

Borough of Ho-Ho-Kus
 County of Bergen
 Mayor and Council Combined Work/Public Meeting Minutes
 July 20, 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 July 20, 2021. The meeting was called to order at 7:30 p.m. by Council President Troast 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 - Absent
Council President.....	Douglas Troast
Councilman.....	Steven Shell
Councilman.....	Edward Iannelli
Councilman.....	Kevin Crossley
Councilman.....	Dane Policastro
Councilwoman.....	Kathleen Moran

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

FLAG SALUTE:

Council President Troast led those present in the salute to the American Flag.

CONSENT AGENDA RESOLUTIONS (21-83 thru 21-91)

Resolution #21-83- Introduced by Council President Troast

A Resolution – Payment of Bills – July 2021

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$3,614,250.18; and

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

WHEREAS, the CFO has determined that the funds have been properly appropriated for such purposes and are available, in the Borough of Ho-Ho-Kus and that the claims specified on the schedule attached hereto, following examination and approval by the Mayor and Council, be paid and checks issued accordingly; and,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that the claims totaling \$3,614,250.18; be approved and ratified respectively

Bill List:

20-01706	12/04/20	02568	NEAL SYSTEMS, INC.	MAGNETIC FLOW SENSOR WATER DPT	Open	2,238.32	0.00
20-01804	12/21/20	00712	CLIFFSIDE BODY CORPORATION	PARTS INSTALLATION-WATER TRUCK	Open	75,107.84	0.00
20-01814	12/23/20	03249	SWINGSET & TOY WAREHOUSE	ELITE DUTCHBARN SHED-RECYCLING	Open	20,000.00	0.00
20-01815	12/23/20	03249	SWINGSET & TOY WAREHOUSE	ELITE DUTCH BARN SHED-WATER DP	Open	30,870.38	0.00
21-00679	05/05/21	03299	GEM SPORTS, LLC	FACE MASKS - POL DEPT	Open	264.00	0.00
21-00729	05/12/21	00125	MUNICIPAL RECORD SERVICE	TRAFFICTICKETS-HHK/ALLENDAL	Open	1,114.00	0.00
21-00752	05/19/21	00001	HOME HARDWARE	JUNE 2021 PURCHASES	Open	408.15	0.00
21-00753	05/19/21	00056	TYCOANIMAL CONTROL SERVICES	ANIMAL CONTROL SVC JUNE 2021	Open	620.00	0.00
21-00756	05/19/21	02686	ONE CALL CONCEPTS	ONE CALL MESSAGES - JUNE 2021	Open	67.21	0.00
21-00762	05/19/21	00232	SITEONE LANDSCAPE SUPPLY	RED OAK 2" CALIPER BALL-SH TREE	Open	289.15	0.00

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21-00794	05/26/21	02974	ATLANTIC TACTICAL	SARARILAND VEST - PTL.KLEINERT	Open	1,358.56	0.00
21-00797	06/07/21	00152	A T EMBLEM CO	SHIELDS/BADGES/CASES-POL DPT	Open	1,360.50	0.00
21-00891	06/15/21	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES - DPW	Open	543.92	0.00
21-00905	06/17/21	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES - WATER DEPT	Open	913.18	0.00
21-00908	06/21/21	02712	OPTIMUM **	OPTONLINE SVC DPW - 6/16-7/15	Open	116.47	0.00
21-00909	06/21/21	00329	RG GROUP	HOSE ASSEMBLY AND FITTINGS-DPW	Open	129.56	0.00
21-00910	06/21/21	00371	LORCO PETROLEUMSERVICE	SLUDGE DISPOSAL/TANKWASHER-DPW	Open	783.48	0.00
21-00911	06/21/21	00167	BOROOFH-H-K FIRE DEPARTMENT	REIMB. FOR CPR TRAINING	Open	738.00	0.00
21-00912	06/21/21	00095	TRAFFIC SAFETY & EQUIPMENT	2 SIGNS FOR BORO HALL	Open	44.00	0.00
21-00913	06/21/21	02965	CORE & MAIN LP	CURB STOP RISERS - WATER DEPT	Open	309.60	0.00
21-00914	06/21/21	03048	QUALITY FORD	TUBE - DPW VEH. MAINTENANCE	Open	68.88	0.00
21-00915	06/21/21	02706	WURTH USA	LUBRICANT/ABSORBENT/TIE STRAP	Open	99.97	0.00
21-00916	06/22/21	02899	OFFICE CONCEPTS GROUP	PRINTER INK REFILLS - DPW	Open	119.94	0.00
21-00917	06/22/21	00012	PROSTOCK MIDLAND	AIR FILTER/LIQUID WRENCH - DPW	Open	95.73	0.00
21-00918	06/22/21	03277	ETD DISCOUNT TIRE CENTERS	5 TIRES FOR DPW VEH #753	Open	796.95	0.00
21-00919	06/22/21	01779	OUTSTANDING SERVICE	CHECK TANKS/BIOCIDES TREATMENT	Open	182.90	0.00
21-00920	06/22/21	03147	BERGEN SUPPLY COMPANY	10 CASES PAPER TOWELS - DPW	Open	249.50	0.00
21-00921	06/22/21	01919	ULINE	GARBAGE BAGS - DPW	Open	133.44	0.00
21-00922	06/22/21	01223	SELECTIVE INSURANCE	FLOOD INSURANCE-333 WARREN AVE	Open	4,228.00	0.00
21-00923	06/22/21	02723	CLARKE CATON HINTZ	PHONE CALL W/BORO ADMIN.	Open	16.00	0.00
21-00924	06/23/21	00936	PATTMAN, JEFFREY	POSTCARDS FOR CCR REPORT	Open	200.00	0.00
21-00925	06/23/21	01915	BALESTRIERI, ANTHONY	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00926	06/23/21	01557	BODART, JAIME	2021 CLOTH. ALLOW.	Open	666.67	0.00
21-00927	06/23/21	80089	DENCH, BRIAN	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00928	06/23/21	80120	GIL, MICHAEL	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00929	06/23/21	00992	GREGO, ANTHONY	2021 CLOTH. ALLOW.	Open	500.00	0.00
21-00930	06/23/21	80236	HANISCH, LEIF	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00931	06/23/21	80284	KIM, SAMUEL	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00932	06/23/21	80195	KIRK, THOMAS	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00933	06/23/21	80121	KIRSCH, JESSICA	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00934	06/23/21	80285	KLEINERT, JOHN	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00935	06/23/21	00742	LACROIX, MICHAEL C	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00936	06/23/21	99938	LEONARD, PATRICK	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00937	06/23/21	02342	MCBAIN, GREG	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00938	06/23/21	00541	MINCHIN, CHRISTOPHER	2021 CLOTH. ALLOW.	Open	500.00	0.00
21-00939	06/23/21	80119	MORRISSEY, OWEN	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00940	06/23/21	02100	MOSCA, M	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00941	06/23/21	80088	SANTOS, CHRIS	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00942	06/23/21	80194	SWEETMAN, GARRET	2021 CLOTH. ALLOW. 1ST PAYMENT	Open	425.00	0.00
21-00943	06/23/21	80120	GIL, MICHAEL	2021 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
21-00944	06/23/21	80284	KIM, SAMUEL	2021 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
21-00945	06/23/21	80285	KLEINERT, JOHN	2021 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
21-00946	06/23/21	00742	LACROIX, MICHAEL C	2021 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
21-00947	06/23/21	02100	MOSCA, M	2021 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
21-00948	06/23/21	80194	SWEETMAN, GARRET	2021 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
21-00949	06/24/21	01157	IRRIGATION BY RALPH RUGGIERO	SPRING START-UP - SPRINKLERS	Open	1,930.00	0.00
21-00952	06/24/21	00233	ROHSLERS ALLENDALE NURSERY	ANNUAL HANGING BASKETS	Open	623.68	0.00
21-00953	06/24/21	02285	HAWTHORNE HITCH & TRAILER	2 TIRES-DPW LANDSCAPE TRAILER	Open	270.00	0.00
21-00954	06/24/21	03033	S2T SOLUTIONS, LLC	RECEIVER-WATER/SEWER ALARMS	Open	2,386.95	0.00
21-00955	06/24/21	02297	THE SHARP SHOP	FUEL FILTER-LANDSCAPE EQUIP.	Open	26.97	0.00
21-00956	06/24/21	03298	PASCACK DATA SERVICES, INC	RENEW DOMAIN NAME REGIST-5 YRS	Open	274.95	0.00

