

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Mayor and Council Minutes
May 22, 2018
Regular Public Meeting**

Meeting Called to Order at 7:35PM by Mayor Randall

Open Public Meetings Statement: Read into the record by the Recording Secretary

Roll Call: Mayor Randall, Councilman Troast, Councilman Rorty (absent), Councilman Shell, Councilman Iannelli, Councilman Fiato, Councilman Crossley (absent at time of roll call; arrived at 7:54PM)

Also in Attendance: David Bole., Borough Attorney; William Jones, Borough Administrator; Deborah Fehre, Interim Borough Clerk; JoAnn Carroll, Recording Secretary

Salutation to the Flag

PROCLAMATIONS

**May 15, 2018 Peace Officers Memorial Day
May 13-19, 2018 Police Week
Eagle Scout Mathew James Cedarstrand
Eagle Scout Jack Neill Culleton
Eagle Scout David P. Menzel**

Proclamations adopted; Mayor Randall proclaimed the past week as Peace Officer's week; resolution in honor of Eagle Scouts will be read at their elevation ceremony.

APPROVAL OF MINUTES

None

COMMITTEE REPORTS- April 2018

All Committee Reports on file with the interim Borough Clerk; reports can be viewed during normal business hours.

PUBLIC DISCUSSION

No public in attendance came forward to address the Mayor and Council.

ADMINISTRATORS REPORT

Mr. Jones, stated Ho-Ho-Kus was the hardest hit town in Bergen County by last week's storm, according to PSE&G; 70% of the Borough lost power; 9 streets were closed due to downed trees; substantial damage; Borough staff worked with PSE&G to take care of the issues in town; inundated with people calling the Borough and the Police Department in regards to loss of power; calls need to be made to PSE&G directly.

Mayor Randall stated PSE&G's response time was very good and they had a large presence in the town; the complaints that were received from a number of residents was that PSE&G was not getting the word out regarding the power outages on their website.

Mr. Jones stated PSE&G's new website is much harder to navigate; the storm hit quick and there was damage in many places.

Councilman Troast asked if the Reverse 911 system could be used.

Mr. Jones stated the Reverse 911 system would be better used before a storm hits; needs to be discussed; the issue of calls to Borough Hall regarding power outages will be included in the next Borough newsletter and a note might be added to the upcoming tax and/or water bills.

Mayor Randall stated contact information to report a power outage will also be placed on the Borough's website.

Mr. Jones stated Jeff Pattman, DPW Superintendent, and his staff did a great job during and after the storm; branches which came down during the storm will be picked up; the bad weather impacted the County paving project which carried over into this week; this paving project has nothing to do with the Borough; there was an issue with school bus routes due to the paving; the County basically gave the Borough 3 days' notice of their paving project; bus company was made aware of it, but there have been issues the last couple of days; Chief Minchin was involved and contacted the bus company; the Brandywine project will commence next Tuesday; from the top of Brandywine to West Road; this will be thoroughly communicated with the bus company; the resolution ratifying the agreement with GMA is on the consent agenda this evening; Ms. Deborah Fehre, Interim Clerk, has been a great help.

CORRESPONDENCE

**Worth Pinkham Library Bd requesting a review of parking
Cub Pack 54 requesting to use of East Park or The Town Green & Gazebo (if
needed) June 3rd 10:30am- 12:30pm**

Mr. Jones stated Cub Pack 54 had amended their request to possibly use the Town Green and gazebo on June 3rd; wanted to have flexibility.

Mayor Randall stated a letter had been received from the library regarding a parking review; commuters do try to park in the spaces by the library; Chief Minchin stated residents complained about a commuter parking by the library; tickets were issued and one of the cars parked belonged to a library employee.

Mayor Randall stated it is a public street and there is equal enforcement; will be reviewed; the Police Department acted on a resident complaint.

Motion to permit Cub Pack 54 to use either East Park or the Town Green & Gazebo on June 3, 2018 between the hours of 10:30AM and 12:30PM: Councilman Iannelli

Seconded by: Councilman Troast

All in Favor

None Opposed

Motion to move Ord #2018-07 to the Final Passage section of the agenda: Councilman Iannelli
Seconded by: Councilman Shell

All in Favor

None Opposed

FINAL PASSAGE OF ORDINANCES

Ord # 2018-07 “Amend Chapter 79 Table of Organization HHK Police Department”

Mr. Bole stated the Council will take a motion to amend Ord #2018-07 so the ordinance will read six sergeants instead of five; Mayor Randall stated the Ordinance is on for a final reading to amend; it is a material change to the ordinance, per the Borough Attorney, and it requires re-advertising; a continued public hearing will take place at the June hearing at 7:30PM.

Motion to open a discussion of Ord #2018-07 to the public: Councilman Shell

Seconded by: Councilman Iannelli

All in Favor

None Opposed

No public in attendance came forward to address the Mayor and Council regarding Ordinance #2018-07, as presently constituted.

