVELOPES	Open	174.00	0.00
21-01123	07/26/21	02478	QUENCH USA	8/1-10/31 WATER COOLER MAINT.	Open	91.77	0.00
21-01124	07/26/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG PLAN REV REVISION 1201/15	Open	125.00	0.00
21-01125	07/26/21	02538	A & A SIGNS	LETTERING/STRIPING PD VEH #715	Open	600.00	0.00
21-01126	07/27/21	00201	GARBARINI & CO PC	REV DEFERRED COMP PLAN 2020	Open	4,000.00	0.00
21-01127	07/27/21	02892	TRUGREEN	LAWN SERVICE 7/19 -NORTH FIELD	Open	495.00	0.00
21-01128	07/27/21	00144	BORO OF H-H-K PAYROLL ACCT	DCRP JULY 2021	Open	247.80	0.00
21-01129	07/27/21	00144	BORO OF H-H-K PAYROLL ACCT	CURRENT SOCIAL SECURITY - JULY	Open	13,153.53	0.00
21-01130	07/27/21	00144	BORO OF H-H-K PAYROLL ACCT	WATER DPT SOCIAL SECURITY-JULY	Open	1,103.68	0.00

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21-01131	07/27/21	00144	BORO OF H-H-K PAYROLL ACCT	SOL WASTE SOCIAL SECURITY-JULY	Open	732.00	0.00
21-01132	07/27/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MONTH 7/30	Open	164,545.92	0.00
21-01133	07/27/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 7/30	Open	6,954.19	0.00
21-01134	07/27/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MONTH 7/30	Open	4,463.45	0.00
21-01135	07/28/21	01446	ROGUT MCCARTHY	SVCS RE:CROSSINGS MAY & JUNE	Open	1,909.86	0.00
21-01136	07/29/21	00105	P S E & G	JULY GAS/ELECT.-CURRENT	Open	3,659.15	0.00
21-01137	07/29/21	00105	P S E & G	JULY GAS/ELECT.-WATER	Open	6,050.08	0.00
21-01138	07/29/21	00201	GARBARINI & COPC	FIELDWORK 2ND QTR 2021-CURRENT	Open	4,200.00	0.00
21-01139	07/29/21	00201	GARBARINI & COPC	FIELDWORK 2ND QTR 2021 WATER D	Open	3,800.00	0.00
21-01140	07/29/21	00201	GARBARINI & COPC	FIELDWORK 2ND QTR 2021 SWASTE	Open	3,800.00	0.00
21-01142	07/30/21	00610	NJ DEPT OF HEALTH	JUNE-JUL DOG LICENSES #448-461	Open	22.80	0.00
21-01143	08/02/21	00497	GENERAL CODE PUBLISHERS CORP.	BORO CODE BOOK UPDATES	Open	3,021.33	0.00
21-01144	08/02/21	00160	CERTIFIED SPEEDOMETER	CALIBRATION FOR 5 POLICE CARS	Open	220.00	0.00
21-01145	08/02/21	03078	OCCUPATIONAL MEDICINE	PHYSICAL EXAMS-CROSSING GUARDS	Open	2,100.00	0.00
21-01146	08/02/21	02901	ROGO FASTENER CO.	2" SURFACE PREP PADS - DPW	Open	89.74	0.00
21-01147	08/02/21	00157	TREASURER - STATE OF NJ	DEP-NJ SAFE DRINKING WATER FEE	Open	720.00	0.00
21-01148	08/02/21	03204	MONTAGUE TOOL & SUPPLY	BAND SAW/DRILL BIT/WHEEL-DPW	Open	96.32	0.00
21-01149	08/02/21	02297	THE SHARP SHOP	REPAIRS TO LAWN MOWER - DPW	Open	899.93	0.00
21-01150	08/02/21	00095	TRAFFIC SAFETY & EQUIPMENT	2 NO RIGHT TURN SIGNS - DPW	Open	112.50	0.00
21-01151	08/02/21	02288	CEDAR HILL NURSERY INC	GRASS SEED & TOP SOIL - DPW	Open	166.00	0.00
21-01152	08/02/21	03224	ALS GROUP USACORP.	WATER COLIFORM TESTS - 7/22	Open	44.00	0.00
21-01153	08/02/21	00669	NORTH JERSEY WATER CONFERENCE	ANNUAL MEMBERSHIP - WATER DEPT	Open	650.00	0.00
