

**BOROUGH OF HO-HO-KUS**  
**MAYOR AND COUNCIL PUBLIC MEETING**

**AGENDA: APRIL 23, 2013- 8:00 P.M.**

**I OPEN MEETING STATEMENT - ROLL CALL**

Mayor Randall opened the meeting at 8:00 PM and asked the clerk to read the opening statement.

Roll Call:

Mayor Randall	Present
Councilmember Troast	Absent
Councilmember Lennon	Present
Councilmember Shea	Present
Councilmember Rorty	Present
Councilmember Weiss	Present
Councilmember Shell	Present

Also present were borough attorney David Bole, borough administrator Donald Cirulli, CFO Joe Citro and borough auditor Paul Garbarini Jr.

**II. PLEDGE OF ALLEGIANCE**

Mayor Randall led all in the pledge of allegiance

**III. APPROVAL OF MINUTES**

1. February 19, 2013 Work Session

Absent: Cn. Weiss and Shell

2. February 26, 2013 Public Meeting

All present

Councilmember Lennon moved approval of the minutes, seconded by Councilmember

**VI. VOTE ON BUDGET**

**MAYOR'S STATEMENT**

Mayor Randall informed the public that this portion of the Meeting was for the purpose of a Public Hearing and the adoption of the 2013 Municipal, Water, and Solid Waste Budgets.

**2013 MUNICIPAL BUDGET PUBLIC HEARING**

Mayor Randall will then open the Public Hearing and ask the Finance Chairman and/or the Borough Auditor to summarize the major points of the budget.

**A. Budget Posting Resolution**

Mayor Randall invited questions from the public.

**B. Approve the Budgets**

Councilmember Shea approved the budgets, seconded by Councilmember Lennon.

All Ayes

**VI. COMMITTEE REPORTS**

**A. FINANCE**

Finance Officer's Report – March 2013

**B. PUBLIC SAFETY**

1. Police Report – March 2013
2. Court Report – March 2013

**C. PUBLIC WORKS & PROPERTIES**

1. Supt. of Public Works – March 2013
2. Construction Office Report – March 2013

**E. FIRE**

1. Fire Dept. Report – March 2013
2. Fire Prevention Bureau – March 2013

**F. COMMUNITY RELATIONS**

1. Library – March 2013
2. Ambulance Report – March 2013

**VII. PUBLIC DISCUSSION**

Kevin Pianfetti discussed the adoption of a “Smoke Free” Ordinance in public areas of the borough.

**VIII. A. CORRESPONDENCE**

1. Ho-Ho-Kus Chamber of Commerce-Request to host “Taste of Ho-Ho-Kus”  
Councilmember Rorty approved the request, seconded by Councilmember Lennon
2. Andrea Holt 76 Gilbert Road- permission to hold block party and road closure  
All ayes
3. VFW- Memorial Day Parade

**B. Ordinances and Resolutions Other Towns:**

1. Borough of New Milford-Support legislation that will reduce Gun Violence and promote public safety

**C. Bergen County:**

None

**D. League of Municipalities:**

1. National donate life month
2. Bank Correspondence about Affordable Housing Units and Referencing NJLM
- 3.

**E. State of New Jersey:**

None

**IX. INTRODUCTION OF ORDINANCES**

1. Ord # 1021 Bond Ordinance- Various Public Improvements

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF HO-HO-KUS, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,770,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of Ho-Ho-Kus, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Ho-Ho-Kus, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment, new information technology equipment and a new automotive vehicle, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

**SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS**

A. Undertaking the resurfacing of various roads in the Borough (and the reconstruction of curbs, where necessary) as the 2013 Road Resurfacing Program, as set forth on a list on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law

(Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 275,000
Down Payment Appropriated	\$ 13,100
Bonds and Notes Authorized	\$ 261,900
Period of Usefulness	10 years

B. (i) Acquisition of new additional or replacement equipment and machinery for the use of the Department of Public Works ("DPW") consisting of a street sweeper, (ii) replacement of gas pumps at the DPW Yard and (iii) replacement of parking machines at the Train Station.

Appropriation and Estimated Cost	\$ 230,000
Down Payment Appropriated	\$ 11,000
Bonds and Notes Authorized	\$ 219,000
Period of Usefulness	15 years

C. Acquisition of new communication and signal systems equipment, new information technology equipment and a new automotive vehicle, including original apparatus and equipment, for the use of the Police Department, consisting of (i) portable radios, (ii) electronic ticketing machines for police cars and (iii) an SUV.

