

**BOROUGH OF HO-HO-KUS**

**MAYOR AND COUNCIL PUBLIC MEETING  
JANUARY 24, 2012- 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	Present
Councilmember Lennon	Present
Councilmember Shea	Absent
Councilmember Rorty	Present
Councilmember Weiss	Present
Councilmember Shell	Present

**II. PLEDGE OF ALLEGIANCE**

Mayor Randall led all in the pledge of Allegiance

**III. OATH OF OFFICE- FIRE DEPARTMENT**

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

**IV. APPROVAL OF MINUTES**

None

**V. COMMITTEE REPORTS**

**A. FINANCE**

Finance Officer's Report – Dec 2011

**B. PUBLIC SAFETY**

1. Police Report – Dec 2011
2. Court Report – Dec 2011

**C. PUBLIC WORKS & PROPERTIES**

1. Supt. of Public Works – Dec 2011
2. Construction Office Report – Dec 2011

**D. WATER**

1. Water Supt. Report – Dec 2011
2. Water Registrar's Report- Dec 2011

**E. FIRE**

1. Fire Dept. Report – Dec 2011
2. Fire Prevention Bureau – Dec 2011

**F. COMMUNITY RELATIONS**

1. Library – Dec 2011

2. Ambulance Report – Dec 2011
3. Solid Waste Utility – Dec 2011

**VI. PUBLIC DISCUSSION**

1. Cindy Thayaril 4 Bridle Way objected to the re-appointment of Construction Code Official Larry Scorzelli and Borough Engineer Dave Hals. Mr. Thayaril suggested the Borough eliminate the Ridgewood news for any notices and use, the Town Journal and Villadom Times instead.
2. Seymore Zuckerman 8 Clearwater Drive discussed the Sewer issues he has been experiencing.

**VII. A. CORRESPONDENCE**

1. Ronald Van Slooten re: HHK Professional Building Parking Lot
2. Resident re: Christmas Decorations

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

1. Borough of Waldwick: Mutual Aid and Rapid Deployment Force

**C. Bergen County:**

1. NWBCUA minutes
2. Flood Advisory Council

**D. League of Municipalities:**

1. Mayor's Wellness Campaign
2. NJ Child Fatality and Near Fatality Review Board Survey
3. Last Voting Session of the 214<sup>th</sup> Legislative Session
4. Legislative Recap for January 5, 2012
5. Federal Road Sign Standard Update
6. Orientation for Newly Elected, Re-elected or Experienced

**E. State of New Jersey:**

1. NJDEP Expands Land Use E-Permitting Program

**VIII. INTRODUCTION OF ORDINANCES**

1. Ordinance # 1003- Home Alarm Systems

**Chapter 3. ALARM SYSTEMS**

**§ 3-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ALARM BUSINESS**

Any business operated by a person, partnership, corporation or other business entity, for profit, which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing or responding to a fire or burglar alarm system or which causes any of these activities to take place. This definition does not include those retail establishments which only sell alarm devices or alarm systems over the counter.

**ALARM DEVICE**

Any type of alarm-activating equipment which provides warning of burglary, intrusion, fire, flood or other potential for harm to life or property. Medical alert devices, smoke detectors and carbon monoxide detectors not integrated/connected into a central alarm

receiving station are exempt from the registration provisions of this chapter.

### **ALARM MALFUNCTION**

An alarm system failing to operate or work properly.

### **ALARM SYSTEM**

The installation in a building or structure of one or more alarm devices for the express purpose of giving visual, audible and/or electronic warning of an emergency such as burglary, intrusion, fire, flood or other potential for harm to life or property.

### **ALARM USER**

Any person, partnership, association, corporation, company or organization or authorized agent thereof of any kind in control of any building, structure or facility wherein an alarm device or alarm system is operated.

### **FALSE ALARM**

An alarm signal eliciting a response by police, firefighters, other emergency personnel or other public officials when a situation requiring a response by police, firefighters, other emergency personnel or other public officials does not in fact exist. A false alarm shall not include an alarm signal caused by violent conditions of nature, such as, but not limited to, lightning, tornadoes, hurricanes, windy conditions, power issues or other extraordinary circumstances not reasonably subject to control by the alarm business or alarm user.