Motion to close the public hearing for this evening’s meeting in regards to Ord #2018-07 and to amend the table in Ordinance #2018-07 to six sergeants: Councilman Shell

Seconded by: Councilman Iannelli

All in Favor

None Opposed

Ord # 2018-06 “Municipal Humane Law Enforcement Officer”

An Ordinance to Amend Chapter 10 of the Code “Borough Personnel” to Establish the Position of Municipal Humane Law Enforcement Officer

Read into the record by the recording secretary, for second reading, ordinance has been duly advertised and copies available to the public.

Motion to conduct final reading: Councilman Iannelli

Seconded by: Councilman Shell

Roll Call:

Ayes: Councilmembers Troast, Shell, Fiato, Iannelli

Nays: None

Absent: Councilmembers Rorty, Crossley

Meeting opened to the public for comment on Ordinance #2018-06.

No public in attendance came forward to address the Mayor and Council regarding Ordinance #2018-06

Motion to close public discussion on Ordinance #2018-06: Councilman Shell

Seconded by: Councilman Iannelli

All in Favor

None Opposed

Motion to adopt Ordinance #2018-06: Councilman Iannelli

Seconded by: Councilman Fiato

Roll Call:

Ayes: Councilmembers Troast, Shell, Fiato, Iannelli

Nays: None

Absent: Councilmembers Rorty, Crossley

ORDINANCE NO. 2018-06

AN ORDINANCE TO AMEND CHAPTER 10 OF THE CODE
“BOROUGH PERSONNEL” TO ESTABLISH THE POSITION OF
MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER

BE IT ORDAINED, by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey, that Chapter 10 of the Code is amended to add a new Article, XV as follows:

ARTICLE XV

Municipal Humane Law Enforcement Officer

§10-72 Office Established. There is hereby created the Office of Municipal Humane Law Enforcement Officer for the Borough of Ho-Ho-Kus.

§10-73 Appointment and Term. The Mayor, upon recommendation of the Chief of Police, shall appoint, with the advice and consent of the Council, a Municipal Humane Law Enforcement Officer for a term of one (1) year commencing January 1 and terminating December 31 in each year or the unexpired portion thereof.

§10-74 Powers and Duties. The Municipal Humane Law Enforcement Officer shall exercise the following powers and duties, including but not limited to:

(a) Enforcement of all Animal Welfare or Animal Cruelty Laws of the State and Ordinances of the Municipality;

(b) Investigate and sign complaints concerning any violation of an Animal Welfare or Animal Cruelty Law of the State or Ordinance of the Municipality;

(c) Act as an Officer for the detection, apprehension and arrest of offenders against the Animal Welfare and Animal Cruelty Laws of the State and Ordinances of the Municipality;

(d) Comply with the provisions of Chapter 22 of Title 4 of the New Jersey Revised Statutes;
and

(e) Such other powers and duties required under ordinance or at law;

§10-75 – Firearm Authority. The Municipal Humane Law Enforcement Officer shall be authorized to possess, carry and use a firearm while enforcing the laws and ordinances enacted for the protection of animals, provided that such officer qualifies and maintains all certification and training requirements pursuant to law.

§10-76 Compensation. The Municipal Humane Law Enforcement Officer shall receive such compensation as may be fixed and determined by the Governing Body either in the Annual Salary Ordinance and Implementing Resolutions or by contract, as the case may be.

§10-77 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, including Article X Animal Cruelty Investigator, Sections 10-50 to 10-53.

§10-78 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.

§10-79 Effective Date

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

CONSENT RESOLUTION

BE IT RESOLVED, that the following resolution herewith listed having been considered by the Governing Body of the Borough of Ho-Ho-Kus is hereby passed and approved:

18-65 Approving the Separation Agreement

18-66 Entering into an Agreement with GMA to provide an Interim Borough Clerk

18-67 Payment of Vouchers

Motion to approve Consent Resolution: Councilman Troast

Seconded by: Councilmember Shell

Ayes: Councilmembers Troast, Shell, Iannelli, Fiato

Nays: None

Absent: Councilmembers Rorty, Crossley

TITLE: Resolution Ratifying Agreement

RESOLUTION: 18-65

WHEREAS, Borough Clerk, Laura Borchers, by letter dated March 27,2018 previously advised the Borough of her intent to resign from her employment with the Borough in order to accept other employment; and

WHEREAS, The Borough, by Resolution accepted such resignation; and

WHEREAS, the Mayor and Council authorized the Mayor to enter into a Separation and Benefits Agreement in conjunction with such resignation; and

WHEREAS, the Mayor has entered into such Separation and Benefits Agreement on behalf of the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the actions of the Mayor on behalf of the Borough in entering into the Separation and Benefits Agreement be and are hereby ratified and approved; and

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

TITLE: Ratify Agreement with Government Management Associates (GMA)

RESOLUTION: 18-66

BE IT RESOLVED, that the Mayor and Council of the Borough of Ho-Ho-Kus wish to enter into an agreement with Government Management Associates, hereinafter referred to as GMA, to provide an Interim Municipal Clerk; and

BE IT FURTHER RESOLVED, that GMA will provide Deborah L. Fehre, RMC, to Ho-Ho-Kus to act as Interim Municipal Clerk; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes the Borough Administrator to be a signatory to aforesaid agreement; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus enter into an agreement with GMA, not to exceed 25,000.

