

**BOROUGH OF HO-HO-KUS
PUBLIC MEETING OF
THE MAYOR AND COUNCIL
SEPTEMBER 27, 2016- 8:00 PM
MINUTES**

Mayor Randall called the regular meeting to order at 8:00 PM. The open meeting statement was read.

The regular 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 were: Mayor Randall, Councilmembers Shea, Rorty, Shell, Iannelli and Fiato.

Absent: Councilmember Troast

Also present were borough attorney David Bole and borough administrator William Jones

Mayor Randall led all in the Pledge of Allegiance

Mayor Randall called for a moment of Silence with the passing of former Councilmember Lee Flemming and Police Chief Harold "Bud" Minchin

APPROVAL OF MINUTES

August 16, 2016 Combined

Motion: Councilmember Rorty

Second: Shell

Abstain: Cn. Shea

COMMITTEE REPORTS- August 2016

On file

PUBLIC DISCUSSION

Stanley Kober 919 Washington Ave thanked the governing body for the Gold Star Mother's proclamation. The Proclamation is posted on Gold Star Committee website, along with pictures of the ceremony. Mr. Kober asked that the Proclamation be posted on the Borough Website.

CORRESPONDENCE

1. Bergen County Historical Society- Permission for Wreath Laying and Tree Planting
Approved: Councilmembers Shell and Shea
2. Dispatcher Lauren Morgan- Letter of Resignation
3. Borough of Teaneck- Install Anti-Suicide Fencing along George Washington Bridge Walkways.
4. Contemporary Club-Request for Annual Halloween Parade
Approved: Councilmembers Shell and Shea
5. Friends of Hermitage-37th Annual Classic Creations Holiday Boutique
6. Board of Chosen Freeholder- September National Drug and Alcohol Recovery Month
7. Youth Activities Council-Annual Halloween Window Painting
Approved: Councilmembers Iannelli and Shea

INTRODUCTION OF ORDINANCES

1. # 2016-10 No Knock Registry
AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 40
OF THE CODE OF THE BOROUGH OF HO-HO-KUS
ENTITLED, "SOLICITORS AND CANVASSERS"

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

Section 1.

Chapter 40 of the Code of the Borough of Ho-Ho-Kus, Licenses, Article II, Peddling and Soliciting, §76-12, Definitions, is hereby amended to change the definition of Solicitor or Canvasser to read as follows:

SOLICITOR or CANVASSER - Includes any person, whether a resident of the Borough or not, who goes from house to house, place to place or street to street, soliciting or taking or attempting to take orders for the sale of services, goods, wares, merchandise, real estate or personal property of any nature for future delivery, or for services to be performed in the future, whether or not the individual has, carries or exposes for sale a sample of the product, and whether or not he is collecting advance payment, or who engages in any of the foregoing activities from a stationary location on the street or public place. Canvassing shall further be defined as door to door delivery of circulars, visitations, or other means, where the canvasser or his or her employers has not been invited or requested by the owner, lessee, sublessee, assignee, managing agent or other person having the right of ownership or possession or to sell, rent, or lease any real property

Section 2.

Chapter 76 of the Code of the Borough of Ho-Ho-Kus, Licenses, Article II, Peddling and Soliciting, is amended to add new Sections after §76-23 and to read as follows:
§76-23.1. DO NOT KNOCK REGISTRY.

Any owner or occupant of real property with the Borough of Ho-Ho-Kus who refuses to be canvassed

or solicited for the sale or rental of his or her property may enroll in the Borough's "no knock" registry established pursuant to the provisions promulgated by the Borough Administrator of which are incorporated herein by reference.

§76-23.2. PROHIBITED DISCRIMINATION. No person shall engage in the following acts:

A. Promote, influence, or attempt to promote or influence a property owner, occupant, or tenant to list for sale, sell or remove from a lease real property by referring to race, color, sexual orientation, ethnicity, or religious affiliation of neighbors, prospective buyers or other occupants or prospective occupants of real property.

B. Induce directly or indirectly, or attempt to induce directly or indirectly, the sale or listing for sale of real property by representing that the presence or anticipated presence of persons of any particular race, religion, or national origin in the area has resulted or may result in:

(1) The lowering of property values.

(2) A change in the racial, religious, or ethnic composition of the block, neighborhood, or area in which the property is located.

