

Borough of Ho-Ho-Kus  
County of Bergen  
Mayor and Council Work/Public Combined Meeting  
November 26, 2019 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 November 26, 2019. The meeting was called to order at 7:30 p.m. by Mayor Randall who asked the Municipal 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”. 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.....	Philip Rorty
Councilman.....	Steven Shell
Councilman.....	Edward Iannelli
Councilman.....	Kevin Crossley
Councilman.....	Dane Policastro

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

**FLAG SALUTE:**

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

**CLOSED SESSION** - On a motion by Councilman Rorty, seconded by Councilman Crossley, 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

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:

- 7- Matters relating to litigation, negotiations and attorney-client privilege
- 4-Matters relating to collective bargaining agreements

Now therefore, be it resolved by the Borough Council of the Borough of Ho-Ho-Kus assembled in public session on November 26, 2019 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 7:31 p.m. and ended at 8:17 p.m.

On a motion by Councilman Policastro, seconded by Councilman Crossley, the meeting returned to open public session. Motion Carried on a roll vote – all present voting “Aye”.

### **APPROVAL OF MINUTES**

A motion was offered by Councilman Crossley, seconded by Councilman Iannelli to approve the minutes of:  
October 15, 2019 – Closed and Work Session Meeting of the Mayor and Council  
Motion carried on a roll call vote – all present voting “Ayes.

A motion was offered by Councilman Rorty, seconded by Councilman Iannelli to approve the minutes of:  
October 22, 2019 – Closed and Public Meeting of the Mayor and Council  
Motion carried on a roll call vote – all present voting “Ayes, with the exception of Shell who abstained.

### **DEPARTMENT REPORTS**

Reports on file in the Clerk’s Office  
Police Report – October 2019  
Court Report– October 2019  
Library Report – November 2019

### **PUBLIC DISCUSSION**

Mayor Randall 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.

### **ADMINISTRATOR’S REPORT**

#### **Old Business**

Library – no updates  
1-9 East Franklin Turnpike Issues – no updates  
DOT Train Station – no updates

#### **New Business**

Bid Proposals for Solid Waste Collection and Disposal Service – The borough received one bid from Suburban Disposal who is our current provider. Rate increase is 131% due to the fact the recycling market has gone away completely, we now have to pay where we use to get paid.

Holiday trash pick-up – The borough will have a town wide trash pick-up on Friday.

Teterboro Airport Flight Plan – Representatives would like to have a town hall meeting sometime in January.

Northwest BC Utilities came in with a 9.74% increase to the Boro. They based this number off of sewer flow. He, the DPW Supervisor and Water Supervisor are looking into changing that number.

CDBG Agreement – Handicap Accessible Restrooms at Borough Hall - A resolution to enter into a grant agreement with the County of Bergen for the purpose of using \$70,000 in 2020 Community Development Block Grant Funds for 2<sup>nd</sup> Floor ADA Restroom at Ho-Ho-Kus Municipal Building is on for approval tonight.

Treatment of Various Wells – A resolution to enter into a contract Boswell Engineering for the treatment of the various well is on for approval tonight.

**CORRESPONDENCE**

- a) JIF – 2020 Proposed Budget.
- b) DEP News Letter – to remind motorist to be extra cautious on roadways as Deer mating season begins.
- c) Letter from Attorney General, DEP File Six New “Environmental Justice” Lawsuits Targeting Polluters in NJ’s Lower-Income & Minority Communities.
- d) Northwest BC Utilities Authority Notice of the 2020 Budget Introduction & Special meeting to be held on December 10, 2019 at 7pm located in Waldwick.
- e) Ho-Ho-Kus 2020 Municipal Court Session Schedule.
- f) NJDOT Commitment to Communities newsletter.
- g) MEL Safety Institute Bulletin for NJ Domestic Violence Policy Act for Public Employers and Minimum Age for Fire/EMS Drivers.
- h) Planning Board approval letter for the adoption of Ordinance #2019-28
- i) Borough of Saddle River Planning Board notice of a Public hearing on November 26, 2019 to consider a proposed amended Housing Element and Fair Share Plan for adoption.
- j) Bergen County Winter Wonderland at Van Saun Park, kick-off on Friday, November 29<sup>th</sup> at 4pm.
- k) Resolutions from Hasbrouck Heights, Paramus, Emerson, Waldwick, Allendale and Midland Park calling for a Study Commission to Review the OPRA act.
- l) Board of Chosen Freeholders Notice – World Aids Day, Monday, December 2, 2019

**ADOPTION OF ORDINANCES and PUBLIC HEARING**

**ORDINANCE 2019-28**

**AN ORDINANCE TO AMEND CHAPTER 85 OF THE CODE “ZONING ORDINANCE OF THE BOROUGH OF HO-HO-KUS” AND PROVIDING FOR THE REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHT OF WAY.**

**WHEREAS**, the Borough of Ho-Ho-Kus (“Borough”) is aware that certain technological developments have made access to its Municipal Rights-of-Way desirable by certain telecommunications companies for the placement of small cell wireless facilities (“Small Cells”); and,

**WHEREAS**, the Borough has determined that its public Rights-of-Way, such as they are or may be, themselves constitute a valuable resource, finite in nature, and which exists as a common right of the public to pass and repass freely over and across said lands without unreasonable obstruction or interference, and which therefore must be managed carefully; and

**WHEREAS**, the Federal Telecommunications Act preserves local government’s ability to manage the public Rights-of-Way on a competitively neutral and non-discriminatory basis 47 U.S.C. 332 (c) (7) (A); and,

**WHEREAS**, New Jersey municipalities must give consent before a Small Cell, i.e. a small antenna, can be placed on existing poles pursuant to N.J.S.A. 48:3-19 and for the erection of new poles within the public Rights-of-Way pursuant to N.J.S.A. 48:17-10; and,

**WHEREAS**, the Federal Communications Commission (FCC) has recently adopted an order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment” WT Docket No. 17-79; WC Docket 17-84, which places a shot clock on municipal approval for the placement of Small Cells on Existing Poles and the placement of New Poles in the Municipal Right-of-Way; and,

**WHEREAS**, the erection of New Poles and Ground Level Cabinets in the Municipal Right-of-Way raise significant aesthetic and safety concerns; and,

**WHEREAS**, the FCC in its recent order provides that municipalities can impose aesthetic requirements on small cells where said requirement are: 1) reasonable; 2) no more burdensome than those applied to other types of infrastructure deployment; and 3) published in advance; and,

**WHEREAS**, the Borough has determined that it is necessary to set forth clear standards in relation to the siting of Poles, Cabinets

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and Antennas for the benefit of its citizens and any utilities which use or will seek to make use of said Municipal Rights-of-Way. **NOW THEREFORE, BE IT ORDAINED** by the Borough of Ho-Ho-Kus that:

**Section 1.** Chapter 85 of the Code of the Borough of Ho-Ho-Kus is hereby amended by the addition of a new Section 85-39.3 to read as follows:

Wireless Facilities in the Right-of-Way. Notwithstanding anything else in Chapter 85 Zoning of the Code of the Borough of Ho-Ho-Kus, the installation of antennas, small cells and other communication devices and associated equipment in the public municipal roadway either on existing or new poles are permitted if a Right-of-Way Use Agreement and Right-of-Way Permits are obtained under Code Section 85-39.3 Encroachments in the Public Right-of-Way.

**Section 2.** Article VII of the Code of the Borough of Ho-Ho-Kus is hereby amended by the addition of a new section 85-39.3 to read as follows:

**85-39.3 Communication Facilities Right-of-Way Permits**

**A. Definitions**

**Administrative Review** means ministerial review of an Application by the Borough Council and Borough Engineer to determine whether the issuance of a Permit is in conformity with the applicable provisions of this Section.

**Antenna** means communications equipment that transmits and/or receives electromagnetic radio frequency signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

**Applicable Codes** means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the Authority, including any amendments adopted by the Authority, or otherwise are applicable in the jurisdiction.

**Applicant** means any Person who submits an Application under this Section.

**Application** means a written request, on a form provided by the Borough of Ho-Ho-Kus.

**Authority** means the Borough Council of the Borough of Ho-Ho-Kus.

**Collocate** means to install or mount a Small Wireless Facility in the Public ROW on an existing Support Structure, an existing Tower, or on an existing Pole to which a Small Wireless Facility is attached at the time of the Application. "Collocation" has a corresponding meaning.

**Communications Facility** means, collectively, the equipment at a fixed location or locations within the Public ROW that enables Communications Services, including: (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached.

**Communications Service** means cable service, as defined in 47 U.S.C. § 522(6); information service, as defined in 47 U.S.C. § 153(24); or telecommunications service, as defined in 47 U.S.C. § 153(53).

**Communications Service Provider** means a provider of Communications Services and includes a cable operator, as defined in 47 U.S.C. § 522(5).

**Decorative Pole** means a Pole that is specially designed and placed for aesthetic purposes.

**Eligible Facilities Request** means an eligible facilities request as set forth in 47 C.F.R. Section 1.40001(b)(3), as that section may be amended from time to time.

**FCC** means the Federal Communications Commission of the United States.

**Laws** means, collectively, any and all Federal, State, or local law, statute, common law, code, rule, regulation, order, or ordinance.

**Ordinary Maintenance and Repair** means inspections, testing and/or repair that maintain functional capacity, aesthetic and structural integrity of a Communications Facility and/or the associated Support Structure, Pole or Tower, that does not require blocking, damaging or disturbing any portion of the Public R.O.W.

**Permit** means a written authorization to install, at a specified location(s) in the Public R.O.W., a Communications Facility, Tower or a Pole to support a Communications Facility.

**Permittee** means an Applicant that has received a Permit under this Section.

**Person** means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including a governmental entity.

**Pole** means a legally constructed pole, such as a utility, lighting, or similar pole made of wood, concrete, metal or other material, located or to be located within the Public Right of Way. A Pole does not include a Tower or Support Structure and does not include a pole or structure that supports electric transmission lines.

