

BOROUGH OF HO-HO-KUS

MAYOR AND COUNCIL PUBLIC MEETING

DECEMBER 18, 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	Absent
Councilmember Shell	Present

II. PLEDGE OF ALLEGIANCE

Mayor Randall led all in the pledge of Allegiance.

III. APPROVAL OF MINUTES

1. March 27, 2012 Combined Meeting
All Present
2. April 24, 2012 Combined Meeting
Absent- Cn. Shea

IV. COMMITTEE REPORTS

A. FINANCE

Finance Officer's Report – November 2012

B. PUBLIC SAFETY

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

C. PUBLIC WORKS & PROPERTIES

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

D. WATER

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

E. FIRE

1. Fire Dept. Report – November 2012
2. Fire Prevention Bureau – November 2012

F. COMMUNITY RELATIONS

1. Library – November 2012
2. Ambulance Report – November 2012
3. Solid Waste Utility – November 2012

V. PUBLIC DISCUSSION

Ernesto Rodrigues 46 Arbor Drive commented on his issues with the Shade Tree Commission. He asked that a 60' Oak tree be removed from his property, claiming that it is dangerous and does not want the tree on his property. The Shade Tree commission did not grant his approval. Mr. Rodrigues asked the Council request a mechanism to have property owners remove trees on their property.

Mr. Robert Inglima questioned the amendment to Chapter 85. He also discussed the Electioneering of the School Board Candidate on Election date.

VI. ADMINISTRATORS REPORT

None

VII. A. CORRESPONDENCE

1. Cablevision- Launch of Disney Family Movies
2. Michael Pabian BSA Troop 54- Thank you for Boy Scout Project

B. Ordinances and Resolutions Other Towns:

Borough of Westwood:

1. Resolution # 12-296 Supporting A3362/S2256 Exempting Flood Prone property Acquired by Municipalities after October 1 from District Taxes
2. Resolution # 12-307 Supporting A2921/S1900 Restoring CMPTRA and ETR Aid

C. Bergen County:

None

D. League of Municipalities:

1. Hurricane Sandy Response and Recovery Seminar News
2. Opposition to Concurrence with Governor's Conditional Veto of A-3096
3. Update on cancellation of 97th Annual League Conference
4. A-3317 & S-2114 Prohibits Municipal Registration of Multi-Family dwelling
5. Update on Pensions, Retirement, Health Benefits, and Services
6. League Approves 17 Resolutions

E. State of New Jersey:

VIII. INTRODUCTION OF ORDINANCES

None

IX. FINAL PASSAGE OF ORDINANCES

1. Ordinance # 1012- Amend Chapter 85 "Zoning" Driveways

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 85 of the Code is amended as follows:

I. Section 85-32.3 Driveways:

In all residential zones, all driveways accessory to residential dwellings shall comply with the following requirements:

A. to I. (no change)

J. No driveway shall provide for access to or from a public street through the rear yard of any property.

II. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to hearing on the adoption of this ordinance to the County Planning Board and to other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63, if required. Upon the adoption of this ordinance after a public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1

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.

IV. 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.

V. Effective Date

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

2. Ordinance # 1013- Amend Chapter 29 Health Code- Fees

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 29 OF THE CODE ENTITLED "HEALTH CODE"

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 29 of the Code is amended as follows:

I. Section 29-52 License Requirements: Fees

A. No Change

B. License Fees

1. License fees for retail food handling establishments be and are hereby established as follows:

<u>Establishment</u>	<u>2013</u>	<u>2014 & beyond</u>
Restaurant capacity:		
25-49	\$200.00	\$250.00
50-100	\$250.00	\$300.00
100+	\$300.00	\$350.00

Bakery	\$200.00	\$225.00
Butcher	\$200.00	\$225.00
Convenience Store	\$150.00	\$200.00
Dairy	\$175.00	\$200.00
Dairy-Milk	\$ 50.00	\$ 75.00
Delicatessen	\$200.00	\$225.00
Ice Cream	\$100.00	\$100.00
Keeping of Poultry or Fowl	\$ 50.00	\$ 50.00
Late Fees	50% of license fee	
Mobile Vendor	\$100.00	\$100.00
Nursery/Day Care	\$175.00	\$200.00
Petshop/Grooming/Boarding	\$150.00	\$175.00
Pharmacy/Liquor		
Prepackaged	\$ 80.00	\$ 80.00
Produce	\$150.00	\$150.00
School Catering	\$200.00	\$225.00
Special Temporary	\$ 50.00	\$ 50.00
Supermarket	\$800.00	\$800.00

