

**BOROUGH OF HO-HO-KUS**

**MAYOR AND COUNCIL PUBLIC MEETING**

**JULY 16, 2013- 8:00 P.M.**

**I OPEN MEETING STATEMENT - ROLL CALL**

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

Roll Call:

Mayor Randall	Present
Councilmember Troast	Present (8:05)
Councilmember Lennon	Present
Councilmember Shea	Present
Councilmember Rorty	Present
Councilmember Weiss	Present
Councilmember Shell	Present

Also present were Borough Administrator Donald G Cirulli and Borough Attorney David Bole.

**II. PLEDGE OF ALLEGIANCE**

Mayor Randall led all in the Pledge of Allegiance

**III. OATH OF OFFICE- Police Officers**

Mayor Randall administered the Oaths of Office to Police Officers Michael Gil and Jessica Kirsch

**IV. APPROVAL OF MINUTES**

None

**V. COMMITTEE REPORTS**

**A. FINANCE**

Finance Officer's Report – June 2013

**B. PUBLIC SAFETY**

1. Police Report – June 2013
2. Court Report – June 2013

**C. PUBLIC WORKS & PROPERTIES**

1. Supt. of Public Works – June 2013
2. Construction Office Report – June 2013

- D. WATER**
  - 1. Water Supt. Report – June 2013
  - 2. Water Registrar's Report- June 2013

- E. FIRE**
  - 1. Fire Dept. Report – June 2013
  - 2. Fire Prevention Bureau – June 2013

- F. COMMUNITY RELATIONS**
  - 1. Library – June 2013
  - 2. Ambulance Report – June 2013

**VI. PUBLIC DISCUSSION**

**VII. ADMINISTRATORS REPORT**

Borough Administrator stated that all is well with the water, there are no issues with the over use of water, he also stated that at Administrator's meeting of the 13 towns, a speaker from the Department of Community Affairs discussed the importance of Shared Services and the cost savings for all municipalities with the ongoing economic crisis. Currently the Borough of Ho-Ho-Kus has 16 Shared Services.

**VIII. A. CORRESPONDENCE**

None

**B. Ordinances and Resolutions Other Towns:**

None

**C. Bergen County:**

Board of Chosen Freeholders

- 1. Ordinance 13-09 County Aid 2013
- 2. Ordinance 13-14 Establish Traffic Signal Woodcliff Lake

**D. League of Municipalities:**

- 1. Jersey Access Group- New League Affiliated Association

**E. State of New Jersey:**

None

**IX. INTRODUCTION OF ORDINANCES**

None

**X. FINAL PASSAGE OF ORDINANCES**

- 1. Ord # 1024 "Amendment to Land Use Procedures and Zoning Amendment"

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

**SECTION 1.** Chapter 32A, "Land Use Procedures," is hereby amended to establish new regulations with regard to expiration of a variance, as follows:

**32A-22. Expiration of variance.**

- A. Any variance hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance or unless such permitted use has actually been commenced within one (1) year from the date of publication of the judgment or determination of the Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the governing body or to a court of competent jurisdiction until the termination or conclusion in any manner of such appeal or proceeding, and also except, however, in the case of a use variance which also involves a subdivision or site plan approval, the variance shall extend for the full period of preliminary approval.
- B. Upon a showing of good cause and if the reason(s) for the grant of a variance have not changed, the Zoning Board of Adjustment is authorized to, upon notice to all entitled property owners and the publication of a legal notice in the official newspaper of the Borough, grant an extension of time on the duration of the variance for a period to be determined by the Board of Adjustment but not to extend beyond an additional year. The Board of Adjustment shall not grant more than two (2) such extensions of any variance approval.

**SECTION 2.** Chapter 85, "Zoning," is hereby amended to establish new regulations with regard to improved lot coverage and minimum yard requirements, which shall appear in both Chapter 85 and the Schedule of Requirements at the end of Chapter 85, where applicable, as follows:

**85-7. Definition and word usage.**

- C. Terms defined. As used in this Chapter, the following terms shall have the meanings indicated:

IMPROVED LOT COVERAGE - The percentage of lot area which is improved with principal and accessory buildings, structures and uses, including but not limited to, patios, decks, sheds, parking lots, driveways, sidewalks and garages and other man-made improvements.

