

BOROUGH OF HO-HO-KUS

MAYOR AND COUNCIL PUBLIC MEETING

MARCH 20, 2012- 8:00 P.M.

I OPEN MEETING STATEMENT - ROLL CALL

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

Roll Call:

Mayor Randall	Present
Councilmember Troast	Present
Councilmember Lennon	Present
Councilmember Shea	Present
Councilmember Rorty	Present
Councilmember Weiss	Present
Councilmember Shell	Present

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

II. PLEDGE OF ALLEGIANCE

Mayor Randall led all in the Pledge of Allegiance

III. BOARD OF EDUCATION

2012 Budget Presentation

Discussion with Mayor & Council – Borough Issues

The Board of Education presented the Mayor and Council with the 2012 BOE Budget.

IV. APPROVAL OF MINUTES

None

V. COMMITTEE REPORTS

A. FINANCE

Finance Officer's Report – Feb 2012

B. PUBLIC SAFETY

1. Police Report – Feb 2012
2. Court Report – Feb 2012

C. PUBLIC WORKS & PROPERTIES

1. Supt. of Public Works – Feb 2012
2. Construction Office Report – Feb 2012

D. WATER

1. Water Supt. Report – Feb 2012
2. Water Registrar's Report- Feb 2012

E. FIRE

1. Fire Dept. Report – Feb 2012
2. Fire Prevention Bureau – Feb2012

F. COMMUNITY RELATIONS

1. Library – Feb 2012

2. Ambulance Report – Feb 2012
3. Solid Waste Utility – Feb 2012

VI. PUBLIC DISCUSSION

Nicholas Hewitt as part of an Eagle Scout Project presented the Mayor and Council with an update of the Bat Houses that were installed in the trees of the 16 Acres.

VII. A. CORRESPONDENCE

1. Mr. John Hanlon request the addition of Mr. Stuart Deleeuw to Town Memorial Park
2. VFW- Approvals for Memorial Day Parade and Poppy Campaign for 2012
Councilmember Shea approved the Parade and the Poppy Campaign, seconded by Councilmember Lennon. All Ayes
3. Nicholas Hewitt- Update on Eagle Scout Project
4. Go4thegoal Foundation- Permission to hang sign application.
Councilmember Shell approved the Sign Application, seconded by Councilmember Lennon. All Ayes

B. Ordinances and Resolutions Other Towns:
None

C. Bergen County:

Board of chosen freeholders:

Resolutions:

1. # 200-12 Recognition of Read Across America
2. # 219-12 Honoring Lance Corporal Osbrany Montes De Oca
3. # 220-12 Support for nomination of Phillip H. Kwon to the N.J. Supreme Court
4. Ordinance # 12-05 Refunding of 2003 General Improvement and school Bonds

D. League of Municipalities:

1. S-533, "Common Sense shared Services Act" Advances
2. Conflict resolution during the Shared Service Process
3. S-1451 Reforms to the Open Public Meetings Act
4. Important decision regarding OPRA and mailing lists
5. Legislative Alert:
 - i. Permit Extension bill advances to Senate
 - ii. "New Jersey Residential Transformation Act" advances in Assembly

E. State of New Jersey:
None

VIII. INTRODUCTION OF ORDINANCES

1. Ordinance # 1008- Index Rate

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Ho-Ho-Kus in the County of Bergen finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 1.5 % increase in the budget for said year, amounting to \$ 79,445 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Ho-Ho-Kus, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Borough of Ho-Ho-Kus shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased to 3.5 %, amounting to \$ 185,371, and that the CY 2012 municipal budget for the Borough of Ho-Ho-Kus be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote indicated thereon, be filed with said Director within 5 days of adoption.

Councilmember Lennon moved the introduction of the Ordinance, seconded by Councilmember Rorty.
All Ayes

IX. FINAL PASSAGE OF ORDINANCES

1. Ordinance # 1006- Chapter 85 Zoning- Signs

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

SECTION 1. Chapter 85, "Zoning," is hereby amended to establish new regulations for public interest signs as follows:

85-7 Definitions and Word Usage.

