A Regular Session Meeting of the Mayor and Council of the Borough of Ho-Ho-Kus was held in the Municipal Building at 333 Warren Avenue, Ho-Ho-Kus, NJ on June 26, 2018. The meeting was called to order at 7:30 p.m. by Mayor Randal who asked that the Municipal Clerk to read the open public meetings statement:

The Regular Meeting of the Mayor and Council of the Borough of Ho-Ho-Kus is now in session. In accordance with the provisions of Section 5 of the "Open Public Meetings Act". Adequate Notice of this meeting has been posted in the front lobby entrance to the Borough Hall and Council Chambers, a copy has been filed with the Borough Clerk, and copies of the Annual Notice of Meetings, of which this is a part, have been heretofore sent to the Record and the Ridgewood News.

Roll Call:

Present: Mayor Randall, Council President Troast, Councilman Shell, Councilman Rorty, and

Councilman Crossley

Absent: Councilman Iannelli, Councilman Fiato

Also Present: David Bole, Municipal Attorney, William Jones, Borough Administrator, Deborah Fehre, Interim Municipal Clerk

Flag Salute: The Mayor led those present in a salute to the flag.

Mayor Randall informed everyone that they lost a member of the municipal family, Cathy Henderson. She held many positions for the Borough including Administrator as her father was before her. The Mayor asked for a moment of silent thought.

Mayor Randall announced there was a first order of business to take of before the swearing in of Officer Leonard as Sergeant.

Adoption of Ordinance:

Ordinance 2018-07

An Ordinance to Amend, and Supplement Chapter 46 of The Code Of The Borough of Ho-Ho-Kus so as to Modify The Table of Organization

On a motion by Councilman Troast, seconded by Councilman Shell, Ordinance 2018-07 was approved for public hearing.

Ayes: Councilman Troast, Councilman Shell, Councilman Crossley, Councilman Rorty Absent: Councilman Fiato, Councilman Iannelli

Mayor Randall opened the meeting for the public hearing.

No comments from the public.

Mayor Randal closed the public hearing.

On a motion by Councilman Troast, seconded by Councilman Shell, the following Ordinance 2018-07 was offered for adoption.

Ayes: Councilman Troast, Councilman Shell, Councilman Crossley, Councilman Rorty

Absent: Councilman Fiato, Councilman Iannelli

ORDINANCE # 2018-07

AN ORDINANCE TO AMEND, AND SUPPLEMENT CHAPTER 46 OF THE CODE OF THE BOROUGH OF HO-HO-KUS SO AS TO MODIFY THE TABLE OF ORGANIZATION

WHEREAS, the Borough of Ho-Ho-Kus has heretofore adopted Chapter 46 of the Code of the Borough of Ho-Ho-Kus, so as to establish the Ho-Ho-Kus Police Department, the organization thereof, and matters pertaining thereto; and

WHEREAS, the Borough of Ho-Ho-Kus wishes to amend said Chapter, and particularly to amend §46-2 (A) of said Chapter, so as to modify the number of Sergeants permitted under the Table of Organization;

NOW THEREFORE BE IT ORDAINED by the Mayor and Borough Council of the Borough of Ho-Ho-Kus, that Chapter 46-2 (A) of the Code of the Borough of Ho-Ho-Kus be amended and replaced in its entirety with the following:

§ 46-2 Composition; vacancies; compensation; duties.

A. Composition. The Ho-Ho-Kus Police Department shall consist of the following personnel to be appointed to these positions by the Mayor and confirmed by the Borough Council in accordance with § **46-6**:

- (1) Not more than one Chief of Police.
- (2) Not more than one Captain.
- (3) Not more than one Lieutenant.
- (4) Not more than six Sergeants.
- (5) Not more than nine patrol officers.

Except as modified herein, all other provisions of Chapter 46 shall remain in full force and effect as previously adopted.

Promotion:

Mayor Randall announced the promotion of Officer Patrick Leonard who is a lifelong resident of Waldwick. He came to our Police Department in 2007, a veteran of our force, very active community policing, crime prevention, outreach, and active in the school and senior citizens. He was on duty the night of the bomb scare at our borough hall when back pack was removed without incident.

Council President Troast read Resolution 18-68 in full.

