

Borough of Ho-Ho-Kus
County of Bergen
Mayor and Council Regular Meeting
October 23, 2018 7:30 p.m.

The Public Meeting of the Municipal Council of the Borough of Ho-Ho-Kus was held in the Municipal Building at 333 Warren Avenue, Ho-Ho-Kus, NJ on October 23, 2018. The meeting was called to order at 7:32 p.m. by Mayor Randall who asked the Municipal Clerk to read the open public meeting statement:

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

ROLL CALL

Mayor..... Thomas W. Randall
Council President..... Douglas Troast
Councilman..... Steven Shell
Councilman..... Edward Iannelli
Councilman..... Tom Fiato
Councilman..... Kevin Crossley

ABSENT:

Councilman..... Philip Rorty

Also in attendance David Bole., Borough Attorney; William Jones, Borough Administrator; Joan Herve, Borough Clerk.

FLAG SALUTE:

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

A motion was offered by Council President Troast and seconded by Councilman Shell to move the Public Discussion to the beginning of the meeting. Motion carried on a voice vote – all present voting “Aye”.

PUBLIC DISCUSSION

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

Bryson Conway, Troop 54

Mr. Conway explained as part of Eagle Scout rank advancement he is proposing a service project that will include; clearing and refurbishing the ¼ mile trail that goes along the river in East Park, building and installing a bench and improving the existing fire pit. Mayor and Council approved and wished him luck.

The Mayor closed the meeting to the public.

APPROVAL OF MINUTES

A motion was offered by Council President Troast and seconded by Councilman Shell to approve the Minutes of the September 18, 2018 Work Session Meeting, September 18, 2018 Closed Session, September 25, 2018, Regular Meeting, September 25, 2018 Closed Session. Motion carried on a roll call vote – all present voting “Ayes, with the exception of Councilman Crossley who abstained from September 18th work and closed session minutes:

DEPARTMENT REPORTS

Department reports are on file in the Municipal Clerk's office

Police Report – September 2018

Court Report – September 2018

Library Report – October 2018

ADMINISTRATOR'S REPORT

Administrator Jones stated to the Council that he would like to have a close session at the end of the regular meeting to discuss contract negotiations. The two ordinances that are up for adoptions tonight will make us in compliance with the present Supreme Court rulings.

CORRESPONDENCE - None

ADOPTION OF ORDINANCES:

ORDINANCE #2018-09

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 40 OF THE CODE ENTITLED "PEDDLERS, SOLICITORS AND CANVASSERS"

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey that Chapter 40 of the Code is hereby amended and supplemented as follows:

Section 40-4. Application for License is amended as follows:

- A. The name and physical description of the person applying and desiring to solicit funds or to peddlers, solicit or otherwise canvass.
- B. Whether the person applying is a natural person, partnership, corporation, association or limited liability company, and:
 - (1) to (4): No change.
 - (5) If a limited liability company, the names of all members, the principal business address and telephone number of the limited liability company and the state where such company is organized.
- C. to I. No change.
- J. The names of any officer, director, trustee, partner, stockholder, peddler, solicitor, canvasser or member who has been convicted of a felony or a misdemeanor or found liable in a civil action involving any solicitation or transaction or enterprise found to be fraudulent within the past 10 years, the nature of the offense or liability, the state where the conviction or judgment occurred and the year of such conviction or judgment.
- K. No change.
- L. Signature. The application must be signed by the applicant if the person applying is an individual; if the person applying is a partnership, by a partner in charge; if the person applying is a corporation, association or limited liability company, by an officer or member authorized to execute such application.
- M. No change.
- N. The fingerprints of the applicant and the names of at least two reliable property owners of the County of Bergen and State of New Jersey who will certify as to the applicant's good character and business respectability; in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

Section 40-5. Investigation and issuance of license is amended as follows:

