

**BOROUGH OF HO-HO-KUS**

**MAYOR AND COUNCIL PUBLIC MEETING**

**October 28, 2014- 8:00 P.M.**

**I OPEN MEETING STATEMENT - ROLL CALL**

Mayor Randall opened the meeting and asked Sofia Wyman Mayor for the day to read the opening the statement.

**ROLL CALL**

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

Also present were borough administrator Donald G. Cirulli and borough attorney David B. Bole.

**II. PLEDGE OF ALLEGIANCE**

Sofia Wyman led all in the pledge of allegiance.

**III. MAYOR FOR THE DAY**

Mayor Randall introduced Sofia Wyman

**IV. INTRODUCTION NEW MEMBER- HHKVAC**

Mayor Randall introduced new member of the HHKVAC Marshall Guo

**V. PROCLAMATION**

Mayor Randall read a Proclamation for St. Luke's Church

**VI. BOARD OF EDUCATION**

The Board of Education came before Council to present them with information for installation of a new Track and Field.

**VII. APPROVAL OF MINUTES**

1. September 23, 2014	Public Meeting
2. September 23, 2014	Closed Session 8:00 PM
3. September 23, 2014	Closed Session 8:45 PM

Councilmember Rorty made a motion to approve the minutes, seconded by Councilmember Lennon

All Ayes

Abstained. Councilmembers Shea and Weiss

**VIII. COMMITTEE REPORTS**

**A. FINANCE**

Finance Officer's Report – Sept 2014

**B. PUBLIC SAFETY**

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

**C. PUBLIC WORKS & PROPERTIES**

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

**D. WATER**

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

**E. FIRE**

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

**F. COMMUNITY RELATIONS**

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

**IX. PUBLIC DISCUSSION**

**X. A. CORRESPONDENCE**

1. Go4theGoal Foundation- Thank you letter for 2014 Richards Run

**B. Ordinances and Resolutions Other Towns.**

1. Township of East Brunswick- Local Pension Funding
2. Borough of New Milford-Assembly Bill 3404- Retail Liquor License for Historic Taverns.

**C. Bergen County.**

1. None

**D. League of Municipalities.**

1. Transportation Trust Fund
2. Recommended Fire Station Precaution during Election
3. Draft Resolution on Transportation Infrastructure Funding Available
4. Organize a "Jeans for Troops" drive
5. Weekly Updates

**E. State of New Jersey.**

None

**XI. INTRODUCTION OF ORDINANCES**

1. Ord. # 1033 Amend Chapter 46 "Police Department"

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

**Chapter 46** of the Code is amended and supplemented as follows:

**46-1.** No change.

**46-2.** No change.

**46-3. Chief of Police; Powers and Duties**

The Borough shall appoint a Chief of Police who shall have all of the powers set forth in N.J.S.A. 40A:14-118 and who shall be directly responsible to the "Appropriate Authority" for the efficiency and routine day-to-day operations of the Police Department.

**46-4 to 46-11.** No change.

**46-12. Disciplinary Actions**

Discipline of employees and police officers will be imposed consistent with New Jersey State statutes and the Rules and Regulations of the Ho-Ho-Kus Police Department. The Chief of Police or designee will proffer the written charges as provided in the New Jersey Statutes and the Police Department's Rules and Regulations. Police officers and employees may also be subject to discipline for violating other statutes, ordinances and policies.

**46-13. Designation of Appropriate Authority**

In accordance with N.J.S.A. 40A:14-118, the Mayor and Borough Council of Ho-Ho-Kus is hereby designated as the Appropriate Authority and is hereby vested with the powers and duties of an Appropriate Authority as delegated by law.

**46-14. Rules and Regulations**

The "Appropriate Authority" shall, from time to time as may be necessary, adopt and amend the rules and regulations for the government and discipline of the Police Department and employees thereof. Said rules and regulations may fix and provide for the enforcement of such rules and regulations and the enforcement of penalties for the violation of such rules and regulations. All employees of the Police Department shall be subject to such rules and regulations and penalties.

**46-15 to 46-20.** No change

**SEVERABILITY**

If any portion of this ordinance is adjudged unconstitutional or invalid by the Court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

**REPEALER**

All other ordinances of the Borough, or parts thereof, which are in conflict with this ordinance are hereby repealed to the extent of such conflict.

**EFFECTIVE DATE**

This ordinance shall take effect upon passage and publication as required by law.

Councilmember Rorty moved the adoption of the Ordinance, seconded by Councilmember Lennon

All Ayes.

Absent: Cn. Troast

2. Ord. # 1034 Amend Chapter 79 "Vehicles and Traffic"

**AN ORDINANCE TO AMEND CHAPTER 79 OF THE CODE ENTITLED "VEHICLES AND TRAFFIC"**

**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 \$325.

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; 11/22/2011 by Ordinance No. 1000].

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.

Councilmember Lennon moved the adoption of the Ordinance, seconded by Councilmember Weiss

All Ayes.

