

**BOROUGH OF HO-HO-KUS
PUBLIC MEETING
OF THE MAYOR AND COUNCIL
FEBRUARY 27, 2018- 7:30 P.M
MINUTES**

Mayor Randall called the public meeting to order at 7:30 PM. The open meeting statement was read. The public meeting of the Mayor and Council of the Borough of Ho-Ho-Kus is now in session. In accord with the provisions of Section 5 of the "Open Public Meetings Act", I wish to advise that notice of this meeting has been posted in the front lobby entrance to the Council Chambers of the Borough Hall and that a copy of the schedule of this meeting has also been filed with the Borough Clerk, and further that the required 48 hour notices have been sent to The Record and the Ridgewood News - newspapers with general circulation throughout the Borough of Ho-Ho-Kus
Roll Call: Members present: Mayor Randall, Councilmembers Rorty, Shell, and Crossley Also present were borough administrator William Jones and attorney David Bole.

PRESENTATION

Todd Sawyer- Chamber of Commerce

APPROVAL OF MINUTES

January 23, 2018 Public Session
All Present
Motion: Crossley
Second: Rorty

COMMITTEE REPORTS- January 2018

On File

PUBLIC DISCUSSION

David Warshaw 32 Duncan Road came before the Council to discuss the Concealed Carry Reciprocity Legislation.

Mr. Warshaw discussed the shooting in Parkland School Florida calling it the Modern Day St. Valentine's day Massacre. He asked the governing body to take a stand along with more than a dozen area municipal governments in opposition to the Concealed Carry Reciprocity.

The intent of Concealed Carry Reciprocity legislation, simply stated, is to pass a Federal law that would allow a person with a permit to carry a concealed weapon issued by their home state to legally carry that concealed weapon in every other state - even in states where laws are much tougher and the person would never be issued such a permit.

The outcome if this legislation, were it to pass, would be to codify the lowest level of restriction on concealed carry as "the law of the land," allowing those from states with modest, lax - or even non-existent - carry permitting to bring their loaded guns into New Jersey without penalty and without notice to law enforcement or the community. The legislation would also override state laws on bringing loaded concealed guns

into bars and other places where alcohol is served, as well as daycares and other places where children play—and it would roll back federal law protecting K-12 schools by abrogating "gun free school zone" legislation. It would allow concealed carry on Federal land, such as Great Falls National Park in Paterson. The bill would over-ride NJ laws on the capacity of magazines allowed for sale and use. And more Law enforcement overwhelmingly opposes this legislation. It's been denounced by the Fraternal Order of Police, the International Association of Chiefs of Police, the Police Foundation, and the Major Cities Chiefs Association, which includes the Chiefs of Police and Sheriffs of the sixty-six largest law enforcement organizations in the country.

Our State has one of the toughest concealed carry laws in the country, which our legislature has deemed appropriate in a densely populated state like ours. It is this strong discretionary statute that allows the highest level of scrutiny and is meant to keep us all safe from gun violence.

The US House of Representatives passed their version of Concealed Carry Reciprocity in December. A companion bill is before the US Senate with the potential for action this spring.

This is why we believe action is necessary now, and for these reasons we are asking you to approve a resolution stating that the Borough of Ho-Ho-Kus stands in opposition to Federal Concealed Carry legislation.

This resolution does not call for new laws that would take away the second amendment rights of gun owners. It simply affirms the right of the State of NJ to enforce its *existing* laws on those who travel here from out of state. That's a little concept called "State's Rights."

By passing this resolution, Ho-Ho-Kus will join a growing list of other towns - some with Republican-led governments, some with Democratic majorities, and some nonpartisan - that have taken this action. These include: Cresskill, Englewood, Fair Lawn, Fort Lee, Glen Rock, Leonia, Old Tappan, Oradell, Teaneck, Tenafly, Washington Township, Westwood, and Woodcliff Lake. More are in process.

I have brought with me a model resolution based on the one passed in Woodcliff Lakes last summer - by a 5-1 margin, I might add, in a quite conservative, Republican led mayor/council government. This was long before the current tragedy. This is not a knee-jerk response to events of two weeks ago, but a truly felt bipartisan effort to keep New Jersey safe.

I understand our proposal has been referred to the Town Attorney and that members of the Council have received a copy as well. We are asking this body to vote in favor of this resolution. We believe it will be well-received in our town. We look forward to answering your questions and providing further information you may need in your deliberation. If you find you cannot vote on this at this meeting, we will be back in March to witness your decision.

ADMINISTRATORS REPORT

Mr. Jones discussed the Internet Website Company Burbio that works with all municipalities to organize calendars and other information that can be added to the website at no cost to any municipality. Any and all information from all organization will be added to the Website. Jose Martinez Custodian, Marie Merolla Assessor and Lenny Garver Librarian applied for retirements. There is a minor language change with Ordinance 2018-01 Vehicles and Traffic. Reports are being sent to the State given our six month review. Ordinances 2018-02, 03 and 04 are part of what was introduced in the past but had to be reintroduced based on language changes that were recommended by Court Master Betsy McKenzie. Had several conference calls to Bergen United Way along with Dave Bole, Marybeth Lonergan in regards to discuss the project at the Train Station. We had a memorandum of Understanding that we would be entering into an agreement with them to produce the 13 units required as a result of the Court decision. The memorializing resolution of the Planning Board for the 12 lot subdivision known as the Hollows was approved at the last Planning Board. We are in the 45 day waiting period for any appeals to come forth. Once that window is closed that triggers a series of events where plans could be coming forward where several other things could happen. We are well into our budget process, hoping to introduce budget at the March meeting and adopting in April.