- A. No change.
- B. Within 24 hours of receipt of a complete application, the Borough Clerk shall forward the original to the Chief of Police. The Chief of Police shall cause to be made an investigation of the information supplied on the application and shall determine if the requirements of this article have been met.
 - (1) No change.
 - (a), (b) No change.
 - (2) In reaching such determination, the Chief of Police shall be governed by, but not necessarily be limited to, the following criteria:
 - (a) to (c) No change.
 - (d) Evidence that the applicant's activities have caused a breach of the peace or unethical or dishonest business practices or have been a menace to the health, safety or general welfare of the public.
 - (e) Evidence of fiscal irresponsibility or immoral character.
 - (f) If applicant has prior arrests, failure to list any prior arrests on the application form.
- C. No change.
- D. Licenses shall be issued no later than seven (7) days after receipt of a complete application.

Section 40-7. Fees is amended as follows:

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- A. No change.
- B. Repealed.
- C. No change.

Section 40-9. Regulations is amended as follows:

A. to C. No change.

D. No person covered by this article shall sell or attempt to sell in accordance with the terms this article before 10:00 a.m. or after sunset, Monday through Saturday, or at any time on Sundays. The aforesaid time limitation shall not apply to persons who are expressly invited into homes by the occupant thereof.

E. No change.

F. No licensee shall violate Chapter 40-18 to 40-20 of the Code, Ordinance No. 2016-10.

G. No licensee shall conduct himself in such manner as to become objectionable to or annoy an occupant of any house.

H. No licensee shall call at any private residence which has sign bearing words to the effect that peddlers, solicitors or canvassers are not invited.

I. No licensee shall attempt to peddle, solicit, canvass or distribute merchandise or printed material without first having identified himself as a peddler, solicitor or canvasser licensed with the Borough and displaying his license.

Section 40-10. Exceptions is amended as follows:

A. to E. No change.

F. Notwithstanding any provision of this article to the contrary pertaining to the permitted hours of solicitation, and fingerprinting such provisions shall not apply to political solicitation and canvassing, nor to persons or groups soliciting or canvassing on behalf of political persons or groups. Such solicitation shall be permissible between the hours of 9:00 a.m. and 9:00 p.m. daily and no fingerprinting shall be required. Such persons or organizations shall comply with the provisions of **Subsection D** hereof. This amendment is intended to assure compliance by the Borough of Ho-Ho-Kus with the mandate of the Supreme Court of the United States as set forth in recent cases.

Section 40-11. Revocation of license is amended as follows:

A. No change.

1. to 4. No change.

5. Conviction of violating Section 40-18 to 40-20 of the Code, Ordinance No. 2016-10.

Severability.

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

Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this article are hereby repealed but only to the extent of such inconsistencies.

Effective Date.

This chapter shall take effect upon final passage and publication as provided by law

PUBLIC HEARING

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

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

A motion was offered by Councilman Crossley and seconded by Councilman Iannelli to adopt Ordinance #2018-09. Motion carried on a roll call vote – All present voting “Aye”.

ORDINANCE #2018-10

AN ORDINANCE AMENDING CHAPTER 85 THE CODE OF THE BOROUGH OF HO-HO-KUS, BERGEN COUNTY, NEW JERSEY SO AS TO ESTABLISH A NEW SECTION ENTITLED “TOBACCO SHOPS, SMOKE SHOPS, CANNABIS SHOPS AND ELECTRONIC VAPOR SUBSTANCE INHALATION SHOPS”

BE IT ORDAINED by the Governing Body of the Borough of Ho-Ho-Kus, Bergen County, New Jersey that Chapter 85 of the Code of the Borough of Ho-Ho-Kus is hereby amended and supplemented so as to establish a new Section entitled “Tobacco Shops, Smoke Shops, Cannabis Shops and Electronic Vapor Inhalation Shops” as follows:

85:45.1a Tobacco Shops, Smoke Shops, Cannabis Shops

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and Electronic Vapor Substance Inhalation Shops

85:45.2 Purpose.

