

BOROUGH OF HO-HO-KUS
PUBLIC MEETING OF
THE MAYOR AND COUNCIL
June 28, 2016- 8:00 PM
MINUTES

Mayor Randall called the regular 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 Rorty, Shell, Iannelli and Fiato.

Absent: Councilmember Shea

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

Councilmember Rorty led all in the Pledge of Allegiance

PROCLAMATION:

Mayor Randall read and presented Mr. David Warshaw with the Proclamation for the 50th Anniversary of the Bergen Volunteer Center

APPROVAL OF MINUTES

1. May 17, 2016 Work Session

Approved: Councilmember Troast

Second: Councilmember Rorty

2. May 24, 2016 Public Meeting

Approved: Councilmember Rorty

Second: Councilmember Iannelli

COMMITTEE REPORTS- May 2016

On file

PUBLIC DISCUSSION

Janet Scott 21 Beechwood discussed the flight pattern change from Teterboro airport, and asked what the governing body was playing an active part with the process. Borough administrator Jones responded that it was still in the trial phase.

Matt Cedarstrand 7 Crescent place requested permission to have a hot dog stand at movie night.

Approved: Councilmember Troast

Second: Councilmember Rorty

All ayes

Absent: Councilmember Shea.

CORRESPONDENCE

1. 2016 BCUA Environmental Awareness Challenge Grant
2. Resolution to Establish Veterans Treatment Courts

INTRODUCTION OF ORDINANCES

None

FINAL PASSAGE OF ORDINANCES

Ordinance # 2016-09 Bond Ordinance

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE AND A NEW FIRE TRUCK, 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 \$3,170,000 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 information technology equipment, new communication and signal systems equipment and a new automotive vehicle and a new fire truck, 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. It is anticipated that the following government grants shall be received by the Borough: (A) \$36,000 from the Bergen County Community Development program, pursuant to the Federal Housing and Community Development Act, to finance the cost of the resurfacing of Ferris Court authorized as part of the 2016 Road Resurfacing Program in Section 4.A hereof; (B) \$304,500 aggregate amount from the New Jersey Department of Transportation to finance the cost of the drainage improvements described in Section 4.B hereof; and (C) \$21,000 from the County of Bergen Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund to finance the cost of the park improvements described in Section 4.C hereof. Said grant funds shall be applied as set forth in Section 12 hereof. 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 (including drainage improvements and reconstruction of curbs, where necessary) as the 2016 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	\$ 300,000
Down Payment Appropriated	\$ 14,300
Bonds and Notes Authorized	\$ 285,700
Period of Usefulness	10 years

B. Undertaking of drainage improvements at Brandywine Road and Valley Forge Way.

Appropriation and Estimated Cost	\$ 500,000
Down Payment Appropriated	\$ 23,900
Bonds and Notes Authorized	\$ 476,100
Period of Usefulness	15 years

C. Undertaking of the North Franklin Turnpike Park Improvements Project.

Appropriation and Estimated Cost	\$ 50,000
Down Payment Appropriated	\$ 2,400
Bonds and Notes Authorized	\$ 47,600
Period of Usefulness	15 years

D. Acquisition of new information technology equipment and a new automotive vehicle, including original apparatus and equipment, for the use of the Police Department consisting of (i) an evidence management system and (ii) an SUV.

Appropriation and Estimated Cost	\$ 60,000
Down Payment Appropriated	\$ 9,700
Bonds and Notes Authorized	\$ 50,300
Period of Usefulness	5 years

E. Acquisition of new additional or replacement equipment and machinery for the use of the Police Department consisting of (i) in-vehicle camera system equipment and (ii) an alcotest machine.

Appropriation and Estimated Cost	\$ 60,000
Down Payment Appropriated	\$ 2,900
Bonds and Notes Authorized	\$ 57,100
Period of Usefulness	15 years

F. Installation of a fiber optic cable communications system for the use of various Borough departments, offices and agencies.