Councilmember Shell asked about the status of Brandywine project. Mr. Jones commented that it is slated to start on March 1, 2018 but will be delayed due to underground piping in connection to culvert have finally been ordered and approved. Councilmember Shell asked if there was any progress with the Rail road crossing. Mr. Jones stated that the police are up there daily and have written a few summonses.

CORRESPONDENCE

2018 Environmental Joint Insurance Fund (EJIF) audit
Borough of Bergenfield-Support A1627
Borough of Midland Park- Opposition to New Beekeeping Regulations
Planning Board Attorney Gary Cucchiara-Hollywood Avenue Overpass
Board of Chosen Freeholders:
Resolution # 117-18 Recognizing February as American Heart Association
Resolution # 118-18 Recognizing February as Black History Month
Northern Highlands Safe and Sober Project Graduation Inc
State of New Jersey DOT- Municipal Aid Program
Ho-Ho-Kus Garden Club-Use of Town Green for Annual Plant sale

INTRODUCTION OF ORDINANCES

Ordinance # 2018-01 "Vehicles and Traffic"

WHEREAS Ordinance 2018-01 "An Ordinance to Amend, and Supplement Chapter 79 of the Code of the Borough of Ho-Ho-Kus Vehicles and Traffic" was adopted on January 23, 2018;

WHEREAS, it is necessary to amend said Ordinance;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus that Chapter 79 Vehicles and Traffic of the Code of the Borough of Ho-Ho-Kus is hereby amended as follows:

Chapter 79, Section 79-3, Schedule IV- Use of Certain vehicles Restricted

No motor vehicle or combination of vehicles, including loads or contents of any part or portion thereof, shall exceed 22 feet in length or 10,000 pounds (lbs) in gross vehicle weight on the following streets:

<u>Name of Street</u>	<u>Between</u>
Glenwood Road	From the Village of Ridgewood Boundary to the intersection of Brookside Avenue/First Street/Warren Avenue intersection

Except as herein amended and supplemented, Chapter 79 of the Code of the Borough of Ho-Ho-Kus remains in full force and effect.

Severability

If any portion of this Ordinance is adjudged unconstitutional or invalid by the 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.

Repealer

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

Effective Date

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

Motion: Councilmember Crossley

Second: Councilmember Shell

Absent: Councilmembers Troast, Iannelli and Fiato

Ordinance # 2018-02 “Development Fee”

BE IT ORDAINED that the Council of the Borough of Ho-Ho-Kus hereby amends Chapter 17, entitled “Development Fees”, of the Borough Code. The following sections of this Chapter shall read as follows:

Section I. §17-1, “Purpose”. §17-1.B shall be amended, §17-1.C shall be added, and new §17-1.D shall be amended:

- B. COAH was authorized by P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2), and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7) to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of COAH or a court of competent jurisdiction and have a COAH or court-approved spending plan may retain fees collected from nonresidential development.
- C. In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH’s duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 are under the Court’s jurisdiction and are subject to approval by the Court.
- D. This chapter establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38.¹ Fees collected pursuant to this chapter shall be used for the sole purpose of providing low- and moderate-income housing. This chapter shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:93-8.

Section II. §17-2, “Basic requirements”, Amended.

- A. This chapter became effective when COAH approved the Borough’s development fee ordinance, and remains effective pursuant to the Superior Court’s jurisdiction in accordance with N.J.A.C. 5:93-8.
- B. COAH approved the Borough’s initial Spending Plan on July 7, 1998. Subsequently, in an Order of December 18, 2017, the Superior Court conditionally approved the Borough’s Amended Third Round Spending Plan. Consequently, upon the entry of an Order granting an unconditional Final Judgment of Compliance and Repose to Ho-Ho-Kus, Ho-Ho-Kus may spend development fees in conformance with N.J.A.C. 5:93-8.

Section III. §17-3, “Definitions”, Amended. The definitions of the following terms as found in §17-3 shall read as follows:

COAH or THE COUNCIL — The New Jersey Council on Affordable Housing established under the Fair Housing Act

DEVELOPMENT FEE — Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.

¹ Editor’s Note: See N.J.S.A. 52:27D-329.2 and N.J.S.A. 40:55D-8.1 through 40:55D-8.7, respectively.

Section IV. §17-7, “Affordable housing trust fund”, Amended. §17.7.C and D shall read as follows:

- C. Within seven days from the opening of the trust fund account, Ho- Ho-Kus previously provided COAH with written authorization, in the form of a three-party escrow agreement between the municipality, Bank of America and COAH, to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:93-8. The Superior Court shall now have such jurisdiction to direct the disbursement of the Borough’s trust funds per N.J.A.C. 5:93-8.
- D. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Court.

Section V. §17-8, “Use of funds”. §17.8.A, D and E shall read as follows:

- A. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Borough's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8.16 and specified in the approved spending plan.
- D. Ho-Ho-Kus may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:93-8.16.
- E. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the monitoring requirements set forth in the Court-approved January 12, 2017 executed Settlement Agreement with Fair Share Housing Center. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

Section VI. §17-9, “Monitoring”. §17.9 shall read as follows:

On or about January 12 of each year through 2025, Ho-Ho-Kus shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs (“DCA”), COAH, or Local Government Services (“LGS”), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and Intervenors and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Ho-Ho-Kus' housing program, as well as to the expenditure of revenues and implementation of the plan approved by the Court.