(3) An increase in criminal or antisocial behavior in the area

(4) A decline in the quality of the schools serving the municipality.

(5) Make any representations (or misrepresentation) concerning the listing or sale of the anticipated listing for sale or the sale of any real property in any residentially zoned areas for the purpose of inducing or attempting to induce the sale or listing for sale of other real property in such area.

(6) Place a sign purporting to offer for sale any property that is not actually for sale or rental.

Advertise for sale or rental property which is nonexistent or which is not actually for sale or rental.

(7) Engage in or hire or conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest, create or play upon fear with the purpose of inducing or attempting to induce the sale or listing for sale of real property.

(8) To solicit or canvass any owner whose name and property address is included on the list maintained by the Borough Clerk of persons requesting that they not be canvassed or solicited.

(9) To engage in any economic reprisal or any other

form of intimidation against any person because that person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or conference under the terms of this article.

(10) To aid, abet, incite, compel or coerce any person to engage in any of the practices forbidden by this article or to obstruct or prevent any person from complying with the provisions of this article.

(11) Refer, directly or indirectly or by implication, to race, color, creed, ethnicity, or sexual orientation in any advertisement or solicitation offering real property for sale or rental.

(12) Solicit or attempt to solicit the sale or rental or the listing for sale or rental of real property without furnishing in written form to the owner or occupier of such real property the name of the person or organization soliciting such sale, rental or listing.

Section 3.

Any person, firm, corporation or entity convicted of violating any provision of this Ordinance shall be subject to such fines and penalties as described in Article 11, Penalties, §1- 15, Violations and Penalties, of the Borough Code, with such penalty being determined within the discretion of the Municipal Court Judge. Section 4. Severability.

If any section, 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 but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 5. Inconsistent Ordinances Repealed.

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

Section 6. Effective Date.

This Ordinance shall take effect after publication thereof and final passage as required by law

Motioned: Councilmember Rorty

Second: Councilmember Fiato

All ayes

Absent: Councilmember Troast

2. # 2016-11 Property Maintenance and Upkeep of Abandoned Properties

AN ORDINANCE SUPPLEMENTING CHAPTER 47 "PROPERTY MAINTENANCE OF THE
CODE OF THE BOROUGH OF
HO-HO-KUS REGULATING THE CARE, MAINTENANCE, SECURITY
AND UPKEEP OF VACANT AND ABANDONED RESIDENTIAL
PROPERTIES IN FORECLOSURE

WHEREAS, the Borough of Ho-Ho-Kus regulates the maintenance of residential property within the Borough by and through Chapter 47 of the Borough Code, "Property Maintenance"; and

WHEREAS, the legislature and the Governor of the State of New Jersey have enacted P.L. 2014, c. 35, described as "[a]n Act concerning the maintenance of certain residential properties, supplementing Chapter 48 of Title 40 of the revised Statutes ..." ("the Act"); and

WHEREAS, the Act authorizes the Borough to adopt an ordinance for the purposes of regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties for which a creditor has filed a summons and complaint in an action to foreclose; and

WHEREAS, the Act authorizes designated Borough officials to issue notices to creditors that have filed a summons and complaint in an action to foreclose, if the public official determines that the property is vacant and abandoned and that the creditor has failed to provide for the care, maintenance, security and upkeep of the exterior of the property; and

WHEREAS, the Act authorizes the Borough to impose monetary fines and penalties for such violation of this Ordinance and its respective provisions in the Borough Code; and

WHEREAS, the Borough wishes to amend the Borough Code to enact the provisions of P.L. 2014, c. 35; and

WHEREAS, the Governing Body finds that it is in the best interests of the Borough to amend the Borough Code as hereinafter provided to enact the provisions of P.L. 2014, c. 35.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus as follows:

Section I. The Borough Code, Chapter 47, "Property Maintenance" shall be amended to add a new Article IX as follows:

47-22. MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES
47-23. DEFINITIONS

A. "Creditor" shall mean, consistent with Section 3 of P.L. 2008, c. 86, a State chartered bank, savings bank, savings and loan association or any credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act", and any entity acting on behalf of the Creditor named in the debt obligation, including but not limited to, servicers.