The purpose of this Section is to regulate the location and operation of retail purveyors of tobacco and tobacco products, cannabis, electronic vapor devices, electronic vapor inhalation substances, hookahs, and electronic/vapor substance inhalation shops in the Borough of Ho-Ho-Kus, Bergen County, New Jersey in order to maintain the Borough's character, the diversity and vitality of the community's commercial areas, and the quality of life of Ho-Ho-Kus residents. It is presumed that establishing or preserving an appropriate and balanced mix of commercial business will more effectively serve to achieve this purpose as a strategy to maintain the economic health of the Borough's business districts and its suburban ambiance, and will promote the redevelopment of the Borough's downtown area.

85:45.3 Title.

This Section may be known and cited as "Tobacco Shops, Smoke Shops, Cannabis Shops and Vapor Inhalation Shops Regulations."

Definitions.

The words and terms used in this Section shall have the meanings as provided herein. Where words or terms are not defined in this section they shall have the meanings ordinarily ascribed to them. Should any word, term or phrase defined in this section conflict with any other word, term or phrase defined in this title, the definitions provided in this section shall apply.

"Advertising" means media (printed, electronic or otherwise) that calls the public's attention to things for sale.

"Business" means any sole proprietorship, joint venture, Limited Liability Company, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold, as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

"Borough Administrator" means the Borough Administrator of the Borough or the Borough Administrator's designee.

"Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin and/or oil extracted from any part of the plant; every compound, manufacture, salt, derivative, mixture, concentrate, or preparation of the plant, its seeds, or resin; and edible or topical products containing any of the above.

"Cannabis retailer" means any person or entity that operates a store, stand, booth, concession, or other place at which sales, rentals, or other giveaways of cannabis products are made to purchasers for consumption or use.

"Cannabis shop" means any store, stand, booth, concession or other place which sells, manufactures, grows, rents or gives away cannabis or any product containing cannabis or allows or permits the use or consumption of cannabis or any product containing cannabis.

"Creation of a tobacco or smoke shop or an electronic/vapor substance inhalation shop" means:

1. The opening or commencement of any such establishment as a new establishment; or
2. The conversion of an existing establishment, to a tobacco or smoke shop establishment or an electronic/vapor substance inhalation shop establishment as defined in this chapter; or
3. The relocation of any such establishment.

"Electronic vapor device" means any device with a heating element, a batter, or an electronic circuit that provides nicotine or other vaporized liquids to the user in a manner that simulates tobacco products, shisha, herbs, or any other product that produces smoke.

"Electronic/vapor inhalation substance products" means cartridges, cartomizers, e-liquid, smoke juice, tanks, tips, atomizers, vaporizers, electronic smoking device batteries, electronic smoking device chargers, and any other item specifically designed for the preparation, charging, or use of electronic vapor devices.

"Electronic/vapor substance inhalation shops" are defined as those businesses where customers can smoke or inhale vapor from electronic/vapor inhalation substance products, commonly known as "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," "electronic nicotine delivery systems," and other similar devices.

"Employee" means any person who is employed by an employer for consideration for direct or indirect wages or profit, or is an independent contractor, agent or consultant of an employer and any person who volunteers his or her services for a nonprofit entity.

"Hookah" means a pipe commonly, but not always, made of glass, used for vaporizing and smoking tobacco, flavored tobacco, non-flavored tobacco, shisha, dried fruits, cannabis or other substances in which vapor or smoke is passed through a water basin before inhalation.

"Minor" means any individual who is less than 21 years old.

"Nonprofit entity" means any corporation, unincorporated association or other entity created for charitable, philanthropic, educational, character-building, political, social, or other similar purpose, the net proceeds from the operation of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A public agency is not a nonprofit entity within the meaning of this section.

"Person" means any individual, partnership, cooperative association, private or Private Corporation, limited liability company, personal representative, receiver, trustee, assignee, or any other legal entity.