Section VII. §17-10, “Ongoing collection of fees”. §17.10 shall read as follows:

The ability for Ho-Ho-Kus to impose, collect and expend development fees shall expire with its court-issued Judgment of Compliance and Repose unless Ho-Ho-Kus has filed an adopted Housing Element and Fair Share Plan with the court or other appropriate jurisdiction, has filed a Declaratory Judgment Action, and has received the court’s approval of its development fee ordinance. If Ho-Ho-Kus fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, it may be subject

to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). Ho-Ho-Kus shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance and Repose, nor shall Ho-Ho-Kus retroactively impose a development fee on such a development. Ho-Ho-Kus shall not expend development fees after the expiration of its or Judgment of Compliance and Repose.

Section VIII. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

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

Section X. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

Motion: Councilmember Rorty

Second: Councilmember Crossley

Absent: Councilmembers Troast, Iannelli and Fiato

Ordinance # 2018-03 "Affordable and Fair Share Housing"

WHEREAS, the Borough Council of the Borough of Ho-Ho-Kus, Bergen County, State of New Jersey ("Council") adopted an Ordinance on July 25, 2017 adding Chapter 85-13.1, entitled "Downtown Overlay Ordinance", to the Borough Code, as required by a Court approved Settlement Agreement between the Borough, Fair Share Housing Center, Chamberlain Developers, Inc. ("Chamberlain"), and Jonathan L. Mechanic (d.b.a. Ho-Ho-Kus Crossings) (Collectively, "Intervenors"); and

WHEREAS, on December 13, 2017, the Special Master to the Court In the Matter of the Application of the Borough of Ho-Ho-Kus submitted a letter to the Court recommending approval of the Borough's Adopted Housing Element and Fair Share Plan, subject to the Borough satisfying several conditions.

WHEREAS, the Superior Court held a Compliance Hearing on December 18, 2017 at which time the Court conditionally approved the Borough's Adopted Housing Element and Fair Share Plan, subject to the conditions recommended in the Master's December 13, 2017 letter; and

WHEREAS, pursuant to the Court order entered by the Honorable Christine Farrington, J.S.C. on December 18, 2017, the Borough received a Judgment of Repose through July 1, 2025 provided the Borough complies with the Master's conditions by April 17, 2018, at which time the Borough shall submit a certification to the Master that all conditions for a Final Judgment of Compliance and Repose have been met; and

WHEREAS, by email dated February 5, 2018, the Master requested as an additional condition of approval that the Borough amend the Downtown Overlay Ordinance to remove a section that permitted developers of inclusionary residential development to pay a special development fee to the Borough's Affordable Housing Trust Fund where the required affordable housing set-aside does not equal a whole integer, as an alternative to rounding upward and constructing one unit in excess of the set-aside requirement; and

WHEREAS, the Borough's and Planning Board's affordable housing planning consultants Mary Beth Lonergan, PP, AICP, and Daniel Hauben, PP, AICP, of Clarke Caton Hintz, PC, have amended the Downtown Overlay Ordinance so as to replace the development fee with a payment in-lieu in accordance with §2-3.C of the Borough Code.

THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey, that §85-13.1, entitled "Downtown Overlay", of the "Code of the Borough of Ho-Ho-Kus" ("Code") is hereby amended pursuant to the sections below.

Section I. Section 85-13.1.C, "Special Rules", of Article IV, "District Regulations" Of Chapter 85, "Zoning Ordinance of the Borough of Ho-Ho-Kus", Created. That Section 85-13.1.C is hereby amended to read as follows:

C. Special Rules: Inclusionary multi-family development is permitted in each OL Overlay zone, conditioned on

compliance with this ordinance and the following limitations:

- (4) In any multi-family inclusionary development permitted by this ordinance, at least 20% of the residential units must be affordable to low- and moderate-income households. In the event that 20% of the total number of residential units does not result in a full integer, the developer / property owner shall refer to §2-3.C with regard to addressing the fractional unit.

Section II. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

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

Section IV. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.
Motion: Councilmember Rorty
Second: Councilmember Shell
Absent: Councilmembers Troast, Iannelli and Fiato

Ordinance # 2018-04 “Inclusionary Overlay Zone”

WHEREAS, the Borough Council of the Borough of Ho-Ho-Kus, Bergen County, State of New Jersey (“Council”) adopted an Ordinance on July 25, 2017 adding Chapter 2, entitled “Affordable Housing”, to the Borough Code, as required by a Court approved Settlement Agreement between the Borough, Fair Share Housing Center, Chamberlain Developers, Inc. (“Chamberlain”), and Jonathan L. Mechanic (d.b.a. Ho-Ho-Kus Crossings) (Collectively, “Intervenors”); and

WHEREAS, on December 13, 2017, the Special Master to the Court In the Matter of the Application of the Borough of Ho-Ho-Kus submitted a letter to the Court recommending approval of the Borough’s Adopted Housing Element and Fair Share Plan, subject to the Borough satisfying several conditions including making certain amendments to the Affordable Housing Ordinance.

WHEREAS, the Superior Court held a Compliance Hearing on December 18, 2017 at which time the Court conditionally approved the Borough’s Adopted Housing Element and Fair Share Plan, subject to the conditions recommended in the Master’s December 13, 2017 letter; and

WHEREAS, pursuant to the Court order entered by the Honorable Christine Farrington, J.S.C. on December 18, 2017, the Borough received a Judgment of Repose through July 1, 2025 provided the Borough complies with the Master’s conditions by April 17, 2018, at which time the Borough shall submit a certification to the Master that all conditions for a Final Judgment of Compliance and Repose have been met; and

WHEREAS the Borough’s and Planning Board’s affordable housing planning consultants Mary Beth Lonergan, PP, AICP, and Daniel Hauben, PP, AICP, of Clarke Caton Hintz, PC, have amended the Affordable Housing Ordinance in accordance with the conditions of the Court Master’s December 13, 2017 letter to the Court.

THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey, that Chapter 2, entitled "Affordable Housing Ordinance", of the "Code of the Borough of Ho-Ho-Kus" ("Code") is hereby amended and shall read as follows.

Section I. § 2-1, entitled “Affordable Housing Obligation”, revised. §2-1.A and B shall read as follows:

- A. This section of the Borough Code sets forth regulations regarding the low and moderate income housing units in the Borough consistent with the provisions known as the “Substantive Rules of the New Jersey Council on Affordable Housing”, *N.J.A.C. 5:93 et seq.*, the Uniform Housing Affordability Controls (“UHAC”), *N.J.A.C. 5:80-26.1 et seq.*, except where modified by the terms of a Settlement Agreement between the Borough and Fair Share Housing Center (“FSHC”) such that the statutory requirement to provide very-low income units equal to 13% of affordable units approved and constructed after July 1, 2008, to be affordable to households at

30% of the regional median income, overrides the UHAC requirement that 10% of all low- and moderate-income units must be affordable at 35% of the regional median income, and the Borough's constitutional obligation to provide a fair share of affordable housing for low and moderate income households. In addition, this section applies requirements for very low income housing as established in P.L. 2008, c.46 (the "Roberts Bill", codified at *N.J.S.A. 52:27D-329.1*).

- B. This Ordinance is intended to assure that very-low, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low, low- and moderate-income households shall occupy these units. This Ordinance shall apply to all inclusionary developments and 100% affordable developments (including those funded with low-income housing tax credit financing) except where inconsistent with applicable law.

Additionally, the following is hereby added after §2-1.E:

- F. On or about January 12 of each year through the end of the period of Third Round Judgment of Repose, the Borough will provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to all parties to the Borough's Court-approved Settlement Agreements, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and Fair Share Housing Center ("FSHC").

- G. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in the Borough's agreement with FSHC. The Borough agrees to comply with those provisions as follows:

1. By July 1, 2020, the Borough must prepare a midpoint realistic opportunity review, as required pursuant to *N.J.S.A. 52:27D-313*, which the Borough will post on its municipal website, with a copy provided to FSHC and the Intervenors, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC and the Intervenors, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues. In the event the Court determines that a site or mechanism no longer presents a realistic opportunity and should be replaced or supplemented, then the municipality shall have the opportunity to supplement or revise its plan to correct any deficiency.
2. Within 30 days of January 12, 2020 and January 12, 2023 the Borough shall prepare a review of compliance with the very low income housing requirements required by *N.J.S.A. 52:27D-329.1* and its Settlement Agreement with Fair Share Housing Center. The Borough will post on its municipal website, with a copy provided to FSHC and the Intervenors, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein and in the Borough's Settlement Agreement with FSHC. Such posting shall invite any interested party to submit comments to the municipality and FSHC and the Intervenors on the issue of whether the municipality has complied with its very low income housing obligation.

Section II. §2-3, Entitled, "Borough-wide Mandatory Set-Aside". §2.3.C is hereby added, and shall read as follows:

- C. In the event that the inclusionary set-aside percentage (15% or 20%) of the total number of residential units does not result in a full integer, the developer may choose one of two options of addressing the fractional unit:

1. The developer shall round the set-aside upward to construct a whole additional affordable unit; or
2. If the set-aside includes a fractional unit equal to 0.49 or less, the developer may round the set-aside downward and construct the lesser whole number of affordable units, but must also make a payment in-lieu of constructing the fractional additional unit (“fractional payment in-lieu”).
 - a. The fractional payment in-lieu amount shall be calculated as the fractional unit multiplied by the base payment in-lieu dollar amount established in §2-4.C.1 of the Borough Code.
3. For Example: If seven (7) total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirements above:
 - a. The developer shall round up the 0.4 unit to one (1) whole affordable unit so as to construct a total of two (2) affordable housing units, in accordance with §2-3.C.1; or
 - b. In accordance with §2-3.C.2, the developer shall round the set-aside downward so as to construct only (1) affordable unit AND shall pay into the Borough’s affordable housing trust fund a fractional in-lieu payment equal to the dollar amount established in §2-4.C.1 multiplied by 0.4 units.

Section III. § 2-4 Entitled “New Construction”. §2-4.C is amended and §2-4.C.1 is hereby added.

- C. Payments-in-lieu and off-site construction. The standards for the collection of payments-in-lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with the requirements below:
 1. The base dollar amount of the payment in-lieu of constructing an affordable unit at the time of adoption of this Ordinance shall be \$180,2672. This amount shall be adjusted periodically by the Borough to reflect the most current and accurate market conditions or better cover the cost to the Borough to subsidize affordable housing construction. The payment shall be imposed as a condition of development approval by the Planning Board.
 - a. During the development approval process, a developer may demonstrate to the Governing Body that the actual construction cost of an affordable unit less estimated capitalized revenue at the development in question is lower than the imposed payment in-lieu in §2-4.C.1. At its discretion, the Governing Body may impose a lower payment in-lieu amount equal or proximate to the amount estimated by the developer.

Additionally, §2-4.G.9 and 10, shall read as follows:

9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price. Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:
 - a. Regional income limits shall be established for the Region 1 based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in Region 1. This quotient represents the regional weighted average of

median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

- b. The income limits calculated each year shall be the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the relevant fiscal year, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
 - c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year
10. The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

Section III. §2-12 “Occupancy Standards”. §2-12.A shall be amended to read as follows:

- A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 1. Provide an occupant for each bedroom;
 2. Provide separate bedrooms for parents and children;
 3. Provide children of different sexes with separate bedrooms; and
 4. Prevent more than two persons from occupying a single bedroom.

