

BOROUGH OF HO-HO-KUS
COMBINED PUBLIC MEETING
OF THE MAYOR AND COUNCIL
MARCH 28, 2017- 7:30 P.M
MINUTES

Mayor Randall called the regular meeting to order at 7:30 PM. The open meeting statement was read.

The combined 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: Councilmembers, Troast, Shell Iannelli, Fiato and Crossley. Also present were borough administrator William Jones and attorney David Bole.

Absent: Councilmember Rorty

Mayor Randall led all in the Pledge of Allegiance

Moment of silence for the passing of log time fire department member Judy Ludwig.

BUDGET PRESENTATION

- Finance Chairperson Comments
Councilmember Troast commented that he budget decreased 1% over last year. Credit to Joe Citro and all the department heads for all the hard work to maintain the budget. No municipal tax increase this year. Surplus increased from \$1,800,000.00 to \$2,000,000.00
- Ordinance # 2017-05 "Cap Bank"

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 up to .5% 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 2017 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 3% increase in the budget for said year, amounting to \$185,490 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 be 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 2017 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 by 3.5%, amounting to \$216,405, and that the CY 2017 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 included thereon, be filed with said Director within 5 days after such adoption.

Motion: Councilmember Troast

Second: Councilmember Crossley

Absent: Councilmember Rorty

- Self -Exam Budget Resolution

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 the BOROUGH of HO-HO-KUS has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the BOROUGH meets the necessary conditions to participate in the program for the 2017 budget year, so now therefore

BE IT RESOLVED, by the BOROUGH Council of the BOROUGH of HO-HO-KUS that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification, the governing body has found the budget has met the following requirements:

1. That with reference of the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A 40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES UPON ADOPTION

Motion: Councilmember Troast

Second: Councilmember Iannelli

- Introduction-2017 Budget

Be it Resolved, that the following statements of revenue and appropriations shall constitute the approved Municipal Budget for the year 2017;

CURRENT FUND

General Appropriations

Appropriations within "CAPS" - Municipal Purposes	\$6,009,700.00
---	----------------

Appropriations excluded from "CAPS"- Municipal Purposes	2,175,832.04
---	--------------

Reserve for Uncollected Taxes	265,000.00
-------------------------------	------------

Total General Appropriations	8,450,532.04
------------------------------	--------------

Less: Anticipated Revenues	1,469,174.54
----------------------------	--------------

Amount to be Raised by Taxes for Support of Municipal Budget

Local Tax Municipal Purposes	\$6,543,573.50
------------------------------	----------------

Minimum Library Tax	437,784.00
---------------------	------------

Total to be Raised by Taxes	\$6,981,357.50
-----------------------------	----------------

WATER UTILITY FUND

Appropriations

\$978,100.00

Utility Revenues

\$978,100.00

SOLID WASTE UTILITY FUND

Appropriations

\$820,000.00

Utility Revenues

\$820,000.00

Motion: Councilmember Troast

Second: Councilmember Iannelli

Absent: Councilmember Rorty

APPROVAL OF MINUTES

1. February 21, 2017 Work Session
Absent: Councilmember Troast and Fiato.
2. February 28, 2017 Public Session
All present.

COMMITTEE REPORTS- February 2017

On File

PUBLIC DISCUSSION

None

ADMINISTRATORS REPORT

Received Bronze Achievement Award from JIF for Safety Program and a \$1000 towards Insurance Premium.

Road Resurfacing bid with NWBSS is scheduled for some time in April. Roads include Sherwood, Lakewood, Dogwood, Ferris Court and Blanchfield.

CORRESPONDENCE

- Nancie Solomon-Development Concerns
- NHRHS- Thank you for NH Project Graduation
- State of New Jersey-Notice Resurfacing Project Rt. 17 North.
- Borough of Saddle River-Zoning Ordinance
- Nataly Tello-Letter of resignation
- Sgt. LaCroix-Installation of Handicapped Sign
- HHK Police Department- Community Outreach
- Chamber of Commerce-Taste of Ho-Ho-Kus

INTRODUCTION OF ORDINANCES

2017-04 Amend Chapter 85- Establish Zoning Requirements to add an R-2A Single Family Residential District

AN ORDINANCE TO AMEND CHAPTER 85 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HO-HO-KUS, 1971 ENTITLED "ZONING" BEING AN ORDINANCE ESTABLISHING A UNIFORM SET OF ZONING REQUIREMENTS; TO ADD AN R-2A SINGLE-FAMILY RESIDENTIAL DISTRICT.

