

Borough of Ho-Ho-Kus
County of Bergen
Mayor and Council Public Meeting Minutes
October 22, 2019 7:30 p.m.

The Public Meeting of the Municipal Council of the Borough of Ho-Ho-Kus was held in the Municipal Building at 333 Warren Avenue, Ho-Ho-Kus, NJ on October 22, 2019. The meeting was called to order at 7:35 p.m. by Mayor Randall who asked the Municipal Clerk to read the open a public meeting statement:

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

ROLL CALL:

Mayor.....	Thomas W. Randall
Council President.....	Douglas Troast - arrived @7:45
Councilman.....	Philip Rorty
Councilman.....	Steven Shell - absent
Councilman.....	Edward Iannelli
Councilman.....	Kevin Crossley
Councilman.....	Dane Policastro

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

FLAG SALUTE:

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

APPROVAL OF MINUTES

A motion was offered by Councilman Iannelli, seconded by Councilman Policastro to approve the minutes of:
September 17, 2019 – Closed and Work Session Meeting of the Mayor and Council
Motion carried on a roll call vote – all present voting “Ayes.

A motion was offered by Councilman Rorty, seconded by Councilman Crossley to approve the minutes of:
September 24, 2019 – Closed and Public Meeting of the Mayor and Council
Motion carried on a roll call vote – all present voting “Ayes, with the exception of Iannelli who abstained.

PUBLIC DISCUSSION

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

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

ADMINISTRATOR’S REPORT

Administrator reported on the following;

Old Business

Library – no updates

1-9 East Franklin Turnpike Issues – The Borough received a notice from Tuvel civil Engineering notifying us that the home owner submitted a Flood Hazard Area Individual Permit Application for the Parapet Wall Reconstruction. Home owner continues to have issues what the building department, which they are discussing on how to precede.

DOT Train Station – The NJDOT Engineer firm that has been hired to facilitate the restructuring of the one-way coming into the borough are planning to submit plans to the State by the end of the year. They are anticipating a spring

closure and revamping of the entire area.

New Business

Introduction of Ordinance 2019-18 – This ordinance will allow us to be pro-active for the 5g revolution to have control what goes into the borough’s Right-Of-Way (ROW).

CORRESPONDENCE

- a) NJDEP letter regarding the 2019 Regular Visual Inspection Report for Brewster Dam.
- b) Certification of Mailing of Added & Omitted Tax Bills
- c) Affidavit of Bill Mailing.
- d) BC Board of Chosen Freeholders – Free Community Flu Clinic, Tuesday October 29th, 2019 from 5:00pm – 8:00pm in Fairview Borough Hall.

ADOPTION OF ORDINANCES and PUBLIC HEARING

ORDINANCE 2019-27

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 79 OF THE CODE OF HO-HO-KUS ENTITLED VEHICLES AND TRAFFIC

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey, that Chapter 79 of the Code is hereby amended and supplemented as follows:

Article V Emergency No Parking

79-37 – Emergency No Parking.

Upon the declaration of an emergency, there shall be no parking upon streets or sections of streets where temporary emergency no-parking signs are displayed. The Chief of Police or, in his absence, the ranking police officer is authorized to declare an emergency and to direct the posting of said emergency no-parking signs when weather conditions, accidents, fires, roadwork, paving, leaf removal or public celebrations dictate or require the avoidance of hazards or other conditions which interfere with the free flow of traffic. Notification that the emergency no-parking signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.

79-38 - Violations and Penalties.

Unless another fine is expressly provided for by the New Jersey statutes, every person convicted of a violation of a provision of this Article or any supplement thereto shall be liable for a fine of not more than \$60.00 or imprisonment for a term not exceeding 15 days, or both.

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.

Repealer.

All other provisions of this chapter which are not affected by this ordinance are hereby ratified and confirmed and shall remain in full force and effect. However, all ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Effective Date.

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

PUBLIC HEARING

Mayor opened the meeting to the public. He stated this is the time and place for the public hearing on Ordinance #2019-27 and all persons who wishes to be heard, please state your name and address before making your statement.

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

A motion was offered by Councilman Policastro and seconded by Councilman Iannelli to adopt Ordinance #2019-27. Motion carried on a roll call vote – All present voting “Aye”.

INTRODUCTION OF ORDINANCES

ORDINANCE 2019-28

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

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

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

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

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

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

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

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

WHEREAS, the Borough has determined that it is necessary to set forth clear standards in relation to the siting of Poles, Cabinets and Antennas for the benefit of its citizens and any utilities which use or will seek to make use of said Municipal Rights-of-Way.

NOW THEREFORE, BE IT ORDAINED by the Borough of Ho-Ho-Kus that:

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

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

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

85-39.3 Communication Facilities Right-of-Way Permits

A. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

FCC means the Federal Communications Commission of the United States.

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

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

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

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

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

Pole means a legally constructed pole, such as a utility, lighting, or similar pole made of wood, concrete, metal or other material, located or to be located within the Public Right of Way. A Pole does not include a Tower or Support 3 Structure and does not include a pole or structure that supports electric transmission lines.

Provider means a Communications Service Provider or a Wireless Services Provider, and includes any Person that owns and/or operates within the Public R.O.W. any Communications Facilities, Wireless Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers.

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

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

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

State means the State of New Jersey.

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

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

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

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is one type of a Wireless Facility.

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

Wireless Services Provider means a Person who provides Wireless Services.

B. Access to Public Right of Way

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

1. The term of the R.O.W. Use Agreement shall not exceed 15 years.
2. The R.O.W. Use Agreement authorizes the Provider's non-exclusive use of the Public R.O.W. for the sole purpose of installing, maintaining and operating Communications facilities, including any Pole built for the sole or primary purpose of supporting the Communications Facilities and to provide the services expressly authorized in the agreement subject to applicable Laws, this Section and the terms and conditions of the agreement. The agreement authorizes use only of the public R.O.W. in which the Borough has an actual interest. It is not a warranty of title or interest in any Public R.O.W. and it does not confer on the Provider any interest in any particular location within the Public R.O.W. No other right or authority is granted except as expressly set forth in the agreement. Nothing herein shall authorize the use of the Borough's Poles, Towers, Support Structures, or other structures in the Public R.O.W. All use of the Borough's Poles, Towers, Support Structures, and other structures in the Public R.O.W. shall require a separate agreement, and the payment of separate fees for such use.
3. The Provider shall, at its sole cost and expense, keep and maintain its Communications Facilities, Poles, Support Structures and Towers in the Public R.O.W. in a safe condition, and in good order and repair.
4. The Provider shall provide insurance and indemnification of the Borough as described in the R.O.W. Use Agreement. The coverage must be at least as broad as:
 - a. Worker's Compensation and Employer's Liability Insurance. Provider shall provide proof of Worker's Compensation Insurance and be in compliance with the Worker's Compensation Law of the State of New Jersey. Employer's Liability: Limit of liability shall be a minimum of \$500,000, in accordance with New Jersey Statute.
 - b. Comprehensive General Liability. Comprehensive general liability ("CGL") insurance with limits no less than \$2,000,000 per occurrence.
 - c. Automobile Liability. Automobile liability insurance covering claims for bodily injury and property damage arising from all owned, hired and non-owned vehicles with limits of not less than \$1,000,000 combined single limit.

