

BOROUGH OF HO-HO-KUS
PUBLIC MEETING OF
THE MAYOR AND COUNCIL
NOVEMBER 22, 2016- 8:00 PM
MINUTES

Mayor Randall called the combined meeting to order at 8:00 PM. The open meeting statement was read. The regular meeting of the Mayor and Council of the Borough of Ho-Ho-Kus is now in session. In accord with the provisions of Section 5 of the "Open Public Meetings Act", I wish to advise that notice of this meeting has been posted in the front lobby entrance to the Council Chambers of the Borough Hall and that a copy of the schedule of this meeting has also been filed with the Borough Clerk, and further that the required 48 hour notices have been sent to The Record and the Ridgewood News - newspapers with general circulation throughout the Borough of Ho-Ho-Kus

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

Also present: Council newly elect- Kevin Crossley

Absent: Councilmembers Troast and Iannelli

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

Mayor Randall led all in the Pledge of Allegiance

PRESENTATION:

Jan A. Olsen, a resident of Rivervale who reproduces historical documents in color as a hobby, came before the governing body to present a gift of an historical map of HHK that he recreated in full color.

APPROVAL OF MINUTES

1. October 18, 2016 Work Session
Approved: Cn. Rorty
Second: Cn Shell
Absent: Cn. Shea
2. October 25, 2016 Public Session
Approved: Cn Shell
Second: Cn Shea

COMMITTEE REPORTS- October 2016

On file

PUBLIC DISCUSSION

1. Carol Tyler 1 Stoudts Lane discussed an issue she was having with a neighbor who had previously come before the Council to complain about activities on Stoudts Lane and the use of mechanics tools used at the nearby DPW garage. Mrs. Tyler explained that the tools in question are actually owned by Mr. Tyler and not the town.
2. Stanley Kober 919 Washington Ave informed the Council that he had made a presentation at the Ridgewood Library regarding John Jacob Zabriskie, an important figure in the history of HHK.

CORRESPONDENCE

None

INTRODUCTION OF ORDINANCES

None

FINAL PASSAGE OF ORDINANCES

None

RESOLUTIONS

None

CONSENT RESOLUTION

- 2016-108 Transfer of Funds

	FROM:	TO:
Police (S&W)	\$40,000.00	
Legal (O&E)		\$40,000.00

- 2016-109 Support S-2254 and A-3821

WHEREAS, the Borough of Ho-Ho-Kus supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

WHEREA in February, the Ocean County Superior Court included a distinct "gap period" analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

WHEREAS, the Appellate Division recently in a unanimous decision overturned the February Ocean County Superior Court decision and held that municipalities are only responsible to address the ten

year present and prospective need, not any "gap period" number; and

WHEREAS, the New Jersey Supreme Court has, for the stated purposes of, "...*judicial economy and efficiency* based on the large number of actions involved. The Court makes no findings as to the reasonable probability of success on the merits, irreparable harm, or the relative hardship to the parties," agreed to hear an appeal of the Appellate Division ruling in late November; and

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

WHEREAS, the "gap issue" arises out of the inability of the New Jersey Council on Affordable Housing to promulgate third round regulations from 1999 to the present or

Make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

WHEREAS, any retroactive "gap" obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need, and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

WHEREAS, this issue needs a resolution which provides both certainty and an achievable path forward so municipalities can proceed with planning for and implementing their affordable housing obligations;

WHEREAS, Senate Bill S-2254, sponsored by Senators Greenstein and Bateman, and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the language and legislative intent of the Fair Housing Act, so as to preclude significant unfair impacts and instead further progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the actual provision of affordable housing.

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of November 2016 by the
Borough of Ho-Ho-Kus, Bergen County, that:

1. Borough of Ho-Ho-Kus strongly urges New Jersey Legislators to immediately reaffirm the language and legislative intent of the Fair Housing Act (FHA) and expressly clarify that the municipal affordable housing share is the sum of present and prospective need for the enumerated ten year period.
2. Borough of Ho-Ho-Kus supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor, the Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, Senator Kevin J. O'Toole and Assemblymen Scott Rumana and David C. Russo, Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and Assemblywoman Mila Jasey, the New Jersey League of Municipalities and the New Jersey Conference of Mayors.