B. Terms Defined. As used in this chapter, the following terms shall have the meanings indicated:
SIGN – Includes every wall sign, ground sign, card, poster or painted bulletin, sale sign, sign printed or painted on the outside of a building or structure, illuminated sign, temporary sign, banner sign, commercial banner sign, public interest sign, awning banner and canopy with writing or figures thereon, and shall include any announcement, declaration, demonstration, illustration or insignia, whether used to advertise or promote the interests of any person, product or event or otherwise when the same is placed in view of the general public.

85-37 Signs.

K. The following signs are permitted for uses as specified in the various zone districts:

(10) Commercial Banner Signs. Signs of a commercial nature consisting of a piece of cloth or synthetic material attached onto side edges to a pair of banner arms or posts. The commercial banner signs shall be installed perpendicular on a commercial building in the business district only. The signs shall be installed at the front of the structure on the second floor only. Signs of a commercial nature shall not extend over a public sidewalk or walkway. The commercial banner sign shall be subject to the following regulations:

- (a) Banners must be installed on the pole of the approved pair of installation devices.
- (b) Dimensions of the banner shall be 36" x 50" (12 ½ square feet in area). The height of the banner shall be measured from the center line of the window.
- (c) Printing shall be on both sides. A photographic image shall be permitted on one side only.
- (d) Any form of illumination of the banner is prohibited.
- (e) No reflective lettering shall be used.

- (f) No other attachment to the banner arms is permitted.
- (g) Only tenants or property owners with business space on the second floor at the front of the building may display their business name on the banner sign.
- (h) The banner sign shall be constructed of cloth and/or approved synthetic material.
- (i) A banner sign shall not be constructed of a plastic material.
- (j) All banner signs shall be replaced upon the occurrence of the following:
 - i. The banner sign becomes torn, discolored, a safety hazard or deteriorated in any form.
 - ii. The business tenant to which the sign pertains vacates the business space.
 - iii. Four (4) years after installation of the banner sign if the events described in subsections i. and ii. have not occurred.
- (k) Banner brackets shall be installed at the second floor level at the center line of the window at an equal distance from the window.
- (l) The banner bracket system must be designed and installed to withstand the weather elements.
- (m) The base of the banner sign must be equipped with an absorption spring for high wind conditions.
- (n) The arm must be constructed of a fiber glass material, and the bracket base shall be constructed of cast aluminum or a non-ferrous metal material.
- (o) The arm must be constructed in a way to insure that the banner sign remains taught.
- (p) The mounting brackets for the banner sign shall be of a black or dark brown color. Banner sign brackets shall be inspected for structural integrity by the Borough's property maintenance inspector at least once every four (4) years and replaced by the occupant of the business space due to component defects.
- (q) Banner signs shall not be permitted on the front of buildings which face residential zones.
- (r) No more than four (4) banner signs shall be permitted on the front of a building.
- (s) The minimum distance of a commercial banner sign from a window on either side shall be four (4) feet.
- (t) The minimum distance of a commercial banner sign from the ends of the front of the building on either side shall be fifteen (15) feet.
 [New provisions indicated by underline; deletions by ~~strikeouts~~]

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any part, sections, provisions, or the total of any of the above-mentioned publications are held to be invalid or unenforceable by any court, the findings or judgments of which court are applicable in the State of New Jersey, that the balance and remainder of such publication shall remain in full force and effect as an Ordinance of the Borough of Ho-Ho-Kus.

SECTION 4. This Ordinance shall become effective after adoption and publication according to law.

2. Ordinance # 1007- Curbs and Sidewalks

BE IT ORDAINED, By the Governing Body of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey that Chapter 58 of the Code is amended as follows:

Section 58-10 – Application and Permits.

Subparagraph E is amended to read:

E: pay a permit fee of one hundred (\$100.00) dollars; provided, however, that public utilities or authorities may elect to be billed monthly for such fees as they may accrue.