**Provider** means a Communications Service Provider or a Wireless Services Provider, and includes any Person that owns

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and/or operates within the Public R.O.W. any Communications Facilities, Wireless Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers.

**Public Right of Way or Public R.O.W.** means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, or similar purpose. The term does not include a federal interstate highway, state highway, county right of way or other areas that are not within the legal jurisdiction, ownership or control of the Authority.

**Replace or Replacement** means, in connection with an existing Pole, Support Structure or Tower, to replace (or the replacement of) same with a new structure, substantially similar in design, size and scale to the existing structure and in conformance with this Section and any other applicable regulations in order to address limitations of the existing structure to structurally support Collocation of a Communications Facility.

**Small Wireless Facility** means a Wireless Facility that meets both of the following qualifications: (i) each Antenna could fit within an enclosure of no more than three (3) cubic feet in volume; and (ii) all other wireless equipment associated with the Antenna, including the preexisting equipment, is cumulatively no more than twenty-eight (28) cubic feet in volume.

**State** means the State of New Jersey.

**Support Structure** means a structure in the Public R.O.W. other than a Pole or a Tower to which a Wireless Facility is attached at the time of the Application.

**Tower** means any structure in the Public R.O.W. built for the sole or primary purpose of supporting a Wireless Facility. A Tower does not include a Pole or a Support Structure.

**Wireless Facility** means the equipment at a fixed location or locations in the Public R.O.W. that enables Wireless Services. The term does not include: (i) the Support Structure, Tower or Pole on, under, or within which the equipment is located or Collocated; or (ii) coaxial, fiber-optic or other cabling that is between Communications Facilities or Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna. A Small Wireless Facility is one type of a Wireless Facility.

**Wireless Services** means any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

**Wireless Services Provider** means a Person who provides Wireless Services.

**B. Access to Public Right of Way**

Prior to installing in the Public R.O.W. any Communications Facility, or any Pole built for the sole or primary purpose of supporting a Communications Facility, or any Tower, a Person shall enter into a Right of Way Use Agreement with the Borough of Ho-Ho-Kus expressly authorizing use of the Public Right of Way for the Communications Facility, Pole or Tower proposed to be installed.

1. The term of the R.O.W. Use Agreement shall not exceed 15 years.

2. The R.O.W. Use Agreement authorizes the Provider's non-exclusive use of the Public R.O.W. for the sole purpose of installing, maintaining and operating Communications facilities, including any Pole built for the sole or primary purpose of supporting the Communications Facilities and to provide the services expressly authorized in the agreement subject to applicable Laws, this Section and the terms and conditions of the agreement. The agreement authorizes use only of the public R.O.W. in which the Borough has an actual interest. It is not a warranty of title or interest in any Public R.O.W. and it does not confer on the Provider any interest in any particular location within the Public R.O.W. No other right or authority is granted except as expressly set forth in the agreement. Nothing herein shall authorize the use of the Borough's Poles, Towers, Support Structures, or other structures in the Public R.O.W. All use of the Borough's Poles, Towers, Support Structures, and other structures in the Public R.O.W. shall require a separate agreement, and the payment of separate fees for such use.

3. The Provider shall, at its sole cost and expense, keep and maintain its Communications Facilities, Poles, Support Structures and Towers in the Public R.O.W. in a safe condition, and in good order and repair.

4. The Provider shall provide insurance and indemnification of the Borough as described in the R.O.W. Use Agreement. The coverage must be at least as broad as:

a. Worker's Compensation and Employer's Liability Insurance.

Provider shall provide proof of Worker's Compensation Insurance and be in compliance with the Worker's Compensation Law of the State of New Jersey. Employer's Liability: Limit of liability shall be a minimum of \$500,000, in accordance with New Jersey Statute.

b. Comprehensive General Liability. Comprehensive general liability ("CGL") insurance with limits no less than \$2,000,000 per occurrence.

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c. Automobile Liability. Automobile liability insurance covering claims for bodily injury and property damage arising from all owned, hired and non-owned vehicles with limits of not less than \$1,000,000 combined single limit.

**C. R.O.W. Permit**

1. No person may construct, maintain or perform any other work in the Public R.O.W. related to Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers without first receiving a Permit to the extent required under this Section, and any other permit or authorization required by applicable Laws.

2. The Authority shall not issue a Permit unless the Applicant, or a Provider on whose behalf the Applicant is constructing Communications Facilities, Poles or Towers, has applied for and received the R.O.W. Use Agreement required by this Section, or otherwise has a current and valid franchise with the Borough expressly authorizing use of the Public R.O.W. for the Communications Facilities, Poles or Towers proposed in the Application, and all applicable fees have been paid.

3. The Provider shall not locate or maintain its Communications Facilities, Poles and Towers so as to unreasonably interfere with the use of the Public R.O.W. by the Borough, by the general public or by other persons authorized to use or be present in or upon the Public R.O.W.

**D. Location and Siting**

1. Height. No Pole shall be taller than thirty-five (35) feet in height including the antennas or 110% of the height of Poles in the Surrounding Streetscape, within 500 feet of the Pole, whichever is less.

2. Distance from curb line. No Pole shall be farther than eight (8) feet from the curb line. However, if there is a situation involving a greater right-of-way area and it is appropriate to set the pole back further, the reviewing authority may grant an exception within its reasonable discretion.

3. Location, Safety and Aesthetics. No pole shall be erected in the Right-of-Way unless it:

- a. Is replacing an Existing Pole; or
- b. Is approved by the Borough Council; or
- c. Is located within the Municipal Right-of-Way; and
- d. Is at least two hundred (200) linear feet from any other Existing Pole or Proposed Pole along the same side of the street containing a communications facility; and
- e. Is not located in an area with Underground Utilities; and
- f. Does not inhibit any existing sight triangles; and
- g. Allows adequate room for the public to pass and re-pass across the Right-of-Way; and
- h. Is finished and/or painted so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties.

4. The Authority may require new poles to be decorative poles if appropriate.

5. Pole Mounted Antennas are permitted on New and Existing Poles, provided that each Pole Mounted Antenna:  
a. Does not exceed three (3) cubic feet in volume; and  
b. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and

c. Does not inhibit sight triangles; and

d. Allows adequate room for the public to pass and repass across the municipal right-of-way.

6. Pole Mounted Cabinets are permitted on New and Existing Poles, provided that each Pole Mounted Cabinet: Does not exceed sixteen (16) cubic feet and is no wider or project more than two (2) feet. There must be a minimum clearance of eight (8) feet under a pole-mounted cabinet. Any pole-mounted cabinet not in conformance with the foregoing must be ground mounted and appropriately screened with landscaping along the rear of the cabinet facing residential properties; and

b. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and

c. Does not inhibit sight triangles; and

d. Allows adequate room for the public to pass and repass across the municipal right-of-way.

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7. The Authority may also require that an applicant provide a certification from an engineer licensed in the State of New Jersey attesting to the structural integrity of any Pole Mounted Antenna or Pole Mounted Cabinet.

8. Ground mounted equipment may be used only to house equipment and other supplies in support of the wireless facility.

9. **Underground Utilities.** Unless otherwise agreed to in writing by the Authority or otherwise required by applicable Laws, whenever any existing electric utilities or Communications Facilities are located underground within a Public R.O.W., the Provider with permission to occupy the same portion of the Public R.O.W. shall locate its Communications Facilities underground at its own expense. The Authority may, in its sole discretion, approve above-ground placement of equipment cabinets, pedestals and similar equipment. For facilities or equipment such as Wireless Facilities that cannot, by their nature, operate unless located above ground, the Provider and Authority shall work to find a suitable location for such facilities or equipment, which may be outside the Public R.O.W.

10. All wireless equipment associated with the Pole or Tower, including the wireless equipment associated with the antenna and any preexisting associated equipment shall not be more than twenty-eight (28) cubic feet in volume.

11. The Provider shall upon completion of construction provide the Borough with as-built drawings and a map showing the location of the facility and equipment.

**E. Restoration Requirements**

1. The Provider, or its agent or contractor, shall restore, repair and/or replace any portion of the Public R.O.W. that is damaged or disturbed by the Provider's Communications Facilities, Poles, Towers or work in or adjacent to the Public R.O.W. The area damaged or disturbed shall be properly landscaped to stabilize the soil and shall include screen scrub planting where deemed appropriate by the approving authority.

2. If the Provider fails to timely restore, repair or replace the Public R.O.W. as required in this subsection, the Authority or its contractor may do so and the Provider shall pay the Authority's costs and expenses in completing the restoration, repair or replacement.

**F. Removal, Relocation and Abandonment**

1. Within 30 days following written notice from the Authority, the Provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its Communications Facilities, Poles, Support Structures or Towers within the Public R.O.W., including relocation of above-ground Communications Facilities underground (consistent with the provisions of this Section), whenever the Borough has determined, in its sole discretion, that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance, or installation of any Borough improvement, the operations of the Borough in, under or upon the Public R.O.W., or otherwise is in the public interest. The Provider shall be responsible to the Borough for any damages or penalties it may incur as a result of the Provider's failure to remove or relocate Communications Facilities, Poles, Support Structures or Towers as required in this subsection.

2. The Borough retains the right and privilege to cut or move any Communications Facility, Pole, Support Structure or Tower located within the Public R.O.W. of the Borough, as the Borough may determine, in its sole discretion, to be necessary, appropriate or useful in response to any public emergency. If circumstances permit, the Borough shall notify the Provider and give the Provider an opportunity to move its own facilities prior to cutting or removing the Communications Facility, Pole, Support Structure or Tower. In all cases the Borough shall notify the Provider after cutting or removing the Communications Facility, Pole, Support Structure or Tower as promptly as reasonably possible.

