

Borough of Ho-Ho-Kus
County of Bergen
Mayor and Council Work Session Meeting Minutes
March 15, 2022 7:00 p.m.

The Work Session Meeting of the Municipal Council of the Borough of Ho-Ho-Kus was held in the Municipal Building at 333 Warren Avenue, Ho-Ho-Kus, NJ on March 15, 2022. The meeting was called to order at 7:05 p.m. by Councilman Shell asked the Municipal Clerk to read the open public meeting statement:

The Work Session Meeting of the Mayor and Council of the Borough of Ho-Ho-Kus is now in session in accordance with the provisions of Section 5 of the “Open Public Meetings Act”. Notice of this meeting has been posted in the front lobby entrance to the Borough Hall and Council Chambers, a copy has been filed with the Borough Clerk, and copies of the Annual Notice of Meetings, of which this is a part, have been heretofore sent to the Record and the Ridgewood News.

ROLL CALL:

Mayor.....	Thomas W. Randall - absent
Council President.....	Douglas Troast - absent
Councilman.....	Steven Shell
Councilman.....	Edward Iannelli
Councilman.....	Kevin Crossley
Councilman.....	Dane Policastro
Councilwoman.....	Kathleen Moran

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

CONSIDERATION OF MINUTES

February 22, 2022 – Public Meeting of the Mayor and Council

PUBLIC DISCUSSION

Councilman Shell opened the meeting to the public. He stated if anyone desired to be heard, please raise your hand and to be recognized, and state your name and address for the record.

Seeing none, Councilman Shell closed the meeting to the public.

CORRESPONDENCE

- a) NJDEP approval for the treatment of our water wells.
- b) Public Hearing Notice for Ordinance #2022-07 from the Borough of Waldwick for the installation of Electric Vehicle/Supply/Service Equipment and make-ready parking spaces scheduled for April 12th at 7:30pm.

CONSENT RESOLUTIONS

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

Resolution #22-40

A Resolution - Award of Contract – North Field Pedestrian Bridge (Concrete Construction Corp.)

WHEREAS, on February 15, 2022 bids were received for the North Field Pedestrian Bridge Project; and

WHEREAS, nine (9) contractors submitted bids; and

WHEREAS, it has been determined that the bid of “Concrete Construction Corp”., is the lowest responsible, responsive bidder; and

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a Contract for the above-

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referenced project is hereby awarded to Concrete Construction Corp., 24 Pink Street, Hackensack, NJ 07601 in the amount of \$81,990.00;

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

BE IT FURTHER RESOLVED, that the bid of the next lowest bidder CMS Construction be held pending execution of the Contract with Concrete Construction Corp..

Resolution #22-41

A Resolution – Award of Contract – Resurfacing of Various Street (AJM Contractors Inc.)

WHEREAS, on February 15, 2022 bids were received for the Resurfacing of Various Street-2021-Ho-Ho-Kus; and

WHEREAS, nine (13) contractors submitted bids; and

WHEREAS, it has been determined that the bid of “AJM Contractors Inc.,” is the lowest responsible, responsive bidder; and

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a Contract for the above-referenced project is hereby awarded to AJM Contractors, Inc., 300 Kuller Road, Clifton, NJ 07011 in the amount of \$142,267.80;

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

BE IT FURTHER RESOLVED, that the bid of the next lowest bidder Marini Brothers Cont. Co. be held pending execution of the Contract with Concrete Construction Corp.

Resolution #22-42

A Resolution – Authorizing the Borough of Ho-Ho-Kus Police Department to Participate in the Defense Logistics Agency, Law Enforcement Support Office, 1033 Program to enable the HHK Police Department to request and acquire excess Department of Defense Equipment.

WHEREAS, the United States congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approved, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Ho-Ho-Kus that the Ho-Ho-Kus Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from January 1, 2022 to December 31, 2022; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Ho-Ho-Kus Police Department is hereby authorized to acquire items of non-controlled property designated “DEMIL A,” which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first

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aid equipment and supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the need of the Ho-Ho-Kus Police Department without restriction.

BE IT FURTHER RESOLVED, that the Ho-Ho-Kus Police Department is hereby authorized to acquire the following “DEMIL B through Q,” property, if it shall become available in the period of time for which this resolution authorizes. BE IT FURTHER RESOLVED, that the “DEMIL B through Q,” controlled 3-page property list in its entirety is hereby approved and hereto attached to this resolution.

BE IT FURTHER RESOLVED, that the Ho-Ho-Kus Police Department shall develop and implement a full training plan and policy for the maintenance and use of acquired property.

BE IT FURTHER RESOLVED, that the Ho-Ho-Kus Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request.

BE IT FURTHER RESOLVED, that his resolution shall take effect immediately and shall be valid to authorize request to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time which this resolution authorizes; with program participation and all property request authorization terminating on December 31st of the current calendar year from January 1, 2022 to December 31, 2022.

Resolution #22-42

A Resolution with the County of Bergen and Borough of Ho-Ho-Kus GIS Data Exchange Agreement

THIS AGREEMENT is made and entered by and between the County of Bergen, NJ and the Borough of Ho-Ho-Kus Hereinafter referred to as “Party” or “Parties”

WHEREAS, each of the Parties agree to exchange Geographical Information System Data (hereinafter referred to as “GIS Data”) more particularly described herein; and

WHEREAS, the exchange and sharing of GIS Data serves a public purpose in that it facilitates the development of geographic information systems for the mutual aid and public safety of all of the Parties.