Appropriation and Estimated Cost	\$ 90,000
Down Payment Appropriated	\$ 7,900
Bonds and Notes Authorized	\$ 82,100
Period of Usefulness	5 years

D. (i) Installation of generators at sanitary sewer stations and (ii) replacement of the East Gate Sanitary Sewer Lift Station.

Appropriation and Estimated Cost	\$1,100,000
Down Payment Appropriated	\$ 52,400
Bonds and Notes Authorized	\$1,047,600
Period of Usefulness	15 years

E. Undertaking of various improvements to the Fire House, including the installation of lights and the replacement of the generator and boiler. It is hereby determined and stated that such public building being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 75,000
Down Payment Appropriated	\$ 3,600
Bonds and Notes Authorized	\$ 71,400
Period of Usefulness	15 years
Aggregate Appropriation and Estimated Cost	\$1,770,000
Aggregate Down Payment Appropriated	\$ 88,000
Aggregate Amount of Bonds and Notes Authorized	\$1,682,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$125,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$88,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$88,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal

amount not exceeding \$1,682,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,682,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 13.73 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,682,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any private contributions, any funds received from the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this

ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Councilmember Lennon moved the introduction of the Ordinance, seconded by Councilmember Weiss.

All Ayes.

## 2. Ord # 1022 Bond Ordinance- Various Water Improvements

1. Ord # 1022 Bond Ordinance- Various Water Improvements  
BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS WATER SYSTEM IMPROVEMENTS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF HO-HO-KUS, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$275,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of Ho-Ho-Kus, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Ho-Ho-Kus, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to undertake the following water system improvements in, by and for the Water Utility of the Borough: (A) replacement of water meters at various locations; (B) installation of a calcium hypochlorite system at Well Nos. 1 and 4; (C) replacement of valves and fire hydrants at various locations; and (D) various improvements to well houses. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$275,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$275,000, and (4) \$13,150 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes hereinafter authorized necessary to be issued for said purpose is \$261,850, and (6) the cost of such purpose includes the aggregate amount of \$10,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$13,150, appropriated for down payments on capital improvements or for the capital improvement fund in Water Utility budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$13,150 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$261,850 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$261,850 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$261,850 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of

such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Councilmember Lennon moved the introduction of the Ordinance, seconded by Councilmember Weiss.

All Ayes.

## X. FINAL PASSAGE OF ORDINANCES

### 1. # 1019 Amend Chapter 79 "Vehicles and Traffic"

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

**Section I.** §79-19 **Time Limitations: Fees for Commuters** is amended as follows:

A. No Change

B. In the Lower Commuter Lot 1 and Municipal Lot A and for machines installed on public streets, the fee to be charged for parking during the period that the parking machines are in effect shall be \$5 for 14 hours.

**Section II.** **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.

**Section III.** **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.

**Section IV.** **Effective Date.**

This Ordinance shall take effect upon final adoption and publication as prescribed by law; provided, however, that the rate set forth herein shall become effective on May 1, 2013.

### 2. # 1020 Index Rate

**BOROUGH OF HO-HO-KUS  
CALENDAR YEAR 2013**

**ORDINANCE TO EXCEED 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 to 2% 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 2013 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 1.5 % increase in the budget for said year, amounting to \$ 83,541, 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 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 2013 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 to 3.5 %, amounting to \$ 194,930, and that the CY 2013 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 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 indicated thereon, be filed with said Director within 5 days of adoption.

\_\_\_\_\_  
Laura P. Borchers, Municipal Clerk

\_\_\_\_\_  
Thomas W. Randall, Mayor

**IX. RESOLUTIONS**

None

**XI. CONSENT RESOLUTION**

1. #13-50 Bid Authorization-Broom Sweeper

**BE IT RESOLVED** that the Ho-Ho-Kus Municipal Clerk is hereby authorized and directed to publicly advertise for sealed bids for a Broom Street Sweeper with Belt

Conveyor, in a legal newspaper of the Borough in accordance with law.