On a motion by Councilman Troast, seconded by Councilman Shell, Resolution 18-68 Appoint Patrolman Patrick Leonard to Sergeant was offered for approval.

Ayes: Councilman Troast, Councilman Shell, Councilman Crossley, Councilman Rorty Absent: Councilman Fiato, Councilman Iannelli

Resolution 18-68 Appoint Patrolman Patrick Leonard to Sergeant

Whereas, there currently exists a vacancy in the position of Sergeant in the Ho-Ho-Kus Police Department; and

Whereas, after posting and due consideration, Chief Christopher Minchin has recommended that Patrolman Patrick Leonard be promoted to the rank of Sergeant, and that he be sworn-in by Mayor Randall at the Mayor and Council meeting of June 26, 2018, so that the promotion becomes official as of that date; and

Whereas, it has been decided that, along with the promotion, a pay increase to \$132,790 per year will be given, effective as of May 1, 2018.

Now, Therefore be it Resolved by the Mayor and Council of the Borough of Ho-Ho-Kus that Patrolman Patrick Leonard is hereby promoted to the rank of Sergeant of the Ho-Ho-Kus Police Department and that his salary is increased to \$132,790.

Oath of Office:

Mayor Randall administered the Oath of Office to Sergeant Leonard.

Mayor Randall offered time for pictures to be taken and a short recess.

Roll Call: upon return from recess

Present: Mayor Randall, Council President Troast, Councilman Shell, Councilman Rorty, and Councilman Crossley

Absent: Councilman Iannelli, Councilman Fiato

Approval of Minutes:

On a motion by Councilman Troast, seconded by Councilman Rorty, the following minutes were offered for approval.

April 24, 2018 Regular Meeting
May 15, 2018 Work Session
May 22, 2018 Regular Meeting
May 22, 2018 Closed Session
May 22, 2018 Closed Session

Ayes: Councilman Troast, Councilman Shell, Councilman Crossley, Councilman Rorty Absent: Councilman Fiato, Councilman Iannelli

Payment of Claims

On a motion by Councilman Troast, seconded by Councilman Rorty, Resolution 18-69 Approve Vouchers and Purchase Orders for Bill List in the amount of \$2,067,169.13, was offered for approval.

Ayes: Councilman Troast, Councilman Shell, Councilman Crossley, Councilman Rorty

Absent: Councilman Fiato, Councilman Iannelli

18-69 Approve Vouchers and Purchase Orders for Bill List

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,067,169.13; and

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 \$2,469,981.08 be approved and ratified respectively.

<u>Department Reports:</u> May 2018 - Mayor Randall announced that the reports are on file in the Clerk's office

Public Portion;

Mayor Randall opened the meeting the public for comment on any issue.

No comments

Mayor Randall closed the public portion of the meeting

Administrators Report:

Mr. Jones reported that the Brandywine drainage project should be finished late today, they are still out there working, or tomorrow. There will be cleanup and all should be back to normal by the end of this week or beginning of next week.

Correspondence: Mayor Randall briefly reviewed the correspondence

Northwest Bergen County Utilities Authority – adjustment of sewer connection fee Julie O'Brian, resident - tax bill dispute

Terracon – opinion Re: completed remediation of site 50 North Franklin Turnpike

NJLM – 103rd Annual League of Municipalities Conference

Winne, Dooley & Bole, P.C. – Final Judgements entered by Judge Farrington

Re: Ho-Ho-Kus Docket No.: BER-L-6215-15

– builder's remedy protection for ten years

BCUA – Ho-Ho-Kus Public School, 2018 BCUA Environmental Awareness Challenge Grant

MELJIF – Legislative Alert Re: Resolution to amend pending senate bills

Introduction of Ordinance:

On a motion by Councilman Rorty, seconded by Councilman Crossley, the following ordinance was introduced by title.

ORDINANCE 2018-08

An Ordinance to Amend and Supplement Chapter 79 Of The Code Entitled "Vehicles And Traffic"

Ayes: Councilman Troast, Councilman Shell, Councilman Crossley, Councilman Rorty Absent: Councilman Fiato, Councilman Iannelli

On a motion by Councilman Rorty, seconded by Councilman Shell, the following was approved:

Be It Resolved by the Mayor and Council of the Borough of Ho-Ho-Kus that a public hearing of Ordinance 2018-08 shall be held in Borough Hall, 333 Warren Avenue, Ho-Ho-Kus, NJ 07423 on July 17, 2018.

