

**BOROUGH OF HO-HO-KUS
PUBLIC MEETING
OF THE MAYOR AND COUNCIL
JANUARY 23, 2018- 7:30 P.M
MINUTES**

Mayor Randall called the public meeting to order at 7:30 PM. The open meeting statement was read. The public 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 further that the required 48 hour notices have been sent to The Record and the Ridgewood News - newspapers with general circulation throughout the Borough of Ho-Ho-Kus
Roll Call: All members present. Also present were borough administrator William Jones and attorney David Bole.

OATH OF OFFICE:

Mayor Randall administered the Oath of Office to Councilmember Steven D. Shell

PRESENTATION

Eagle Scout Alex Melarti 133 Veterans Road Ridgewood came before the governing body to give a presentation of his Eagle Scout project, revitalizing the Old Burying Ground on First Street. The project would consist of fixing and painting the fences around the grave sites, build up a wall against the erosion on the inside of the property as well as to put down gravel path along the grave sites for easier walking, install a bench and a Plaque detailing the families that are buried at the site.

Stanley Kober 919 Washington Ave stated that the planning board approved the sign. A QR code will be added as per the Borough's request. Mr. Kober requested that he be able to work with the Web Master on the selection codes. Mr. Kober recommended the most flexible codes be used as opposed to the most stringent codes since there will be more signs in the future.

Councilmember Fiato asked if there are no records of the Hoppers being buried. Mr. Kober said that the relatives are but not the Hoppers. There were 22 stones back in the early 1900's but as time went on they disappeared. Mr. Kober recalls that a construction worker dug too deep and took at least one head stone into Glenrock.

Councilmember Crossley asked how deep the burial ground was. Mr. Kober responded that there will be some arguments as to the locations of the graves but the 6ft depth is still pretty good as a depth depending on how many were buried in the spot and where the ground was.

A motion was made by Councilmember Crossley, seconded by Councilmember Rorty for a resolution for the approval of the project.

APPROVAL OF MINUTES

January 2, 2018 Reorganization Meeting
Approved: Councilmember Iannelli
Second: Councilmember Crossley
Absent: Councilmember Shell

COMMITTEE REPORTS- December 2017
On File

PUBLIC DISCUSSION

None

ADMINISTRATORS REPORT

William Jones: Residents prepaying their taxes. The borough accepted approximately \$3.3 Million over the fourth quarter as opposed to \$ 70 Thousand last year. There has been some information about charitable trust being set up as a way of people donating to the towns to pay their taxes. Congressman Gottheimer has a class that Mr. Jones will attend to get all the details. Residents are being told that the borough will accept whatever tax payments, but there will be refunds down the road. The borough is in the budget process, working with the CFO and department heads. Discuss the pending litigation at the Executive Session. The Planning board did approve the 12 lots subdivision, commonly known as the Hollows at a special meeting on January 10th. All of the information has to go to the Court by April. Minor action still has to be taken as far as affordability plans. Custodian Jose Martinez will be retiring. The Borough is moving forward with Sargent's promotional process, as per the Accreditation System. Five (5) eligible officers met the first requirement that was achieving the passing score for the test provided by the Chief's association.

CORRESPONDENCE

1. Resignation Letters:
 - a. Dispatcher Linda Stevenson
 - b. Custodian Jose Martinez
2. Ho-Ho-Kus Inn LLC: Lease Extension

INTRODUCTION OF ORDINANCES

None

FINAL PASSAGE OF ORDINANCES

Ordinance # 2018-01 "Vehicles and Traffic"

AT SECTION, Chapter 79-3 "Use of Certain Vehicles Restricted"

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus

Chapter 79, Vehicles and Traffic of the Code of the Borough of Ho-Ho-Kus is hereby amended as follows:

Chapter 79 Section 79-3, Schedule IV- Use of Certain vehicles Restricted

No motor Vehicle or combination of vehicles, including loads or contents of any part or portion thereof, shall exceed 22 feet in length and 10,000 pounds (lbs) in Gross vehicle Weight on the following streets:

Name Of Street

Between

Glenwood Road From the Village of Ridgewood Boundary to the intersection of Brookside Avenue/ First Street/Warren Avenue intersection

Except as herein amended and supplemented, Chapter 79 of the Code of the Borough of Ho-Ho-Kus remains in full force and effect.

Severability

If any portion of this Ordinance is adjudged unconstitutional or invalid by the Court of the 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 immediately upon passage and publication as required by law.

Motion: Councilmember Rorty

Second: Councilmember Crossley

All ayes

RESOLUTIONS

None

CONSENT RESOLUTION

#18-28 Inter-local Paramus PSAP

Whereas, the Borough of Ho-Ho-Kus and the Borough of Paramus seek to renew the interlocal Agreement wherein the Borough of Paramus will provide telephonic access to the “Public Safety Answering Point” (PSAP) service on behalf of the Borough of Ho-Ho-Kus; and

Whereas, both of the parties to such an Agreement are authorized by law to enter into an agreement with each other to provide jointly for any lawful service to and for the residents of the respective municipalities pursuant to the provisions of the “Interlocal Services Act” N.J.S.A. 40:8A-1 et seq.; and

Whereas, the borough councils of the Borough of Ho-Ho-Kus and the Borough of Paramus recognize that the implementation of an interlocal Agreement to provide “PSAP” service, on a regionalized, cost-sharing basis is still in the best interest of the taxpayers of the respective municipalities.

Now, Therefore be it Resolved by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey, that the interlocal “PSAP” Agreement with the Borough of Paramus is hereby authorized and executed for a period of one year (effective as of January 1, 2018) at the cost of \$2103.00 for the calendar year 2018.