**85-9.1.R-1 Single Family Residential District.**

The following regulations shall apply in all R-1 Districts:

- D. Minimum open space requirements:
  - (1) Lot coverage by accessory buildings and accessory structures combined shall not exceed 6% of the area of the lot.
  - (2) Improved lot coverage shall not exceed 25% of the area of the lot.
- E. Projections into front yard for interior and corner lots. Roofed and unroofed entry platforms and/or associated stoops and steps not exceeding 35 square feet in area shall be permitted in the front yard setback area, provided that, in any single-family zone, such projection shall not extend into the required front yard setback area by more than eight (8) feet.
- F. Minimum graduated side yard setback requirements for second floor of dwellings. The minimum side yard setback for the second floor shall not be closer to a side lot line than

10 feet on one side where two side yards exist; the total of both side yard setbacks shall not be less than 40 percent of the lot width. In no case shall the combined side yard width total less than 20 feet.

**85-9.2.R-2 Single Family Residential District.**

The following regulations shall apply in all R-2 Districts.

G. Minimum open space requirements

(1) Lot coverage by accessory buildings and accessory structures combined shall not exceed 6% of the area of the lot.

(2) Improved lot coverage shall not exceed 35% of the area of the lot.

H. Projections into front yard for interior and corner lots. Roofed and unroofed entry platforms and/or associated stoops and steps not exceeding 35 square feet in area shall be permitted in the front yard setback area, provided that, in any single-family zone, such projection shall not extend into the required front yard setback area by more than eight (8) feet.

I. Minimum graduated side yard setback requirements for second floor of dwellings. The minimum side yard setback for the second floor shall not be closer to a side lot line than 10 feet on one side where two side yards exist; the total of both side yard setbacks shall not be less than 40 percent of the lot width. In no case shall the combined side yard width total less than 20 feet.

**85.11 R-3 Single Family Residential District.**

The following regulations shall apply in all R-3 Districts.

J. Minimum open space requirements.

(1) Lot coverage by accessory buildings and accessory structures combined shall not exceed 7.5% of the area of the lot.

(2) Improved lot coverage shall not exceed 45% of the area of the lot.

K. Projections into front yard for interior and corner lots. Roofed and unroofed entry platforms and/or associated stoops and steps not exceeding 35 square feet in area shall be permitted in the front yard setback area, provided that, in any single-family zone, such projection shall not extend into the required front yard setback area by more than eight (8) feet.

L. Minimum graduated side yard setback requirements for second floor of dwellings. The minimum side yard setback for the second floor shall not be closer to a side lot line than 10 feet on one side where two side yards exist; the total of both side yard setbacks shall not be less than 40 percent of the lot width. In no case shall the combined side yard width total less than 20 feet.

**85-33. Area requirements.**

M. Terraces (patios). A paved terrace shall not be considered in the determination of yard sizes or lot coverage; provided, however, that such terrace is unroofed and without walls, parapets or the form of enclosure. Such terrace, however, may have an open guard railing not to exceed three (3) feet in height and shall not project into any yard to a point closer than four (4) feet from any lot line. All such terraces shall be considered in the calculation and determination of improved lot coverage.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any part, sections, provisions, or the total of any of the above-mentioned publications are held to be invalid or unenforceable in any court, the findings or judgments

of which court are applicable in the State of New Jersey, the balance and remainder of such publication shall remain in full force and effect as an Ordinance of the Borough of Ho-Ho-Kus.

**SECTION 5.** This Ordinance shall become effective after adoption and publication according to law.

Councilmember Rorty made a motion on the adoption of the Ordinance, seconded by Councilmember Weiss, and carried

## **XI. RESOLUTIONS**

### **1. # 13-83 Application for Police Accreditation Grant**

#### **RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE BERGEN JOINT INSURANCE FUND**

#### **FOR ACCREDITATION SERVICES AND EXECUTION OF A GRANT AGREEMENT**

WHEREAS, the Commission on the Accreditation of Law Enforcement Agencies (“CALEA”) and the State of New Jersey Associations of Chiefs of Police offer programs to obtain accreditation of police department management; and

WHEREAS, the Bergen Joint Insurance Fund encourages police departments to pursue such excellence by providing a grant in the amount not to exceed \$25,000 to support the Police Department’s efforts to attain accreditation or re-accreditation.