"Public playground/park/recreation area" means an area to which the public, and particularly minors, come to participate in athletic or recreational activities, whether or not such activities are supervised or organized. Such areas include, but are not limited to, publicly owned and maintained parks, athletic fields, playgrounds, picnic areas, any outdoor premises or grounds owned or operated by the Borough, a public or private school, child care center, and any youth or recreational facilities that contains any play or athletic equipment used or intended to be used by minors.

"School" means an institution of learning for minors, whether public or private, preschool or day care services, kindergarten, elementary school, junior high school, senior high school, or any special institution of learning, a vocational or professional institution or an institution of higher education, including a community or junior college, college, or university.

"Self-service merchandising" means open display of tobacco products and point-of-sale tobacco-related promotional products that the public has access to without the intervention of an employee.

"Tobacco product" means (1) any product containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human lungs or mouth in smoke or vapor form, using any tobacco paraphernalia, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

"Tobacco retailer" means any person or entity that operates a store, stand, booth, concession, or other place at which sales, rentals, or other giveaways of tobacco products, electronic vapor devices, electronic vapor inhalation substances, and hookahs are made to purchasers for consumption or use.

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“**Tobacco or smoke shop**” means any store, stand, booth, concession, or other place that either devotes a substantial portion of its display area (i.e., fifteen percent or more of floor space) to tobacco products, or devotes more than sixteen cubic feet of shelf space, for the display or sale of tobacco or drug paraphernalia to purchasers for consumption or use. This definition includes electronic vapor devices, electronic vapor inhalations substances and hookahs.

“**Transfer of ownership or control of a tobacco or smoke shop or an electronic/vapor substance inhalation shop**” means:

1. The sale, lease or sublease of such establishment; or
2. The transfer of securities which constitute a controlling interest in such establishment, whether by sale, exchange, merger, or similar means; or
3. The establishment of a trust, gift or other similar legal devise which transfers ownership or control of such establishment, except for transfer by bequest or other operation of law upon the death of the person possessing such ownership or control.

“**Tobacco vending machine**” means any electronic or mechanical device or appliance the operation of which depends upon the insertion of money, whether in coin or paper currency, or other things representative of value, that dispenses or releases a tobacco product.

“**Zoning Code**” means Chapter 85 of the Borough Code of the Borough of Ho-Ho-Kus, Bergen County, New Jersey, as it may be amended from time to time.

85:45.4 Tobacco or smoke shop, or electronic/vapor substance inhalation shop conditional use permit required.

No Person shall cause or permit (i) the creation of a tobacco or smoke shop or an electronic/vapor substance inhalation shop, (ii) any substantial enlargement of a tobacco or smoke shop or an electronic/vapor substance inhalation shop, or (iii) the transfer of ownership or control of any tobacco or smoke shop or electronic/vapor substance inhalation shop, without first obtaining and maintaining a conditional use permit as provided in this chapter.

85:45.5 Development standards – General and specific.

An application for a conditional use permit shall be approved by the planning board upon a determination that all of the following standards have been met.

- A. The tobacco or smoke shop, or electronic/vapor substance inhalation shop shall be located within a permitted zone. Tobacco or smoke shops, or electronic/vapor substance inhalation shops may be located only within the GB District. No such establishment shall be permitted to locate in any area outside such zoning classifications.
- B. The tobacco or smoke shop, or electronic/vapor substance inhalation shop shall meet the following minimum spacing and proximity requirements:
 1. No tobacco or smoke shop, or electronic/vapor substance inhalation shop shall be located within one mile of any other such shop.
 2. No tobacco or smoke shop, or electronic/vapor substance inhalation shop shall be located within one mile of any parcel of land zoned for residential use.
 3. No tobacco or smoke shop, or electronic/vapor substance inhalation shop shall be located within one mile of any parcel of land that contains any one or more of the following specific land uses:
 - a) Religious facility;
 - b) Courthouse;
 - c) Day nursery;
 - d) Public playground/park/recreation area;
 - e) School;
 - f) Vocational or professional institution; or
 - g) Institution of higher education, including community or junior college, college or university.
 4. No tobacco or smoke shop, or electronic/vapor substance inhalation shop located in a building sharing one or more common walls with another retail or commercial establishment, or sharing common attic space with any other use, shall permit smoking or use of any electronic vapor device or hookah anywhere on the premises.