NOW, THEREFORE, the Parties agree to the following terms and conditions concerning the exchange of GIS Data:

1. Description of GIS Data to be exchanged. Each of the Parties agrees to provide access to and share its GIS Data with each other for mutual aid and public safety.

2. Sensitive Information. The Parties mutually agree to exchange GIS Data that is considered sensitive and not available to the general public and the Parties agree to take reasonable steps to ensure that sensitive GIS Data is protected from unauthorized use, disclosure, reproduction, or distribution to unauthorized persons or entities, subject however, to such disclosure as may be required under applicable provisions of State open records laws.

3. Ownership Rights of GIS Data. This Agreement does not in any way change the ownership rights of the GIS Data being shared.

4. Indemnification and Hold Harmless. The Party using any GIS Data shared hereunder agrees to indemnify and hold harmless each other Party and their respective officers, employees, agents and contractors, from and against any and all claims, suits, and liabilities of any kind or character which result or arise from any act or omission arising from or connected with the use of such shared GIS Data in accordance with this Agreement.

5. Accuracy of GIS Data Provided. The Parties agree to verify the GIS Data provided to the best of their ability, but acknowledge that none of the Parties make representations of any kind as to the accuracy, functioning, completeness, or usefulness of their own GIS Data and that none of the Parties guarantee the accuracy, functioning, completeness, or usefulness of any GIS Data furnished hereunder.

THE GIS DATA INCLUDED IN THIS AGREEMENT IS EXCHANGED “AS IS” WITHOUT WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, AND ALL WARRANTIES OF MERCHANTABILITY AND FOR A PARTICULAR PURPOSE ARE EXPRESSLY EXCLUDED WITH RESPECT TO THE GIS DATA PROVIDED UNDER THIS AGREEMENT.

6. Independent Entities. The relationship between the Parties is that of independent entities. No joint venture, franchise, partnership, employment agreement, or agency is created hereunder. Nothing herein shall be construed to

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grant to either Party the right or authority to create any obligation, expressed or implied, on behalf of the other Party.

7. Restriction on Use, Sale, or Distribution of GIS Data. The GIS Data exchanged under this Agreement shall not be used, sold, leased, transferred, loaned, given or distributed, in whole or part to any other entity without the express written permission of the Party that owns that particular GIS Data, subject, however, to such disclosure as may be required under applicable provisions of State open records laws.

8. Errors in or Modification to the GIS Data. Each Party agrees to use reasonable efforts to report errors, changes, modifications, or corrections in the GIS Data they have used or they own to the other Parties to this Agreement, as the case may be, within a reasonable period of time.

9. Agreement Term and Renewal. This Agreement shall be in full force and effect upon the signing of all of the Parties hereto, and shall remain in effect through the end of the calendar year in which the Agreement is signed. This Agreement shall automatically renew for succeeding calendar year terms unless a Party delivers a written Notice of Intent to Not Renew to the other Parties at least 60 days prior to the automatic renewal date of this Agreement.

10. General Terms

Entire Agreement. This Agreement represents the entire agreement between the Parties.

Governing Law. This Agreement shall be interpreted in accordance with the laws of the State of New Jersey.

Severability. In the event that any provision or portion of this Agreement shall be determined to be invalid or unenforceable for any reason, the remaining provisions of this Agreement shall be unaffected thereby and shall remain in full force and effect.

Amendments. This Agreement may be amended or modified only by the mutual written agreement of all of the Parties to this Agreement.

Assignment. This Agreement may not be assigned by any party without the prior written consent of the other Parties.

Authorization. The Parties each warrant to the other Parties that the person signing this agreement for and on behalf of the Party he or she purports to represent is authorized to do so and is empowered to bind that Party to this Agreement.

Notices. All notices, requests, demands, claims, and other communications hereunder will be in writing and shall be deemed duly given if it is sent by registered or certified mail, return receipt requested, postage prepaid, to the address of the intended recipient as set forth in this Agreement or as subsequently provided by either the Party as their current notification address.

A motion was offered by Councilman Shell and seconded by Councilman Iannelli to approve Resolutions 22-40 through 22-43. Motion carried on a roll call vote – All present voting “Aye”.

RESOLUTIONS REVIEW to be placed on March 29, 2022 agenda

- Payment of bills – February

BUDGET DISCUSSION

Introduction of HHK COLA Ord. Certified **(to be placed on March 29, 2022 agenda)**

Budget Introduction Resolution **(to be placed on March 29, 2022 agenda)**

Self-Examination of Budget **(to be placed on March 29, 2022 agenda)**

Joe Citro, CFO and Administrator Jones, discussed and presented the Mayor and Council with a preliminary numbers for the 2022 Budget. Mr. Citro is looking to introduce at the Public Meeting on March 29, 2022.

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

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

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

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

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

8-Matters involving Employment

Now therefore, be it resolved by the Borough Council of the Borough of Ho-Ho-Kus assembled in public session on March 15, 2022 that an Executive Session closed to the public be and the same is hereby authorized for discussion of matters relating to the specified items designated above.

Closed Session began at 8:25 p.m. and ended at 8:45 p.m.

ADJOURNMENT

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

Respectfully submitted,

Joan Herve RMC/CMR
Borough Clerk