

BOROUGH OF HO-HO-KUS
COMBINED PUBLIC MEETING
OF THE MAYOR AND COUNCIL
DECEMBER 20, 2016- 8:00 P.M
MINUTES

Mayor Randall called the combined meeting to order at 8:00 PM. The open meeting statement was read.

The regular meeting of the Mayor and Council of the Borough of Ho-Ho-Kus is now in session. In accord with the provisions of Section 5 of the "Open Public Meetings Act", I wish to advise that notice of this meeting has been posted in the front lobby entrance to the Council Chambers of the Borough Hall and that a copy of the schedule of this meeting has also been filed with the Borough Clerk, and further that the required 48 hour notices have been sent to The Record and the Ridgewood News - newspapers with general circulation throughout the Borough of Ho-Ho-Kus

Roll Call: Members present were: Mayor Randall, Councilmembers Troast, Shea, Rorty, Shell, Iannelli and Fiato.

Also present: Council newly elect- Kevin Crossley

Also present were borough attorney David Bole and borough administrator William Jones

Mayor Randall led all in the Pledge of Allegiance

CLOSED SESSION

WHEREAS, under the "Open Public Meetings Law", all sessions must be open to the public, and

WHEREAS, under the Public Meetings Act Law, exceptions exist for a public body to hold a Closed Session

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Ho-Ho-Kus hereby recess under Personnel, Litigation and Contract

BE IT FURTHER RESOLVED, that the results of the Closed Session will be available to the public in the minutes regarding the same at the conclusion of the matter Litigation.

APPROVAL OF MINUTES

1. November 22, 2016 Combined Session

Motioned: Councilmember Shell

Second: Councilmember Rorty

Absent: Councilmembers Troast and Iannelli

COMMITTEE REPORTS- November 2016

On File

PUBLIC DISCUSSION

Michael Cohen East Coast director of Simon Wiesenthal Center asked the governing body to join other municipalities in adopting the resolution in condemning all efforts to delegitimize the State of Israel and the global movement to boycott and sanction the people of Israel.

ADMINISTRATORS REPORT

Holiday Tree lighting ceremony held on December 2nd was a great turn out. Thank you to all emergency services and DPW for all the help. Re-organization meeting will be held January 3, 2017 at 8.00 PM. Two resolutions for adoption on the settlement of the borough's affordable housing litigation on for a vote tonight. The voice of the people will have an opportunity to be heard at a fairness hearing in Superior Court that will be held sometime in February based on action taken tonight. A question and answer special meeting will be held on January 17, 2017 at 7:30 PM to discuss the settlement agreement after all parties signed off on it, it will be made public too, since we are still under court order.

CORRESPONDENCE

1. Lease extension-Ho-Ho-Kus Inn
2. Borough of Paramus- Resolution
Condemning all Efforts to Delegitimize State of Israel

INTRODUCTION OF ORDINANCES

None

FINAL PASSAGE OF ORDINANCES

None

RESOLUTIONS

- 2016-122 Chamberlain Developers Agreement

WHEREAS, litigation is currently pending in the Superior Court of New Jersey, Bergen County, Law Division, entitled Chamberlain Developers, Inc. v. Borough of Ho-Ho-Kus and Planning Board of the Borough of Ho-Ho-Kus, Docket No. BER-L-4253-15 (the "Chamberlain Litigation") and Chamberlain Developers, Inc. v. Planning Board of the Borough of Ho-Ho-Kus, Docket No. BER-L-5271-15 (the "Automatic Approval Litigation");

WHEREAS, the parties have engaged in protracted mediation discussions which has led to a proposed Settlement;
WHEREAS, the parties have agreed to settle the foregoing litigations pursuant to the terms of a written agreement (the "Chamberlain Agreement");

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body, that it does hereby authorize and approve the Chamberlain Agreement substantially in the form currently on file subject, however, to the following:

1. That all parties to the Chamberlain Agreement consent to the terms thereof and execute same;
2. That the Mayor and Municipal Clerk are authorized to sign the Chamberlain Agreement following legal review; and
3. That the Chamberlain Agreement be submitted to the Superior Court of New Jersey for approval thereof in accordance with a Preliminary Compliance and Fairness Hearing duly noticed in accordance with law.