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21-00957	06/24/21	03239	AT&T MOBILITY	IPAD/CELL PHONE SVC 5/12-6/11	Open	1,249.80	0.00
21-00958	06/25/21	03144	UNTOUCHABLE SOUNDS	WINDOW TINT- POL CAR	Open	100.00	0.00
21-00959	06/25/21	03158	WM RECYCLE AMERICA	RECYCLING PICKUPS MAY- DPW	Open	82.13	0.00
21-00960	06/25/21	02435	RIO SUPPLY, INC.	ANTENNA N. FIELD METER-WATER D	Open	50.00	0.00
21-00961	06/25/21	00329	RG GROUP	HYDRAULIC HOSE ASSEMBLY-DPW	Open	128.32	0.00
21-00962	06/25/21	00413	BORO OF H-H-K TRUST ACCT	TRSFRS TO VARIOUS TRUST ACCTS	Open	15,093.78	0.00
21-00963	06/25/21	03256	THE ALAIMO GROUP, INC.	ON SITE CHK/RETENTION 802/1.01	Open	145.00	0.00
21-00964	06/25/21	03256	THE ALAIMO GROUP, INC.	ON SITE CHECK - 802/10.04	Open	72.50	0.00
21-00965	06/25/21	03256	THE ALAIMO GROUP, INC.	SITE CLEARING/GRADING-802/3.01	Open	72.50	0.00
21-00966	06/25/21	03256	THE ALAIMO GROUP, INC.	ON SITE CHECK 802/10.05	Open	72.50	0.00
21-00967	06/25/21	03256	THE ALAIMO GROUP, INC.	PROJ ADM/ONSITE CHCK 802/10.06	Open	121.25	0.00
21-00968	06/28/21	03328	CIVICPLUS	AUDIOEYE MANAGED-FORWEBSITE	Open	1,980.14	0.00
21-00969	06/28/21	80285	KLEINERT, JOHN	REIMB. FOR DRUG SCREEN TEST	Open	75.00	0.00
21-00970	06/28/21	02484	RACHLES/MICHELE'S OIL CO.	1000 GALS DIESEL DEL 6/16	Open	1,766.45	0.00
21-00971	06/28/21	02484	RACHLES/MICHELE'S OIL CO.	2150 GALS GAS DELIVERED 6/16	Open	4,576.92	0.00
21-00972	06/28/21	02484	RACHLES/MICHELE'S OIL CO.	1218 GALS DIESEL DEL 6/21	Open	2,614.22	0.00
21-00973	06/28/21	02271	H2M ASSOCIATES INC	HYDROLOGICAL WATER SVCS 5/28	Open	1,105.50	0.00
21-00974	06/28/21	00372	REGIONAL COMMUNICATIONS INC	INSTALL RADIO-POL F250 VEHICLE	Open	402.02	0.00
21-00975	06/28/21	00144	BORO OF H-H-K PAYROLL ACCT	DCRP JUNE 2021	Open	336.19	0.00
21-00976	06/28/21	00144	BORO OF H-H-K PAYROLL ACCT	CURRENT SOCIAL SECURITY - JUNE	Open	12,958.71	0.00
21-00977	06/28/21	00144	BORO OF H-H-K PAYROLL ACCT	WATER DPT SOCIAL SECURITY-JUNE	Open	1,153.43	0.00
21-00978	06/28/21	00144	BORO OF H-H-K PAYROLL ACCT	SOL WASTE SOCIAL SECURITY-JUNE	Open	743.00	0.00
21-00979	06/28/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MONTH 6/30	Open	170,692.71	0.00
21-00980	06/28/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 6/30	Open	7,394.16	0.00
21-00981	06/28/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MONTH 6/30	Open	5,563.18	0.00
21-00982	06/28/21	00105	P S E & G	JUNE GAS/ELECT.-CURRENT	Open	6,673.55	0.00
21-00983	06/28/21	00105	P S E & G	JUNE GAS/ELECT.-WATER	Open	7,614.21	0.00
21-00984	06/30/21	02590	AMERICAN WEAR, INC.	JUNE 2021 UNIFORMS - ROADS 2/3	Open	258.72	0.00
21-00985	06/30/21	02590	AMERICAN WEAR, INC.	JUNE 2021 UNIFORMS - WATER 1/3	Open	129.36	0.00
21-00988	06/30/21	01840	OPTIMUM	POLICE/CAD CABLE 7/16-8/15	Open	131.47	0.00
21-00989	06/30/21	00030	HO-HO-KUS BOARD OF EDUCATION	SCHOOL TAX - MONTH OF JULY	Open	250,000.00	0.00
21-00991	06/30/21	00029	BERGEN COUNTY DEPT OF ADM/FIN	EST. 3RD QTR 2021 COUNTY TAXES	Open	799,614.00	0.00
21-00992	06/30/21	01485	COUNTY OPEN SPACE TRUST FUND	EST. 2021 Q3 COUNTY OPEN SPACE	Open	33,663.00	0.00
21-00993	06/30/21	00034	NORTHWEST B C UTIL AUTHORITY	3RD QTR SERVICE CHARGE 2021	Open	165,754.00	0.00
21-00996	06/30/21	01611	NW BERGEN REGIONAL HEALTH COMM	CONTRACT HEALTH SVCS JULY-DEC	Open	10,000.02	0.00
21-00997	06/30/21	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES - POLICE DEPT	Open	180.80	0.00
21-00998	06/30/21	80286	RODRIGO, KEVIN	2021 CLOTH. ALLOW.-1ST PAYMENT	Open	425.00	0.00
21-00999	06/30/21	80286	RODRIGO, KEVIN	2021 CLOTH. ALLOW.-2ND PAYMENT	Open	575.00	0.00
21-01000	06/30/21	02342	MCBAIN, GREG	2021 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
21-01001	06/30/21	80236	HANISCH, LEIF	2021 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
21-01002	06/30/21	80121	KIRSCH, JESSICA	2021 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
21-01003	06/30/21	01457	A-VAN ELECTRICAL SUPPLY INC	SWITCH SENSOR -DPW	Open	47.74	0.00
21-01004	06/30/21	02004	HOFFMAN EQUIPMENT	FUEL FILTER/RECIRCULATOR-DPW	Open	226.27	0.00
21-01005	06/30/21	03093	CONDOMINIUM ASSN-NORMANDY CT	REIMB. SNOW REMOVAL-KELLY BILL	Open	589.94	0.00
21-01006	06/30/21	00201	GARBARINI & CO PC	2021 USER FRIENDLY BUDGET	Open	2,250.00	0.00
21-01007	06/30/21	03280	CLEANING WORLD, INC.	CLEANING SVC - JUNE	Open	1,775.00	0.00
21-01009	07/07/21	00371	LORCO PETROLEUMSERVICE	USED OIL REMOVAL - DPW	Open	250.00	0.00
21-01010	07/07/21	00229	BORO OF H-H-K WATER DEPARTMENT	2ND QTR WATER BILLING TO DEPTS	Open	2,800.11	0.00
21-01011	07/07/21	00144	BORO OF H-H-K PAYROLL ACCT	MEDICAL/PRESRIPT/DENTAL- JULY	Open	69,727.34	0.00
21-01012	07/07/21	01088	DEPOSITORY TRUSTCOMPANY	WATER TRUST BOND PAYMENT 7/15	Open	98,333.75	0.00
21-01013	07/07/21	01088	DEPOSITORY TRUSTCOMPANY	GENERAL BOND PAYMENT 7/15	Open	405,500.00	0.00
21-01014	07/07/21	03208	MONMOUTH TELECOM	TELECOM SERVICE - JULY	Open	865.43	0.00