3. A Provider shall notify the Borough of abandonment of any Communications Facility, Pole, Support Structure or Tower at the time the decision to abandon is made, however, in no case shall such notification be made later than 30 days prior to abandonment. Following receipt of such notice, the Provider shall remove its Communications Facility, Pole, Support Structure or Tower at the Provider's own expense, unless the Borough determines, in its sole discretion, that the Communications Facility, Pole, Support Structure or Tower may be abandoned in place. The Provider shall remain solely responsible and liable for all of its Communications Facilities, Poles, Support Structures and Towers until they are removed from the Public R.O.W. unless the Borough agrees in writing to take ownership of the abandoned Communications Facilities, Poles, Support Structures or Towers.

4. If the Provider fails to timely protect, support, temporarily or permanently disconnect, remove, relocate, change or alter any of its Communications Facilities, Poles, Support Structures or Towers or remove any of its abandoned Communications Facilities, Poles, Support Structures or Towers as required in this subsection, the Borough or its contractor may do so and the Provider shall pay all costs and expenses related to such work, including any delay damages or other damages the Borough incurs arising from the delay.

**G. Fees and Charges**

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1. **Agreement/License Application Fee.** Every Person requesting a Right of Way Agreement, Franchise Agreement or License Agreement from the Borough shall pay an application fee of \$250.00, which shall be paid upon submission of the Right of Way Agreement, Franchise Agreement or License Agreement application.

2. **Permit Application Fee.**

a. The Applicant shall pay a Permit application fee of \$500.00 for an Application for up to five small wireless facilities submitted simultaneously by a Provider. The fee of \$100.00 is established for each additional small wireless facility.

b. The Applicant shall pay a non-recurring fee for a new pole (not a collocation) intended to support one or more small wireless facilities of \$1,000.00.

3. A \$270.00 per small wireless facility fee per year shall be paid to the Borough.

4. **Deposit Towards Anticipated Municipal Expenses.**

TO BE DETERMINED BY THE REVIEWING AUTHORITY

5. **Other Fees.** The Applicant or Provider shall be subject to any other generally applicable fees of the Borough or other government body, such as those required for electrical permits, building permits, or street opening permits, which the Applicant or Provider shall pay as required in the applicable Laws, as well as attachment fees for the use of Borough owned Poles, Towers, Support Structures, ducts, conduits or other structures in the Public R.O.W., as set forth in attachment agreements authorizing such use.

6. **No Refund.** Except as otherwise provided in a Right of Way Agreement; Franchise Agreement; License, the Provider may remove its Communications Facilities, Poles or Towers from the Public R.O.W. at any time, upon not less than 30 days prior written notice to the Borough, and may cease paying to the Borough any applicable recurring fees for such use, as of the date of actual removal of the facilities and complete restoration of the Public R.O.W. In no event shall a Provider be entitled to a refund of fees paid prior to removal of its Communications Facilities, Poles or Towers.

**H. Permit Applications**

1. **Permit Required.** Unless expressly authorized in this Section or in writing by the Borough Council, no Person may construct, install or maintain in the Public R.O.W. any Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers, including the installation or Collocation of Communications Facilities on existing Poles, Towers, Support Structures or other structures within the Public R.O.W., without first receiving a Permit. Notwithstanding the foregoing, in the event of an Emergency, a Provider or its duly authorized representative may work in the Public R.O.W. prior to obtaining a Permit, provided that the Provider shall attempt to contact the Borough prior to commencing the work and shall apply for a Permit as soon as reasonably possible, but not later than 24 hours, after commencing the Emergency work. For purposes of this subsection, an "Emergency" means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.

2. **Permit Application Requirements.** The Application shall be made by the Provider or its duly authorized representative and shall contain the following:

a. The Applicant's name, address, telephone number, and e-mail address, including emergency contact information for the Applicant.

b. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.

c. A description of the proposed work and the purposes and intent of the proposed facility sufficient to demonstrate compliance with the provisions of this Ordinance.

d. If applicable, a copy of the authorization for use of the property from the Pole, Tower or Support Structure owner on or in which the Communications Facility will be placed or attached.

e. Detailed construction drawings regarding the proposed facility.

f. To the extent the proposed facility involves Collocation on a Pole, Tower or Support Structure, a structural report performed by a duly licensed engineer evidencing that the Pole, Tower or Support Structure will structurally support the Collocation (or that the Pole, Tower or Support Structure will be modified to meet structural requirements) in accordance with Applicable Codes.

g. For any new aboveground facilities, accurate visual depictions or representations, if not included in the construction drawings.

3. **Proprietary or Confidential Information in Application.** Applications are public records that may be made publicly available pursuant to the New Jersey Open Public Records Act. Notwithstanding the foregoing, Applicant may designate portions of its Application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each portion of such materials accordingly, and the Borough shall treat the information as proprietary and confidential, subject to the New Jersey Open Public Records Act and the Borough's determination that the

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Applicant's request for confidential or proprietary treatment of Application materials is reasonable. The Borough shall not be required to incur any costs to protect the Application materials from disclosure, other than the Borough's routine procedures for complying with the New Jersey Open Public Records Act.

4. **Ordinary Maintenance and Repair.** A Permit shall not be required for Ordinary Maintenance and Repair. The Provider or other Person performing the Ordinary Maintenance and Repair shall obtain any other permits required by applicable Laws and shall notify the Borough in writing at least 48 hours before performing the Ordinary Maintenance and Repair.

5. **Material Changes.** Unless otherwise agreed to in writing by the Authority, any material changes to an Application, as determined by the Authority in its sole discretion, shall be considered a new application for purposes of the time limits set forth in Section 85-39.3 **I. Application Review** unless otherwise provided by applicable Laws.

6. **Application Fees.** Unless otherwise provided by applicable Laws, all Applications pursuant to this Section shall be accompanied by the Fees required under Section 85-39.3 **G. Fees and Charges**.

7. **Effect of Permit.** A Permit from the Borough Council authorizes an Applicant to undertake only the activities in the Public R.O.W. specified in the Application and Permit, and in accordance with this Section and any general conditions included in the Permit. A Permit does not authorize attachment to or use of existing Poles, Towers, Support Structures or other structures in the Public R.O.W.; a Permittee or Provider must obtain all necessary approvals from the owner of any Pole, Tower, Support Structure or other structure prior to any attachment or use. A Permit does not create a property right or grant authority to the Applicant to interfere with other existing uses of the Public R.O.W.

8. **Duration.** Any Permit for construction issued under this Ordinance shall be valid for a period of 180 days after issuance, provided that the period may be extended for up to an additional 90 days upon written request of the Applicant (made prior to the end of the initial 180 day period) if the failure to complete construction is as a result of circumstances beyond the reasonable control of the Applicant.

9. **Batch Permit.** An Applicant may simultaneously submit not more than five (5) Applications for Communications Facilities, or may file a single, consolidated Application covering such Communications Facilities, provided that the proposed Communications Facilities are to be deployed on the same type of structure using similar equipment and within an adjacent, related geographic area of the Borough. If the Applicant files a consolidated application, the Applicant shall pay the application fee calculated as though each Communication Facility were a separate Application.

**I. Application Review**

1. **Pre-Application Meeting.** Prior to making a formal application with the Borough for use of the Municipal Right-of-Way, all applicants are advised to meet voluntarily with the Borough Engineer to review the scope of the Applicant's proposal.

2. All applications made under this section shall be expedited so as to comply with the shot clocks set forth in the Federal Communications Commission Order titled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barriers to Infrastructure Investment." WT Docket No. 17-79; WC Docket No. 170-84.

3. The Borough Engineer shall review all applications for the placement of new Poles and Ground Level Cabinets within the municipal R.O.W. and the placement of Pole Mounted Antennas and Pole Mounted Cabinets within the Municipal R.O.W. and advise the Borough Council whether the application is complete and whether it meets the requirements of this Ordinance.

4. Except as otherwise provided by applicable Laws, the Authority shall:  
within thirty (30) days of receiving an Application, notify the Applicant if the Application is incomplete, and identify the missing information. The Applicant may resubmit the completed Application within ten (10) days without additional charge, in which case the Authority shall have thirty (30) days from receipt of the resubmitted Application to verify the application is complete, notify the Applicant that the Application remains incomplete or, in the Borough's sole discretion, deny the Application; and

5. The Authority shall review the Application and, if the Application conforms with applicable provisions of this Ordinance, the Borough Council shall issue the Permit, subject to the standard permit requirements published by the Borough.

6. The Authority shall make its final decision to approve or deny the Application within sixty (60) days for a collocation of a small wireless facility to an existing structure, and ninety (90) days to deploy a small wireless facility on a new structure, after the Application is complete (or deemed complete in the event the Borough does not notify the Applicant that the Application or resubmitted Application is incomplete). Review of an Application to deploy a facility other than a small wireless facility using a new structure shall be decided within 150 days.

7. **Waiver.** The Authority may waive any siting standard set forth in this Ordinance where the Applicant demonstrates that strict enforcement of said Standard:

i. Will prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service pursuant to 47 U.S.C.253(a); or

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- ii. Will prohibit or have the effect of prohibiting personal wireless service pursuant to 47 U.S.C. 332(c)(7)(B)(i)(II); or
  - iii. Will violate any requirement set forth by the Federal Communications Commission Order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment.” WT Docket No.17-79; WC Docket 17-84.
8. The Borough Council shall advise the Applicant in writing of its final decision.

**Section 3.** If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 4.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 5.** This Ordinance shall take effect upon final adoption and publication in accordance with law.

**PUBLIC HEARING**

Mayor opened the meeting to the public. He stated this is the time and place for the public hearing on Ordinance #2019-28 and all persons who wishes to be heard, please state your name and address before making your statement.

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

A motion was offered by Councilman Crossley and seconded by Councilman Rorty to adopt Ordinance #2019-28. Motion carried on a roll call vote – All present voting “Aye”.

**INTRODUCTION OF ORDINANCES**

**2019-29** –

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 79 OF THE CODE ENTITLED “VEHICLES AND TRAFFICE (*parking permit increase*)**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey that:

**Section I**

**Section 79-18 of the Code is hereby amended and supplemented as follows:**

- A. No change.
- B. The fee to be charged by the Borough Clerk for the resident permits shall be \$400.00 and businessman permits shall be \$100.00. No fee shall be required for permits issued to Borough employees for parking during the regular course of business in Municipal Lot B.
- C.-F. No change.

