

BOROUGH OF HO-HO-KUS

MAYOR AND COUNCIL PUBLIC MEETING

JULY 22, 2014- 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. Mayor Randall asked for a brief moment of Silence for Officer Christopher Goodell.

Roll Call:

Mayor Randall	Present
Councilmember Troast	Present
Councilmember Lennon	Present
Councilmember Shea	Absent
Councilmember Rorty	Present
Councilmember Weiss	Present
Councilmember Shell	Absent

Also present: Borough Attorney David B. Bole

Absent: Borough Administrator Donald G. Cirulli

II. PLEDGE OF ALLEGIANCE

Mayor Randall led all in the Pledge of Allegiance

III. APPROVAL OF MINUTES

1. June 17, 2014 Public Meeting
2. June 17, 2014 Closed Session

IV. COMMITTEE REPORTS

A. FINANCE

Finance Officer's Report – June 2014

B. PUBLIC SAFETY

1. Police Report – June 2014
2. Court Report – June 2014

C. PUBLIC WORKS & PROPERTIES

1. Supt. of Public Works – June 2014
2. Construction Office Report – June 2014

D. WATER

1. Water Supt. Report – June 2014
2. Water Registrar's Report- June 2014

E. FIRE

1. Fire Dept. Report – June 2014
2. Fire Prevention Bureau – June 2014

F. COMMUNITY RELATIONS

1. Library – June 2014
2. Ambulance Report – June 2014

V. PUBLIC DISCUSSION

Eric Butzel 25 Sargent Road came before Council to discuss an issue with the Development fees that was added to their construction. Mr. Butzel stated that Construction official is holding back on issuing a CCO until the all fees were paid. Mr. Butzel stated that at the start of their construction they were not informed of the COAH fees that needed to be paid with all constructions. They were not told about it until after they broke ground. Mayor Randall spoke with Mark Berninger Construction Official and was told that the Borough is not in the position to make any decision at the moment. Mr. Butzel asked if Borough Administrator Donald Cirulli made that final decision. Mayor Randall commented that it was not his decision to make and that the fees are State mandated. Once all the information was received from the Construction official the Mayor and Council would make that decision.

Stanley Kober 919 Washington Avenue asked the Mayor and Council if any decision was made about the recording system that is in place. Mayor Randall stated that he discussed the issue with our technical personality and was told that it was the state of the art system. Mayor Randall also commented that at times the system is affected by proximity of certain devices with the recording system.

VI. A. CORRESPONDENCE

1. Go4Goal re: Permission to hang signs for Richard's Run HHK 5K
Councilmember Troast approved the request, seconded by Councilmember Rorty
All Ayes
Absent: Councilmembers Shea and Shell

B. Ordinances and Resolutions Other Towns.

None

C. Bergen County.

None

D. League of Municipalities.

1. Hurricane Season Has Begun. Are Your Residents Ready?
2. Weekly Summer Legislative Updates
3. Weather Warning and Preparedness Reminder
4. Woodbridge Township will host the New Jersey Senior Olympic Games
5. State Budget Poised for Approval & Status of Other Legislation

E. State of New Jersey.

None

VII. INTRODUCTION OF ORDINANCES

1. Ordinance # 1021 Bond Ordinance

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF HO-HO-KUS, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,770,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of Ho-Ho-Kus, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment, new information technology equipment and a new automotive vehicle, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking the resurfacing of various roads in the Borough (and the reconstruction of curbs, where necessary) as the 2013 Road Resurfacing Program, as set forth on a list on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 275,000
Down Payment Appropriated	\$ 13,100
Bonds and Notes Authorized	\$ 261,900
Period of Usefulness	10 years

B. (i) Acquisition of new additional or replacement equipment and machinery for the use of the Department of Public Works ("DPW") consisting of a street sweeper, (ii) replacement of gas pumps at the DPW Yard and (iii) replacement of parking machines at the Train Station.

Appropriation and Estimated Cost	\$ 230,000
Down Payment Appropriated	\$ 11,000
Bonds and Notes Authorized	\$ 219,000
Period of Usefulness	15 years

C. Acquisition of new communication and signal systems equipment, new information technology equipment and a new automotive vehicle, including original apparatus and equipment, for the use of the Police Department, consisting of (i) portable radios, (ii) electronic ticketing machines for police cars and (iii) an SUV.