C. R.O.W. Permit

1. No person may construct, maintain or perform any other work in the Public R.O.W. related to Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers without first receiving a Permit to the extent required under this Section, and any other permit or authorization required by applicable Laws.
2. The Authority shall not issue a Permit unless the Applicant, or a Provider on whose behalf the Applicant is constructing Communications Facilities, Poles or Towers, has applied for and received the R.O.W. Use Agreement required by this Section, or otherwise has a current and valid franchise with the Borough expressly authorizing use of the Public R.O.W. for the Communications Facilities, Poles or Towers proposed in the Application, and all applicable fees have been paid.
3. The Provider shall not locate or maintain its Communications Facilities, Poles and Towers so as to unreasonably interfere with the use of the Public R.O.W. by the Borough, by the general public or by other persons authorized to use or be present in or upon the Public R.O.W.

D. Location and Siting

1. Height. No Pole shall be taller than thirty-five (35) feet in height including the antennas or 110% of the height of Poles in the Surrounding Streetscape, within 500 feet of the Pole, whichever is less.
2. Distance from curb line. No Pole shall be farther than eight (8) feet from the curb line. However, if there is a

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situation involving a greater right-of-way area and it is appropriate to set the pole back further, the reviewing authority may grant an exception within its reasonable discretion.

3. Location, Safety and Aesthetics. No pole shall be erected in the Right-of-Way unless it:
 - a. Is replacing an Existing Pole; or
 - b. Is approved by the Borough Council; or
 - c. Is located within the Municipal Right-of-Way; and
 - d. Is at least two hundred (200) linear feet from any other Existing Pole or Proposed Pole along the same side of the street containing a communications facility; and
 - e. Is not located in an area with Underground Utilities; and
 - f. Does not inhibit any existing sight triangles; and
 - g. Allows adequate room for the public to pass and re-pass across the Right-of-Way; and
 - h. Is finished and/or painted so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties.
4. The Authority may require new poles to be decorative poles if appropriate.
5. Pole Mounted Antennas are permitted on New and Existing Poles, provided that each Pole Mounted Antenna:
 - a. Does not exceed three (3) cubic feet in volume; and
 - b. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 - c. Does not inhibit sight triangles; and
 - d. Allows adequate room for the public to pass and repass across the municipal right-of-way.
6. Pole Mounted Cabinets are permitted on New and Existing Poles, provided that each Pole Mounted Cabinet:
 - a. Does not exceed sixteen (16) cubic feet and is no wider or project more than two (2) feet. There must be a minimum clearance of eight (8) feet under a pole-mounted cabinet. Any pole-mounted cabinet not in conformance with the foregoing must be ground mounted and appropriately screened with landscaping along the rear of the cabinet facing residential properties; and
 - b. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 - c. Does not inhibit sight triangles; and
 - d. Allows adequate room for the public to pass and repass across the municipal right-of-way.
7. The Authority may also require that an applicant provide a certification from an engineer licensed in the State of New Jersey attesting to the structural integrity of any Pole Mounted Antenna or Pole Mounted Cabinet.
8. Ground mounted equipment may be used only to house equipment and other supplies in support of the wireless facility.
9. Underground Utilities. Unless otherwise agreed to in writing by the Authority or otherwise required by applicable Laws, whenever any existing electric utilities or Communications Facilities are located underground within a Public R.O.W., the Provider with permission to occupy the same portion of the Public R.O.W. shall locate its Communications Facilities underground at its own expense. The Authority may, in its sole discretion, approve above-ground placement of equipment cabinets, pedestals and similar equipment. For facilities or equipment such as Wireless Facilities that cannot, by their nature, operate unless located above ground, the Provider and Authority shall work to find a suitable location for such facilities or equipment, which may be outside the Public R.O.W.
10. All wireless equipment associated with the Pole or Tower, including the wireless equipment associated with the antenna and any preexisting associated equipment shall not be more than twenty-eight (28) cubic feet in volume.
11. The Provider shall upon completion of construction provide the Borough with as-built drawings and a map showing the location of the facility and equipment.

E. Restoration Requirements

1. The Provider, or its agent or contractor, shall restore, repair and/or replace any portion of the Public R.O.W.

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that is damaged or disturbed by the Provider's Communications Facilities, Poles, Towers or work in or adjacent to the Public R.O.W. The area damaged or disturbed shall be properly landscaped to stabilize the soil and shall include screen scrub planting where deemed appropriate by the approving authority.

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

F. Removal, Relocation and Abandonment

1. Within 30 days following written notice from the Authority, the Provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its Communications Facilities, Poles, Support Structures or Towers within the Public R.O.W., including relocation of above-ground Communications Facilities underground (consistent with the provisions of this Section), whenever the Borough has determined, in its sole discretion, that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance, or installation of any Borough improvement, the operations of the Borough in, under or upon the Public R.O.W., or otherwise is in the public interest. The Provider shall be responsible to the Borough for any damages or penalties it may incur as a result of the Provider's failure to remove or relocate Communications Facilities, Poles, Support Structures or Towers as required in this subsection.
2. The Borough retains the right and privilege to cut or move any Communications Facility, Pole, Support Structure or Tower located within the Public R.O.W. of the Borough, as the Borough may determine, in its sole discretion, to be necessary, appropriate or useful in response to any public emergency. If circumstances permit, the Borough shall notify the Provider and give the Provider an opportunity to move its own facilities prior to cutting or removing the Communications Facility, Pole, Support Structure or Tower. In all cases the Borough shall notify the Provider after cutting or removing the Communications Facility, Pole, Support Structure or Tower as promptly as reasonably possible.
3. A Provider shall notify the Borough of abandonment of any Communications Facility, Pole, Support Structure or Tower at the time the decision to abandon is made, however, in no case shall such notification be made later than 30 days prior to abandonment. Following receipt of such notice, the Provider shall remove its Communications Facility, Pole, Support Structure or Tower at the Provider's own expense, unless the Borough determines, in its sole discretion, that the Communications Facility, Pole, Support Structure or Tower may be abandoned in place. The Provider shall remain solely responsible and liable for all of its Communications Facilities, Poles, Support Structures and Towers until they are removed from the Public R.O.W. unless the Borough agrees in writing to take ownership of the abandoned Communications Facilities, Poles, Support Structures or Towers.
4. If the Provider fails to timely protect, support, temporarily or permanently disconnect, remove, relocate, change or alter any of its Communications Facilities, Poles, Support Structures or Towers or remove any of its abandoned Communications Facilities, Poles, Support Structures or Towers as required in this subsection, the Borough or its contractor may do so and the Provider shall pay all costs and expenses related to such work, including any delay damages or other damages the Borough incurs arising from the delay.