**Section 79-19 of the Code is hereby amended and supplemented as follows:**

- A. No change.
- B. In the Lower Commuter Lot 1 and Municipal Lot A and for machines installed on public streets, the fee to be charged for parking during the period that the parking machines are in effect shall be \$7 a day max.

**Section II**

**Repealer**

All other provisions of this Ordinance 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 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.

**Section IV**

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**Effective Date**

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

A motion was offered by Councilman Policastro and seconded by Councilman Iannelli to approve the introduction of Ordinance #2019-29. Motion carried on a roll call vote – All present voting “Aye”.

**CONSENT RESOLUTIONS** (19-103 thru 19-122)

Resolution #19-103 – **Introduced and read by Council President Troast**

A Resolution - Payment of bills – November

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,276,475.72; 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 \$2,276,475.72 be approved and ratified respectively.

**BILL LIST**

19-01273	08/19/19	02567	EAST COAST EMERGENCY LIGHTING	IPAD MOUNTS & CASES-FIRE DEPT	Open	3,316.56	0.00
19-01412	09/17/19	02779	FASTENAL	PRY BAR/WRENCH/DRILL KIT-WATER	Open	524.97	0.00
19-01413	09/17/19	02779	FASTENAL	TOOLS/VESTS - DPW	Open	1,497.67	0.00
19-01430	09/18/19	03141	TARLETON & HYLAND COMMUNIC LLC	UPGRADE NETWORK/COMM SYS-WATER	Open	17,500.00	0.00
19-01455	09/24/19	00001	HOME HARDWARE	OCT 2019 PURCHASES	Open	438.71	0.00
19-01456	09/24/19	00056	TYCO ANIMAL CONTROL SERVICES	ANIMAL CONTROL SVC OCT	Open	535.00	0.00
19-01459	09/24/19	02686	ONE CALL CONCEPTS	ONE CALL MESSAGES - OCT 2019	Open	74.80	0.00
19-01463	09/24/19	02590	AMERICAN WEAR, INC.	OCT 2019 UNIFORMS - ROADS 2/3	Open	420.37	0.00
19-01464	09/24/19	02590	AMERICAN WEAR, INC.	OCT 2019 UNIFORMS - WATER 1/3	Open	210.18	0.00
19-01477	09/27/19	03255	GRAMCO BUSINESS COMMUNICATIONS	ASSISTED LISTENNG DEVICE-COURT	Open	1,412.30	0.00
19-01485	09/30/19	01051	V. E. RALPH & SON	SUPPLIES - AMBULANCE CORPS	Open	433.92	0.00
19-01509	10/04/19	03257	NJ SHADE TREE FEDERATION*	CONFERENCE-RAIMONDI/RASCHDORF	Open	520.00	0.00
19-01525	10/08/19	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES- CLERK/PLAN/ZON	Open	135.97	0.00
19-01547	10/11/19	03257	NJ SHADE TREE FEDERATION*	CONFERENCE-KIM MITCHELL	Open	125.00	0.00
19-01548	10/11/19	02296	ARROW TREE SERVICE INC	EMERG. TREE REMOVAL-26 CARLTON	Open	945.00	0.00
19-01550	10/11/19	02157	TREASURER, STATE OF NJ	UNIFORM FIRE CODE BOOK	Open	30.00	0.00
19-01579	10/16/19	03056	MOTOROLA SOLUTIONS, INC.	PARTS FOR RADIOS - FIRE DEPT	Open	9,065.25	0.00
19-01580	10/16/19	00372	REGIONAL COMMUNICATIONS INC	INSTALLATION-FIRE DEPT RADIOS	Open	6,180.00	0.00
19-01592	10/18/19	01097	DELL MARKETING LP	3 PC'S - SECURITY - DPW	Open	1,940.07	0.00
19-01593	10/22/19	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES - POL DEPT	Open	221.14	0.00
19-01594	10/22/19	00201	GARBARINI & CO PC	ACCOUNTING PROCEDURES	Open	2,000.00	0.00
19-01595	10/22/19	02800	CONNELL CONSULTING LLC	PROACTIVE POL SUPERVISOR CLASS	Open	398.00	0.00
19-01596	10/22/19	01607	BURGIS ASSOCIATES, INC.	MASTER PLAN/REVIEW R2/R3 ZONES	Open	787.50	0.00
19-01597	10/22/19	99874	PRIESTNER, DAN	REIMB. LOGHT COVERS-LIBRARY	Open	28.30	0.00
19-01598	10/22/19	02831	GARDEN STATE BOBCAT	SPRINGS/KNIVES - DPW	Open	474.08	0.00
19-01599	10/22/19	00012	PROSTOCK MIDLAND	TIMKEN SEAL - DPW VEHICLE	Open	94.00	0.00
19-01600	10/22/19	02779	FASTENAL	PRYBAR SET & DRILL REPAIRS-DPW	Open	239.74	0.00
19-01601	10/22/19	02855	POWERDMS, INC.	POWER DMS STDS. FOR NJSACOP	Open	805.00	0.00
19-01602	10/22/19	02147	PISANO, RONALD	2 CLASSES- DISEASE & TURF MGMT	Open	420.00	0.00
19-01603	10/23/19	02484	RACHLES/MICHELE'S OIL CO.	1755 GALS GAS DELIVERED 9/16	Open	2,252.06	0.00
19-01604	10/23/19	00053	BERGEN/PASSAIC REGISTRARS ASSN	REGISTRARS' MEETING 12/3/19	Open	50.00	0.00
19-01605	10/23/19	03239	AT&T MOBILITY	IPAD SVC-FIRSTNET 8/12-9/11	Open	299.12	0.00
19-01606	10/23/19	00886	SCHWANEMEDE/HALS ENGINEERING	ENG.-PLAN REVIEW 217/9	Open	400.00	0.00

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19-01607	10/23/19	00886	SCHWANENEDE/HALS ENGINEERING	2019 RD RESURFACING-INSPECTION	Open	570.00	0.00
19-01608	10/23/19	00886	SCHWANENEDE/HALS ENGINEERING	LLOYD RD RESURFACING-INSPECT	Open	1,527.50	0.00
19-01609	10/23/19	02900	EAGLE POINT GUN/T J MORRIS	AMMUNITION - POLICE DPT	Open	2,643.34	0.00
19-01612	10/24/19	01840	OPTIMUM	POLICE/CAD CABLE 11/16-12/15	Open	131.40	0.00
19-01613	10/24/19	00030	HO-HO-KUS BOARD OF EDUCATION	SCHOOL TAX - MONTH OF NOV	Open	1,500,924.00	0.00
19-01617	10/24/19	02752	VANDERHOOF TRANSPORTATION CO.	BUS FOR HHK SRS TRIP- 12/6/19	Open	745.00	0.00
19-01618	10/24/19	03246	BRUNO ASSOCIATES, INC.	PROF. SERVICES RE: GRANTS -NOV	Open	2,000.00	0.00
19-01619	10/24/19	03258	CHAKONIS & PETTIT, LLC	PROF. SERVICES 10/15 & 10/17	Open	1,875.00	0.00
19-01620	10/24/19	02297	THE SHARP SHOP	MOWER AND BLOWER PARTS-DPW	Open	29.56	0.00
19-01621	10/24/19	00082	CHIEF FIRE EQUIPMENT & SERVICE	EXTINGUISHER SERVICING - CERT	Open	130.63	0.00
19-01622	10/24/19	02558	JASON J. SZAPKA	VEHICLE SCANNER - DPW	Open	549.01	0.00
19-01623	10/24/19	01457	A-VAN ELECTRICAL SUPPLY INC	CONDUIT FOR FIBER OPTIC SYSTEM	Open	79.48	0.00
19-01624	10/24/19	01424	CHRIS JOY ELECTRIC, INC.	INSTALL WIRING/POSTS/LITES-FD	Open	905.00	0.00
19-01625	10/24/19	00329	RG GROUP	AIR BRAKE TUBING/FITTINGS-DPW	Open	29.01	0.00
19-01626	10/24/19	03224	ALS GROUP USA CORP.	COLIFORM TESTS 10/17 WATER DPT	Open	76.00	0.00
19-01627	10/24/19	01580	MCMASTER-CARR	HDM ADAPTORS - FI BER SYSTEM	Open	71.91	0.00
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19-01628	10/24/19	02975	POSTMASTER	RENEW BULK MAIL PERMIT #107	Open	235.00	0.00
19-01629	10/24/19	03159	BOSWELL ENGINEERING. INC.	ENGINEERING SVCS - WATER DPT	Open	909.00	0.00
19-01630	10/24/19	03168	RE-TRON TECHNOLOGIES	1 DRUM - DIESEL FUEL ADDITIVE	Open	180.00	0.00
19-01631	10/24/19	00936	PATTMAN, JEFFREY	REIMB.-MICROWAVE FOR DPW	Open	209.99	0.00
19-01632	10/24/19	00936	PATTMAN, JEFFREY	4 TVS - FOR DPW SECURITY SYST.	Open	799.96	0.00
19-01633	10/25/19	80194	SWEETMAN, GARRET	2019 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
19-01634	10/28/19	03212	ESS, INC.	RECHARGEABLE BATTERIES-FIRE DP	Open	283.35	0.00
19-01635	10/28/19	00016	PETTY CASH - JOAN HERVE	REIMB. PETTY CASH FUND 10/28	Open	175.48	0.00
19-01636	10/28/19	03259	GODWIN TOOL & HARDWARE SUPPLY	DRILL BIT - WATER DPT	Open	33.87	0.00
19-01637	10/28/19	01147	DOOR WORKS, INC.	DOOT REPAIR - DPW	Open	272.23	0.00
19-01638	10/28/19	00958	STATE OF NJ DEPT OF LABOR	3RD QTR 2019 UNEMPLOYMENT	Open	8,508.81	0.00
19-01639	10/28/19	00010	FRANKLYN' S PHARMACY	FIRST AID SUPPLIES - DPW	Open	58.88	0.00
19-01640	10/28/19	01198	DSP PRODUCTS, INC.	GROMMETS & CABLE TIES - DPW	Open	289.35	0.00
19-01641	10/28/19	03205	NORTH JERSEY PUMP & CONTROL	WAFER CHECK VALVES-BOGERT PUMP	Open	1,488.00	0.00
19-01642	10/28/19	00082	CHIEF FIRE EQUIPMENT & SERVICE	FIRE EXTINGUISHER SVC FOR BORO	Open	1,636.91	0.00
19-01643	10/28/19	80089	DENCH, BRIAN	2019 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
19-01644	10/29/19	00992	GREGO, ANTHONY	2019 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
19-01645	10/29/19	00012	PROSTOCK MIDLAND	BLOWER ASSBLY/COMPRESSOR BELTS	Open	35.25	0.00
19-01646	10/29/19	03027	SAMR	COMPUTYER/ELECTRONIC RECYCLING	Open	1,850.00	0.00
19-01647	10/29/19	03168	RE-TRON TECHNOLOGIES	MONSTER POWER BATTERY - DPW	Open	245.82	0.00
19-01648	10/29/19	00886	SCHWANENEDE/HALS ENGINEERING	ENG PL REV/SOIL MOVING-602/10	Open	650.00	0.00
19-01649	10/29/19	00936	PATTMAN, JEFFREY	REIMB-SPLIT AIR CONDITIONER	Open	1,436.00	0.00
19-01650	10/29/19	03260	SHORT LOAD REDI-MIX CONCRETE	3500 PSI REDI-MIX CONCRETE-DPW	Open	370.00	0.00
19-01651	10/30/19	00144	BORO OF H-H-K PAYROLL ACCT	CURRENT SOCIAL SECURITY - OCT	Open	12,283.71	0.00
19-01652	10/30/19	00144	BORO OF H-H-K PAYROLL ACCT	WATER DPT SOCIAL SECURITY-OCT	Open	1,189.43	0.00
19-01653	10/30/19	00144	BORO OF H-H-K PAYROLL ACCT	SOL WASTE SOCIAL SECURITY-OCT	Open	827.92	0.00
19-01654	10/30/19	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MNTH 10/31	Open	168,839.40	0.00
19-01655	10/30/19	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 10/31	Open	7,960.58	0.00
19-01656	10/30/19	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MNTH 10/31	Open	4,887.75	0.00
19-01657	10/30/19	00886	SCHWANENEDE/HALS ENGINEERING	ENG, PLAN REVIEW - 702/12	Open	400.00	0.00
19-01658	10/30/19	02711	OPTIMUM *	OPTIMUM SVC BORO HL 11/1-11/30	Open	29.95	0.00
19-01659	11/01/19	01457	A-VAN ELECTRICAL SUPPLY INC	ELECTRIC SUPPLIES - DPW	Open	44.50	0.00
19-01660	11/01/19	03048	QUALITY FORD	REPAIR COOLONG SYST.LEAK-DPW	Open	1,889.72	0.00
19-01661	11/01/19	00728	KEY TECH	CORE SAMPLING-LLOYD RD RESURFA	Open	1,400.00	0.00
19-01662	11/01/19	01571	BOROUGH OF MIDLAND PARK	QTR 4-CONSTRUCTION INTERLOCAL	Open	31,680.78	0.00
19-01663	11/01/19	00106	M G L PRINTING SOLUTIONS	TRAIN STATION PARKING PERMITS	Open	327.00	0.00

