

**BOROUGH OF HO-HO-KUS**  
**PUBLIC MEETING OF**  
**THE MAYOR AND COUNCIL**  
**JUNE 23, 2015- 8:00 PM**  
Minutes

Mayor Randall called the meeting to order at 8:00 pm. The opening statement was read.

The Regular Meeting of the Mayor and Council of the Borough of Ho-Ho-Kus is now in session. In accord with the provisions of Section 5 of the "Open Public Meetings Act", I wish to advise that notice of this meeting has been posted in the front lobby entrance to the Council Chambers of the Borough Hall and that a copy of the schedule of this meeting has also been filed with the Borough Clerk, and that copies of the annual notice of meetings, of which this is a part, have been heretofore 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, Rorty, Shell and Iannelli. . Also present was borough attorney David Bole.

Absent: Councilmembers Shea and Weiss.

Tatum Harris Mayor for the day led all in the pledge of allegiance

**OATH OF OFFICE**

Mayor Randall administered the Oath of Office to Police Chief- Christopher Minchin and Police Captain- Anthony Grego.

**APPROVAL OF MINUTES**

1. May 19, 2015                      Work Session

All Present

Councilmember Rorty approved the minutes, seconded by Councilmember Iannelli

Absent Councilmembers Shea and Weiss

2. May 26, 2015                      Public Session

Councilmember Troast approved the minutes, seconded by Councilmember Rorty

Absent: Councilmembers Shea and Weiss

**COMMITTEE REPORTS- May 2015**

On file

**PUBLIC DISCUSSION**

None

## CORRESPONDENCE

1. Ashish Kalekar- Thank you for use of Hollywood Park for Cub Scout Event.
2. George Hewitt- Refund of Property Taxes Interest  
Mayor Randall tabled the request until the July work session
3. William C. Koenig- Thank you letter for prompt response and courteous attention from PD and Amb. Corps.
4. Habitat for Humanity of Bergen County-Fair Share Housing Plan.
5. NJLM: FEMA- 2015 FMA and PDM Grants

## INTRODUCTION OF ORDINANCES

None

## FINAL PASSAGE OF ORDINANCES

1. # 1037 Bond Ordinance-Variou Improvements

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF HO-HO-KUS, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$882,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of Ho-Ho-Kus, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery and new automotive vehicles, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

### SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking the resurfacing of various roads in the Borough (including drainage improvements and reconstruction of curbs, where necessary) as the 2015 Road Resurfacing Program, as set forth on a list on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$300,000
Down Payment Appropriated	\$ 14,300
Bonds and Notes Authorized	\$285,700
Period of Usefulness	10 years

B. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a dump truck for the use of the Department of Public Works ("DPW").

Appropriation and Estimated Cost	\$200,000
Down Payment Appropriated	\$ 10,000
Bonds and Notes Authorized	\$190,000
Period of Usefulness	5 years

C. Acquisition of new additional or replacement equipment and machinery for the use of the DPW consisting of (i) replacement garage doors for the DPW Garage, (ii) a pole-mounted pipeline and manhole camera, (iii) a chipper safety shield and (iv) a vehicle lift.

Appropriation and Estimated Cost	\$ 61,000
Down Payment Appropriated	\$ 3,000
Bonds and Notes Authorized	\$ 58,000
Period of Usefulness	15 years

D. Acquisition of new additional or replacement equipment and machinery and a new automotive vehicle, including original apparatus and equipment, for the use of the Police Department consisting of (i) a license plate reader and (ii) an SUV.

Appropriation and Estimated Cost	\$ 63,000
Down Payment Appropriated	\$ 3,200
Bonds and Notes Authorized	\$ 59,800
Period of Usefulness	5 years

E. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of an ambulance for the use of the Ambulance Corps.

Appropriation and Estimated Cost	\$225,000
Down Payment Appropriated	\$ 11,800
Bonds and Notes Authorized	\$213,200
Period of Usefulness	5 years

F. Acquisition of new additional or replacement equipment and machinery for the use of the Fire Department consisting of (i) thermal imaging cameras, (ii) self-contained breathing apparatus equipment and (iii) a respirator fit tester (Borough portion to be shared with the Borough of Midland Park).