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21-01015	07/07/21	02590	AMERICAN WEAR, INC.	SOAP - DPW	Open	72.00	0.00
21-01016	07/07/21	00022	STONE INDUSTRIES, INC.	ASPHALT & CRUSHED STONE -ROADS	Open	2,345.28	0.00
21-01017	07/07/21	02562	J. D'AMBROZIO PEST MGT. SVCS.	PEST CONTROL BORO HL - 7/1	Open	180.00	0.00
21-01018	07/07/21	00294	STATE OF NEW JERSEY-PWT	2ND QTR PENNY TAX -WATER USAGE	Open	506.98	0.00
21-01019	07/07/21	03204	MONTAGUE TOOL & SUPPLY	TABLE SUPPORT/CHAIN SAW BLADES	Open	274.44	0.00
21-01020	07/07/21	00136	INSTITUTE FOR FORENSIC PSYCHOL	PSYCH EVAL-NEW POL OFF-RODRIGO	Open	500.00	0.00
21-01021	07/07/21	00070	STATE LINE FIRE & SAFETY INC	CRASH RECOVERY SOFTWARE-FIRE D	Open	335.00	0.00
21-01022	07/07/21	03297	AUTO POLISHING CENTER	FULL DETAIL CHEVY TAHOE-FIRE D	Open	350.00	0.00
21-01023	07/07/21	03108	JPMONZO MUNICIPAL CONSULTING	FINANCE WEBINAR-CITRO & KROP	Open	100.00	0.00
21-01024	07/07/21	02711	OPTIMUM *	OPTIMUM SVC BORO HL 7/1-7/31	Open	29.95	0.00
21-01025	07/08/21	00329	RG GROUP	HODE/FITTINGS/COUPLER - DPW	Open	162.42	0.00
21-01026	07/08/21	03119	KONICA MINOLTA ****	COPIER PLN/ZON/CONS 4/4-7/3	Open	70.45	0.00
21-01027	07/08/21	03261	KONICA MINOLTA BUS. SOLUTIONS	POLICE COPIER-COPIES 6/4-7/3	Open	59.28	0.00
21-01028	07/08/21	03224	ALS GROUP USA CORP.	COLIFORM TESTS 6/17 & 6/24	Open	88.00	0.00
21-01029	07/08/21	00952	USA BLUEBOOK	DECHLORINATION TABLETS-WATER D	Open	167.40	0.00
21-01030	07/08/21	00936	PATTMAN, JEFFREY	REIM. SEAT PROTECTORS-POL VEH	Open	266.46	0.00
21-01031	07/08/21	03326	PITNEY BOWES GLOBAL FIN SVCS.	POSTAGE METER RENTAL 6/1-8/31	Open	439.47	0.00
21-01032	07/08/21	00886	SCHWANWEDE/HALS ENGINEERING	REV/INSPECT SEEPAGE PIT 1110/9	Open	150.00	0.00
21-01033	07/08/21	00886	SCHWANWEDE/HALS ENGINEERING	ENG ZONING BD REVIEW 215/3	Open	225.00	0.00
21-01034	07/08/21	00436	TREASURER STATE OF NJ	2ND QTR REMIT DCA PERMIT FEES	Open	3,058.00	0.00
21-01035	07/08/21	02339	ZUIDEMA PORTABLE TOILETS	1 MO PORT TOILET N. FIELD 6/21	Open	130.00	0.00
21-01036	07/08/21	00452	BERGEN COUNTY CLERK	PRIMARY ELECTION EXPS 6/8/21	Open	4,484.06	0.00
21-01037	07/08/21	99938	LEONARD, PATRICK	2021 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
21-01038	07/08/21	80119	MORRISSEY, OWEN	2021 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
21-01039	07/08/21	00886	SCHWANWEDE/HALS ENGINEERING	INSPEC/VOUCHER BRNDY WINE DRAIN	Open	2,020.00	0.00
21-01040	07/08/21	00886	SCHWANWEDE/HALS ENGINEERING	INSPECTIONS/RESURFACE MILL RD	Open	5,240.62	0.00
21-01041	07/09/21	00886	SCHWANWEDE/HALS ENGINEERING	INSPECTIONS-2021 RD RESURFACE	Open	7,897.50	0.00
21-01042	07/09/21	01607	BURGIS ASSOCIATES, INC.	REV-PROJ ADJUSTMENTS-CROSSINGS	Open	1,162.50	0.00
21-01043	07/09/21	80068	MALES, CHRIS	STUFF 3RD QTR EST. TAX BILLS	Open	125.00	0.00
21-01044	07/09/21	80068	MALES, CHRIS	FOLD/STUFF/SEAL Q2 WATER BILLS	Open	250.00	0.00
21-01045	07/09/21	02527	HORIZON ENTERTAINMENT & ATTRAC	DJ FOR MOVIE NIGHT	Open	425.00	0.00
21-01046	07/09/21	03250	CLIFFHANGER PRODUCTIONS, INC.	PLANNING/EXECUTION MOVIE NIGHT	Open	1,850.00	0.00
21-01047	07/09/21	03169	SELECTIVE INSURANCE *	FLOOD INSURANCE-44 SHERIDAN AV	Open	6,914.00	0.00
21-01048	07/09/21	03170	SELECTIVE INSURANCE **	FLOOD INSURANCE-55 SYCAMORE AV	Open	2,900.00	0.00
21-01049	07/12/21	00610	NJ DEPT OF HEALTH	APR-MAY DOG LICENSES #366-447	Open	149.40	0.00
21-01050	07/12/21	02671	SUBURBAN DISPOSAL INC.	SOLID WASTE/RECYCLING JUN 2021	Open	76,656.16	0.00
21-01051	07/12/21	00821	AT&T	JUNE 2021 FAX/LONG DISTANCE	Open	100.17	0.00
21-01052	07/12/21	02690	VERIZON WIRELESS*	WIRELESS CHARGES 6/4-7/3	Open	181.87	0.00
21-01054	07/12/21	02356	GENERATION III INC.	BOILER REPAIR	Open	295.00	0.00
21-01055	07/12/21	00252	RIDGEWOOD PRESS	1500 POSTCARDS-CCR WATER REPOR	Open	269.00	0.00
21-01056	07/12/21	02887	VALLEY PHYSICIAN SERVICES	2ND QTR DOT TESTING - DPW	Open	153.00	0.00
21-01057	07/12/21	02342	MCBAIN, GREG	REIMB. -5 PACK BATTERY - POL DP	Open	29.95	0.00
21-01058	07/12/21	02965	CORE & MAIN LP	20 CURB BOXES - WATER DEPT	Open	752.00	0.00
21-01059	07/12/21	02069	PATTMAN PLUMBING	AC REPAIR/BOILER RELIEF VALVE	Open	1,997.50	0.00
21-01060	07/12/21	03240	USA SECURITY SERVICES, INC.	1 YEAR CLOUD HOSTING - 6 DOORS	Open	1,440.00	0.00
21-01061	07/12/21	02331	WISS & BOUREGYP.C.	BORO ATTORNEY LEGAL SVCS -JUNE	Open	3,825.00	0.00
21-01062	07/13/21	03224	ALS GROUP USA CORP.	VARIOUS WATER TESTS - 6/17	Open	1,356.00	0.00
21-01063	07/13/21	03118	REDICARE LLC	FIRST AID SUPPLIES	Open	26.56	0.00
21-01064	07/13/21	02484	RACHLES/MICHELE'S OIL CO.	1203 GALS GAS DELIVERED 6/29	Open	2,603.19	0.00
21-01065	07/13/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MONTH 7/15	Open	169,556.62	0.00
21-01066	07/13/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 7/15	Open	7,472.96	0.00
21-01067	07/13/21	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MONTH 7/15	Open	5,105.24	0.00