C. The tobacco or smoke shop, or electronic/vapor substance inhalation shop shall be in substantial compliance with the requirements of all health and safety codes, including, but not limited to, the building code, fire code, electrical code, mechanical code and plumbing code. Unless delay is caused by refusal of applicant to schedule or permit timely inspection, substantial compliance shall be verified no later than 30 days following the application or the applicant shall be deemed to be in substantial compliance with such requirements for the purposes of permit issuance.

D. The tobacco or smoke shop, or electronic/vapor substance inhalation shop shall be in substantial compliance with the development standards for the commercial zone in which the establishment is to be located, and with the general provisions of Chapter 85 relating to development standards and of Section 85:37 relating to sign regulations, except that, to the extent that provisions of this Section may conflict or be more restrictive, this Section 85 shall control.

E. The tobacco or smoke shop, or electronic/vapor substance inhalation shop meets the following minimum specific standards:

1. No person or business shall engage in the sale of tobacco products, hookahs, electronic vapor devices and/or electronic/vapor inhalation substance products without first posting a plainly visible sign at the point of purchase of tobacco products, hookahs, electronic vapor devices and/or electronic vapor inhalation substance products that has wording similar to:

“THE SALE OF TOBACCO PRODUCTS, HOOKAHS, AND ELECTRONIC VAPOR DEVICES AND PRODUCTS TO PERSONS UNDER 21 YEARS OF AGE IS PROHIBITED BY LAW AND SUBJECT TO PENALTIES. PHOTO IDENTIFICATION IS REQUIRED OF PURCHASERS APPEARING TO BE 26 YEARS OF AGE AND YOUNGER.”

The letters of the sign shall be at least one-quarter inch high, as set forth in the N.J. Department of Health Tobacco Control Regulations.

2. No person, business, tobacco retailer, or owner, manager, employee or operator of any establishment subject to this section shall sell, offer to sell or permit to be sold any tobacco or tobacco product, electronic vapor devices, hookahs and/or electronic/vapor inhalation substance products to an individual without requesting and examining identification of customers appearing to be 26 years and younger for the purpose of establishing the purchaser’s age as 21 years or greater, unless the seller has some other clear or convincing basis for determining the buyer’s age.

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3. No person, business, tobacco retailer or other establishment shall sell or offer for sale cigarettes or other tobacco or smoking products not in the original packaging provided by the manufacturer and with all required health warnings.

4. It shall be unlawful for any person, business or tobacco retailer to sell, permit to be sold, offer for sale or display for sale any tobacco product, electronic vapor devices and/or electronic/vapor inhalation substance products by means of self-service merchandising or by means other than vendor-assisted sales.

5. No person, business or tobacco retailer shall locate, install, keep, maintain, or use, or permit the location, installation, keeping, maintenance, or use on his, her or its premises, any tobacco vending machine for the purpose of selling or distributing any tobacco product.

6. It shall be unlawful for any person, business or tobacco retailer to distribute free tobacco products or promotional items, except in enclosed areas where minors are not permitted.

7. In addition to the standards in this chapter, each tobacco or smoke shop, or electronic/vapor substance inhalation shop shall comply with each and every provision of this code.

85:45.6 Measure of distance.

Distance, without regard to intervening structures, shall be a straight line measured from the closest exterior structural wall of a tobacco or smoke shop or electronic/vapor substance inhalation shop to the closest property line of a religious facility, courthouse, day nursery, public playground/park/recreation area, school, residential zone, vocational or professional institution, institution of higher education, including community or junior college, college, university, other tobacco shops or smoke shops.

85:45.7 Prohibited in all Districts.

a. Cannabis shops and/or retailers.