Appropriation and Estimated Cost	\$ 33,000
Down Payment Appropriated	\$ 1,700
Bonds and Notes Authorized	\$ 31,300
Period of Usefulness	5 years
Aggregate Appropriation and Estimated Cost	\$882,000
Aggregate Down Payment Appropriated	\$ 44,000
Aggregate Amount of Bonds and Notes Authorized	\$838,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$60,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$44,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$44,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$838,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$838,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 7.39 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$838,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the

Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

### **SECTION III. EFFECTIVE DATE**

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

Councilmember Rorty moved the adoption of the Ordinance, seconded by Councilmember Iannelli.

All Ayes

Absent: Councilmembers Shea and Weiss

2. # 1040 Amend Chapter 79 "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 amended and supplemented as follows:

SECTION I. In accordance with Section 79-3, Schedule IV is amended to include the following streets:

Name of Street	Location
Gilbert Road	Between Sheridan Ave. and Blauvelt Ave. travelling westbound only
Ross Place	Between Sheridan Ave. and N. Franklin Turnpike travelling westbound only

All other streets and locations not amended herein remain in full force and effect.

### **SECTION II. REPEALER**

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.

### **SECTION III. 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.

### **SECTION IV. EFFECTIVE DATE**

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

Councilmember Rorty moved the adoption of the Ordinance, seconded by Councilmember Troast.

All ayes.

Absent: Councilmembers Shea and Weiss

### **RESOLUTIONS**

None

CONSENT RESOLUTION

- # 15-77 Sale of Police Motorcycle

**WHEREAS**, a 2005 Harley Davidson Electra Glide Road King (2005 FLHPI) was donated by Mr. and Mrs. Robert Verkerk of 200 Brookside Avenue Ho-Ho-Kus NJ 07423, and

**WHEREAS**, the HHKPD no longer has use for a motorcycle and had to be sold, and

**WHEREAS**, the Bergenfield Police Department was in need of a motorcycle and has purchased the 2005 Harley Davidson Electra Road King (2005 FLHPI) for a total sale price of \$5000, and

**WHEREAS**, the wishes of Mr. and Mrs. Verkerk that the funds from the sale of the motorcycle be placed back into the Police Department, and

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body that the funds be placed into the 2015 Police Trust Fund Account,

- Chapter 159  
# 15-78 Clean Communities Grant

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Borough will receive \$9,442.59 from the Clean Communities Program and wishes to amend its 2015 Budget to the entire portion of this amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Ho-Ho-Kus, in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the year 2015 in the sum of \$9,442.59 which is now available as a revenue from the Clean Communities Program.

**Miscellaneous Revenues**

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local

Government Services.

Public and Private Revenues Offset with Appropriations (continued)

Clean Communities Program

and

**BE IT FURTHER RESOLVED** that a like sum of \$9,442.59 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from Caps

Public and Private Programs Offset by Revenues: Clean Communities Program.

Other Expenses

**BE IT FURTHER RESOLVED**, that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

# 15-79 Alcohol Ed Rehab Enforcement Fund

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Borough will receive \$1237.60 from the Alcohol Ed. Rehab. Fund and wishes to amend its 2015 Budget to the entire portion of this amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Ho-Ho-Kus, in the County of Bergen, New

Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the year 2015 in the sum of \$1237.60 which is now available as a revenue from the State of New Jersey.

**Miscellaneous Revenues**

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:  
Public and Private Revenues Offset with Appropriations  
Alcohol Ed. Rehab. Enforcement Fund

**BE IT FURTHER RESOLVED** that a like sum of \$1237.60 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from Caps

Public and Private Programs Offset by Revenues: Alcohol Ed. Rehab. Enforcement Fund.

Other Expenses

**BE IT FURTHER RESOLVED**, that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

- # 15-80 Appt. Junior Fireman- Shane Daly

**WHEREAS**, the Fire Department of the Borough of Ho-Ho-Kus, through its Chief, has recommended to the Mayor and Council the appointment of Shane Daly, 34 Richard Drive Waldwick New Jersey; and

**WHEREAS**, Mr. Daly passed his physical as required by the Borough;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus that Shane Daly is recommended to the New Jersey State Fireman's Association for membership.