2. #13-51 Refund-Ho-Ho-Kus Dental Associates

**WHEREAS**, Signature Management Group, LLC performed construction work at 625 North Maple Avenue, Ho-Ho-Kus; and

**WHEREAS**, on or about July 3, 2012, Larry Scorzelli, Construction Official of the Ho-Ho-Kus Building Department, issued a “Notice and Order of Penalty” to Signature Management Group, LLC, directing that construction stop because no permits had been issued for building, plumbing and electrical work, and a fine of six-thousand dollars (\$6,000) was issued (itemized at \$2,000 per missing permit); and

**WHEREAS**, Signature Management Group, LLC appealed this fine to the Bergen County Construction Board of Appeals on July 18, 2012, and the appeal was heard on March 14, 2012, with both sides providing oral testimony; and

**WHEREAS**, based upon this testimony, the BC Construction Board of Appeals upholds the violation, but because the construction company remedied all problems and obtained permits in a good-faith effort to comply with municipal requirements, the Board of Appeals reduced the penalty to one thousand dollars (\$1,000).

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus that a refund of five-thousand dollars (\$5,000) is to be issued to Signature Management Group, LLC.

3. #13-52 County Agreement ADA Ramps

**WHEREAS**, the NJ DOT, the Federal Highway Administration, the Americans with Disabilities Act Accessibility Guidelines, and the Public Right-of Way Accessibility Guidelines mandate that public sidewalks at intersections provide, at a minimum: depressed curb cuts, detectable warning surfaces and a landing area at all crosswalk locations as designated by the County Engineer or his designee; and

**WHEREAS**, public sidewalks are a municipal responsibility in as much as the County’s road responsibility is limited to improved road areas from curb face to curb face as set forth in NJSA 27:16-8; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act (NJSA 40A:65-1 et. seq) promotes the broad use of shared services to reduce local expenses funded by property tax payers; and

**WHEREAS**, to achieve economies of scale and to ensure consistent performance county-wide, participating municipalities will have the opportunity to enter into a Construction Contract with either the successful bidder of the County’s ADA Cooperative Curb Ramp Construction bid or, if the municipality can obtain lower pricing, hire its own contractor; and

**WHEREAS**, ADA Curb Ramp Construction work shall not commence until the County Engineer, subject to budget considerations, authorizes the work recommended by the municipal engineer; and

**WHEREAS**, the County will, upon proper verification and pre-construction authorization by the County Engineer, reimburse participating municipalities for construction costs at the prices set forth in the cooperative bid (or the municipality’s

lower pricing provided that the municipality uses the County's bid specifications for purposes of comparison) as follows:

- A. Initial Reimbursement. The County shall provide the municipality with fifty percent of the estimated funds necessary to construct ADA compliant improvements and as authorized by the County Engineer, at County road intersections contingent upon the participating municipality's execution of a contract with the successful bidder of the ADA Cooperative Curb Ramp Construction contract (or execution of a contract with the municipality's bidder).
- B. Final Reimbursement. Upon receipt of its municipal engineer's certification, in County form, that the completed construction work meets ADA compliance or received a "technical infeasibility" waiver approved by the County Engineer, the Bergen County Department of Public Works will reimburse the participating municipality for the balance of the funds based on the actual, as-built cost for construction within the approved scope of work.
- C. Inspection Costs. Reimbursable costs shall include construction inspection costs not to exceed ten percent (10%) of the as-built construction costs. At the County Engineer's sole discretion, in extreme cases, and upon receipt of written justifications, construction inspection reimbursement may be authorized up to fifteen percent (15%) of as-built constructions costs.

**WHEREAS**, municipal budget requirements mandate the confirmation that funds are available to perform the work pursuant to a grant agreement; and

**WHEREAS**, the Treasurer has certified the availability of the fund's requirements per NJSA 5:30-5.4.

**NOW, THEREFORE BE IT RESOLVED**, upon the recommendation of Joe Crifasi, Director of Public Works, that the County of Bergen Board of Chosen Freeholders hereby initiate and fund an ADA Cooperative Curb Ramp Construction Grant Program, as set forth herein, to assist participating municipalities in meeting ADA curb ramp construction and related requirements at intersections on County roads as designated by the County Engineer or his designee.

**BE IT FURTHER RESOLVED** that municipalities which desire to upgrade the County's ADA Cooperative Curb Ramp Construction specifications beyond NJ DOT materials and/or beyond the scope of work, may do so provided that the municipality is solely responsible for the increase in costs.