### **INDEPENDENT SMOKE/FIRE DETECTOR**

A device giving an audible alarm indicating smoke and/or fire within a structure and not connected to an alarm system or to any external warning device.

#### **§ 3-2. Registration of alarm device or alarm system; Late Charge.**

No person or business entity shall install, operate or maintain any alarm device or alarm system unless the alarm device or alarm system is annually registered with the Borough of Ho-Ho-Kus Police Department. An alarm device or alarm system shall be deemed registered at such time as a registration form supplied by the Police Department is completed as to all information requested therein and is returned to the Police Department. This registration shall take place within 30 days of installation of a new system; provided, however, that any alarm device or system installed before the effective date hereof shall be registered within forty-five (45) days of the adoption of this Ordinance. Among the information to be provided on the registration form is the following:

- A. The name, address and telephone number of the owner of the property upon which the alarm device or alarm system is installed.
- B. The name, address and telephone number of the manager of the property upon which the alarm device or alarm system is installed, if applicable.
- C. A list of the names, addresses and telephone numbers of at least three persons to be contacted in the event of an alarm or in an emergency situation as determined by the Police Department or Fire Department.
- D. The name, address and telephone number of the installer of the alarm device or alarm system.
- E. The type of alarm device or alarm system.
- F. The name, address and telephone number of the person(s) or company maintaining the alarm device or alarm system.
- G. Subsequent to the annual registration period, if there is any material change in the

information previously provided during the annual registration with respect to any alarm device or alarm system, it shall be the duty of the property owner or manager to file an amended registration form containing accurate current information within 10 days of the change.

H. The change in ownership of a property with an alarm system shall be deemed a material change and shall require the filing of a new registration form submitted to the Police Department.

I. There shall be no initial or annual registration fee. However, in addition to the penalty provisions in Section 3-5 below, any alarm device or alarm system that is not registered with the Police Department by the dates set forth in Section 3-2 shall subject the alarm user to a late fee of \$25.

**§ 3-3. False alarms; Service Fees.**

A. The Police Department shall cause a record to be made of all alarms, inclusive of all false alarms in any calendar year. The following service fees shall apply to the person responsible for any alarm device and to offset the cost of responding to a false alarm:

(1) For the first through third false alarms and alarm malfunctions, a written warning shall be issued.

(2) For the fourth and fifth false alarms and alarm malfunctions, there shall be imposed a service fee of \$50 for each such false alarm or alarm malfunction.

(3) For the sixth through ninth false alarms and alarm malfunctions, there shall be imposed a service fee of \$150 for each such false alarm or alarm malfunction.

(4) For the 10th and subsequent false alarms and alarm malfunctions, there shall be imposed a service fee of \$250 for each such false alarm or alarm malfunction.

(5) In addition to the service fee noted above, any owner or user of an alarm system (other than a fire alarm system) which experiences more than 12 false alarms in any calendar period may be required to disconnect said alarm system for a period of 90 days, unless said system is required by law, and provide a statement from those that service the alarm system that the malfunction has been corrected.

(6) Service fees shall be payable to the Borough of Ho-Ho-Kus: Attention Municipal Clerk, within 30 days of service of a written notice of the forth or subsequent false alarms. The calculation of the number of false alarms shall be without regard to whether the false alarms involved intrusion alarms or fire alarms. Failure to timely pay such service fees shall subject the alarm user to the additional penalties set forth in Section 3-5.

B. Fire alarm systems. Any owner or user of an alarm device or alarm system which experiences more than four fire false alarms within any twelve-month period shall be required by the Fire Department to modify or improve said system in such a way as to prevent accidental activation and may be subject to penalty by the Fire Prevention Bureau in accordance with the Uniform Fire Code (N.J.A.C. 5:70-1.1 et seq.) or other applicable law. Prior to modifying any required system, the owner shall submit a construction permit application showing the design and nature of the proposed modifications.

**§ 3-4. Operation of alarm device or alarm system.**

A. All burglar alarm devices or alarm systems must be provided with a device which will automatically shut off the audible alarm function only after 15 minutes of activation.