85:45.8 Violation; Penalty.

a. Any person, firm or corporation violating any of the provisions of this chapter may be charged with either an infraction or a misdemeanor and shall be subject to the provisions of the penalty clause as set forth in Section 1-16 of this code.

b. Each person found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which a violation of any section of this Ordinance is committed, continued or permitted by such person, and shall be punishable as provided for in Section 1-16. Any use or occupation of any building or structure maintained contrary to the provisions of this title shall constitute a public nuisance.

85:45.9 Conflicts with other applicable laws.

This chapter shall not be interpreted or construed to permit tobacco vending machines and distribution of tobacco product samples where they are otherwise restricted by other applicable laws. Nor shall this chapter be construed to be cause for breach of any pre-existing private contract, or cause for interference with regulations imposed by state or federal law or related to interstate commerce.

85:45.10 Repealer.

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

85:45-11 Severability.

Each subsection, sentence, clause and phrase of this section is declared to be an undisputed subsection, sentence, clause and phrase, and the finding or holding of any such part of this section to be unconstitutional, void or ineffective for any cause or reason shall not affect any other portion of this section.

85:45-12 Effective Date.

PUBLIC HEARING

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

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

A motion was offered by Councilman Crossley and seconded by Council President Troast to adopt Ordinance #2018-10. Motion carried on a roll call vote – All present voting “Aye”.

INTRODUCTION OF ORDINANCES:

ORDINANCE #2018-11

AN ORDINANCE TO AMEND CHAPTER 81 OF THE CODE ENTITLED “WATER AND WATER RATES

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus that Chapter 81 of the code is hereby amended as follows:

81-21 Rates and Charges is amended as follows:

(a) Effective January 1, 2019 all water taken or consumer shall be charged to consumers at the following rates:

(1) Six dollars and Twenty Five Cents (\$6.25) per one thousand (1,000) gallons, with a minimum charge of Fifty Dollars (\$50) per quarter, or any part thereof.

(2) For Water usage over the minimum the following chart will apply:

	Gallons	Rate per 1,000 Gallons	Amount
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Minimum	8,000	\$6.25	\$50.00
Next	12,000	\$6.25	
Next	20,000	\$6.868	
Next	40,000	\$7.898	
Over	80,000	9.478	

SECTION III: 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 IV: Effective Date.

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

A motion was offered by Council President Troast and seconded by Councilman Crossley to approve Introduction of Ordinance #2018-11. Motion carried on a roll call vote – All present voting “Aye”.

ORDINANCE #2018-12

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 32A OF THE CODE OF THE BOROUGH OF HO-HO-KUS ENTITLED “LAND USE PROCEDURES”

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey that Section 32A-29 **Fees Payable to Borough Clerk** is hereby amended and supplemented as follows:

Section I - Section 32A-29B(1)(a) Minor Subdivision or Resubdivision is amended to read:

At the time of filing a sketch plat for a minor subdivision, the subdivider shall deposit with the Borough Clerk a filing fee of \$350, by check made payable to the Borough of Ho-Ho-Kus, to cover the administrative costs of the Borough, together with an amount of \$1,500 in cash to be held by the Borough in escrow which shall be charged for the actual out-of-pocket expenses to the Borough for services rendered to it, including but not limited to legal and engineering fees. If the subdivision is classified by the Planning Board as a major subdivision, then the applicant must submit an additional \$150 filing fee and \$100 for each lot to be created by the proposed subdivision, but applicant shall receive a credit for any amount paid pursuant to this subsection.

Section II – Section 32A-29B(2)(a) Major Subdivision is amended to read:

At the time of filing a sketch plat for a major subdivision, the subdivider shall deposit with the Borough Clerk a filing fee of \$500, plus \$100 for each lot to be created by such major subdivision, by check made payable to the Borough of Ho-Ho-Kus, to cover the administrative costs of the Borough, together with an amount of \$5,000 in cash to be held by the Borough in escrow which shall be charged for the actual out-of-pocket expenses of the Borough for services rendered to it including but not limited to legal and engineering fees.

