

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

JANUARY 28, 2014- 8:00 P.M.

I OPEN MEETING STATEMENT - ROLL CALL

Mayor opened the meeting 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	Present
Councilmember Rorty	Present
Councilmember Weiss	Present
Councilmember Shell	Present

II. PLEDGE OF ALLEGIANCE

Mayor Randall led all in the Pledge of allegiance.

OATH OF OFFICE

Mayor Randall administered the Oath of office to Councilmember Shea.

Mayor Randall read a letter from the White House recognizing the CERT Team.

Mayor Randall presented Stan Kober with a service recognition certificate.

Mayor Randall recognized Margaret Ruggeri on her 100th Birthday. Proclaimed January 11th as Margaret Ruggeri Day.

III. CLOSED SESSION

Tax Appeal Litigation

IV. APPROVAL OF MINUTES

1. April 23, 2013 Public Meeting

All Present

Councilmember Shell approved the minutes, seconded by Councilmember Rorty.

All Ayes

2. June 25, 2013 Public Meeting

All Present

Councilmember Rorty approved the minutes, seconded by Councilmember Shell.

All Ayes.

V. COMMITTEE REPORTS

A. FINANCE

B. PUBLIC SAFETY

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

C. PUBLIC WORKS & PROPERTIES

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

D. WATER

1. Water Supt. Report – December 2013
2. Water Registrar's Report- December 2013

E. FIRE

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

F. COMMUNITY RELATIONS

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

VI. PUBLIC DISCUSSION

Patti Demarco 19 Crescent Place asked about the status of the Eagle Scout Case.

Janet Scott 21 Beechwood Road requested a refund on her late water bill stopped payment. Mayor Randall responded that he would look into her concerns.

Donna Cioffi, 1 Powderhorn Road discussed the quality of life in Ho-Ho-Kus. Mrs. Cioffi commented that Garbo's deli celebrated their 25 years of business and nothing was mentioned at a meeting, she discussed issues with parking in the borough. Ms. Cioffi mentioned that the Village of Ridgewood purchased a piece of property that abuts Ho-Ho-Kus and she is concerned about the traffic issues it would create. She asked the Mayor and Council to be proactive with what will be going on with the property. Councilmember Shell stated that Chamber of Commerce will be looking into the issues with the parking.

Kate Reilly 136 North Franklin Turnpike commented that the town looks beautiful.

VII. ADMINISTRATORS REPORT

None

VIII. A. CORRESPONDENCE

1. Dr. Manal Sous M.D. re: Letter to approve Senate BILLS 4461 and 4464
Mayor Randall tabled the approval of the Bill until the next meeting.
2. Ho-Ho-Kus Garden Club re: Permission to use the Town Green for Plant Sale.
Councilmember Weiss moved the request, seconded by Councilmember Rorty and carried.

B. Ordinances and Resolutions Other Towns:

None

C. Bergen County:

None

D. League of Municipalities:

1. Minimum Wage Requirements for Summer Recreational Program Employees
2. Save the Date 22nd Annual Mayor's Legislative Day
3. Lame Duck Issues
4. League Report on Governor's State of the State Message
5. Important PERC Decision re: Step Increases
6. Appellate Division Decision Clarifies OPRA's Impact on the LPCL

E. State of New Jersey:

None

IX. INTRODUCTION OF ORDINANCES

Ordinance # 1026 Amendment to "Land Use Procedures"

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey that Section 32A-29 **FEES PAYABLE TO BOROUGH CLERK** is amended and supplemented as follows:

Section I

Section 32A-29 – FEES PAYABLE TO BOROUGH CLERK

- (A) No change.
- (B) No change.
- (1) Minor subdivision or re-subdivision
 - (a) This paragraph is amended to require a filing fee of \$350 and an escrow of Five Hundred (\$500) Dollars per lot to be created by such minor subdivision. If the subdivision is classified by the Planning Board as a major subdivision, then the applicant must submit an additional \$150 filing fee and \$100 for each lot to be created by the proposed subdivision, but applicant shall receive a credit for any amount paid pursuant to this subsection.
 - (b) No change.
 - (c) No change.
- (2) Major subdivision
 - (a) This paragraph is amended to require a filing fee of Five Hundred (\$500) Dollars plus One Hundred (\$100) Dollars for each lot to be created by such major subdivision and an escrow of Five Hundred (\$500) Dollars per lot to be created by such subdivision.
 - (b) No change.
 - (c) No change.
- (3) No change.
- (4) No change.
- (5) No change.
 - (a) An escrow in the amount of \$1,000 is required for all Zoning Board applications to cover legal and engineering fees.
- (6) Minor Site Plan
 - (a) This paragraph is amended to require a filing fee of Three Hundred (\$300) Dollars and a Six Hundred (\$600) escrow to cover out of pocket expenses incurred by the Borough including, but not limited to engineering/legal fees.
 - (b) No change.
- (7) Major Site Plan
 - (a) This paragraph is amended to require a filing fee of Five Hundred (\$500) Dollars and a Six Hundred (\$600) Dollar escrow to cover out of pocket expenses incurred by the Borough including, but not limited to engineering/legal fees.

(b) No change.

(8) No change.

(9) All other applications, including but not limited to conditional use approval or an application for issuance of a permit pursuant to N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-36, (\$250 Planning Board; \$400 Zoning Board of Adjustment).

(10-17) No change.

32A-29.1 MISCELLANEOUS ZONING FEES

- | | | |
|------|-----------------------------------|---|
| (1) | Driveway permit | \$50 |
| (2) | New Construction Review | \$50 |
| (3) | Air Conditioning Unit Permit | \$50 |
| (4) | Generator Permit | \$50 |
| (5) | Pool Permit | \$50 |
| (6) | Shed Permit | \$50 |
| (7) | Permit for additions to Residence | \$50 |
| (8) | Permit for Retaining Wall | \$50 |
| (9) | Patio/Deck | \$50 |
| (10) | Pod/Dumpster | \$25 for one month; \$10 per month thereafter |

Section II

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 III

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 IV

Effective Date

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

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

All Ayes.

X. FINAL PASSAGE OF ORDINANCES

None

XI. RESOLUTIONS

None

XII. CONSENT RESOLUTION

1. # 14-29 2013 Municipal Alliance Grant Extension

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Borough Council of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages, and therefore has established a Municipal Alliance Committee; and

WHEREAS, Borough Council was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal rather than calendar year cycle; and

WHEREAS, funding has been made available to the Borough of Ho-Ho-Kus Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind grant requirement for the extension funding.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Ho-Ho-Kus does hereby authorize the submission of the grant extension for the Ho-Ho-Kus Municipal Alliance grant in the amount of:

DEDR	\$14,280.00
Cash Match	\$ 3,570.00
In-Kind	\$10,710.00

The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance audit requirements.

2. # 14-30 2014 Municipal Alliance Grant

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Borough Council of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE BE IT RESOLVED by the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Ho-Ho-Kus Municipal Alliance grant for fiscal year 2014 in the amount of:

DEDR	9,520
Cash Match	2,380
In-Kind	7,140

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

3. Tax Appeals:

a. # 14-31 4 Boiling Springs

WHEREAS, Victoria Miller-Nam is the owner of real estate known as Lot 3 in Block 404 and better known as 4 Boiling Springs Road, Ho-Ho-Kus, New Jersey; and

WHEREAS, the owner has filed a tax appeal challenging the assessment for the property for the year 2012; and

WHEREAS, Lot 3 in Block 404 was assessed for the tax year of 2012 in the total amount of \$2,411,300; and

WHEREAS, the Taxpayer is seeking a reduction in the total assessment for 2012 and subsequent years; and

WHEREAS, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's Appraise, Appraisal Systems, Inc., 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 the year 2012 a revised assessment of \$2,055,650 with the Freeze Act to apply for the year

2013 and a further agreement to set the assessment at \$1,700,000 for the year 2014; and

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

WHEREAS, the Borough's Appraisal Consultant, Appraisal Systems, Inc., and its Tax Assessor, Marie Merolla 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;

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 with respect to the Miller-Nam v. Ho-Ho-Kus tax appeal pending in the Tax Court of New Jersey under Docket No. 009130-2012 at the new assessment set forth above including the agreed upon assessment for 2014 set forth herein; and

