

BOROUGH OF HO-HO-KUS
PUBLIC MEETING OF
THE MAYOR AND COUNCIL
OCTOBER 25, 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: All members present

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

Mayor Randall led all in the Pledge of Allegiance

APPROVAL OF MINUTES

1. September 20, 2016 Work Session

All Present

Approved: Councilmembers Troast and Rorty

2. September 27, 2016 Public Session

Approved: Councilmembers Shea and Rorty

Absent: Cn. Troast

COMMITTEE REPORTS- September 2016

On file

PUBLIC DISCUSSION

Officer Jaime Bodart discussed an ambulance call in which a male was found unresponsive laying on the ground. Officer Kirk and Balastrieri performed CPR and saved the patient. Officer Bodart stated that both officer brought merit and honor to the police department. Patient thanked the officers for their quick response. Patient's son presented the officers with plaques.

Mayor Randall also thanked the officers and commented that he was very proud of the police force and understands that the PD does a lot protecting and serving and saving lives is part of their training.

Stanley Kober- 919 Washington Ave. Bergen County Historical Society laying a wreath on November 6, 2016 at 1:00 PM at the Veteran's Memorial Park, also planting a tree on the Village Green. Mr. Kober thanked the DPW for all their help. Discussed training for CERT.

Kevin Pianfetti- 16 Spruce Street thanked the Mayor and Council for Blue Line painted in honor of Blue Lives Matter. Thanked Mr. Shea for helping out and doing his best for the borough, commented that the borough administrator is actively engaged, does a good job as administrator.

Gary Cervello- 201 N. Franklin Tpke discussed issue on Stoudts Lane.

CORRESPONDENCE

1. Joan Foley-Compliment letter
2. Minchin family- Thank you card
3. Richard Jordan-Oil to Gas Conversion/Road Opening
4. Letter of Resignation-Elizabeth Hollenbeck
5. State of New Jersey- Executive Order No. 210-Lifted

8. INTRODUCTION OF ORDINANCES

None

9. FINAL PASSAGE OF ORDINANCES

1. # 2016-10 No Knock Registry

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 40 OF THE CODE OF THE BOROUGH OF HO-HO-KUS ENTITLED, "SOLICITORS AND CANVASSERS"

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

Section 1.

Chapter 40 of the Code of the Borough of Ho-Ho-Kus, Licenses,

Article II, Peddling and Soliciting, §76-12, Definitions, is hereby amended to change the definition of Solicitor or Canvasser to read as follows:

SOLICITOR or CANVASSER – Includes any person, whether a resident of the Borough or not, who goes from house to house, place to place or street to street, soliciting or taking or attempting to take orders for the sale of services, goods, wares, merchandise, real estate or personal property of any nature for future delivery, or for services to be performed in the future, whether or not the individual has, carries or exposes for sale a sample of the product, and whether or not he is collecting advance payment, or who engages in any of the foregoing activities from a stationary location on the street or public place. Canvassing shall further be defined as door to door delivery of circulars, visitations, or other means, where the canvasser or his or her employers has not been invited or requested by the owner, lessee, sublessee, assignee, managing agent or other person having the right of ownership or possession or to sell, rent, or lease any real property

Section 2.

Chapter 76 of the Code of the Borough of Ho-Ho-Kus, Licenses,

Article II, Peddling and Soliciting, is amended to add new Sections after §76-23 **and** to read as follows:

§76-23.1. DO NOT KNOCK REGISTRY.

Any owner or occupant of real property with the Borough of Ho-Ho-Kus who refuses to be canvassed or solicited for the sale or rental of his or her property may enroll in the Borough's "no knock" registry established pursuant to the provisions promulgated by the Borough Administrator of which are incorporated herein by reference.