- 2. No Change
- C. No Change
- D. No Change
- E. No Change
- F. No Change

II. Section 29-52.1 is added entitled "Plan Review"

A. Plan Review Fees

- 1. Plan review fees for retail food handling establishments be and are hereby established as follows:

<u>Type of Plan Review</u>	<u>2013</u>	<u>2014 & beyond</u>
New Establishment	\$150.00	\$150.00
Alteration/Modification	\$100.00	\$100.00
Change of Ownership	\$100.00	\$100.00

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.

Councilmember Lennon moved the adoption of the ordinance, seconded by Councilmember troast and carried.

X. RESOLUTIONS

None

XI. CONSENT RESOLUTION

- 1. # 12-119 Transfer of Funds

	FROM:	TO:
Recycling (S&W)	6,000	
Zoning Bd (S&W)	4,000	

Court (S&W)	5,000	
Finance (S&W)	4,000	
Construction (S&W)	1,000	
B&G (S&W)	14,000	
B&G (O.E.)		3,000
Planning Bd (O.E.)		1,000
Police (S&W)		20,000
Street & Traffic Lights		10,000
Totals	<u>34,000</u>	<u>34,000</u>
Solid Waste (O.E.)	30,000	
Solid Waste (S&W)		30,000
Totals	<u>30,000</u>	<u>30,000</u>

2. # 12-120 Opposition to NWBCA Bond

WHEREAS, the Northwest Bergen County Utilities Authority entered into a service agreement in March 1965 with the Boroughs of Allendale, Ho-Ho-Kus, Midland Park, Ramsey Waldwick and the Township of Wyckoff; and

WHEREAS, this agreement called for these municipalities to provide the funding necessary to construct the treatment plant and to pay the bonds necessary to finance this construction; and

WHEREAS, these bonds required the Authority to establish a debt service reserve funded by these participating municipalities; and

WHEREAS, this debt service reserve fund is no longer necessary as the bonds have or will be maturing over the next couple of years; and

WHEREAS, Northwest Bergen County Utilities Authority has developed a concept of funding current capital improvements and utilizing other portions of these debt service reserve funds to offset future rate increases; and

WHEREAS, if this concept is adopted by the Authority, municipalities other than the original funding communities will benefit from this action without their having contributed to the establishment of this reserve; and

WHEREAS, the original funding municipalities should be reimbursed so that they determine the use of those funds that they gave in trust, so that the Authority could receive financing to construct their facility.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that we hereby oppose the Northwest Bergen County Utilities Authority's proposed use of the unencumbered debt service reserve funds and that we request that those unencumbered debt service reserve funds be returned directly only to those communities that contributed based upon each community's level of contribution; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to send a certified copy of this resolution to the Bergen County Executive, to the Northwest Bergen County Utilities Authority, and to the Boroughs of Allendale, Midland Park, Ramsey, Waldwick and the Township of Wyckoff.

3. # 12-121 Inter-local Court- Allendale

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey, that it hereby authorizes the Mayor and Council and the Municipal Clerk to sign the Interlocal Court Agreement of 65%/35%.

BE IT FURTHER RESOLVED that the Borough of Ho-Ho-Kus contributes 65% of all cost and the Borough of Allendale contribute 35% of all cost.

4. # 12-122 Appt. Fireman Kevin Rickenberg

WHEREAS, the Fire Department of the Borough of Ho-Ho-Kus, through its Chief, has

recommended to the Mayor and Council the appointment of Kevin J Rickenberg 23 Lakewood Ave Ho-Ho-Kus New Jersey; and

WHEREAS, Mr. Rickenberg has 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 Kevin Rickenberg on this date is appointed as fireman of the Borough of Ho-Ho-Kus

5. # 12-123 Daytime First Responders Stipend

WHEREAS, the Borough of Ho-Ho-Kus has full time "State" qualified employees responding to Fire Calls during daytime hours;

WHEREAS, these same employees **do not receive** or accept stipend under the current established Volunteer Incentive Program (VIP) for Fire Department Personnel;

WHEREAS, these employees also have all the necessary "State Certifications" to ride on all fire apparatus within Borough: including Fire I, NIMS, ICS, Cevo and Hazmat Awareness training; which are maintained and updated yearly on an individual basis;

WHEREAS, the Borough Recognizes the importance daytime manpower will hereby create a yearly stipend not to exceed \$1500.00 per individual; and clothing allowance not to exceed \$250.00;

WHEREAS, the Borough of Ho-Ho-Kus will also authorize the Chief Finance Officer/Treasurer to review and administer this stipend for each individual;

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus authorize the Chief Finance Officer/Treasurer to hereby award the following stipends to the qualifying Individuals.