B. All burglar alarm devices or alarm systems not fitted with an external key switch shall be equipped with a time delay of at least 15 seconds, which may include an audible signal of the same length of time, said time delay to be designed to prevent accidental activation of the system. The fifteen-second signal, if utilized, shall be audible only within the structure and not externally.

C. In the event that an alarm device or alarm system other than a fire or burglar alarm system is tied into and/or serviced by a central station or answering service, upon activation of said

alarm device or alarm system, the central station or answering service shall verify the validity of the alarm prior to notifying the Police Department of the same. Auto-dialing systems, calling E911 or any other public safety phone number with a recorded message are prohibited.

D. The resetting of any transmitted fire alarm shall be done in the presence of the Fire Department. In no case shall an alarm be reset prior to the Fire Department's authorization. In the case of burglar alarms, the Police Department shall not be responsible for resetting the alarm device or alarm system.

**§ 3-5. Violations and penalties.**

A. Maximum penalty. For violation of any provision of this chapter, including the failure to register an alarm device or alarm system, the maximum penalty, upon conviction, shall be one or more of the following: a fine not exceeding \$1,000 or imprisonment for a period not exceeding 90 days or a period of community service not exceeding 90 days, at the discretion of the Municipal Court Judge (N.J.S.A.40:49-5, as amended).

B. Separate violations. Except as otherwise provided, every day in which a violation of any provision of this chapter exists shall constitute a separate violation.

C. Application. The maximum penalty stated in this section is not intended to state an appropriate penalty for every violation. Any less penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation.

D. Additional remedies. The imposition of a penalty as provided in Subsection A above shall be in addition to any injunctive or remedial relief which is authorized under the laws of the state, with the same force and effect as though provided for in this Code. Such penalty shall not be deemed to be in lieu of any provision for revocation or suspension of any license or permit.

**§ 3-6. Exemptions.**

The provisions of this chapter shall not apply to any alarm device or alarm system installed on property occupied by any Borough, county, state or federal government agency or office, alarms used for medical emergencies only and alarms which are not connected to the Police Department.

**§ 3-7. Response to alarms.**

A. In response to any alarm signal indicating panic or medical emergency, as so authorized by the alarm system owner in the permit application, the Police Department and/or Fire Department may enter the premises, by force if necessary, to respond to such signal, and the Borough of Ho-Ho-Kus, its various departments, agencies and officials shall be held harmless from and on account of any and all damages arising out of such entry.

B. Any panic or medical emergency alarm which has not been properly registered with the Police Department in accordance with this chapter will be considered a real emergency, and entry will be made to the premises, by force if necessary, in response to such signal. In such cases, the Borough and its various departments, agencies, and officials shall be held harmless from and on account of any and all damages arising out of such entry.

**§ 3-8. Repealer**

All Ordinances or parts of ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**§ 3-9. 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.

**§ 3-10. Effective Date**

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

2. Ordinance # 1004- 2012 Salary Ordinance

**AN ORDINANCE TO FIX THE COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF HO-HO-KUS, BERGEN COUNTY, NEW JERSEY**

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

Section 1. That the annual compensation to be paid to the following officers and employees of the Borough of Ho-Ho-Kus in 2012 shall be fixed as follows:

<u>OFFICIALS</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Mayor	\$ N/A	\$ N/A
Council Members	\$ N/A	\$ N/A
<u>ADMINISTRATIVE &amp; EXECUTIVE</u>		
Borough Administrator	\$ 75,000	\$120,000
Human Resources/Personnel Director	\$ 6,500	\$ 15,000
Assistant to H.R./Personnel Director	\$ 3,000	\$ 5,000
Executive Assistant	\$ 10,000	\$ 50,000
Borough Clerk	\$ 25,000	\$ 55,000
Deputy Borough Clerk	\$ 8,000	\$ 35,750
Administrative Assistant/Secretary	\$ 10,000	\$ 46,000
Clerical (Part-time – 24 hours weekly)	\$15 per hour	\$20 per hour
Purchasing Agent	\$ 15,000	\$ 35,000
Deputy Purchasing Agent	\$ 500	\$ 8,000
Qualified Purchasing Agent	\$ 3,000	\$ 5,000
Public Agency Compliance Officer	\$ 1,000	\$ 2,000
Security Information Officer	\$ 2,000	\$ 5,000
<u>FINANCE</u>		
Chief Financial Officer	\$ 35,000	\$ 60,000
Treasurer	\$ 20,000	\$ 30,000
Deputy Treasurer	\$ 3,000	\$ 17,500
Tax Assessor	\$ 8,000	\$ 50,000
Assessment Search Officer	\$ 1,000	\$ 3,000
Tax Collector	\$ 40,000	\$ 65,000
Tax Search Officer	\$ 1,000	\$ 3,000
Payroll Supervisor	\$ 5,000	\$ 20,000
Accounting Asst. (P.T. – 24 hrs. wk.)	\$20 per hour	\$30 per hour
Accounting Asst. (Full-time)	\$ 20,000	\$ 50,000
<u>LIBRARY</u>		
Head Librarian (Library Director)	\$ 25,000	\$ 58,000
Asst. Librarians (P.T. – 24 hrs. wk.)	\$8.50 per hour	\$17.50 per hr.
<u>REGISTRARS</u>		
Registrar of Vital Statistics	\$ 8,000	\$ 16,000
Deputy Registrar of Vital Statistics	\$ 2,000	\$ 6,000
Water Registrar	\$ 8,000	\$ 22,000
Deputy Water Registrar	\$ 2,000	\$ 6,000
Deputy Solid Waste Registrar	\$ 2,000	\$ 6,000
Registrar of Elections	\$ 8,000	\$ 16,000
<u>MUNICIPAL COURT</u>		
Municipal Court Judge	\$ 7,500	\$ 12,570
Prosecutor	\$ 6,000	\$ 10,200
Court Administrator	\$10,000	\$ 50,000

Deputy Court Administrator	\$ 500	\$ 3,500
Violations Clerk	\$ 7,500	\$ 23,050
Deputy Violations Clerk	\$ 500	\$ 3,500
<b><u>EMERGENCY MANAGEMENT</u></b>		
*Emergency Management Coordinator	\$ 1,500	\$ 4,750
Asst. Emergency Management Crdntr.	\$ 250	\$ 1,375
<b><u>POLICE DEPARTMENT</u></b>		
*Police Chief	\$120,000	\$150,000
*Police Captain	\$110,000	\$140,000
*Police Lieutenant	\$ 97,900	\$135,000
**Police Sergeant	\$ 97,872	\$112,000
**Police Patrolman	\$ 33,000	\$ 92,332
Police Dispatcher (Full-time)	\$ 25,000	\$ 35,000
<b><u>DEPARTMENT OF PUBLIC WORKS</u></b>		
*Superintendent of Public Works	\$ 75,000	\$115,000
Assist. Superintendent of Public Works	\$ 57,500	\$ 90,000
Foreman – Public Works	\$ 50,000	\$ 66,000
Secretary – Public Works	\$ 15,000	\$ 30,000
Licensed Water Agent	\$ 3,000	\$ 4,925
Assistant Licensed Water Agent	\$ 1,000	\$ 3,000
Recycling Coordinator	\$ 2,500	\$ 8,400
Assistant Recycling Coordinator	\$ 1,500	\$ 5,300
**Public Works Maintenance Employees	\$ 26,925	\$ 51,514
Custodian	\$ 10,000	\$ 50,000
<b><u>RECREATION DEPARTMENT</u></b>		
Recreation Director	\$ 10,000	\$ 23,100
<b><u>HEALTH DEPARTMENT</u></b>		
Registered Environmental Health Specialist	\$ 5,000	\$ 18,000
<b><u>RECORDING SECRETARIES</u></b>		
to Mayor and Council	\$50 per Mtg.	\$75 per Mtg.
to Municipal Court	\$50 per Mtg.	\$95 per Mtg.
to Planning Board	\$50 per Mtg.	\$75 per Mtg.
to Zoning Board of Adjustment	\$50 per Mtg.	\$75 per Mtg.
to Board of Health	\$50 per Mtg.	\$75 per Mtg.
to Recreation Commission		
to Shade Tree Commission	\$50 per Mtg.	\$75 per Mtg.
<b><u>BOARD SECRETARIES</u></b>		
Planning Board	\$ 5,000	\$ 18,000
Zoning Board of Adjustment	\$ 5,000	\$ 18,000
<b><u>BUILDING/CONSTRUCTION DEPT.</u></b>		
Chief Construction Official	\$ 5,000	\$ 50,000
Building Inspector/Sub-code Official	\$ 1,600	\$ 13,725
Assistant Building Inspector	\$ 200	\$ 2,000
Technical Assistant, Building Dept.	\$ 10,000	\$ 40,000
Electrical Inspector/Sub-code Official	\$ 1,500	\$ 11,525
Fire Inspector/Sub-code Official	\$ 1,000	\$ 11,525
Fire Prevention Official	\$ 500	\$ 8,000
Fire Prevention Inspector	\$ 1,875	\$ 4,500
Secretary to Fire Prevention Official	\$ 1,000	\$ 1,900