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21-01068	07/13/21	00041	BORO OF H-H-K CURRENT ACCT	2021 COURT/CONSTR HEALTH EXPS	Open	25,500.00	0.00
21-01069	07/13/21	00041	BORO OF H-H-K CURRENT ACCT	TRSFR 2021WATER TR HEALTH EXP	Open	80,000.00	0.00
21-01070	07/13/21	00041	BORO OF H-H-K CURRENT ACCT	TRSFR WATER SUPLUS TO CURRENT	Open	600,000.00	0.00
21-01071	07/13/21	00041	BORO OF H-H-K CURRENT ACCT	TRSFR 2021 S WASTE HEALTH EXPS	Open	30,000.00	0.00
21-01072	07/13/21	00041	BORO OF H-H-K CURRENT ACCT	TRSFR S WASTE SURPL TO CURRENT	Open	200,000.00	0.00
21-01074	07/13/21	03334	HARWOOD LLOYD , LLC	LEGAL SVCS TAX APPEALS-JUNE	Open	2,745.00	0.00
21-01075	07/14/21	80287	ALLEGRETTA, CHRISTINE	RETURN ENGINEER BOND - 218/20	Open	2,500.00	0.00
21-01076	07/14/21	03291	TMDE CALLIBRATION LABS, INC.	CALLIBRATE 8 TUNING FORKS-PD	Open	80.00	0.00
21-01077	07/14/21	00936	PATTMAN, JEFFREY	TITLE/REGISTRATION-DPW VEHICLE	Open	60.00	0.00
21-01078	07/14/21	02356	GENERATION III INC.	NEW CONDENS - POL DPT A/C UNIT	Open	7,050.00	0.00
21-01081	07/15/21	02232	STICKEL, KOENING & SULLIVAN	CORRESP/APPLIC REV-111 1ST ST	Open	50.00	0.00
21-01082	07/15/21	03166	SJS LAWN CARE SERVICES, LLC	LAWN CUTTING-325 WEARIMUS-7/8	Open	150.00	0.00
21-01083	07/15/21	02232	STICKEL, KOENING & SULLIVAN	LEGAL SVCS - 111 1ST ST	Open	1,487.50	0.00
21-01084	07/15/21	00255	NORTH JERSEY MEDIA GROUP	LEGAL ADS JUNE-ESCROW ACCOUNTS	Open	204.00	0.00
21-01085	07/15/21	00255	NORTH JERSEY MEDIA GROUP	ZBA LEGAL NOTICES-JUNE	Open	365.48	0.00
21-01086	07/15/21	00255	NORTH JERSEY MEDIA GROUP	LEGAL NOTICES ADMIN JUNE	Open	170.02	0.00
21-01087	07/15/21	00038	VERIZON	WATER DEPT FAX/ALARM JULY-AUG	Open	86.87	0.00
21-01088	07/15/21	00038	VERIZON	JUN-JULY PHONE/FAXES - DEPTS.	Open	368.29	0.00
21-01089	07/15/21	03303	B.C.U.W./MADELINE	REQUISITION #12-AFFORD HOUSING	Open	97,280.00	0.00
21-01090	07/15/21	80097	POLICASTRO, DANE	RENEW REPOST+ FOR INSTAGRAM	Open	31.98	0.00
21-01092	07/15/21	00037	MUNICIPAL CLERKS' ASSOC OF NJ	MUNI CLERKS ASSN -MEMBERSHIP	Open	100.00	0.00
21-01093	07/16/21	01051	V.E. RALPH & SON	COLD PACKS & GLOVES -AMBULANCE	Open	168.81	0.00
21-01094	07/16/21	00106	M G L PRINTING SOLUTIONS	WATER BILL FORMS & ENVELOPES	Open	1,493.50	0.00
21-01095	07/16/21	02594	RAMSEY CHRYSLER/JEEP	A/C HOUSING/SWITCH-FIRE DP VEH	Open	235.20	0.00
21-01096	07/16/21	02615	TREASURER, STATE OF NJ	MARRIAGE LICENSE FEES TO NJ-Q2	Open	25.00	0.00
21-01097	07/19/21	00555	P S E & G*	ELECT. SVC-EASTGATE THRU 7/9	Open	69.13	0.00

Resolution #21-84- Introduced by Council President Troast

A Resolution – Authorizing appointment of Municipal Representatives to BC Community Development Regional Committee

WHEREAS, the Municipality of the Borough of Ho-Ho-Kus has entered into a three-year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:8a-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Municipal Council appoint a representative and alternate and that the mayor appoint a representative and alternate for the FY 2021-2022 term starting July 1, 2021 and ending on June 30, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council hereby appoints William Jones as its representative and Thomas Randall as its alternate and that the mayor hereby appoints himself, Thomas Randall as mayoral representative and William Jones as his alternate to serve on the Community Development Regional Committee for FY 2021-2022; and

BE IT FURTHER RESOLVED that an original, certified copy of this resolution be immediately emailed and sent via postage to Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, Fourth Floor; Hackensack, New Jersey 07601 | resposito@co.bergen.nj.us as soon as possible and no later than Friday, July 30, 2020.

Resolution #21-85- Introduced by Council President Troast

A Resolution – Approval to submit a grant application & execute a grant contract with NJDOT for the Resurfacing of West Saddle River Road Project

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Ho-Ho-Kus formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022- Resurfacing of West Saddle River Road - 00539 to the New Jersey Department of Transportation on behalf of the Borough of Ho-Ho-Kus.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Ho-Ho-Kus and that their signature constitutes acceptance of the terms and conditions of the grand agreement and approves the execution of the grant agreement.

Resolution #21-86- Introduced by Council President Troast

A Resolution – Appointment of Firefighters

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

WHEREAS, Julie DeJesus-Evans, Juan Gonzalez, John Lees, Daniel Quevedo and Jared V. Ramundo passed their physical as required by the Borough; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that Julie DeJesus-Evans, Juan Gonzalez, John Lees, Daniel Quevedo and Jared V. Ramundo are recommended to the New Jersey State Fireman's Association for membership.