§76-23.2. PROHIBITED DISCRIMINATION. No person shall engage in the following acts:

- A. Promote, influence, or attempt to promote or influence a property owner, occupant, or tenant to list for sale, sell or remove from a lease real property by referring to race, color, sexual orientation, ethnicity, or religious affiliation of neighbors, prospective buyers or other occupants or prospective occupants of real property.
- B. Induce directly or indirectly, or attempt to induce directly or indirectly, the sale or listing for sale of real property by representing

that the presence or anticipated presence of persons of any particular race, religion, or national origin in the area has resulted or may result in:

- (1) The lowering of property values.
- (2) A change in the racial, religious, or ethnic composition of the block, neighborhood, or area in which the property is located.
- (3) An increase in criminal or antisocial behavior in the area
- (4) A decline in the quality of the schools serving the municipality.
- (5) Make any representations (or misrepresentation) concerning the listing or sale of the anticipated listing for sale or the sale of any real property in any residentially zoned areas for the purpose of inducing or attempting to induce the sale or listing for sale of other real property in such area.

(6) Place a sign purporting to offer for sale any property that is not actually for sale or rental.

Advertise for sale or rental property which is nonexistent or which is not actually for sale or rental.

(7) Engage in or hire or conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest, create or play upon fear with the purpose of inducing or attempting to induce the sale or listing for sale of real property.

(8) To solicit or canvass any owner whose name and property address is included on the list maintained by the Borough Clerk of persons requesting that they not be canvassed or solicited.

(9) To engage in any economic reprisal or any other form of intimidation against any person because that person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or conference under the terms of this article.

(10) To aid, abet, incite, compel or coerce any person to engage in any of the practices forbidden by this article or to obstruct or prevent any person from complying with the provisions of this article.

(11) Refer, directly or indirectly or by implication, to race, color, creed, ethnicity, or sexual orientation in any advertisement or solicitation offering real property for sale or rental.

(12) Solicit or attempt to solicit the sale or rental or the listing for sale or rental of real property without furnishing in written form to the owner or occupier of

such real property the name of the person or organization
soliciting such sale, rental or listing.

Section 3.

Any person, firm, corporation or entity convicted of violating any provision of this Ordinance shall be subject to such fines and penalties as described in Article 11, Penalties, §1- 15, Violations and Penalties, of the Borough Code, with such penalty being determined within the discretion of the Municipal Court Judge

Section 4. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 5. Inconsistent Ordinances Repealed.

All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such **inconsistencies**.

Section 6. Effective Date.

This Ordinance shall take effect after publication thereof and final passage as required by law

Motioned: Councilmember Rorty

Second: Councilmember Shea

2. # 2016-11 Property Maintenance and Upkeep of Abandoned Properties

**AN ORDINANCE SUPPLEMENTING CHAPTER 47 "PROPERTY MAINTENANCE OF
THE CODE OF THE BOROUGH OF
HO-HO-KUS REGULATING THE CARE, MAINTENANCE, SECURITY AND
UPKEEP OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN
FORECLOSURE**

WHEREAS, the Borough of Ho-Ho-Kus regulates the maintenance of residential property within the Borough by and through Chapter 47 of the Borough Code, "Property Maintenance"; and

WHEREAS, the legislature and the Governor of the State of New Jersey have enacted P.L. 2014, c. 35, described as "[a]n Act concerning the maintenance of certain residential properties, supplementing Chapter 48 of Title 40 of the revised Statutes ..." ("the Act"); and

WHEREAS, the Act authorizes the Borough to adopt an ordinance for the purposes of regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties for which a creditor has filed a summons and complaint in an action to foreclose; and

WHEREAS, the Act authorizes designated Borough officials to issue notices to creditors that have filed a summons and complaint in an action to foreclose, if the public official determines that the property is vacant and abandoned and that the creditor has failed to provide for the care, maintenance, security and upkeep of the exterior of the property; and

WHEREAS, the Act authorizes the Borough to impose monetary fines and penalties for such violation of this Ordinance and its respective provisions in the Borough Code; and

WHEREAS, the Borough wishes to amend the Borough Code to enact the provisions of P.L. 2014,c.35;and

WHEREAS, the Governing Body finds that it is in the best interests of the Borough to amend the Borough Code as hereinafter provided to enact the provisions of P.L. 2014, c. 35.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus as follows:

Section I. The Borough Code, Chapter 47, "Property Maintenance" shall be amended to add a new Article IX as follows:

47-22. MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES

47-23. **DEFINITIONS**"Creditor" shall mean, consistent with Section 3 of P.L. 2008, c. 86, a State chartered bank, savings bank, savings and loan association or any credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act", and any entity acting on behalf of the Creditor named in the debt obligation, including but not limited to, servicers.

