

**BOROUGH OF HO-HO-KUS  
PUBLIC MEETING OF  
THE MAYOR AND COUNCIL  
OCTOBER 27, 2015- 8:00 PM**

**MINUTES**

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 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 part, have been heretofore sent to the Record and the Ridgewood news with general circulation throughout the borough of Ho-Ho-Kus.

At Roll call the following members were present: Mayor Randall, Councilmembers: Troast, Rorty, Weiss, Shell and Iannelli. Also present were Borough administrator William Jones and Attorney David Bole  
Absent: Councilmember Shea

Mayor Randall led all in the pledge of allegiance

**4. APPROVAL OF MINUTES**

1. September 15, 2015    Public Session

2. September 15, 2015    Closed session

Councilmember Shell moved the approval of the minutes, seconded by councilmember Iannelli

All ayes

3. September 22, 2015    Public Session

4. September 22, 2015    Closed Session

Councilmember Shell moved the approval of the minutes, seconded by councilmember Rorty

All ayes

Absent: Cn. Weiss

**5. COMMITTEE REPORTS- September 2015**

On file

**6. PUBLIC DISCUSSION**

**7. CORRESPONDENCE**

1. Mr. & Mrs. David Massaro-Light Pillars on Borough Right of Way.

**8. INTRODUCTION 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 Iannelli

All Ayes

Absent: Councilmember Shea.

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

All ayes

Absent: Councilmember Shea

3. Ordinance # 1044- Amend Chapter 79 Vehicle and Traffic "Parking Permits"

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 Iannelli

All ayes

Absent: Councilmember: Shea

### **9. FINAL PASSAGE OF ORDINANCES**

1. Ordinance # 1041 Amend Chapter 85 "Zoning" Permit Business Offices in GB Zone.

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Ho-Ho-Kus as follows:

**SECTION I. Section 85-7, Definitions**, is amended by inclusion of the following:

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government, and generally furnished with desks, tables, files and communication equipment.

**SECTION II. Section 85-13A, Permitted Uses**, is amended by including therein:

(16) Business Offices.

#### **SECTION II. 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.

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

This ordinance shall take effect after final passage and publication as required by law. 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 all other persons entitled thereto pursuant to NJS 40:55D-15 and NJS 40:55D-63 if required. Upon the adoption of this Ordinance after Public Hearing thereon, the Borough Clerk is further rdirected 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 NJS 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 NJS 40:49-2.1.

Councilmember Weiss moved the adoption of the Ordinance, seconded by Councilmember Rorty

All Ayes

Absent: Councilmember Shea

## 10. RESOLUTIONS

None

## 11. CONSENT RESOLUTION

- # 15-117 CDBG Grant- Ferris Court

WHEREAS, a Bergen County Community Development grant of **\$36,000.00** has been proposed by the Borough of Ho-Ho-Kus for **the Resurfacing of Ferris Court** in the municipality of Ho-Ho-Kus, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Ho-Ho-Kus, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Ho-Ho-Kus hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

- # 15-118 CDBG Grant- Stoneridge Lane

**WHEREAS**, a Bergen County Community Development grant of **\$55,000.00** has been proposed by the Borough of Ho-Ho-Kus for **the Resurfacing of Stone Ridge Lane**

in the municipality of Ho-Ho-Kus, and

**WHEREAS**, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

**WHEREAS**, the aforesaid project is in the best interest of the people of the Borough of Ho-Ho-Kus, and

**WHEREAS**, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Ho-Ho-Kus hereby confirms endorsement of the aforesaid project, and

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

- # 15-119 Inter-Local Ridgewood Flu Clinic

**BE IT RESOLVED** by the Board of Health of the Borough of Ho-Ho-Kus, that the Borough is hereby authorized to enter into a Service Agreement with Valley Health System in accord with the terms and conditions of a Service Agreement Contract.

- # 15-120 Change Order–Arbor Drive Drainage

**WHEREAS**, additional work is required for the project known the Drainage Improvements for Arbor Dr. & Edgewood Dr. for the Borough of Ho-Ho-Kus”; and

**WHEREAS**, the original contract price was \$110,000.00 and Change Order Number 1 is \$720 resulting in a new contract price of \$110,720.00; and

**WHEREAS**, the Chief Financial Officer has attached hereto a certification that adequate funds are available to pay for the Change Order;

**NOW THEREFORE BE IT RESOLVED** by the Governing Body that it does hereby authorize and approve Change Order Number 1 for the Contract aforesaid and the appropriate Borough officials are hereby authorized to sign the Change Order to carry this resolution into effect.