WHEREAS, pursuant to N.J.S.A. 40:55D-62b, the Mayor and Council of the Borough of Ho-Ho-Kus are authorized and empowered to adopt and amend the Zoning Ordinance of the Borough;

WHEREAS, it is the intent and purpose of the Municipal Land Use Law to encourage municipal action to guide the appropriate use or development of all lands in the State, in a manner which will promote the public health, safety, morals, and general welfare;

WHEREAS, pursuant to N.J.S.A. 40:55D-62b, amendments to the zoning ordinance must be either substantially consistent

with the land use and housing elements of the Master Plan, as amended and supplemented or designed to effectuate such elements;

WHEREAS, the purpose of the R-2A Zone District is to establish a new zone in connection with a Settlement of Litigation Agreement between the Borough of Ho-ho-kus and Chamberlain Developers, Inc. as part of settlement terms of the Declaratory Judgement Mount Laurel Litigation, by the terms of which the affected properties shall generate the development set forth therein. The affected properties are identified in the Borough of Ho-ho-kus tax maps as Block 802, Lots 1, 2, 3, 4 & 10.

WHEREAS, the purpose of this Zoning Ordinance amendment is to establish specific zoning for the tract identified in the agreement and for the subdivision concept plan arrangement dated 12-13-16 and stipulated bulk criteria contained herein.

WHEREAS, this ordinance also provides that "The Settlement of Litigation Agreement" entered into between the Borough and Chamberlain Developers, Inc. dated December 29, 2016 shall be incorporated herein by reference and shall be incorporated in any plan approval granted pursuant to this Ordinance.

WHEREAS, the Planning Board, by Resolution dated **To Be Determined**, approved the **To Be Determined** amendment to the 2013 Master Plan, which includes reference to the continuing needs of the population of the Borough of Ho-Ho-Kus to provide alternate forms of housing; and

WHEREAS, the Mayor and Council have deemed it in the best interest of the Borough to amend the Zoning Ordinance to allow for a new single-family residential zone consistent with the current Master Plan; and

WHEREAS, the Governing Body has reviewed the report of its planner who has recommended the proposed new single-family zone and map to effectuate these changes; and

WHEREAS, upon passage of this Ordinance upon first reading, it shall be referred to the Planning Board for review and confirmation of the proposed amendments to the Zoning Code:

BE IT ORDAINED by the Borough Council, the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey, as follows:
Section I – Chapter 85 of the Revised General Ordinances of the Borough of Ho-Ho-Kus 1971, as amended, being an Ordinance entitled "Zoning" is hereby amended by adding thereto following section(s) and revising the numbered sections:

1. Article IV entitled "District Regulations", is amended by adding thereto the following new district"
"R-2A Single-Family Residential District."
2. Article IV entitled "Zoning", Chapter § 85-5 'Zoning Map; Schedule of Requirements' is amended to reflect the designation of Block 802, Lots 1, 2, 3, 4 and 10 as an R-2A Single-Family Residential" Zone District.
3. There is added thereto a new Section entitled "§ 85-10.1 R-2A Single-Family Residential." to read as follows:

§ 85-10.1 R-2A Single-Family Residential District.

The following regulations shall apply in all R-2A Districts:

A. Permitted uses.

- (1) Single-family dwellings and the accessory buildings and uses normally auxiliary thereto.
- (2) Private garages as an accessory building and as regulated by § 85-29 of this chapter.
- (3) Private swimming pools as an accessory structure and as regulated by Chapter 67, Swimming Pools.
- (4) Municipally owned or operated facilities.
- (5) Accessory structures including but not limited to detached sheds, cabanas, gazebos, built in barbecue's, carports and canopies.
- (6) Home occupations as an accessory use and as regulated by § 85-32.1 of this chapter.