- # 15-81 Liquor License Renewals 2015-2016

**WHEREAS**, application has been made by certain persons and corporations for the renewal of Plenary Retail Consumption and Plenary Retail Distribution licenses for the year commencing July 1, 2015 and terminating June 30, 2016;

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

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

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

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

Drinks of Ho-Ho-Kus, LLC	(0228-44-003-006)
Ho-Ho-Kus Inn and Tavern	(0228-33-002-010)
Garbo's Italian Deli Inc	(0228-44-001-005)

- # 15-82 Tiernan v. Ho-Ho-Kus

**WHEREAS**, litigation is pending in the Superior Court of New Jersey, Bergen County, entitled Tiernan v. Ho-Ho-Kus, et als, pursuant to Docket No.: BER-L-1628-13; and

**WHEREAS**, voluntary mediation recently took place before retired Judge Alexander Carver resulting in a proposed settlement; and

**WHEREAS**, the proposed settlement is recommended by the Mel-JIF, the Borough's Insurance Fund, together with counsel representing the Borough in the above litigation; and

**WHEREAS**, the Governing Body has reviewed and considered the proposed settlement;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body that it does hereby approve the proposed settlement in the amount of \$80,000.00 which is inclusive of all fees and costs.

- # 15-83 Declaratory Judgment Action

**WHEREAS**, the Supreme Court of New Jersey invalidated the growth share methodology and COAH's Third Round regulations at *N.J.A.C. 5:96 & 5:97* in its decision captioned *In re Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council of Affordable Housing*, 215 N.J. 578 (2013); and

**WHEREAS**, on March 10, 2015 the Supreme Court issued an order eliminating the administrative processes afforded municipalities by the Fair Housing Act N.J.S.A. 52:27D-301 *et. seq.*, effective June 8, 2015; and

**WHEREAS**, the Supreme Court provided for a thirty day window after June 8, 2015, during which time many municipalities will be able to file declaratory judgment actions in Superior Court to obtain, in practical effect, a judicial version of the substantive certification they had either received or applied for under N.J.S.A. 52:27D-313; and

**WHEREAS**, the Borough wishes to file a declaratory judgment action pursuant to the process set forth in the Supreme Court's March 10, 2015 Order; and

**WHEREAS**, notwithstanding the period of uncertainty over new Third Round Rules, the Borough has continued efforts to provide for low and moderate income housing opportunities within the Borough; and

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

1. The Borough Attorney is authorized to prepare and file a Declaratory Judgment action in the Superior Court on behalf of the Borough seeking a Judgment of Compliance and/or Repose with the Borough's Third Round affordable housing obligation and also seeking an order of immunity from Mt. Laurel builder remedy lawsuits during the process of adopting and filing the Housing Plan Element and Fair Share Plan with the Court, as well as during the period of Court review of the Borough's plan and all implementing ordinances.
2. The Borough Attorney, Affordable Housing Planner, Borough Planner, and Borough Engineer along with members of their respective firms are authorized to take such actions as may be appropriate to further both the preparation and implementation of the updated Housing Plan Element of the Borough's Master Plan and Fair Share Plan for Third Round Mt. Laurel Compliance, to conduct an analysis of the Borough's housing stock, and to conduct such other studies as may be determined necessary.
3. This Resolution shall take effect immediately.

- # 15-84 Chamberlain Developers v. Borough of Ho-Ho-Kus

**WHEREAS**, there is a lawsuit pending in the Superior Court of New Jersey, Law Division, Bergen County, "Chamberlain Developers, Inc. v. Borough of Ho-Ho-Kus, et als.", bearing Docket No.: BER-L-005271-2015; and

**WHEREAS**, subject to any insurance coverage that may be applicable thereto, the Borough requires a defense;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body that the Municipal Attorney is hereby authorized to enter an appearance and defend the Borough in respect to the above entitled lawsuit.

- # 15-85 Retention of Municipal Expert Dr. Burchell

**WHEREAS**, the Borough of Ho-Ho-Kus anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Bergen County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

**WHEREAS**, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

**WHEREAS**, the Borough of Ho-Ho-Kus desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator,

and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the “Burchell Fair Share Analysis”) for determination of a municipality’s obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region’s affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”) and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D–301 et. seq.; and

**WHEREAS**, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality’s fair share obligation; and

**WHEREAS**, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

**WHEREAS**, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

**WHEREAS**, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

**WHEREAS**, a Municipal Shared Services Defense Agreement (hereinafter MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

**WHEREAS**, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

**WHEREAS**, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

**WHEREAS**, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

**WHEREAS**, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Ho–Ho–Kus as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Borough of Ho–Ho–Kus for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Ho–Ho–Kus and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of Ho–Ho–Kus in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Borough of Ho–Ho–Kus hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Ho–Ho–Kus the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough of Ho–Ho–Kus will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

- # 15-86 Defense and Indemnification

**WHEREAS**, litigation is presently pending in the Superior Court of New Jersey, Law Division, Bergen County, pursuant to Docket No.: BER-L-005271-15 entitled Chamberlain Developers, Inc. v. Borough of Ho-Ho-Kus et als ("the lawsuit"); and **WHEREAS**, Laura Borchers, Clerk of the Borough of Ho-Ho-Kus is also a named party to the lawsuit; **NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body as follows:

Provided that the Clerk is not covered by insurance for the cost of her defense and indemnification, the Municipal Attorney is hereby authorized to enter an appearance on behalf of the Clerk and to defend her accordingly, subject, however, to the terms and conditions of Chapter 16A of the Borough Code entitled "Defense and Indemnification".