#18-29 Appt. Deputy Court Clerk

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

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

WHEREAS, Maria Doerr and Susan Maurer each with the appropriate certification, have been appointed to these positions; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that Maria Doerr, CMCA, is hereby appointed as Acting Municipal Court Administrator/Deputy Municipal Court from Ridgewood Municipal Court, for a compensation of \$2000 annually at \$20 per diem and Susan Maurer, is hereby appointed Violations Clerk, for a compensation of \$1170 annually at \$97.56 per court session.

#18-30 Tax Appeal- Tribiano

WHEREAS, Trobiano, S.M. and F.A. Qual.Res30 Year Trust is the owner of property known as Lot 10, Block 404, better known as 10 Saddle Brook Driver, Ho-Ho-Kus, New Jersey; and

WHEREAS, the owner has filed tax appeals challenging the tax assessment for the years 2013-2017; and

WHEREAS, Lot 10 in Block 404 was assessed for the tax years 2013-2017 in the total amount of \$1,899,600; 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 taxpayers; and

WHEREAS, the parties have been able to arrive upon a proposed settlement agreement as follows: 2013-2014: taxpayer to withdraw appeal; 2015: an assessment of \$1,600,000; 2016: an assessment of \$1,500,000; 2017: an assessment of \$1,500,000; and for 2018: assessment to be set at \$950,000.00; and

WHEREAS, the parties have agreed that pre-judgment interest 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 Trobiano v. Ho-Ho-Kus tax appeals in the Tax Court of New Jersey, under Docket Nos. 019205-2013; 006068-2014; 001770-2015; 004983-2016; and 002971-2017, including a revised assessment for 2018 at the new assessments 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 within 60 days from the date of the Tax Court Judgment; and

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

BE IT FURTHER RESOLVED, that upon adoption of the within Resolution, true copies shall be forwarded to the Tax Collector, Tax Assessor and the Municipal Attorney

#18-31 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,969,918.87
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 \$2,969,918.87 be approved and ratified respectively

#18-32 Appointment: Boswell Engineering

WHEREAS, the Borough of Ho-Ho-Kus requires the professional services of a Water/Sewer Engineer for the calendar year 2018; and

WHEREAS, it is anticipated that the expenditures for each of such professional services will/may exceed the sum of \$ 21,000 in said calendar year; and

WHEREAS, the Chief Financial Officer in accordance with the Local Contracts Law, has duly executed Certificates of Availability, indicating that adequate funds have been, and additional funds will be appropriated in the 2018 Budgets for fees reasonably required by such professionals under said Budget:

FOR ENGINEERING SERVICES:

1. Engineering Service & Costs - Other Expenses
2. Water/Sewer Utility - Other Expenses

WHEREAS, a certification of availability of funds has been received from the Chief Financial Officer or 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, the above named professional have completed, submitted and filed a Business Entity Certification Disclosure which certifies that the above named persons and/ or entities have not made any reportable contributions to any political or candidate committee including (committee to elect Steven D Shell and Edmund Iannelli) Ho-Ho-Kus Republican organization; Ho-Ho-Kus Democratic organization; Bergen County Republican Organization and Bergen County Democratic organization) in the previous one (1) year, and that the contract will prohibit the above named professionals/business entities from making reportable contributions through the term of the contract;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus as follows:

1. That the appointment of Boswell Engineering, Inc. as Water and Sewer Engineer for the calendar year 2018, be and the same is hereby ratified, confirmed and approved.
2. 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.
3. Said appointments are made without competitive bidding under the provisions of the Local Public Contracts

Law which exempts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession and whose practice is regulated by law.

BE IT FURTHER RESOLVED that the contract for Water and Sewer Engineer is being awarded as a non-fair and open contract, pursuant to the provisions of NJSA 19:44A-20.5;

BE IT FURTHER RESOLVED that the business disclosure entity certification, as applicable, and the determination of value be placed on file with this resolution.

Motion: Councilmember Troast

Second: Councilmember Rorty

All Ayes

OLD BUSINESS

1. Liaison Reports:

a. Recreation

Councilmember Iannelli: Meeting scheduled for the end of the month.

b. Board of Education

Councilmember Iannelli: Kindness week at the school, which consists of various acts from the children writing letters about others, an act of kindness. Parent program will be on Jan 25th Child Assault Prevention program (CAP). Feb 9th is the 7-8th grade dance. Feb 12th friendship day for Veterans and seniors

c. Ambulance

Councilmember Crossley: The Ambulance Corps will not have their regular scheduled meeting on Monday January 29th. The members will be attending a mandatory NARCAN training at the Allendale Ambulance Corps

d. Fire

Councilmember Rorty. Plans in progress for the new fire truck wet down on June 9th. The annual dinner is Saturday January 27, 2018 with installation of new officers.

e. Library

None

2. Chamber of Commerce

Councilmember Shell: There was no meeting in December the January meeting was postponed to January 30th which will also be holiday party. Looking forward to slate of officers for 2018 and planning for Taste of Ho-Ho-Kus

3. Shade Tree

Administrator Jones: Trees marked for removal. Councilmember Rorty asked about the plantings in the downtown area.

NEW BUSINESS

None

MAYOR'S REMARKS

None

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 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.

Roll call: All members present

ADJOURNMENT

With no further business to come before the Council, Mayor Randall adjourned the meeting at 8:05 PM.

Respectfully submitted

Laura Borchers, RMC/CMR
Borough Clerk