B. Conditional uses requiring a special use permit as provided in Article VIII.

- (1) Public utility facilities or uses.
- (2) County, state or federal facilities or uses.

B. Prohibited uses. Any uses other than those uses permitted by Subsection A or B are prohibited.

C. Minimum lot area and dimensions shall comply with the following standards.

- (1) The lot area shall not be less than 7,500 square feet.
- (2) The lot frontage shall not be less than 60 feet, except a minimum lot frontage or width can be reduced to a minimum of 20 feet if all of the following is provided:
 - (a) Said lot is developed to be served by a public street for primary roadway access;

- (b) The lot using this reduced frontage arrangement shall be a reduced frontage lot as configured in the settlement agreement identified herein, although the lots with reduced frontage may be further adjusted subject to the requirements of this zone. Such a reduced frontage configuration is to foster this specific settlement agreement noted in this amendment since the municipality has a long standing prohibition on flag lot arrangements.
- (c) Served by a paved driveway with a minimum width of 11 feet where serving one lot or a minimum of 16 feet should the driveway serve more than one lot by a shared driveway easement.
- (d) The depth of the portion of the lot permitted at the reduced lot frontage measured from the front lot line, wherein the width is less than the required lot width of 60 feet, shall be no greater than 145 feet from the front lot line.
- (e) No principal or accessory buildings or structures shall be permitted in this reduced portion (less than 60 feet in width), referenced herein.
- (3) The lot width shall not be less than 48 feet.
- (4) The lot depth shall not be less than 80 feet.
- (5) The front door location on a principal residential structure on a lot in this zone shall not prescribe the identification of a front, rear or side yard.
- (6) The area of an easement on a lot, shall not reduce the area of the lot for purposes of calculating the regulatory criteria of this zone.

B. Minimum yard requirements, interior lots.

- (1) Front yard depth: 25 feet.
- (2) Side yard width: 8 feet, except that side yards adjacent to an existing R-2 lot shall be 10 feet.
- (3) Rear yard depth: 25 feet.

C. Minimum yard requirements, corner lots.

- (1) Front street yard depth: 25 feet.
- (2) Side street yard width: 25 feet.
- (3) Interior side yard width: 8 feet, except that side yards adjacent to an existing R-2 lot shall be 10 feet.
- (4) Rear yard depth: 25 feet.

D. Minimum open space requirements.

- (1) Total lot coverage shall not exceed 30 percent of the total lot area. The total lot coverage can be increased an additional 5 percent only for conforming accessory buildings.
- (2) Lot coverage by accessory buildings and structures shall not exceed 15% of lot area.
- (3) Total improved lot coverage shall not exceed 60 percent of the area of the lot, except an additional 10 percent is permitted but must use pervious pavement or composition of materials with a rate of permeability that will not result in an increase in runoff from the existing pervious surface conditions, subject to the approval of the designated municipal official. In the case of pavers, the applicant shall show that the pavement materials or a composition of materials are specifically designed for enhanced permeability through the use of wide gaps between pavers or open spaces created by the paving that are filled with gravel (not sand) or of sufficient composition to permit and maintain porosity. In the case of pervious asphalt or concrete, the mix design shall be specifically designed, prepared and installed for high permeability by a firm or firms with experience in the same. Additionally, the applicant must demonstrate there is sufficient soil infiltration below said pervious pavement for the system to function.
- (4) Livable floor area for one-story dwellings shall not be less than 1,000 square feet and 1,500 square feet for multistory dwellings, exclusive of garages, basements, open porches, livable attics and accessory buildings.

- (5) There shall be a minimum of 1,500 square feet of lot area for each bedroom provided in a dwelling.
- (6) First-floor gross floor area of accessory buildings shall not exceed 1,000 square feet per building.
- (7) Swimming pool improved lot coverage exception. A swimming pool is permitted to exceed the maximum improved lot coverage calculation up to a total of 700 square feet. The area of the pool that exceeds the total lot coverage calculation shall be subject to the installation of a seepage tank sized for draining the pool in accordance with the requirements of the Borough Engineer.