Motion: Councilmember Rorty

Second: Councilmember Troast.

All ayes

Councilmembers Shea and Shell recused themselves and stepped off the Dias for the approval of the resolution.

- 2016-123 Fair Share Housing Agreement

WHEREAS, the Borough of Ho-Ho-Kus instituted certain litigation now pending in the Superior Court of New Jersey, Law Division, Bergen County, entitled In the Matter of the Application of the Borough of Ho-Ho-Kus, Bergen County, Docket No. BER-L-6215-15 (the "Declaratory Judgment Litigation");

WHEREAS, the Declaratory Judgment Litigation seeks declaratory relief approving the Borough's plan to satisfy its affordable housing obligations and immunity from builder remedy lawsuits;

WHEREAS, Fair Share Housing Center ("F.S.H.C."), is a Supreme Court designated interested party in accordance with In Re N.J.A.C., 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV);

WHEREAS, Chamberlain Developers, Inc. ("Chamberlain") and Jonathan L. Mechanic, DBA Ho-Ho-Kus Crossings are also Intervenor/Defendants in the Declaratory Judgment Litigation;

WHEREAS, the parties have agreed to resolve the Declaratory Judgment Litigation pursuant to the terms of a written Agreement (the "F.S.H.C. Agreement");

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body, that it does hereby authorize and approve the F.S.H.C. Agreement substantially in the form currently on file, subject however to the following:

1. That all parties to the F.S.H.C. Agreement consent to the terms thereof and execute same;
2. That the Mayor and Borough Clerk are hereby authorized to sign said F.S.H.C. Agreement following legal review; and

3. That the F.S.H.C. Agreement be submitted to the Superior Court of New Jersey for approval thereof at a Preliminary Compliance and Fairness Hearing duly noticed in accordance with law.

Motion: Councilmember Troast

Second: Councilmember Rorty

All ayes

Councilmembers Shea and Shell recused themselves and stepped off the Dias for the approval of the resolution.

CONSENT RESOLUTION

- 2016-115 Transfer of Funds

	FROM:	TO:
Planning Board (O.E)	\$10,000.00	
Roads (S&W)	\$12,000.00	
Tax Collection (S&W)		\$1,000.00
Planning Board (S&W)		\$ 700.00
Zoning Board (S&W)		\$ 700.00
Recycling (S&W)		\$5,000.00
Legal (O.E)		\$15,000.00
Total	<u>\$22,400.00</u>	<u>\$22,400.00</u>

- 2016-116 Health Coverage Waiver

WHEREAS, in accordance with Chapter 92, P.L. 2007 and Chapter 2, P.L. 2010, the following employees agreed to waive all health care coverage provided by the Borough of Ho Ho Kus which includes the State Health Benefits Program (SHBP-medical),

WHEREAS, Mr. Evans in accordance with the rules set forth by Chapter 92 & Chapter 2; filed the necessary applications and has submitted proof of the other health coverage,

WHEREAS, the Borough of Ho Ho Kus has accepted the terms of these individuals opting out of the Borough's Health Plan, and; also has agreed to the terms and guidelines set forth by Chapter 92 & Chapter 2,

WHEREAS, the Borough of Ho Ho Kus in place of providing Health Coverage to the following individuals the Borough will issue payment to the above employee which may not be more than 25% (twenty-five), of the amount saved by the employer because of the waiver or \$5,000, whichever is less,

NOW, THEREFORE BE IT RESOLVED, that Borough of Ho Ho Kus authorize the finance Department to go forward in calculating the 2016 payment and implement the rules set forth by Chapter 92 & Chapter 2.