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

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

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

b. # 14-32 19 Edgewood

WHEREAS, William H. and Anna C. Rose are owners of real estate known as Lot 10.02 in Block 1108 at 19 Edgewood Drive, Ho-Ho-Kus, New Jersey; and

WHEREAS, the owners have filed 2011-2013 Tax Appeals challenging the assessment for the years 2011-2013; and

WHEREAS, Lot 10.02 in Block 1108 was assessed for the tax years 2011-2013 in the total amount of \$1,052,500; and

WHEREAS, the taxpayers are seeking a reduction in the total assessment for 2011-2013; and

WHEREAS, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's Appraiser, Appraisal Systems, Inc., and has conducted exhaustive negotiations with counsel for the taxpayers; and

WHEREAS, the parties have been able to arrive upon a proposed settlement agreement whereby the taxpayers would agree to withdraw their appeal for the year 2011, and there would be a revised assessment for the years 2012-2013 at \$907,000, with the Freeze Act to apply at that assessment for the year 2014; and

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

WHEREAS, the Borough's real estate appraiser and the Borough's Tax Assessor, Marie Merolla are in agreement with the terms of this settlement and believe that it would be in the best interests 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 Rose v. Ho-Ho-Kus Tax Appeal pending in the Tax Court of New Jersey for the tax years 2011-2013 and including the Freeze Act assessment set forth above under Docket Nos. 011223-2011, 004499-2012 and 001382-2013; 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 2012-2013 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 Chief Financial Officer, Borough Tax Assessor, Borough Tax Collector and the Municipal Attorney.

c. # 14-33 36 Clearwater Drive

WHEREAS, John Buffa and Gina Buffa are owners of real estate known as Lot 13 in Block 1207 and better known as 36 Clearwater Drive, Ho-Ho-Kus, New Jersey; and

WHEREAS, the owners have filed tax appeals challenging the tax assessments for the years 2011-2013; and

WHEREAS, Lot 13 in Block 1207 was assessed for the tax years 2011-2013 in the total amount of \$1,631,000; and

WHEREAS, the taxpayers are seeking a reduction in the total assessment for the aforesaid years; and

WHEREAS, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's appraiser, Appraisal Systems, Inc., and has conducted exhaustive negotiations with counsel for the taxpayers; and

WHEREAS, the parties have been able to arrive upon a proposed settlement agreement whereby the taxpayer would agree to withdraw its 2011 and 2012 appeals; there would be a revised assessment of \$1,525,000 for 2013 and the Freeze Act would apply for 2014; 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 its real estate appraisal consultant 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;

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 Buffa v. Ho-Ho-Kus tax appeal pending in the Tax Court of New Jersey for the tax years 2011, 2012 and 2013 under Docket Nos.: 018387-2011, 007322-2012 and 001550-2013 at the new assessments set forth above including the Freeze Act for 2014; and

BE IT FURTHER RESOLVED, 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 2013 appeal and any pro rata refund due for 2014 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 Chief Financial Officer, Borough Tax Assessor, Borough Tax Collector and the Municipal Attorney.

d. # 14-34 15 Boiling Springs

WHEREAS, Richard and Carol Stefanacci are owners of real estate known as Lot 20 in Block 403 and better known as 15 Boiling Springs Road, Ho-Ho-Kus, New Jersey; and

WHEREAS, the owners have filed tax appeals challenging the tax assessments for the years 2011-2013; and

WHEREAS, Lot 20 in Block 403 was assessed for the tax years 2011-2013 in the total

amount of \$2,004,100; and

WHEREAS, the taxpayers are seeking a reduction in the total assessment for the aforesaid years; and

WHEREAS, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's appraiser, Appraisal Systems, Inc., and has conducted exhaustive negotiations with counsel for the taxpayers; and

WHEREAS, the parties have been able to arrive upon a proposed settlement agreement whereby the taxpayer would agree to withdraw its 2011 and 2012 appeals; there would be a revised assessment of \$1,825,000 for 2013 and the Freeze Act would apply for 2014; 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 its real estate appraisal consultant 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;

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 Stefanacci v. Ho-Ho-Kus tax appeal pending in the Tax Court of New Jersey for the tax years 2011, 2012 and 2013 under Docket Nos.: 012680-2011, 007323-2012 and 001546-2013 at the new assessments set forth above including the Freeze Act for 2014; and

BE IT FURTHER RESOLVED, 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 2013 appeal and any pro rata refund due for 2014 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 Chief Financial Officer, Borough Tax Assessor, Borough Tax Collector and the Municipal Attorney.

