

BOROUGH OF HO-HO-KUS

MAYOR AND COUNCIL PUBLIC MEETING

OCTOBER 23, 2012- 8:00 P.M.

I OPEN MEETING STATEMENT - ROLL CALL

Mayor Randall opened the meeting at 8:00 PM and asked the clerk to read the opening statement.

Roll Call:

Mayor Randall	Present
Councilman Troast	Present
Councilwoman Lennon	Present
Councilman Shea	Present
Councilman Rorty	Present
Councilwoman Weiss	Present
Councilman Shell	Present

Also present were Borough administrator Donald Cirulli and Borough attorney David Bole.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

1. January 17, 2012	Work Session
All present	
2. January 24, 2012	Public Meeting
Absent: Cn. Shea	
3. February 21, 2012	Work Session
Absent. Cn. Shell	
4. February 28, 2012	Public Meeting
All present	

Councilmember Troast made a motion on the approval of minutes, seconded by Councilmember Lennon.

IV. COMMITTEE REPORTS

A. FINANCE

Finance Officer's Report – Sept 2012

B. PUBLIC SAFETY

1. Police Report – Sept 2012
2. Court Report – Sept 2012

C. PUBLIC WORKS & PROPERTIES

1. Supt. of Public Works – Sept 2012
2. Construction Office Report – Sept 2012

D. WATER

1. Water Supt. Report – Sept 2012
2. Water Registrar's Report- Sept 2012

E. FIRE

1. Fire Dept. Report – Sept 2012
2. Fire Prevention Bureau – Sept 2012

F. COMMUNITY RELATIONS

1. Library – Sept 2012
2. Ambulance Report – Sept 2012
3. Solid Waste Utility – Sept 2012

V. PUBLIC DISCUSSION

1. Steve Sager 51 Sheridan Avenue requested permission on behalf of the Chamber of Commerce to decorate the town for the Holiday Season. He stated that the decorations would be removed during the weekend of January 4th 2013.

Request was approved by Mayor and Council.

VI. A. CORRESPONDENCE

1. Highlands Lacrosse- Permission to hang sign at Hollywood Ave and Sheridan from November 1, 2012- January 1, 2013.
2. Charles Gildea- re: Brick Sidewalks
3. Ho-Ho-Kus Chamber of Commerce re. Permission to hang Holiday Decorations
4. John Campbell- Thank you for EMS assistance

B. Ordinances and Resolutions Other Towns:

None

C. Bergen County:

Ordinance # 12-29 Elimination of Pay to Play practices in Bergen County

D. League of Municipalities:

1. COAH 3rd Round Rules Challenge Scheduled for NJ Supreme Court Oral Argument
2. Base Salary Litigation Update
3. New Rates for State Health Benefits Plan

E. State of New Jersey:

None

VII. INTRODUCTION OF ORDINANCES

1. Ordinance # 1012- Amend Chapter 85' Zoning

BE IT ORDAINED, By the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey that Chapter 85 of the Code is amended as follows:

I. Section 85-32.3 Driveways:

In all residential zones, all driveways accessory to residential dwellings shall comply with the following requirements:

- A. to I. (no change)

J. No driveway shall provide for access to or from a public street through the rear yard of any property.

II. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to hearing on the adoption of this ordinance to the County Planning Board and to other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63, if required. Upon the adoption of this ordinance after a public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1

III. Severability

If any portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

IV. Repealer

All other provisions of this chapter which are not affected by this amendatory Ordinance are hereby ratified and confirmed and shall remain in full force and effect. However, all ordinances or parts of ordinances, which are inconsistent with the provisions of this amendatory Ordinance are hereby repealed to the extent of such inconsistency.

V. Effective Date

This ordinance shall take effect after final passage and publication as required by law.

Councilmember Lennon moved the introduction of the Ordinance, seconded by Councilmember Rorty and Carried

VIII. FINAL PASSAGE OF ORDINANCES

1. Ordinance # 1003- Alarm System- An Ordinance to Establish Chpt 3- Alarm System

Chapter 3. ALARM SYSTEMS

§ 3-1. Definitions.

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

ALARM BUSINESS

Any business operated by a person, partnership, corporation or other business entity, for profit, which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing or responding to a fire or burglar alarm system or which causes any of these activities to take place. This definition does not include those retail establishments which only sell alarm devices or alarm systems over the counter.

ALARM DEVICE

Any type of alarm-activating equipment which provides warning of burglary, intrusion, fire, flood or other potential for harm to life or property. Medical alert devices, smoke detectors and carbon monoxide detectors not integrated/connected into a central alarm receiving station are exempt from the registration provisions of this chapter.