B. "Vacant and Abandoned" residential property shall mean, consistent with Section I of P.L. 2010, c. 70 (C. 2A:50-73), residential real estate for which a notice of violation has been issued pursuant to Section 47-15 of this Chapter and Subsection b. of Section I of P.L. 2014, c. 35. Where a notice of violation has not been issued pursuant to Section 47-15 of this Chapter and Subsection b. of Section I of P.L. 2014, c. 35, residential property shall be deemed "Vacant and Abandoned" where a mortgaged property is not occupied by a mortgagor or tenant as evidenced by a lease agreement entered into prior to the service of a notice of intention to commence foreclosure according to Section 4 of the "Fair Foreclosure Act," P.L. 1995, c. 244 and at least two of the following conditions exist:

- I.
 1. Overgrown or neglected vegetation;
 2. The accumulation of newspapers, circulars, flyers or mail on the property ;
 3. Disconnected gas, electric, or water utility services to the property;
 4. The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
 5. The accumulation of junk, litter, trash or debris on the property;
 6. The absence of window treatments such as blinds, curtains or shutters;
 7. The absence of furnishings and personal items;
 8. Statements of neighbors, delivery persons, or government employees indicating that the residence is vacant and abandoned;
 9. Windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
 10. Door to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- II.
 11. A risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
 12. An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
 13. The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
 14. A written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property; and
 15. Any other reasonable indicia of abandonment.

A. A Creditor filing a summons and complaint in an action to foreclose on a residential property within the Borough shall be immediately responsible for the care, maintenance, security and upkeep of the exterior of the property, after the property becomes Vacant and Abandoned as defined in this Chapter.

B. Where a Creditor is located out-of-State, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of Paragraph A of this Section. Notice of said representative or agent shall be provided to the Borough Clerk in a manner that is consistent with Subsection a. of Section 17 of P.L. 2008, c. 127 (the "Save New Jersey Homes Act of 2008"), and shall further include the full name and contact information of the in-state representative or agent.

47-25. NOTICE

A. Any public officer designed by the Borough or authorized municipal official responsible for the administration of any property maintenance or public nuisance code shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Borough, if the public officer determines that the Creditor has violated this Chapter by failing to provide for the care, maintenance, security and upkeep of the exterior of the property. Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to the Save New Jersey Homes Act of 2008.

B. The notice referenced in Paragraph A of this Section shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.

C. The issuance of a notice pursuant to Paragraph A of this Section shall constitute proof that a residential property is "Vacant and Abandoned" for the purposes of this Chapter.

47-26. VIOLATIONS AND PENALTIES

A. A Creditor subject to this Chapter that is found by the Municipal Court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Chapter shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this Subsection shall commence 31 days following the Creditor's receipt of the notice, except where the violation is deemed to present an imminent risk to the public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

B An out-of-state Creditor subject to this Chapter that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on an out-of-state Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in Paragraph

I. of Subsection a. of Section 17 of P.L. 2008, c. 127 (C. 46:10B-5 I) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

B. No less than 20 percent of any money collected by the Borough pursuant to this Section shall be utilized by the Borough for municipal code enforcement purposes.

47-27. SEVERABILITY

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

47-28. REPEALER

Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

47-29. EFFECTIVE DATE

This Ordinance shall take effect immediately upon final passage and publication as required by law
Motion: Councilmember Rorty
Second: Councilmember Shell
All ayes
Absent: Councilmember Troast

3. # 2016-12 Air BnB Short Term Rentals

WHEREAS, the New Jersey Legislature has, pursuant to N.J.S.A. 40:52-1(d) and (n), specifically authorized municipal corporations, including the Borough of Ho-Ho-Kus (“Borough”) to regulate “furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof” and the “rental of real property for a term of less than one hundred seventy -five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere”; and

WHEREAS, in recent years, there has arisen a proliferation of internet and other media advertising often on websites dedicated to the rental of Dwelling Units for short terms and for a period of less than thirty (30) days (“Short Term Rental”); and

WHEREAS, The Borough’s experience, as well as common experiences, dictates the conclusion that Short Term Rentals frequently result in public nuisance, noise complaints, sanitation issues, overcrowding and illegal parking within the residential neighborhoods of the Borough, and essentially convert residential dwelling units into illegal de-facto hotels, motels, boarding houses and other commercial enterprises, in violation of the Borough’s Zoning and other Codes as well as state statutes; and