Ayes: Councilman Troast, Councilman Shell, Councilman Crossley, Councilman Rorty Absent: Councilman Fiato, Councilman Iannelli

RESOLUTIONS:

Council President Troast read the following resolutions by title for the record.

On a motion by Councilman Troast, seconded by Councilman Crossley, the following resolutions were offered for approval.

Ayes: Councilman Troast, Councilman Shell, Councilman Crossley, Councilman Rorty Absent: Councilman Fiato, Councilman Iannelli

18-70 Accept Resignation Full Time Police Dispatcher Chelsea Ferrara

WHEREAS, Chelsea Ferrara, Full Time Police Dispatcher, has indicted she wishes to resign her employment with the Borough and from her position as Full Time Police, and

WHEREAS, the Mayor and Council thank Ms. Ferrara for her service.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the resignation of Chelsea Ferrara is hereby accepted.

18-71 Approve Liquor License Applications for Licensing Year 2018/2019

WHEREAS, applications have been made by certain persons and corporations for the renewal of Plenary Retail Consumption, and Plenary Retail Distribution licenses for the year commencing July 1, 2018 and terminating June 30, 2019; and

WHEREAS, no complaints or objections have been filed with the Borough Clerk against said persons or corporations; and

WHEREAS, the Police Department of the Borough of Ho-Ho-Kus has not received any complaints of violations of Alcoholic Beverage Control regulations by any of the applicants hereinafter named; and

WHEREAS, said applicants have filed their applications with the Alcohol Beverage Control of the State of New Jersey, paid the State fee, received their Tax Clearance Certificate from the NJ Division of Taxation and paid the municipal fees of \$2,000.00 for the Plenary Retail Consumption license and \$825.00 for each of the three Plenary Retail Distribution licenses.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the following Plenary Retail Consumption and Plenary Retail Distribution licenses be issued:

Ho-Ho-Kus Inn & Tavern LLC	(0228-33-002-010)	Retail Consumption	ABC Pocket License
Red Cellar Inc.	(0228-44-003-007)	Retail Distribution	DBA: Uncorked Wines
Russak Inc.	(0228-44-004-005)	Retail Distribution	DBA: Wine & Spirit World
Garbo's Italian Deli Inc.	(0228-44-001-005)	Retail Distribution	DBA: Garbo's Italian Deli &
			Liquors

18-72 Appointment of Tax Assessor Edmund Brown Amended to Include July 1, 2018 – June 30, 2022

WHEREAS, the Mayor & Council of the Borough of Ho-Ho-Kus appointed Edmund Brown by Resolution 18-48 to finish the term of the retired Tax Assessor from April 1, 2018 to June 30, 2018 for an annual salary of \$20,000 to be prorated for the remainder of the term; and

WHEREAS, Resolution 18-48 needs to be amended, per the instructions of the New Jersey Division of Taxation, to include the subsequent four year term; and

WHEREAS, the Mayor and Council wish to comply with the Division.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that they hereby amend Resolution 18-48 by Resolution 18-72 to read as follows: Edmund Brown CTA shall be appointed as the Tax Assessor for the Borough of Ho-Ho-Kus for a term from April 1, 2018 to June 30, 2018 and July 1, 2018 to June 30, 2022.

18-73 Authorize Borough Not to Require Signatures of Specified Purchase Orders

WHEREAS, per N.J.A.C. 5:30-9A.6 and 5:31-4.1 the Borough of Ho-Ho-Kus is not requiring vendors to sign the "Claimant's Certification and Declaration" on all purchase orders except for the following:

1) Employee Reimbursements and Services by other individuals

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that this regulation becomes effective June 1, 2018.

18-74 A Resolution Urging the Legislature to Amend S-716, S-477, and S-1766

Whereas, while it is commendable that legislation is being considered to provide additional compensation to Firefighters with cancer, S-716 as currently written, without responsible amendments, will prove to be very expensive to municipalities and taxpayers, and

Whereas, while it is also commendable that the statute of limitations is being extended for claims involving sexual abuse, S-477 as currently written would eliminate the statute of limitations entirely leaving officials and volunteers with the near impossible task of defending a claim that is decades old.