G. Fees and Charges

1. **Agreement/License Application Fee.** Every Person requesting a Right of Way Agreement, Franchise Agreement or License Agreement from the Borough shall pay an application fee of \$250.00, which shall be paid upon submission of the Right of Way Agreement, Franchise Agreement or License Agreement application.
2. **Permit Application Fee.**
 - a. The Applicant shall pay a Permit application fee of \$500.00 for an Application for up to five small wireless facilities submitted simultaneously by a Provider. The fee of \$100.00 is established for each additional small wireless facility.
 - b. The Applicant shall pay a non-recurring fee for a new pole (not a collocation) intended to support one or more small wireless facilities of \$1,000.00.
3. A \$270.00 per small wireless facility fee per year shall be paid to the Borough.
4. **Deposit Towards Anticipated Municipal Expenses.**

TO BE DETERMINED BY THE REVIEWING AUTHORITY

5. **Other Fees.** The Applicant or Provider shall be subject to any other generally applicable fees of the Borough

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

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

H. Permit Applications

1. **Permit Required.** Unless expressly authorized in this Section or in writing by the Borough Council, no Person may construct, install or maintain in the Public R.O.W. any Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers, including the installation or Collocation of Communications Facilities on existing Poles, Towers, Support Structures or other structures within the Public R.O.W., without first receiving a Permit. Notwithstanding the foregoing, in the event of an Emergency, a Provider or its duly authorized representative may work in the Public R.O.W. prior to obtaining a Permit, provided that the Provider shall attempt to contact the Borough prior to commencing the work and shall apply for a Permit as soon as reasonably possible, but not later than 24 hours, after commencing the Emergency work. For purposes of this subsection, an “Emergency” means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.
2. **Permit Application Requirements.** The Application shall be made by the Provider or its duly authorized representative and shall contain the following:
 - a. The Applicant’s name, address, telephone number, and e-mail address, including emergency contact information for the Applicant.
 - b. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.
 - c. A description of the proposed work and the purposes and intent of the proposed facility sufficient to demonstrate compliance with the provisions of this Ordinance.
 - d. If applicable, a copy of the authorization for use of the property from the Pole, Tower or Support Structure owner on or in which the Communications Facility will be placed or attached.
 - e. Detailed construction drawings regarding the proposed facility.
 - f. To the extent the proposed facility involves Collocation on a Pole, Tower or Support Structure, a structural report performed by a duly licensed engineer evidencing that the Pole, Tower or Support Structure will structurally support the Collocation (or that the Pole, Tower or Support Structure will be modified to meet structural requirements) in accordance with Applicable Codes.
 - g. For any new aboveground facilities, accurate visual depictions or representations, if not included in the construction drawings.
3. **Proprietary or Confidential Information in Application.** Applications are public records that may be made publicly available pursuant to the New Jersey Open Public Records Act. Notwithstanding the foregoing, Applicant may designate portions of its Application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each portion of such materials accordingly, and the Borough shall treat the information as proprietary and confidential, subject to the New Jersey Open Public Records Act and the Borough’s determination that the Applicant’s request for confidential or proprietary treatment of Application materials is reasonable. The Borough shall not be required to incur any costs to protect the Application materials from disclosure, other than the Borough’s routine procedures for complying with the New Jersey Open Public Records Act.
4. **Ordinary Maintenance and Repair.** A Permit shall not be required for Ordinary Maintenance and Repair. The Provider or other Person performing the Ordinary Maintenance and Repair shall obtain any other permits required by applicable Laws and shall notify the Borough in writing at least 48 hours before performing the Ordinary Maintenance and Repair.
5. **Material Changes.** Unless otherwise agreed to in writing by the Authority, any material changes to an Application, as determined by the Authority in its sole discretion, shall be considered a new application for purposes of the time limits set forth in Section 85-39.3 **I. Application Review** unless otherwise provided by

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applicable Laws.

6. **Application Fees.** Unless otherwise provided by applicable Laws, all Applications pursuant to this Section shall be accompanied by the Fees required under Section 85-39.3 **G. Fees and Charges.**
7. **Effect of Permit.** A Permit from the Borough Council authorizes an Applicant to undertake only the activities in the Public R.O.W. specified in the Application and Permit, and in accordance with this Section and any general conditions included in the Permit. A Permit does not authorize attachment to or use of existing Poles, Towers, Support Structures or other structures in the Public R.O.W.; a Permittee or Provider must obtain all necessary approvals from the owner of any Pole, Tower, Support Structure or other structure prior to any attachment or use. A Permit does not create a property right or grant authority to the Applicant to interfere with other existing uses of the Public R.O.W.
8. **Duration.** Any Permit for construction issued under this Ordinance shall be valid for a period of 180 days after issuance, provided that the period may be extended for up to an additional 90 days upon written request of the Applicant (made prior to the end of the initial 180 day period) if the failure to complete construction is as a result of circumstances beyond the reasonable control of the Applicant.
9. **Batch Permit.** An Applicant may simultaneously submit not more than five (5) Applications for Communications Facilities, or may file a single, consolidated Application covering such Communications Facilities, provided that the proposed Communications Facilities are to be deployed on the same type of structure using similar equipment and within an adjacent, related geographic area of the Borough. If the Applicant files a consolidated application, the Applicant shall pay the application fee calculated as though each Communication Facility were a separate Application.