A. "Vacant and Abandoned" residential property shall mean, consistent with Section I of P.L. 2010, c. 70 (C. 2A:50-73), residential real estate for which a notice of violation has been issued pursuant to Section 47-15 of this Chapter and Subsection b. of Section I of P.L. 2014, c. 35. Where a notice of violation has not been issued pursuant to Section 47-15 of this Chapter and Subsection b. of Section I of P.L. 2014, c. 35, residential property shall be deemed "Vacant and Abandoned" where a mortgaged property is not occupied by a mortgagor or tenant as evidenced by a lease agreement entered into prior to the service of a notice of intention to commence foreclosure according to Section 4 of the "Fair Foreclosure Act," P.L. 1995, c. 244 and at least two of the following conditions exist:

- I. Overgrown or neglected vegetation;
2. The accumulation of newspapers, circulars, flyers or mail on the property ;
3. Disconnected gas, electric, or water utility services to the property;
4. The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
5. The accumulation of junk, litter, trash or debris on the property;
6. The absence of window treatments such as blinds, curtains or shutters;
7. The absence of furnishings and personal items;
8. Statements of neighbors, delivery persons, or government employees indicating that the residence is vacant and abandoned;
9. Windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
10. Door to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- II. A risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
12. An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
13. The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;

14. A written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property; and
15. Any other reasonable indicia of abandonment.

47-24. CREDITOR RESPONSIBILITY FOR VACANT AND ABANDONED PROPERTIES

- A. A Creditor filing a summons and complaint in an action to foreclose on a residential property within the Borough shall be immediately responsible for the care, maintenance, security and upkeep of the exterior of the property, after the property becomes Vacant and Abandoned as defined in this Chapter.
- B. Where a Creditor is located out-of-State, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of Paragraph A of this Section. Notice of said representative or agent shall be provided to the Borough Clerk in a manner that is consistent with Subsection a. of Section 17 of P.L. 2008, c. 127 (the "Save New Jersey Homes Act of 2008"), and shall further include the full name and contact information of the in-state representative or agent.

47-25. NOTICE

- A. Any public officer designed by the Borough or authorized municipal official responsible for the administration of any property maintenance or public nuisance code shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Borough, if the public officer determines that the Creditor has violated this Chapter by failing to provide for the care, maintenance, security and upkeep of the exterior of the property. Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to the Save New Jersey Homes Act of 2008.
- B. The notice referenced in Paragraph A of this Section shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.
- C. The issuance of a notice pursuant to Paragraph A of this Section shall constitute proof that a residential property is "Vacant and Abandoned" for the purposes of this Chapter.

47-26. VIOLATIONS AND PENALTIES

- A. A Creditor subject to this Chapter that is found by the Municipal Court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Chapter shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this Subsection shall commence 31 days following the Creditor's receipt of the notice, except where the violation is deemed to present an imminent risk to the public health and safety, in which case any fines shall commence 11 days following receipt of the notice.
- B. An out-of-state Creditor subject to this Chapter that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on an out-of-state Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in Paragraph

I. of Subsection a. of Section 17 of P.L. 2008, c. 127 (C. 46:10B-5 I) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

C. No less than 20 percent of any money collected by the Borough pursuant to this Section shall be utilized by the Borough for municipal code enforcement purposes.

47-27. SEVERABILITY

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

47-28. REPEALER

Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Moved: Cn Rorty

Second: Cn Fiato

All Ayes

3. #2016-12 Short Term Rentals

**AN ORDINANCE TO ESTABLISH CHAPTER 57A
OF THE BOROUGH OF HO-HO-KUS, ENTITLED
"SHORT TERM RENTAL PROPERTY PROHIBITION"**

WHEREAS, the New Jersey Legislature has, pursuant to N.J.S.A. 40:52-1(d) and (n), specifically authorized municipal corporations, including the Borough of Ho-Ho-Kus ("Borough") to regulate "furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof" and the "rental of real property for a term of less than one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere"; and

