

BOROUGH OF HO-HO-KUS
PUBLIC MEETING OF
THE MAYOR AND COUNCIL
SEPTEMBER 22, 2015- 8:00 PM

MINUTES

Mayor Randall called the meeting to order at 8:00 PM. The open meeting statement was read by resident Payne Edelman.

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 that copies of the annual notice of meetings, of which this is a part, have been heretofore sent to The Record and the Ridgewood News - newspapers with general circulation throughout the Borough of Ho-Ho-Kus

Roll Call: Members present were: Mayor Randall, Councilmembers Troast, Shea, Rorty, Shell and Iannelli. Also present was borough administrator William Jones, attorney David Bole and borough clerk Laura Borchers. Councilmember Weiss was absent.

Resident Jack Edelman led all in the pledge of Allegiance.

PROCLAMATIONS

1. Gold Star Mothers
2. National Childhood Cancer Awareness Month
3. National Sickle Cell Awareness Month

APPROVAL OF MINUTES

1. August 18, 2015 Combined Session
2. August 18, 2015 Closed Session

Councilmember Shea motioned the approval of the minutes, seconded by Councilmember Iannelli

All ayes

Abstain: Cn. Rorty

COMMITTEE REPORTS- August 2015

On file

PUBLIC DISCUSSION

None

CORRESPONDENCE

1. Community Church- Permission to hold Tricky Tray and to hang two banners on borough property

Councilmembers Rorty and Shell approved the request.

All ayes

2. New Jersey Alliance for Immigrant Justice

3. NJGCA- Prohibiting the Sale of Tobacco to 19 and 20 year old adults

4. YAC- Permission for Annual Window Painting

Councilmembers Shell and Iannelli approved the request.

All ayes

INTRODUCTION OF ORDINANCES

1. Ordinance # 1041 Amend Chapter 85 "Zoning" Permit Business Offices in GB Zone.

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

SECTION I: Section 85-7, Definitions, is amended by inclusion of the following:

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government, and generally furnished with desks, tables, files and communication equipment.

SECTION II: Section 85-13A, Permitted Uses, is amended by including therein:

(16) Business Offices.

SECTION II: 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.

SECTION IV: 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.

SECTION V: EFFECTIVE DATE

This ordinance shall take effect after final passage and publication as required by law. 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 NJS 40:55D-15 and NJS 40:55D-63 if required. Upon the adoption of this Ordinance after Public Hearing thereon, the Borough Clerk is further redirected 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 NJS 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 NJS 40:49-2.1.

Councilmember Rorty moved the introduction of the Ordinance, seconded by Councilmember Shell

All ayes

Absent: Cn Weiss

FINAL PASSAGE OF ORDINANCES

None

RESOLUTIONS

None

CONSENT RESOLUTION

- 15-108 Agreement Police Chief

BE IT RESOLVED, by the Governing Body that the Police Captain agreement between the Borough of Ho-Ho-Kus and Captain Anthony Grego, of the Ho-Ho-Kus Police Department for the period between June 23, 2015 until December 31, 2017 is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized to sign said agreement on behalf of the Borough.

- 15-109 Agreement Police Captain

BE IT RESOLVED, by the Governing Body that the Police Captain agreement between the Borough of Ho-Ho-Kus and Captain Anthony Grego, of the Ho-Ho-Kus Police Department for the period between June 23, 2015 until December 31, 2017 is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized to sign said agreement on behalf of the Borough.

- 15-110 Tax Appeal Casey vs Ho-Ho-Kus

RESOLUTION AUTHORIZING MUNICIPAL ATTORNEY TO SETTLE 2013-2015 TAX APPEALS CAPTIONED “CASEY V. HO-HO-KUS”

WHEREAS, James Casey and Patricia Casey are owners of real estate known as Lot 38.02 Block 502, better known as 12 Saddle Ridge Road, Ho-Ho-Kus, New Jersey; and

WHEREAS, the owners have filed Tax Appeals challenging the tax assessment for the years 2013-2015; and

WHEREAS, Lot 38.02 in Block 502 was assessed for the tax years 2013-2015 in the total amount of \$3,061,200; and

WHEREAS, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's Appraiser 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 2013-2014 appeals; a revised assessment of \$2,738,000 for 2015 and for 2016 a revised assessment of \$2,668,800; and

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

WHEREAS, the Borough's Tax Assessor, Marie Merolla, is in agreement with the terms of this settlement and believes that it would be in the best interest of the Borough to settle this particular case in accordance with 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 of Ho-Ho-Kus with respect to the Casey v. Ho-Ho-Kus Tax Appeal pending in the Tax Court of New Jersey under Docket Nos. 004211-2013, 003346-2014 and 004015-2015 at the new assessment set forth above and including the revised 2016 assessment set forth above.