Repealer

All other provisions of this chapter which are not affected by this amendatory Ordinance are hereby ratified and confirmed and shall remain in full force and effect. However, all ordinances or parts of ordinances,

which are inconsistent with the provisions of this amendatory Ordinance are hereby repealed to the extent of such inconsistency.

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.

Effective Date

This ordinance shall take effect after final passage and publication as required by law.
Councilmember Lennon moved the Adoption of the Ordinances Seconded by Councilmember Shea.
All Ayes

X. RESOLUTIONS
None

XI. CONSENT RESOLUTION

1. # 12-42 Check Write Off

BE IT RESOLVED, that the following list of 2009-2010 Checks are Stale-dated and need to be written off, and funds to be credited to the appropriate accounts.

	TOTAL
Animal License Account Check # 50012 (\$375.00)	\$375.00
Payroll Account Check #'s 67049 (\$113.99)	
66484 (\$391.25)	
68455 (\$54.20)	\$559.44
Water Trust Account Check #'s 50012 (\$73.56)	
50042 (\$720.00)	
50239 (\$12,112.87)	\$12,906.43
Current Account Check #'s 21192 (80.00)	
21274 (\$25.00)	
21573 (\$35.00)	
90080 (\$75.00)	
90479 (\$12.50)	
90692 (\$6.66)	
91273 (\$135.00)	
91677 (\$109.45)	\$478.61

THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that the above checks be written off

2. # 12-43 Crossing Guard

WHEREAS, the Borough of Ho-Ho-Kus hires school crossing guards for the school year to assist with the crossing of children at various intersections throughout the borough; and

WHEREAS, this is not meant to be a year-round employment, which is known to all parties, and the days worked by the crossing guards correspond to the school calendar; and

WHEREAS, Board of Education employees who are employed for a similar period are *not* eligible for unemployment benefits; and

WHEREAS, the crossing guards who are employed by the Borough of Ho-Ho-Kus always file for unemployment insurance whenever there is a break from employment by the school, even if it is just for a few days; this results in an annual cost to the borough of from \$20,000 to \$25,000 annually, which adds to the financial constraints forced upon the borough's budget due to the severe economic times; and

WHEREAS, the introduction of Senate Bill 2827 and Assembly Bill 132 begin to address the issue of seasonal worker unemployment claims but both need to be amended to include the issue of *municipal* seasonal employees receiving unemployment insurance during school breaks, whether for summer recess or holiday breaks.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that we ask our State Legislators to address this issue immediately so that employees who work solely on a school calendar year

not be eligible to receive unemployment insurance benefits regardless of whether they work for the municipal government or the Board of Education.

3. # 12-44 Transfer of Funds

Roads (O.E)
Roads (S&W)

FROM: TO:

15,000
15,000

4. # 12-45 Appt. Library Board- Jeffrey Clutterbuck

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

Jeffrey Clutterbuck
51 Ardmore Road, Ho-Ho-Kus

for the term ending December 31, 2016

5. Payment of Vouchers

See attached

Councilmember Troast moved the approval of the Consent Resolutions, seconded by Councilmember Shea.

All Ayes

XII. OLD BUSINESS

A. Liaison Reports:

1. Recreation
2. Board of Education
3. Other

B. Grants

Borough Administrator Donald Cirulli stated that the Borough is moving ahead with the Grant for the Pre-emptive light at the Firehouse.

C. Shade Tree

D. COAH Status

Borough Attorney Bole reported that the Governor Christie is moving forth to abolish COAH.

XII. NEW BUSINESS

XIV. MAYOR'S REMARKS

Stanley Kober mentioned that Congressman Garrett was to present the CERT team with a Presidential Citation and Donovan's Certificate.

XV. CLOSED SESSION

None

XVI. ADJOURNMENT

With no more discussions to come before the Council, and on a motion made by Councilmember Rorty, seconded by Councilmember Lennon and Carried, Mayor Randall adjourned the meeting at 9:05PM.

Respectfully Submitted,

Laura Borchers, RMC, CMR
Borough Clerk