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19-01664	11/01/19	03208	MONMOUTH TELECOM	TELECOM SERVICE NOV 1	Open	832.20	0.00
19-01665	11/01/19	02892	TRUGREEN	LAWN SVC - NORTH FIELD - 10/25	Open	495.00	0.00
19-01667	11/05/19	00329	RG GROUP	PARKER STREET ELBOW - WATER DP	Open	13.10	0.00
19-01668	11/05/19	01051	V. E. RALPH & SON	TRIAGE TAGS - AMBULANCE	Open	39.96	0.00
19-01669	11/05/19	02100	MOSCA, M	2019 CLOTH. ALLOW. 2nd PAYMENT	Open	575.00	0.00
19-01670	11/05/19	80121	KIRSCH, JESSICA	2019 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
19-01671	11/05/19	02342	MCBAIN, GREG	2019 CLOTH. ALLOW. 2ND PAYMENT	Open	575.00	0.00
19-01672	11/06/19	00886	SCHWANNEWEDE/HALS ENGINEERING	ENG. REVIEW-REVISED PLAN 405/6	Open	95.00	0.00
19-01673	11/06/19	02478	QUENCH USA	11/1-1/31 WATER COOLER MAINT.	Open	89.10	0.00
19-01674	11/06/19	00886	SCHWANNEWEDE/HALS ENGINEERING	RESURFACING LLOYD-CHGE ORDER	Open	370.00	0.00
19-01675	11/06/19	00886	SCHWANNEWEDE/HALS ENGINEERING	2019 RD RESURFACNG-FINAL VOUCH	Open	260.00	0.00
19-01676	11/06/19	02297	THE SHARP SHOP	BACKPACK STRAP ASSEMBLY - DPW	Open	15.90	0.00
19-01677	11/06/19	02703	NORTHEAST WATER TECHNOLOGY	WATER LEAK SURVEY SVCS-4TH QTR	Open	6,300.00	0.00
19-01678	11/06/19	01938	INTERNATIONAL CODE COUNCIL	CODE BOOKS FOR CONSTRUCTION DP	Open	1,158.71	0.00
19-01679	11/06/19	03159	BOSWELL ENGINEERING. INC.	ENGINEERING SERVICES-WATER DPT	Open	404.00	0.00
19-01680	11/06/19	00041	BORO OF H-H-K CURRENT ACCT	TRSFER TRUST TO CAP-REPAVING	Open	7,918.14	0.00
19-01681	11/07/19	02443	SALSBURY INDUSTRIES	3 MAILBOX LOCKERS-POL EVID. RM	Open	747.68	0.00
19-01682	11/07/19	00105	P S E & G	OCT 2019 GAS/ELECT. - CURRENT	Open	6,278.66	0.00
19-01683	11/07/19	00105	P S E & G	OCT 2019 GAS/ELECT.-WATER DEPT	Open	6,484.09	0.00
19-01684	11/07/19	00166	BOLE, DAVID B., ESQ.	BORO ATTORNEY SVCS - OCT	Open	2,514.00	0.00
19-01685	11/07/19	00166	BOLE, DAVID B., ESQ.	CLIFF ST ENCROACHMENT AGREEMEN	Open	523.00	0.00
19-01686	11/07/19	02671	SUBURBAN DISPOSAL INC.	SOLID WASTE/RECYCLING OCT 2019	Open	47,274.27	0.00
19-01687	11/07/19	03204	MONTAGUE TOOL & SUPPLY	2 BACKPACK BLOWERS - DPW	Open	960.62	0.00
19-01688	11/07/19	00737	KUIKEN BROS. CO. INC.	6 PCS. PRESS. TREATED WOOD-DPW	Open	138.24	0.00
19-01689	11/07/19	00208	W E TIMMERMAN	MOTOR FOR SWEEPER BROOMS-DPW	Open	729.60	0.00
19-01690	11/08/19	00952	USA BLUEBOOK	2 HYDRANT EXTENSION KITS-DPW	Open	369.03	0.00
19-01691	11/08/19	03249	SWINGSET & TOY WAREHOUSE	24' X36' 3 DOOR GARAGE-WATER DP	Open	32,997.97	0.00
19-01692	11/08/19	02624	SHERWIN-WILLIAMS CO.	PAINT FOR HYDRANTS - DPW	Open	351.06	0.00
19-01693	11/08/19	03158	WM RECYCLE AMERICA	RECYCLING PICKUPS SEPT - DPW	Open	613.60	0.00
19-01694	11/08/19	01432	HENRY'S PLUMBING	PLUMBING SUPPLIES - DPW	Open	35.89	0.00
19-01695	11/08/19	01651	RAIMONDI, CHRIS	HOTEL RM-SHADE TREE CONVENTION	Open	225.88	0.00
19-01696	11/08/19	80026	MITCHELL, KIM	SHADE TREE CONVENTION EXPENSES	Open	280.81	0.00
19-01698	11/08/19	00001	HOME HARDWARE	OCT PURCHASES -WATER DEPT	Open	149.08	0.00
19-01699	11/08/19	00001	HOME HARDWARE	OCT PURCHASE-SEWER SYSTEM	Open	53.74	0.00
19-01701	11/13/19	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES - POLICE DPT	Open	256.43	0.00
19-01703	11/13/19	00821	AT&T	OCT 2019 FAX/LONG DISTANCE	Open	129.68	0.00
19-01704	11/13/19	01051	V. E. RALPH & SON	3 PACKS TRIAGE TAGS-AMBULANCE	Open	119.88	0.00
19-01705	11/13/19	00213	AMERICAN TRADE MARK	EQUIPMENT MARKERS 3" DPW	Open	95.90	0.00
19-01706	11/13/19	01424	CHRIS JOY ELECTRIC, INC.	REPAIR WIRE O/S WALL SCONCES	Open	325.00	0.00
19-01707	11/14/19	03192	PIAZZA & ASSOCIATES, INC.	COAH COMPLIANCE SVCS SEPT-OCT	Open	200.00	0.00
19-01708	11/14/19	02297	THE SHARP SHOP	HANDLE ASSEMBLY-LAWN EQUIPMENT	Open	41.99	0.00
19-01709	11/14/19	02617	POSTMASTER - USPS	\$1.00 STAMPS CERT. MAIL-COURT	Open	50.00	0.00
19-01710	11/14/19	01457	A-VAN ELECTRICAL SUPPLY INC	ELECTRICAL SUPPLIES - DPW	Open	222.35	0.00
19-01711	11/14/19	00737	KUIKEN BROS. CO. INC.	PRESSURE TREATED WOOD-WATER DP	Open	26.59	0.00
19-01713	11/14/19	00024	POSTMASTER - US POSTAL SERVICE	BULK MAIL POSTAGE DEPOSIT	Open	2,500.00	0.00
19-01714	11/14/19	01694	FRA TECHNOLOGIES INC	RENEW ANIMAL LICENSE SOFTWARE	Open	650.00	0.00
19-01715	11/14/19	00526	MK ENTERPRISES INC	REPLACE SEWER STATION LIDS-DPW	Open	6,516.28	0.00
19-01716	11/14/19	00555	P S E & G *	ELECT. SVC-EASTGATE THRU 11/6	Open	57.55	0.00
19-01717	11/14/19	01580	MCMASTER-CARR	SHOE & BOOT BRUSH - WATER DEPT	Open	81.14	0.00
19-01718	11/14/19	03173	KOLLER, STEPHEN	REIMB. DPW WORK BOOTS	Open	124.38	0.00
19-01719	11/14/19	00936	PATTMAN, JEFFREY	REIMB. DPW WORK BOOTS	Open	300.00	0.00
19-01720	11/14/19	80244	VANDEWEERT, RICH	REIMB. DPW WORK BOOTS	Open	299.99	0.00

