

**BOROUGH OF HO-HO-KUS  
COMBINED PUBLIC MEETING  
OF THE MAYOR AND COUNCIL  
JANUARY 26, 2016- 8:00 P.M  
MINUTES**

Mayor Randall called the combined meeting to order at 8:00 PM. The open meeting statement was read. The combined 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. Members present were: Mayor Randall, Councilmembers Troast, Shea, Rorty, Shell, Iannelli and Fiato. Also present were borough attorney David Bole and borough administrator William Jones

Mayor Randall administered the Oath of Office to newly appointed Councilmember Thomas Fiato.

Mayor Randall administered the Oaths of Office to the Officers of the HHK Fire Department.

PRESENTATION: Planning Board Chairman John Hanlon and Member Michael Reade  
A presentation was made by Mr. Hanlon and Mr. Reade on the history of the Borough of Ho-Ho-Kus.

**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 Contracts  
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

**APPROVAL OF MINUTES**

- |                      |                         |
|----------------------|-------------------------|
| 1. December 31, 2015 | Sine Die                |
| All Present:         |                         |
| 2. January 5, 2016   | Re-organization meeting |
| All present          |                         |
| Moved: Cn. Troast    |                         |
| Second: Cn. Rorty    |                         |
| Abstain: Cn. Fiato   |                         |

**COMMITTEE REPORTS- December 2015**

On File

## PUBLIC DISCUSSION

Stanley Kober 919 Washington Ave commended the DPW for a job well done with the snow plowing, he also commented and raised concerns about the presentation that was given by Mr. Hanlon and Mr. Reade about the history of Ho-Ho-Kus.

## ADMINISTRATORS REPORT

Mr. Jones stated that the borough has started the budget process meeting with the department heads, and setting up dates for the Budget Committee to meet. Hoping to introduce Budget in March and adopt in April. Smooth transition with the NWBRHC the Health officer and inspectors have been out and about to all the food establishments introducing themselves. DPW and Police Departments were commended by residents for job well done with the snowstorm with snow removal and emergency calls. The borough can be refunded monetarily for the blizzard emergency.

## CORRESPONDENCE

1. Resignation letter: Councilmember Kimberly Weiss
2. Joe Bruno: Complimentary note.
3. NBCUA: Minutes-Dec 15, 2015
4. Milestone 100 year birthday celebration-Mildred Oberle  
Mayor Randall asked a Proclamation be in place at the February meeting.

## INTRODUCTION OF ORDINANCES

Ord # 2016-01 Amend and Supplement Chpt 77 "Uniform Construction Code Department"  
BE IT ORDAINED, by the Mayor and Council of the Borough of Ho-Ho-Kus in the County of Bergen, State of New Jersey as follows:

I. Article III, Fee Schedule, is hereby amended by including a new Section 77-10.2, Mechanical Subcode Fees.

77-10.2 Mechanical Subcode Fees shall be.

(a) \$100 for the installation and replacement of heating and cooling equipment, or other mechanical equipment in existing buildings of R-3, R-4 and R-5 use groups

Other equipment shall include: refrigeration, air conditioning, gas piping, ventilation apparatus, heating systems or standby power generators.

The \$100 fee shall be for each item.

(b) Fee for a chimney liner is \$50.

(c) Fee for a hot water heater or water storage tank is \$50.

(d) Notwithstanding anything to the contrary, the minimum fee for any mechanical subcode permit shall be \$50.

### Section 77-10.3: 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 77-10.4: Repealer

All other ordinances or parts of ordinances of the Borough which are inconsistent with this ordinance are hereby repealed but only to the extent of such inconsistencies.