21-01154	08/02/21	02711	OPTIMUM *	OPTIMUM SVC BORO HL 8/1-8/31	Open	29.95	0.00
21-01155	08/02/21	03183	HERVE, JOAN	REIMB FOR EYEWEAR	Open	132.00	0.00
21-01156	08/02/21	03208	MONMOUTH TELECOM	TELECOM SERVICE - AUG	Open	857.60	0.00
21-01157	08/03/21	03128	P S E & G **	JULY GAS/ELECT.-CURRENT	Open	2,955.54	0.00
21-01158	08/03/21	03128	P S E & G **	JULY GAS/ELECT.-WATER	Open	736.04	0.00
21-01162	08/03/21	00201	GARBARINI & COPC	SUPPL.DEBT DISCLOSURE-BOND DORD	Open	2,500.00	0.00
21-01163	08/03/21	01446	ROGUT MCCARTHY	SVCS-CAPITAL & BOND ORDINANCES	Open	3,162.43	0.00
21-01164	08/03/21	01607	BURGIS ASSOCIATES, INC.	AMENDMENTS TO MASTER PLAN	Open	562.50	0.00
21-01165	08/03/21	01208	TREASURER, STATE OF NEW JERSEY	RENEWAL - UCC CODE UPDATES	Open	50.00	0.00
21-01166	08/03/21	03159	BOSWELL ENGINEERING. INC.	DESIGN WATER TREATMNT SYST 2/9	Open	424.00	0.00
21-01167	08/03/21	02902	COVANTA	STREET SWEEPINGS-RECYCLING JUL	Open	1,100.88	0.00
21-01168	08/03/21	03144	UNTOUCHABLE SOUNDS	WINDOW TINT - POL VEH #717	Open	225.00	0.00
21-01169	08/03/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG PL REV/SOIL MOVE 801/1.03	Open	1,300.00	0.00
21-01170	08/03/21	03256	THE ALAIMO GROUP, INC.	PROJ ADMIN/SITE PLAN-802/10.02	Open	477.50	0.00
21-01171	08/03/21	03256	THE ALAIMO GROUP, INC.	PROJ ADMIN/COO/PLAN 802/10.03	Open	945.00	0.00
21-01172	08/03/21	03256	THE ALAIMO GROUP, INC.	PROJ ADMIN/SITE PL-802/10.03	Open	482.50	0.00
21-01173	08/03/21	03256	THE ALAIMO GROUP, INC.	ON SITE CHECK - 802/10.07	Open	72.50	0.00
21-01175	08/04/21	80202	JONES, WILLIAM J.	STAFF MEETING - LUNCH	Open	230.62	0.00
21-01177	08/04/21	02054	JOHN GARCIA CONSTRUCTION CO.	VALVE EXERCISING PROGRAM-WATER	Open	1,350.00	0.00
21-01178	08/04/21	03444	TREASURER, STATE OF NEW JERSEY	PERMIT FEE WELL 1,2,4,5 & 6	Open	11,304.00	0.00
21-01179	08/05/21	03144	UNTOUCHABLE SOUNDS	TINTED WINDOWS -DPW SHED	Open	300.00	0.00
21-01180	08/05/21	02703	NORTHEAST WATER TECHNOLOGY	WATER LEAK SURVEY SVCS-3RD QTR	Open	6,300.00	0.00
21-01181	08/05/21	03298	PASCACK DATA SERVICES, INC	REGISTER HHK DOMAIN NAME-5 YRS	Open	163.00	0.00
21-01182	08/05/21	02331	WISS & BOUREGYP.C.	BORO ATTY RETAINER - 3RD QTR.	Open	3,000.00	0.00
21-01183	08/05/21	02331	WISS & BOUREGYP.C.	BORO ATTORNEY LEGAL SVCS -JULY	Open	1,612.50	0.00
21-01184	08/06/21	03261	KONICA MINOLTA BUS. SOLUTIONS	POLICE COPIER-COPIES 7/4-8/3	Open	59.51	0.00
21-01185	08/06/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG ROAD CURB CUT 1301/14	Open	250.00	0.00
21-01186	08/06/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG PLAN REV/SOIL MOV 810/2.01	Open	1,300.00	0.00
21-01187	08/09/21	00886	SCHWANEWEDE/HALS ENGINEERING	ENG REV-PLAN REVISION 810/2.01	Open	125.00	0.00
21-01188	08/09/21	02671	SUBURBAN DISPOSAL INC.	SOLID WASTE/RECYCLING JUL 2021	Open	74,257.52	0.00