Whereas, under current law family members can already collect substantial compensation for actual losses such as medical bills, lost income as well as loss of companionship.

Whereas, without appropriate amendments, the combined impact of these bills would devastate local government insurance budgets at a time when the local taxpayers are being squeezed because of changes in the Federal Tax code.

Now therefore be it resolved by the Mayor and Council of the Borough of Ho-Ho-Kus that:

- S-716 be <u>amended</u> to provide that the cancer presumption be limited to types of cancer that scientific evident establishes that Firefighters develop at a higher rate than the general public, and
- S-716 be <u>amended</u> to end the presumption at age 65 when the firefighter becomes eligible for Medicare. Alternatively, S-716 should be amended to remove volunteers and establish a special program for them along the lines recently adopted by New York, Connecticut, Michigan, Colorado and Georgia, and
- S-716 also be <u>amended</u> so that the standard to rebut the presumption remains at the current "preponderance of the evidence", and
- S-477 be <u>amended</u> to increase statute of limitation on claims involving sexual molestation against public entities to 7 years, subject to no limitation against the molester, and
- S-1766 be <u>amended</u> to remove public entities from "emotional distress" compensation for wrongful death claims subject to Title 59, and

Be it further resolved that a copy of this resolution be forwarded to the Governor, the legislative delegation in the 40th district, the Governor, the Senate President and the Speaker of the Assembly.

18-75 Accept Resignation Per Diem Police Dispatcher Clayton Kenny

WHEREAS, Clayton Kenny, Per Diem Police Dispatcher, has indicted he wishes to resign his

employment with the Borough and from his position as Per Diem Police Dispatcher in order to accept employment as a Police Officer with another Municipality, and

WHEREAS, the Mayor and Council thank Mr. Kenny for his service.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the resignation of Clayton Kenny is hereby accepted.

18-76 Approve Hiring Full Time DPW Employee Stephan Tyler Koller

Whereas, the Department of Public Works Superintendent, Jeffrey Pattman, has recommended the hiring of part time employee Stephan Tyler Koller to a full time position, and

Whereas, the salary for this position is \$37,498.00.

Now, Therefore be it Resolved by the Mayor and Council of the Borough of Ho-Ho-Kus that Stephan Tyler Koller is hereby hired as a full time Department of Public Works Employee at a salary of \$37,498.00.

18-77 Accept and Comply With Audit Findings for the Year 2017

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and;

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and;

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and;

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated

aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and;

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to with: R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Ho-Ho-Kus, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

18-78 Approve Corrective Action Plan Re: 2017 Audit Report

WHEREAS, Local Finance Notice 92-15 issued by the Division of Local Government Services requires all municipalities to prepare a Corrective Action Plan as a part of their annual audit process; and

WHEREAS, The Chief Financial Officer has prepared the attached 2017 Corrective Action Plan in conjunction with the appropriate department heads;

NOW THEREFORE BE IT RESOLVED that the attached 2017 Corrective Plan is approved by the Borough Council of the Borough of Ho-Ho-Kus as required by Local Finance Notice 92-15.

BE IT FURTHER RESOLVED that the Borough Clerk is directed to send a certified copy of this resolution to the Director of Local Government Services;

18-79 Award Contract for 2018 Resurfacing Program to Mike Fitzpatrick & Son, Inc.

WHEREAS, the Borough of Ramsey, acting as lead agency for municipalities in the Northwest Bergen County Shared Services Group, has received bid results for the Northwest Bergen Cooperative for the 2018 Resurfacing Program; and

WHEREAS, Mike Fitzpatrick & Son, Inc., 18 Cozy Lake Road, Oak Ridge, NJ 07438 is the lowest responsible, responsive bidder; and

WHEREAS, the Borough plans to resurface Arbor Drive – Bernard Place to Chestnut Place, Deer Hill Drive – Wearimus Road to East Gate Road, and East Gate Road.; and

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

NOW, THEREFORE, **BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus, that a Contract for resurfacing of the aforesaid streets is hereby awarded to Mike Fitzpatrick & Son, Inc.,

in the amount of ONE HUNDRED EIGHTY THOUSAND SEVEN HUNDRED SEVENTY ONE DOLLARS AND EIGHT CEBTS, (\$180,771.08) for the base contract and FIVE HUNDRED TWENTY DOLLARS (\$520.00) for required additional work of pavement striping and traffic markings upon recommendation of the Borough Engineer; and

BE IT FURTHER RESOLVED, that the Mayor and Interim Borough Clerk are authorized to sign the Contract following legal review.