6. # 12-124 Appt. and Adopt Special Hearing Committee

WHEREAS, a Preliminary Notice of Disciplinary Action ("PNBDA") dated September 18, 2012, was served upon James Montag ("Montag") an employee of the Borough of Ho-Ho-Kus ("Borough"); and

WHEREAS, Montag requested a hearing on the charges set forth in the PNDA; and

WHEREAS, the Borough designated and appointed a Special Hearing Committee (the "Committee") to hear the charges and the defenses thereto, and to make a recommendation to the Mayor and Council concerning the same; and

WHEREAS, the Committee duly conducted a hearing on November 20, 2012, and thereafter received written post-hearing submissions on behalf of the Borough and Montag; and

WHEREAS, the Committee having considered the record in this matter has issued its recommendation that all charges set forth in the PNDA be sustained and that Montag's employment with the Borough be terminated.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the recommendations of the Committee are adopted and affirmed, including, without limitation, sustaining the charges set forth in the PNDA and the termination of Montag's employment with the Borough.

BE IT FURTHER RESOLVED that the Borough Administrator and the Borough Labor Attorney are authorized to take all appropriate actions so as to implement this Resolution.

7. # 12-125 Forgiveness of Solid Waste Bill

Whereas, 40 Deerhill Drive and 1010 WSRR in Ho-Ho-Kus is empty lots because the residential structures have been eliminated, and

Whereas, all resident structures will be credited for 3 months and then to be reviewed for the balance.

Therefore, be it resolved, that the bill in question be cancelled

8. # 12-126 Shade Tree Commission

WHEREAS, “Superstorm Sandy” caused a great amount of damage to approximately one hundred borough trees throughout the Borough of Ho-Ho-Kus, creating a situation dangerous to residents and traffic; and **WHEREAS**, an outside tree service had to be hired under emergency conditions to trim hanging branches, cut down and remove trees, and grind tree stumps, much of this work requiring the use of heavy equipment such as cranes, etc.; and

WHEREAS, there were insufficient funds for this emergency work—estimated to be in the area of \$50,000—in either the borough’s budget or in the budget of the Shade Tree Commission to cover this cost, so the Shade Tree Commission agreed to lend an amount to the borough from its Ross Trust Fund; and

NOW, THEREFORE BE IT RESOLVED by the Mayor & Council of the Borough of Ho-Ho-Kus that whatever the final dollar amount is to be provided to the borough by the Shade Tree Commission will be repaid to the Commission from the storm cost reimbursed from FEMA or directly from the Borough of Ho-Ho-Kus, whichever may be the quicker.

9. # 12-127 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,256,455.07.

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that the claims totaling \$2,256,455.07 be approved and ratified respectively

Councilmember Lennon moved the Consent Resolutions, seconded by Councilmember Troast and Carried.

XII. OLD BUSINESS

A. Liaison Reports:

1. Recreation
2. Board of Education

Councilmember Lennon met with Board of Education. Superintendent Debra Ferrara thanked the DPW and the Police Department for the awesome work done with the aftermath of “Super Storm” Sandy. Mrs. Ferrara asked cost of connecting the Sump Pump to the Generator in case of Power Outage.

3. Other

- B. Grants
- C. Shade Tree
- D. COAH Status

XIII NEW BUSINESS

XIV. MAYOR'S REMARKS

In solidarity and respect to the Sandy Hook Grammar School victims, Mayor Randall asked the borough not turn on their Holiday or decorative lights on December 19, 2012.

XV. CLOSED SESSION
Attorney client privilege

XVI. ADJOURNMENT

With no further business to come before the Council, and on a motion made by Councilmember Lennon, seconded by Councilmember Rorty, Mayor Randall adjourned the meeting at 8:45PM.

Respectfully Submitted,

Laura Borchers, RMC/CMR
Borough Clerk