

Borough of Ho-Ho-Kus  
County of Bergen  
Mayor and Council Combined Work/Public Meeting Minutes  
April 23, 2019 7:30 p.m.

The Combined Work/Regular Public Meeting of the Municipal Council of the Borough of Ho-Ho-Kus was held in the Municipal Building at 333 Warren Avenue, Ho-Ho-Kus, NJ on April 23, 2019. The meeting was called to order at 7:35 p.m. by Mayor Randall asked the Municipal Clerk to read the open public meeting statement:

The Combined Meeting of the Mayor and Council of the Borough of Ho-Ho-Kus is now in session in accordance with the provisions of Section 5 of the “Open Public Meetings Act”, adequate notice of this meeting has been posted in the front lobby entrance to the Borough Hall and Council Chambers, a copy has been filed with the Borough Clerk, and copies of the Annual Notice of Meetings, of which this is a part, have been heretofore sent to the Record and the Ridgewood News.

**ROLL CALL:**

Mayor.....	Thomas W. Randall
Council President.....	Douglas Troast
Councilman.....	Philip Rorty
Councilman.....	Steven Shell - <b>Absent</b>
Councilman.....	Edward Iannelli - <b>Absent</b>
Councilman.....	Kevin Crossley
Councilman.....	Dane Policastro

Also in attendance David Bole, Borough Attorney; William Jones, Borough Administrator; Paul Garbarini, Borough Auditor; Joan Herve, Borough Clerk; Dr. Diane Mardy, Superintendent of HHK School and the Members of the Ho-Ho-Kus Board of Education.

**FLAG SALUTE:**

Mayor Randall led those present in the salute to the American Flag.

**PROCLAMATION**

Mayor welcomed everyone in attendance; he read the Proclamation as May is Mental Health Awareness Month. Administrator Jones thanked the Stigma Free Committee for making this happen and reported we are going to kick off our campaign at the Country Fair on May 10, 2019. Dr. Mardy added what a better way for the community to partner together with something important as mental illness.

**APPROVAL OF MINUTES**

A motion was offered by Council President Troast, seconded by Councilman Rorty to approve the minutes of:

- March 19, 2019 – Work Session Meeting
- March 19, 2019 – Closed Session Meeting
- March 26, 2019 – Public Meeting
- March 26, 2019 – Closed Session

Motion carried on a roll call vote – all present voting “Ayes, with the exception of Councilman Crossley who abstained from the March 26, 2019 Public & Closed Session.

**DEPARTMENT REPORTS**

Reports on file in the Clerk’s Office

- Police Report – March 2019
- Court Report – March 2019
- Library Report – April 2019

### **PUBLIC COMMENTS**

Mayor opened the meeting to the public. He stated if anyone desired to be heard, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing none, Mayor closed the meeting to the public.

### **ADMINISTRATOR REPORT**

Administrator reported on the following: Under correspondence item #4 is an invitation for the Mayor & Council to join the Stigma-Free & Talk a Thon hosted by Ramsey Municipal Alliance on May 1, 2019. He thanked Dr. Matt Murphy; Superintendent of Ramsey who was very instrumental in launching our Stigma Free Campaign. On the agenda tonight we will be adopting our budget, with a zero percent increase. He stated when he attending his administration meeting; out of 13 Northwest Towns, 11 were expected some increase only two were staying flat and one was undecided. We are in the highest percent of surplus both dollars and percentage to our overall budget. We received the FEMA flood maps yesterday and they will be available to residents. We have trash trucks scheduled last weekend and this weekend at the DPW garage for our residents who have non-hazardous items to dump. Last week we started our fire hydrant flushing and we had our shedding day the first Saturday in April which was a success. We received a grant in the amount of \$202,000 from the NJDOT for the Brandywine/Valley Forge phase 3 project. At the last Community Development meeting we were informed that we received \$103,000 grant for Carlton Avenue paving project, just waiting for official notification. Memorial Day parade preparations are underway. Lastly, Administrator Jones stated Ho-Ho-Kus was voted #2 for the best towns in New Jersey for families in Bergen County and commuter town and #12 overall in the State.