Appropriation and Estimated Cost	\$ 90,000
Down Payment Appropriated	\$ 7,900
Bonds and Notes Authorized	\$ 82,100
Period of Usefulness	5 years

D. (i) Installation of generators at sanitary sewer stations and (ii) replacement of the East Gate Sanitary Sewer Lift Station.

Appropriation and Estimated Cost	\$1,100,000
Down Payment Appropriated	\$ 52,400
Bonds and Notes Authorized	\$1,047,600
Period of Usefulness	15 years

E. Undertaking of various improvements to the Fire House, including the installation of lights and the replacement of the generator and boiler. It is hereby determined and stated that such public building being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 75,000
Down Payment Appropriated	\$ 3,600
Bonds and Notes Authorized	\$ 71,400
Period of Usefulness	15 years

Aggregate Appropriation and Estimated Cost	\$1,770,000
Aggregate Down Payment Appropriated	\$ 88,000

Aggregate Amount of Bonds and Notes Authorized	\$1,682,000
--	-------------

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$125,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$88,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$88,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$1,682,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,682,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time

pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 13.73 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,682,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any private contributions, any funds received from the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage. Councilmember Rorty moved the Ordinance, seconded by Councilmember Lennon

All Ayes

Absent: Cn. Shea and Shell

2. Ordinance # 1022 Bond Ordinance

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS WATER SYSTEM IMPROVEMENTS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF HO-HO-KUS, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$275,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of Ho-Ho-Kus, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to undertake the following water system improvements in, by and for the Water Utility of the Borough: (A) replacement of water meters at various locations; (B) installation of a calcium hypochlorite system at Well Nos. 1 and 4; (C) replacement of valves and fire hydrants at various locations; and (D) various improvements to well houses. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$275,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$275,000, and (4) \$13,150 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes hereinafter authorized necessary to be issued for said purpose is \$261,850, and (6) the cost of such purpose includes the aggregate amount of \$10,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$13,150, appropriated for down payments on capital improvements or for the capital improvement fund in Water Utility budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$13,150 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$261,850 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$261,850 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$261,850 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage. Councilmember Lennon moved the Ordinance, seconded by Councilmember Weiss

All Ayes:

Absent: Cn. Shea and Shell.

3. Ordinance # 1030 Amend Chapter 80-Volunteer Incentive Program

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 80-3 is amended as follows: **80-3 Annual stipend**

The annual stipend for each eligible member shall be up to \$1,650 per year. **SECTION 80-4** is amended as follows:

80-4 Estimated cost.

The estimated annual cost of the program has been calculated as follows: not to exceed \$1,650 per year for eligible members of the Volunteer Fire Department and Volunteer Ambulance Corps., Inc.

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.

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.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as required by law.
Councilmember Lennon moved the ordinance, seconded by Councilmember Weiss
All Ayes
Absent: Cn. Shea and Shell

VIII. FINAL PASSAGE OF ORDINANCES _____

None

IX. RESOLUTIONS

None

X. CONSENT RESOLUTION

1. # 14-94 Collective Bargaining Agreement- PBA

**Resolution Approving the Memorandum of Understanding
between the Borough of Ho-Ho-Kus and PBA Local 353**

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, 2013; 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 June 17, 2014.

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, 2014 through December 31, 2017, 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.

2. # 14-95 350th Anniversary of the State of New Jersey

Whereas, on June 24, 1664, James, Duke of York, brother to King Charles II of England, did grant the mainland lying west of Long Island and Manhattan Island, extending to the Delaware River and Bay, to John Berkeley, Baron of Stratton, and to Admiral Sir George Carteret, forming the colony named *Nova Caesarea* or New Jersey, to honor Carteret's defense of the Isle of Jersey in the English Channel on behalf of the Royal Family during the English Civil War; and

Whereas, Director-General Peter Stuyvesant did surrender the Dutch colony of New Netherlands, including what is now Bergen County, in August 1664 to English forces sent to seize it; and

Whereas, New Jersey has since played a pivotal role in American history, progressing in times of war and peace from the most culturally diverse colony to the most densely populated state in three and a half centuries; and