Plumbing Inspector/Sub-code Official	\$ 1,500	\$ 11,525
Zoning Officer/Zoning Official	\$ 500	\$ 8,000
Property Maintenance Official	\$15 per hour	\$20 per hour

Section 2: The compensation ranges set forth above for the Superintendent, Acting Superintendent, Assistant Superintendent and Foreman of Public Works and Water, the Police Chief, Captain and Lieutenant of Police and the Emergency Management Coordinator (identified in Section 1 with an asterisk), such employees' longevity pay of one percent (1%) for each five (5) years of service, not to exceed four percent (4%). Longevity credit will be computed from the date of employment. Full time Police Officers and Sergeants, and Public Works Maintenance Employees (identified in Section 1 with a double-asterisk) will receive longevity as stipulated in their labor contracts.

Section 3: School Crossing Guards, when on active duty, shall receive compensation of not less than \$15.00 per hour nor more than \$20.00 per hour. Part-time Police Dispatchers/Assistant Police Dispatchers and Police Matrons, when on active duty, shall receive compensation of not less than \$9.50 per hour nor more than \$17.00 per hour.

Section 4: There shall be paid to the Borough Attorney an annual retainer of \$10,500.00 and such other compensation as he may be legally entitled to receive for services rendered during the year in accordance with a contract on file with the Borough Clerk.

Section 5: There shall be paid to the Attorney for the Zoning Board of Adjustment an annual retainer of \$300.00 maximum and the sum of \$175.00 for each required appearance before the Board. He shall also receive such other compensation as he may be legally entitled to receive for services rendered during the year in accordance with a contract on file with the Secretary of the Zoning Board of Adjustment.

Section 6: There shall be paid to the Attorney for the Planning Board an annual retainer of \$600.00 maximum and the sum of a fee of up to \$175.00 for every required appearance before the Board and such other compensation as he may legally be entitled to receive for services rendered during the year in accordance with a contract on file with the Secretary of the Planning Board.

Section 7: There shall be paid to the Borough Engineer an annual retainer of \$1,000.00 and such other compensation as he may legally be entitled to receive for services rendered during the year in accordance with a contract on file with the Borough Clerk.

Section 8: There shall be paid to the Borough Auditor an annual retainer of \$19,000.00 for municipal services and an annual retainer of \$14,700.00 for services performed for the Water Department and an annual retainer of \$11,400.00 for services performed for the Solid Waste Utility. He also shall receive such other compensation as he legally may be entitled to receive for services rendered during the year in accordance with a contract on file with the Borough Clerk.

Section 9: There shall be paid to designated borough employees, for their being on 24-hour stand-by service and inspecting pump houses of the Borough per weekend, the sum of \$300.00 and on holidays the sum of \$135.00 per unit, and Monday through Friday the sum of \$20.00 per unit in lieu of overtime compensation per contract.

Section 10: There shall be paid to certain borough employees for authorized overtime services an hourly wage equal to one and one-half (1½) times except Sunday, which shall be at two and one-half (2½) times the hourly rate computed from their salaries.