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19-01721	11/14/19	00022	STONE INDUSTRIES	TOP ASPHALT - WATER DEPT	Open	65.90	0.00
19-01722	11/14/19	02435	RTO SUPPLY, INC.	WATER SOFTWARE MAINT AGREEMENT	Open	2,550.00	0.00
19-01723	11/14/19	00886	SCHWANWEDE/HALS ENGINEERING	3RD & 4TH QTR RETAINER	Open	500.00	0.00
19-01724	11/14/19	00886	SCHWANWEDE/HALS ENGINEERING	PLAN REV. DRIVEWAY- CLIFF ST.	Open	450.00	0.00
19-01725	11/14/19	00041	BORO OF H-H-K CURRENT ACCT	CHARGE CLIFF ST ESCROW FOR ENG	Open	245.00	0.00
19-01726	11/14/19	03004	WYCKOFF WASH	CAR WASH - POL CAR 10/15	Open	5.50	0.00
19-01727	11/14/19	00012	PROSTOCK MIDLAND	CRYSTAL VISION BULB-POL VEH	Open	56.79	0.00
19-01728	11/15/19	02484	RACHLES/MICHELE'S OIL CO.	1800 GALS DIESEL DEL 9/24/19	Open	3,672.36	0.00
19-01729	11/15/19	01647	WSP USA	NJDEP REVIEW BIENNIAL CERT.	Open	525.00	0.00
19-01730	11/15/19	01647	WSP USA	COMPLIANCE DATA PFAS-WATER DP	Open	1,980.00	0.00
19-01732	11/15/19	02474	KONICA MINOLTA	BORO H COPIER MAINT 1/12-2/11	Open	286.09	0.00
19-01733	11/15/19	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES -BORO HALL	Open	705.65	0.00
19-01734	11/15/19	02690	VERIZON WIRELESS*	WIRELESS CHARGES 10/4-11/3	Open	783.13	0.00
19-01735	11/15/19	00144	BORO OF H-H-K PAYROLL ACCT	MEDICAL/PRESCRIPT/DENTAL-NOV	Open	77,177.43	0.00
19-01736	11/15/19	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MNTH 11/15	Open	166,755.12	0.00
19-01737	11/15/19	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 11/15	Open	8,601.63	0.00
19-01738	11/15/19	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MNTH 11/15	Open	4,746.09	0.00
19-01739	11/15/19	02902	COVANTA	STREETSWEEPINGS- RECYCLING	Open	1,500.40	0.00
19-01741	11/18/19	01958	VERIZON WIRELESS	POLICE/FIRE CDMA 10/10-11/9	Open	278.59	0.00
19-01742	11/18/19	00038	VERIZON	WATER DEPT PHONES - OCT/NOV	Open	476.34	0.00
19-01743	11/18/19	00038	VERIZON	OCT/NOV FAX/PHONE - DEPTS.	Open	1,057.58	0.00
19-01744	11/18/19	01831	COMPUTER SERVICE CENTER	TECH SUPPORT SERVICES - OCT	Open	4,025.00	0.00
19-01745	11/18/19	02963	COMPUTER SERVICE CENTER *	SOFTWARE PURCHASE - MS OFFICE	Open	265.00	0.00
19-01746	11/18/19	99874	PRIESTNER, DAN	REIMB-WATER & SEWER LICENSES	Open	150.00	0.00
19-01747	11/18/19	00440	PITNEY BOWES, INC	POSTAGE METER 1 YEAR RENTAL	Open	300.00	0.00
19-01748	11/18/19	01198	DSP PRODUCTS, INC.	NUTS/WASHERS/SCREWS-DPW	Open	258.94	0.00
19-01749	11/18/19	00712	CLIFFSIDE BODY CORPORATION	2 LED WORK LAMPS - DPW	Open	67.80	0.00
19-01750	11/18/19	03204	MONTAGUE TOOL & SUPPLY	FILE & FILING GUIDES - DPW	Open	55.42	0.00
19-01751	11/18/19	02484	RACHLES/MICHELE'S OIL CO.	2035 GALS GAS DELIVERED 1084	Open	3,574.57	0.00
19-01752	11/18/19	02712	OPTIMUM **	OPTONLINE SVC DPW- 11/16-12/15	Open	119.80	0.00
19-01753	11/18/19	01565	MINUTEMAN PRESS	BUSINESS CARDS - D POLICASTRO	Open	50.60	0.00
19-01757	11/19/19	00160	CERTIFIED SPEEDOMETER	CALIBRATION 5 POLICE CARS	Open	456.00	0.00
19-01758	11/19/19	01457	A-VAN ELECTRICAL SUPPLY INC	ELECTRICAL SUPPLIES- WATER DPT	Open	266.20	0.00
19-01759	11/19/19	00351	WALDWICK PAINT	2 GALS PAINTG 0 DPW	Open	88.98	0.00
19-01760	11/19/19	01938	INTERNATIONAL CODE COUNCIL	INNT' L BLDING CODE COMMENTARY	Open	109.50	0.00
19-01761	11/21/19	01049	TREASURER, STATE OF NEW JERSEY	RENEW CFO CERTIFICATE -J CITRO	Open	50.00	0.00
19-01763	11/21/19	02846	GTBM	ETICKET BILLING - JUL-SEPT	Open	91.50	0.00
19-01764	11/21/19	00255	NORTH JERSEY MEDIA GROUP	LEGAL AD ZONING BOARD OCT	Open	34.08	0.00
19-01765	11/21/19	00255	NORTH JERSEY MEDIA GROUP	LEGAL ADS- ORDS. 2019-29 & 26	Open	133.85	0.00
19-01766	11/21/19	00255	NORTH JERSEY MEDIA GROUP	NOT OF DWECISION ZBA	Open	91.58	0.00
19-01767	11/22/19	03015	MALL CHEVROLET	2020 CHEVROLET TAHOE-POL VEHIC	Open	39,868.47	0.00
19-01768	11/22/19	03236	WATCHGUARD VIDEO	5 MIC CLIPS & BATTERY KIT-POL	Open	109.50	0.00
19-01769	11/22/19	01607	BURGIS ASSOCIATES, INC.	REVISED DOCS/ATTEND PB MTG	Open	1,012.50	0.00
19-01770	11/22/19	02899	OFFICE CONCEPTS GROUP	TONER CARTEIDGE - FINANCE	Open	149.99	0.00
19-01771	11/22/19	01424	CHRIS JOY ELECTRIC, INC.	WIRE RECYCLING SHED - DPW	Open	712.50	0.00
19-01772	11/22/19	03183	HERVE, JOAN	REIMB. EXPENSES - NJLM CONF.	Open	181.83	0.00
19-01773	11/22/19	80202	JONES, WILLIAM J.	REIMB. EXPENSES - NJLM CONF.	Open	177.83	0.00

Resolution #19-104 – Introduced and read by Council President Troast  
A Resolution - Inter-local Court – Allendale

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NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey, that it hereby authorizes the Mayor and Council and the Municipal Clerk to sign the Inter-local Court Agreement of 65%/35%.

BE IT FURTHER RESOLVED that the Borough of Ho-Ho-Kus contributes 65% of all cost and the Borough of Allendale contributes 35% of all cost.

**Resolution #19-105 – Introduced and read by Council President Troast**

A Resolution - Clerk Certification Best Practice Survey

WHEREAS, a 2019/2020 Best Practices Inventory survey was sent to the Borough of Ho-Ho-Kus by the State of NJ and was required to be completed and returned to the State, certified by the CFO, no later than October 30, 2019; and WHEREAS, it was required by the State that the Municipal Clerk, following the consideration of the completed survey by the Governing Body of the Borough of Ho-Ho-Kus at a public meeting, complete the “Best Practices Certification Form” and return it to the State;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that: 1) the survey was completed correctly, certified by the Chief Financial Officer, and returned to the State before the deadline of October 30, 2019 and 2) the survey was discussed at the public meeting of the Mayor and Council on November 26, 2019 and 3) the Municipal Clerk of the Borough of Ho-Ho-Kus hereby certifies each of the above noted points and submits the “Best Practices Certification Form” to the State as required.

**Resolution #19-106 – Introduced and read by Council President Troast**

A Resolution - Arbor Day

WHEREAS, Arbor Day is a nationally celebrated observance that encourages tree planting and tree care; and WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, the idea for this holiday grew in enthusiasm and popular appeal to such an extent that an estimated one million trees were planted on the first Arbor Day; and

WHEREAS, the year 2019 is the 147<sup>th</sup> Anniversary of the holiday and Arbor Day is now celebrated throughout the nation and the world; and

WHEREAS, trees can reduce erosion of topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource for giving us paper, wood for our building industry, fuel and beauty in our communities; and

WHEREAS, the Borough of Ho-Ho-Kus is proud to be designated as a Tree City USA and trees wherever they are planted are a source of joy.