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21-01189	08/10/21	03048	QUALITY FORD	BRAKE KITS & ROTORS - DPW	Open	552.76	0.00
21-01190	08/10/21	00012	PROSTOCK MIDLAND	MOTOR OIL - DPW	Open	31.35	0.00
21-01191	08/10/21	02989	APEX ELECTRICAL SERVICES, INC.	REPAIR ELECTRIC SVC-PUMP STA.	Open	350.00	0.00
21-01192	08/10/21	00008	AIRGAS USA, LLC.	RENEW CYLINDER LEASE 9/1-8/31	Open	561.89	0.00
21-01193	08/10/21	02831	GARDEN STATE BOBCAT	KNIVES - DPW	Open	144.38	0.00
21-01194	08/10/21	03158	WM RECYCLE AMERICA	RECYCLING PICKUPS JUNE- DPW	Open	113.47	0.00
21-01195	08/10/21	00109	BORO OF WALDWICK	TUB GRINDERREPAIR-RECYCLING	Open	1,584.17	0.00
21-01196	08/10/21	00821	AT&T	JULY 2021 FAX/LONG DISTANCE	Open	100.41	0.00
21-01197	08/10/21	03248	RUTGERS, CENTER FOR GOV. SVCS.	OPRA TRAINING-PLANNING/ZONING	Open	50.00	0.00
21-01198	08/10/21	01088	DEPOSITORY TRUSTCOMPANY	BOND INTEREST - AUGUST 2021	Open	59,187.50	0.00
21-01199	08/10/21	00144	BORO OF H-H-K PAYROLL ACCT	MEDICAL/PRESCRIPT/DENTAL-AUG	Open	65,736.14	0.00
21-01200	08/11/21	03328	CIVICPLUS	WEBSITE DESIGN WORK	Open	640.00	0.00
21-01201	08/11/21	02690	VERIZON WIRELESS*	WIRELESS CHARGES 7/4-8/3	Open	181.87	0.00
21-01202	08/11/21	80288	KRESS-SPATZ, TIMOTHY	RETURN BALANCE OF ZBA ESCROW	Open	927.70	0.00
21-01203	08/11/21	80289	SUGAR, ALYSON	RETURN BALANCE OF ZBA ESCROW	Open	856.22	0.00
21-01204	08/11/21	00001	HOME HARDWARE	JULY PURCHASES - WATER DEPT.	Open	190.05	0.00
21-01205	08/11/21	00737	KUIKEN BROS. CO. INC.	PRESSURED TREATED WOOD - DPW	Open	49.20	0.00
21-01206	08/11/21	02297	THE SHARP SHOP	EQUIPMENT OIL & STRING-DPW	Open	51.39	0.00
21-01207	08/11/21	03223	EAGLE EQUIPMENT, INC.	MAINTENANCE-SEWER VAC TRUCK	Open	2,699.58	0.00
21-01208	08/11/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MONTH 8/13	Open	161,291.36	0.00
21-01209	08/11/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 8/13	Open	8,090.54	0.00
21-01210	08/11/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MONTH 7/30	Open	4,463.45	0.00
21-01211	08/11/21	02484	RACHLES/MICHELE'S OIL CO.	1150 GALS DIESEL DEL 7/23	Open	2,504.24	0.00
21-01213	08/12/21	00742	LACROIX, MICHAEL C	REIMB. SAFETY VESTS-SCH GUARDS	Open	206.99	0.00
21-01214	08/12/21	00106	M G L PRINTING SOLUTIONS	RECEIPT BKS-ADMIN/PD/FIRE PREV	Open	1,470.00	0.00
21-01215	08/12/21	00329	RG GROUP	PARKER HOSE FITTING- WATER DPT	Open	27.96	0.00
21-01216	08/12/21	03224	ALS GROUP USACORP.	WATER COLIFORM TESTS 8/5/21	Open	44.00	0.00
21-01217	08/12/21	01919	ULINE	4 CTS. JUMBO BATH TISSUE-DPW	Open	212.17	0.00
21-01218	08/12/21	01486	BORO OF SADDLERIVER	POL COVERAGE-RD PAVING-FRKN TP	Open	817.01	0.00
21-01219	08/13/21	00886	SCHWANWEDE/HALS ENGINEERING	ENG PLAN REV REVISION 810/1.03	Open	125.00	0.00
21-01220	08/13/21	03299	GEM SPORTS, LLC	15 EMBROIDERED POLICE SHIRTS	Open	737.00	0.00
21-01221	08/13/21	02283	DRAEGER, INC.	HOSE KIT/CERT/CALIB CHARGE-PD	Open	179.00	0.00
21-01222	08/13/21	00555	P S E & G*	ELECT. SVC-EASTGATE THRU 8/9	Open	64.91	0.00
21-01223	08/13/21	02484	RACHLES/MICHELE'S OIL CO.	27 GALS GAS DELIVERED 7/22	Open	5,862.67	0.00
21-01224	08/13/21	02484	RACHLES/MICHELE'S OIL CO.	1500 GALS GAS DELIVERED 8/5	Open	3,327.22	0.00
21-01225	08/16/21	02285	HAWTHORNE HITCH & TRAILER	ROPE RING/STRAP/HOOKS - DPW	Open	165.88	0.00
21-01226	08/16/21	00359	EDMUNDS GOVTECH	PROCESSING FEE- EST. TAX BILLS	Open	350.00	0.00
21-01227	08/16/21	02380	I.D.M. MEDICAL GAS CO	REFILL 5 OXYGEN D CYLINDER-AMB	Open	87.85	0.00
21-01228	08/16/21	03223	EAGLE EQUIPMENT, INC.	KANAFLEX HOSE, 8" - DPW	Open	314.00	0.00
21-01229	08/16/21	02232	STICKEL, KOENING & SULLIVAN	REVAPPLICATION/PLA 1015/13,14	Open	250.00	0.00
21-01230	08/16/21	80290	BEATTIE PADOVANO LLC TRUST A/C	STATE TAX APPEAL - 2020 REFUND	Open	3,498.00	0.00
21-01231	08/16/21	80291	JENNIFER R. JACOBUS	STATE TAX APPEAL - 2020 REFUND	Open	2,200.00	0.00
21-01232	08/16/21	80292	JENNIFER R. JACOBUS	STATE TAX APPEAL - 2020 REFUND	Open	1,388.20	0.00
21-01233	08/16/21	00038	VERIZON	WATER DEPT FAX/ALARM AUG-SEPT	Open	86.65	0.00
21-01234	08/16/21	00038	VERIZON	JULY/AUG PHONE/FAXES - DEPTS.	Open	367.25	0.00
21-01235	08/16/21	03280	CLEANING WORLD, INC.	CLEANING SVC - JUNE & AUGUST	Open	3,550.00	0.00
21-01237	08/17/21	00255	NORTH JERSEY MEDIA GROUP	LEGAL ADS ORDINANCES - JULY	Open	742.03	0.00
21-01238	08/17/21	00255	NORTH JERSEY MEDIA GROUP	LEGAL ADS-CAP. PROJECTS JULY	Open	1,160.62	0.00
21-01239	08/17/21	00255	NORTH JERSEY MEDIA GROUP	LEGAL ADS -ZONING BD - JULY	Open	355.46	0.00
21-01240	08/17/21	00255	NORTH JERSEY MEDIA GROUP	LEGAL ADS-ESCROW ACCTS. - JULY	Open	146.94	0.00
21-01241	08/17/21	00737	KUIKEN BROS. CO. INC.	2 X 8 - 8' DOUGLAS FIR - DPW	Open	24.20	0.00
21-01242	08/17/21	01779	OUTSTANDING SERVICE	CHECK TANKS/BIOCIDAL TREATMENT	Open	182.90	0.00