Section IV. § 2-14, Entitled “Control Periods for Restricted Ownership Units and Enforcement Mechanisms”. §2-14.A and B shall be amended to read as follows:

- A. Control periods for restricted ownership units shall be in accordance with *N.J.A.C. 5:80-26.5*, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability.
- B. Rehabilitated owner-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.

Section V. § 2-18, “Control Periods for Restricted Rental Units”. §2-18. A shall be amended to read as follows:

- A. Control periods for restricted rental units shall be in accordance with *N.J.A.C. 5:80-26.11*, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability.

Section VI. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

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

Section VIII. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

Motion: Councilmember Rorty
Second: Councilmember Shell
Absent: Councilmembers Troast, Iannelli and Fiato

FINAL PASSAGE OF ORDINANCES

None

RESOLUTIONS

None

CONSENT RESOLUTION

18-33 Ho-Ho-Kus Inn Lease

WHEREAS, there currently exists a written lease (the "Lease") between the Borough of Ho-Ho-Kus (the "Borough") and the Ho-Ho-Kus Inn & Tavern, LLC (the "Tenant") for the premises at 1 East Franklin Turnpike, Ho-Ho-Kus, New Jersey, Lot 1.01 in Block 1009 on the Borough Tax Map; and

WHEREAS, the Tenant has notified the Borough of its intent to exercise its third extension term commencing February 1, 2018 until January 31, 2023; and

WHEREAS, the Borough and Tenant have agreed upon a rental amount for the extension term;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body, that it does hereby authorize a Renewal Agreement with Tenant in the form currently on file in the office of the Borough Administrator; and

BE IT FURTHER RESOLVED, that commencing February 1, 2018, the fair rental value shall be set at \$91,145.23 per annum payable at the rate of \$7,595.43 per month; and

BE IT FURTHER RESOLVED, that commencing February 1, 2019 and each year thereafter during the third extended term, the rent will be adjusted annually by three percent (3%) or annual increase in the consumer price index, whichever is less; and

BE IT FURTHER RESOLVED, that all other terms and conditions of the Lease shall remain in full force and effect; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are authorized to execute a Renewal Agreement which shall be made part of the Lease.

18-34 Towing Renewals

WHEREAS, application has been made by certain towing companies for a license pursuant to Chapter 75 of the Borough Code: Towing Services; and

WHEREAS, the Police Department has reviewed such applications and has recommended two (2) towing companies for consideration of the Mayor and Council; and

WHEREAS, the Council has reviewed the tower list;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that it does hereby authorize the Borough Administrator to issue an official tower's license to Citywide Towing, 205 Chestnut Street, Ridgewood, N.J. 07450 and All Points Towing, 145A Hopper Avenue, Waldwick, NJ 07463 for a three (3) year term effective January 1, 2018 until December 31, 2020; and

BE IT FURTHER RESOLVED, that said licenses shall be subject to all requirements of Chapter 75 of the Code and the approved towers shall sign a hold harmless agreement and file a certificate of insurance coverage in accordance with Sections 75-8 and 75-9 of the Code, respectively; and

BE IT FURTHER RESOLVED, that notice of said licenses shall be provided to the approved towing companies within seven (7) days of the date of this Resolution; and

BE IT FURTHER RESOLVED, that the application of Rondale Towing, 41 Hewson Avenue, Waldwick, N.J. 07463 is hereby denied as said applicant has not met the standards of Chapter 75 as more specifically set forth in the letters of the Chief of Police, dated January 3 and February 8, 2018 which are incorporated herein by reference.

18-35 Forgiveness of Solid Waste Bills

Whereas, 755 ESRR, 115 Jacquelin Ave, 26 Prescott Road, 622 WSRR, 21 N. Saddle Brook Drive, 524 Eastgate Road, 109 Blauvelt Ave, 303 Ardmore Road, 920 WSRR, are lots under construction; and

Whereas, 40 Deerhill Drive is an empty Lot in Ho-Ho-Kus; and

Whereas, above resident structures will be credited for One (1) quarter and then to be reviewed for the balance; and

Whereas, 262 Wearimus Road is vacant and uninhabitable and will be credited for Three (3) quarters

Therefore, be it resolved, that the bills in question be cancelled

18-36 Award Bid-Concrete Construction Cor

WHEREAS, sealed bids were received on February 15, 2018 for the project known as Brandywine/V alley Forge Drainage Improvements Phase II; and

WHEREAS, 9 bids were received; and

WHEREAS, the bids have been reviewed and it is determined that Concrete Construction Corp. of Hackensack, New Jersey is the lowest responsible, responsive bidder; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that it does hereby award a Contract for the above-referenced project to Concrete Construction Corp. in the total amount of \$174,601.60 (\$167,041.60 base bid plus \$7,560.00 alternate (B));

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

BE IT FURTHER RESOLVED, that the next low bid of Matina & Sons, Inc. be held pending execution of the Contract with Concrete Construction Corp

18-37 Intent to Bond

WHEREAS, the Planning Board of the Borough of Ho-Ho-Kus, Bergen County, State of New Jersey (“Planning Board”) adopted a Third Round Housing Element and Fair Share Plan on July 20, 2017 pursuant to N.J.S.A. 40:55D- 28, and N.J.A.C. 5:93, and the Court approved Settlement Agreement between the Borough, Fair Share Housing Center, Chamberlain Developers, Inc. (“Chamberlain”), and Jonathan L. Mechanic (d.b.a. Ho-Ho-Kus Crossings) that established the Borough’s fair share obligation, granted a vacant land adjustment of the Borough’s Third Round obligation, and outlined the Borough’s compliance mechanisms; and

WHEREAS, the Borough Council endorsed the Plan on July 25, 2017 at a properly-noticed public meeting; and