Resolution #21-87- Introduced by Council President Troast

A Resolution – A Resolution to connect Washington Twp to the HHK Sewer System for eight new homes on the extension of Gorga Place & Wearimus Road.

this resolution be tabled until further notice

Resolution #21-88- Introduced by Council President Troast

A Resolution – Renewal of Membership in the Bergen County Municipal Joint Insurance Fund

WHEREAS, the Borough of Ho-Ho-Kus is a member of the Bergen County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2021 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. The Borough of Ho-Ho-Kus agrees to renew its membership in the Bergen County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Bergen County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Resolution #21-89- Introduced by Council President Troast

A Resolution – Appointment of Police Officer, Kevin Rodrigo

WHEREAS, there currently exists a need to appoint a new Police Officer in the Ho-Ho-Kus Police Department in order to ensure proper police coverage for the safety and welfare of the Borough and its residents;

WHEREAS, appointments to the Police Department are to be made by the Mayor, upon the recommendation of the Chief and confirmation thereof, by the Borough Council pursuant to Code Section 46-6;

WHEREAS, applicants for appointment are required to take and pass a physical examination and to meet the personnel qualifications set forth in Code Sections 46-7 and 46-8;

WHEREAS, Kevin Rodrigo, 1139 Stonewall Ln., Secaucus, NJ 07094 is a candidate recommended by the

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Chief of Police on a conditional offer of employment to the Police Department for a probationary police officer position;

NOW THEREFORE BE IT RESOLVED by the Governing Body, that it does hereby appoint Kevin Rodrigo, 1139 Stonewall Ln., Secaucus, NJ 07094 as a patrolman to the Ho-Ho-Kus Police Department, effective July 1, 2021

BE IT FURTHER RESOLVED that said appointment is also subject to a one-year probationary period;
BE IT FURTHER RESOLVED that the compensation for said position shall be as set forth in such collective bargaining agreement as may be in effect between the Borough of Ho-Ho-Kus and PBA Local 353 as of the date of hire.

Resolution #21-90- Introduced by Council President Troast

A Resolution – Police Chief Contract

WHEREAS, Michael LaCroix was the most qualified candidate for the position of Chief of Police and obtained the highest score during the promotional process;

WHEREAS, the Borough and Michael LaCroix have reached agreement on the terms of a contract for the position of Chief of Police, the terms of which are incorporated by reference herein;

NOW THEREFORE BE IT RESOLVED by the Governing Body, that it does hereby approve the contract between Michael LaCroix for the position of Chief of Police for the Ho-Ho-Kus Police Department, effective July 1, 2021;

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator and Borough Attorney are authorized to take all steps necessary to effectuate the terms of this Resolution.

Resolution #21-91- Introduced by Council President Troast

A Resolution – Contract with Cliffhanger Productions & the Borough of HHK for Ho-Ho-Kus Day

WHEREAS; A contract to supply entertainment between CLIFFHANGER PRODUCTIONS INC. and the BOROUGH OF HO-HO-KUS for *Ho-Ho-Kus Day* on Saturday September 11, 2021 from 11:00AM – 5:00PM with a Rain Date Sunday September 12, 2021;

WHEREAS, the Borough and CLIFFHANGER PRODUCTIONS INC. have reached agreement on the terms of a contract for Ho-Ho-Kus Day;

WHEREAS, the Chief Financial Officer has attached a certification that adequate funds have been duly budgeted and appropriated to pay for the Contract;

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Ho-Ho-Kus that a contract for the above-referenced contract is hereby awarded to CLIFFHANGER PRODUCTIONS INC. in the amount of \$30,000.00 for *Ho-Ho-Kus Day*;

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator and Borough Attorney are authorized to take all steps necessary to effectuate the terms of this Contract.

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

A motion was offered by Council President Troast and seconded by Councilman Shell to approve Resolutions 21-83 through 21-91. Motion carried on a roll call vote – All present voting “Aye”.

OATH OF OFFICE ADMINISTERED TO:

Council President Troast administered the Oath to newly appointed Police Officer – Kevin Rodrigo

DEPARTMENT REPORTS

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Reports on file in the Clerk's Office

Police Report – June 2021

Court Report – June 2021

APPROVAL OF MINUTES

June 15, 2021 – Special Meeting of the Mayor and Council

June 22, 2021 – Combined Work/Public Meeting of the Mayor and Council

May 18, 2021 – Close Session Minutes

June 15, 2021 – Close Session Minutes

A motion was offered by Councilman Shell and seconded by Councilwoman Moran to approve the above Mayor and Council meetings minutes. Motion carried on a roll call vote – all present voting “Ayes.

PUBLIC COMMENTS

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

Carol Tyler, 1 Stouts Lane

Ms. Tyler reiterated the downtown is in much needed of an update. She stated it's missing the small-town look like it used to have and she would like to get it back to looking like that again. In talking with the Shade Tree Commission, they are not giving money to clean the downtown. It should be the responsibility of the DPW, maybe consider hiring more DPW employees. Secondly, the Mayor and Council should revisit the outside dining as there is no enough sidewalk space for people with walkers, wheelchairs to get around those tables. Lastly, Ms. Tyler questioned why HHK Day was on September 11, 2021 as this 20th the anniversary and stated she feels it was not a great idea.

Sharon Kaiser, 60 Ackerman Avenue

Ms. Kaiser also questioned HHK day being on September 11th. and also questioned if the town thought about any volunteer action because she knows that different organization would love to help where ever needed. Councilman Iannelli responded; regarding HHK day this was something we did struggle with; these are the hard decisions we have to make and we found that this weekend worked best. We realize it's a solemn day, we are not going to by-pass the service we do every year. However, we want to do a re-opening this town and getting over COVID, therefore we decided HHK day would be a great gift to the town at no cost to our residents. We are going to have our 911 ceremony in the morning and the festival to follow. We are looking to make this an annual event. Councilman Crossley added this is our first year are doing this. What we were looking to accomplish is to get the chamber and the businesses the opportunity to sell their products and to bring the community together. Councilman Moran addressed the volunteer question, she stated we did have a clean-up day, where there were multiple organizations who volunteered. The Council advised Ms. Kaiser to join our Social Media platforms as we as a town are going to communicate through those sites for any volunteer services and any events going on.

Council President Troast closed the meeting to the public.

ADMINISTRATOR REPORT

Unfinished Business

DOT Train Station Project – Road was re-opened as of last week, there are only a few punch list items left.

BC United Way/Madeline Partnership Affordable Housing Project – Do the shortage of manpower and material delays they are now pushing back the closing to December or early January.

HHK Crossing Project – we are introducing the redevelopment plan which will be the blueprint of that

project.

Bank of America (10 Orvil Court) - Bond Ordinance #2021-55 is up for adoption tonight for the purchase of this property

Water Tanks Project – RFQ is out for this project and maintenance program.

New Business

Final Water Reading Fees – On the agenda tonight is Ordinance 2021-59 adding a final water reading fee as this is a time-consuming process as the tax based cannot continue to absorb this fee. He has come to find out that HHK is one of the only towns who has not been charging a fee for this service.

H-Ho-Kus Day – Schedule for September 11th with a rain of September 12th. Plans are well underway.

Est. Tax Bills – have been sent out early this month.

CORRESPONDENCE

- a) BC Board of Commissioners Annual Public Hearing on Transportation Funding for Senior Citizens & Persons with Disabilities will be held virtual on Thursday, August 12, 2021 at 10:00AM.
- b) HHK Planning Board review of the proposed revised Redevelopment Plan for 619 North Maple, 217 & 239 First Street project.
- c) Email from Borough Planner, Ed Snieckus, regarding revisions recommended by the Planning Board for the redevelopment plan for the Crossing Project
- d) Planning Board Report regarding the Cannabis Ordinance #2021-52
- e) Planning Board Report regarding the Ornamental Landscape Ordinance #2021-53
- f) Planning Board Report regarding Pool Cabana Ordinance #2021-54

ADOPTION OF ORDINANCES and PUBLIC HEARING

ORDINANCE 2021-52

COUNCILMEMBER POLICASTRO: moved the Ordinance on second reading by title only

COUNCILMEMBER CROSSLEY: Seconded.

ROLL CALL VOTE: All present voting “Aye”

AN ORDINANCE BY BOROUGH OF HO-HO-KUS (“HO-HO-KUS”) IN BERGEN COUNTY, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTIONS 85-45 OF THE HO-HO-KUS MUNICIPAL CODE

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

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- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchase's items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Mayor and Council of the Borough of Ho-Ho-Kus has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Ho-Ho-Kus in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Ho-Ho-Kus's residents and members of the public who visit, travel, or conduct business in Ho-Ho-Kus, to amend Ho-Ho-Kus' zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Ho-Ho-Kus; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in Ho-Ho-Kus, except for the delivery of cannabis items and related supplies by a delivery service., notwithstanding any State law to the contrary.

