

BOROUGH OF HO-HO-KUS

MAYOR AND COUNCIL PUBLIC MEETING

OCTOBER 22, 2013- 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.

Roll Call:

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

II. PLEDGE OF ALLEGIANCE

Mayor Randall led all in the pledge of Allegiance

III. AMBULANCE CORPS- AWARDS

Mayor Randall with the assistance of Council Liaison to the Ambulance Corps present the newly certified EMT's with their awards.

IV. APPROVAL OF MINUTES

1. May 21, 2013 Work Session
2. June 18, 2013 Closed Session

Councilmember Troast approved the minutes, seconded by Councilmember Lennon

All Ayes:

V. COMMITTEE REPORTS

A. FINANCE

Finance Officer's Report – Sept 2013

B. PUBLIC SAFETY

1. Police Report – Sept 2013
2. Court Report – Sept 2013

C. PUBLIC WORKS & PROPERTIES

1. Supt. of Public Works – Sept 2013
2. Construction Office Report – Sept 2013

E. FIRE

1. Fire Dept. Report – Sept 2013
2. Fire Prevention Bureau – Sept 2013

F. COMMUNITY RELATIONS

1. Library – Sept 2013
2. Ambulance Report – Sept 2013

VI. PUBLIC DISCUSSION

VII. A. CORRESPONDENCE

1. Hermitage re. Permission to hang signs for annual Craft Show
2. Mrs. Betty Ryan- Complimenting Police Department
3. Go4thegoal- Thank you letter for Richards Run Event

B. Ordinances and Resolutions Other Towns:

None

C. Bergen County:

1. Ordinance # 13-24 Amend and Update of Administrative Code

D. League of Municipalities:

1. SHBP Approves Mental Health Parity Plan
2. Federal Government Shutdown- Impact on New Jersey
3. Constitutional Issues Involving Holiday Displays

E. State of New Jersey:

None

VIII. INTRODUCTION OF ORDINANCES

IX. FINAL PASSAGE OF ORDINANCES

1. Ord # 1025 Amendment to Chapter 79- Vehicles and Traffic (Parking Fees)

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey that Section 79-18 PERMITS is amended as follows:

Paragraph A – No change.

Paragraph B – The fees to be charged by the Borough Clerk for the resident, overnight resident and businessman permits shall be \$295.

No fee shall be required for permits issued to Borough employees for parking during the regular course of business in Municipal Lot B. [Amended 12/17/1968 by Ordinance No. 445; 11/28/1978 by Ordinance No. 527; 8/28/1979 by Ordinance No. 535; 11/25/1986 by Ordinance No. 600; 6/25/1991 by Ordinance No. 682].

Paragraph C – No change.

Paragraph D – No change.

Paragraph E – No change.

Paragraph F – No change.

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.

X. RESOLUTIONS

None

XI. CONSENT RESOLUTION

1. # 13-103 Amendment to Resolution- William Comery

WHEREAS, the Ho-Ho-Kus Shade Tree Commission has obtained the professional services of William R. Comery to investigate, evaluate and make recommendations for the purchase and planting of about one-hundred (100) trees throughout the Borough of Ho-Ho-Kus starting in the fall of 2013; and

WHEREAS, Mr. Comery will prepare specifications and solicited price quotes from pre-qualified nursery contractors to supply the trees, and prepared specifications and solicited prices from pre-qualified landscape and/or nursery contractors to plant the trees; and

WHEREAS, Mr. Comery will inspect the trees for health and compliance with the specifications set forth, will meet with the selected landscape contractors to establish the planting timetable and review specifications and procedures with them, and keep the HHK Shade Tree Commission updated on all activities, then inspect the plantings of the first 5 to 10 trees and after that plantings at random; and

WHEREAS, Mr. Comery will inspect all of the newly planted trees before issuing a final letter of acceptance and will oversee any corrective planting that may have to be done at the contractors' expense prior to the final letter of acceptance being issued; and

WHEREAS, the cost of the purchase of the trees and the planting of the trees will be paid by the HHK Shade Tree Commission from the Ross Shade Tree Trust fund, and the agreed upon fee of \$2470 to be paid to Mr. Comery will be paid out of the 2013 Ho-Ho-Kus Shade Tree Budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the HHK Shade Tree Commission has control over the Ross Shade Tree Trust fund for the payment of the trees and planting noted above.

