

**BOROUGH OF HO-HO-KUS
COMBINED PUBLIC MEETING
OF THE MAYOR AND COUNCIL
NOVEMBER 24, 2015- 8:00 P.M.
MINUTES**

Mayor Randall called the meeting to order at 8:00 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 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: Mayor Randall, Councilmembers Troast, Shea, Rorty, Weiss, Shell and Iannelli. Also present was borough attorney David Bole and borough clerk Laura Borchers.

Mayor Randall led all in the pledge of Allegiance.

APPROVAL OF MINUTES

1. October 20, 2015 Work Session
Approved: Cn. Shell, second Cn. Iannelli
Absent: Councilmembers Troast, Shea and Weiss
2. October 27, 2015 Public Meeting
Approved: Cn. Troast, second Cn. Rorty
Absent: Councilmember Shea
3. October 27, 2015 Closed Session.
Approved: Cn. Rorty, second Cn. Troast
Absent: Councilmember Shea

COMMITTEE REPORTS- October 2015

On File

PUBLIC DISCUSSION

Steve Reilly 26 Sleepy Hollow Drive asked about the status of the Hallows Development. Borough attorney Bole responded that it was not a matter of public record and could not be discussed.

Diane Mardy 151 Ackerman Ave came before council to introduce herself as the superintendent of the Ho-Ho-Kus public school.

ADMINISTRATORS REPORT

Borough administrator William Jones stated that REHS Gail Brunner will be retiring at the end of the year, in the process of looking for replacements, discussed Zabriskie Dam Park improvements. Quotes received for removal of all that are currently on the list.

CORRESPONDENCE

None

INTRODUCTION OF ORDINANCES

1. Ordinance # 1045 Amend & Supplement Chapter 32 "Land Subdivision and Site Plan Review"

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

That CHAPTER 32B LANDSCAPING is amended to read as follows:

SECTION I

Section 32B (E) (1) is amended to read, "Existing residence is demolished or the additional floor area is increased by 25% as determined by the Construction Code Official and to all commercial properties".

Section 32B (E) (2) is amended to read, "The Shade Tree Commission will review and recommend street tree planting requirements within 15 business days".

Section 32B (E) (5A) is amended to read, "The street tree planting deposit shall be made prior to the issuance of a certificate of occupancy".

(E) The Mayor and Council of the Borough of Ho-Ho-Kus finds that lack of street trees is causing increased drainage problems, soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased ground water recharge, increased buildup of atmospheric carbon dioxide, the establishment of a heat island effects and increased dust and pollution. All of the above can negatively affect the value of the properties in Ho-Ho-Kus and overall quality of life. Therefore, the Mayor and Council of the Borough of Ho-Ho-Kus finds that a street tree planting deposit is needed to ensure the health, safety and welfare of its residents and to maintain a high quality of life in the Borough of Ho-Ho-Kus.

(1)

Streets trees and plantings within the right of way of the Borough including Borough owned parks and buildings are under the jurisdiction of the Shade Tree Commission. The street planting deposit shall apply to any new house constructed on a vacant parcel or on a lot where an existing residence is 75% or more demolished or more than 50% remodeled and to all commercial properties. The Shade Tree Commission shall inspect the affected property and make a determination on the requirement of a street tree planting deposit before a building permit is issued. The Shade Tree Commission shall be notified before a demolition permit is issued. Prior notification would enable the Shade Tree Commission to inspect the site to evaluate the existing street trees and determine tree preservation and protection measures, if required.

(2)

The Shade Tree Commission shall be notified by the Planning Board or the Zoning Board of Adjustment upon receipt of any application regarding Section I above. The Shade Tree Commission will review and recommend street tree planting requirements. Plantings shall thereafter be done solely by an independent contractor engaged by the Shade Tree Commission and shall not be done by the owner or developer.

(3)

The Shade Tree Commission requires that one tree be planted every thirty (30) to fifty (50) feet of street curb with a minimum of two trees per property or as deemed necessary upon inspection by the Shade Tree Commission. A deposit (currently \$375.00) is required for each two and one half inch Caliper tree. The tree

species shall be determined by the Shade Tree Commission for each site and an inspection fee will apply.

(4)

The estimate for street tree planting form is hereby adopted and shall be on file in the Office of the Borough Clerk.

(5)

(a) The Street Tree Planting deposit shall be made prior to issuance of a building permit.

(b) The existing Ho-Ho-Kus Shade Tree Commission Ross Trust Account shall continue until the funds therein have been expended. At such time it will be closed.

(c) There is hereby established a Ho-Ho-Kus Shade Tree Beautification Account. Developer funds currently deposited and to be deposited therein shall be earmarked for the purchase and planting of shade trees and for beautification projects. Such funds are intended to be separate from general operation funds provided to the Commission by the Borough in its annual budget.

