

**BOROUGH OF HO-HO-KUS
COMBINED PUBLIC MEETING
OF THE MAYOR AND COUNCIL
JANUARY 20, 2015- 8:00 PM
MINUTES**

Mayor Randall called the meeting to order at 8:00 PM. The open meeting statement was read.

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 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 and Iannelli. Councilmember Shell was absent. Also present was borough attorney David Bole and borough administrator Donald Cirulli.

Mayor Randall led all in the pledge of Allegiance.

Mayor Randall administered the Oaths of Office to Police Officers Thomas Kirk and Garret Sweetman.

At this time Mayor Randall called for a brief closed session to discuss Tax Appeals.

APPROVAL OF MINUTES

Councilmember Rorty motioned the approval of the December 31, 2014 Sine Die Meeting seconded by Councilmember Troast and carried.

Abstain: Cn. Iannelli

Absent: Cn. Shea

Councilmember Rorty motioned the approval of the January 01, 2015 Re-organization, seconded by Councilmember Weiss and carried.

Absent: Cn. Shea

COMMITTEE REPORTS- December 2014

On file

ADMINISTRATOR'S REPORT

None

PUBLIC DISCUSSION

None

CORRESPONDENCE

- A. Borough of Closter- Certain Rail Safety Measures in Bergen County
- B. B.C. Board of Chosen Freeholders- Ordinance 14-40 Establish Surrogate Salary
- C. NJ League of Municipalities
 - On Line resources for Social Security Applicants
 - William Dressler Jr. 100th Anniversary Retirement Banquet
 - 23rd Annual Mayor's Legislative Day
 - Weekly policy Update Bills

INTRODUCTION OF ORDINANCES

None

FINAL PASSAGE OF ORDINANCES

None

RESOLUTIONS

None

CONSENT RESOLUTION

- 15-28 Appt. Inter-local Health Officer

Whereas, the Borough of Ho-Ho-Kus has requested the Borough of Fairlawn to provide it with the services of the Health Officer of the Borough of Fairlawn; and

Whereas, providing said service will be beneficial to the residents of Fair Lawn by generating revenue for the Borough;

Now Therefore Be It Resolved, by the Mayor & Council of the Borough of Fair Lawn that the Borough enter into an inter-local government services agreement with the Borough of Ho-Ho-Kus for the purposes of providing the services of the Health Officer for a term commencing on January 01, 2015 and expiring on December 31, 2015 for the sum of \$ 6250.00 to be paid by the Borough of Ho-Ho-Kus to the Borough of Fair Lawn;

Be It Further Resolved, that the Mayor and Municipal Clerk be and they are hereby authorized to execute said agreement to be prepared by the Borough Attorney; and

Be it Further Resolved, that this resolution is subject to the condition that the Borough of Ho-Ho-Kus adopt a resolution concurrent herewith for the execution of said agreement.

- 15-29 Appt. Police Officer Tom Kirk

WHEREAS, There currently exists a need to appoint a new Police Officer in the Ho-Ho-Kus Police Department in order to ensure proper police coverage for the safety and welfare of the Borough and it's residents;

WHEREAS, appointments to the Police Department are to be made by the Mayor, upon the recommendation of the Chief and confirmation thereof, by the Borough Council pursuant to Code Section 46-6;

WHEREAS, applicants for appointment are required to take and pass a physical examination and to meet the personnel qualifications set forth in Code Sections 46-7 and 46-8;

WHEREAS, Thomas Richard Kirk, III is a candidate recommended by the Chief of Police who meets the qualifications set forth herein;

NOW THEREFORE BE IT RESOLVED by the Governing Body, that it does hereby appoint Thomas Richard Kirk, III of 57 Hopkin Street, Hillsdale NJ 07642 New Jersey as a patrolman to the Ho-Ho-Kus Police Department, effective July 16, 2013

BE IT FURTHER RESOLVED that said appointment is subject to successful completion of Officer Kirk training at the Bergen County Police Academy to commence January 23, 2015;

BE IT FURTHER RESOLVED that said appointment is also subject to a one year probationary period;

BE IT FURTHER RESOLVED that the compensation for said position shall be as set forth in such collective bargaining agreement as may be in effect between the Borough of Ho-Ho-Kus and PBA Local 353 as of the date of hire.

- 15-30 Appt. Police Officer Garrett Sweetman

WHEREAS, There currently exists a need to appoint a new Police Officer in the Ho-Ho-Kus Police Department in order to ensure proper police coverage for the safety and welfare of the Borough and it's resident

WHEREAS, appointments to the Police Department are to be made by the Mayor, upon the recommendation of the Chief and confirmation thereof, by the Borough Council pursuant to Code Section 46-6;

WHEREAS, applicants for appointment are required to take and pass a physical examination and to meet the personnel qualifications set forth in Code Sections 46-7 and 46-8;

WHEREAS, Garret Sweetman 144 11th Street Hawthorne NJ is a candidate recommended by the Chief of Police who meets the qualifications set forth herein;

NOW THEREFORE BE IT RESOLVED by the Governing Body, that it does hereby appoint Garret Sweetman 144 11th Street Hawthorne NJ as a patrolman to the Ho-Ho-Kus Police Department, effective July 16, 2013

BE IT FURTHER RESOLVED that said appointment is subject to successful completion of Officer Sweetman's training at the Bergen County Police Academy to commence January 23, 2015;

BE IT FURTHER RESOLVED that said appointment is also subject to a one year probationary period;

BE IT FURTHER RESOLVED that the compensation for said position shall be as set forth in such collective bargaining agreement as may be in effect between the Borough of Ho-Ho-Kus and PBA Local 353 as of the date of hire.