WHEREAS, the adopted and endorsed Plan included a Spending Plan component, as required by the Council on Affordable Housing’s (“COAH”) rules at N.J.A.C. 5:93-5.1(c), which projects anticipated revenues to the Borough’s Affordable Housing Trust Fund, and describes anticipated expenditures of funds to address its fair share obligation as set forth in the Fair Share Plan; and

WHEREAS, the Borough Council adopted the Spending Plan component of the Housing Element and Fair Share Plan on July 25, 2017; and

WHEREAS, on December 13, 2017, the Special Master to the Court In the Matter of the Application of the Borough of Ho-Ho-Kus submitted a letter to the Court recommending approval of the Borough’s Adopted Housing Element and Fair Share Plan, subject to the Borough satisfying several conditions including making certain amendments to the adopted Spending Plan; and

WHEREAS, the Superior Court held a Compliance Hearing on December 18, 2017 at which time the Court conditionally approved the Borough’s Adopted Housing Element and Fair Share Plan, subject to the conditions recommended in the Master’s December 13, 2017 letter; and

WHEREAS, pursuant to the Court order entered by the Honorable Christine Farrington, J.S.C. on December 18, 2017, the Borough received a Judgment of Repose through July 1, 2025 provided the Borough complies with the Master’s conditions by April 17, 2018, at which time the Borough shall submit a certification to the Master that all conditions for a Final Judgment of Compliance and Repose have been met; and

WHEREAS, the Borough’s and Planning Board’s affordable housing planning consultants Mary Beth Lonergan, PP, AICP, and Daniel Hauben, PP, AICP, of Clarke Caton Hintz, PC, have amended the adopted Spending Plan in accordance with the conditions of the Court Master’s December 13, 2017 letter to the Court and consistent with Court-approved changes to the Borough’s Amended Housing Element and Fair Share Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Ho-Ho-Kus hereby approves the amended Spending Plan of its Adopted Third Round Housing Element and Fair Share Plan amended by resolution as shown in the Spending Plan attached to this resolution.

18-38 Approve Affirmative Market Plan

WHEREAS, on May 16, 2017, the Honorable William C. Meehan, J.S.C., issued a Court Order approving a Settlement Agreement (“Agreement”) between the Borough, Fair Share Housing Center, Chamberlain Developers, Inc. (“Chamberlain”), and Jonathan L. Mechanic (d.b.a. Ho-Ho-Kus Crossings) that established the Borough’s fair share obligation, granted a vacant land adjustment of the Borough’s Third Round obligation, and preliminarily approved the Borough’s compliance mechanisms; and

WHEREAS, on July 20, 2017 the Planning Board of the Borough of Ho-Ho-Kus (“Planning Board”) adopted the Borough’s 2017 Third Round Housing Element and Fair Share Plan (“Plan”), addressing the Borough’s prior round obligation, third round obligation, and rehabilitation share as established in the Agreement; and

WHEREAS, the Borough Council endorsed the Plan on July 25, 2017 at a properly-noticed public meeting; and

WHEREAS, the adopted and endorsed Plan included an Affirmative Marketing Plan component, as required by the Council on Affordable Housing’s (“COAH”) rules at N.J.A.C. 5:93-11, which is designed to attract renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Borough; and

WHEREAS, the Affirmative Marketing Plan was prepared in accordance with COAH’s rules, the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26, and the Court-approved Settlement Agreements; and

WHEREAS, pursuant to the Settlement Agreement with Fair Share Housing Center, the Borough listed Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County Branch of the NAACP, and Bergen County United Way among community and regional organizations that shall be contacted to distribute notice of available affordable housing units in the Borough; and

WHEREAS, the Borough Council adopted on July 25, 2017 a resolution approving the Affirmative Marketing Plan; and

WHEREAS, on December 13, 2017, the Special Master to the Court In the Matter of the Application of the Borough of Ho-Ho-Kus submitted a letter to the Court recommending approval of the Borough’s Adopted Housing Element and Fair Share Plan, subject to the Borough satisfying several conditions including amending the Affirmative Marketing Plan to indicate in more specific language the Borough’s intent to directly notice the above listed community and regional organizations regarding available units and to provide them with application forms to distribute to interested/qualified households; and

WHEREAS, the Superior Court held a Compliance Hearing on December 18, 2017 at which time the Court conditionally approved the Borough’s Adopted Housing Element and Fair Share Plan, subject to the conditions recommended in the Master’s December 13, 2017 letter; and

WHEREAS, pursuant to the Court order entered by the Honorable Christine Farrington, J.S.C. on December 18, 2017, the Borough received a Judgment of Repose through July 1, 2025 provided the Borough complies with the Master’s conditions by April 17, 2018, at which time the Borough shall submit a certification to the Master that all conditions for a Final Judgment of Compliance and Repose have been met; and

WHEREAS the Borough’s and Planning Board’s affordable housing planning consultants Mary Beth Lonergan, PP, AICP, and Daniel Hauben, PP, AICP, of Clarke Caton Hintz, PC, have prepared an amended Affirmative Marketing Plan in accordance with the conditions of the Court Master’s December 13, 2017 letter to the Court and the December 18, 2017 Court Order.

NOW THEREFORE, BE IT RESOLVED the Borough Council of the Borough of Ho-Ho-Kus, Bergen County, State of New Jersey, hereby amends the Affirmative Marketing Plan component of the Housing Element and Fair Share Plan, as shown on pages 2, 7, and 13 of the Affirmative Marketing Plan attached to this resolution.

