

**BOROUGH OF HO-HO-KUS
PUBLIC MEETING
OF THE MAYOR AND COUNCIL
FEBRUARY 28, 2017- 7:30 P.M
MINUTES**

Council President Troast called the regular meeting to order at 7:30 PM. The open meeting statement was read. The combined 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: Councilmembers, Rorty, Iannelli, Fiato and Crossley. Also present were borough administrator William Jones and borough attorney David Bole.

Mayor Randall was present at 7:50PM

Council President Troast led all in the Pledge of Allegiance

APPROVAL OF MINUTES

January 24, 2017 Public Session
Motion: Councilmember Crossley
Second: Councilmember Iannelli
Absent: Councilmembers Troast and Shell

COMMITTEE REPORTS- January 2017

On File

PUBLIC DISCUSSION

Mark Seiber, 618 North Franklin Turnpike questioned the governing body about election process.

ADMINISTRATORS REPORT

Fairness hearing before Judge Meehan on March 30th 2017 at 1:30PM to settle all the builders remedy lawsuit with Chamberlain Associates and Fair Share Housing Center. Had meeting with budget committee. Will review in March work session for introduction and adopt at April meeting. Going out to bid for Brandywine drainage, once that is done will have a general meeting with residents. DEP has approved project.

CORRESPONDENCE

- Louis Napolitano- Train Station Concession
- Ho-Ho-Kus Garden Club-Permission to use Village Green for Plant Sale
Motion: Councilmember Rorty
Second: Councilmember Shell
- Bill Grae-Geocaching Approval on Borough Property
- MEL/JIF- Support A-4234

INTRODUCTION OF ORDINANCES

2017-02 Amend Animal License Penalty

AN ORDINANCE TO AMEND CHAPTER 18 OF THE CODE ENTITLED "DOGS" IS HEREBY AMENDED AS FOLLOWS:

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey that Chapter 18 of the Code is amended to read as follows:

Section 18-9. Violations and Penalties

A . Any owner of a dog within the Borough of Ho-Ho-Kus who shall fail to take out a license as directed herein or who shall violate any of the provisions of this chapter not related to vicious or potentially dangerous dogs shall be subject to a penalty not to exceed \$50 for each offense, to be imposed by the Judge before whom any violator of this chapter is convicted.

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.

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.

Effective Date

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

Motion: Councilmember Crossley

Second: Councilmember Rorty

All Ayes

2017-03 Amend Landscaper Registration Fee.

AN ORDINANCE TO AMEND CHAPTER 32 OF THE CODE ENTITLED "LANDSCAPER REGISTRATION REQUIREMENTS"

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

32-1. No Change.

32-2. No Change.

32-3. Applications for registration; registration fee; suspension or revocation of registration; disclaimer.

- (a) Every registration shall be issued and renewed on an annual basis, effective February 1 of each year, upon payment of an annual fee to the Borough in the amount of Fifty (50) dollars. An exempt landscape contractor shall not be required to pay a fee.
- (b) Landscape contractors for hire shall have thirty (30) days from the effective date hereof to register, which registration shall be effective until February 1 of the year following adoption. Exempt landscape

contractors shall file their Home Improvement Registration within thirty (30) days of the effective date hereof which shall remain valid until February 1 of the year following adoption.

- (c) The Borough Council may, upon recommendation of the Borough Engineer or Borough Superintendent of Public Works, or designee of one or both, after notice and an opportunity for a hearing, suspend or revoke any registration for violation of law or related Borough ordinances, or for good cause, which is shown to be prejudicial to the public health, safety or welfare. When the Borough Engineer or Borough Superintendent of Public Works, or designee of one or both, has reasonable cause or belief that an emergency affecting the public health, safety or welfare so requires, said official may temporarily suspend any registration for a period not to exceed one week or until the Borough Council can be convened to consider said suspension.
- (d) The Borough makes no guarantee or representation regarding the fitness, knowledge or qualification of any person that is registered by the Borough to engage in landscaping for hire.

32-4. No Change.

32-5. No Change

32-6. 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.

32-7. Effective Date

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

Motion: Councilmember Crossley

Second: Councilmember Rorty

All ayes

FINAL PASSAGE OF ORDINANCES

2017-01 Amend Parking Fee.

AN ORDINANCE TO AMEND CHAPTER 79 OF THE CODE ENTITLED "VEHICLES AND TRAFFIC"

Section 79-19 of the Code Fees, is amended as follows:

Section I- No Change

Section II- No Change

Section III. Commuters

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 \$6 for 14 hours.(amended 3-25-1980 by Ord. No 546; 11-27-1990 by Ord No. 671; 5-28-1996 by Ord No. 761; 11-28-2006 by Ord. No. 920)

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.

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.