Section III – Section 32A-29B(5)(a) is amended to read:

An escrow in the amount of \$1,500 is required for all Zoning Board applications to cover legal and engineering fees.

Section 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.

Section V 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.

Section VI Effective Date

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

A motion was offered by Council President Troast and seconded by Councilman Shell to approve Introduction of Ordinance #2018-12. Motion carried on a roll call vote – All present voting “Aye”.

CONSENT RESOLUTIONS (18-113 thru 18-120)

Resolution #18-113 - Introduced by Council President Troast

A Resolution - Payment of bills

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$3,072,349.93; 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;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that the claims

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totaling \$\$3,072,760.38 be approved and ratified respectively.

Resolution #18-114 - Introduced by Council President Troast

A Resolution - Appointing Registrar of Vital Statistic – Joan Herve

BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that **Joan Herve** of 182 North Ethel Avenue, Hawthorne , NJ be and is hereby appointed to a three(3) year term as **Registrar of Vital Statistics** for the Borough of Ho-Ho-Kus commencing September 17th, 2018 thru December, 2020. Salary shall be accordance with the salary ordinance.

Resolution #18-115 - Introduced by Council President Troast

A Resolution - Solid Waste Annual Service Increase

WHEREAS, in accordance with Chapter 64-9E – The solid waste service charge shall be fixed annually by resolution of the Mayor and Council as may be required to meet budgetary requirements. Said charge may, from time to time, be revised by resolution of the Mayor and Council to provide for the financial requirements of the SWU.

THEREFORE BE IT RESOLVED by the Mayor & Council of the Borough of Ho-Ho-Kus that the following new per annum fees are established: District 1- \$644, and District 2 - \$696.

Resolution #18-116 - Introduced by Council President Troast

A Resolution - Service Connected 100% Disabled Veteran Tax Exemption

WHEREAS, New Jersey State Statute 54:4-3.30 provides that war veterans, who were honorably discharged from active service, in time of war, in any branch of the Armed Forces of the United States, who have been or shall be declared by the United States Veterans Administration to be 100% permanently disabled, connected from their wartime service, a full tax exemption of their dwelling and the lot on which it is situated; and

WHEREAS, the following taxpayer has filed an application for allowance of a full exemption with proper supporting documentation thus making the taxpayer eligible; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey, that **Peter W. Eldredge** be granted **full exemption** from payment of property taxes from **July 17, 2018** and all subsequent years thereafter on the property identified as **Block 1301, Lot 5, also known as 54 Wearimus Road and**

BE IT FURTHER RESOLVED, that the Treasurer is hereby authorized to refund \$5057.50 for taxes paid in 2018.

BE IT FURTHER RESOLVED that the Municipal Council authorizes the Tax Collector to cancel all remaining tax balances, consisting of the final 2018 and 2019 preliminary tax bill.

November 1, 2018	\$5057.50
February 1, 2019	\$4964.36
May 1, 2019	\$4964.36

Resolution #18-117 - Introduced by Council President Troast

A Resolution - Forgiveness of Solid 4th Qtr. 2018 Waste Bill

WHEREAS, 755 East Saddle River Road, 115 Jacquelin Ave., 26 Prescott Road, 11 Saddle Brook Drive, 524 Eastgate Road, 303 Ardmore Road, 806 West Saddle River Road, 47 Arbor Drive, 61 Lloyd Road, 109 Blauvelt Avenue are lots under construction; and

WHEREAS, 262 Wearimus Road is vacant; and

WHEREAS, the above residential structures will be credited for one (1) quarter and then be reviewed for the balance.