NOW, THEREFORE, I, *Thomas W. Randall*, Mayor of the Borough of Ho-Ho-Kus proclaim December 09, 2019 as the 147<sup>th</sup> anniversary celebration of ARBOR DAY in the Borough of Ho-Ho-Kus.

**Resolution #19-107 – Introduced and read by Council President Troast**

A Resolution – Drive Sober or Get Pulled Over

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS, impaired driving crashes cost the United States almost \$45 Billion a year; and

WHEREAS, 29% of motor vehicle fatalities in New Jersey in 2014 were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the holiday season in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2018 Statewide Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from December 8, 2019 through January

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1, 2020; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE, BE IS RESOLVED that the Borough of Ho-Ho-Kus declares its support for the *Drive Sober or Get Pulled Over 2019 Statewide Crackdown* from December 8, 2019 through January 1, 2020 and pledges to increase awareness of the dangers of drinking and driving.

**Resolution #19-108 – Introduced and read by Council President Troast**

A Resolution – CDBG Agreement – Handicap Accessible Restrooms at Borough Hall

BE IT RESOLVED, that the Mayor and Council of the Borough Ho-Ho-Kus wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$70,000 in 2020 Community Development Block Grant Funds for 2<sup>nd</sup> Floor ADA Restroom at Ho-Ho-Kus Municipal Building located at 333 Warren Avenue, Ho-Ho-Kus, NJ 07423.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes the Mayor, Administrator, Borough Clerk to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes the Mayor, Administrator, Borough Clerk to sign all County Vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Ho-Ho-Kus is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

**Resolution #19-109 – Introduced and read by Council President Troast**

A Resolution – Appointment of Firefighters – Margaret Higgins & Sydney Ellis

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

WHEREAS, Margaret Higgins and Sydney Ellis 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 Margaret Higgins and Sydney Ellis are recommended to the New Jersey State Fireman's Association for membership.

**Resolution #19-110 – Introduced and read by Council President Troast**

A Resolution – Establishing Goals for Contracting with Veterans owned Business Enterprises, Hiring Veterans in the Municipal Workforce and Recognizing the Military Service of Residents in the Civic Affairs of the Borough of Ho-Ho-Kus

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq. (the “LPCL”) permits counties and municipalities to establish by resolution qualified veteran-owned business enterprise (VOB) and service-connected disabled veterans owned business enterprise (SDVOB) contracting programs; known as veterans business entities (VBE) and

WHEREAS, the LPCL further authorizes municipalities to establish goals for the municipality in setting aside a certain percentage of the dollar value of total procurements to be awarded as contract o VBEs; and

WHEREAS, the LPCL provides that municipalities that have set goals for contracts awarded to VOB’s shall make a good faith effort to attain any goal by tracking the award of contracts to VBEs; and

WHEREAS, the Mayor and Council of the Borough of Ho-Ho-Kus recognizes the importance of publicly recognizing veterans for their service in the normal course of carrying out local government functions; and

WHEREAS, the Mayor and Council of the Borough of Ho-Ho-Kus has determined that, subject to the compliance with the LPCL and other state regulations concerning procurement and New Jersey Civil Service rules concerning hiring that it is in the best interest of the Borough to encourage the participation of veterans in the business of local government, the workforce and in the civic affairs of the community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus, that the following goals are hereby established:

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- 1) Proactively notify veteran-owned businesses registered with the State of New Jersey ([https://www20.state.nj.us/TYTR\\_SAVI/vendorSearch.jsp](https://www20.state.nj.us/TYTR_SAVI/vendorSearch.jsp)) of each public bid opportunity;
- 2) In the procurement of goods and services and construction, in accordance with N.J.S.A. 40Z:11-42(d), the Borough shall make a good faith effort to award 6% of the total contract dollars to Veteran Business Enterprises. In achieving this goal, the Borough shall consider the portion of any public contract awarded that may be performed by a VOB or SDVOB subcontractor;
- 3) In the Procurement of goods and services and construction, in accordance with N.J.S.A. 40A:11-42(d), for contracts awarded to non-veteran prime vendors, where there are not three qualified veteran bidders, we shall request that 6% of the contract be awarded to qualified veteran subcontractors who are certified in the state of New Jersey in the New Jersey Selective Assistance Vendor Information (NJ SAVI) database;
- 4) In the hiring of employees, the Borough, subject to all applicable New Jersey Civil Service regulations shall make a good faith effort to achieve the goal of a minimum 5% veteran workforce;
- 5) A discount for veterans on local license and permit fees;
- 6) Preferred parking for veterans in municipally owned lots;
- 7) Promote State fee exemption for local metered parking;
- 8) A municipal commuter lot permit fee waiver / reimbursement for purple heart recipients;
- 9) Hold at least one "Patriot Day" public celebration honoring the service of veterans on Memorial Day, Veterans Day and/or the anniversary of 9-11;
- 10) Public recognition of the service of a resident of the community who has served in the military on an annual basis

BE IT FURTHER RESOLVED that in order to achieve the goals established by this resolution the borough shall make best efforts, in accordance with N.J.S.A. 40A:11-43, to advertise to the VOB and SDVOB community the Borough's goals, to track the award of public contracts to VOBs and SDVOB subcontractors and assist those enterprises in the participation of procurement process.

**Resolution #19-111 – Introduced and read by Council President Troast**

A Resolution - Support Assembly Bill A-5726 to Increase the Wages of Poll Workers to be Paid by the State of New Jersey and by the County in which the Election is being held.

WHEREAS, the proper conduct of elections is a critical obligation of elected and appointed officials throughout the State of New Jersey with poll workers required to be working from 5:15 a.m. to after 8:00 p.m. on the days of primary, regular and special elections, working over 15 hours per day in most elections;

WHEREAS, State law provides that poll workers are to receive \$200 per day making it increasingly difficult to find poll workers willing to spend the long hours involved in this important role; and

WHEREAS, Assemblyman Kevin T. Rooney is the primary sponsor of Assembly Bill A-5726 which would increase the wage paid to poll workers from \$200 to \$300, with \$225 to be paid by the State of New Jersey and \$75 to be paid by the County in which the election is being held; and

WHEREAS, the Mayor and Council of the Borough of Ho-Ho-Kus wish to memorialize their support for this legislation which is necessary to help attract persons to serve as poll workers;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Ho-Ho-Kus, that it does support Assembly Bill A-5726 and urges enactment by both houses and signing into law by Governor Murphy; and BE IT FURTHER RESOLVED that a true copy of this resolution be forwarded to the Office of the Governor, Our State Legislators, our County Election Officials, John Hogan, Patricia DiCostanzo and Theresa M. O'Connor and the New Jersey League of Municipalities.

**Resolution #19-112 – Introduced and read by Council President Troast**

A Resolution - Support Senate Bill S-3846 & Assembly Bill A-5716 urging both houses that would require Public Schools to be closed on the days of Primary and Regular Elections.

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WHEREAS, the right to vote is among the most treasured rights in our society and therefore imposes upon government an obligation to ensure that the electorate is provided a safe, readily accessible, barrier free and appropriate environment for the exercise of this right; and

WHEREAS, public buildings, rather than private, are given preference as polling places, with voting historically taking place in public school buildings as they often represent the place that best meets the needs of the electorate and the public officials charged with overseeing the election process; and

WHEREAS, school security has increasingly become a societal concern, creating a tension between the right of the public to unfettered access to the polling place and the need to protect the students and staff in the school from unauthorized individuals in the school building; and

WHEREAS, Senator Kristin Corrado and Assembly persons Valerie Vainieri-Huttle and Christopher P. DePhillips have introduced bi-partisan legislation, through Senate Bill S-3846 and Assembly Bill A-5716, which would require that public schools be closed on the days of primary and regular elections; and

WHEREAS, the Mayor and Council of the Borough of Ho-Ho-Kus wish to memorialize their support for this legislation which ensures the rights of the electorate and at the same time protects our youth;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Ho-Ho-Kus, that it does support Senate Bill S-3846 and Assembly Bill A-5716 and urges enactment by both houses and signing into law by Governor Murphy; and

BE IT FURTHER RESOLVED that a true copy of this resolution be forwarded to the Office of the Governor, our State Legislators, and the New Jersey League of Municipalities.

**Resolution #19-113 – Introduced and read by Council President Troast**

A Resolution – Calling for a Study Commission to Review OPRA’s

WHEREAS, the Borough of Ho-Ho-Kus strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor Di Francesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedure for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, Borough of Ho-Ho-Kus has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney’s fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, the nature of the OPRA request have often been exceedingly broad, have interrupted operations and have resulted in cost to the taxpayers that cannot be recouped by the fees lawfully charged including requests for every Planning Board resolution adopted from 2005 to the present, every text or email from any elected official using the work cannabis or marijuana, every settlement agreement of every kind entered into by the Borough for the past three years and every donation made by a property owners to the Borough recreation, police, fire and ems services’ and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20<sup>th</sup>) anniversary it has out grown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Ho-Ho-Kus appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate

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stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA: and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assemblywoman Lisa Swain, Assemblyman P. Christopher Tully, Senator Joseph A. Lagana, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

**Resolution #19-114 – Introduced and read by Council President Troast**

A Resolution – Grant Permission to the HHK Home & School Association to hold a Yard Sale on April 25<sup>th</sup>, 2020 in the School Parking Lot.

WHEREAS, the Borough of Ho Ho-Kus has received a request from Catherine Febbie Staniar from the Ho-Ho-Kus Home and School Association requesting permission to hold a Ho-Ho-Kus Wide Yard Sale Event in town, located in the Ho-Ho-Kus School Parking Lot on Saturday April 25<sup>th</sup>, 2020 from 9am – 12pm, with a Rain Date of Saturday May 2, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus, that permission is hereby granted to the Home and School Association to hold a Ho-Ho-Kus Wide Yard Sale Event on Saturday April 25<sup>th</sup>, 2020 with a rain date of Saturday May 2, 2020.