Section 11: All full-time borough employees shall be paid in keeping with a resolution of the Mayor and Council.

Section 12: All full-time borough employees shall be given thirteen (13) paid holidays as described in the personnel code.

Section 13: The salaries, educational credits and longevity payments established herein for the borough employees who are members of the Department of Public Works and the Police Department are subject to and shall be paid in accordance with the labor contracts for

current and prior years between the Borough and the respective unions or organizations representing such employees. Such salaries, educational credits and longevity payments shall be specified by Resolution adopted by the Borough Council when appropriate to implement the labor contracts or, if applicable, an arbitration award. The terms and conditions contained in such contracts or an arbitration award are to be incorporated herein and made a part hereof as though set forth at length and copies shall be filed in the office of the Borough Clerk and made available to any member of the public who may wish to examine same.

Section 14: There shall be paid to each qualified emergency medical technician of **b** *daytime crew* for services performed the sum of sixteen hundred fifty (\$1,650.00) dollars.

Section 15: The provisions of any ordinance or ordinances inconsistent with the provisions hereof are hereby expressly repealed.

Section 16: The Borough Council upon adoption of this Ordinance shall fix the compensation of officers and employees of the Borough of Ho-Ho-Kus which shall be effective as of January 1, 2008.

Section 17: This Ordinance shall take effect upon passage and publication as required by law.

3. Ordinance # 1005-Water and Water Rate

**BE IT ORDAINED** by the Mayor and Council of the Borough of Ho-Ho-Kus that Chapter 81 of the code is hereby amended as follows:

**81-21 Rates and Charges** is amended as follows:

(A) Effective January 1, 2012, all water taken or consumed shall be charged to consumers at the following rates:

- (1) Five dollars and Twenty Five Cents (\$5.25) per one thousand (1,000) gallons, with a minimum charge of Forty Two Dollars (\$42) per quarter, or any part thereof.
- (2) For Water usage over the minimum the following chart will apply:

	Gallons	Rate per 1,000 Gallons	Amount
Minimum	8,000	\$ 5.25	\$ 42.00
Next	12,000	\$ 5.25	
Next	20,000	\$ 5.51	
Next	40,000	\$ 5.79	
Over	80,000	\$ 6.08	

**SECTION III: 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.

**SECTION IV: Effective Date.**

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

Councilmember Lennon approved the adoption of the Ordinances, seconded by Councilmember Rorty and Carried

**IX. FINAL PASSAGE OF ORDINANCES**

None

**X. RESOLUTION**

None

**XI. CONSENT RESOLUTION**

- 1. # 12-29 Inter-local Agreement- 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 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 a term commencing on January 01, 2011 and expiring on December 31, 2011 for the sum of \$ 6250.00 to be paid by the Borough of Ho-Ho-Kus to the Borough of FairLawn; **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.

2. # 12-30 Train Station Concession- Bid Authorization

**BE IT RESOLVED** that the Ho-Ho-Kus Municipal Clerk is hereby authorized and directed to publicly advertise for sealed bids for a food service concession to be located at the Ho-Ho-Kus train station, Ho-Ho-Kus, Bergen County, New Jersey, in a legal newspaper of the Borough in accordance with law.

3. # 12-31 Appt. Accounting Assistant- Dave Males

**WHEREAS**, the borough government is working with a minimum staff at Borough Hall but the workload has not diminished which creates the possibility of a reduction in services to the residents; and

**WHEREAS**, one of our part-time employees, David Males, has the necessary knowledge, experience and skills to perform many functions in the Finance Office and to assist various departments and department heads, and is desirous of being a full time employee,

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of HoHoKus that, effective February 1, 2012, David Males will be a full time employee of the Borough of Ho-Ho-Kus with the title of Accounting Assistant in the Finance Department, and will help with special situations in other departments if needed.