WHEREAS, on July 25, 2017, the Borough Council of the Borough of Ho-Ho-Kus adopted Resolution # 17-81, which authorized the Borough to enter into an agreement (“Agreement”) with Piazza and Associates, Inc. (“Administrative Agent”) (collectively, “the Parties”) for the provision of affordable housing Administrative Agent services to the Borough for affordable housing units proposed or approved at the sites known as The Crossings at Ho-Ho-Kus and the Maple Avenue / Frasco Site, as well as a municipal rental-rehabilitation program; and

WHEREAS, the Parties executed the Agreement on August 21, 2017; and

WHEREAS, the Special Master to the Court In the Matter of the Application of the Borough of Ho-Ho-Kus and Fair Share Housing Center recommended to the Court that it should grant the Borough a waiver from addressing the rental component of its rehabilitation share; and

WHEREAS, the Borough’s mechanisms for addressing the Unmet Need portion of its adjusted fair share obligation include a Downtown Inclusionary Overlay Ordinance and a mandatory Borough-wide inclusionary set-aside requirement for multi-family development contained in §2-3 of the Borough’s Fair Share Affordable Housing Ordinance, which may result in development that generates new affordable housing units; and

WHEREAS, the Special Master to the Court has recommended that the Borough amend its contract with the Administrative Agent to add Administrative Agent services for affordable housing units generated from the ordinances named above; and

WHEREAS, the Borough Council finds it appropriate to further amend its contract with the Administrative Agent to remove from the Administrative Agent’s responsibilities the administration of a municipal rental-rehabilitation program.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Ho-Ho-Kus, that subject to the Court’s approval of this contract amendment and addendum, the Mayor and Borough Clerk are hereby authorized to sign this contract amendment and addendum dated_____; and

BE IT FURTHER RESOLVED, the Borough of Ho-Ho-Kus continues to recognize the Municipal Housing Liaison as the liaison to the Administrative Agent; and

BE IT FURTHER RESOLVED, this contract amendment and addendum is hereby attached to the original of this resolution

18-40 Approve Spending Plan

WHEREAS, the Planning Board of the Borough of Ho-Ho-Kus, Bergen County, State of New Jersey (“Planning Board”) adopted a Third Round Housing Element and Fair Share Plan on July 20, 2017 pursuant to N.J.S.A. 40:55D- 28, and N.J.A.C. 5:93, and the Court approved Settlement Agreement between the Borough, Fair Share Housing Center, Chamberlain Developers, Inc. (“Chamberlain”), and Jonathan L. Mechanic (d.b.a. Ho-Ho-Kus Crossings) that established the Borough’s fair share obligation, granted a vacant land adjustment of the Borough’s Third Round obligation, and outlined the Borough’s compliance mechanisms; and

WHEREAS, the Borough Council endorsed the Plan on July 25, 2017 at a properly-noticed public meeting; and

WHEREAS, the adopted and endorsed Plan included a Spending Plan component, as required by the Council on Affordable Housing’s (“COAH”) rules at N.J.A.C. 5:93-5.1(c), which projects anticipated revenues to the Borough’s Affordable Housing Trust Fund, and describes anticipated expenditures of funds to address its fair share obligation as set forth in the Fair Share Plan; and

WHEREAS, the Borough Council adopted the Spending Plan component of the Housing Element and Fair Share Plan on July 25, 2017; and

WHEREAS, on December 13, 2017, the Special Master to the Court In the Matter of the Application of the Borough of Ho-Ho-Kus submitted a letter to the Court recommending approval of the Borough’s Adopted Housing Element and Fair Share Plan, subject to the Borough satisfying several conditions including making certain amendments to the adopted Spending Plan; and

WHEREAS, the Superior Court held a Compliance Hearing on December 18, 2017 at which time the Court conditionally approved the Borough’s Adopted Housing Element and Fair Share Plan, subject to the conditions recommended in the Master’s December 13, 2017 letter; and

WHEREAS, pursuant to the Court order entered by the Honorable Christine Farrington, J.S.C. on December 18, 2017, the Borough received a Judgment of Repose through July 1, 2025 provided the Borough complies with the Master’s conditions by April 17, 2018, at which time the Borough shall submit a certification to the Master that all conditions for a Final Judgment of Compliance and Repose have been met; and

WHEREAS, the Borough's and Planning Board's affordable housing planning consultants Mary Beth Lonergan, PP, AICP, and Daniel Hauben, PP, AICP, of Clarke Caton Hintz, PC, have amended the adopted Spending Plan in accordance with the conditions of the Court Master's December 13, 2017 letter to the Court and consistent with Court-approved changes to the Borough's Amended Housing Element and Fair Share Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Ho-Ho-Kus hereby approves the amended Spending Plan of its Adopted Third Round Housing Element and Fair Share Plan amended by resolution as shown in the Spending Plan attached to this resolution.

18-41 Appt. Timothy Schruer

BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that they accept the recommendation of DPW Superintendent Jeffrey Pattman hereby appoint Timothy Scheurer as follows:

Department of Public Works Custodian Employee effective March 1, 2018; and

BE IT FURTHER RESOLVED that said position shall be as a permanent full-time employee; and

BE IT FURTHER RESOLVED that Timothy Scheurer shall be paid in accordance with the 2018 Salary Guide for a forty-hour workweek of \$ 32000.00 and;

BE IT FURTHER RESOLVED, That the duties for the aforesaid positions shall be as set forth in the job description and functions of the Borough of Ho-Ho-Kus; and

That said appointments shall be subject to revised Chapter 42 of the Borough Code: Personnel Policies, Practices and Regulations, as well as applicable State agencies having jurisdiction; and

BE IT FURTHER RESOLVED that this Resolution shall be subject to the appointee/employee herein acknowledging and accepting a copy of this Resolution, the Borough Employee's Handbook and the municipality's policy statement on sexual harassment.