I. Application Review

1. **Pre-Application Meeting.** Prior to making a formal application with the Borough for use of the Municipal Right-of-Way, all applicants are advised to meet voluntarily with the Borough Engineer to review the scope of the Applicant's proposal.
2. All applications made under this section shall be expedited so as to comply with the shot clocks set forth in the Federal Communications Commission Order titled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barriers to Infrastructure Investment." WT Docket No. 17-79; WC Docket No. 170-84.
3. The Borough Engineer shall review all applications for the placement of new Poles and Ground Level Cabinets within the municipal R.O.W. and the placement of Pole Mounted Antennas and Pole Mounted Cabinets within the Municipal R.O.W. and advise the Borough Council whether the application is complete and whether it meets the requirements of this Ordinance.
4. Except as otherwise provided by applicable Laws, the Authority shall:
 - within thirty (30) days of receiving an Application, notify the Applicant if the Application is incomplete, and identify the missing information. The Applicant may resubmit the completed Application within ten (10) days without additional charge, in which case the Authority shall have thirty (30) days from receipt of the resubmitted Application to verify the application is complete, notify the Applicant that the Application remains incomplete or, in the Borough's sole discretion, deny the Application; and
5. The Authority shall review the Application and, if the Application conforms with applicable provisions of this Ordinance, the Borough Council shall issue the Permit, subject to the standard permit requirements published by the Borough.
6. The Authority shall make its final decision to approve or deny the Application within sixty (60) days for a collocation of a small wireless facility to an existing structure, and ninety (90) days to deploy a small wireless facility on a new structure, after the Application is complete (or deemed complete in the event the Borough does not notify the Applicant that the Application or resubmitted Application is incomplete). Review of an Application to deploy a facility other than a small wireless facility using a new structure shall be decided within 150 days.
7. **Waiver.** The Authority may waive any siting standard set forth in this Ordinance where the Applicant demonstrates that strict enforcement of said Standard:
 - i. Will prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service pursuant to 47 U.S.C.253(a); or
 - ii. Will prohibit or have the effect of prohibiting personal wireless service pursuant to 47 U.S.C. 332(c)(7)(B)(i)(II); or
 - iii. Will violate any requirement set forth by the Federal Communications Commission Order entitled

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“Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment.” WT Docket No.17-79; WC Docket 17-84.

8. The Borough Council shall advise the Applicant in writing of its final decision.

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

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

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

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

Ordinance #2019-28 will be referred to the Planning Board for their review/comments.

Council President Troast arrived at 7:45pm.

CONSENT RESOLUTIONS (19-98 thru 19-102)

Resolution #19-98 – **Introduced and read by Council President Troast**

A Resolution - Payment of bills – October

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$3,193,422.37; and
WHEREAS, such claims have been listed according to Department and account number with corresponding vouchers to be reviewed and approved by the Mayor and Council; and,
WHEREAS, the CFO has determined that the funds have been properly appropriated for such purposes and are available, in the Borough of Ho-Ho-Kus and that the claims specified on the schedule attached hereto, following examination and approval by the Mayor and Council, be paid and checks issued accordingly; and,
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that the claims totaling \$3,193,422.37 be approved and ratified respectively.

BILL LIST:

19-00982	06/26/19	01195	TROPICANA CASINO & RESORT	HOTEL- LEAGUE CONVENTION- COURT	Open	366.00	0.00
19-01276	08/19/19	00001	HOME HARDWARE	SEPT 2019 PURCHASES - DPW	Open	661.88	0.00
19-01277	08/19/19	00056	TYCO ANIMAL CONTROL SERVICES	ANIMAL CONTROL SVC SEPT 2019	Open	475.00	0.00
19-01280	08/19/19	02686	ONE CALL CONCEPTS	ONE CALL MESSAGES - SEPT 2019	Open	42.16	0.00
19-01281	08/19/19	02590	AMERICAN WEAR, INC.	SEP 2019 UNIFORMS - ROADS 2/3	Open	289.36	0.00
19-01282	08/19/19	02590	AMERICAN WEAR, INC.	SEP 2019 UNIFORMS - WATER 1/3	Open	144.68	0.00
19-01348	09/10/19	80261	ERRICO, MR. KEVIN	RETURN ROAD BOND - 103/10	Open	3,000.00	0.00
19-01369	09/12/19	01051	V. E. RALPH & SON	FIRST AID SUPPLIES- AMBULANCE	Open	1,078.63	0.00
19-01374	09/16/19	02283	DRAEGER, INC.	CALIBRATE ALCOTEST - POL DEPT	Open	179.00	0.00
19-01417	09/18/19	02892	TRUGREEN	LAWN SVC - NORTH FIELD - 9/10	Open	495.00	0.00
19-01419	09/18/19	00886	SCHWANWEDE/HALS ENGINEERING	ENG. - PLAN REVIEW 704/25	Open	385.00	0.00
19-01423	09/18/19	02899	OFFICE CONCEPTS GROUP	TIME CLOCK/CARDS-DPW	Open	456.20	0.00
19-01424	09/18/19	00886	SCHWANWEDE/HALS ENGINEERING	ENG REVIEW PLAN REVISION- 405/6	Open	110.00	0.00
19-01433	09/20/19	03239	AT&T MOBILITY	IPAD SVC- FIRSTNET 8/12-9/11	Open	99.14	0.00
19-01434	09/20/19	03245	CDW GOVERNMENT	SECURITY EQUIP- WELL #6	Open	2,939.72	0.00
19-01435	09/20/19	02747	DTS TRUCKING	WOOD WASTE DUMPED- TREE STUMPS	Open	750.00	0.00
19-01436	09/20/19	01457	A-VAN ELECTRICAL SUPPLY INC	PARTS/WIRING- LANDSCAPE LIGHTNG	Open	2,147.96	0.00
19-01437	09/23/19	03246	BRUNO ASSOCIATES, INC.	PROF. SERVICES RE: GRANTS -OCT	Open	2,000.00	0.00
19-01438	09/23/19	01457	A-VAN ELECTRICAL SUPPLY INC	LAMP COVERS/CIRCUIT BREAKERS	Open	89.29	0.00