- 2016-110 Cancellation of Tax and Solid Waste Bills

WHEREAS, N.J.S.A 40A: 5-17.1 provides that a municipality may authorize the processing of tax refunds of less than Ten (\$10.00) Dollars and the cancellation of Water, Solid Waste and Tax Delinquencies of less than Ten (\$10.00) Dollars.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough Of Ho-Ho-Kus that the Water & Solid Waste Registrar is hereby authorized to process, without any further action on the part of Governing Body, any property tax refund of less than (\$10.00) Dollars; and

BE IT FURTHER RESOLVED, that Water & Solid Waste Registrar is hereby authorized to process, without further action on part of the Governing Body, the cancellation of any property tax delinquency of less than (\$10.00) Dollars; and,

BE IT FURTHER RESOLVED, that a certified Copy of this Resolution be provided by the Municipal Clerk to the Water & Solid Waste Registrar, the Tax Collector and the Chief Financial Officer.

- 2016-111 Forgiveness of Solid Waste Bill- 14 Prescott Road

Whereas, 14 Prescott Road, in Ho-Ho-Kus is an empty lot because the residential structures have been eliminated, and

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

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

- 2016-112 Co-Op Agreement- Fire Truck Purchase

WHEREAS, the Borough of Ho-Ho-Kus intends to participate in the Houston- Galveston Area Council (H-GAC) cooperative contract to purchase a Fire Truck for the Fire Department; and

WHEREAS, the Borough of Ho-Ho-Kus is a member of the H-GAC; and

WHEREAS, the H-GAC contract term is November 30, 2015- November 30, 2017; and

WHEREAS, it is the intent of the Borough of Ho-Ho-Kus to make a contract award to KME pursuant to the proposal submitted in response to the borough's specification; and

WHEREAS, the Borough of Ho-Ho-Kus is permitted to join nation cooperative purchasing agreements under the authority of N.J.S.A 52:34-6.2(b)(3)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the borough of Ho-Ho-Kus County of Bergen, State of New Jersey that the Municipal Clerk is hereby directed to publish forgoing, enumerated "Notice of Intent to Award a Contract Under a National Cooperative Purchasing Agreement" in the legal newspaper of the Borough of Ho-Ho-Kus.

- 2016-113 Award Lease-188 Franklin Tpke

WHEREAS, advertisement for sealed bids was previously published for a lease of the property owned by the Borough of Ho-Ho-Kus commonly known as 188 East Franklin Turnpike, Ho-Ho-Kus, New Jersey 07423, Lot 6, Block 1016 (the "Property");

WHEREAS, the Property is not needed for public use;

WHEREAS, sealed bids were received on November 17, 2016;

WHEREAS, one (1) bid was received from Louis J. Reynolds of Ridgewood, New Jersey;
WHEREAS, it is determined that the Bidder's documents meet the bid specifications; and
NOW, THEREFORE, BE IT RESOLVED by the Governing Body, pursuant to the provisions of N.J.S.A. 40A:12-14(a)
as follows:

(1) that a Lease is hereby awarded to Louis J. Reynolds of 562 Morningside Road, Ridgewood, New Jersey 07450 all in accordance with the bid specifications and form of Lease Agreement at the initial annual rental of \$21,600.00 per year or \$1,800.00 per month. Said Lease is to commence on December 1, 2016 for an initial term of five (5) years with one (1) five year option.

(2) that the Mayor and Municipal Clerk are hereby authorized to execute the Lease following legal review.

- 2016-114 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,256,817.

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 \$2,256,817.26 be approved and ratified respectively.

Motioned: Cn. Rorty

Second: Cn. Shell

Absent: Councilmembers Troast and Iannelli.

OLD BUSINESS

A. Liaison Reports:

1. Recreation

2. Board of Education

3. Other

B. Shade Tree

C. Chamber of Commerce

Getting ready for Focus on Ho-Ho-Kus, small business Saturday. All decorations for town are being purchased.

NEW BUSINESS

Police chief Minchin reported that interview for patrolman is narrowed down to 5 applicants.

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 Litigation.

ADJOURNMENT

With no further discussions to come before the council, Mayor Randall adjourned the meeting at 9:30PM.

Respectfully submitted,

Laura Borchers, RMC/CMR
Borough Clerk