WHEREAS, the Chief of Police and the governing body believe that the attaining of such certification is consistent with the goals of the Police Department; and

WHEREAS, the Chief of Police is committed to taking necessary action in order to support the accreditation or re-accreditation process.

WHEREAS, the successful completion of the accreditation or re-accreditation process will result in a reduction in liability insurance premiums from the Bergen JIF and

WHEREAS, in the long term the completion and retention of accreditation from the New Jersey State Associations of Chiefs of Police will help the municipality manage its liability and workers compensation insurance exposure.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Ho-Ho-Kus in the County of Bergen, and State of New Jersey, as follows:

1. The Mayor, Administrator and Chief of Police are hereby authorized to enter into a Grant Agreement with the Bergen Joint Insurance Fund for the receipt of funding in the amount of \$25,000 for the accreditation or re-accreditation program.
2. The Municipality agrees to abide by the terms of the Grant Agreement to attain certification or re-accreditation within two years of the date of the agreement. Upon accreditation or reaccreditation being obtained, the Bergen JIF will use their normal accreditation discount to offset the grant costs.
3. If the Municipality does not achieve accreditation or re-accreditation within the two year period, the amount of the Grant is due payable to the Bergen JIF within a three year period.
4. If the Municipality leaves the Bergen JIF before the grant is repaid in full, the amount of the grant is due immediately to the Bergen JIF upon the date of termination to the JIF.
5. This Resolution shall take effect immediately

Councilmember Rorty approved the Resolution, seconded by Councilmember Weiss, and carried.

**XII. CONSENT RESOLUTION**

- 1. Appointments. Police Department
  - a. # 13-84 Michael Gil-Police Officer

WHEREAS, There currently exists a need to appoint a new Police Officer in the Ho-Ho-Kus Police Department in order to ensure proper police coverage for the safety and welfare of the Borough and it's residents;

WHEREAS, appointments to the Police Department are to be made by the Mayor, upon the recommendation of the Chief and confirmation thereof, by the Borough Council pursuant to Code Section 46-6;

WHEREAS, applicants for appointment are required to take and pass a physical examination and to meet the personnel qualifications set forth in Code Sections 46-7 and 46-8;

WHEREAS, Michael Gil is a candidate recommended by the Chief of Police who meets the qualifications set forth herein;

NOW THEREFORE BE IT RESOLVED by the Governing Body, that it does hereby appoint Michael Gil 215 Devon Road Washington Township, New Jersey as a patrolman to the Ho-Ho-Kus Police Department, effective July 16, 2013

BE IT FURTHER RESOLVED that said appointment is subject to successful completion of Officer Santos training at the Bergen County Police Academy to commence July 22, 2013;

BE IT FURTHER RESOLVED that said appointment is also subject to a one year probationary period;

BE IT FURTHER RESOLVED that the compensation for said position shall be as set forth in such collective bargaining agreement as may be in effect between the Borough of Ho-Ho-Kus and PBA Local 353 as of the date of hire.

- b. # 13-85 Jessica Kirsch- Police Officer

WHEREAS, There currently exists a need to appoint a new Police Officer in the Ho-Ho-Kus Police Department in order to ensure proper police coverage for the safety and welfare of the Borough and it's residents;

WHEREAS, appointments to the Police Department are to be made by the Mayor, upon the recommendation of the Chief and confirmation thereof, by the Borough Council pursuant to Code Section 46-6;

WHEREAS, applicants for appointment are required to take and pass a physical examination and to meet the personnel qualifications set forth in Code Sections 46-7 and 46-8;

WHEREAS, Jessica Kirsch is a candidate recommended by the Chief of Police who meets the qualifications set forth herein;

NOW THEREFORE BE IT RESOLVED by the Governing Body, that it does hereby appoint Jessica Kirsch Dumont, New Jersey as a patrolwoman to the Ho-Ho-Kus Police Department, effective July 16, 2013

BE IT FURTHER RESOLVED that said appointment is subject to successful completion of Officer Santos training at the Bergen County Police Academy to commence July 22, 2013;

BE IT FURTHER RESOLVED that said appointment is also subject to a one year probationary period;

BE IT FURTHER RESOLVED that the compensation for said position shall be as set forth in such collective bargaining agreement as may be in effect between the Borough of Ho-Ho-Kus and PBA Local 353 as of the date of hire.