ALARM MALFUNCTION

An alarm system failing to operate or work properly.

ALARM SYSTEM

The installation in a building or structure of one or more alarm devices for the express purpose of giving visual, audible and/or electronic warning of an emergency such as burglary, intrusion, fire, flood or other potential for harm to life or property.

ALARM USER

Any person, partnership, association, corporation, company or organization or authorized agent thereof of any kind in control of any building, structure or facility wherein an alarm device or alarm system is operated.

FALSE ALARM

An alarm signal eliciting a response by police, firefighters, other emergency personnel or other public officials when a situation requiring a response by police, firefighters, other emergency personnel or other public

officials does not in fact exist. A false alarm shall not include an alarm signal caused by violent conditions of nature, such as, but not limited to, lightning, tornadoes, hurricanes, windy conditions, power issues or other extraordinary circumstances not reasonably subject to control by the alarm business or alarm user.

INDEPENDENT SMOKE/FIRE DETECTOR

A device giving an audible alarm indicating smoke and/or fire within a structure and not connected to an alarm system or to any external warning device.

§ 3-2. Registration of alarm device or alarm system; Late Charge.

No person or business entity shall install, operate or maintain any alarm device or alarm system unless the alarm device or alarm system is annually registered with the Borough of Ho-Ho-Kus Police Department. An alarm device or alarm system shall be deemed registered at such time as a registration form supplied by the Police Department is completed as to all information requested therein and is returned to the Police Department. This registration shall take place within 30 days of installation of a new system; provided, however, that any alarm device or system installed before the effective date hereof shall be registered within forty-five (45) days of the adoption of this Ordinance. Among the information to be provided on the registration form is the following:

- A. The name, address and telephone number of the owner of the property upon which the alarm device or alarm system is installed.
- B. The name, address and telephone number of the manager of the property upon which the alarm device or alarm system is installed, if applicable.
- C. A list of the names, addresses and telephone numbers of at least three persons to be contacted in the event of an alarm or in an emergency situation as determined by the Police Department or Fire Department.
- D. The name, address and telephone number of the installer of the alarm device or alarm system.
- E. The type of alarm device or alarm system.
- F. The name, address and telephone number of the person(s) or company maintaining the alarm device or alarm system.
- G. Subsequent to the annual registration period, if there is any material change in the information previously provided during the annual registration with respect to any alarm device or alarm system, it shall be the duty of the property owner or manager to file an amended registration form containing accurate current information within 10 days of the change.
- H. The change in ownership of a property with an alarm system shall be deemed a material change and shall require the filing of a new registration form submitted to the Police Department.
- I. There shall be no initial or annual registration fee. However, in addition to the penalty provisions in Section 3-5 below, any alarm device or alarm system that is not registered with the Police Department by the dates set forth in Section 3-2 shall subject the alarm user to a late fee of \$25.

§ 3-3. False alarms; Service Fees.

A. The Police Department shall cause a record to be made of all alarms, inclusive of all false alarms in any calendar year. The following service fees shall apply to the person responsible for any alarm device and to offset the cost of responding to a false alarm:

- (1) For the first through third false alarms and alarm malfunctions, a written warning shall be issued.
- (2) For the fourth and fifth false alarms and alarm malfunctions, there shall be imposed a service fee of \$50 for each such false alarm or alarm malfunction.
- (3) For the sixth through ninth false alarms and alarm malfunctions, there shall be imposed a service fee of \$150 for each such false alarm or alarm malfunction.
- (4) For the 10th and subsequent false alarms and alarm malfunctions, there shall be imposed a service fee of \$250 for each such false alarm or alarm malfunction.
- (5) In addition to the service fee noted above, any owner or user of an alarm system (other than a fire alarm system) which experiences more than 12 false alarms in any calendar period

may be required to disconnect said alarm system for a period of 90 days, unless said system is required by law, and provide a statement from those that service the alarm system that the malfunction has been corrected.

(6) Service fees shall be payable to the Borough of Ho-Ho-Kus: Attention Municipal Clerk, within 30 days of service of a written notice of the forth or subsequent false alarms. The calculation of the number of false alarms shall be without regard to whether the false alarms involved intrusion alarms or fire alarms. Failure to timely pay such service fees shall subject the alarm user to the additional penalties set forth in Section 3-5.