2. # 13-107 Health Plan 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. Males, and Mr. Cirulli, 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 2013 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. Males	\$4,041.81
Mr. Cirulli	<u>\$2,020.92</u>
	\$6062.73

3. # 13-108 Appt. Fireman Daniel J. Saporito

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 J. Saporito 668 West Saddle River Road, Ho-

Ho-Kus New Jersey; and

WHEREAS, Mr. Saporito has 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 J. Saporito on this date is appointed as fireman of the Borough of Ho-Ho-Kus

4. # 13-109 Shade Tree Plantings

WHEREAS, the Ho-Ho-Kus Shade Tree Commission has obtained three quotations for the planting of 120 trees throughout the Borough of Ho-Ho-Kus; and,

WHEREAS, the lowest quotation was received from New Jersey Tree Foundation of Jackson, NJ at the figure of \$12,000.00; and,

WHEREAS, the cost of planting these trees will be paid from the Shade Tree Commission's Ross Trust Fund, and not from the Commission's budget using tax payer money,

NOW, THEREFORE BE IT RESOLVED that the Mayor & Council of the Borough of Ho-Ho-Kus is aware of and approves of the Shade Tree Commission's use of the Ross Trust Fund in the above noted transaction

5. # 13-110 Shade Tree Purchase

WHEREAS, the Ho-Ho-Kus Shade Tree Commission has obtained three quotations for the purchase of 120 trees to be planted along the streets of the Borough; and,

WHEREAS, the lowest quotation was received from Plant Detectives of Chester, NJ at the figure of \$12,399.25; and,

WHEREAS, the cost for these trees will be paid from the Shade Tree Commission's Ross Trust Fund, and not from the Commission's budget using tax payer money,

NOW, THEREFORE BE IT RESOLVED that the Mayor & Council of the Borough of Ho-Ho-Kus is aware of and approves of the Shade Tree Commission's use of the Ross Trust Fund in the above noted transaction.

6. Tax Appeals

a. # 13-111: 18 Powderhorn Road

WHEREAS, Brian M. and Susan G. Nold are the owners of real estate known as Lot 3 in Block 901, and better known as 18 Powderhorn Road, Ho-Ho-Kus, New Jersey; and

WHEREAS, the owners have filed Tax Appeals challenging the tax assessment for the years 2012 and 2013; and

WHEREAS, Lot 3 in Block 901 was assessed for the tax years 2012-2013 in the total amount of \$2,123,900; and

WHEREAS, the taxpayers are seeking reduction in the total assessment for 2012-2013; 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 as follows: For 2012 and 2013: a revised assessment of \$1,815,000 with a reciprocal agreement that the Freeze Act will apply to this assessment for the year 2014; and

WHEREAS, the parties have agreed that prejudgment interest shall be waived as a condition of the settlement; and

WHEREAS, the Borough's appraisal consultant, Appraisal Systems, Inc., and its Tax Assessor, Marie Merolla, 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 with respect to the Nold v. Ho-Ho-Kus Tax Appeal pending in the Tax Court of New Jersey for the tax years 2012 and 2013, under Docket Nos. 006977-2012 and 002553-2013 at the new assessments set forth above,

include the agreed upon assessment for 2014 set forth herein; 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 2012 and 2013 appeals 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 taxpayer; and

BE IT FURTHER RESOLVED, that copies of this Resolution are to be provided to the Municipal Clerk, Borough Treasurer, Borough Tax Assessor, Borough Tax Collector and the Municipal Attorney.

b. # 13-112: 519 Eastgate Road

WHEREAS, Eve Muscio is the owner of real estate known as Lot 9 in Block 1303, and better known as 519 Eastgate Road, Ho-Ho-Kus, New Jersey; and

WHEREAS, the owner has filed Tax Appeals challenging the tax assessment for the years 2012 and 2013; and

WHEREAS, Lot 9 in Block 1303 was assessed for the tax years 2012-2013 in the total amount of \$4,122,600; and

WHEREAS, the taxpayer is seeking reduction in the total assessment for 2012-2013; 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 as follows: For 2012: an assessment of \$3,600,000; for 2013: an assessment of \$3,100,000 and for 2014, an agreed assessment of \$2,950,000 with a Reciprocal Freeze Act to apply; and

WHEREAS, the parties have agreed that prejudgment interest shall be waived as a condition of the settlement; and

WHEREAS, the Borough's appraisal consultant, Appraisal Systems, Inc., and its Tax Assessor, Marie Merolla, 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 with respect to the Muscio v. Ho-Ho-Kus Tax Appeal pending in the Tax Court of New Jersey under Docket Nos. 009040-2012 and 002973-2013 at the new assessments set forth above, including the 2014 agreed upon revised assessment; 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 2012 and 2013 appeals 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 taxpayer; and

BE IT FURTHER RESOLVED, that copies of this Resolution are to be provided to the Municipal Clerk, Borough Treasurer, Borough Tax Assessor, Borough Tax Collector and the Municipal Attorney.

b. # 13-113: 16 Powderhorn Road

WHEREAS, Rodman and Jennifer Zilenziger are the owners of real estate known as Lot 1 in Block 901, and better known as 16 Powderhorn Road, Ho-Ho-Kus, New Jersey; and

WHEREAS, the owners have filed a tax appeal challenging the tax assessment for the year 2011; and

WHEREAS, Lot 1 in Block 901 was assessed for the tax year 2011 in the total amount of \$2,324,900;

and

WHEREAS, the taxpayer is seeking a reduction in the total assessment for 2011 and subsequent years'

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 as follows: For the year 2011, a revised assessment of \$2,125,000 with the Freeze Act to apply for the years 2012 and 2013 and a further agreement to set the assessment at the foregoing number for the 2014 year with a Reciprocal Freeze Act application; and