Section 77-10.5: Effective Date

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

Moved: Councilmember Rorty

Second: Councilmember Shea

Abstain: Councilmember Fiato

FINAL PASSAGE OF ORDINANCES

None

RESOLUTIONS

None                    CONSENT RESOLUTION

- 16-28 Appt: Full time Police Dispatchers

BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that they accept the recommendation of the Mayor, the Police Commissioner and Police Chief and appoint the following as Police Dispatchers:

1. Lauren Morgan  
8 Franklin Tpke  
Allendale NJ, 07401
2. Michael Freeman  
146 Summit Ave  
Waldwick NJ, 07463
3. Alexa Policastro  
14 Upper Cross Road  
Saddle River NJ, 07458
4. Brian Ciavaglia  
130 Sanford Avenue  
Emerson NJ, 07630

BE IT FURTHER RESOLVED that said position shall be as permanent full-time employee;

BE IT FURTHER RESOLVED That the duties for the aforesaid position shall be as set forth in the job description and functions of the Borough of Ho-Ho-Kus;

That said appointment shall be subject to revised Chapter 42 of the Borough Code: Personnel Policies, Practices and Regulations, as well as applicable State agencies having jurisdiction.

- 16-29 Appt: Part time Police Dispatchers

BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that they accept the recommendation of the Mayor, the Police Commissioner and Police Chief and appoint the following as Police Dispatchers:

1. Michael McFarran  
67 W Saddle River Road  
Waldwick NJ, 07463

2. Kevin Shuttrop  
47 Grist Mill Road  
Wanaque NJ, 07465
3. Craig Spliedt  
316 Hoover Ave  
Townshp of Washington NJ, 07676
4. Richard Curruther  
42 Cedar Street  
Midland Park NJ, 07432

BE IT FURTHER RESOLVED that said position shall be as permanent part-time employee;  
BE IT FURTHER RESOLVED That the duties for the aforesaid position shall be as set forth in the job description and functions of the Borough of Ho-Ho-Kus;  
That said appointment shall be subject to revised Chapter 42 of the Borough Code. Personnel Policies, Practices and Regulations, as well as applicable State agencies having jurisdiction.

- 16-30 Appt: Police Secretary Kristin L. Mancuso

BE IT RESOLVED, that a secretary to the police department is necessary for record keeping and managing and general office administrative duties; and

BE IT RESOLVED, that the Mayor and Council of the borough of Ho-Ho-Kus accepts the recommendation of the Police Chief and appoint:

Kristin Mancuso  
266 Buttonwood Drive  
Paramus, NJ 07652

BE IT FURTHER RESOLVED that the aforementioned shall be as a permanent part time position.

- 16-31 Appt: Crossing Guards

WHEREAS, the Borough of Ho-Ho-Kus hires school crossing guards for the school year to assist with the crossing of children at various intersections throughout the borough; and

BE IT RESOLVED, by the Mayor and Council of the borough of Ho-Ho-Kus that they accept the recommendation of the Police Chief and appoint names listed below

1. Reuben Archilla 63 South Spruce St, Ramsey NJ 07446
2. Linda Goodwin 1302 Ramapo Brae Lane, Mahwah NJ 07430
3. Larry Pagella PO 92 Ridgewood NJ, 07451
4. Susie Lee 104 Bellgrove Drive Mahwah, NJ 07430
5. Carol Schutte 5 Wolf Run Saddle River, NJ 07458
6. David Chua 275 West Drive Paramus, NJ 07652
7. Chuan Fong Law 49 Richard Drive Waldwick, NJ 07463

BE IT FURTHER RESOLVED that the aforementioned position shall be on a school calendar year.

- 16-32 Tax Appeal-280 Mill Road

WHEREAS, Raymond Saoud Trustee is owner of real estate known as Lot 3, Block 503 on the Tax Map, better known as 280 Mill Road, Ho-Ho-Kus, New Jersey; and

WHEREAS, the owner has filed a Tax Appeal challenging the tax assessment for the year 2013, 2014 and 2015; and

WHEREAS, Lot 3 in Block 503 was assessed for the tax years 2013-2015 in the total amount of \$1,440,700; and

WHEREAS, the parties have been able to arrive upon a proposed settlement agreement as follows: Taxpayer to withdraw 2013-2014; a revised assessment for 2015 at \$1,350,000 and for 2016: \$1,295,000; and

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

WHEREAS, the Borough's Assessor, Marie Merolla is in agreement with the terms of the settlement and believes 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 Saoud v. Ho-Ho-Kus Tax Appeal pending in the Tax Court of New Jersey under Docket Nos. 008348-2013, 009112-2014 and 001917-2015 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 Appeal 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 Assessor, Borough Tax Collector and the Municipal Attorney.