RESOLUTION 18-67

Subject: Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$3,076,041.23

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 \$2,469,981.08 be approved and ratified respectively.

OLD BUSINESS

A. Liaison Reports:

1. Recreation: Councilman Iannelli: tentative meeting set for May 24th; wrapping up spring baseball; may get an extension due to the rain and cancellation of games; teams will participate in some Memorial Day tournaments; football registration has begun; numbers are down; changed from in-person registration to on-line only; junior team has only 12 kids signed up; will continue to reach out to players from last year's teams.

2. Board of Education: Councilman Iannelli: the BOE is reintroducing a separate spending proposal which is tying into their strategic plan; meeting was very lightly attended; hoping to get more of a presence from the Council and also leaders of the town; looking for a bigger audience to speak to; asked for the Council to attend their next meeting which will occur after the school year ends.

3. Other

a. Ambulance Corps.: Gordon Hamm: record number of calls this year; almost 20% of calls are for Waldwick; calls are on nights and weekends as well; mutual aid programs have worked out in the past; more volunteers are needed; recent calls were for accidents; nothing major to report.

Please note: Councilman Crossley has arrived at this point of the meeting: 7:54PM

Mr. Hamm continued: fire classes were taken by some of the FD members; on May 29th a class will be held by the Bergen County OEM on bleeding control training for teachers.

b. Library: Councilman Fiato: no report.

B. Shade Tree: Mr. Jones: vast majority of issues have been with private trees that need to be dealt with by residents; the DPW, Police and the Property Maintenance Officer, Dan McEldowney, inspect what has been reported; all have been dealt with.

C. Chamber of Commerce: Councilman Shell: the FD will have a wet down for the new ladder truck on June 9th; this is a town wide event; the Taste of Ho-Ho-Kus will be held on June 6th; tickets are available on the Chamber of Commerce website.

MAYOR'S REMARKS

Mayor Randall, who is the head of the NW Bergen Mayor’s Association, sent a letter to state and federal representatives asking for direction from the IRS and from the Treasury on the new law that states there are charitable deductions for our taxes; this has not been thought through by the legislature; not sure if permissible; it is a federal decision; sent letter also to Congressman Gottheimer; we need to know sooner rather than later what direction this is going in; need a ruling on this issue.

Annual Memorial Day parade at 10:30PM will start on Sheridan Avenue, weather permitting; sent the word out to all volunteers to participate; local school band has committed to the event.

Moment of silence taken to recognize the loss of life of children in Texas and also the loss of life of a Paramus student and teacher due to a bus accident; the flag has been flying at half-mast.

OPEN SESSION

Police Chief Minchin stated Mr. Jones spoke about the storm in detail and he had nothing to add.

Jeff Pattman, DPW Superintendent, stated the storm lasted 20 minutes and the clean-up took 4 days; the DPW is back on schedule.

No Council Members had any items for Open Session.

CLOSED SESSION: Current Tax Appeal Litigations and potential litigation regarding residential water bill pursuant to NJSA 10:4-12 (b) 7

Motion to go into Closed Session: Councilman Shell

Seconded by: Councilman Troast

Ayes: Councilmembers Troast, Shell, Fiato, Iannelli, Crossley

Nays: None

WHEREAS, NJSA 10:4-13, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances exist:

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

Current Tax Appeal Litigations and potential litigation regarding residential water bill pursuant to NJSA 10:4-12 (b) 7Matters relating to litigation, negotiations and the attorney-client privilege

Meeting went into Closed Session at 8:02PM.

Meeting reconvened at 8:20PM.

Roll Call: Mayor Randall, Councilman Troast, Councilman Shell, Councilman Iannelli, Councilman Fiato, Councilman Crossley

Also in Attendance: David Bole., Borough Attorney; William Jones, Borough Administrator; Deborah Fehre, Interim Borough Clerk; JoAnn Carroll, Recording Secretary

Motion to adjourn: Councilman Iannelli

Seconded by: Councilman Shell

All in Favor

None opposed

Meeting adjourned at 8:20PM.

Respectfully submitted by:

JoAnn Carroll
Recording Secretary
May 24, 2018