Appropriation and Estimated Cost	\$1,100,000
Down Payment Appropriated	\$ 52,400
Bonds and Notes Authorized	\$1,047,600
Period of Usefulness	10 years

G. Acquisition of a new ladder fire truck, including original apparatus and equipment.

Appropriation and Estimated Cost	\$1,100,000
Down Payment Appropriated	\$ 52,400
Bonds and Notes Authorized	\$1,047,600
Period of Usefulness	10 years
Aggregate Appropriation and Estimated Cost	\$3,170,000
Aggregate Down Payment Appropriated	\$ 158,000
Aggregate Amount of Bonds and Notes Authorized	\$3,012,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$209,000 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 \$158,000, 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 \$158,000 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 \$3,012,000 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 \$3,012,000 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 10.88 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 \$3,012,000 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 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 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.

RESOLUTIONS

None

CONSENT RESOLUTION

1. 2016-76 Support of S2254/A3821

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, many municipalities (including Ho-Ho-Kus) filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and

WHEREAS, the FHA and existing case law are clear that "present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period." (See N.J.S.A. 52:27D-307(c)); and

WHEREAS, in October 2015, the Middlesex County Superior Court issued a decision that included a distinct "gap period" obligation, retroactively imposing an additional municipal obligation over an additional 16 year period, separate and apart from the normal 10 year present and prospective need set forth in the FHA. Recently the Ocean County Superior Court did the same. The Ocean County decision is currently on appeal; and

WHEREAS, this “gap period” issue arises out of COAH’s inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need. Despite this, the courts are not holding COAH accountable but rather are imposing additional obligations on municipalities. These retroactive obligations will have a significant and unfunded impact on municipalities, straining their already overburdened resources; and

WHEREAS, aside from other inequities and issues imposed by a so-called “gap” obligation, the households counted in the “gap period” may well be double counted when the present need is calculated. The prospect of double counting compounds this dilemma and will likely result in forcing municipalities and their property taxpayers to subsidize development or subject them to court orders allowing enormous numbers of new housing units as a result of “builder’s remedy” lawsuits. Such a result will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

WHEREAS, hundreds of New Jersey’s municipalities have expended significant financial and other administrative resources in their attempts to voluntarily comply with their constitutional obligation for affordable housing as established by the Supreme Court and the FHA. As a direct result of the State’s failure to advance viable regulations or enact overdue legislative reform, this will only continue to spiral out of control; and

WHEREAS, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities;

NOW THEREFORE BE IT RESOLVED on this 28th day of June 2016, by the Governing Body of the Borough of Ho-Ho-Kus, that.

1. The Mayor and Borough Council hereby support the adoption of Senate Bill S2254 and Assembly Bill A3821 to clarify that a municipality’s present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called “gap period.”
2. The Mayor and Borough Council urge the members of the New Jersey Senate, General Assembly and the Governor to swiftly and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.
3. A certified copy of this resolution be sent to Hon. Chris Christie, Governor; Hon. Steve Sweeney, President, NJ Senate; Hon. Vincent Prieto, Speaker, NJ General Assembly; Senate and General Assembly representatives and the New Jersey State League of Municipalities.

2. 2016-77 Snow Plowing Program

BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the Borough of Ho-Ho-Kus enter into a contract with the County of Bergen providing for the plowing of snow on the County roads in the Borough of Ho-Ho-Kus for the winter of 2016-2018 and,

BE IT FURTHER RESOLVED that the Mayor and the Borough Clerk are hereby authorized and directed to execute said agreement.

3. 2016-78 Liquor License Renewal-Garbo’s Italian Deli

WHEREAS, application has been made by certain persons and corporations for the renewal of Plenary Retail Consumption and Plenary Retail Distribution licenses for the year commencing July 1, 2016 and terminating June 30, 2017;

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

WHEREAS, the Police Department of the Borough of Ho-Ho-Kus has not received any complaints of violations of Alcoholic Beverage Control regulations by any of the applicants hereinafter named; and

WHEREAS, the said applicants have filed the necessary forms and have paid the required fees for said licenses;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the following Plenary Retail Distribution licenses be issued:

Garbo’s Italian Deli Inc. (0228-44-001-005)

4 2016-79 Chapter 159 Alcohol Ed. Rehab Enforcement Fund

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough will receive \$725.18 from the Alcohol Ed. Rehab. Fund and wishes to amend its 2016 Budget to the entire portion of this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Ho-Ho-Kus, in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the year 2016 in the sum of \$725.18 which is now available as a revenue from the State of New Jersey

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services.