### **CORRESPONDENCE**

- 1) Thank you letter from Bobbie Henry to the members of the Ambulance Corp.
- 2) Thank you letter from the Burkes Family to the members of the Shade Tree Commission.
- 3) NJDOT – approval for funding for the Brandywine/Valley Forge Drainage Improvement, Phase 3 Project in the amount of \$202,000.
- 4) Invitation to join the “Stigma-Free Walk & Talk a Thon” hosted by Ramsey Municipal Alliance on May 1, 2019.
- 5) NJDEP – Clean & Drinking Water State Revolving Fund Program Notice.
- 6) Resolution to Oppose the Vegetative Management Response Act from Tenafly, Alpine, Hackensack & Midland Park.
- 7) Resolution to Reject Hate within the Township of Teaneck.
- 8) Resolution from the Borough of Maywood & Emerson urging the NJ Board of Public Utilities to require landline & wireless telephone services to block robocalls to their customers.
- 9) NJDEP New Releases – Five Chemical Companies to Fund Removal of PFAS Contamination throughout the State, DEP to provide 60,000 free tree seedlings for distribution across the State, and New Jersey will be the first State in the Nation to offer online purchase of Annual State Park passes
- 10) Letter from Christopher Karoleski to Mayor requesting a town park.
- 11) ZBA Resolution amending their meeting starts time.
- 12) Board of Chosen Freeholder Resolutions – #351-19 Recognize National Public Health Week, #352-19 Recognize Parkinson’s Awareness Month, #353-19 Recognition of Bergen Community College Day, #356-19 Recognize Sexual Assault Awareness Month, #357-19 Recognize April as Month of the Military Child, & #358-19 Recognition of National Donate Life Month.

- 13) Board of Chosen Freeholders Ordinances: #19-07 Various Capital Improvements, #19-08 providing for Adaptive Signal System Improvements, #19-09 vacates and abandon as a County Road a portion of Jefferson Street in the City of Hackensack.
- 14) Arbor Day Foundation Names Ho-Ho-Kus Tree City USA
- 15) BC Unity in the Community Event – June 30, 2019 11am-4pm.

**ADOPTION OF ORDINANCES and PUBLIC HEARING**  
**ORDINANCE 2019-24**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET**

**APPROPRIATION LIMITS AND TO ESTABLISH A “CAP BANK” (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and Council of the Borough of Ho-Ho-Kus in the County of Bergen finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Council hereby determines that a 1% increase in the budget for said year, amounting to \$62,520 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Ho-Ho-Kus, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Ho-Ho-Kus shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$218,821, and that the CY 2019 municipal budget for the Borough of Ho-Ho-Kus be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**PUBLIC HEARING**

Mayor opened the meeting to the public. He stated this is the time and place for the public hearing on Ordinance #2019-24 and all persons who wishes to be heard, please state your name and address before making your statement.

Seeing none, the Mayor closed the meeting to the public.

A motion was offered by Councilman Policastro and seconded by Councilman Crossley to adopt Ordinance #2019-24. Motion carried on a roll call vote – All present voting “Aye”.

**BUDGET-FINAL ADOPTION**

Mayor Randall informed the public that this portion of the meeting is for the purpose of a public hearing and the adoption of the 2019 Municipal, Water and Solid Waste Budget.

Mayor Randall opened the Public Hearing and asked Council President Troast who was representing as Finance Chair in the absence of Councilman Shell and Borough Auditor, Paul Garbarini to summarize

the major points of the budget.

Council President Troast stated again we have the zero percent without sacrificing our essential services. There is \$800,000 in this budget for Capital Improvements. It also marks the elimination of payments of unused sick time for all employees and retirement. He thanked everyone involved with putting this budget together. Borough Auditor Mr. Garbarini also thanked everyone involved and added the budget meets both the appropriations cap and the levy cap as well as utilizing the proper amount of surplus when needed, while meeting all the statutory requirements for the budget.

Mayor opened the meeting to the public. He invited questions from the public on the Budget. Seeing none, Mayor Randall closed the hearing to the public on the Budget

**Resolution #19-53 - Budget Adoption (Introduced by Council President Troast):**

Budget read in full.

**BE IT RESOLVED**, that the following statements of Revenues and Appropriations shall constitute the adopted Municipal Budget for the year 2019;

**CURRENT FUND**

**General Appropriations**

Appropriations within "CAPS"- Municipal Purposes	\$6,571,022.00
Appropriations excluded from "CAPS"-Municipal Purchases	3,018,721.41
Reserve for Uncollected Taxes	<u>260,000.00</u>
Total General Appropriations	9,848,743.41
Less: Anticipated Revenues	<u>2,609,345.41</u>
Amount to be raised by Taxes for Support of Municipal Budget	
Local Tax Municipal Purposes	\$6,803,976.00
Minimum Library Tax	436,422.00
<b>Total to be raised by Taxes</b>	<b><u>\$7,240,398.00</u></b>

**WATER UTILITY FUND**

Appropriations	<u>\$1,268,000.00</u>
Utility Revenues	<u>\$1,268,000.00</u>

**SOLID WASTE UTILITY FUND**

Appropriations	<u>\$1,245,000.00</u>
Utility Revenues	<u>\$1,245,000.00</u>

**BE IT FURTHER RESOLVED**, that the Governing Body of the borough of Ho-Ho-Kus does hereby adopt the above Budget for the year 2019

A motion was offered by Council President Troast and seconded by Councilman Rorty to adopt the Budget Resolution #19-53. Motion carried on a roll call vote – All present voting "Aye".