WHEREAS, in recent years, there has arisen a proliferation of internet and other media advertising often on websites dedicated to the rental of Dwelling Units for short terms and for a period of less than thirty (30) days ("Short Term Rental"); and

WHEREAS, The Borough's experience, as well as common experiences, dictates the conclusion that Short Term Rentals frequently result in public nuisance, noise complaints, sanitation issues, overcrowding and illegal parking within the residential neighborhoods of the Borough, and essentially convert residential dwelling units into illegal de-facto hotels, motels, boarding houses and other commercial enterprises, in violation of the Borough's Zoning and other Codes as well as state statutes; and

WHEREAS, the Borough wishes to deter the cyber-social phenomenon of any Owner renting his/her residential Dwelling Unit(s) on various websites, as well as the listing of Short Term Rental(s) by website businesses, of any Dwelling Unit(s), that constitute an illegal business operating in violation of the Borough's Zoning Code and other public nuisance ordinances; and

WHEREAS, the Borough additionally wishes to prevent overcrowding, which unlawfully results in the Borough's occupancy limits to be exceeded; and

WHEREAS, some property owners and/or their agents permit commercial boarding-house type Short Term Rental(s) and overcrowded conditions and other public nuisances, in order to unlawfully create a commercial enterprise and income, in violation of the Borough Zoning Code and to maximize their profit(s); and

WHEREAS, problems also frequently associated with such Short Term Rental(s) include overcrowding, excessive noise, unruly behavior, illegal parking of vehicles, sanitation issues and violation of trash collection ordinances;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey that Chapter 57A, entitled "Short Term Rental Property Prohibition," of the Code of the Borough of Ho-Ho-Kus is hereby established and adopted as follows:

Chapter 57A-1 Findings.

A. The Mayor and Council hereby find and adopt, as if set forth more fully herein, the fact assertions of the "Whereas" clauses of this Ordinances, as their findings of fact.

Chapter 57A-2 Short Term Rental Property Prohibited Uses.

A. Notwithstanding anything to the contrary contained in the Borough Code, it shall be unlawful for an Owner, lessor, sub-lessor, any other person(s) or entity(ies) with possessory or use right(s) in a Dwelling Unit, their principals, partner or shareholders, or their agents, employees, representatives and other persons(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated Consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any Dwelling Unit, as defined herein, for a period of one hundred seventy-five (175) days or less. B. Nothing in this Ordinance will prevent formation of an otherwise lawful occupancy of a Dwelling Unit for a rental period of more than thirty (30) days.

Chapter 57A-3 Definitions.

ADVERTISE or ADVERTISING

Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this Ordinance, as same may be viewed through various media including but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for Consideration, which are prohibited by this Ordinance.

CONSIDERATION

Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, other form of payment, or thing of value.

DWELLING UNIT

Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, co-operative, converted space, or portions thereof, that is offered to use, made available for use, or is used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of Occupants and/or guest(s), for Consideration, for a period of thirty (30) days or less.

HOUSEKEEPING UNIT

Constitutes a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court,

OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a Dwelling Unit, or portion thereof, or having other permission or possessory right(s) within a Dwelling Unit,

OWNER

Any person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sub-lease or license(including an

operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a Dwelling Unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON

An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

RESIDENTIAL OCCUPANCY

The use of a Dwelling Unit by an Occupiant(s).

Chapter 57A-4 Permitted Uses.

A. The residential occupancy of an otherwise lawful and lawfully occupied Dwelling Unit for a period of thirty (30) days or less by any person who is a member of the Housekeeping Unit of the Owner, without Consideration, such as house guests, is permitted.

Chapter 57A-5 Advertising Prohibited.

A. It shall be unlawful to advertise, solicit or promote by any means actions in violation of this Ordinance.

Chapter 57A-6 Enforcement; Violations and Penalties.

A. The provisions of this Ordinance shall be enforced by the Zoning Official, Fire Official, Health Department, other Sub-Code or Code Official, as their jurisdiction may arise, including legal counsel for the Borough or other persons designated by the Borough Council, to issue municipal civil infractions directing alleged violators of this Ordinance and/or to appear in court or file civil complaints.

B. A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.

C. Any person found to have violated any provision of this Ordinance, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,250. Each day of such violation shall be a new and separate violation of this Ordinance.

D. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Borough's Municipal Court or the Superior Court of New Jersey in the vicinage of Bergen County, or in such other Court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

Chapter 57A-7 Repealer.

All other Ordinances or parts of Ordinances of the Borough which are inconsistent with this Ordinance, are hereby repealed, but only to the extent of such inconsistencies.

Chapter 57A-8 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.

Chapter 57A-9 Effective Date,

This Ordinance shall take effect upon passage and publication as provided by law.

Moved: Cn Rorty

Second: Cn Fiato

All ayes

10. RESOLUTIONS

None

11. CONSENT RESOLUTION

1. # 2016-102 Forgiveness of Solid Waste Bills

Whereas, 20 Beechwood Road, 14 Prescott Road, and 20 Hollywood Place Ave 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

2. # 2016-103 Best Practice Clerk's Certification

WHEREAS, a 2016/2017 Best Practices Inventory survey was sent to the Borough of Ho-Ho-Kus by the State of NJ and was required to be completed and returned to the State, certified by the CFO, no later than October 21, 2016; and

WHEREAS, it was required by the State that the Municipal Clerk, following the consideration of the completed survey by the Governing Body of the Borough of Ho-Ho-Kus at a public meeting, complete the "Best Practices Certification Form" and return it to the State;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that: 1) the survey was completed correctly, certified by the Chief Financial Officer, and returned to the State before the deadline of October 21, 2016 and 2) the survey was discussed at the public meeting of the Mayor and Council on October 25, 2016 and 3) the Municipal Clerk of the Borough of Ho-Ho-Kus hereby certifies each of the above noted points and submits the "Best Practices Certification Form" to the State as required.

3.# 2016-104 Tax Appeal- PSEG

WHEREAS, PSEG SERVICES CORP. ("PSEG") is owner of real estate located at Block 703-Lot 14, Block 601-Lot 6, Block 1012-Lot 6, Block 701-Lot 12 and Block 1011-Lot 6 within the Borough;

WHEREAS, PSEG has filed tax appeals challenging the tax assessment for the years 2012 – 2013; and

WHEREAS, the foregoing were assessed for the tax years 2012 – 2013, as follows: Block 703-Lot 14 - \$131,800; Block 601-Lot 6 - \$188,400; Block 1012-Lot 6 -\$138,300; Block 701-Lot 12 -\$289,600; and Block 1011-Lot 6 - \$128,300; and

WHEREAS, the Borough has completed full discovery with respect to this matter and has conducted exhaustive negotiations with counsel for the taxpayers; and

WHEREAS, the parties have been able to arrive upon a proposed settlement agreement as follows: Taxpayer to withdraw 2012-2013 appeals with an adjusted assessment for 2017 on the above properties, as follows: Block 703-Lot 14 - \$96,200; Block 601-Lot 6 - \$137,500; Block 1012-Lot 6 -\$101,300; Block 701-Lot 12 -\$211,400; and Block 1011-Lot 6 - \$93,700; and

WHEREAS, the Borough's Tax Assessor, Marie Merolla, is in agreement with the terms of the settlement and believes that it would be in the best interest of the Borough to settle this particular case in accordance with the terms set forth above; and

NOW, THEREFORE, 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 PSEG Services Corp. Tax Appeal pending in the Tax Court of New Jersey under Docket No. 018420-2012 and 018277-2013 at the new assessment set forth above; 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, Chief Financial Officer, Borough Tax Assessor, Borough Tax Collector and the Municipal Attorney.

4. # 2016-105 Grant Agreement

BE IT RESOLVED, that the Mayor and Council of Ho-Ho-Kus wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$36,000 in 2016-2017 Community Development Block Grant funds for Ferris Court Roadway Improvements Ferris Court, Ho-Ho-Kus, N.J.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes MAYOR THOMAS W. RANDALL to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes WILLIAM JONES to sign all County vouchers submitted in connection with the aforesaid project; and

BE IF FURTHER RESOLVED, that the Mayor and Council recognizes that Borough of Ho-Ho-Kus is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