B. Fire alarm systems. Any owner or user of an alarm device or alarm system which experiences more than four fire false alarms within any twelve-month period shall be required by the Fire Department to modify or improve said system in such a way as to prevent accidental activation and may be subject to penalty by the Fire Prevention Bureau in accordance with the Uniform Fire Code (N.J.A.C. 5:70-1.1 et seq.) or other applicable law. Prior to modifying any required system, the owner shall submit a construction permit application showing the design and nature of the proposed modifications.

§ 3-4. Operation of alarm device or alarm system.

A. All burglar alarm devices or alarm systems must be provided with a device which will automatically shut off the audible alarm function only after 15 minutes of activation.

B. All burglar alarm devices or alarm systems not fitted with an external key switch shall be equipped with a time delay of at least 15 seconds, which may include an audible signal of the same length of time, said time delay to be designed to prevent accidental activation of the system. The fifteen-second signal, if utilized, shall be audible only within the structure and not externally.

C. In the event that an alarm device or alarm system other than a fire or burglar alarm system is tied into and/or serviced by a central station or answering service, upon activation of said alarm device or alarm system, the central station or answering service shall verify the validity of the alarm prior to notifying the Police Department of the same. Auto-dialing systems, calling E911 or any other public safety phone number with a recorded message are prohibited.

D. The resetting of any transmitted fire alarm shall be done in the presence of the Fire Department. In no case shall an alarm be reset prior to the Fire Department's authorization. In the case of burglar alarms, the Police Department shall not be responsible for resetting the alarm device or alarm system.

§ 3-5. Violations and penalties.

A. Maximum penalty. For violation of any provision of this chapter, including the failure to register an alarm device or alarm system, the maximum penalty, upon conviction, shall be one or more of the following: a fine not exceeding \$1,000 or imprisonment for a period not exceeding 90 days or a period of community service not exceeding 90 days, at the discretion of the Municipal Court Judge (N.J.S.A. 40:49-5, as amended).

B. Separate violations. Except as otherwise provided, every day in which a violation of any provision of this chapter exists shall constitute a separate violation.

C. Application. The maximum penalty stated in this section is not intended to state an appropriate penalty for every violation. Any less penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation.

D. Additional remedies. The imposition of a penalty as provided in Subsection A above shall be in addition to any injunctive or remedial relief which is authorized under the laws of the state, with the same force and effect as though provided for in this Code. Such penalty shall not be deemed to be in lieu of any provision for revocation or suspension of any license or permit.

§ 3-6. Exemptions.

The provisions of this chapter shall not apply to any alarm device or alarm system installed on property occupied by any Borough, county, state or federal government agency or office, alarms used for medical emergencies only and alarms which are not connected to the Police Department.

§ 3-7. Response to alarms.

A. In response to any alarm signal indicating panic or medical emergency, as so authorized by the

alarm system owner in the permit application, the Police Department and/or Fire Department may enter the premises, by force if necessary, to respond to such signal, and the Borough of Ho-Ho-Kus, its various departments, agencies and officials shall be held harmless from and on account of any and all damages arising out of such entry.

B. Any panic or medical emergency alarm which has not been properly registered with the Police Department in accordance with this chapter will be considered a real emergency, and entry will be made to the premises, by force if necessary, in response to such signal. In such cases, the Borough and its various departments, agencies, and officials shall be held harmless from and on account of any and all damages arising out of such entry.

§ 3-8. Repealer

All Ordinances or parts of ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

§ 3-9. Severability

If any portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

§ 3-10. Effective Date

This ordinance shall take effect after final passage and publication as required by law.

Councilmember Lennon moved the adoption of the Ordinance, seconded by Councilmember Weiss and carried.

2. Ordinance # 1011- Ordinance to Amend Chpt 25- Fire Department

BE IT ORDAINED, by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey that Chapter 25 of the code is hereby amended as follows:

I. Section 25-10: Junior Firefighters Auxiliary

Is amended to read:

There is hereby established as part of the Fire Department of the Borough a Junior Firefighters Auxiliary in accordance with all the provisions of N.J.S.A. 40A:14-95 through 40A:14-98, inclusive, and the qualifications for membership in the auxiliary shall be as follows:

- A. Any person between the ages of sixteen (16) and twenty-one (21) being a resident of the Borough, child of any senior member or a resident of a contiguous town in good standing and of good moral character shall be eligible for membership in the junior firefighters auxiliary.
- B. No change.

Section II.

Repealer

All other ordinances of the Borough, or parts thereof, which are in conflict with this ordinance, are hereby repealed to the extent of such conflict.

Section III.

Severability

If any section, subsection, paragraph, sentence, clause, phrase, or word contained in this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect and to this end the provisions of this ordinance are hereby declared to be severable.