WHEREAS, the Borough wishes to deter the cyber-social phenomenon of any Owner renting his/her residential Dwelling Unit(s) on various websites, as well as the listing of Short Term Rental(s) by website businesses, of any Dwelling Unit(s), that constitute an illegal business operating in violation of the Borough’s Zoning Code and other public nuisance ordinances; and

WHEREAS, the Borough additionally wishes to prevent overcrowding, which unlawfully results in the Borough’s occupancy limits to be exceeded; and

WHEREAS, some property owners and/or their agents permit commercial boarding-house type Short Term Rental(s) and overcrowded conditions and other public nuisances, in order to unlawfully create a commercial enterprise and income, in violation of the Borough Zoning Code and to maximize their profit(s); and

WHEREAS, problems also frequently associated with such Short Term Rental(s) include overcrowding, excessive noise, unruly behavior, obscene language, fighting , littering, parking of vehicles on lawns, public urination, sanitation issues, poor maintenance of the property and grounds, and violation of trash collection ordinances;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey that Chapter 57A, entitled “Short Term Rental Property Prohibition ,” of the Code of the Borough of Ho-Ho-Kus is hereby established and adopted as follows:

Chapter 57A-1 Findings.

A. The Mayor and Council hereby find and adopt, as if set forth more fully herein, the fact assertions of the “Whereas” clauses of this Ordinances, as their findings of fact.

Chapter 57A-2 Short Term Rental Property Prohibited Uses.

A. Notwithstanding anything to the contrary contained in the Borough Code, it shall be

unlawful for an Owner, lessor, sub-lessor, any other person(s) or entity(ies) with possessory or use right(s) in a Dwelling Unit, their principals, partner or shareholders, or their agents, employees, representatives and other persons(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated Consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any Dwelling Unit, as defined herein, for a period of thirty (30) days or less.

B. Nothing in this Ordinance will prevent formation of an otherwise lawful occupancy of a Dwelling Unit for a rental period of more than thirty (30) days.

Chapter 57A-3 Definitions.

ADVERTISE or ADVERTISING

Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this Ordinance, as same may be viewed through various media including but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for Consideration, which are prohibited by this Ordinance.

CONSIDERATION

Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, other form of payment, or thing of value.

DWELLING UNIT

Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, co-operative, converted space, or portions thereof, that is offered to use, made available for use, or is

used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of Occupants and/or guest(s), for Consideration, for a period of thirty (30) days or less.

HOUSEKEEPING UNIT

Constitutes a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court,

OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a Dwelling Unit, or portion thereof, or having other permission or possessory right(s) within a Dwelling Unit,

OWNER

Any person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sub-lease or license(including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a Dwelling Unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON

An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

RESIDENTIAL OCCUPANCY

The use of a Dwelling Unit by an Occupant(s).

Chapter 57A-4 Permitted Uses.

A. The residential occupancy of an otherwise lawful and lawfully occupied Dwelling Unit for a period of thirty (30) days or less by any person who is a member of the Housekeeping Unit of the Owner, without Consideration, such as house guests, is permitted.

Chapter 57A-5 Advertising Prohibited.

A, It shall be unlawful to advertise, solicit or promote by any means actions in violation of this Ordinance.

Chapter 57A-6 Enforcement; Violations and Penalties.

A. The provisions of this Ordinance shall be enforced by the Zoning Official, Fire Official, Health Department, other Sub-Code or Code Official, as their jurisdiction may arise, including legal counsel for the Borough 6r other persons designated by the Borough Council, to issue municipal civil infractions directing alleged violators of this Ordinance and/or to appear in court or file civil complaints.

B. violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.

C. Any person found to have violated any provision of this Ordinance, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,250. Each day of such violation shall be a new and separate violation of this Ordinance.

D. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Borough's Municipal Court or the Superior Court of New Jersey in the vicinage of Bergen County, or in such other Court. or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

Chapter 57A-7 Repealer.

All other Ordinances or parts of Ordinances of the Borough which are inconsistent with this Ordinance, are hereby repealed, but only to the extent of such inconsistencies.

Chapter 57A-8 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.