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21-01244	08/17/21	02863	LAWOFFICES OF GARY CUCCHIARA	PLANNING BD ATTORNEY SVCS-JULY	Open	1,380.00	0.00
21-01246	08/17/21	03334	HARWOOD LLOYD ,LLC	LEGAL SVCS - TAX APPEALS JULY	Open	1,410.00	0.00
21-01247	08/18/21	00032	NJ LEAGUE OF MUNICIPALITIES	NJLM CONFERENCE REGISTRATION	Open	900.00	0.00
21-01248	08/18/21	00742	LACROIX, MICHAEL C	EYE EXAM/GLASSES	Open	300.00	0.00
21-01249	08/18/21	80293	20 N SADDLE BROOK DR LLC	RETURN ROAD & DRIVEWAY BONDS	Open	5,000.00	0.00
21-01250	08/18/21	02584	INTER CITY TIRE	REPAIR TIRE FRONT END LOADER	Open	571.90	0.00
21-01251	08/19/21	02474	KONICA MINOLTA	BORO H COPIER MAINT 8/12-11/11	Open	504.01	0.00
21-01252	08/19/21	80224	VANDERZEE, JOHN F.	WORK BOOTS - DPW	Open	300.00	0.00
21-01253	08/19/21	00737	KUIKEN BROS. CO. INC.	2 PCS. PRESSURE TREATED WOOD	Open	28.67	0.00
21-01254	08/19/21	03259	GODWIN TOOL & HARDWARE SUPPLY	10' STEPLADDER -DPW	Open	189.99	0.00
21-01255	08/19/21	02712	OPTIMUM **	OPTONLINE SVC DPW - 8/16-9/15	Open	116.48	0.00
21-01256	08/19/21	01446	ROGUT MCCARTHY	SVCS RE: CROSSINGS JULY	Open	1,375.00	0.00
21-01257	08/20/21	03342	SPECTROTEL	INTERNET ACCESS OVER FIBER-SEP	Open	388.17	0.00