18-80 Approve Developers Agreement Chamberlain Developers, Inc.

WHEREAS, the Hollows at Ho-Ho-Kus, LLC, c/o Chamberlain Developers, Inc. (the "Developer") filed an application with the Borough of Ho-Ho-Kus Planning Board (the "Board") for preliminary and final major subdivision approval of the property known as 806 West Saddle River Road, Ho-Ho-Kus, New Jersey, which is designated on the Borough's official Tax Map as Block 802, Lots 1, 2, 3, 4 and 10, which approval was granted by the Board on January 10, 2018 and memorialized by written resolution on February 15, 2018; and

WHEREAS, it is appropriate that a Developers Agreement be entered into between the Borough and the Developer to memorialize the understandings between the parties with regard to the construction of the improvements contemplated under the Board's approval and the rights and obligations of the parties thereto;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that it does hereby authorize a Developers Agreement between the Borough and the Developer in form and substance satisfactory to the Borough's counsel; and

BE IT FURTHER RESOLVED, that the Mayor and Interim Borough Clerk are authorized to sign said Agreement following legal review.

Liaison Reports:

Mayor Randall reported that he attended the school's eighth grade graduation. It was a huge class, lovely graduation, no threat of bad weather as in recent years, all went very smoothly great experience

Councilman Crossley reported that the Ambulance Corps is on a summer meeting schedule, the next meeting will be in September. He then shared his personal experience with the Corps. He passed out momentarily at the Memorial Day Parade. He experienced the efficiency and expert care of the persons who responded, treated him and transported him to the hospital. The new stretcher system works with one person and the touch of a button. It is comforting to know that in a time of need we have the best EMT's and the best equipment. He thanked the Police Department and the members of the Corps who notified his family.

Mayor Randall concurred that all were very professional.

Councilman Shell reported that the Chamber of Commerce Taste of Ho-Ho-Kus was well attended and a great night. At their meeting last week the Chamber applauded the police department and all the groups that helped make the event a success.

Councilman Rorty reported that the Fire Department had their wet down. It was well done and well attended. Sponsors helped with the cost a lot. The new truck should be completely fitted with all tools by the 4th of July.

Police Chief Minchin reported that the week of the ninth kicks off 12th year of the Junior Police Academy. They will have a helicopter landing on the 11th and they are going to the Hudson River with the State Police Marine Unit. He also reminded everyone not to leave their key fobs in their cars; there was another incident in Upper Saddle River.

Councilman Shell asked if the DOT study at Brookside Avenue track crossing was complete. The Chief responded that it was and is being sent to the DOT. Mr. Jones added that there will be a three month period of no enforcement, as requested by the DOT, the determination will be made in the fall.

Jeff Pattman, DPW Superintendent, reported they getting along with annual inspections, also all reports were very good on water quality and the lead testing program. The Mayor asked if the results of the lead tests were back yet, he replied they were and were mailed out last Friday. Mr. Jones added that the Water Quality Report was posted on the website today.

Councilman Crossley commented that the eagle scouts thanked the DPW, for work at the cemetery. Councilman Shell also thanked the DPW for their work for Taste of Ho-Ho-Kus and the wet down.

Mayor Randall noted that there will be one meeting in July, scheduled for the 17th. Mr. Jones informed the council that one more member is needed to make a quorum on the 17th, we may have to move the meeting to the 24th. The ordinance 2018-08 hearing date will be changed as well in the legal advertisement if necessary.

Adjournment:

On a motion by Councilman Rorty, seconded by Councilman Shell the meeting was adjourned at 8:05. All members present in favor.

Respectfully submitted,

Deborah L. Fehre, RMC Interim Municipal Clerk