18-42 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$1,903,817.32

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 \$1,903,817.32 be approved and ratified respectively

18-43 Eagle Scout Project

WHEREAS, the Planning Board of Ho-Ho-Kus reviewed a historical sign application at its meeting on January 18, 2018, which application is in connection with an Eagle Scout revitalization project by Alexander Melarti ("Alexander"); and

WHEREAS, the project involves a historical sign to be erected at the Upper First Street Cemetery (a/k/a "Old Burying Ground") and

WHEREAS, the Planning Board issued its written report and recommendation on January 22, 2018, which is adopted and incorporated herein by reference; and

WHEREAS, on January 23, 2018 Alexander appeared at the Public Meeting of the Mayor and Council and provided a written description of the project which is also adopted and incorporated herein by reference; and

WHEREAS, the Mayor and Council have reviewed the project and finds good cause;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that it does hereby approve the aforesaid Eagle Scout Service Project with appreciation; and

BE IT FURTHER RESOLVED, that the proposed historical sign is hereby authorized subject to the regulations as set forth in Section 85-37K(9) of the Borough Zoning Code.

Motion: Councilmember Rorty

Second: Councilmember Shell

Absent: Councilmembers Troast, Iannelli and Fiato

OLD BUSINESS

1. Liaison Reports:

a. Recreation

None

b. Board of Education

None

c. Ambulance

An Active Shooter class will be held on March 15 at the Library on Active Shooter, a very informative class and all residents are encouraged to attend. The acronym is ALICE (Alert, Lockdown, Inform, Counter and Evacuate)

EMT's are very special people who go through intense classes, programs and are very traumatic scenes. Some of the programs that the Corps attends are Special Operations, Incident Command and Rescue Task Force. A few of the Corps members have attended the Rescue Task Force Class and the others are encouraged to attend. The RTF came from the Augustine fire Department in Virginia. Looking at Active Shooter Events across the Country the Fire Department created a model to provide EMS intervention faster within the Incident Command System. It is known as the Warm Zone Integration, which is a unit, consisting mixed resources assembled to meet a special tactical need that consists of EMS, Law Enforcement, Fire to provide basic medical care to victims. The current EMS system does not allow for EMT's to be in the line of fire but are set up at a staging area away from any dangers unless directed by Law Enforcement. However when a Mass Casualty Incident occurs, the urgency of medical care is being pushed to the limits. As part of the RTF concept there are 3 zones. The Hot Zone is where care is potential and immediate, Warm Zone is where law enforcement has either cleared or isolated the threat and the risk is minimal or mitigated. The Cold Zone is where there is little or no threat which may include the outside of the building or an area where Law Enforcement has secured and is safe to operate. In this Zone is where EMT's are allowed to operate. With an active shooter event the area becomes a Hot Zone, Law Enforcement moves in immediately to stop the shooter and prevent more injuries or deaths. As Law Enforcement move in and secure parts of the area, this area becomes the Warm Zone because there is a certainty that the shooter is not in the immediate vicinity. This area is where EMS personnel have the opportunity to join Law Enforcement and make entry to locate and treat victims. The concept of the RTF training program allows for EMT's to enter into the Warm Zone to start immediate medical treatment. Although the RTF operate in the Warm Zone they do not engage in Triage, the process requires coordination between Law Enforcement who is in charge of the scene, not the EMT's. Incident Command is to direct personnel where they are needed. It is still a challenging process because it involves Volunteers, equipment that not everybody has. Members need to be equipped with proper tools including Helmets and Body Armor to operate in a dangerous environment. The important issue is that Law Enforcement and EMS know how to intergrade and understand the policies to work as an RTF. When Public Safety members are unarmed, these members will not be part of the initial entry. Members are trained to assist in rendering emergency first aid and can be proactive and perform the task. EMS resources may be limited so having personnel assist can go a long way in saving lives. RTF concept only works if personnel have what they need to participate. Not all EMT's will go through the RTF program, but will available at the Cold Zone for treating victims.

d. Fire

Honor Guard for Fire department changed the meeting day. Wet Down date is June 9th 2018. The Bergen 200 Club awarded a grant of \$2340 to the Fire Dept for purchase of equipment.

e. Library

2. Chamber of Commerce

Patrons were informed to be sensitive to behavior on the tracks. Make sure that they are not making U-Turns on the track. Planning for Taste of Ho-Ho-Kus on June 6th 2018

3. Shade Tree

Finishing up the removals, trimmings and stump grindings from 2017 program.

NEW BUSINESS

The Library Wall has been bulging out, losing a lot stone. Engineers will be inspecting it. The water pressure from the winter along with Frost exacerbated the ground causing it to loosen.

Police Chief Minchin stated that the PD got awarded 2 AED's from the 200 Club. Active shooter presentation will be held at the library and recommends the public attend.

MAYOR'S REMARKS

At the monthly meeting of the North West Mayors association, mention was made of a certified mechanic for County Fire Trucks, and all towns are welcome to be part of the program.

CLOSED SESSION

WHEREAS, under the "Open Public Meetings Law", all sessions must be open to the public, and

WHEREAS, under the Public Meetings Act Law, exceptions exist for a public body to hold a Closed Session

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Ho-Ho-Kus hereby recess under Personnel, Contracts.

BE IT FURTHER RESOLVED, that the results of the Closed Session will be available to the public in the minutes regarding the same at the conclusion of the matter.

ADJOURNMENT

With no further discussion to come before the Council, Mayor Randall adjourned the meeting at 8:23 PM

Respectfully Submitted,

Laura Borchers, RMC/CMR
Borough Clerk.