Chapter 57A-9 Effective Date,

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

Motion: Councilmember Shea

Second: Councilmember Iannelli

All ayes

Absent: Troast

FINAL PASSAGE OF ORDINANCES

None

RESOLUTIONS

None

CONSENT RESOLUTION

1. 2016-93 Arbor Day 2016

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 2016 is the 144th 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 September 14, 2016 as the 144th anniversary celebration of ARBOR DAY in the Borough of Ho-Ho-Kus.

2. 2016-94 Forgiveness of Solid Waste Bills

Whereas, 20 Beechwood Road, 14 Prescott Road, and 22 Hollywood Place Ave in Ho-Ho-Kus is an empty lot 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

3. 2016-95 Renewal Special Ruling Inactive License

WHEREAS, application has been made by certain persons and corporations for the renewal of Plenary Retail Consumption and Plenary Retail Distribution Inactive licenses and;

WHEREAS, pursuant to N.J.S.A. 33:1-12.9 the applicant petitioned with the Director a 12:39 Ruling for an inactive liquor license that expired June 30, 2016; and

WHEREAS, the director reviewed the petition filed and has considered all the facts and circumstances related to the inactive status of the license; and

WHEREAS, the licensee has established good cause in accordance with the statutory requirements to warrant an application for renewal of the license for the 2016-2017, 2017-2018 and 2018-2019 license terms; and

WHEREAS, no complaints or objections have been filed with the Borough Clerk against said license; 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 inactive license be issued.

Ho-Ho-Kus Inn & Tavern LLC

(0228-33-002-010)

4. 2016-97 Appt. Zoning Board Laura Loew

BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the following appointment to the Zoning Board made by Mayor Randall be confirmed

Laura Loew
430 Braeburn Road
Ho-Ho-Kus NJ, 07423

for the unexpired term ending 12/31/2016

5. 2016-98 Appt. DPW- John Vanderzee

BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that they accept the recommendation of the Public Works Superintendent and hereby appoint John Vanderzee as follows.

Department of Public Works Maintenance Employee effective October 10, 2016; and

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

BE IT FURTHER RESOLVED that John Vanderzee shall be paid in accordance with the 2016 Salary Contract for a forty-hour workweek; and

BE IT FURTHER RESOLVED that said appointment and employment shall be subject to a 6-month probationary period; and

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.

6. 2016-99 Affirm Borough of Ho-Ho-Kus Local Unit Civil Right

A RESOLUTION TO AFFIRM THE BOROUGH' CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough Ho-Ho-Kus to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the the Borough that:

Section 1. No official, employee, appointee or volunteer of the borough by whatever title known, or any entity that is

in any way a part of the borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

Section 2. The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3. Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4. The borough administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5. No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6. The borough administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7. The borough administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8. At least annually, the borough administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9. This resolution shall take effect immediately.

Section 10. A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

7. 2016-100 Appt. Dispatchers

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 the following as Police Dispatchers.

Full Time Dispatcher:

1. Natalia Tello

Per Diem Dispatchers

2. Chelsea R. Ferraro
3. Robert R. Wright

4. Robert H. Zimmerman
5. Michael S. Charnesky

BE IT FURTHER RESOLVED 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.

8. 2016-101 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,130,999.12

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 \$2,130,999.12 be approved and ratified respectively

Approved: Councilmember Shea

Second: Councilmember Rorty

All ayes

Absent: Councilmember Troast

OLD BUSINESS

A. Liaison Reports:

1. Recreation

Councilmember Shea reported that movie night was a success he met with the school regarding the fields.

2. Board of Education

Councilmember stated that he has a meeting scheduled. A special thanks to the DPW for use of their tools.

3. Other

B. Shade Tree

C. Chamber of Commerce

Councilmember Shell reported that Teal ribbons were on trees in awareness Ovarian Cancer Month.
Starting a small business activity on Saturdays

NEW BUSINESS

Mr. Pattman stated that the borough did well with their water issues.

Police Chief thanked the governing body for their help and support with the passing of his father. He thanked the CERT team for all their help with a tree that fell. Ready for Richard's Run.

MAYOR'S REMARKS

None

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, Litigation and Contract

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 Litigation, Personnel and contract.

ADJOURNMENT

With no further discussions to come before the council, Mayor Randall adjourned the meeting at 9:05PM.

Respectfully submitted,

Laura Borchers, RMC/CMR
Borough Clerk.