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19-01439	09/23/19	01066	NJ ADVANCE MEDIA	LEGAL AD-BIDS FOR SOLID WASTE	Open	279.98	0.00
19-01441	09/23/19	00375	UNITED ROTARY BRUSH CORP	PLASTIC BACK/TUBEBROOM-SWEEPER	Open	715.93	0.00
19-01442	09/23/19	00329	RG GROUP	HYDRAULIC HOSES/HOSE ASSY-DPW	Open	497.97	0.00
19-01444	09/24/19	02892	TRUGREEN	FALL AERATION/SEEDING-N FIELD	Open	1,750.00	0.00
19-01445	09/24/19	03124	CP ENGINEERS, LLC	ENG REVIEW-SOIL MOVING-TOLL BR	Open	630.00	0.00
19-01446	09/24/19	03224	ALS GROUP USA CORP.	VOC EPA/COLIFORM-WATER TESTING	Open	286.00	0.00
19-01447	09/24/19	01198	DSP PRODUCTS, INC.	CABLES/SCREWA/CONNECTORS-DPW	Open	274.30	0.00
19-01448	09/24/19	00886	SCHWANWEDE/HALS ENGINEERING	ENG. -FINAL PLAN REVIEW-704/25	Open	55.00	0.00
19-01449	09/24/19	00886	SCHWANWEDE/HALS ENGINEERING	ENG. PLAN REV/ZBA MTG 1016/3	Open	3,000.00	0.00
19-01450	09/24/19	02356	GENERATION III INC.	AIR CONDITIONER SERVICE CALL	Open	775.00	0.00
19-01451	09/24/19	02297	THE SHARP SHOP	OIL FILTER- MOWER	Open	23.98	0.00
19-01452	09/24/19	01147	DOOR WORKS, INC.	INSTALL NEW DPW GARAGE DOOR	Open	3,600.00	0.00
19-01453	09/24/19	00022	STONE INDUSTRIES	FILL-IN ASPHALT - WATER DPT.	Open	500.00	0.00
19-01454	09/24/19	00886	SCHWANWEDE/HALS ENGINEERING	ENG REVIEW REVISED PLANS-905/5	Open	2,025.00	0.00
19-01457	09/24/19	01840	OPTIMUM	POLICE/CAD CABLE 10/16-11/15	Open	131.40	0.00
19-01458	09/24/19	00030	HO-HO-KUS BOARD OF EDUCATION	SCHOOL TAX - MONTH OF OCT	Open	1,500,924.00	0.00
19-01460	09/24/19	00029	BERGEN COUNTY DEPT OF ADM/FIN	4TH QTR 2019 COUNTY TAXES	Open	759,223.91	0.00
19-01461	09/24/19	01485	COUNTY OPEN SPACE TRUST FUND	2019 4TH QTR COUNTY OPEN SPACE	Open	32,803.00	0.00
19-01462	09/24/19	00034	NORTHWEST B C UTIL AUTHORITY	4TH QTR SERVICE CHARGE 2019	Open	158,475.00	0.00
19-01465	09/25/19	00144	BORO OF H-H-K PAYROLL ACCT	CURRENT SOCIAL SECURITY - SEPT	Open	13,079.19	0.00
19-01466	09/25/19	00144	BORO OF H-H-K PAYROLL ACCT	WATER DPT SOCIAL SECURITY-SEPT	Open	1,204.89	0.00
19-01467	09/25/19	00144	BORO OF H-H-K PAYROLL ACCT	SOL WASTE SOCIAL SECURITY-SEPT	Open	669.80	0.00
19-01468	09/25/19	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MONTH 9/30	Open	161,154.72	0.00
19-01469	09/25/19	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 9/30	Open	8,677.62	0.00
19-01470	09/25/19	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MONTH 9/30	Open	4,462.77	0.00
19-01471	09/25/19	02380	I. D. M. MEDICAL GAS CO	REFILL OXYGEN D CYLINDER-AMBUL	Open	36.97	0.00
19-01472	09/26/19	03168	RE-TRON TECHNOLOGIES	3 VEHICLE BATTERIES - DPW	Open	272.98	0.00
19-01473	09/26/19	02429	GRAINGER	WATER FILTER & CARTRIDGE-DPW	Open	64.36	0.00
19-01474	09/26/19	02009	SEIBEL, JASON	CDL LICENSE RENEWAL - DPW	Open	44.00	0.00
19-01475	09/26/19	02288	CEDAR HILL NURSERY INC	MULCH - DPW	Open	108.00	0.00
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19-01476	09/26/19	03103	HO-HO-KUS HAND CAR WASH	POLICE/FIRE CAR WASHES-JAN-JUL	Open	1,410.00	0.00
19-01478	09/27/19	00105	P S E & G	SEPT 2019 GAS/ELECT. - CURRENT	Open	7,003.18	0.00
19-01479	09/27/19	00105	P S E & G	SEP 2019 GAS/ELECT.-WATER DEPT	Open	7,669.60	0.00
19-01480	09/30/19	02612	PITNEY BOWES RESERVE ACCOUNT	POSTAGE-REIMBURSE METER-WATER	Open	315.76	0.00
19-01481	09/30/19	02612	PITNEY BOWES RESERVE ACCOUNT	POSTAGE-REIMBURSE METER-S WAST	Open	328.97	0.00
19-01482	09/30/19	02612	PITNEY BOWES RESERVE ACCOUNT	POSTAGE-REIMBURSE METER	Open	2,448.27	0.00
19-01483	09/30/19	00001	HOME HARDWARE	SEPT PURCHASES -WATER DEPT	Open	58.55	0.00
19-01484	09/30/19	02899	OFFICE CONCEPTS GROUP	SCANNER/CARTRIDGES-COURT	Open	543.91	0.00
19-01486	09/30/19	01457	A-VAN ELECTRICAL SUPPLY INC	LAMPS/POSTS/CONNECTORS- DPW	Open	198.36	0.00
19-01487	09/30/19	03158	WM RECYCLE AMERICA	RECYCLING PICKUPS AUG - DPW	Open	471.34	0.00
19-01488	10/01/19	02711	OPTIMUM *	OPTIMUM SVC BORO HL 10/1-10/31	Open	29.95	0.00
19-01489	10/01/19	02297	THE SHARP SHOP	LANDSCAPING PARTS - DPW	Open	37.98	0.00
19-01490	10/01/19	02974	ATLANTIC TACTICAL	4 PROTECTIVE ARMOR - AMBULACE	Open	2,832.00	0.00
19-01491	10/01/19	03224	ALS GROUP USA CORP.	WATER SAMPLE TESTS-9/4 & 9/25	Open	2,000.00	0.00
19-01492	10/01/19	03150	ELECTRO BATTERY SYSTEMS	2 VEHICLE BATTERIES -FIRE DEPT	Open	410.50	0.00
19-01493	10/01/19	02584	INTER CITY TIRE	2 STREET SWEEPER TIRES-DPW	Open	690.00	0.00
19-01494	10/01/19	02706	WURTH USA	RUBBER ERASERS-VEH MAINTENANCE	Open	53.36	0.00
19-01495	10/01/19	01534	HACH COMPANY	REAGENT SET-CHLORNE FREE-WATER	Open	1,510.34	0.00
19-01496	10/01/19	03208	MONMOUTH TELECOM	TELECOM SERVICE OCT 1	Open	821.29	0.00
19-01497	10/02/19	02297	THE SHARP SHOP	BRACKET - DPW	Open	13.99	0.00
19-01498	10/02/19	02484	RACHLES/MICHELE' S OIL CO.	1755 GALS GAS DELIVERED 9/3	Open	3,098.63	0.00
19-01499	10/02/19	00436	TREASURER STATE OF NJ	3RD QTR REMIT DCA PERMIT FEES	Open	2,209.00	0.00