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 introduction of the Ordinance, seconded by Councilmember Iannelli

All ayes

FINAL PASSAGE OF ORDINANCES

1. Ordinance # 1042- Vehicles and Traffic

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 79 of the Code is hereby amended to read as follows:

SECTION I: 79-2 Prohibited Parking, Stopping or Standing; Time Limit Parking; Exemption

A.-H.: No change.

I. "Exemptions to Chapter 79". All emergency vehicles and Borough of Ho-Ho-Kus owned vehicles shall be exempt from the parking regulations set forth in Chapter 79 of this Section.

SECTION II: Schedule IV included in Section 79-3 is amended to include the following streets:

Name of Street	Location
Gilbert Road	Between Sheridan Avenue and Blauvelt Avenue
Ross Place	Between Sheridan Avenue and N. Franklin Turnpike

Severability

If any portion of this ordinance is adjudged unconstitutional or invalid by the Court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been

rendered.

Repealer

All other ordinances of the Borough, or parts thereof, which are in conflict with this ordinance are hereby repealed to the extent of such conflict.

Effective Date

This ordinance shall take effect upon passage and publication as required by law.
Councilmember Rorty moved the introduction of the Ordinance, seconded by Councilmember Weiss
All ayes

2. Ordinance # 1043- Fire Department.

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 25 of the Code is hereby amended as follows:

I. SECTION 25-10 Junior Firefighters Auxiliary is amended to read:

“There is hereby established as part of the Fire Department of the Borough, a Junior Firefighters Auxiliary in accordance with all the provisions of N.J.S.A. 40A:14-95 through 40A:14-98 inclusive and the qualifications for membership in the Auxiliary shall be as follows:

A. Any person between the ages of sixteen (16) and twenty-one (21) being a resident of the Borough in good standing and of good moral character or a child of any senior member shall be eligible for membership in the Junior Firefighters Auxiliary.

B. No change.

Section 25-11 Severability

If any portion of this ordinance is adjudged unconstitutional or invalid by the 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 25-12: Repealer

All other ordinances of the Borough, or parts thereof, which are in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 25-13: Effective Date

This ordinance shall take effect upon passage and publication as required by law.
Councilmember Shell moved the introduction of the Ordinance, seconded by Councilmember Weiss
All ayes

3. Ordinance # 1044

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey that Section 79-18 PERMITS is amended as follows:

Paragraph A – No change.

Paragraph B – The fees to be charged by the Borough Clerk for the resident permits shall be \$350 and businessman permits shall be \$100.

No fee shall be required for permits issued to Borough employees for parking during the regular course of business in Municipal Lot B. [Amended 12/17/1968 by Ordinance No. 445; 11/28/1978 by Ordinance No. 527; 8/28/1979 by Ordinance No. 535; 11/25/1986 by Ordinance No. 600; 6/25/1991 by Ordinance No. 682;

11/22/2011 by Ordinance No. 1000; 11/25/2014 by Ordinance # 1034].

Paragraph C – No change.

Paragraph D – No change.

Paragraph E – No change.

Paragraph F – No change.

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 Troast moved the introduction of the Ordinance, seconded by Councilmember Weiss

All ayes

RESOLUTIONS

None

CONSENT RESOLUTION

- 15-130 Municipal Court Inter-Local Agreement

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 contributes 35% of all cost.

- 15-131 Transfer of Funds

	FROM:	TO:
Roads (S&W)	75,000	
A&E (S&W)	12,200	
Police (O.E)		27,000
Zoning Bd (S&W)		5,000
Borough Clerk (S&W)		13,000
Tax Assessor (S&W)		2,200
Planning Bd (S&W)		5,000
Recycling (S&W)		20,000
Shade Tree (O.E)		15,000
Totals	87,200	87,200

Water (O.E)	40,000	
Water (S&W)		40,000
Solid Waste (O.E.)	10,000	
Solid Waste (S&W)		10,000

- 15-132 Forgiveness of Solid Waste Bills

Whereas, 65 Lakewood Ave, 1000 WSRR, 1010 WSRR, 40 Deerhill Drive and 8 Spruce Place in Ho-Ho-Kus is an empty lot 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

- 15-133 Water, Solid Waste and Tax Cancellation.

WHEREAS, N.J.S.A 40A: 5-17.1 provides that a municipality may authorize the processing of tax refunds of less Ten (\$10.00) Dollars and the cancellation of Water, Solid Waste and Tax Delinquencies of less than Ten (\$10.00) Dollars.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough Of Ho-Ho-Kus that the Water & Solid Waste Registrar is hereby authorized to process, without any further action on the part of Governing Body, any property tax refund of less than (\$10.00) Dollars; and

BE IT FURTHER RESOLVED, that Water & Solid Waste Registrar is hereby authorized to process, without further action on part of the Governing Body, the cancellation of any property tax delinquency of less than (\$10.00) Dollars; and,

BE IT FURTHER RESOLVED, that a certified Copy of this Resolution be provided by the Municipal Clerk to the Water & Solid Waste Registrar, the Tax Collector and the Chief Financial Officer.