WHEREAS, the parties have agreed that prejudgment interest shall be waived as a condition of the settlement; and

WHEREAS, the Borough's appraisal consultant, Appraisal Systems, Inc., and its Tax Assessor, Marie Merolla, 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 with respect to the Zilenziger v. Ho-Ho-Kus Tax Appeal pending in the Tax Court of New Jersey under Docket No. 006705-2011 at the new assessment set forth above, including the agreed upon assessment for 2014 set forth herein; 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 (without interest), and to apply the refund as a credit against the next property tax payment due following receipt of said judgment until said credit is exhausted; and

BE IT FURTHER RESOLVED, that this settlement is subject to agreement and acceptance thereof by the taxpayer; and

BE IT FURTHER RESOLVED, that copies of this Resolution are to be provided to the Municipal Clerk, Borough Treasurer, Borough Tax Assessor, Borough Tax Collector and the Municipal Attorney.

6. # 13-114 Appt. Planning and Zoning Board Secretary JoAnn Carroll

WHEREAS, the positions of Secretary to the Planning Board and Secretary to the Zoning Board of Adjustment were vacated early in the year when the employee occupying these positions became unable to work; and

WHEREAS, these positions at Borough Hall were filled on a temporary basis by the Municipal Clerk of the Borough of Ho-Ho-Kus until it was determined that the former employee would not return; and

WHEREAS, the Borough of Ho-Ho-Kus was recently advised by the State of NJ that the former employee has applied for retirement and, therefore, will not be returning, so a search began for a new employee to fill these positions; and

WHEREAS, JoAnn Carroll was interviewed and found to be suitable for the two positions on a part-time basis, to be paid \$15 hourly, without benefits, and to receive the regular stipend of \$75 for each evening meeting attended,

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Ho-Ho-Kus hereby confirms the hiring of Ms. Carroll to begin on Monday, October 21, 2013.

7. # 13-115 Shared Services

WHEREAS, all municipalities throughout the State of NJ have been permitted, authorized and encouraged through the *Uniform Shared Services and Consolidation Act (NJSA 40A:65-1)* to enter into shared-service agreements with other government entities, and municipal officials of the Borough of Ho-Ho-Kus and surrounding towns, especially those with fewer than populations of 5000, were told directly by the Director of the State's Department of Community Affairs that they must "energetically and continuously" seek new inter-local agreements; and

WHEREAS, the *2013/2014 Local Government Best Practices Survey* begins with the question that asks “Did your municipality actively negotiate (i.e., meet with representatives from a neighboring town, your county or another local unit) and enter into at least one new shared-service agreement?” a negative answer to which could result in a reduction in state aid; and

WHEREAS, two municipalities within the NW Bergen Shared Services Group, of which the Borough of Ho-Ho-Kus is a member, approached Ho-Ho-Kus with the proposal of a merger of Construction Departments, initiating an investigation into such a possibility by the Borough Administrator and the Chief Financial Officer; and

WHEREAS, a review of this possibility was conducted in depth over a period of many weeks with the Borough of Midland Park, with which the Borough of Ho-Ho-Kus already has two inter-local agreements (the purchase of gasoline/diesel fuel from Ho-Ho-Kus by Midland Park, and Midland Park Construction Department services for the elected officials of Ho-Ho-Kus), and after a number of discussions with the Mayor, Chief Financial Officer, Borough Administrator, Construction Official and Construction Department Technical Assistant of Midland Park, a shared-service agreement based upon improved economy and efficiency seems quite feasible.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that, based upon the input of the Borough Administrator and the Chief Financial Officer, such a shared-service legal agreement be prepared by the Borough Attorney of the Borough of Ho-Ho-Kus, in conjunction with the Borough Attorney of the Borough of Midland Park, for consideration by and approval of the Governing Body of Ho-Ho-Kus at the Mayor and Council meeting of November 12, 2013.

9. # 13-116 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,778,232.63.

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 **\$2,778,232.63** be approved and ratified respectively

Councilmember Troast approved the adoption of the Consent Resolutions, seconded by Councilmember Lennon and carried.

XII. OLD BUSINESS

A. Liaison Reports:

1. Recreation

Seeds were placed on Northfield and is covered with a blanket to help it grow.

2. Board of Education

Councilmember Lennon attended to Library Board meeting, the board stated that residents not leave any more used books because of the lack of space at the library.

3. Other

B. Shade Tree

C. Chamber of Commerce

XIII NEW BUSINESS

Chief Wanamaker commended the Police Officers for the arrest on Edgewood Drive.

DPW Superintendent Jeff Pattman stated that Leaf Season starts in two weeks and pick up schedule is on the website and at Borough Hall.

XIV. MAYOR'S REMARKS

None

XV. CLOSED SESSION

None

XVI. ADJOURNMENT

With no further discussions to come before the Council, and on a motion made by Councilmember Troast, seconded by Council member Lennon and carried, Mayor Randall adjourned the meeting at 8:35 PM

Respectfully Submitted,

Laura Borchers RMC/CMR
Borough Clerk.