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19-01500	10/03/19	02054	JOHN GARCIA CONSTRUCTION CO.	VALVE EXERCISING PROGRAM-WATER	Open	6,000.00	0.00
19-01501	10/03/19	03223	EAGLE EQUIPMENT, INC.	PIPE HOSE/FITTING - SEWERS	Open	103.96	0.00
19-01502	10/03/19	02899	OFFICE CONCEPTS GROUP	OFFICE SUPPLIES - BORO HALL	Open	369.27	0.00
19-01503	10/03/19	02899	OFFICE CONCEPTS GROUP	BATTERY BACKUPS -FIRE DEPT	Open	244.38	0.00
19-01504	10/03/19	02899	OFFICE CONCEPTS GROUP	BATTERY BACKUPS-ADMIN/FIRE/DPW	Open	836.61	0.00
19-01505	10/04/19	03048	QUALITY FORD	VEHICLE PART - SHAFT- POL	Open	145.73	0.00
19-01506	10/04/19	00363	ROCKET BUILDING SUPPLY CO	CATCH BASIN BLOCKS - DPW	Open	594.00	0.00
19-01507	10/04/19	00058	NJ PLANNING OFFICIALS ASSOC	MANDATORY TRAINNG-ZBA S MADDEN	Open	85.00	0.00
19-01508	10/04/19	80264	VAN ORDEN, JOHN	PARTIAL COAH FEE REFUND-704/25	Open	2,833.50	0.00
19-01510	10/07/19	02974	ATLANTIC TACTICAL	3 HOLOGRAPHIC WEAPON SIGHTS-PD	Open	1,488.58	0.00
19-01511	10/07/19	00022	STONE INDUSTRIES	FABC TOP ASPHALT - DPW	Open	199.68	0.00
19-01512	10/07/19	01457	A-VAN ELECTRICAL SUPPLY INC	OUTSIDE LIGHTING - PD	Open	389.97	0.00
19-01513	10/07/19	03004	WYCKOFF WASH	CAR WASH - POL CAR	Open	5.00	0.00
19-01514	10/07/19	00669	NORTH JERSEY WATER CONFERENCE	ANNUAL MEMBERSHIP - WATER DEPT	Open	800.00	0.00
19-01515	10/07/19	03186	CONFIDENTIAL SHREDDING	4 HOUR SHREDDING - 10/5	Open	700.00	0.00
19-01516	10/07/19	03147	BERGEN SUPPLY COMPANY	10 CASES PAPER TOWELS/TISSUES	Open	289.40	0.00
19-01517	10/07/19	03110	PERRICELLI, LISA	VISION REIMBURSEMENT	Open	300.00	0.00
19-01518	10/07/19	00737	KUIKEN BROS. CO. INC.	PRESSURE TREATED WOOD - DPW	Open	80.82	0.00
19-01519	10/07/19	01432	HENRY'S PLUMBING	PLUMBING SUPPLIES - WATER DPT	Open	55.84	0.00
19-01520	10/07/19	01647	WSP USA	MONITOR DPW GARAGE AREA-8/30	Open	1,996.01	0.00
19-01521	10/07/19	01647	WSP USA	WATER COMPLIANCE SVC THRU 8/30	Open	1,345.00	0.00
19-01522	10/07/19	02788	KONICA MINOLTA **	QTR 3 COPIER MAINT/COPIES-POL	Open	701.91	0.00
19-01523	10/07/19	03119	KONICA MINOLTA ****	COPIER PLN/ZON/CONS 7/4-10/3	Open	57.79	0.00
19-01526	10/08/19	00258	THOMSON REUTERS - WEST	2020 RULES OF COURT- COURT	Open	311.00	0.00
19-01527	10/08/19	01565	MINUTEMAN PRESS	PRINT & FOLD WATER DPT LETTER	Open	375.29	0.00
19-01528	10/09/19	02615	TREASURER, STATE OF NJ	MARRIAGE LIC FEE TO NJ JUL-SEP	Open	100.00	0.00
19-01529	10/09/19	00255	NORTH JERSEY MEDIA GROUP	LEGAL ADS- SOLID WASTE BIDS	Open	169.38	0.00
19-01530	10/09/19	00255	NORTH JERSEY MEDIA GROUP	LEGAL AD-PLAN BD MTG CANCELLED	Open	10.02	0.00
19-01531	10/09/19	00255	NORTH JERSEY MEDIA GROUP	LEGAL AD - 2018 AUDIT REPORT	Open	152.08	0.00
19-01532	10/09/19	00144	BORO OF H-H-K PAYROLL ACCT	MEDICAL/PRESCRIPT/DENTAL-OCT	Open	77,177.43	0.00
19-01533	10/09/19	00166	BOLE, DAVID B., ESQ.	BORO ATTORNEY SVCS - SEPT	Open	1,403.00	0.00
19-01534	10/09/19	00046	RUTHERFORD, DAVID L., ESQ.	LEGAL SVCS - CROSSINGS	Open	1,812.50	0.00
19-01535	10/09/19	02671	SUBURBAN DISPOSAL INC.	SOLID WASTE/RECYCLING AUG 2019	Open	45,677.27	0.00
19-01536	10/09/19	02887	VALLEY PHYSICIAN SERVICES	2ND QTR DOT TESTING - DPW	Open	153.00	0.00
19-01537	10/09/19	00229	BORO OF H-H-K WATER DEPARTMENT	3RD QTR WATER BILLING TO DEPTS	Open	1,354.01	0.00
19-01538	10/10/19	00012	PROSTOCK MIDLAND	FUEL ELEMENTS/FUEL FILTERS-DPW	Open	338.75	0.00
19-01539	10/10/19	03048	QUALITY FORD	ROTOR/BRAKES/SWAYBAR - POL VEH	Open	818.96	0.00
19-01540	10/10/19	00526	MK ENTERPRISES INC	I BEAM FOR SALTER -DPW	Open	2,000.00	0.00
19-01541	10/10/19	03224	ALS GROUP USA CORP.	WATER TESTING - 9/25/19	Open	362.00	0.00
19-01542	10/10/19	00088	NJ CONFERENCE OF MAYORS	MEMBERSHIP DUES	Open	295.00	0.00
19-01543	10/11/19	00166	BOLE, DAVID B., ESQ.	SOLID WASTE BID SPECS	Open	1,540.00	0.00
19-01544	10/11/19	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL CURRENT 1/2 MNTH 10/15	Open	161,391.56	0.00
19-01545	10/11/19	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-WATER 1/2 MONTH 10/15	Open	7,587.46	0.00
19-01546	10/11/19	00144	BORO OF H-H-K PAYROLL ACCT	PAYROLL-S WASTE 1/2 MNTH 10/15	Open	5,934.67	0.00
19-01549	10/11/19	02690	VERIZON WIRELESS*	WIRELESS CHARGES 9/4-10/3	Open	859.26	0.00
19-01551	10/11/19	02903	FIRST STUDENT, INC.	JR POLICE ACADEMY BUS TRIP	Open	600.00	0.00
19-01552	10/11/19	80068	MALES, CHRIS	FOLD/INSERT/STUFF WATER BILLS	Open	400.00	0.00
19-01553	10/11/19	80203	CAPORALE, ELISA B.	REIMB TRAVEL- CLERK TRAINING	Open	301.94	0.00
19-01554	10/15/19	00555	P S E & G *	ELECT. SVC-EASTGATE THRU 10/8	Open	45.93	0.00
19-01555	10/15/19	00038	VERIZON	WATER DEPT PHONES - SEPT/OCT	Open	476.06	0.00
19-01556	10/15/19	00209	WORTH PINKHAM MEMORIAL LIBRARY	OPERATINAL BALANCE FOR 2019	Open	33,230.86	0.00
19-01557	10/15/19	00038	VERIZON	SEPT/OCT FAX/PHONE - DEPTS.	Open	970.65	0.00