- # 15-87 Promotion- Police Chief Christopher Minchin

**WHEREAS**, there currently exists a vacancy in the position of Police Chief in the Ho-Ho-Kus Police Department; and **WHEREAS**, after due consideration, Police Chief John Wanamaker has recommended Lt. Christopher Minchin for appointment to the position of Police Chief of the Borough of Ho-Ho-Kus based upon consideration of merit, experience and qualifications; and **WHEREAS**, the Mayor and Council agree with such recommendation. **NOW, THEREFORE BE IT RESOLVED** that Lt. Christopher Minchin is hereby promoted to the position of Police Chief of the Borough of Ho-Ho-Kus, to be sworn-in by the Mayor as soon as possible at Borough Hall, so that the promotion may become effective as of July 1, 2015.

- # 15-88 Promotion- Police Captain Anthony Grego

**WHEREAS**, there currently exists a vacancy in the position of Police Captain in the Ho-Ho-Kus Police Department; and **WHEREAS**, after due consideration, Police Chief John Wanamaker has recommended Lt. Anthony Grego for appointment to the position of Police Chief of the Borough of Ho-Ho-Kus based upon consideration of merit, experience and qualifications; and **WHEREAS**, the Mayor and Council agree with such recommendation. **NOW, THEREFORE BE IT RESOLVED** that Lt. Anthony Grego is hereby promoted to the position of Police Captain of the Borough of Ho-Ho-Kus, to be sworn-in by the Mayor as soon as possible at Borough Hall, so that the promotion may become effective as of July 1, 2015.

- # 15-89 Salary Increase- Borough Clerk

**Whereas**, Laura P. Borchers holds the Statutory positions of Borough Clerk, Registrar of Vital Statistics, Registrar of Elections; and **BE IT RESOLVED**, by the Governing Body that effective July 1, 2015, the salary of the Municipal Clerk shall be increased from \$42,698 to \$54,000 prospectively; and **BE IT FURTHER RESOLVED**, that the salaries of Registrar of Elections and Vital Statistics shall be \$8,000 each.

- # 15-90 Payment of Vouchers

**WHEREAS**, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$1,735,343.89. **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 **\$1,735,343.89** be approved and ratified respectively  
Councilmember Troast moved the approval of the consent resolution, seconded by councilmember Rorty  
All ayes  
Absent: Councilmembers Shea and Weiss

## OLD BUSINESS

### A. Liaison Reports:

#### 1. Recreation

Councilmember Iannelli reported that several of the fields are well maintained, Lloyd School field needs attention.

#### 2. Board of Education

Councilmember Iannelli attended the Awards Ceremony at the Lloyd school. He commented that Graduation was a beautiful Ceremony. The tent gave a lot of relief from the sun. Councilmember Shell stated that the Graduation ball was a big hit, the theme for this year "Candyland".

#### 3. Other

### B. Shade Tree

### C. Chamber of Commerce

Councilmember Shell stated that the Taste of Ho-Ho-Kus was very successful. A lot of tickets were sold for the event. Crowds from neighboring towns attended the event. Looking forward to next year

## NEW BUSINESS

None

## MAYOR'S REMARKS

Mayor Randall commented that Councilmember Shea represented him at the Eagle Scout Ceremony at the Community Church.

## CLOSED SESSION

WHEREAS, under the "Open Public Meetings Law", all sessions must be open to the public, and

WHEREAS, under the Public Meetings Act Law, exceptions exist for a public body to hold a Closed Session

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Ho-Ho-Kus hereby recess under the Exception for Personnel and Contracts

BE IT FURTHER RESOLVED, that the results of the Closed Session will be available to the public in the minutes regarding the same at the conclusion of the matter.

## ADJOURNMENT

With no further business to come before the Council and on a motion made by Councilmember Rorty, seconded by Councilmember Iannelli and carried, Mayor Randall adjourned the meeting at 9:05 PM.

Respectfully submitted,

Laura Borchers, RMC/CMR

Borough Clerk.