Section IV.

Effective Date

This ordinance shall take effect upon passage and publication as required by law.

IX. RESOLUTIONS
None

X. CONSENT RESOLUTION

1. # 12-106 Anova Technologies Agreement

WHEREAS Anova Technologies, LLC (“Anova”), wishes to determine the viability and feasibility of the Cellular Tower site at 28 Hollywood Avenue, Ho-Ho-Kus for its intended use; and

WHEREAS Anova has provided a proposed Entry and Testing agreement (“the Agreement”)(a copy of which is attached hereto); and

WHEREAS it is appropriate for the parties to enter into the Agreement to enable Anova to access the Cellular Tower Site in order to determine the viability of its proposed use of the site;

NOW THEREFORE BE IT RESOLVED by the Governing Body that it does hereby authorize the Agreement substantially in the form attached hereto;

BE IT FURTHER RESOLVED that the Mayor and/or Borough Administrator is authorized to sign the Agreement on behalf of the Borough following legal review.

3. # 12-107 Authorizing Attorney to defend law suit

WHEREAS Litigation is pending in the Superior Court of New Jersey, Law Division, Bergen County, entitled “Zuckerman v. Borough of Ho-Ho-Kus and Ho-Ho-Kus Department of Public Works (DPW),” Docket number BER-L-6254-12; and

WHEREAS the Borough and the DPW are both named as defendants in this litigation and require a defense; and

NOW THEREFORE BE IT RESOLVED by the Governing Body that the Municipal Attorney be and is hereby authorized to file an answer on behalf of the Borough and the DPW and to defend their interests accordingly.

4. # 12-108 Appt. Fireman- Peter Marron

WHEREAS, the Fire Department of the Borough of Ho-Ho-Kus, through its Chief, has recommended to the Mayor and Council the appointment of Peter C. Marron Jr. 15 Cleverdon Road, Ho-Ho-Kus New Jersey; and

WHEREAS, Mr. Peter Marron has passed his physical as required by the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that Peter Marron on this date is appointed as fireman of the Borough of Ho-Ho-Kus

5. # 12-109 Authorize Sewer Agreement Mr. and Mrs. Boyd 277 Mill Road Saddle River

BE IT RESOLVED by the Governing Body of the Borough of Ho-Ho-Kus that it does hereby authorize an Agreement between the Borough of Ho-Ho-Kus, Borough of Saddle River and James and Patricia Boyd (the “Boyd”) of 277 Mill Road, Saddle River, NJ (Block 2101, Lot 27) to provide for a connection of the Boyds residence to the Ho-Ho-Kus sanitary sewer system as set forth in the Agreement; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign such sewer connection agreement pursuant to review by the Borough Attorney; and

BE IT FURTHER RESOLVED that this Resolution is contingent upon acceptance of the Agreement by the Borough of Saddle River and James and Patricia Boyd.

6. # 12-110 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,403,162.95.

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 \$2,403,162.95 be approved and ratified respectively
Councilmember Troast approved the consent Resolutions, seconded by Councilmember Rorty and carried.

XI. OLD BUSINESS

A. Liaison Reports:

1. Recreation
2. Board of Education

Councilmember Lennon stated that she met with Superintendent of the Board of Education and they thanked the governing body for Police presence at the school during drop off of school children in the morning, they also discussed North Field stating that ground is very rocky and what measures are available to fix the problem.

3. Other

B. Grants

C. Shade Tree

DPW Superintendent of Roads Jeff Pattman mentioned that the borough through the use of trust funds purchased a lot of trees, 23 of those trees were delivered and will be planted shortly.

D. COAH Status

- E.**
1. Burglar Alarm Ordinance
 2. Sump Pump Ordinance
 3. Saddle River Sewer Connection- 277 Mill Road

XII. NEW BUSINESS

XIII. MAYOR'S REMARKS

Richard's run very well attended everything ran smooth and safely.

Chief Wanamaker said that the Police department is gearing up for Halloween and getting ready to implement Halloween Curfew.

Jeff Pattman- DPW getting ready with the schedules for the upcoming leaf pick- up season.

Councilmember Lennon commented that the Fire Department open house was a huge success. Parents were very impressed with all the informative and educational topics that were taught.

XIV. CLOSED SESSION

Litigation

XV. ADJOURNMENT

With no further business to come before the Council and on a motion made by Councilmember Troast, seconded by Councilmember Lennon and carried, Mayor Randall adjourned the meeting at 9:10PM.

Respectfully submitted,

Laura Borchers, RMC/CMR
Borough Clerk