E. Maximum floor area ratio. The maximum floor area ratio (FAR) for a principal structure on a lot or lots that make a single tract for development, shall not be more than 40% for the first 10,000 square feet of lot area. The portions of a lot greater than 10,000 square feet the following additional floor area shall be permitted:

- (1) For the area of a lot greater than 10,000 square feet and up to 20,000 square feet, a maximum 20 percent FAR calculation is permitted for such area. This additional floor area shall be added to the total permitted floor area calculated by the FAR for the first 10,000 square feet of lot area.
- (2) For the area of a lot greater than 20,000 square feet, a maximum 10 percent FAR calculation is permitted for such area. This additional floor area shall be added to the total permitted floor area calculated by the FAR for the first 20,000 square feet of lot area as noted herein.

The FAR calculations of this section shall exclude the area of a typical two car garage (limited to a maximum of 600 square feet), basements, open porches, attics and accessory buildings. If more than a two car garage is proposed, the area above the two car garage limit shall be added to the FAR calculation.

F. Maximum building height. No principal building shall exceed a height of 35 feet containing no more than 2 1/2 stories. No accessory building shall exceed a height of 25 feet containing no more than 2 stories. The accessory building second story interior floor area where the floor to ceiling height is 5 feet or greater shall not exceed more than 75 percent of the total floor area of the first story of the accessory structure.

G. Detached accessory building and structure setbacks. Minimum distances to the following:

- (1) Principal building and each other: 8 feet.
- (2) Front street: 25 feet.
- (3) Side street: 25 feet.
- (4) Interior lot side line: 5 feet, except that setback adjacent to an existing R-2 lot shall be 10 feet.
- (5) Interior lot rear line: 5 feet, except that setback adjacent to an existing R-2 lot shall be 10 feet.
- (6) Corner lot side line: 5 feet, except that side setback adjacent to an existing R-2 lot shall be 10 feet.
- (7) Corner lot rear line: 5 feet.

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

I. Retaining walls requirements. The maximum height of a retaining wall is 6 feet. Shall a series of terraced retaining walls be proposed within 10 feet or less, then a landscaped terrace of a minimum width of 4 feet shall be provided. Where a retaining wall is adjacent to a lot line contiguous with the R-2 zone, retaining walls 4 feet or less in height shall have a one foot offset from a contiguous lot line. Should a retaining wall exceed 4 feet in height or if

terraced where the adjacent wall is within 10 feet or less from the face of each wall, the closest wall to an adjacent lot line shall be setback a minimum of two feet plus one foot of setback for every one-foot vertical wall height of the closest wall and the setback shall be landscaped for screening.

- J. The right angle or radial lot line requirements contained in §32B-10 A.(5)(b) shall not be applicable to the subdivision of lots in the R-2A zone district.

Section II. VALIDITY-SEVERABILITY If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be held invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this

Ordinance but such judgment shall be confined in its operation to the section, paragraph, subdivision or clause directly involved in the controversy in which said judgment shall have been rendered.

Section III All Ordinances or parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

Section IV This Ordinance shall take effect upon passage as required by law.

Motion: Councilmember Crossley

Second: Councilmember Iannelli

Absent: Councilmember Rorty

FINAL PASSAGE OF ORDINANCES

2017-02 Amend Animal License Penalty

AN ORDINANCE TO AMEND CHAPTER 18 OF THE CODE ENTITLED "DOGS" IS HEREBY AMENDED AS FOLLOWS:

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 18 of the Code is amended to read as follows:

Section 18-9. Violations and Penalties

A. Any owner of a dog within the Borough of Ho-Ho-Kus who shall fail to take out a license as directed herein or who shall violate any of the provisions of this chapter not related to vicious or potentially dangerous dogs shall be subject to a penalty not to exceed \$50 for each offense, to be imposed by the Judge before whom any violator of this chapter is convicted.

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.

2017-03 Amend Landscaper Registration Fee.