BE IT FURTHER RESOLVED, that upon receipt of the Tax Court Judgment, 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 2015 Appeal within sixty (60) days from the date of the Tax Court Judgment; and

BE IT FURTHER RESOLVED, that true 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.

- 15-111 NJ COAH- DJ Action Agreement

WHEREAS, the Borough of Ho-Ho-Kus entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; an

WHEREAS, the Borough of Ho-Ho-Kus recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Borough of Ho-Ho-Kus has determined that it is in the best interests of the citizens of the Borough of Ho-Ho-Kus to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Ho-Ho-Kus, as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Borough Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough of Ho-Ho-Kus hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Borough of Ho-Ho-Kus with Econsult Solutions, Inc.

The Borough of Ho-Ho-Kus hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough of Ho-Ho-Kus designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Borough of Ho-Ho-Kus further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, Borough of Ho-Ho-Kus shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough of Ho-Ho-Kus.
6. This Resolution shall take effect immediately.

- 15-112 Appt- Administrative Asst. Elisa Caporale.

BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that they accept the recommendation of the Administrator, Lisa Caporale. as follows.

Deputy Registrars of Vital Statistics, Administrative Assistant, Secretary to the DPW,
Secretary to the Shade Tree Commission

BE IT FURTHER RESOLVED that said positions shall be paid of the annual salary adopted by the 2015 Salary Ordinance;

BE IT FURTHER RESOLVED that said appointment and employment shall be subject to a six-month probationary period;

That the duties for the aforesaid positions shall be as set forth in the job description and functions of the Borough of Ho-Ho-Kus;

That said appointments shall be subject to revised Chapter 42 of the Borough Code: Personnel Policies, Practices and Regulations, as well as applicable State agencies having jurisdiction;

BE IT FURTHER RESOLVED that this Resolution shall be subject to the appointee/employee herein acknowledging and accepting a copy of this Resolution, the Borough Employee's Handbook and the municipality's policy statement on sexual harassment.

- 15-113 Forgiveness of Solid Waste Bill

Whereas, 65 Lakewood Avenue 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

- 15-114 School Resource Officer
Tabled.
- 15-115 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$1,874,546.81

WHEREAS, such claims have been listed according to Department and account number with corresponding vouchers to be reviewed and approved by the Mayor and Council; and,

WHEREAS, the CFO has determined that the funds have been properly appropriated for such purposes and are available, in the Borough of Ho-Ho-Kus and that the claims specified on the schedule attached hereto, following examination and approval by the Mayor and Council, be paid and checks issued accordingly; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that the claims totaling \$1,874,546.81 be approved and ratified respectively

Councilmember Troast moved the approval of the Consent Resolution, seconded by Councilmember Iannelli

All ayes

Absent: Cn. Weiss

OLD BUSINESS

A. Liaison Reports:

1. Recreation

Councilmember Shea stated that the Movie night was a nice turn out. Had a moment of Silence for those lost in the 911 tragedy, and thanked the DPW and Police department for all the hard work.

2. Board of Education

3. Other

B. Shade Tree

C. Chamber of Commerce

Councilmember Shell stated that Blue Ribbons were placed on Borough Trees for "Turn the Town Teal" for Ovarian Cancer Awareness. Just Janice restaurant making progress with the construction

NEW BUSINESS

Councilmember Iannelli discussed the signage about street parking on Lloyd Road

MAYOR'S REMARKS

Mayor Randall commented on the Borough's 911 Memorial Service

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 the Exception for Personnel and Litigation

BE IT FURTHER RESOLVED, that the results of the Closed Session will be available to the public in the minutes regarding the same at the conclusion of the matter.

ADJOURNMENT

With nothing further to come before the council and on a motion made by Councilmember Shea, seconded by Councilmember Shell and carried Mayor Randall adjourned the meeting at 8:30 PM

Respectfully submitted,

Laura Borchers, RMC/CMR

Borough Clerk