c. # 13-86 Thomas Kirk- Police Dispatcher

**BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus that they accept the recommendation of the Mayor, the Police Commissioner and Police Chief and appoint Thomas Kirk, as Police Dispatcher effective September 1, 2012

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

**BE IT FURTHER RESOLVED** that Thomas Kirk shall be paid in accordance with the 2013 Salary Ordinance.

**BE IT FURTHER RESOLVED** that said appointment and employment shall be subject to a six-month probationary period;

That the duties for the aforesaid position shall be as set forth in the job description and functions of the Borough of Ho-Ho-Kus;

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

2. Advertise Sealed Bids:

a. # 13-87 Police Accreditation

**BE IT RESOLVED** by the governing body that the Municipal Clerk is authorized to advertise for sealed bids for the project known as "New Jersey Law Enforcement Accreditation Program".

b. # 13-88 Emergency Back-up Generators

**BE IT RESOLVED** that the Ho-Ho-Kus Municipal Clerk is hereby authorized and directed to publicly advertise for sealed bids for 3 Trailer Mounted and 1 Stationary Emergency Backup Generators, in a legal newspaper of the Borough in accordance with law.

2. # 13-89 St. Luke's Raffle- Amendment to Raffle # 405

**BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus, Bergen County, New Jersey, that the following On Premise Raffle Application, submitted by St. Luke's Catholic Church, Identification No. 215-1-105 be and the same is hereby approved.

APPLICATION: RA 405

DATES: September 15, 2013

3. # 13-90 St. Luke's Raffle-Off Premise Raffle

**BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus, Bergen County, New Jersey, that the following Off Premise Raffle Application, submitted by St. Luke's Catholic Church, Identification No. 215-1-105 be and the same is hereby approved.

APPLICATION: RA 408

DATES: September 15, 2013

4. # 13-91 Liquor License Renewal- J T. Spirits Inc

**WHEREAS**, application has been made by certain persons and corporations for the renewal of Plenary Retail Distribution licenses for the year commencing July 1, 2013 and terminating June 30, 2014;

**WHEREAS**, no complaints or objections have been filed with the Borough Clerk against said persons or corporations; and

**WHEREAS**, the Police Department of the Borough of Ho-Ho-Kus has not received any complaints of violations of Alcoholic Beverage Control regulations by any of the applicants hereinafter named; and

**WHEREAS**, the said applicants have filed the necessary forms and have paid the required fees for said licenses;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus that the following Plenary Retail Distribution licenses be issued:

J T SPIRITS INC

License No (0228-44-003-005)

5. # 13-92 Award-D & L Paving

**WHEREAS**, bids were received and opened for the 2013 Ho-Ho-Kus Repaving Program;

**WHEREAS**, one bid were received;

**WHEREAS**, the bid documents have been reviewed and the bid of D & L Paving Contractors, Inc. has been determined to be the lowest responsible, responsive bidder;

**WHEREAS**, the Chief Financial Officer has attached a Certification that adequate funds have been duly appropriated to pay for the contract;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body that a contract for the above program, is hereby awarded to D & L Paving Contractors, 681 Franklin Avenue, Nutley, New Jersey 07110 in the contract amount of \$108,487.80;

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

6. # 13-93 Forgiveness of Solid Waste Bill

**Whereas**, 31 Edgewood Drive in Ho-Ho-Kus is empty lots because the residential structures have been eliminated, and

**Whereas**, all resident structures will be credited for 3 months and then to be reviewed for the balance

**Therefore, be it resolved**, that the bill in question be cancelled

8. # 13-94 Payment of Vouchers

**WHEREAS**, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$1,618,462.96.

**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 **\$1,618,462.96** be approved and ratified respectively

**XIII. OLD BUSINESS**

- A. Liaison Reports:
  - 1. Recreation
  - 2. Board of Education
  - 3. Other
- B. Shade Tree
- C. Chamber of Commerce

**XIV. NEW BUSINESS**

**XV. MAYOR'S REMARKS**

Mayor Randall thanked Stanley Kober for all his years of service to the VFW.

**XVI. CLOSED SESSION**

**XVII. ADJOURNMENT**

With no further business to come before the Council and on a motion made by Councilmember Rorty, seconded by Councilmember Troast and Carried, Mayor Randall adjourned the meeting at 8:30 PM.

Respectfully Submitted,

Laura Borchers, RMC/CMR  
Borough Clerk.