AN ORDINANCE TO AMEND CHAPTER 32 OF THE CODE ENTITLED "LANDSCAPER REGISTRATION REQUIREMENTS"

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

32-1. No Change.

32-2. No Change.

32-3. Applications for registration; registration fee; suspension or revocation of registration; disclaimer.

- (a) Every registration shall be issued and renewed on an annual basis, effective February 1 of each year, upon payment of an annual fee to the Borough in the amount of Fifty (50) dollars. An exempt landscape contractor shall not be required to pay a fee.
- (b) Landscape contractors for hire shall have thirty (30) days from the effective date hereof to register, which registration shall be effective until February 1 of the year following adoption. Exempt landscape contractors shall file their Home Improvement Registration within thirty (30) days of the effective date hereof which shall remain valid until February 1 of the year following adoption.
- (c) The Borough Council may, upon recommendation of the Borough Engineer or Borough Superintendent of Public Works, or designee of one or both, after notice and an opportunity for a hearing, suspend or revoke any registration for violation of law or related Borough ordinances, or for good cause, which is shown to be prejudicial to the public health, safety or welfare. When the Borough Engineer or Borough Superintendent of Public Works, or designee of one or both, has reasonable cause or belief that an emergency affecting the public health, safety or welfare so requires, said official may temporarily suspend any registration for a period not to exceed one week or until the Borough Council can be convened to consider said suspension.
- (d) The Borough makes no guarantee or representation regarding the fitness, knowledge or qualification of any person that is registered by the Borough to engage in landscaping for hire.

32-4. No Change.

32-5. No Change

32-6. 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.

32-7. Effective Date

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

RESOLUTIONS

2017-47 BAN Note

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF HO-HO-KUS, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF HO-HO-KUS AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING \$5,956,850 OF NOTES, CONSISTING OF \$5,725,000 GENERAL BOND ANTICIPATION NOTES AND \$231,850 WATER UTILITY BOND ANTICIPATION NOTES, BOTH ISSUES DATED MARCH 30, 2017 AND PAYABLE MARCH 29, 2018 AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Ho-Ho-Kus, in the County of Bergen, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-

exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue \$5,956,850 of notes, consisting of \$5,725,000 General Bond Anticipation Notes and \$231,850 Water Utility Bond Anticipation Notes, both issues dated March 30, 2017 and payable March 29, 2018 (collectively, the "Notes"); and

WHEREAS, the Borough desires to designate the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code; NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Ho-Ho-Kus, in the County of Bergen, New Jersey, as follows.

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Notes) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Notes are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2017.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Notes) during the calendar year 2017.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2017 dated as of the date of delivery of the Notes.

SECTION 8. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was adopted by the following roll call vote.

Ayes: Members Troast, Shell, Iannelli, Fiato and Crossley

Nays: None

Absent: Member Rorty

CONSENT RESOLUTION

2017-41 Bid Award- Brandywine/Valley Forge Consolidated Maintenance Solutions LLC

WHEREAS, bids were received on March 8, 2017 for the project known as Brandywine/Valley Forge Drainage Improvement, Phase 1; and

WHEREAS, the bids have been reviewed and it is determined that the lowest responsible bidder is Consolidated Maintenance Solutions, LLC; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body, that a contract for the above-referenced project be awarded to Consolidated Maintenance Solutions, LLC, P.O. Box 809, Pine Brook, New Jersey 07058, in the amount of \$216,701.40 for the base bid and \$29,184.00 for Alternate A for a total of \$245,885.40; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign a contract following legal review.

2017-42 Bid Rejection- Ferris Court Resurfacing

WHEREAS, Bids were received for the resurfacing of Ferris Court Project on March 8, 2017; and
WHEREAS, the lowest bid received exceeds the budgetary amount allotted for the project; and
WHEREAS, the Borough Engineer has recommended that all bids be rejected under the circumstances;
NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that it does hereby reject all bids for the foregoing project; and
BE IT FURTHER RESOLVED, that the foregoing street shall be included in the Northwest Bergen Cooperative Resurfacing Program.