**Resolution #19-115 – Introduced and read by Council President Troast**

A Resolution – Water & Solid Waste & Tax Cancellation

WHEREAS, N.J.S.A 40A: 5-17.1 provides that a municipality may authorize the processing of tax refunds of less Ten (\$10.00) Dollars and the cancellation of Water, Solid Waste and Tax Delinquencies of less than Ten (\$10.00) Dollars. NOW, THEREFORE, BEIT RESOLVED, by the Governing Body of the Borough Of Ho-Ho-Kus that the Water & Solid Waste Registrar is hereby authorized to process, without any further action on the part of Governing Body, any property tax refund of less than (\$10.00) Dollars; and

BE IT FURTHER RESOLVED, that Water & Solid Waste Registrar is hereby authorized to process, without further action on part of the Governing Body, the cancellation of any property tax delinquency of less than (\$10.00) Dollars; and,

BE IT FURTHER RESOLVED that a certified Copy of this Resolution be provided by the Municipal Clerk to the Water & Solid Waste Registrar, the Tax Collector and the Chief Financial Officer.

**Resolution #19-116 – Introduced and read by Council President Troast**

A Resolution – Tax Appeal-Williams v. Borough of Ho-Ho-Kus

WHEREAS, Stephen C. Williams and Phyllis W. Williams are owners of real estate known as Lot 28 in Block 502 located at 401 Wearimus Road, Ho-Ho-Kus, New Jersey; and

WHEREAS, the owners have filed a tax appeal challenging the tax assessment for the years 2018 and 2019; and WHEREAS, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's Tax Assessor and has conducted exhaustive negotiations with counsel for the taxpayer; and

WHEREAS, the parties have been able to arrive upon a proposed settlement agreement as follows: a revised assessment of \$1,100,000.00 for 2018 and 2019; and

WHEREAS, the parties have agreed that pre-judgment interest shall be waived as a condition of the settlement; and WHEREAS, the Borough's Tax Assessor Edmund Brown is in agreement with the terms of the settlement and believes that it would be in the best interests of the Borough to settle this particular case in accordance with the terms set forth above;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Ho-Ho-Kus agrees to authorize the Municipal Attorney to execute a Stipulation of Settlement on behalf of the Borough of Ho-Ho-Kus with respect to the Williams v. Ho-Ho-Kus tax appeals pending in the Tax Court of New Jersey under Docket Nos. 005565-2018 and 000570-2019 at the new assessments set forth above; and

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BE IT FURTHER RESOLVED, that upon receipt of the Tax Court Judgment, the Tax Collector is hereby authorized to calculate the amount of the refund and cause same to be paid to the taxpayer, without statutory interest, within 60 days from the date of the Tax Court Judgment; and

BE IT FURTHER RESOLVED, that this settlement is contingent upon acceptance thereof by plaintiff; and

BE IT FURTHER RESOLVED, that upon adoption of the within Resolution, a certified copy shall be filed with the Tax Collector, the Tax Assessor, the Chief Financial Officer and the Municipal Attorney.

**Resolution #19-117 – Introduced and read by Council President Troast**

A Resolution – Award of Contract for the Treatment of Various Wells - Boswell Engineering

WHEREAS, The Borough of Ho-Ho-Kus has a need for specialized engineering services associated with the design of a treatment system for the four (4) points of entry in the water system; and

WHEREAS, the engineering services will also include the preparation of a New Jersey Water Bank Funding Loan Application and New Jersey Department of Environmental Protection (NJDEP) permit application for the installation of granulated activated carbon units at the four (4) points of entry to treat for Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS); and

WHEREAS, Boswell Engineering is duly qualified and has agreed to represent the Borough in connection with the above services; and

WHEREAS, the foregoing contract is a non-fair and open Contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Boswell Engineering Inc. has filed the appropriate pay to play paperwork which is on file with the Office of the Borough Clerk; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this award according to N.J.A.C. 5:30-5.4;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Ho-Ho-Kus that a Contract for the above-referenced project is hereby awarded to Boswell Engineering Inc., 330 Phillips Avenue, P.O. Box 3152, South Hackensack, New Jersey 07606 in the amount of \$60,000.00 in accordance with the contract proposal attached hereto;

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are authorized to sign a contract with Boswell Engineering following legal review; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be published as required by law within ten days of its passage; and

BE IT FURTHER RESOLVED that a true copy of this Resolution be forwarded to Boswell Engineering Inc. and the Chief Financial Officer.

**Resolution #19-118 – Introduced and read by Council President Troast**

A Resolution – Award of Contract for Solid Waste Collection and Disposal Services – Suburban Disposal

WHEREAS, sealed bids were received on November 12, 2019 for the Contract known as Solid Waste Collection and Disposal Services, Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey; and

WHEREAS, one (1) bid was received; and

WHEREAS, the bid documents have been reviewed and it is determined that Suburban Disposal, Inc. is the lowest responsible, responsive bidder for the items selected; and

WHEREAS, the Chief Financial Officer has attached hereto a Certification that adequate funds are or will be budgeted in the temporary and permanent budgets of the Borough for the years in question to pay for the Contract;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that it does hereby award the subject Contract to Suburban Disposal, Inc. of 54 Montesso Road, Fairfield New Jersey, for solid waste collection and disposal services for a five (5) year term commencing January 1, 2020 until December 31, 2024;

BE IT FURTHER RESOLVED that said Contract shall be for Alternate Bid Proposal I (Collection of Solid Waste – Rear Yard/Home-Side Collection (\$3,276,000.00) and Item IV (Collection of Recyclables – Rear Yard/Home-Side Collection (\$928,000.00) for a total price of \$4,204,000.00 over the five (5) year term, which price is, however, subject

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to the following:

The Contractor will invoice the Borough monthly for disposal costs using the actual tonnage disposed of multiplied by the tonnage fee of \$86.50. The Borough will pay the contractors actual monthly disposal costs rather than the estimate set forth in the bid specifications. Accordingly, the actual disposal cost shall control and the Contract price may be adjusted accordingly in accordance with the specifications.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are authorized to execute a Contract with the successful bidder following legal review.

**Resolution #19-119 – Introduced and read by Council President Troast**

A Resolution – Payment plan and waive utility late fee - Lauren Hollender

WHEREAS, the Borough of Ho-Ho-Kus received a request from Ms. Lauren Hollender located at 15 Hollis Drive, Ho-Ho-Kus, NJ 07423 request for a payment plan and a late fee be waived for a delinquent utility payment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus hereby authorizes the Water & Solid Waste Registrar to provide a 10 month payment plan for a \$4,969.15 third (3<sup>Rd</sup>) quarter water bill and removal of a late fee of \$496.92 upon completion of payments for Ms. Lauren Hollender located at 15 Hollis Drive, Ho-Ho-Kus, NJ 07423.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to the Water & Solid Waste Registrar and the owner of said property.

**Resolution #19-120 – Introduced and read by Council President Troast**

A Resolution – Partial Forgiveness 3<sup>rd</sup> Qtr. Water bill – 617 Hollywood North Field

WHEREAS, 617 Hollywood North Field requesting partial forgiveness of 3<sup>rd</sup> Qtr. water bill due to a leak during said period and;

WHEREAS, the Borough of Ho-Ho-Kus will forgive \$8,178.00 of the \$14,204.33 for the 3<sup>rd</sup> Qtr. Water bill and as per said agreement Board of Education will pay \$6026.33, the same amount as billed for the same period in 2018;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus hereby authorizes the Water & Solid Waste Registrar to process the cancellation of \$8178.00 for 617 Hollywood North Field, Ho-Ho-Kus, NJ 07423.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to the Water & Solid Waste Registrar and the owner of said property.

**Resolution #19-121 – Introduced and read by Council President Troast**

A Resolution – Approving Right-Of-Way Use to Cross River Fiber

WHEREAS, Cross River Fiber LLC ("Cross River Fiber"), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the Borough of Ho-Ho-Kus for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Borough of Ho-Ho-Kus for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may

impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is in the best interests of the Borough of Ho-Ho-Kus and its citizens to grant consent to Cross River Fiber; and

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WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Ho-Ho-Kus, that the Borough of Ho-Ho-Kus is hereby authorized to grant Cross River Fiber a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system; and BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution following legal review.

A motion was offered by Council President Troast and seconded by Councilman Crossley to approve Resolutions 19-103 through 19-122. Motion carried on a roll call vote – All present voting “Aye”.

### **LIAISON REPORTS**

**Recreation** – Councilman Iannelli report that the recreation had a meeting last week; all sports teams are fully funded. Football season has ended and we are now moving into wrestling and basketball season. They are contemplating combing with Upper Saddle River and Allendale Bulldogs for football as we have done with baseball for next season. More information to following. Northern Highlands has won the State Sectionals Football title, the first time in 41 years. They will be playing for the State Title at the MetLife Stadium on Saturday, November 30<sup>th</sup>, 2019 at 4:30pm.

**Library** – Report was discussed in close session.

**Board of Education** – Councilman Policastro reported Conway Wong from Minute Press donated ½ the production cost of our lawns signs for our Stigma Free Initiative Program.

**Ambulance Corp.** – Councilman Crossley stated he will have a report for next month.

**Fire Department** – Councilman Rorty reported that there was a fire a Café Amici and thank everyone who responded.

**Chamber of Commerce** - Councilman Shell reported there will be a holding a Holiday Window Display contest.

### **MAYOR'S REMARKS**

Mayor reported he and the Council attended the New Jersey League of Municipal Conference this year where they all received JIF credits. He wished everyone a Happy and Safe Thanksgiving.

### **ADJOURNMENT**

On a motion by Councilman Crossley, seconded by Councilman Rorty, the meeting was adjourned at 8:35 p.m. Motion Carried by voice vote – all present voting “Aye”.

Respectfully submitted,

Joan Herve RMC/CMR  
Borough Clerk