Effective Date

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

Motion: Councilmember Rorty

Second: Councilmember Iannelli

All Ayes

RESOLUTIONS

None

CONSENT RESOLUTION

2017-35 Appt. Alternate Prosecutor- Matthew Miller

WHEREAS, the Borough of Ho-Ho-Kus requires the services of an Alternate Public Defender; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that Matthew Miller Esq is hereby appointed as Alternate Public Defender effective January 01, 2017 until December 31, 2017;

BE IT FURTHER RESOLVED, that said Alternate Public Defender shall be compensated at the rate of \$200 per case on an as-needed basis;

BE IT FURTHER RESOLVED, that the aforesaid appointment is made without competitive bidding under the provisions of N.J.S.A. 40A:11-5(1)(a) which exempts from competitive bidding professional services rendered by persons authorized by law to practice a recognized profession and whose practice is regulated by law; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute a contract with the aforesaid professional named herein for the services to be rendered; and

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

2017-36 Appt. Acting Municipal Court Administrator- Maria T. Doerr

WHEREAS, pursuant to N.J.S.A. 2B:12-10, the Borough of Ho-Ho-Kus is required to provide for a Municipal Court Administrator; and

WHEREAS, Rosemarie Novelli-Salyer, CMCA has been permanently appointed as Municipal Court Administrator of the Ho-Ho-Kus Municipal Court; and

NOW THEREFORE BE IT RESOLVED, Maria T. Doerr, CMCA is appointed as Acting Municipal Court Administrator on a provisional basis to undertake the duties of the absent Municipal Court Administrator and/or Deputy Municipal Court Administrator, during scheduled and/or unscheduled leaves, at a rate of \$20.00 per hour.

2017-37 Forgiveness of Solid Waste Bill

Whereas, 57 Jacquelin Ave, and 20 Hollywood Place are empty lots in Ho-Ho-Kus, 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

2017-38 Tax Appeal- 56 Jacquelin Ave

WHEREAS, Vincent D. and Anita S. McCarthy are owners of real estate known as Block 403, Lot 3.02, known as 56 Jacqueline Avenue, Ho-Ho-Kus, New Jersey; and
WHEREAS, the owners have filed a tax appeal challenging the 2016 tax assessment; and
WHEREAS, Block 403, Lot 3.02 was assessed for the tax years 2016 in the total amount of \$1,528,400; and
WHEREAS, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's Tax Assessor 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: (a) revised assessment of \$1,500,000 for 2016; and (b) \$1,425,000 for 2017-2018, on the condition that there are no physical changes to the property; and
WHEREAS, the parties have agreed that the pre-judgment interest shall be waived as a condition of the settlement; and
WHEREAS, the Borough's Tax Assessor is in agreement with the terms of the settlement and believes 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 McCarthy v. Ho-Ho-Kus tax appeal, pending in the Tax Court of New Jersey, under Docket No. 004157-2016 and for 2017 and 2018 at the new assessment set forth above; and
BE IT FURTHER RESOLVED, upon receipt of the Tax Court Judgment, the Tax Collector is authorized to calculate the amount of the refund and cause same to be paid to the taxpayers without statutory interest for the 2016 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 taxpayers; and
BE IT FURTHER RESOLVED, that, copies of this Resolution are to be provided to the Municipal Clerk, Borough Tax Assessor, Borough Tax Collector and the Municipal Attorney.

2017-39 Bid Advertisement Train Station Concession

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 newspapers of the Borough in accordance with law.

2017-40 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,488,168.88
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 \$2,488,168.88 be approved and ratified respectively

Motion: Councilmember Troast

Second. Councilmember Rorty

All ayes

OLD BUSINESS

A. Liaison Reports:

1. Recreation

Cn. Iannelli–Baseball registration is on the way, there will be an opening day parade to kick off the season.

2. Board of Education

No report

3. Other

a. Ambulance Corps.

Cn. Crossley attended the HHKVAC meetings, and reported that the Corps has 17 members, more female than male members. They are in need of volunteers, since there will be a few retirees. With members being mainly females, issues with lifting stretchers with a patient on it comes into play. Councilmember Crossley discussed the Stryker Lift Loader System stretcher, which will make it easier for lifting and makes for less back injuries. The HHKVAC decided to purchase the stretcher and finance it over three (3) years and hopes that donations will defray the cost.

Cn. Crossley discussed the new Twiage application system that was implemented to make it easier for communications with the hospitals.

b. Library

Councilmember Fiato reported that library discussed their desire to move the library to a new more accessible location. Gretchen Kaiser, librarian is doing an awesome good job.

B. Shade Tree

C. Chamber of Commerce

Councilmember Shell: Ho–Ho–Kus Chamber of Commerce preparing for Taste of Ho–Ho–Kus scheduled for Wednesday June 7 2017.

NEW BUSINESS

Chief Minchin stated that all is quiet with the Police department, and the department will be accredited within the next two years.

MAYOR'S REMARKS

None

CLOSED SESSION

None

ADJOURNMENT

With no further business to come before the Council, Mayor Randall adjourned the meeting at 8:10 PM.

Motion: Councilmember Crossley

Second: Councilmember Rorty

Respectfully submitted,

Laura Borchers, RMC/CMR

Borough Clerk.