- # 15-121 Community Development Representative

**WHEREAS**, the Borough of Ho-Ho-Kus has entered into a Three Year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq. and Title I of the Housing and Community Development Act of 1974; and

**WHEREAS**, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1 through June 30.

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body hereby appoints Thomas W. Randall, Mayor, as its representative to participate on the Community Development Regional Committee; and

**BE IT FURTHER RESOLVED** that William Jones, Administrator, is hereby appointed by the Mayor as Community Development Representative.

- # 15-122 Best Practice Certification

**WHEREAS**, a 2015/2016 Best Practices Inventory survey was sent to the Borough of Ho-Ho-Kus by the State of NJ and was required to be completed and returned to the State, certified by the CFO, no later than October 16, 2015; and

**WHEREAS**, it was required by the State that the Municipal Clerk, following the consideration of the completed survey by the Governing Body of the Borough of Ho-Ho-Kus at a public meeting, complete the “Best Practices Certification Form” and return it to the State;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus that: 1) the survey was completed correctly, certified by the Chief Financial Officer, and returned to the State before the deadline of October 16, 2015 and 2) the survey was discussed at the public meeting of the Mayor and Council on October 27, 2015 and 3) the Municipal Clerk of the Borough of Ho-Ho-Kus hereby certifies each of the above noted points and submits the “Best Practices Certification Form” to the State as required.

- # 15-123 Open Space Preservation

**WHEREAS**, the Borough Planning Board previously adopted its 2013 Master Plan on December 12, 2013; and

**WHEREAS**, an integral part of said Plan designates certain active recreation areas and areas for passive recreation, conservation and open space preservation which are attached hereto as Exhibit A; and

**WHEREAS**, N.J.S.A. 52:27D-310.1 (b) and (f), provides which land may be excluded from designating vacant land;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey, that the lands set forth on Exhibit A and identified in the Borough’s Master Plan are hereby intended to be designated, dedicated and restricted for active recreation, conservation, park lands and/or open space as appropriate; and

**BE IT FURTHER RESOLVED**, that the Borough shall take all action deemed necessary and appropriate to exclude said lands from the calculation of available vacant land pursuant to N.J.S.A. 52:27D-310.1 (b) and (f)..

- # 15-124 Salary Adjustments

**WHEREAS**, Ordinance # 1038 establishes salary ranges for employees; and

**WHEREAS**, said Ordinance requires that individual salaries be set by Resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Ho-Ho-Kus that the following salaries are hereby authorized for the period of January 1, 2015 through December 31, 2015.

<b>POSITION</b>	<b>2015 Salary Rate</b>
Borough Administrator	\$ 90,000.00
Borough Clerk/Registrar of Vital Statistics	\$ 72,935.90
Chief Financial Officer/Treasurer	\$ 30,000.00
Tax Collector /Deputy Treasurer	\$ 83,121.20
Tax Assessor	\$ 23,619.15
Municipal Court Administrator	\$ 65,000.00
Solid Waste/Water Registrar	\$ 48,890.15
Executive Administrative Assistant	\$ 53,978.45
Planning/Zoning Board Secretary	\$ 47,500.00
Deputy Registrar/Administrative Assistant	\$ 38,000.00
Accounting Assistant	\$ 50,604.85
Custodian	\$ 39,399.20
Crossing Guard	\$ 17/Hour

- # 15-125 Tax Appeal- Oritani vs Borough of Ho-Ho-Kus

**RESOLUTION AUTHORIZING MUNICIPAL ATTORNEY TO SETTLE 2012-2015 TAX APPEALS CAPTIONED "ORITANI BANK V. HO-HO-KUS"**

**WHEREAS**, Oritani Bank is owner of real estate known as Lot 1 in Block 1008 and better known as 30 Sheridan Avenue, Ho-Ho-Kus, New Jersey; and

**WHEREAS**, the owner has filed Tax Appeals challenging the tax assessment for the years 2012-2015; and

**WHEREAS**, Lot 1 in Block 1008 was assessed for the tax years 2012-2015 in the total amount of \$735,800; and

**WHEREAS**, the Borough has completed full discovery with respect to this matter and has conducted exhaustive negotiations with counsel for the Taxpayer; and