**BE IT FURTHER RESOLVED** that each participating municipality shall enter a grant agreement in a form approved by County Counsel.

**BE IT FURTHER RESOLVED** that the County Executive be and is hereby authorized to execute grant agreements in a form to be approved by County Counsel.

4. #13-53 Appt. Fireman- Alejandro Onorato

**WHEREAS**, the Fire Department of the Borough of Ho-Ho-Kus, through its Chief, has recommended to the Mayor and Council the appointment of Alejandro Onorato 7 Spruce Place Ho-Ho-Kus New Jersey; and

**WHEREAS**, Mr. Onorato has passed his physical as required by the Borough,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus that Alejandro Onorato on this date is appointed as fireman of the Borough of Ho-Ho-Kus

5. #13-54 Road Resurfacing-D&L Paving

**WHEREAS**, the Borough of Ramsey, acting as the lead agency for the municipalities of the Northwest Bergen County Shared Services Group, advertised for bids for the resurfacing of certain streets within the Boroughs of Allendale, Glen Rock, Franklin Lakes, Ho-Ho-Kus, Midland Park, Ramsey, Saddle River and Waldwick, as well as the Township of Wyckoff and the Village of Ridgewood; and

**WHEREAS**, a total of eight (8) bids were accepted on April 2, 2013, and were reviewed by the appropriate recommending authorities; and

**WHEREAS**, D & L Paving Contractors, Inc., 681 Franklin Avenue, Nutley, NJ 07110 is the lowest responsible bidder; and

**WHEREAS**, the Borough of Ho-Ho-Kus plans to resurface Boiling Spring Road, Barnett Place and an area near the HHK RR Station at the bid cost of \$111,185.53,

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus that the contract for resurfacing the streets in Ho-Ho-Kus as noted above is hereby awarded to D & L Paving Contractors, Inc.

6. #13-55 Forgiveness of Solid Waste Bill

**Whereas**, 40 Deerhill Drive and 1010 WSRR in Ho-Ho-Kus is empty lots 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

7. #13-56 PSAP-Borough of Paramus

**WHEREAS**, the Township of Mahwah has been the Public Safety Answering Point (PSAP for 9-1-1 calls) for the Borough of Ho-Ho-Kus for the past eleven years; and

**WHEREAS**, Mahwah has recently notified Ho-Ho-Kus and three other municipalities for which it is the PSAP that, if Ho-Ho-Kus wishes to have Mahwah continue as its PSAP after December 31, 2011, it must share the \$50,000 cost of acquiring a new police dispatch console and, additionally, the annual per capita charge for the PSAP service will be increased from 65 cents to 85 cents; and

**WHEREAS**, investigation of other PSAPs in the area has shown that the Borough of Paramus provides this service at the per capita rate of 50 cents with a small additional charge for use of the Language Line (for translations), and that each of the emergency services of Ho-Ho-Kus (Police, OEM, Fire, Ambulance) agrees that Paramus provides an excellent PSAP service,

**NOW, THEREFORE BE IT RESOLVED** by the Mayor & Council of the Borough of Ho-Ho-Kus that the Public Safety Answering Point (PSAP) for the Borough of Ho-Ho-Kus will be changed from the Township of Mahwah to the Borough of Paramus as of January 1, 2012.

8. #13-57 Award E-Ticket Turnkey System

**WHEREAS**, the Borough of Ho-Ho-Kus, specifically the Police Department and the Municipal Court, desire to modernize the issuing of traffic tickets by changing to one of total electronics; and

**WHEREAS**, this matter has been discussed in detail with the Borough Administrator, the Chief Financial Officer, the Police Chief, the Municipal Court Administrator and others within the Borough; and

**WHEREAS**, in order to accomplish this modernization of the ticketing system, an agreement must be entered into with GTBM, Inc., 351 Paterson Avenue, East Rutherford, NJ 07073, for licensing, and the rental of software, the installation of hardware in police vehicles, hand-held equipment, scanners, etc., at the “up-front” cost of \$12,000, and certain ongoing fees per ticket issued (25/28 cents each),

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus that such agreement shall be entered into with GTBM for the electronic ticketing system known as “Info-Cop E-Ticketing Turnkey System.