- e. # 14-35 54 Jacqueline Ave
- f. # 14-36 203 Wearimus Road
- g. # 14-37 5 Bridle Way
- h. # 14-38 300 Mill Road

3. # 14-39 Appt. Planner Burgiss Associates

WHEREAS, the Borough of Ho-Ho-Kus requires the services of a General Planner for the year 2014; and

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

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

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

WHEREAS, Burgis Associates, Inc., is available and duly qualified to perform such services; and

WHEREAS, this contract is being awarded as a fair and open contract pursuant to the provisions of applicable law as the Borough published a request for qualifications, Burgis Associates, Inc., supplied a response to the request for qualifications and the Borough reviewed and approved such response; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that Burgis Associates, Inc., is hereby appointed to act as General Planning Consultant for the Calendar year 2014; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are authorized and directed to execute a contract with said professional and to take other steps necessary to carry this resolution into effect; and

BE IT FURTHER RESOLVED, that the compensation to be paid for the professional named herein shall not exceed the budget appropriation for said services unless properly ordained in accordance with law; and

BE IT FURTHER RESOLVED, that a copy of this resolution be filed with the Borough Clerk and made available for inspection and that a brief notice of the passage thereof be published in the legal newspaper of the Borough within ten (10) days of passage as required by law.

4. # 14-40 Appt. COAH Planner and Appraisal Systems

WHEREAS, the Borough of Ho-Ho-Kus requires the services of a COAH Planner, as well as a Tax Appeal Appraisal Consultant for the year 2014; and

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

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

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

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

WHEREAS, the above named professionals have completed, submitted and filed the Business Entities Certification Disclosure, Stockholder Disclosure and other relevant Pay to Play forms which certify that the above named persons and/or entities have not made any reportable contributions to any political or candidate committee listed therein within the previous one (1) year and that the contract will prohibit the above named professionals/business entities from making any reportable contributions through the term of the contract;

WHEREAS, that these contracts are being awarded as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that Mary Beth Lonergan of Clarke Caton & Hintz (COAH Planner) and Appraisal Systems, Inc. (Tax Appeal Appraisal Consultant) are hereby appointed to service such positions for the calendar year 2014; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are authorized and directed to execute contracts with each of said professionals and to take all other steps necessary to carry this resolution into effect; and

5. # 14-41 Approve Bank of America Minor Site Plan

WHEREAS, Bank of America (BOA) applied to the Ho-Ho-Kus Planning Board for a Minor Site Plan Waiver for property located at Orvil Court/Sycamore Avenue, Block 1008, Lot 4; and

WHEREAS, the purpose of the proposal was to enable BOA. to comply with requirements of the American Disabilities Act (ADA), by reconstructing the sidewalk to a barrier free ramp with handrails, as indicated on a certain plan entitled "Bank of America, Minor Site Plan" prepared by Stonefield Engineering and Design, LLC, last revised April 25, 2013; and

WHEREAS, the Borough Engineer issued an opinion letter to the Planning Board dated October 3, 2013 that the proposed modifications were minimal and should not be considered an amendment to the property's approved Site Plan; and

WHEREAS, at a meeting held on November 21, 2013 the Planning Board found that the proposal was reasonable, appropriate and served the purposes for which it was designed subject, however, to approval by the Mayor and Council; and

WHEREAS, the aforesaid barrier free ramp is to be located in the right of way of Orvil Court; and

WHEREAS, the Mayor and Council has reviewed the proposal at its meeting of December 17, 2013 and voted to approve BOA's proposal subject to preparation of this resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-

Ho-Kus, that it does hereby authorize and approve the proposed improvement of BOA and the ramp to be located in the right of way of Orvil Court; and

BE IT FURTHER RESOLVED that said approval is subject to the following conditions:

1. Compliance with all requirements of the Uniform Construction Code; and
2. Execution by BOA of a hold harmless and indemnification agreement in favor of the Borough to be prepared by the Borough Attorney.