Resolution #21-93- Introduced by Council President Troast

A Resolution – HHK Security Camera – Memorandum of Understanding between BOE and HHK
WHEREAS, pursuant to P.L. 2017, c. 119, effective July 21, 2017, if at least one school building of a school district is equipped with video surveillance equipment that is capable of streaming live video wirelessly to a remote location, the Board of Education and local law enforcement must enter into a Memorandum of Understanding (“MOU”) which provides the authorities with the capacity to activate the equipment and view the live streaming video; and
WHEREAS, a representative of the Ho-Ho-Kus Public School District Board of Education and the Ho-Ho-Kus Chief of Police have met and proposed the attached MOU to be entered into between the parties;
NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Ho-Ho-Kus for good cause that it does hereby approve the attached MOU and hereby authorizes the Chief of Police to execute same on behalf of the Borough.

Resolution #21-94- Introduced by Council President Troast

A Resolution – Reappointment of Joan Herve to the Position of Municipal Clerk & Establishment of Tenure
WHEREAS, Joan Herve was duly appointed and confirmed to the position of Municipal Clerk for a three (3) year term with an effective date of September 17, 2018 in accordance with N.J.S.A. 40A:9-133, et seq.; and
WHEREAS, Joan Herve is and has been certified as a Registered Municipal Clerk since April 12, 2016 and has satisfied the continuing education requirements for said certifications; and
WHEREAS, the Borough of Ho-Ho-Kus is desirous of reappointing Joan Herve, RMC as Municipal Clerk for the Borough of Ho-Ho-Kus effective September 17, 2021; and
WHEREAS, this reappointment has occurred with 60 (sixty) days of the expiration of the three-year term identified above.
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey as follows:

1. Joan Herve, RMC is hereby reappointed to the position of Municipal Clerk of the Borough of Ho-Ho-Kus.
2. Joan Herve, RMC is and has upon this reappointment attained tenure pursuant to N.J.S.A. 40A:9-133, et. Seq.

Resolution #21-95- Introduced by Council President Troast

A Resolution – Authorizing the Auctioning of a Tub Grinder
WHEREAS, pursuant to the provisions of N.J.S.A. 40A:11-36 the Borough of Ho-Ho-Kus may sell any

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personal property; and,

WHEREAS, the Mayor and Council of the Borough of Ho-Ho-Kus have determined that said property is not needed for public purposes and wishes to divest same; and,

WHEREAS, this sale will be in “as is” condition without express or implied warranties;

WHEREAS, the Borough of Ho-Ho-Kus along with the Borough of Waldwick previously attempted to sell a Morbark War Hog Model 2600 Tub Grinder via a public auction with a reserve price of \$125,000; and, WHEREAS, the listing went unsold and the Borough will relist the auction with a reserve price of \$90,000; and,

WHEREAS, per N.J.S.A. 40A:11-36 Notice of the date, time and place of the public sale together with a description of the items to be sold and the conditions of sale shall be published in an official newspaper. Such sale shall be held not less than seven nor more than 14 days after the latest publication of the notice thereof; and,

WHEREAS, per N.J.S.A. 40A:11-36 after attempting a public auction the Borough has the ability to sell unsold items to private buyers as long as the price paid is above the highest price received at auction;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus, as follows:

1. The surplus property to be sold, as identified in Schedule A, shall be sold in an “as is” condition without express or implied warranties.
2. The successful bidder will be required to pay in cash or certified check made out to the Borough of Waldwick at the time of pick-up of the item. The Borough will not deliver any items to the successful bidder.
3. The items must be taken off our site within (72) hours after the conclusion of the sale.