5. # 2016-106 Bid Advertisement

The Borough of Ho-Ho-Kus has determined that the property located at 188 East Franklin Turnpike, Ho-Ho-Kus, New Jersey, Block 1016, Lot 6 (the "premises") is not needed for public use, and it has been determined that said premises be leased pursuant to the provisions of N.J.S.A. 40A:12-14;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that the Borough Clerk be and is hereby authorized to publically advertise for bids to lease the premises by the submission of sealed bids to be received by the Borough Clerk on November 17, 2016 at 11:00 AM at the Ho-Ho-Kus Borough Hall, 333 Warren Avenue, Ho-Ho-Kus, New Jersey; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to advertise notice of the bidding in a newspaper circulated in the Borough of Ho-Ho-Kus by two (2) insertions, at least once a week during two (2) consecutive weeks;

BE IT FURTHER RESOLVED, the lease publication to be not earlier than seven (7) days prior to the letting of the lease; and

BE IT FURTHER RESOLVED, that the lease shall be let upon the following terms and conditions:

- (1) An initial five (5) year term with one (1) option of five (5) years.
- (2) Minimum acceptable rental for the rental area of approximately 1,800 square feet shall be an annual rental for the first year of \$21,600 or \$1,800 per month.
- (3) The rent will be fixed for the first year of the initial term. Thereafter, for the initial term, annual adjustments will be made to the rental in the amount of 2% per annum.
- (4) The tenant shall be responsible for utilities and routine service and repairs to the electrical, mechanical and plumbing systems. The landlord shall be responsible for major electrical, mechanical, HVAC and structural repairs after a \$250.00 deductible payable by tenant.
- (5) The Borough will perform lawn maintenance, landscaping and snow removal at the premises consistent with landscaping and snow removal of other municipal buildings. This will not be on a priority basis and tenant is free to contract on its own for said services.
- (6) Tenant may utilize said premises for any use lawfully authorized by the Zoning Code of the Borough of Ho-Ho-Kus.
- (7) Each bid shall be submitted on bid proposal forms together with such information required by the Borough and must be accompanied by a cashier's or certified check payable to the Borough of Ho-Ho-Kus in the sum of ONE THOUSAND EIGHT HUNDRED (\$1,800) DOLLARS. Such check will be held by the Borough as a guarantee that in the event that the bid is accepted and a lease awarded to the bidder, the lease will be duly executed and its performance properly secured, and in default thereof, said check in the amount represented thereby will be forfeited to the Borough of Ho-Ho-Kus as liquidated damages.
- (8) The successful bidder will be required to sign the form of lease agreement which will be part of the bid documents.

BE IT FURTHER RESOLVED, that the Governing Body does hereby reserve the right to

accept the highest bid or reject all of the bids where the highest bid is not accepted; and

BE IT FURTHER RESOLVED, that said lease shall be let based upon additional terms and conditions, as set forth in the form of lease agreement, together with instructions and notice to bidders which may be obtained from the office of the Borough Clerk at the Borough Hall, 333 Warren Avenue, Ho-Ho-Kus, New Jersey between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday at a cost of \$25.00; and

BE IT FURTHER RESOLVED, that acceptance or rejection of the bid or bids shall be made not later than at the second regular meeting of the Governing Body following the completion of the bidding, and, if the Governing Body shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected; and

BE IT FURTHER RESOLVED, that any such award to a bidder may be adjourned at the time advertised for not more than one (1) week without readvertising.

6. # 2016-107 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$3,518,206.86

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 \$3,518,206.86 be approved and ratified respectively

Motioned: Cn. Troast

Second: Cn. Rorty.

12. OLD BUSINESS

A. Liaison Reports.

1. Recreation

Halloween celebration at the school.

2. Board of Education

3. Other

B. Shade Tree

C. Chamber of Commerce

13. NEW BUSINESS

Police Chief Minchin stated that speed signs are up for the Halloween Curfew. He thanked Mr. Kober for the help CERT had given the PD with a power line down until PSEG arrived.

14. MAYOR'S REMARKS

15. CLOSED SESSION

Litigation, Personnel and Contracts

16. ADJOURNMENT

With no further discussions to come before the Council, Mayor Randall adjourned the meeting at 8:45 PM.

Respectfully submitted,

Laura Borchers, RMC/CMR
Borough Clerk