FURTHERMORE, BE IT RESOLVED, the following employees receive compensation for their withdrawal:

Mr. Robert Evans \$5,000.00

- 2016-117Appt: Coordinator 911 System-Jaime Bodart

WHEREAS, the Borough of Ho-Ho-Kus is required pursuant to State law and the regulations of the State Department of Treasury to appoint a coordinator for the Borough's emergency telephone system ("9-1-1 System"); and

WHEREAS, the municipal coordinator of the 9-1-1 System is responsible for maintaining a plan for enhanced emergency services throughout the Borough and for developing such revisions to the plan as may be necessary for review by the Mayor and Council of the Borough; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough has received a written recommendation from Police Chief Christopher Minchin, requesting the appointment of Sargeant Jaime Bodart to serve as the municipal coordinator of the 9-1-1 System; and

WHEREAS, the Mayor and Council of the Borough of Ho-Ho-Kus are desirous of appointing Sargeant Jaime Bodart to serve as municipal coordinator for the 9-1-1 System in accordance with the requirements and procedures mandated under N.J.S.A. 52: 17C-1 et seq. and N.J.A.C. 17:245.1 et seq.,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus, as follows:

1. That Sgt. Bodart of the Ho-Ho-Kus Police Department is hereby appointed to serve as the municipal coordinator for the Borough's 9-1-1 System.
2. That Sgt. Bodart shall perform all such duties and carry out all of the responsibilities as set forth in the existing plan for enhanced emergency services throughout the Borough and in accordance with the requirements and procedures mandated under N.J.S.A. 52: 17C-1 et seq. and N.J.A.C. 17:24-5.1 et seq.,
3. That no further action of the Borough shall be required.

- 2016-118 Forgiveness of Solid Waste Bill- 57 Jacquelin Ave

Whereas, 57 Jacquelin Ave, in Ho-Ho-Kus is an empty lot because the residential structures have been eliminated, and

Whereas, all resident structures will be credited for 3 months and then to be reviewed for the balance

Therefore, be it resolved, that the bill in question be cancelled

- 2016-119 Interlocal Court Agreement-Allendale

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey, that it hereby authorizes the Mayor and Council and the Municipal Clerk to sign the Interlocal Court Agreement of 65%/35%.

BE IT FURTHER RESOLVED that the Borough of Ho-Ho-Kus contributes 65% of all cost and the Borough of Allendale, contribute 35% of all cost.

- 2016-120 Award- Communication Systems

WHEREAS, the Borough of Ho-Ho-Kus requires a radio/communications system;

WHEREAS, the radio/communications system is described as a Motorola Two Position MCC7500 Console, P25 Digital Infrastructure, Subscribers, FCC Licensing and Training, with a 24x7 first year service wrap starting at date of system cutover;

WHEREAS, the Contract herein is being awarded without competitive bidding pursuant to State Contract: New Jersey Contract No. 83909;

WHEREAS, the Chief Financial Officer has attached hereto a certification which certifies that adequate funds are available to award the contract;

NOW, THEREFORE BE IT RESOLVED, by the Governing Body, that it does hereby award a new contract for the purchase of the foregoing radio/communications system to Motorola Solutions, Inc., c/o Regional Communications, Inc. 64 East Midland Avenue, Paramus, New Jersey 07652. The contract price is \$905,233.64;

BE IT FURTHER RESOLVED, that the Mayor and the Municipal Clerk are authorized to execute an agreement following legal review.

- 2016-121 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,679,970.19

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 \$2,679,970.19 be approved and ratified respectively

Motioned: Councilmember Troast

Second: Councilmember Iannelli

All ayes

OLD BUSINESS

A. Liaison Reports:

1. Recreation

None

2. Board of Education

None

3. Other

B. Shade Tree

None

C. Chamber of Commerce

None

NEW BUSINESS

Councilmember Shell thanked the DPW for job well done with the leaf removal this season.

MAYOR'S REMARKS

Best wishes to councilmember Shea for all his years of service, companionship and volunteerism on the Council.

CLOSED SESSION

None

ADJOURNMENT

With no further discussion to come before the Council Mayor Randall adjourned the meeting at 9:45 PM.

Moved: Councilmember Troast

Second: Councilmember Rorty

Respectfully submitted,

Laura Borchers, RMC/CMR

Borough Clerk