2017-43 Recycling Tonnage Grant

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and
WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and
WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and
WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and
WHEREAS, A resolution authorizing this municipality to apply for the 2016 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough of Ho-Ho-Kus Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and
WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.
NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the Mayor and Council hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Jeffrey Pattman DPW Superintendent, Certified Recycling Professional (CRP) to ensure that the application is properly filed; and
BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

2017-44 Support A-4234 (JIF)

Whereas, almost all local units of government and Boards of Education in New Jersey secure insurance through governmental entities known as joint insurance funds (hereinafter JIFs); and
Whereas, existing law limits JIFs to investments otherwise authorized for local governmental entities and Boards of Education; and
Whereas, existing law greatly limits the potential investment earnings, currently less than 1% on investments of approximately \$1 billion; and
Whereas, S-2663 and A-4234 would permit JIFs to invest in debt obligations of any governmental entity established under the laws of the State of New Jersey; and
Whereas, while the range of investments permitted by A-4234 is still very conservative, it would save the taxpayers at least \$10 million per year; and
Whereas, A-4234 would also reduce interest expense for local units of government and boards of education by creating an additional purchaser of their bonds,
Whereas, A-4234 would also permit JIFs to join together and create a joint investment and cash management program further increasing investment income, and

Whereas, the Senate companion bill, S-2663 has already been adopted.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that:

1. The legislature is urged to adopt A-4234,
2. A copy of this resolution shall be sent to the Assembly Speaker and the legislative delegation in the 40th district, as well as the Governor, Commissioner of the Department of Banking and Insurance and the Commissioner of the Department of Community Affairs.

2017-45 Award Train Station Concession

BE IT RESOLVED, by the Governing Body that a Concession Agreement for the Ho-Ho-Kus train station is hereby awarded to G&E's Village Gourmet, Inc., in the amount of Seven Hundred and Fifty Dollars (\$750.00) per year pursuant to the terms and conditions of the specifications; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are authorized to execute a Concession Agreement following legal review.

2017-46 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$1,884,606.75

WHEREAS, such claims have been listed according to Department and account number with corresponding vouchers to be reviewed and approved by the Mayor and Council; and,

WHEREAS, the CFO has determined that the funds have been properly appropriated for such purposes and are available, in the Borough of Ho-Ho-Kus and that the claims specified on the schedule attached hereto, following examination and approval by the Mayor and Council, be paid and checks issued accordingly; and,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that the claims totaling \$1,884,606.75 be approved and ratified respectively.

Motion: Councilmember Troast

Second: Councilmember Iannelli

Absent; Councilmember Rorty

OLD BUSINESS

A. Liaison Reports:

1. Recreation

Councilmember Iannelli: Fertilizing program at the school is going to begin and is being paid for by the Baseball, Football and Soccer programs. Registration for baseball season pushed back due to weather.

2. Board of Education

Councilmember Iannelli: Working on their budget and looking to come before the Council.

3. Other

a. Ambulance Corps.

Councilmember Crossley: Attended HHKVAC meeting. Discussed the overview of the ambulance corps and how its name got started. There are 3 volunteer members in training. 4 young members will be going to college in the fall. The Corps is in desperate need for volunteers. Year to date the corps responded to 92 calls. 46 calls during the day, 22 calls at night and 18 calls on weekends.

b. Library

B. Shade Tree

C. Chamber of Commerce

Councilmember Shell: Continue with planning for Taste of Ho-Ho-Kus

NEW BUSINESS

MAYOR'S REMARKS

Mayor Randall discussed banners and sign on borough property stating that it is only meant for borough organization.

Police Chief Christopher Minchin. There was a gas leak on Lakewood. Verizon took down all the poles. PD stated a special needs program, right now 2 families signed up for the program. Since the implementation of unused prescription drug drop off, 50lbs of narcotics have been destroyed.

CLOSED SESSION

Personnel

ADJOURNMENT

With no further discussion to come forward Mayor Randall adjourned the meeting at 8:10 PM.

Respectfully Submitted

Laura Borchers, RMC/CMR
Borough Clerk