- 16-33 Cell Tower Lease

WHEREAS, there is an existing Lease between the Borough of Ho-Ho-Kus (Landlord) and New York SMSA Limited Partnership/Bell Atlantic Mobile Systems of Northern New Jersey, Inc. (Tenant), involving the Cellular Tower (monopole) located at the DPW Site in the Borough;

WHEREAS, Tenant is proposing to remove three (3) panel antennas and replace with six (6) panel antennas and add six (6) remote radio heads on the monopole (equipment upgrade); and

WHEREAS, the Tenant has requested permission of the Borough for such equipment upgrades; and

WHEREAS, Section 2(c) of the Lease requires that the Tenant obtain Landlord's written consent to make "subsequent improvements, alterations or additions, not to be unreasonably withheld or delayed, upon submission of new plans to Landlord and subject further to any zoning or municipal approvals which may be required"; and

WHEREAS, Tenant has submitted certain plans which have been reviewed by the Municipal Engineer; and

WHEREAS, the Municipal Engineer has reported that he is satisfied that the monopole and foundation can support the proposed antennas;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body, for good cause, that it does hereby authorize the equipment upgrades sought by the Tenant subject to any permits and/or zoning approvals that may be required, if any; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign a consent form of the Tenant which shall be reviewed by the Municipal Attorney.

- 16-34 Forgiveness of Water Bills

Whereas, the borough of Ho-Ho-Kus has a water billing cycle of 4 quarters a year; and  
Whereas, to comply with the State billing cycle the Borough of Ho-Ho-Kus had to add an additional fifth (5<sup>th</sup>) cycle in December of 2015; and  
Whereas, with the additional cycle there were bills under \$5.00 for a total of \$80.05 and  
Therefore, be it resolved, by the Mayor and Council of the Borough of Ho-Ho-Kus that the total amount of \$80.05 be forgiven to those accounts under \$5.00 for the additional billing cycle.  
Therefore be it further resolved, that the borough of Ho-Ho-Kus will be on the same billing cycle as the State of New Jersey

- 16-35 Appt. Judge- Harry Norton

BE IT RESOLVED, by the Governing Body that Harry Norton is hereby reappointed as judge of the Ho-Ho-Kus Municipal Court for a term of three years (3) years commencing January 26, 2016 thru December 31, 2018 pursuant to N.J.S.A.

- 16-36 Appt. Alternate Public Defender- Matthew Miller

WHEREAS, the Borough of Ho-Ho-Kus requires the services of an Alternate Public Defender; and  
WHEREAS, it is contemplated that the temporary and permanent budgets of the Borough will contain the necessary appropriations estimated to be reasonably required for such professional service; and  
NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that Matthew Miller Esq is hereby appointed as Alternate Public Defender effective May 1, 2015 until December 31, 2015;  
BE IT FURTHER RESOLVED, that said Alternate Public Defender shall be compensated at the rate of \$200 per case on an as-needed basis;  
BE IT FURTHER RESOLVED, that the aforesaid appointment is made without competitive bidding under the provisions of N.J.S.A. 40A:11-5(1)(a) which excepts from competitive bidding professional services rendered by persons authorized by law to practice a recognized profession and whose practice is regulated by law; and  
BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute a contract with the aforesaid professional named herein for the services to be rendered; and  
BE IT FURTHER RESOLVED, that a copy of this Resolution be filed with the Municipal Clerk and made available for inspection and that a brief notice of the passage thereof be published in The Record within ten (10) days of the passage as required by law.