6. # 14-42 Transfer of Funds

	FROM:	TO:
Bldg & Grounds (O.E.)	1,500	
Roads (O.E.)		1,500
Totals	<u>1,500</u>	<u>1,500</u>

7. # 14-43 Liquor License Transfer

WHEREAS, application has been made by Drinks of Ho-Ho-Kus, LLC (Applicant) for a person to person transfer of liquor license 0228-44-003-005, which license is currently held by JT Spirits, Inc.; and

WHEREAS, the applicant has filed the necessary forms and has paid the required fees; and

WHEREAS, the applicant has properly advertised in accordance with Law; and

WHEREAS, no complaints or objections have been filed with the Borough Clerk against said applicant; and

WHEREAS, the Ho-Ho-Kus Police Department has not received any complaints of violations of Alcoholic Beverage Control Regulations by the existing licensee or the applicant; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that a place to place transfer of liquor license 0228-44-003-005 is hereby authorized and approved from JT Spirits, Inc., to Drinks of Ho-Ho-Kus, LLC.

8. # 14-44 Raffle ST. Luke's Church

BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus, Bergen County, New Jersey, that the following On Premise Raffle Application, submitted by St. Luke's Catholic Church, Identification No. 215-1-105 be and the same is hereby approved.

APPLICATION: RA 414

DATES: February 23, 2014

9. # 14-45 Appt. Jr Fireman- Colucci

WHEREAS, the Fire Department of the Borough of Ho-Ho-Kus, through its Chief, has recommended to the Mayor and Council the appointment of Nicholas Colucci 50 Moore Avenue Waldwick New Jersey; and

WHEREAS, Mr. Colucci 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 Nicholas Colucci is recommended to the New Jersey State Fireman's Association for membership.

10. # 14-46 Interlocal Service 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 that the Borough enter into an inter-local government services agreement with the Borough of Ho-Ho-Kus for the purposes of providing the services of the Health Officer for a term commencing on January 01, 2014 and expiring on December 31, 2014 for the sum of \$ 6250.00 to be paid by the Borough of Ho-Ho-Kus to the Borough of Fair Lawn;

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

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

11. # 14-47 Appt. Planning Board Edmund Ianelli

BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the following Appointment made by Mayor Randall be confirmed:

Appoint as Alternate I

**Edmund Ianelli I
506 Braeburn Road
Ho-Ho-Kus NJ, 07423**

for the term ending 12/31/2013

12. # 14-48 Appt. Solid Waste Committee

BE IT RESOLVED by the Mayor of the Borough of Ho-Ho-Kus that the following Solid Waste Committee appointments be confirmed:

1. Councilmember Kimberly Weiss
2. Councilmember Steven Shell
3. Councilmember Philip Rorty

for the term ending 12/31/2014

13. # 14-49 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,483,906.37.

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 **\$2,483,906.37** be approved and ratified respectively

Councilmember Troast approved the adoption of the Resolutions, seconded by Councilmember Rorty.

All Ayes

XIII. OLD BUSINESS

A. Liaison Reports:

1. Recreation
2. Board of Education

BOE Superintendent commented that they are thankful to the DPW with the shoveling of the snow. Still concerned about the commuter parking on Lloyd road. Police Chief said that they have been working on remedying the situation.

3. Other

- B. Shade Tree
- C. Chamber of Commerce

XIV NEW BUSINESS

Mayor Randall commented that borough is working on improving the website, working on having direct communication with Residents and Borough Hall, looking to have payments online and having paperless meetings.

XV. MAYOR'S REMARKS

Mayor Randall commended the Police Department on a job well done on a robbery. Police Chief John Wanamaker stated that Sgt. Grego apprehended the burglar. The Chief commented that whenever there is a robbery or any type of arrest, the department cannot post anything on any social network nor can a reverse 9 11 message be sent out to the residents for legal reasons.

XVI. 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 exists for 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 Contract Negotiation and Litigation.

Be it further resolved that the results of the Closed Session will be available to the Public in the minutes regarding same at the conclusion of the matter.

XVII. ADJOURNMENT

With no further discussion 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 9:30 PM.

Respectfully Submitted,

Laura Borchers, RMC/CMR
Borough Clerk.