Number	Item Description	Minimum Bid
1	Morbark War Hog Model 2600 Tub Grinder	\$90,000

WHEREAS, the Borough of Waldwick and the Borough of Ho-Ho-Kus jointly purchased the aforementioned equipment at a 50-50 split and all proceeds from the auction will be split 50-50 between the two Boroughs.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Resolution #21-96- Introduced by Council President Troast

A Resolution – Forgiveness of Solid Waste 3rd Qtr. 2021 bill

WHEREAS, 6 Saddle Ridge Rd., 58 Jacqueline Ave., 32 Linden Rd., 849 Wickham Way, which are lots under construction; and

WHEREAS, forgiveness of solid waste for 2nd quarter 2021 for 849 Wickham Way, lot under construction

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 #21-97- Introduced by Council President Troast

**A Resolution – Award of Contract to Goksu Construction for the Handicap Accessible Restrooms
2nd floor HHK Boro**

WHEREAS, on July 24, 2021 bids were received for the ADA Restrooms at Ho-H-Kus Municipal Building; and

WHEREAS, three (3) contractors submitted bids; and

WHEREAS, , it has been determined that the bid of Goksu Construction, LLC, is the lowest responsible, responsive bidder; and

WHEREAS, the Chief Financial Officer has attached hereto a certification that adequate appropriated, uncommitted funds are available to pay for the Contract;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a Contract for the above-referenced project is hereby awarded to Goksu Construction, LLC of P.O. Box 1533, Sparta, New Jersey in the amount of \$93,950.00;

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk and hereby authorized to execute a contract following legal review; and

BE IT FURTHER RESOLVED, that the bid of the next lowest bidder Ranco Mechanical, LLC be held pending execution of the Contract with Goksu Construction, LLC.

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 adequate funds have been duly budgeted and appropriated to pay for the Contract.

Joseph Citro, Chief Financial Officer

Resolution #21-98- Introduced by Council President Troast

**A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES
CONTRACT FOR WATER SUPPLY MAINTENANCE SERVICES PURSUANT TO
THE NEW JERSEY WATER SUPPLY PUBLIC PRIVATE CONTRACTING ACT**

N.J.S.A. 58:26-19, et. seq.

WHEREAS, the Borough of Ho-Ho-Kus ("Borough") has solicited proposals through the competitive contracting process, in accordance with the New Jersey Water Supply Public Private Contracting Act. N.J.S.A. 58:26-19 et. seq. for management and full-service maintenance program for water storage vessels and;

WHEREAS, the proposal received from Utility Service Co., Inc., was deemed to have the necessary qualifications and expertise for the performance of the services and;

WHEREAS, the type of services to be provided are management and full-service maintenance program for water storage vessels as follows:

Tank 1 - 250,000-gallon Welded Steel elevated storage tank.

Tank 2 - 500,000-gallon Welded Steel elevated storage tank.

and;

WHEREAS, the Public Private Contracting Act (N.J.S.A. 58:26-19, et. seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that RFP for Water Supply Maintenance Services, be awarded to Utility Service Co., Inc., in accordance with N.J.S.A. 58:26-19, et. seq.; and

BE IT FURTHER RESOLVED that a notice of this action be printed in the official newspaper of the Borough of Ho-Ho-Kus; and

Resolution #21-99- Introduced by Council President Troast

**A RESOLUTION MAKING APPLICATION TO THE LOCAL FINANCE BOARD
PURSUANT TO N.J.S.A. 58:26-19.**

WHEREAS, The Borough of Ho-Ho-Kus desires to make application to the Local Finance Board for its review and/or approval of a proposed Contract authorizing the Asset Management Program with Utility Service Co., Inc.

WHEREAS, The Borough of Ho-Ho-Kus believes:

- (a) it is in the public interest to accomplish such purpose:

- (b) said purpose or improvements are for the health, wealth, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW THEREFORE, BE IT RESOLVED by the Borough of Ho-Ho-Kus as follows:

Section 1. The application to the Local Finance Board is her-by approved, and the Borough of Ho-Ho-Kus Bond Counsel and financial advisor, along with other representatives of the Borough of Ho-Ho-Kus, are hereby authorized to prepare such application and to represent the Borough of Ho-Ho-Kus in matters pertaining thereto.