Public and Private Revenues Offset with Appropriations

Alcohol Ed. Rehab. Enforcement Fund

BE IT FURTHER RESOLVED that a like sum of \$725.18 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from Caps

Public and Private Programs Offset by Revenues: Alcohol Ed. Rehab. Enforcement Fund

Other Expenses

BE IT FURTHER RESOLVED, that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

4. 2016-80 Appt. Jr. Fireman-Daniel Monchek

WHEREAS, the Fire Department of the Borough of Ho-Ho-Kus, through its Chief, has recommended to the Mayor and Council the appointment of Daniel Monchek 934 Washington Ave, Ho-Ho-Kus New Jersey; and

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

6. Appointments

a. 2016-81 Patrolman Kirk

WHEREAS, There currently exists a need to appoint a new Police Officer in the Ho-Ho-Kus Police Department in order to ensure proper police coverage for the safety and welfare of the Borough and its residents;

WHEREAS, appointments to the Police Department are to be made by the Mayor, upon the recommendation of the Chief and confirmation thereof, by the Borough Council pursuant to Code Section 46-6;

WHEREAS, applicants for appointment are required to take and pass a physical examination and to meet the personnel qualifications set forth in Code Sections 46-7 and 46-8;

WHEREAS, Thomas Richard Kirk, III is a candidate recommended by the Chief of Police who meets the qualifications set forth herein;

NOW THEREFORE BE IT RESOLVED by the Governing Body, that it does hereby appoint Thomas Richard Kirk, III, as a permanent patrolman to the Ho-Ho-Kus Police Department, effective June 1, 2016

BE IT FURTHER RESOLVED that the compensation for said position shall be as set forth in such collective bargaining agreement as may be in effect between the Borough of Ho-Ho-Kus and PBA Local 353 as of the date of hire.

b. 2016-82 Patrolman Sweetman

WHEREAS, There currently exists a need to appoint a new Police Officer in the Ho-Ho-Kus Police Department in order to ensure proper police coverage for the safety and welfare of the Borough and it's residents;

WHEREAS, appointments to the Police Department are to be made by the Mayor, upon the recommendation of the Chief and confirmation thereof, by the Borough Council pursuant to Code Section 46-6;

WHEREAS, applicants for appointment are required to take and pass a physical examination and to meet the personnel qualifications set forth in Code Sections 46-7 and 46-8;

WHEREAS, Garret Sweetman is a candidate recommended by the Chief of Police who meets the qualifications set forth herein;

NOW THEREFORE BE IT RESOLVED by the Governing Body, that it does hereby appoint Garret Sweetman as a permanent patrolman to the Ho-Ho-Kus Police Department, effective June 1, 2016

BE IT FURTHER RESOLVED that the compensation for said position shall be as set forth in such collective bargaining agreement as may be in effect between the Borough of Ho-Ho-Kus and PBA Local 353 as of the date of hire.

7. 2016-83 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$1,813,526.14

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 \$1,813,526.14 be approved and ratified respectively.

Motioned: Councilmember Troast

Second: Councilmember Rorty

All ayes

Absent: Councilmember Shea

13. OLD BUSINESS

A. Liaison Reports:

1. Recreation

2. Board of Education

3. Other

Councilmember Iannelli reported that the specifications for the purchase of a new ambulance is in place, the Corps is actively looking for new members. At the NHRHS graduation, a student passed out the Corps responded.

B. Shade Tree

C. Chamber of Commerce

NEW BUSINESS

Police Chief Minchin thanked the CERT team for all their help with the Taste of Ho-Ho-Kus event with safety.

MAYOR'S REMARKS

None

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.

ADJOURNMENT

With no further business to come before the Council, Mayor Randall adjourned the meeting at 9:05 PM.

Respectfully submitted,

Laura Borchers, RMC/CMR

Borough Clerk