Absent Cn. Troast

3. Ord # 1035 Amend Chpt 85 "Zoning"

### **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 85 OF THE CODE ENTITLED "ZONING ORDINANCE OF THE BOROUGH OF HO-HO-KUS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Ho-Ho-Kus that Chapter 85 of the Code is hereby amended and supplemented as follows:

#### **SECTION I**

**Section 85-9(G)(1)** is deleted in its entirety and amended to read:

(1) Lot coverage shall not exceed 20% of Lot area.

**Section 85-9(G)(5)** is deleted in its entirety and is amended to read:

(5) Lot coverage by accessory buildings and structures shall not exceed 6% of Lot area.

**Section 85-10(G)(1)** is deleted in its entirety and amended to read:

(1) Lot coverage shall not exceed 20% of Lot area.

**Section 85-10(G)(5)** is deleted in its entirety and is amended to read:

(5) Lot coverage by accessory buildings and structures shall not exceed 6% of Lot area.

**Section 85-11(G)(1)** is deleted in its entirety and is amended to read:

(1) Lot coverage shall not exceed 25% of Lot area.

**Section 85-11(G)(5)** is deleted in its entirety and is amended to read:

(5) Lot coverage by accessory buildings and structures shall not exceed 7.5% of Lot area.

#### **SECTION II**

The Borough Clerk is hereby directed to give notice at least ten (10) days prior to Hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after Public Hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Bergen

County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

**SECTION III. SEVERABILITY**

If any portion of this ordinance is adjudged unconstitutional or invalid by the Court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

**SECTION IV. REPEALER**

All other ordinances of the Borough, or parts thereof, which are in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION V. EFFECTIVE DATE**

This ordinance shall take effect upon passage and publication as required by law.

Councilmember Rorty moved the adoption of the Ordinance, seconded by Councilmember Lennon

All Ayes.

Absent: Cn. Troast

**XII. FINAL PASSAGE OF ORDINANCES**

None

**XIII. RESOLUTIONS**

None

**XIV. CONSENT RESOLUTION**

1. # 14-121 Authorize Advertisement for Bid for Lease- 188 Franklin Tpke

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 19, 2014 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 3% per annum or increase in the consumer price index, whichever is less.
- (4) The lease shall be on a triple net basis with tenant to be responsible for all taxes, utilities, repairs and insurance.
- (5) Tenant may utilize said premises for any use lawfully authorized by the Zoning Code of the Borough of Ho-Ho-Kus.
- (6) 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.

- (7) The successful bidder will be required to sign the form of lease agreement which will be part of the bid documents. This successful bidder will also be responsible for the cost of public advertising of the bid.

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; 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.

### 2. # 14-122 Approval for Grant Application- Brandywine/Valley Forge Drainage Application

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Ho-Ho-Kus formally approves the grant application for the above stated project and;

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as **MA-2015- Brandywine/ValleyForge DrainageImp-00629** to the New Jersey Department of Transportation on behalf of the Borough of Ho-Ho-Kus and;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant application on behalf of the Borough of Ho-Ho-Kus and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

### 3. # 14-123 Waive Health Care Coverage

**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 2014 payment and implement the rules set forth by Chapter 92 & Chapter 2.

**FURTHERMORE, BE IT RESOLVED**, the following employees receive compensation for their withdrawal

<b>Mr. Males</b>	<b>\$4,284.33</b>
<b>Mr. Cirulli</b>	<b><u>\$2,142.18</u></b>

\$6,426.51

4. # 14-124 Approval for Public Auction

**WHEREAS, pursuant** to the provisions of N.J.S.A. 40A:11-36 the Borough of Ho-Ho-Kus may sell any personal property; and **WHEREAS,** the Mayor and Council of the Borough of Ho-Ho-Kus have determined that said property is not needed for public purpose and wishes to sell them; and

**WHEREAS,** this sale will be in an "as is" condition without express or implied warranties

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus, that the Surplus property be sold as identified in Schedule A. on November 12<sup>th</sup> 2014 at the Department of Public Works, 23 Hollywood Ave, Ho-Ho-Kus NJ 07423

Item #	Year	Model	Vin number	Mileage	Min. Bid
1	1999	F350 Ford Pickup	1FTSF31F6XEC67118	89,911	B/O
2	2001	Dodge Durango	1B4HS28Z11F538875	66,397	B/O
3	2004	Dodge Durango	1D4HB48N24F237616	120,430	B/O
4	2003	Dodge Durango	1D4HS38N23F595159	84,008	B/O
5	1991	Perform. Brush Chipper	4609		B/O
6	2005	Neopost Folding Mach.			B/O

5. St. Luke's Church.

a. # 14-125 Off Premise Raffle 419- December 8<sup>th</sup> 2014

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

APPLICATION: RA 419

DATES: December 8, 2014

b. # 14-126 On Premise Raffle 420- March 8<sup>th</sup> 2015

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

APPLICATION: RA 420

DATES: March 15, 2015

c. # 14-127 Off Premise Raffle 421- March 8<sup>th</sup> 2015

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

APPLICATION: RA 421

DATES: March 15, 2015

6. # 14-128 Middlesex Co-Operative Pricing Agreement

WHEREAS, *N.J.S.A. 40A:11-11(5)*, specifically authorizes two or more contracting units to establish a Cooperative Pricing System for the provision and performance of goods and services and enter into a Cooperative Pricing Agreement for its administration; and