- 16-37 Forgiveness of Solid Waste Bill

Whereas, 65 Lakewood, 1000 WSRR, 1010 WSRR, 40 Deerhill Drive and 57 Jacqueline Ave 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

- 16-38 Appt.. Financial Consultant- Robert Powell

WHEREAS, the Borough of Ho-Ho-Kus requires the services of a Real Estate and Financial Services Advisor regarding certain projects which it may become involved; and  
WHEREAS, Robert S. Powell, Ph.D., of Nassau Capital Advisors, LLC, is duly qualified and available to perform such services; and

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., in order to pay for the Contract; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that it does hereby appoint Robert S. Powell, Ph.D., of Nassau Capital Advisors, LLC, Princeton, New Jersey, as Real Estate and Financial Advisor; and

BE IT FURTHER RESOLVED, that the Mayor and/or Borough Administrator is hereby authorized and directed to execute a Contract with said professional and to take all other steps necessary to carry this Resolution into effect;

BE IT FURTHER RESOLVED, that the services contemplated herein are not subject to competitive bidding being professional services as authorized by law; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be filed with the Municipal Clerk and be made available for inspection and that a brief notice of the passage thereof be published in the Record or Ridgewood News within ten (10) days of passage as required by law.

- 16-39 Council Vacancy

WHEREAS, there currently exists a vacancy in the Governing Body by reasoning of the resignation of Councilmember, Kimberly Weiss, effective January 5, 2016; and

WHEREAS, the Republican Committee has submitted the names of three (3) candidates to fill the vacancy;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that they do hereby temporarily appoint Thomas Fiato as a member of the Ho-Ho-Kus Governing Body to serve until the next general election in November, 2016 pursuant to the provisions of N.J.S.A. 40A:16-5.

- 16-40 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$3,350,134.49.

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

- 16-41 Appoint Borough Engineer

WHEREAS, the Borough of Ho-Ho-Kus requires the professional services of an engineer for the calendar year 2016; 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 2016 Budgets for fees reasonably required.

FOR ENGINEERING SERVICES: 1. Engineering Service & Costs – 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 professionals 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 Douglas Troast) 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 that David Hals, Schwanewede/Hals be appointed as Borough Engineer for the year 2016 and that the Contract for borough engineer is being awarded as a fair and open contract pursuant to the provisions of NJSA 19.44A-20.5 and are being awarded pursuant to a fair and open process pursuant to law; 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.

A copy of this resolution be published in the Ridgewood News within ten days after its passage as required by law.

Moved: Councilmember Troast

Second: Councilmember Rorty

Abstain: Councilmember Fiato

All ayes.

#### OLD BUSINESS

A. Liaison Reports:

1. Recreation

2. Board of Education

3. Other

B. Shade Tree

C. Chamber of Commerce

Councilmember Shell reported that the Chamber will be undergo a new leadership, Steve Sager decided not to run for president this coming year, there will be appointments of new officers. Decided to remain the Ho-Ho-Kus Chamber of Commerce. Have someone to do website.

#### NEW BUSINESS

Appointment: Council Vacancy

#### MAYOR'S REMARKS

Mayor Randall commented that we got more snow than expected and commended the DPW for a job well done. Chief Minchin reported that the PD was visited by two assessors from the Chiefs association to do an onsite inspection, checked all files and proofs and inspected while building, will be recommended for accreditation which will be in March 10, 2016. Police Chief Minchin and Captain Grego needs to go to Princeton to testify on the proofs. Thanked the DPW for all the work done to help with the process, support from the Mayor and Council and Mr. Jones and officers jobs well done.

ADJOURNMENT

With no further discussions to come before the Council, Mayor Randall adjourned the meeting at 9:40 PM.

Motioned: Councilmember Rorty

Second: Councilmember Shea.

All ayes

Respectfully submitted,

Laura Borchers RMC/CMR

Borough Clerk