**WHEREAS**, the parties have been able to arrive upon a proposed settlement agreement as follows: Taxpayer to withdraw 2012-2015 Appeals in consideration for an adjusted assessment of \$685,800 for 2016; and

**WHEREAS**, the Borough Tax Assessor, Marie Merolla, is in agreement with the terms of this settlement and believe 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 Oritani Bank v. Ho-Ho-Kus Tax Appeal pending in the Tax Court of New Jersey under Docket Nos. 018110-2012, 007191-2013, 005119-2014, 014006-2015 at the new assessment set forth above including the 2016 revised assessment; and

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

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

- # 15-126 Property Improvement- Fence Replacement

**WHEREAS**, Melissa and Mark Ferro of 27 N. Saddle Brook Drive, Ho-Ho-Kus, New Jersey (subject property) applied for a permit to replace a fence which, due to weather conditions, has deteriorated; and

**WHEREAS**, the fence acts as a barrier to a brook that is just beyond the structure; and

**WHEREAS**, the Zoning Officer has advised that she cannot issue a permit since the existing fence is located on the Borough right of way;

**WHEREAS**, the Mayor and Council has reviewed the matter and finds that all things considered especially public safety, it is reasonable and appropriate for the fence to be reinstalled;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body that it does hereby authorize a replacement fence to be located at the subject property on the Borough right of way subject, however, to the execution of an appropriate hold harmless agreement between the property owners and the Borough to be prepared by the Municipal Attorney.

- # 15-127 Award Purchase- 2016 Horton Ambulance

WHEREAS, sealed bids were received for the purchase of a 2016 Horton Ambulance.

WHEREAS, the Chief Financial Officer has attached a Certification that adequate funds have been duly appropriated to pay for this purchase;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the purchase of the above 2016 Ambulance is hereby awarded to VCI Emergency Vehicle Specialist, 43 Jefferson Avenue, Berlin New Jersey 08009 in the amount of \$248,997; BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are authorized to execute a contract with this vendor for said purchase;

- # 15-128 Payment of Vouchers

**WHEREAS**, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$3,051,902.74

**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 **\$3,051,902.74** be approved and ratified respectively

Councilmember Troast approved the consent resolution, seconded by Councilmember Rorty.

All yes

Absent: Councilmember Shea.

## OLD BUSINESS

### A. Liaison Reports:

#### 1. Recreation

None

#### 2. Board of Education

- In the midst of developing their Strategic Plan, have engaged NJ School Boards Association to facilitate the process by which community members are invited to work the
- BOE to create the vision and plan for the upcoming years.
- The HHK School will be joining NHRHS to meet publicly for a presentation on the new Next-Gen science standards.
- Appreciative of the efforts made by the football association and the recreation association for the help in reducing wear and tear of the school fields. Discussed,
- Proactive efforts to improve the grass over the winter.
- Parents were pleased with the resulting availability of parking spaces on Lloyd road for afternoon pickup.
- Emergency generators have arrived.

#### 3. Other

- B. Shade Tree  
None
- C. Chamber of Commerce  
None

#### NEW BUSINESS

- Borough administrator Bill Jones stated:
- The borough received the JIF dividend in the amount of \$6928.13 which the borough can choose to accept the check or apply it towards the quarter payment.
- Halloween Curfew signs posted on the website
- State Best Practice worksheet has been completed. The borough got a score of 92 of 100 questions.
- Drainage project is all complete.
- There are a few people interested in the lease of property on 188 Franklin turnpike
- Going out to bid for tree removal and pruning.

Councilmember Shell discussed the basketball hoops on the borough right of way with the snow season coming up.

DPW superintendent Pattman stated that leaf pick up has started and the last day is Monday December 15<sup>th</sup>.

Police Chief Minchin said that the PD accreditation is all approved and in compliance.

#### MAYOR'S REMARKS

Go-For Goal run was very successful. Fire department open house was a great turnout. Halloween window painting was a good turnout.

#### 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 Personnel

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 to come before the Council and on a motion made by Councilmember Rorty, seconded by Councilmember Weiss and carried, Mayor Randall adjourned the meeting at 8:40PM.

Respectfully submitted,

Laura Borchers, RMC/CMR  
Borough Clerk.