

The Sine Die Meeting of the Municipal Council of the Borough of Ho-Ho-Kus was held in the Municipal Building at 333 Warren Avenue, Ho-Ho-Kus, NJ on January 7, 2019. The meeting was called to order at 7:00 p.m. by Mayor Randall asked the Municipal Clerk to read the open public meeting statement:

The Sine Die Meeting of the Mayor and Council of the Borough of Ho-Ho-Kus is now in session in accordance with the provisions of Section 5 of the “Open Public Meetings Act”, adequate notice of this meeting has been posted in the front lobby entrance to the Borough Hall and Council Chambers, a copy has been filed with the Borough Clerk, and copies of the Annual Notice of Meetings, of which this is a part, have been heretofore sent to the Record and the Ridgewood News.

**ROLL CALL**

Mayor..... Thomas W. Randall  
Council President..... Douglas Troast  
Councilman..... Steven Shell  
Councilman..... Edward Iannelli  
Councilman..... Kevin Crossley

**ABSENT:**

Councilman..... Philip Rorty  
Councilman..... Tom Fiato

Also in attendance David Bole., Borough Attorney; William Jones, Borough Administrator; Joan Herve, Borough Clerk.

**FLAG SALUTE:**

Mayor Randall led those present in the salute to the American Flag.

**APPROVAL OF MINUTES**

A motion was offered by Councilman Shell and seconded by Councilman Iannelli to approve the Minutes of the December 18, 2018 Combined Work/Regular Session Meeting and December 18, 2018 Closed Session. Motion carried on a roll call vote – all present voting “Ayes, with the exception of Councilman Crossley who abstained.

**DEPARTMENT REPORTS**

Department reports are on file in the Municipal Clerk’s office  
Police Report – December 2018

**PUBLIC DISCUSSION**

Mayor opened the meeting to the public. He stated if anyone desired to be heard, please raise your hand and to be recognized, come forward to the microphone and state your name and address for the record.

Seeing none, the Mayor closed the meeting to the public

**CORRESPONDENCE**

- Northwest Bergen County – Special Meeting Notice
- Bureau of homeowner protection – Senior Citizens & Disabled Protection Tenant Income Figures
- NJDEP Public Workshop – January 9, 2019

- NJDEP Newsletter

### **ADMINISTRATOR REPORT**

Administrator Jones thanked the PBA and the DPW Work Association for settling their contract. It is a (4) year contract staying within the 2% salary cap and eliminating the sick-time payouts upon retirement. Mayor responded thanking the Administrator for his hard work during this process.

### **UNFINISHED BUSINESS:**

#### **Adoption Of Ordinances**

##### **Ordinance #2018-16**

##### **ORDINANCE TO AMEND CHAPTER 8 OF THE BOROUGH CODE ENTITLED "BOARD OF HEALTH"**

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

#### Section I.

That Section 8-2 **Members; Terms; Vacancies** is hereby amended as follows:

The Board of Health shall consist of five (5) members and shall be appointed by the Mayor and confirmed by the Council to serve for three year terms. The terms of not more than three members shall expire in any one year, except in the case of vacancies, which shall be filled for the unexpired term only.

#### Section II. **Repealer:**

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

#### Section III. **Severability:**

If any portion of this ordinance is adjudged unconstitutional or invalid by the Court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

#### Section VI. **Effective Date:**

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

### **PUBLIC HEARING**

Mayor opened the meeting to the public. He stated if anyone desired to be heard, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing none, the Mayor closed the meeting to the public.

A motion was offered by Council President Troast and seconded by Councilman Shell to adopt Ordinance #2018-16. Motion carried on a roll call vote – All present voting “Aye”.