2. Section 85-45.0 (G)(1) of the Ho-Ho-Kus Municipal Code is hereby repealed and replaced with the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service, are hereby prohibited from operating anywhere in the Borough."

3. Any article, section, paragraph, subsection, clause, or other provision of the Ho-Ho-Kus Municipal Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. After introduction, the Clerk is hereby directed to submit a copy of this Ordinance to the Land Use Board of the Borough of Ho-Ho-Kus for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Board is directed to make and transmit to the Council, within thirty-five (35) days after referral, a report including identification of any provisions in this proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matters as the Board may deem appropriate

6. This ordinance shall take effect upon its passage and publication and filing with the Bergen County Planning Board, and as otherwise provided for by law.

PUBLIC HEARING

Council President Troast opened the meeting to the public. He stated this is the time and place for the public hearing on Ordinance #2021-52 and all persons who wishes to be heard, please state your name and address before making your statement.

Seeing none, the Council President Troast closed the meeting to the public.

A motion was offered by Councilman Shell and seconded by Councilwoman Moran to adopt Ordinance #2021-52. Motion carried on a roll call vote – All present voting “Aye”.

ORDINANCE 2021-53

COUNCILMEMBER CROSSLEY: moved the Ordinance on second reading by title only

COUNCILMEMBER POLICASTRO: Seconded.

ROLL CALL VOTE: All present voting “Aye”

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 85, ZONING OF THE BOROUGH OF HO-HO-KUS SO AS TO CLARIFY REQUIREMENTS FOR ORNAMENTAL LANDSCAPE STRUCTURES

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

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

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

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus, in the County of Bergen and State of New Jersey, that Section §85-24 entitled “Lighting and Sound Systems” is hereby repealed, amended and supplemented as follows:

Section 1. Section §85-24 is repealed and replaced as follows:

New Title: “Lighting, Ornamental Landscape Structures, and Sound Systems”

A. Purpose The provisions of this section shall apply to all principal and accessory uses or activities permitted within a residential district or within 200 feet of a residential district boundary line. Any outdoor lighting shall be adequately shielded and directed away from the adjoining properties and shall not create an unsafe condition. Any public address system or loudspeaker device which can be heard beyond the property line is specifically prohibited. Ornamental landscape structures shall be permitted as set forth in Section (b) below.

B. Ornamental Landscape Structures shall mean an accessory structure placed year-round in a fixed location in a yard or open space to provide a decorative or ornamental element to the grounds and gardens of the principal use. Ornamental landscape structures shall include entry posts or stanchions and other such structures, whether or not they provide lighting.

C. Requirements and limitations. Ornamental landscape structures are permitted in any residential zone as an accessory structure, subject to the following requirements:

(a) Ornamental landscape structures must be located in the front yard within 6 foot of the front property line or setback as defined in Section (e) below.

(b) A maximum of two (2) Ornamental landscape structures are permitted per driveway entrance and must be located entirely on the subject property.

(c) Ornamental landscape structures shall not exceed 5ft. high and shall not exceed 4 ft. in width in any direction. A lighting fixture, lamppost, or luminary is permissible, but the top of the fixture may not exceed 7 ft. from the base of the Ornamental landscape structure.

(d) The maximum height of the Ornamental landscape structure shall be measured from the lowest point at ground level.

(e) Ornamental Landscape Structure Setback Requirements. Ornamental Landscape Structures are not allowed in the public right-of-way and must be wholly within the lot line boundaries.

Minimum required front setback from the edge of the street pavement for all Ornamental Landscape Structure for lots with or without a sidewalk shall be the greater of six feet or the distance between the edge of pavement and the right-of-line. All Ornamental Landscape Structure must be installed behind the sidewalk, if a sidewalk exists. In the event that a sidewalk is installed subsequent to the installation of Ornamental Landscape Structure it is responsibility of the property owner to comply to the setback rules for properties with sidewalks at the expense of the property owner.

(f) The entrance space created by or between any Ornamental landscape structure shall provide for a minimum of 15 ft of clear and unobstructed space around it at all times and shall further provide enough space to allow emergency service vehicles clear access to the property.

(g) Fencing as per the existing zoning ordinance may be attached to the stanchions.

(h) Zoning and construction permits shall be required before installation of any ornamental landscape structure.

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

Section 5. This ordinance shall take effect twenty (20) days after final passage and publication as prescribed by law.

PUBLIC HEARING

Council President Troast opened the meeting to the public. He stated this is the time and place for the public hearing on Ordinance #2021-53 and all persons who wishes to be heard, please state your name and address before making your statement.

Seeing none, the Council President Troast closed the meeting to the public.

A motion was offered by Councilman Shell and seconded by Councilman Crossley to adopt Ordinance #2021-53. Motion carried on a roll call vote – All present voting “Aye”.

ORDINANCE 2021-54

COUNCILMEMBER SHELL: moved the Ordinance on second reading by title only

COUNCILMEMBER CROSSLEY: Seconded.

ROLL CALL VOTE: All present voting “Aye”

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

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

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

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

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

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

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

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

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

- (6) A deed restriction containing the following language is to be filed with the Bergen County Clerk's Office for the property containing the accessory pool cabana stating minimally the following:
The grantor and grantee specifically represent and warrant that this deed contains a Deed Restriction whereby the cabana use will not contain, bedrooms and/or living quarters, full-service kitchen or used for sleeping. This deed restriction is intended to prohibit conversion to a habitable space.
- (7) Pool cabanas shall conform to the accessory structure setback and coverage requirements as set for the in the zone and in Section 85-15.1 herein.

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

FULL-SERVICE KITCHEN

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

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

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

Section 5. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Bergen County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Borough clerk is further directed to publish notice of the passage thereof and to file copy of this ordinance as finally adopted with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

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

PUBLIC HEARING

Council President Troast opened the meeting to the public. He stated this is the time and place for the public hearing on Ordinance #2021-54 and all persons who wishes to be heard, please state your name and address before making your statement.

Seeing none, the Council President Troast closed the meeting to the public.

A motion was offered by Councilman Policastro and seconded by Councilwoman Moran to adopt Ordinance #2021-54. Motion carried on a roll call vote – All present voting “Aye”.

BOND ORDINANCE 2021-55

COUNCILMEMBER SHELL: moved the Ordinance on second reading by title only

COUNCILMEMBER MORAN: Seconded.

ROLL CALL VOTE: All present voting “Aye”

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY (BY PURCHASE OR CONDEMNATION) FOR PUBLIC PURPOSES IN, BY AND FOR THE BOROUGH OF HO-HO-KUS, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$990,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS .

BE IT ORDAINED by the Borough Council of the Borough of Ho-Ho-Kus, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Ho-Ho-Kus, in the County of Bergen, State of New Jersey (the "Borough"), is hereby authorized to acquire real property (by purchase or condemnation), including an existing structure, for public purposes in, by and for the Borough. Said improvement shall include real estate transaction expenses, environmental investigation and all work, materials and appurtenances necessary and suitable therefor. The property to be acquired (the Bank of America Building) has a street address of 10 Orvil Court and is designated as Block 1008, Lot 4 on the Tax Assessment Map of the Borough.