Whereas, the **Bergen 350 Committee** of the *Bergen County Historical Society* shall honor New Jersey's 350th anniversary with a gala reception and dinner on October 15th at The Venetian in Garfield, featuring the inaugural "Bergen County Legends Awards" to recognize outstanding individuals whose celebrity or achievements make them legendary in our county's history; and

Whereas, this gala reception and dinner will benefit the building of a Bergen County Hall of History on the Revolutionary War battleground at Historic New Bridge Landing to thereby preserve an important collection of artifacts and documents redolent of our county's proud place in the history of the State of New Jersey and these United States of America for the benefit of present and future generations;

Now, Therefore be it resolved that the Mayor and Council of the Borough of Ho-Ho-Kus hereby designate Wednesday, October 15, 2014, for celebration and Commemoration of the 350th anniversary of the founding and naming of the State of New Jersey, and that all citizens are urged and invited to join in special remembrance of our American heritage as part of the Bergen 350 festivities.

3. # 14-96 Waterway Cleaning Restrictions

Whereas, sediment, debris, garbage, brush and trees that accumulate in our waterways contribute to serious flooding that causes property damage and threatens personal safety; and

Whereas, restrictions on stream cleaning, de-silting and de-snagging projects by counties or municipalities are currently onerous and restrictive; and

Whereas, State Assembly Bill A900 will allow municipalities and counties to properly, quickly and economically clean, de-silt and de-snag streams to help prevent flooding and dangerous conditions.

Now, Therefore Be It Resolved that the Mayor and Council of the Borough of Ho-Ho-Kus hereby support A900 and urge quick action be taken on it to help relieve the flooding issues that occur throughout New Jersey; and

Be It Further Resolved that copies of this resolution be forwarded to the Assembly Environment and Solid Waste Committee; to Assemblyman Robert Auth; to Assemblywoman Holly Schepisi; to the New Jersey State League of Municipalities; and to all Bergen County municipalities.

4. # 14-97 St. Luke's Church- Amendment to Raffle 416

WHEREAS, St. Luke's Church Raffle License # 416 was passed and approved by the Mayor and Council on May 27th 2014, and **WHEREAS**, an amended application was submitted with a change of date, and

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

APPLICATION: RA 416

DATES: September 7, 2014

5. # 14-98 St. Luke's Church- Off-Premise Raffle

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

APPLICATION: RA 417

DATES: September 7, 2014

6. # 14-99 Oppose County Consolidation of Tax Assessor Services

WHEREAS, Senate bill S-1801 and Assembly bills A-2621 and A-2495, if signed into law, would abolish the office of the tax assessor thereby shifting all tax assessment responsibilities to the County; and

WHEREAS, legislation was passed and signed into law authorizing a countywide pilot assessor program in Gloucester County and an enhanced local assessor pilot program in Monmouth County to study, over several years, the cost/benefit of these new tax assessment systems; and

WHEREAS, the cost of these new systems has not been presented to the Mayor and Council of the Borough of Ho-Ho-Kus proving it to be cost effective and a way to provide overall property tax relief to the taxpayers of Ho-Ho-Kus; and

WHEREAS, the municipal assessor is currently charged with establishing the assessed values of all real property within the corporate boundaries, and the municipal assessor and municipal attorney are charged with the defense and settlements of assessed values through the tax appeal process; and

WHEREAS, Senate bill S-1801 and Assembly bills A-2621 and A-2495, if signed into law, removes local control of the establishment and defense of the assessed values in the tax appeal process; gives total control of assessments and settlements to County Government, while leaving the full responsibility for any refunds with the municipalities.

NOW, THEREFORE BE IT RESOLVED that the Mayor & Council of the Borough of Ho-Ho-Kus, County of Bergen, State of New Jersey, objects to and opposes the enactment of Senate Bill S-1801 and Assembly bills A-1801 and A-2495, and

BE IT FURTHER RESOLVED that the Borough Clerk forward copies of this resolution to the Bergen County Board of Chosen Freeholders (David L. Ganz, Freeholder Chairman), the twelve other NW Bergen Shared Services Group municipalities, State Senator Kevin J. O'Toole, Assemblyman Rumana, Assemblyman Russo, and the Association of Municipal Assessors of New Jersey.