Section 2. The Secretary of the Borough of Ho-Ho-Kus is hereby directed to prepare and file a copy of the proposed Asset Management Program contract with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Resolution #21-100- Introduced by Council President Troast

**RESOLUTION DESIGNATING LMF HHK URBAN RENEWAL LLC, AS
REDEVELOPER FOR BLOCK 1016, LOTS 3, 5 AND 11, PREVIOUSLY
DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA**

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; and

WHEREAS, the Borough of Ho-Ho-Kus had determined that the use of eminent domain is not to be authorized and that if the Planning Board determined and recommended that the delineated area constituted an area in need of redevelopment, it shall be deemed a non-condemnation redevelopment area 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 (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, the Mayor and Council, considered the Planning Board's recommendation that the Redevelopment Area be designated as a

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non-condemnation redevelopment area, and members of the general public were given an opportunity to be heard and have questions addressed concerning the potential designation of the Redevelopment Area as a non-condemnation redevelopment area; and

WHEREAS, 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; and

WHEREAS, the Planner, prepared a redevelopment plan 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, the Borough has reviewed the Redevelopment Plan and found it to be consistent with the Borough's goals and objectives for redevelopment for the Redevelopment Area; and

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

WHEREAS, pursuant to N.J.S.A. 40A:21A-8(f), the Mayor and Council are empowered to designate a redeveloper to effectuate the Redevelopment Plan; and

WHEREAS, LMF HHK Urban Renewal LLC has requested that the Borough designate it as the Redeveloper of the Redevelopment Area; and

WHEREAS, the Borough has reviewed the qualifications and expertise of LMF HHK Urban Renewal LLC and desires to have LMF HHK Urban Renewal LLC serve as the Redeveloper of the Redevelopment Area and redevelop the Redevelopment Area consistent with the Redevelopment Plan;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of Borough of Ho-Ho-Kus as follows:

Section 1: The preamble to this Resolution is hereby incorporated as if fully stated herein.

Section 2: LMF HHK Urban Renewal LLC be and hereby is designated to serve as Redeveloper of the Redevelopment Area conditioned upon satisfactory demonstration that substantive progress has occurred within ninety (90) days of the date of this Resolution toward the negotiation, approval, and execution of a Redevelopment Agreement for the properties located within the Redevelopment Area.

Section 3: Upon completion of negotiations of a Redevelopment Agreement and upon the approval of the Borough's Counsel, that the Mayor be and hereby is authorized to review and execute said Redevelopment Agreement and to take such other steps as are necessary in order to complete and implement this redevelopment project.

Section 4: Notice of this action shall be published in accordance with law.

Section 5: A copy of this Resolution shall be filed in the Office of the Borough Clerk.

Section 6: This Resolution shall take effect immediately.

A motion was offered by Council President Troast and seconded by Councilman Crossley to approve Resolutions 21-92 through 21-100. Motion carried on a roll call vote – All present voting "Aye".

OLD BUSINESS

21-87 – A Resolution to connect Washington Twp. to the HHK Sewer System for eight new homes on the extension of Gorga Place & Wearimus Road. To be carried to September 28, 2021 meeting as Administrator Jones has still not heard from Washington township regarding this matter.

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LIAISON REPORTS

Recreation – Councilman Iannelli report all Fall sports has begun this week with all leagues following Covid protocols.

Library – no report as library is still on summer recess.

Board of Education – No Report, however Council Policastro stated they finished the renovation of their tennis courts, which are now opened to the public. Public can gain access by calling the number at the location and getting the code.

Ambulance Corp. – no report as their next meeting is not until September.

Fire Department – Councilman Shell reported there are approximately 5/6 meeting who are going through training right now.

Chamber of Commerce – Councilman Shell the Chamber is preparing for “Turning the Town Teal” which is a national campaign to create awareness of ovarian cancer for the month of September.

ADJOURNMENT

On a motion by Councilman Iannelli, seconded by Councilman Crossley, the meeting was adjourned at 8:25 p.m. Motion Carried by voice vote – all present voting “Aye”.

Respectfully submitted,
Joan Herve, RMC/CMR
Borough Clerk