9. #13-58 Tax Appeal-669 WSRR

**WHEREAS** Dwyer Family, LLC and Hastings Mills Pond, LLC are owners of real estate known as Lot 4 in Block 1204 and better known as 669 West Saddle River Road Ho-Ho-Kus, New Jersey; and

**WHEREAS** the aforementioned owners have filed tax appeals challenging the tax assessment for the years 2010, 2011, 2012 and 2013; and

**WHEREAS** Lot 4 in Block 1204 was assessed for \$967,800.00 for the year 2010 and \$300,900.00 for the years 2011-2013; and

**WHEREAS** the taxpayer is seeking a reduction in the total assessment for the aforesaid years; and

**WHEREAS** the Borough has completed full discovery with respect to this matter, 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: 2010: a revised assessment of \$330,000.00; 2011: a revised assessment of \$150,000.00 with a Freeze Act to apply for 2012; 2013: a revised assessment of \$130,000.00; and

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

**WHEREAS** the Borough’s Tax Assessor Marie Merolla and the Borough’s Real Estate Appraiser Charles Ciolino are in agreement with the terms of this settlement and believe that it would be the best interest of the Borough to settle this particular case in accordance with the terms set forth above; and

**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 Dwyer Family, LLC and Hastings Mill Pond, LLC Tax Appeal pending in the Tax Court of New Jersey for the tax years 2010-2012, under Docket Nos: 019204-2010 and 018785-2011 and before the Bergen County Tax Board for the year 2013; and

**BE IT FURTHER RESOLVED** that upon receipt of the Tax Court and County Board Judgments that 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

aforesaid appeals within sixty (60) days from the date of the Tax Court Judgment; and **BE IT FURTHER RESOLVED** that this settlement is subject to agreement by the taxpayers; 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 Municipal Attorney.

10. #13-59 HHK Inn Lease Agreement

**WHEREAS** there currently exists a written lease (“the lease”) between the Borough of Ho-Ho-Kus (“the Borough”) and Ho-Ho-Kus Inn and Tavern, LLC (“the Tenant”) for premises at 1 East Franklin Turnpike, Ho-Ho-Kus, New Jersey, Lot 1.01 in Block 1009 on the Borough tax map; and

**WHEREAS** the Tenant has notified the Borough of its intent to exercise its second extension term commencing February 1, 2013 to January 31, 2018; and

**WHEREAS**, the Borough and Tenant have agreed upon a rental amount for the extension term;

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body that it does hereby authorize a renewal agreement with the tenant in the form currently on file in the office of the Borough Administrator; and

**BE IT FURTHER RESOLVED** commencing February 1, 2013 the rent shall be set at \$83,928 per annum payable at the rate of \$6,994 per month; and

**BE IT FURTHER RESOLVED** that commencing February 1, 2014 and each year thereafter during the second extended term, the base rental will be adjusted annually by 3% or annual increase in the Consumer Price Index, whichever is less.

**BE IT FURTHER RESOLVED** that all other terms and conditions of the lease shall remain in full force and effect.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are authorized to execute a Renewal Agreement which shall be made a part of the lease.

11. #13-60 Payment of Vouchers

**WHEREAS**, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,584,856.91.

**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 **\$2,584,856.91** be approved and ratified respectively Councilmember Lennon approved the Resolutions, seconded by Councilmember Rorty and carried.

**XII. OLD BUSINESS**

**A. Liaison Reports:**

1. Recreation

North Field repaired, all infield weeded.

2. Board of Education

Meeting was set up with the Borough and the Board of Education to discuss the terms of agreement for the Security Resource Officer.

3. Other

**B. Shade Tree**

**C. Chamber of Commerce**

**XIII NEW BUSINESS**

Councilmember Lennon stated that the Swift Reach contact information is current, Nixle account to be used by emergency services.

Police Chief John Wanamaker thanked the Ladies Fire Auxiliary for the purchase and donation of a De-Fibrillator to the Police Department.

**XIV. MAYOR'S REMARKS**

None

**XV. CLOSED SESSION**

None

**XVI. ADJOURNMENT**

With no further discussion to come before the Council and on a motion made by Councilmember Rorty, seconded by Councilmember Lennon, and carried Mayor Randall adjourned the meeting at 9:20 PM.

Respectfully Submitted,

Laura Borchers, RMC/CMR  
Borough Clerk