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19-01558	10/16/19	00821	AT&T	SEPT 2019 FAX/LONG DISTANCE	Open	123.82	0.00
19-01559	10/16/19	02339	ZUIDEMA PORTABLE TOILETS	1 MD PORT TOILET N FIELD 10/14	Open	95.00	0.00
19-01560	10/16/19	02297	THE SHARP SHOP	LAWN MOWER PARTS - DPW	Open	72.54	0.00
19-01561	10/16/19	00294	STATE OF NEW JERSEY-PWT	3RD QTR PENNY TAX -WATER USAGE	Open	647.76	0.00
19-01562	10/16/19	02712	OPTIMUM **	OPTONLINE SVC DPW- 10/16-11/15	Open	119.80	0.00
19-01563	10/16/19	01779	OUTSTANDING SERVICE	CHECK WATER TANKS/BIOCIDE TRIM	Open	182.90	0.00
19-01564	10/16/19	03223	EAGLE EQUIPMENT, INC.	ELBOW RADIATOR HOSE-DPW	Open	104.54	0.00
19-01565	10/16/19	00022	STONE INDUSTRIES	TOP ASPHALT - WATER SEPT.	Open	198.36	0.00
19-01566	10/16/19	02053	ZAWADZKI, DARRYL	REIMB FOR WATER LICENSES	Open	150.00	0.00
19-01567	10/16/19	00012	PROSTOCK MIDLAND	VEHICLE PARTS - DPW & FIRE DPT	Open	451.95	0.00
19-01568	10/16/19	03228	HACKENSACK SPRING & ALIGNMENT	FRONT ALIGNMENT DPW VEH #769	Open	368.00	0.00
19-01569	10/16/19	00375	UNITED ROTARY BRUSH CORP	DIRT SHOE SCRAPER/SHOE-SWEEPER	Open	382.05	0.00
19-01570	10/16/19	02285	HAWTHORNE HITCH & TRAILER	A FRAME JACK 12-VOLT -FIR DEPT	Open	354.91	0.00
19-01571	10/16/19	02594	RAMSEY CHRYSLER/JEEP	STRIKE TEST - FIRE DPT	Open	22.40	0.00
19-01572	10/16/19	03048	QUALITY FORD	WHEEL ASSY - DPW	Open	176.37	0.00
19-01573	10/16/19	01580	MCMMASTER-CARR	DRYING MAT/SQ-LINK CHAIN-WATER	Open	43.16	0.00
19-01574	10/16/19	00886	SCHWANWEDE/HALS ENGINEERING	ENG. PLAN REVIEW - 1103/9	Open	400.00	0.00
19-01575	10/16/19	00157	TREASURER - STATE OF NJ	UNDERGROUND STORAGE TANKS PROG	Open	50.00	0.00
19-01576	10/16/19	03224	ALS GROUP USA CORP.	COLIFORM & E COLI TESTS-WATER	Open	76.00	0.00
19-01577	10/16/19	03048	QUALITY FORD	ROTORS AND KIT DPW VEH MAINT.	Open	702.48	0.00
19-01578	10/16/19	00012	PROSTOCK MIDLAND	CONTROL ARM - DPW	Open	58.99	0.00
19-01581	10/17/19	01831	COMPUTER SERVICE CENTER	TECH SUPPORT - SEPT	Open	3,307.50	0.00
19-01582	10/17/19	02963	COMPUTER SERVICE CENTER *	SPAM FIREWALL UPDATES	Open	799.00	0.00
19-01583	10/17/19	80203	CAPORALE, ELISA B.	3 OVERNITE MAILINGS-SHADE TREE	Open	76.50	0.00
19-01584	10/17/19	00359	EDMUNDS & ASSOCIATES	2 PART TAX BILLS	Open	270.00	0.00
19-01585	10/17/19	00886	SCHWANWEDE/HALS ENGINEERING	ENG. INSPECTION/PLAN REV-405/6	Open	142.50	0.00
19-01586	10/17/19	00886	SCHWANWEDE/HALS ENGINEERING	ENG INSPECTION/PLAN REV-104/6	Open	300.00	0.00
19-01587	10/17/19	00886	SCHWANWEDE/HALS ENGINEERING	PL REV-WATER MAIN MAP 1016/3	Open	150.00	0.00
19-01588	10/17/19	03179	MIKE FITZPATRICK & SON, INC	2019 RD RESURFACING PROG-V #2	Open	13,103.88	0.00
19-01589	10/17/19	01819	D & L PAVING CONTRACTORS	RD RESURFACING-LLOYD RD-V #2	Open	13,499.16	0.00
19-01590	10/17/19	01958	VERIZON WIRELESS	POLICE/FIRE CDMA 9/10-10/9	Open	278.57	0.00
19-01591	10/17/19	00041	BORO OF H-H-K CURRENT ACCT	LIBRARY OVERHEAD CHARGE 10/17	Open	85,633.93	0.00

Resolution #19-99 – Introduced and read by Council President Troast

A Resolution to urge Voters to support the Referendum on the Election Ballot in November, so that Veterans or Widowed Spouses of Veterans who reside in Continuing Care Retirement Communities (CCRC) will be eligible for Property Tax Deduction

WHEREAS, the State Constitution for New Jersey authorizes veterans and widowed spouses of veterans who served in active duty during war and other times of emergency to receive a property tax deduction, in the amount of \$250 per year, in well-deserved recognition of their service to our country; and

WHEREAS, veterans and widowed spouses of veterans who reside in Continuing Care Retirement Communities (CCRC) have been unfairly denied eligibility for the \$250 property tax deduction because they do not own their units, even though they instead contribute to property taxes through a monthly payment, and even though they have made the same sacrifices as all veterans in our great county; and

WHEREAS, there are twenty-five CCRCs in the State which collectively house approximately 2,500 veterans or widowed spouses who are being denied the property tax deduction.

WHEREAS, Senator Vin Gopal has sponsored legislation (S1331), that has been approved by the Senate and General Assembly, to extend the deduction to veterans and their widowed spouses in CCRCs;

WHEREAS, the extension of the deduction, because it requires an amendment to the State Constitution, must be approved by the voters at the ballot in November before it will become valid and effective; and

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WHEREAS, the Mayor and Borough Council now desire to memorialize their support of the referendum on the ballot in November and to urge the voters of this State to vote in favor of the property tax deduction for veterans and widowed spouses of veterans who reside in CCRCs;

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of Ho-Ho-Kus urges voters to support the referendum on the ballot in November 2019, so that veteran and widowed spouses of veterans who reside in Continuing Care Retirement Communities (“CCRC”) will be eligible for the \$250 property tax deduction.