- 15-134 Forgiveness of Water Bill-BOE

Whereas, the Ho-Ho-Kus Board of Education was recently sent a water bill covering usage at the North Field in the amount of \$ 9256.30; and

Whereas, the Board of Education respectfully requested of the Borough of Ho-Ho-Kus that a portion of this bill be forgiven.

Therefore, Be It Resolved by the Mayor and Council of the Borough of Ho-Ho-Kus that \$2000 of the \$9256.30 is hereby forgiven, and that the Board of Education now owes \$7256.30 for this North Field water bill.

- 15-135 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,136,551.69.

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 \$2,136,551.69 be approved and ratified respectively

- 15-136 Tax Appeal- Ramos vs HHK

RESOLUTION AUTHORIZING MUNICIPAL ATTORNEY TO SETTLE 2015 TAX APPEAL CAPTIONED "RAMOS V.
BOROUGH OF HO-HO-KUS

WHEREAS, Cesar and Miriam Ramos are owners of real estate known as Block 502, Lot 20, better known as 25 Academy Road, Ho-Ho-Kus, New Jersey; and

WHEREAS, the owners have filed a Tax Appeal challenging the tax assessment for the year 2015; and

WHEREAS, Lot 20 in Block 502 was assessed for the Tax Year 2015 in the total amount of \$2,225,000; and

WHEREAS, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's Tax Assessor and has conducted exhaustive negotiations with counsel for the Taxpayer's; and

WHEREAS, the parties have been able to arrive upon a proposed settlement agreement as follows: a revised assessment of \$1,765,000 for 2015; and

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

WHEREAS, the Borough's Tax Assessor, Marie Merolla, is in agreement of the terms of this settlement and believes that it would be in the best interest of the Borough to settle this particular case in accordance with the terms set forth above;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Ho-Ho-Kus agrees to authorize the Municipal Attorney to execute a Stipulation of Settlement on behalf of the Borough with respect to the Ramos v. Ho-Ho-Kus Tax Appeal pending in the Tax Court of New Jersey under Docket No. 001053-2015 at the new assessment set forth above; and

BE IT FURTHER RESOLVED, that upon receipt of the Tax Court Judgment the Tax Collector is authorized to calculate the amount of the refund and cause same to be paid to the Taxpayer, without statutory interest for the 2015 Appeal within sixty (60) days from the date of the Tax Court Judgment; and

BE IT FURTHER RESOLVED, that this settlement is subject to agreement and acceptance thereof by the Taxpayers; and

BE IT FURTHER RESOLVED, that copies of this Resolution are to be provided to the Municipal Clerk, Chief Financial Officer, Tax Collector, Tax Assessor and Municipal Attorney.

Councilmember Troast moved the Consent Resolution, seconded by Councilmember Shea
All Ayes

OLD BUSINESS

A. Liaison Reports.

1. Recreation

Councilmember Shea stated that they will be meeting with Recreation Commission Chairman and Superintendent of the HHK School to discuss the fields.

2. Board of Education

Councilmember Weiss reported:

1. The BOE wanted to know the status of the SRO.
2. Discussed signs and parking on Lloyd Road.
3. Signs were the responsibility of the school
4. Traffic has been a lot better since the patrolling of the SRO
5. Discussed shared services with the Library
6. Thanked DPW for leaf pickup.

3. Other

B. Shade Tree

No report

C. Chamber of Commerce

Councilmember Shell reported that the Chamber of Commerce is looking to re-energize. November 28, 2015 was small business Saturday. Working on the 2016 Taste of Ho-Ho-Kus

The HHK Fire Department received a Certificate of Commendations from the Edgewater Fire department for their help with the Avalon fire.

NEW BUSINESS

Fire Department-By Law Change

Borough Attorney Bole commented that the Fire department would like to make changes to the By-Laws.

MAYOR'S REMARKS

Mayor Randall commented that the borough is looking forward to the Tree Lighting ceremony on December 4th. The Governing body attended the League of Municipalities convention in Atlantic City and attended classes and received monetary credits towards the Borough JIF insurance premiums.

Police Chief Minchin reported that the Police Department completed the mock assessment for the Accreditation. Thanked the DPW for all the help with the cleanup of the PD.

DPW superintendent stated that they were track with the Leaf Pickup.

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 Litigation and Tax Appeal

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 discussions before the Council and on a motion made by Councilmember Rorty, seconded by Councilmember Shea, Mayor Randall adjourned the meeting at 9:10 PM.

Respectfully submitted,

Laura Borchers, RMC/CMR

Borough Clerk