Section 2. The sum of \$990,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of the Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of the Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$990,000, and (4) \$48,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$942,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$65,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$48,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Borough, are now available to finance said purpose. The sum of \$48,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of the Borough of an aggregate principal amount not exceeding \$942,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Borough of an aggregate principal amount not exceeding \$942,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time

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exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of the Borough, and that such statement so filed shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$942,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of such bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

PUBLIC HEARING

Council President Troast opened the meeting to the public. He stated this is the time and place for the public hearing on Bond Ordinance #2021-55 and all persons who wishes to be heard, please state your name and address before making your statement.

Seeing none, the Council President Troast closed the meeting to the public.

A motion was offered by Councilman Shell and seconded by Councilman Crossley to adopt Bond Ordinance #2021-55. Motion carried on a roll call vote – All present voting “Aye”.

ORDINANCE 2021-56

COUNCILMEMBER CROSSLEY: moved the Ordinance on second reading by title only

COUNCILMEMBER SHELL: Seconded.

ROLL CALL VOTE: All present voting “Aye”

**AN ORDINANCE TO AMEND, AND SUPPLEMENT CHAPTER 46 OF THE CODE OF
THE BOROUGH OF HO-HO-KUS SO AS TO MODIFY THE PROMOTIONAL
PROCESS FOR POLICE OFFICERS**

WHEREAS, the Borough of Ho-Ho-Kus has heretofore adopted Chapter 46 of the Code of the Borough of Ho-Ho-Kus, so as to establish the Ho-Ho-Kus Police Department, the organization thereof, and matters pertaining thereto; and

WHEREAS, the Borough of Ho-Ho-Kus wishes to amend said Chapter, and particularly to amend §46-9 of said Chapter, so as to modify the promotional process for police officers;

NOW THEREFORE BE IT ORDAINED by the Mayor and Borough Committee of the Borough of Ho-Ho-Kus, that Chapter 46-9 of the Code of the Borough of Ho-Ho-Kus be amended and replaced in the following particulars only: (deleted sections are noted by ~~strike throughs~~, new sections are underlined)

I. General

- A. So as to provide all eligible candidates for promotion with fair notice and equal access to the promotional process, and to identify the most qualified members of the department for promotion to leadership positions within the department, the following promotional process shall be employed for promotions to all superior positions (Sergeant, Lieutenant, and Captain), other than the Chief of Police.
- B. The promotional process shall be governed by state law and in compliance with N.J.S.A. 40A:14-129, which provides that a promotion of any member or officer of the police department to a superior position shall be made from the membership of the department and due consideration shall be given to the length and merit of his/her service and preference shall be given according to seniority in service. The Chief of Police shall be responsible for the administration of the promotional process.

II. Promotion to the Rank of Sergeant

- A. Eligibility
 - 1. No person shall be eligible for promotion to the rank of Sergeant unless the candidate has served as a police officer with the Ho-Ho-Kus Police Department for at least five (5) years, and possess a minimum of an Associate's Degree (A.A.) or its equivalent, i.e., a minimum of 60 college credits, preferably in a social science, although not required.
- B. The testing process for the above position will consist of the following:
 - 1. Written examination or oral examination administered by the New Jersey State Association of Chiefs of Police ("Chief's Association") or such other written or oral examination approved by the Governing Body and administered by the Chief of Police.
 - a. The written or oral examination shall account for fifty (50%) percent of a candidate's total promotional score, up to a maximum of 50 total points.
Each candidate's total point score for the written or oral examination shall be computed by taking a candidate's score on the written exam (which exam shall have 100 points as its maximum score) and multiplying same by 50%. By way of example, a candidate receiving a score of 80 points on his/her ~~written~~ examination shall receive 40 total points for the ~~written~~ examination element of the promotional process (80 x 50% = 40 total points).
To be eligible to proceed to the oral examinations by the Interview Panel and the Appropriate Authority, a candidate must achieve a minimum score of 70 points out of said maximum of 100 points on the written or oral examination (i.e., at least 35 total points).
If the number of vacancies in the rank is equivalent to the number of applicants to the position, a written or oral examination is still required. Promotion to the rank of Sergeant will be subject to passing the exam with a score of at least 35 total points.
- 2. Oral examination administered by an Interview Panel (the "Interview Panel")

comprised of one or more of the following persons, or their designees: the Chief of Police, the Borough Administrator, one member of the Public Safety Committee and one (1) command staff member designated by the Chief of Police.

a. Only those candidates who have achieved a score of 70 points or greater (out of the maximum of 100 points) on the written examination shall be permitted to sit for an oral examination by the Interview Panel (i.e., at least 35 total points). Oral examinations by the Interview Panel shall take place after the receipt of the written examination scores.

b. The Interview Panel's oral examination and assessment (which examination and assessment shall have 100 points as its maximum score) shall account for twenty-five (25%) percent of the candidate's total promotional score, with 25 total points being the highest possible score for such oral examination and assessment. By way of example, a candidate receiving a score of 80 points on his/her oral examination by the Interview Panel shall receive 20 total points for the Interview Panel's oral examination element of the promotional process ($80 \times 25\% = 20$ total points).

The oral examination and assessment by the Interview Panel shall include an evaluation of the following criteria: commendations, employee reviews, disciplines and early intervention summaries, annual performance evaluations, merit, overall performance, demonstrated ability and accomplishments, efforts supporting department goals and objectives, in-service education and specialized schools, specialized job assignments, responsibilities, subsequent performance, attitude and demeanor, education, military experience, leadership ability, initiative, productivity, attitude toward peers, supervising officers recommendations, motivation and morale, previous job performance, loyalty to the department and community, experience and career development training. The Interview Panel shall utilize the same criteria for each of the candidates who are interviewed for the open position(s).

c. Candidates will be interviewed by the Appropriate Authority, or its designee, after the completion of the oral examination by the Interview Panel and after the Appropriate Authority's receipt of the results of the Interview Panel's oral examination. The Chief of Police shall be available to the Appropriate Authority during such process, and may sit in on such process, for advice and counsel. However, the scoring of this portion shall be computed by the Appropriate Authority only. This evaluation shall have 100 points as its maximum score) shall account for twenty-five (25%) percent of the candidate's total promotional score, with 25 total points being the highest possible score. By way of example, a candidate receiving a score of 80 points shall receive 20 total points ($80 \times 25\% = 20$ total points).

d. Due consideration shall be given to the eligible candidate for promotion based upon length of service and merit of service and preference shall be given according to seniority pursuant to N.J.S.A. 40A:14-129.

III. Promotion to the Rank of Lieutenant and Captain

A. Eligibility

No person shall be eligible for promotion to the rank of Lieutenant or Captain unless the candidate has served as a Sergeant for the Ho-Ho-Kus Police Department for three (3) years.

B. The selection process will consist of the following:

1. Oral examination administered by an Interview Panel (the "Interview Panel") comprised of one or more of the following persons or their designees: the Chief of Police, the Borough Administrator, one member of the Public Safety Committee and one (1) command staff member designated by the Chief of Police.
 - a. The oral examination and assessment by the Interview Panel (which examination and assessment shall have 100 points as its maximum score) shall account for sixty (60%) percent of the candidate's total promotional score, with 60 total points being the highest possible total score for the Interview Panel's oral examination and assessment. By way of example, a candidate receiving a score of 80 points on his/her oral review and assessment by the Interview Panel shall receive 48 total points for the Interview Panel oral review and assessment element of the promotional process ($80 \times 60\% = 48$ total points).
 - b. The oral examination and assessment by the Interview Panel shall include and evaluation of the following criteria: commendations, employee reviews, disciplines and early intervention summaries, annual performance evaluations, merit, overall performance, demonstrated ability and accomplishments, efforts supporting department goals and objectives, in-service education and specialized schools, specialized job assignments, responsibilities, subsequent performance, attitude and demeanor, education, military experience, leadership ability, initiative, productivity, attitude toward peers, supervising officers recommendations, motivation and morale, previous job performance, loyalty to the department and community, experience and career development training. The Interview Panel shall utilize the same criteria for each of the candidates who are interviewed for the open position(s).
 - c. Candidates will be interviewed by the Appropriate Authority, or its designee, after the completion of the oral examination by the Interview Panel and after the Appropriate Authority's receipt of the results of the Interview Panel's oral examination. The Chief of Police shall be available to the Mayor and Council during such process, and may sit in on such process, for advice and counsel. However, the scoring of this portion shall be computed by the Appropriate Authority only. This evaluation shall have 100 points as its maximum score) shall account for forty (40%) percent of the candidate's total promotional score, with 40 total points being the highest possible score. By way of example, a candidate receiving a score of 80 points shall receive 32 total points ($80 \times 40\% = 32$ total points).
 - d. Due consideration shall be given to the eligible candidate for promotion based upon length of service and merit of service and preference shall be given according to seniority pursuant to N.J.S.A. 40A:14-129.