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

Resolution #18-118 - Introduced by Council President Troast

A Resolution - Appointing Zoning Board of Adjustment – Stephen Madden (Alt. Member No. 1)

WHEREAS, the Mayor and Borough Council wishes to make appointments of members to the Borough's Zoning Board of Adjustment for terms of office that are open;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Ho-Ho-Kus hereby confirms the following appointments to the Borough of Ho-Ho-Kus Zoning Board of Adjustment for the applicable terms set forth herein voted on October 23, 2018:

1. The following individual is hereby appointed as Alternate Member **No. 1** to the Borough of Ho-Ho-Kus Zoning Board of Adjustment for the term stated below:

Stephen E. Madden Term commencing 10/23/18, and terminating 12/31/18

Resolution #18-119 - Introduced by Council President Troast

A Resolution – Approval of Police Chief Agreement

WHEREAS, it is reasonable and appropriate to have a Police Chief Employment Agreement; and WHEREAS, the appropriate Council Committee has reviewed and recommended such Agreement; NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that a Police Chief Employment Agreement between the Borough of Ho-Ho-Kus and Chief Christopher H. Minchin of the Ho-Ho-Kus Police Department, effective January 1, 2018 until December 31, 2020 is hereby approved; and BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to sign said agreement on behalf of the Borough.

Resolution #18-120 - Introduced by Council President Troast

A Resolution – Approval of Police Captain Agreement

WHEREAS, it is reasonable and appropriate to have a Police Captain Employment Agreement; and WHEREAS, the appropriate Council Committee has reviewed and recommended such Agreement; NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that a Police Captain Employment Agreement between the Borough of Ho-Ho-Kus and Captain Anthony Grego of the Ho-Ho-Kus Police Department, effective January 1, 2018 through December 31, 2020 be and is hereby approved; and BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are authorized to sign such Agreement on behalf of the Borough.

A motion was offered by Council President Troast and seconded by Councilman Shell to approve Resolutions 18-113 through 18-120. Motion carried on a roll call vote – All present voting “Aye”.

OLD BUSINESS

LIAISON REPORTS

Recreation – Councilman Iannelli reported the Recreation meeting was postponed. Football is (1) game way from play off season.

Board of Education – no report

Ambulance Corp. – Councilman Crossley reported the Ambulance Corp would like to thank everyone for the electric stretcher. They are responding regularly to the town of Waldwick and are still at the Ho-Ho-

Kus/Saddle River Rec. home football games. (9) Volunteers were at the Richard Run a few weeks ago. Captain met with the tactical equipment person ordering the vest & helmets that were previously approved for the tactical team members. They will be ordering the second automated CPR Machine this month. They also donated a jump bag and oxygen kit to the Fire Department for their members. Lastly, the Ambulance Corp. is still always in need of Volunteers; drivers and EMT's.

Library – no report

Shade Tree – Administrator reported Mr. Raimondi has stepped down as chairman of the Board.

Chamber of Commerce – no report

DPW – Jim Pattman, DPW Supervisor reported leave season is to begin with-in the next two weeks.

Police – Chief Minchin thanked CERT for helping with the Richard Run and the Window painting.

NEW BUSINESS

MAYOR'S REMARKS – Richard Run was a great success and thanked all the volunteers.

CLOSED SESSION:

On a motion by Councilman Crossley, seconded by Councilman Shell, the Mayor and Council approved entering into Executive Session closed to the public. Motion Carried by roll call vote – all present voting “Aye”.

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

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

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

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

- 4-Matters relating to collective bargaining agreements
Ho-Ho-Kus Police and DPW Negotiations

Now therefore, be it resolved by the Borough Council of the Borough of Ho-Ho-Kus assembled in public session on October 23, 2018 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 8:00 p.m. and ended at 8:25 p.m.

On a motion by Councilman Fiato, seconded by Council President Troast, the meeting returned to open public session.

Motion Carried by voice vote – all present voting “Aye”.

Borough of Ho-Ho-Kus
County of Bergen
Mayor and Council Regular Meeting
October 23, 2018 7:30 p.m.

ADJOURNMENT

On a motion by Council President Troast, seconded by Councilman Iannelli, 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