WHEREAS, the MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION is conducting a voluntary Cooperative Pricing System with other contracting units; and

WHEREAS, this Cooperative Pricing System is to effect substantial economies in the provision and performance of goods and services; and

WHEREAS, all parties hereto have approved the within Agreement by Resolution' in accordance with the aforesaid statute; and

WHEREAS, it is the desire of all parties to enter into such Agreement for said purposes;

THEREFORE BE IT RESOLVED that the Borough of Ho-Ho-Kus enter into an agreement to participate in the MIDDLESEX REGIONAL EDUCATIONAL COOPERATIVE PRICING SYSTEM.

7. # 14-129 Forgiveness of Water Bill-188 Franklin Tpk

**Whereas**, 188 Franklin Turnpike is a vacant property; and

**Whereas**, the structure 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

8. # 14-130 Police Chief Employment Agreement

**WHEREAS**, it is reasonable and appropriate to have a Police Chief Employment Agreement; and

**WHEREAS**, the appropriate Council Committee has reviewed and recommended such Agreement;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body that a Police Chief Employment Agreement between the Borough and Chief John C. Wanamaker of the Ho-Ho-Kus Police Department, for the period January 1, 2014 through December 31, 2014 be and is hereby authorized; and

**BE IT FURTHER RESOLVED**, that the Mayor and Municipal Clerk are authorized to sign such Agreement on behalf of the Borough.

9. # 14-131 Police Captain Employment Agreement

**WHEREAS**, it is reasonable and appropriate to have a Police Captain Employment Agreement; and

**WHEREAS**, the appropriate Council Committee has reviewed and recommended such Agreement;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body that a Police Captain Employment Agreement between the Borough and Captain Michael L. Pattman of the Ho-Ho-Kus Police Department, for the period January 1, 2014 through December 31, 2014 be and is hereby authorized; and

**BE IT FURTHER RESOLVED**, that the Mayor and Municipal Clerk are authorized to sign such Agreement on behalf of the Borough.

10. # 14-132 Award of Bid- Matina and Sons

**WHEREAS**, Sealed bids were received by the Borough for the project known as "Water System Control Valve Replacement, Line Stopping and Valve Insertion Service"; and

**WHEREAS**, said bids were received on October 21, 2014; and

**WHEREAS**, the bid documents have been reviewed and it is determined that the bid of Matina & Son, Inc., meets the bid specifications for the project; and

**WHEREAS**, the Chief Financial Officer has attached hereto a Certification that adequate funds have been duly budgeted and appropriated to pay for the Contract;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body that it does hereby award a Contract for the above referenced project to Matina & Son, Inc., 146 English Street, Hackensack, New Jersey 07601 for three (3) locations at

\$26,400.00 per location for a total Contract of \$79,200.00; and

**BE IT FURTHER RESOLVED**, that the Mayor and Municipal Clerk are authorized to sign a Contract with the successful contractor following legal review.

11. # 14-133 Payment of Vouchers

**WHEREAS**, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$3,051,964.55.

**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 **\$3,051,964.55** be approved and ratified respectively

	Moved	Second	Ayes	Nays	Absent	Abstain
Mayor Randall						
Councilmember Troast					X	
Councilmember Lennon	X		X			
Councilmember Shea			X			
Councilmember Rorty		X	X			
Councilmember Weiss			X			
Councilmember Shell			X			

Councilmember Lennon approved the Consent resolution, seconded by Councilmember Rorty

All Ayes

Absent: Councilmember Troast

**XV. OLD BUSINESS**

**A. Liaison Reports:**

1. Recreation

Councilmember Shea stated that the recreation committee at their meeting discussed the "Track and Field" that is up for Referendum on December 9<sup>th</sup> 2014.

2. Board of Education

None

3. Other

**B. Shade Tree**

Mayor Randall commented that the Borough planted a new tree in celebration of Arbor Day.

**C. Chamber of Commerce**

Councilmember Shell reported that the Chamber met for a meeting and brainstormed parking issues, hoping to come up with some ideas by the next meeting.

**XVI NEW BUSINESS**

None

**XVII. MAYOR'S REMARKS**

Mayor Randall commented that in the Weekend Wall Street Journal Real Estate there was an article about the Borough.

Councilmember Shell commented that New Jersey Monthly rated Northern Highlands Regional High School 3<sup>rd</sup> for best high school in New Jersey and Newsweek Magazine rated it as 59<sup>th</sup> in the Country.

**XVIII. CLOSED SESSION**

None

**XIX. ADJOURNMENT**

With no further discussions to come before the Council, and on a motion made by Councilmember Lennon, seconded by Councilmember Rorty and carried, Mayor Randall adjourned the meeting at 10:10 PM.

Respectfully Submitted,

Laura Borough, RMC/CMR  
Borough Clerk