### **Consent Resolutions** (18-144 thru 18-147)

#### **Resolution #18-144 - Introduced by Council President Troast**

**A Resolution - Opposing the Construction of the North Bergen Liberty Generating Power Plant**  
WHEREAS, Los Angeles based Diamond Generating Corporation has requested permits to build a \$1.5B, 1200 MW natural gas fired power plant in North Bergen New Jersey on a 15 acre parcel near Railroad Avenue on the banks of Bellman Creek; and  
WHEREAS, the electric produced by this plant be transmitted via underground service to New York City's Con Edison substation on W. 49<sup>th</sup> Street in Manhattan for the exclusive use of New York residents and

businesses and to compensate for the loss of energy from the anticipated closure of the Indian Point Nuclear Plant; and

WHEREAS, numerous reputable scientific studies link exposure to emissions from these plants to various diseases and child development issues; and

WHEREAS, the reputation of the owners and operators of these plants is called into question by over \$13B in fines in the last decade. The production of the emissions from these plants not only poses a health hazard to the residents of the surrounding communities but is inconsistent with the development of clean energy which the Governing Body of the Township supports; and

WHEREAS, New York will bear all of the benefits of this power plant while ignoring its obligation to provide energy resources for the benefit of its citizens. New Jersey gains limited economic benefit which is far outweighed by the health and safety risks posed to the citizens of the Borough of Ho-Ho-Kus.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that in the interest of protecting its residents, businesses and institutions it strongly opposes construction of the North Bergen Liberty Generating Power Plant; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby directed to forward copies of this resolution to:

- New Jersey Governor Phil Murphy
- Commissioner of the NJ Department of Environmental Protection – Catherine McCabe
- State Senator Joseph Lagana
- State Assemblyperson Swain and Tully
- Food 7 Water Watch, 100 Bayard Street, Suite 310, New Brunswick NJ 08901
- The Sierra Club – New Jersey Chapter, 145 W. Hanover Street, Trenton NJ 08618
- Hackensack Riverkeeper
- Hudson County Freeholders and Administration and all Hudson County Municipal Councils, Boards of Health and Environmental Commissions
- Bergen County Freeholders and Administration and all Bergen County Municipal Council, Boards of Health and Environmental Commissions
- League of Municipalities

**Resolution #18-145 - Introduced by Council President Troast**

**A Resolution - Payment of Bills List - December**

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$236,908.37; and

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 \$236,908.37 be approved and ratified respectively

**Resolution #18-146 - Introduced by Council President Troast**

**A Resolution - PBA Collective Bargaining Agreement**

WHEREAS, the Collective Bargaining Agreement ("CBA") between the Borough of Ho-Ho-Kus ("Ho-Ho-Kus") and PBA Local 353 ("PBA") expired on December 31, 2017; 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 wish to memorialize their approval of the terms and conditions of the agreed upon MOU dated December 27, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the Memorandum of Understanding as between the Borough of Ho-Ho-Kus and the PBA Local 353 for the term January 1, 2018 through December 31, 2021, 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.

**Resolution #18-147 - Introduced by Council President Troast**

**A Resolution - DPW Collective Bargaining Agreement**

WHEREAS, the Collective Bargaining Agreement ("CBA") between the Borough of Ho-Ho-Kus ("Ho-Ho-Kus") and the Ho-Ho-Kus Public Works Employees Association ("DPW") expired on December 31, 2017; and

WHEREAS, Ho-Ho-Kus and the DPW 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 DPW wish to memorialize their approval of the terms and conditions of the agreed upon MOU.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the Memorandum of Understanding as between the Borough of Ho-Ho-Kus and the Ho-Ho-Kus Public Works Employees Association for the term January 1, 2018 through December 31, 2021, 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.

A motion was offered by Council President Troast and seconded by Councilman Shell to approve Resolutions 18-144 through 18-147. Motion carried on a roll call vote – All present voting "Aye".

**ADJOURNMENT**

On a motion by Councilman Shell, seconded by Councilman Iannelli, the meeting was adjourned at 7:09 p.m. Motion Carried by voice vote – all present voting "Aye".

Respectfully submitted,

Joan Herve RMC/CMR  
Borough Clerk