- 15-31 Appt. COAH Planner and Tax Appeal Consultants

WHEREAS, the Borough of Ho-Ho-Kus requires the services of a COAH Planner, as well as a Tax Appeal Appraisal Consultant for the year 2015; and

WHEREAS, it is contemplated that the temporary and permanent budgets will contain the necessary appropriations estimated to be reasonably required for each such professional services; and

WHEREAS, the professionals named herein will be required to execute a contract for the services to be rendered which shall set forth the compensation for such services therein; and

WHEREAS, a Certification of availability of funds has been received from the Chief Financial Officer that such funds will be encumbered by purchase order on an as needed basis pursuant to the provisions of N.J.A.C. 5:30-5.4 et seq; and

WHEREAS, Mary Beth Lonergan (Clarke Caton & Hintz, COAH Planner) and Appraisal Systems, Inc., (Tax Appeal Consultant) are available and duly qualified to perform such services; and

WHEREAS, the above named professionals have completed, submitted and filed the Business Entities Certification Disclosure, Stockholder Disclosure and other relevant Pay to Play forms which certify that the above named persons and/or entities have not made any reportable contributions to any political or candidate committee listed

therein within the previous one (1) year and that the contract will prohibit the above named professionals/business entities from making any reportable contributions through the term of the contract; WHEREAS, that these contracts are being awarded as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that Mary Beth Lonergan of Clarke Caton & Hintz (COAH Planner) and Appraisal Systems, Inc. (Tax Appeal Appraisal Consultant) are hereby appointed to service such positions for the calendar year 2015; and BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are authorized and directed to execute contracts with each of said professionals and to take all other steps necessary to carry this resolution into effect; and

- 15-32 Tax Appeal- 60 Ackerman Ave

WHEREAS, John S. Mapes and Sharon K. Kaiser, are owners of real estate known as Lot 11 in Block 104, better known as 60 Ackerman Avenue, Ho-Ho-Kus, New Jersey 07423; and

WHEREAS, the owners have filed a 2014 Tax Appeal challenging the assessment for the year 2014; and

WHEREAS, Lot 11 in Block 104 was assessed for the year 2014 in the total amount of \$1,252,700; and

WHEREAS, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's Appraiser and Tax Assessor 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. A revised assessment for 2015 of \$1,025,000 with the Taxpayer to withdraw the 2014 Appeal; and

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

WHEREAS, the Borough's Tax Assessor, Marie Merolla, is in agreement with 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 of Ho-Ho-Kus with respect to the Mapes et al v. Ho-Ho-Kus Tax Appeal pending in the Tax Court of New Jersey under Docket No.: 007471-2014 at the new assessment set forth above; and

BE IT FURTHER RESOLVED, that upon receipt of the Tax Court Judgment, the Tax Collector is hereby authorized to calculate the amount of the refund and cause same to be paid to the Taxpayer, without statutory interest, for the 2015 year 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 Taxpayer; and

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

WHEREAS, John S. Mapes and Sharon K. Kaiser, are owners of real estate known as Lot 11 in Block 104, better known as 60 Ackerman Avenue, Ho-Ho-Kus, New Jersey 07423; and

WHEREAS, the owners have filed a 2014 Tax Appeal challenging the assessment for the year 2014; and

WHEREAS, Lot 11 in Block 104 was assessed for the year 2014 in the total amount of \$1,252,700; and

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

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

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

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

- 15-33 Court Appointments- Sherri D'Alessandro and Susan Maurer

WHEREAS, the Municipal Court of the Borough of Ho-Ho-Kus finds it necessary to appoint a person as Deputy Court Administrator, a part-time, as needed position to be shared with the Borough of Allendale; and

WHEREAS, the Municipal Court of the Borough of Ho-Ho-Kus finds it necessary to appoint a person as Deputy Violations Clerk, a part-time, as needed position to be shared with the Borough of Allendale; and

WHEREAS, Sherri D'Alessandro and Barbara Meyer, each with the appropriate certification, have been appointed to these positions by the Borough of Allendale

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that Sherri D'Alessandro, CMCA, is hereby appointed as Deputy Court Administrator, and Barbara Meyer, is hereby appointed as Deputy Violations Clerk, compensation for said positions being set forth in the annual salary ordinance.

- 15-34 Forgiveness of Solid Waste Bills

Whereas, 8 Brookview, 1000 WSRR, 1010 WSRR and 40 Deerhill Drive 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

- 15-35 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$3,014,598.93.

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 \$3,014,598.93 be approved and ratified respectively

OLD BUSINESS

There were no old business reports.

NEW BUSINESS

Police Chief John Wanamaker commended the DPW on a superb job with the cleaning of the street during the Icy weather conditions.

MAYOR'S REMARKS

CLOSED SESSION

None

ADJOURNMENT

With no further discussions to come before the Council and a motion made by Councilmember Rorty, seconded by Councilmember Weiss, and carried, Mayor Randall adjourned the meeting at 8:40 PM.