7. # 14-100 Chlorinators Bid Authorization Well 1 and 4

BE IT RESOLVED that the Ho-Ho-Kus Municipal Clerk is hereby authorized and directed to publicly advertise for sealed bids for Installation Of New Calcium Hypochlorite Systems at Wells 1 & 4 , in a legal newspaper of the Borough in accordance with law.

8. # 14-101 County Co-Operative Electric Agreement

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes the County of Bergen, New Jersey to establish and act as lead agency for a Cooperative Pricing System for Electricity Generation Natural Gas Supply, and Energy Efficiency and Renewable Energy Services with voluntary participation available to all local government units (LGUs) within the Bergen County jurisdiction; and

WHEREAS, on the 22nd of July, 2014, the Governing Body of the Borough of Ho-HoKus, duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE, BE IT RESOLVED as follows:

TITLE

This **RESOLUTION** shall be known and may be cited as the Bergen Cooperative Pricing Resolution of the Borough of Ho-Ho-Kus.

AUTHORITY

Pursuant to provisions of N.J.S.A. 40A:11-11(5), the Borough, Mayor and Borough Clerk are hereby authorized to enter into and sign a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey pursuant to the cooperative procurement of electricity generation and/or natural gas supply services for participating member communities.

EFFECTIVE DATE

This Resolution shall take effect immediately upon passage and remain in effect for a period of five (5) years.

However, participating members may opt out of the BCPS at the end of any third party supply contract entered

into by the lead agency.

9. # 14-102 Tax Appeal- Hollywood Ave

WHEREAS, Carlos L. Russo and Maria A. Russo are the owners of real estate known as Lot 31, Block 601, and better known as 125 Hollywood Avenue, Ho-Ho-Kus, New Jersey; and

WHEREAS, the owners have filed Tax Appeals challenging the 2011 tax assessment; and

WHEREAS, Lot 31 in Block 601 was assessed for the tax year 2011 in the total amount of \$912,700; and

WHEREAS, the Taxpayers are seeking a reduction in the total assessment for 2011; 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 Taxpayer; and

WHEREAS, the parties have been able to arrive upon a proposed settlement agreement whereby the 2011 assessment would be reduced to \$875,000; Taxpayer would waive the Freeze Act for the years 2012, 2013 and 2014 so that the original assessment of \$912,700 would remain for those years and the 2015 total assessment shall be set at \$870,000; 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, Appraisal Systems, Inc., 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 Russo v. Ho-Ho-Kus Tax Appeal pending in the Tax Court of New Jersey for the tax year 2011 under Docket No. 018795-2011 based upon the terms 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 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 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.

10. # 14-103 Award Purchase Mitchell Humphrey

WHEREAS, quotation was received for the purchase of software for Construction Department and Zoning Official in the contract amount of 15,350, and;

WHEREAS, a yearly maintenance fee was added for a total contract cost of \$17,500, and;

WHEREAS, the Chief Financial Officer has attached a Certification that adequate funds have been duly appropriated to pay for this purchase;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a contract for the above program, is hereby awarded to Mitchell Humphrey, 16 Mount Bethel Road, Suite 293, Warren, NJ 07059 in the contract amount of \$17,500;

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are authorized to execute a contract with this vendor following legal review;

11. # 14-104 Solid Waste Bid Authorization

BE IT RESOLVED by the Governing Body that the Municipal Clerk is hereby authorized to advertise for bids for solid

12. # 14-105 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$1,546,820.25.

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 Councilmember Troast moved the approval of the Resolution, seconded by Councilmember Rorty.

All Ayes:

Absent: Cn. Shea and Shell.

XI. OLD BUSINESS

- A. Liaison Reports.
 - 1. Recreation
None
 - 2. Board of Education
None
 - 3. Other
- B. Shade Tree
None
- C. Chamber of Commerce
None.

XII NEW BUSINESS

Councilmember Rorty spoke about a letter received from a resident about the street lights on Elmwood Ave, he asked that the street lights at the Railroad station be mentioned to PSE&G as well.

XIII. MAYOR'S REMARKS

None

XIV. 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 the Exception for Tax Appeal, Litigation and Contract negotiation.

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.

XV. ADJOURNMENT

With no further business to come before the Council and on a motion made by Councilmember Rorty, seconded by Councilmember Troast, Mayor Randall adjourned the meeting at 9:05 PM.

Respectfully Submitted,

Laura Borchers, RMC/CMR
Borough Clerk.