IV. Procedure for Conduct of Promotional Process

- A. The Chief of Police shall obtain permission from the Governing Body to hold a promotional examination process. After having received such approval, the Chief of Police, or such other person as designated by the Governing Body, shall provide a written announcement of the promotional process to all eligible personnel.
- B. The announcement shall include the eligibility requirements for the position and shall include a description of the promotional process and should indicate to the candidates the format, length, and duration of any examinations, together with a description of any other portions of the promotional process, and the date by which they must submit a written request to participate in the promotional process.
- C. Candidates for promotion, in order to participate in the promotional process, shall be

required to submit a written request to participate in such process and a current resume to the Chief of Police, or his designee, prior to the closing date set forth in the announcement.

E. No person shall be eligible to participate in the promotional process unless (s)he has submitted a written request to participate in such process and current resume prior to the deadline set forth by the Chief of Police.

V. Eligibility List

A. After the expiration of the time for filing an appeal as set forth below, and after the disposition of any such appeal, the Chief of Police shall submit an eligibility list to the Appropriate Authority following the promotional process for final determination.

B. The Appropriate Authority will authorize the Chief of Police to maintain this eligibility list for a period of two years (24 months), in the event that vacancies fall within that time. The period will start upon the passing of the resolution promoting the officer(s) to the new rank.

VI. Approval of Appropriate Authority

A. The Appropriate Authority shall have the final decision on all promotions after consultation with the Chief of Police.

VII. Appeal of Process

Within ten (10) days of the notification to each candidate of his/her ranking, a candidate may file a written appeal directed to the Chief of Police. Said written appeal must contain the reason(s) or justification for the appeal. As part of any appeal, any candidate may review his or her evaluation or any other internal document pertaining to the candidate that was utilized in the promotional process.

The Chief of Police will assess the request for appeal and make a determination as to how the request will be addressed, on a case-by-case basis. Scores on the written examination shall be final and not subject to appeal. If the Chief determines the appeal should move forward, any appeals of the oral examinations or other section of this procedure shall be decided by the Governing Body, within 10 days from the filing of the appeal. The Governing Body shall make a written decision on the appeal together with a brief statement of the reasons therefore. All decisions by the Governing Body on appeal shall be final.

Except as modified herein, all other provisions of Chapter 46 shall remain in full force and effect as previously adopted.

PUBLIC HEARING

Council President Troast opened the meeting to the public. He stated this is the time and place for the public hearing on Ordinance #2021-56 and all persons who wishes to be heard, please state your name and address before making your statement.

Seeing none, the Council President Troast closed the meeting to the public.

A motion was offered by Councilman Shell and seconded by Councilman Crossley to adopt Ordinance #2021-56. Motion carried on a roll call vote – All present voting “Aye”.

INTRODUCTION OF ORDINANCE

ORDINANCE 2021-57

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

COUNCILMEMBER MORAN: Seconded.

ROLL CALL VOTE: All present voting “Aye”

AN ORDINANCE TO 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
 - (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

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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.

“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

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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 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 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 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

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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.

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

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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)
Vegetative Filter Strip	60-80	No	No	--

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

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)
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;
 - (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;
 4. 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.
- 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

Best Management Practice	Maximum Contributory Drainage Area
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:
 - 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

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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
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

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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)
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
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

Table 4: Water Quality Design Storm Distribution

Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
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 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 he 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 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/greport/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).

- 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.

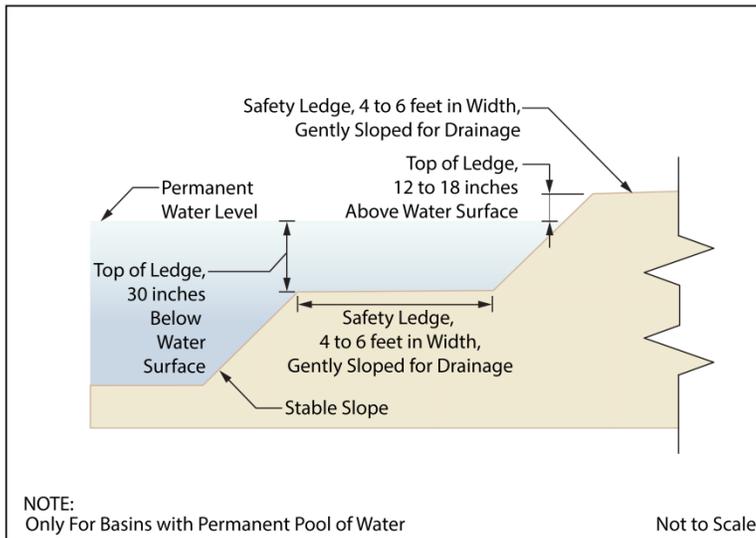
1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - a. The trash 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):

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 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.
- 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.

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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.

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

ORDINANCE 2021-58

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

COUNCILMEMBER CROSSLEY: Seconded.

ROLL CALL VOTE: All present voting “Aye”

**“AN ORDINANCE TO AMEND AND CLARIFY THE FEE SET FORTH 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.

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

ORDINANCE 2021-59

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

COUNCILMEMBER POLICASTRO: Seconded.

ROLL CALL VOTE: All present voting “Aye”

“AN ORDINANCE TO AMEND AND CLARIFY THE FEE SET FORTH 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

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.

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

ORDINANCE 2021-60

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

COUNCILMEMBER MORAN: Seconded.

ROLL CALL VOTE: All present voting “Aye”

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 73, 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 determined that the use of eminent domain is 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 had submitted to the Planner 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 subject property, 619 North Maple Avenue, 217 First Street and 239 First Street, in the Borough of Ho-Ho-Kus County of Bergen and State of New Jersey, 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, 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

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 Pan 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 desires 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 as 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.

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

LIAISON REPORTS

Recreation – Council Iannelli reported

Library – No Report

Board of Education – No Report

Ambulance Corp. – Council Crossley reported there have been (2) new volunteers for during the day. They had two rigs out one at Allendale fireworks the second at the Ridgewood 4th of July Parade.

Fire Department – Councilman Shell reported the Fire Department continue to meet and have recruited (5) new members.

Chamber of Commerce – Council Shell reported they had a meeting last week where they had (4) people volunteer to be part of the Beatification Committee. They are looking forward to HHK day. He thanked Councilman Policastro who had been featuring local business on our social media platforms.

Borough of Ho-Ho-Kus
County of Bergen
Mayor and Council Combined Work/Public Meeting Minutes
July 20, 2021 7:30 p.m.

ADJOURNMENT

On a motion by Councilman Iannelli, seconded by Councilman Crossley, the meeting was adjourned at 8:26 p.m. Motion Carried by voice vote – all present voting “Aye”.

Respectfully submitted,
Joan Herve, RMC/CMR
Borough Clerk