4. # 12-32 Transfer of Funds

<b>FROM:</b>		<b>TO:</b>
A & E (S&W)	8,500	
Tax Collector (S&W.)	5,000	
Zoning Bd (S&W.)	3,000	
Planning Bd (S&W)	3,000	
Zoning Officer	7,500	
Legal		12,000
FIRE (O.E)		7,500
Vehical Maint.		3,000
Utilities		<u>4,500</u>
Total	27,000	27,000
Water (S&W)	8,000	
Water (O.E.)		<u>8,000</u>
Total	8,000	8,000

5. # 12-33 Appt. Fireman- Robert Peacock

**WHEREAS**, the Fire Department of the Borough of Ho-Ho-Kus, through its Chief, has recommended to the Mayor and Council the appointment of Robert J. Peacock 252 Lakeview Drive Ridgewood New Jersey; and

**WHEREAS**, Mr. Robert Peacock 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 Robert Peacock on this date is appointed as fireman of the Borough of Ho-Ho-Kus

6. # 12-34 Tax Appeal- 2 Saddlebrook Drive

**RESOLUTION AUTHORIZING MUNICIPAL ATTORNEY TO SETTLE 2010 - 2011 TAX APPEALS CAPTIONED "HEKEMIAN. v. BOROUGH OF HO-HO-KUS"**

**WHEREAS**, Bryan and Suzanne Hekemian. are owners of real estate known as Lot 17.01, Block 403, and better known as 2 Saddle Brook Drive, Ho-Ho-Kus, New Jersey; and

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

**WHEREAS**, Lot 17.01 in Block 403 was assessed for the tax years 2010 in the total amount of \$3,489,800 and for the year 2011 in the amount of \$3,142,800; and

**WHEREAS**, the taxpayer is seeking a reduction in the total assessment for the 2010 – 2011 years; and

**WHEREAS**, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's Appraiser, Charles Ciolino, 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: For 2010 an adjusted assessment of \$3,050,000; for the year 2011 an adjusted assessment of \$2,900,000; 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 in 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 Hekemian v. Ho-Ho-Kus Tax Appeal pending in the Tax Court of New Jersey under docket nos. 010735-2010 and 010734-2011 for Lot 17.01 in Block 403 at the new assessment set forth above; and

**BE IT FURTHER RESOLVED** that upon receipt of the Tax Court Judgment 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 2010-2011 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, Borough Treasurer, Chief Financial Officer, Borough Tax Assessor, Borough Tax Collector and the Municipal Attorney.

7. # 12-35 Signature Authorization- PBA Contract

**WHEREAS**, the Collective Bargaining Agreement (“CBA”) between the Borough of Ho-Ho-Kus (“Ho-Ho-Kus”) and the Policemen’s Benevolent Association (“PBA”) Local 353 expired on December 31, 2010; and

**WHEREAS**, Ho-Ho-Kus and the PBA engaged in ongoing negotiations to discuss and agree upon the terms and conditions of a successor CBA, which negotiations resulted in the execution of a Memorandum of Understanding (“MOU”); and

**WHEREAS**, Ho-Ho-Kus and the PBA participated in an arbitration session before Arbitrator Frank A. Mason on September 15, 2011, that resulted in the decision of the arbitrator to enforce the terms of the MOU; and

**WHEREAS**, Ho-Ho-Kus wishes to memorialize its approval of the terms and conditions of the successor CBA.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus that the Collective Bargaining Agreement between the Borough of Ho-Ho-Kus and the PBA Local 353 for the term January 1, 2011 through December 31, 2012, be and hereby is **APPROVED**; and

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

8. Payment of Vouchers

Councilmember Troast approved the Resolution, seconded by Councilmember Lennon, and carried.

**XII. OLD BUSINESS**

- A. Liaison Reports:
  - 1. Recreation
  - 2. Board of Education Meeting in February
  - 3. Other:
- B. Grants
- C. Shade Tree
- D. COAH Status

**XIII. NEW BUSINESS**

**XIV. MAYOR'S REMARKS**

- XV. CLOSED SESSION**  
Contractual agreement

**XVI. ADJOURNMENT**

With nothing further to come before the Council and on a motion made by Councilmember Rorty, seconded by Councilmember Troast, and carried, Mayor Randall adjourned the meeting at 9:10 PM.