**OFF-CONSENT RESOLUTIONS**

**Resolution #19-56 – Introduced by Council President Troast**

**A Resolution - Award Contract 2019 Resurfacing Project (Stone Ridge Lane)**

**WHEREAS**, on April 3, 2019 bids were received for the Midland Park & Ho-Ho-Kus Cooperative Resurfacing Program;

**WHEREAS**, five (5) bids were received;

**WHEREAS**, Stone Ridge Lane in Ho-Ho-Kus is the street that is to be resurfaced;

**WHEREAS**, D&L Paving Contractors, Inc. is determined to be the lowest responsible, responsive bidder in the total amount of \$186,912.99 of which \$51,810.70 is the Ho-Ho-Kus portion;

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

**WHEREAS**, there is a community development block grant in the amount of \$36,000.00 to be applied to the contract cost;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body that a contract for the above-referenced project is hereby awarded to D&L Paving Contractors, Inc. of 675 Franklin Avenue, Nutley, New Jersey 07110 in the amount of \$51,810.70;

**BE IT FURTHER RESOLVED**, that the Mayor and Municipal Clerk are authorized to sign a contract with D&L Paving Contractors, Inc. following legal review.

A motion was offered by Council President Troast and seconded by Councilman Rorty to approve Resolution 19-56. Motion carried on a roll call vote – All present voting “Aye”.

### **CONSENT AGENDA RESOLUTIONS** (19-54 thru 19-55)

#### **Resolution #19-54- Introduced by Council President Troast**

##### **A Resolution – Payment of Bills**

**WHEREAS**, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,772,821.35; and

**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 \$2,772,821.35 be approved and ratified respectively

#### **Resolution #19-55- Introduced by Council President Troast**

##### **A Resolution – Authorize Street Closure – Hollywood Places**

**WHEREAS**, the Borough of Ho Ho-Kus has received a request for a street closure from resident Anthony Karoteski; and

**WHEREAS**, Mr. Karoteski is requesting that Hollywood Place be closed from the intersecting street of Hollywood Avenue to the dead end of Hollywood Place on June 19, 2019 from 7pm – 12 am.; for a pre-party for the 8<sup>th</sup> grade year-end dance.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus, that the request for the street closure is approved.

A motion was offered by Council President Troast and seconded by Councilman Rorty to approve Resolutions 19-54 through 19-55. Motion carried on a roll call vote – All present voting “Aye”.

### **OLD BUSINESS** - None

### **LIAISON REPORTS**

Recreation – No report

Library – No report

Board of Education – No report

Ambulance Corp. – No report

Fire Department – Councilman Rorty reported that the Fire Department has been assisting in other town fires.

Also this past weekend was their hose testing.

Chamber of Commerce – Mayor reported the Taste of Ho-Ho-Kus is scheduled for June 5<sup>th</sup>, 2019.

Other – Police chief reminded residents to lock their cars as there have been some break-ins in the surrounding towns.

**NEW BUSINESS** – none.

**CLOSED SESSION:** On a motion by Councilman Rorty, seconded by Councilman Crossley, the Mayor and Council approved entering into Executive Session closed to the public. Motion Carried by voice vote – all present voting “Aye”.

A Resolution - providing for a meeting not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. NJSA 10:4-12

Whereas, the Borough Council of the Borough of Ho-Ho-Kus is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6; and

Whereas, the Open Public Meetings Act, NJSA 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by resolution; and

Whereas, it is necessary for the Borough Council of the Borough of Ho-Ho-Kus to discuss in a session not open to the public certain matters relating to the item or items authorized by NJSA 10:4-12 (b) as follows:

7- Matters relating to litigation, negotiations and attorney-client privilege

American Tower Lease

Tax Appeals

Now therefore, be it resolved by the Borough Council of the Borough of Ho-Ho-Kus assembled in public session on April 23, 2019 that an Executive Session closed to the public be and the same is hereby authorized for discussion of matters relating to the specified items designated above.

Closed Session began at 8:10 p.m. and ended at 8:30 p.m.

On a motion by Councilman Crossley, seconded by Council President Troast, the meeting returned to open public session. Motion Carried by voice vote – all present voting “Aye”.

**ADJOURNMENT**

On a motion by Councilman Rorty, seconded by Councilman Crossley, the meeting was adjourned at 8:30 p.m. Motion Carried by voice vote – all present voting “Aye”.

Respectfully submitted,

Joan Herve, RMC/CMR  
Borough Clerk

Borough of Ho-Ho-Kus  
County of Bergen  
Mayor and Council Reorganization Meeting  
January 7, 2019 7:00 p.m.

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Mayor and Council Reorganization Meeting  
January 7, 2019 7:00 p.m.