BE IT FURTHER RESOLVED, that the Borough Council believes that this small benefit to our veterans and widowed spouses of veterans who reside CCRCs is a proper and warranted acknowledgment of the tremendous sacrifices that veterans have given to protect and serve our great nation.

Resolution #19-100 – Introduced and read by Council President Troast

A Resolution - Tax Appeal Settlement – DeAngelis, 845 Wickham Way (block 1301, lot 13)

WHEREAS, Davide DeAngelis, et al. is the owner of real estate known as 845 Wickham Way, Ho-Ho-Kus, New Jersey, also known as Lot 13 in Block 1301 on the Borough tax map; and

WHEREAS, the owner has filed tax appeals challenging the tax assessment for the years 2017-2019; and

WHEREAS, the Borough has completed full discovery with respect to these matters and has conducted exhaustive negotiations with counsel for the taxpayer; and

WHEREAS, the parties have been able to arrive upon a proposed settlement agreement as follows: a revised assessment of \$1,550,000 for the years 2017, 2018 and 2019 and \$1,450,000 for 2020; and

WHEREAS, the parties have agreed that pre-judgment interest shall be waived as a condition of the settlement; and

WHEREAS, the Borough’s Tax Assessor Edmund Brown is in agreement with the terms of the settlement and believes that it would be in the best interests of the Borough to settle these particular cases in accordance with the terms set forth above

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Ho-Ho-Kus agrees to authorize the Municipal Attorney to execute a Stipulation of Settlement on behalf of the Borough of Ho-Ho-Kus with respect to the Davide DeAngelis, et al. v. Ho-Ho-Kus tax appeals pending in the Tax Court of New Jersey under Docket Nos. 006046-2017; 000894-2018 and 000801-2019 at the new assessments set forth above; and

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

BE IT FURTHER RESOLVED, that a true copy of this Resolution be provided to the Borough Tax Collector, Tax Assessor, Chief Financial Officer and Municipal Attorney.

Resolution #19-101 – Introduced and read by Council President Troast

A Resolution – Authorizing Shared Service Agreement for Maintenance & Repairs of DPW Vehicles

WHEREAS, the Uniform Shared Services Act N.J.S.A. 40A:65-1 et seq. promotes the broad use of shared services as a method to reduce local expenses funded by property taxpayers; and

WHEREAS, the Uniform Shared Services Act allows for any local unit to enter into an agreement with any other local unit or units to provide or receive any services with each local unit participating in the agreement that is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the Borough of Paramus is willing to provide certain labor and maintenance of DPW vehicles owned by the Borough of Ho-Ho-Kus as needed; and

WHEREAS, the Borough of Ho-Ho-Kus may require the use of such labor and maintenance for its DPW vehicles; and

WHEREAS, the Chief Financial Officer has attached hereto a certification that adequate funds will be provided in the 2020 budget to pay for this agreement;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Ho-Ho-Kus that it does hereby authorize and approve a Shared Services Agreement with the Borough of Paramus for use of certain labor and maintenance for its DPW vehicles in the form of the Shared Services Agreement currently on file with the Municipal Manager’s office; and

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BE IT FURTHER RESOLVED, that this Shared Services Agreement shall be open to public inspection immediately after passage of this Resolution; and

BE IT FURTHER RESOLVED, that the subject Shared Services Agreement is intended to take effect upon adoption of authorizing resolutions by both the Borough of Paramus and the Borough of Ho-Ho-Kus as well as execution of said Agreement by authorized officials of both entities and shall continue for a period of one (1) year commencing January 1, 2020 to December 31, 2020 unless either party notifies the other in writing of intent to cancel the Agreement; and BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are authorized to sign such Shared Services Agreement following legal review.

Resolution #19-102 – Introduced and read by Council President Troast

A Resolution – Forgiveness of Solid Waste 4th Qtr. 2019 bill.

WHEREAS, 11 Saddle Brook Drive, 319 Ardmore, 806 West Saddle River Road, 4 Brookview Ct., 23 Deerhill Road, 6 Saddle Ridge Rd., and 61 Lloyd Rd (3rd quarter only), are lots under construction

WHEREAS, the above residential structures will be credited accordingly and then will be reviewed for the balance and NOW THEREFORE, be it resolved that the bills in question be cancelled.

A motion was offered by Council President Troast and seconded by Councilman Crossley to approve Resolutions 19-98 through 19-102. Motion carried on a roll call vote – All present voting “Aye”.

LIAISON REPORTS

Recreation – No report

Library – Councilman Policastro reported he will be meeting with the Library Director tomorrow at her request and will report back at the next Mayor and Council Meeting

Board of Education – No report

Ambulance Corp. – Councilman Crossley reported they had their meeting on September 30th, 2019, where 18 members were in attendance. The ambulance team had their rigs at many events; Richard’s Run, the open house for Fire Department and the HHK/Saddle River football game. They have been advertising for new recruits and had two new recruits sign up at their table they had at the Fire Department open house. On October 20th, 2019 they had their SEVO (service emergency vehicle operator) class for new drivers. Lastly the new ambulance website is updated and is very user friendly.

Fire Department – Councilman Rorty reported their Fire Department open was a success.

Chamber of Commerce – No report as Councilman Shell was absent, however Mayor stated he attended the grand re-opening of Wine & Spirit World on Saturday October 19th.

MAYOR'S REMARKS – Mayor reported on October 18, 2019 he attended the HHK Dental Associates where they welcomed the newest member Brain D. Roth, D.M.D. He also saw all the beautiful Halloween window painting and thanked the Police and The CERT Team in keeping everyone safe.

CLOSED SESSION - On a motion by Councilman Rorty, seconded by Councilman Crossley, the Mayor and Council approved entering into Executive Session closed to the public. Motion Carried by voice vote – all present voting “Aye”.

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

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

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

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

8 - matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting; or

7- Matters relating to litigation, negotiations and attorney-client privilege
Contract Negotiations

Now therefore, be it resolved by the Borough Council of the Borough of Ho-Ho-Kus assembled in public session on October 22, 2019 that an Executive Session closed to the public be and the same is hereby authorized for discussion of matters relating to the specified items designated above.

Closed Session began at 7:50 p.m. and ended at 8:25 p.m.

On a motion by Councilman Policastro, seconded by Councilman Crossley, the meeting returned to open public session.

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

ADJOURNMENT

On a motion by Councilman Crossley, seconded by Councilman Rorty, the meeting was adjourned at 8:25 p.m. Motion Carried by voice vote – all present voting “Aye”.

Respectfully submitted,

Joan Herve RMC/CMR
Borough Clerk