

Borough of Ho-Ho-Kus  
County of Bergen  
Mayor and Council Combined Work/Regular Meeting  
December 18, 2018 7:30 p.m.

The Combined Work/Public Meeting of the Municipal Council of the Borough of Ho-Ho-Kus was held in the Municipal Building at 333 Warren Avenue, Ho-Ho-Kus, NJ on December 18, 2018. The meeting was called to order at 7:32 p.m. by Mayor Randall asked the Municipal Clerk to read the open public meeting statement:

The Combined Work/Public 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**

Mayor.....	Thomas W. Randall
Council President.....	Douglas Troast
Councilman.....	Steven Shell
Councilman.....	Edward Iannelli
Councilman.....	Tom Fiato
Councilman.....	Philip Rorty

**ABSENT:**

Councilman.....	Kevin Crossley
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Also in attendance David Bole., Borough Attorney; William Jones, Borough Administrator; Joan Herve, Borough Clerk.

**FLAG SALUTE:**

Mayor Randall led those present in the salute to the American Flag.

**CLOSED SESSION:**

On a motion by Councilman Rorty, seconded by Councilman Iannelli, the Mayor and Council approved entering into Executive Session closed to the public. Motion Carried by voice vote – all voting "Aye".

A Resolution - providing for a meeting not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. NJSA 10:4-12

Whereas, the Borough Council of the Borough of Ho-Ho-Kus is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6; and

Whereas, the Open Public Meetings Act, NJSA 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by resolution; and

Whereas, it is necessary for the Borough Council of the Borough of Ho-Ho-Kus to discuss in a session not open to the public certain matters relating to the item or items authorized by NJSA 10:4-12 (b) as follows:

- 7 - Matters relating to litigation, negotiations and attorney-client privilege
  - Sayegh v. HHK Tax Appeal
  - Dudas v. HHK Tax Appeal

Now therefore, be it resolved by the Borough Council of the Borough of Ho-Ho-Kus assembled in public session on December 18, 2018 that an Executive Session closed to the public be and the same is hereby authorized for discussion of matters relating to the specified items designated above.

Closed Session began at 7:32 p.m. and ended at 7:45 p.m.

On a motion by Councilman Shell, seconded by Councilman Iannelli, the meeting returned to open public session.

Motion Carried by voice vote – all present voting “Aye”.

### **PUBLIC PORTION**

Mayor opened the meeting to the public. He stated if anyone desired to be heard, please raise your hand and to be recognized, come forward to the microphone and state your name and address for the record.

#### **Nicholas Mastandrea**

Mr. Mastandrea explained to the Mayor and Council in the spring he would like to paint the Fire Hydrants in town for his Eagle Scout project. DPW Jeff Pattman will assist with this project.

The Mayor closed the meeting to the public.

### **APPROVAL OF MINUTES**

A motion was offered by Councilman Shell and seconded by Councilman Iannelli to approve the Minutes of the November 27, 2018 Combined Work/Regular Session Meeting, November 27, 2018 Closed Session. Motion carried on a roll call vote – all present voting “Ayes, with the exception of Council President Troast and Councilman Fiato who abstained.

### **DEPARTMENT REPORTS**

Department reports are on file in the Municipal Clerk’s office

Police Report – November 2018

Court Report – November 2018

### **ADMINISTRATOR’S REPORT**

Administrator Jones reported the final leaf pick-up is this week, which was posted on our borough website. Patching of potholes has started. He thanked all the departments who that helped make the Lighting Ceremony a success. The NJDOT will be having their meeting this week to discuss the closure or changes in the RR crossing. The FEMA maps are scheduled to be issued on February 7<sup>th</sup>.

### **CORRESPONDENCE**

- Bergen County Municipal Joint Insurance Fund – 2019 Adopted Budgets
- BC Municipal Joint Insurance Fund Invitation to the Reorganization Meeting
- BC Open Space Trust Fund Public Hearing – Proposed 2018 Funding Allocations
- Northwest Bergen Regional Health Commission (2) year Contract.
- BC League of Municipalities – Resolution Opposing Power Plant

**ADOPTION OF ORDINANCES** - None

### **INTRODUCTION OF ORDINANCES**

#### **ORDINANCE #2018-16**

#### **ORDINANCE TO AMEND CHAPTER 8 OF THE BOROUGH**

**CODE ENTITLED "BOARD OF HEALTH"**

**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:

Section I.

That Section 8-2 **Members; Terms; Vacancies** is hereby amended as follows:

The Board of Health shall consist of five (5) members and shall be appointed by the Mayor and confirmed by the Council to serve for three year terms. The terms of not more than three members shall expire in any one year, except in the case of vacancies, which shall be filled for the unexpired term only.

Section II. **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.

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 VI. **Effective Date:**

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

A motion was offered by Councilman Iannelli and seconded by Councilman Rorty to approve Introduction of Ordinance #2018-16. Motion carried on a roll call vote – All present voting “Aye”.

**CONSENT RESOLUTIONS** (18-135 thru 18-143)

**Resolution #18-135 - Introduced by Council President Troast**

**A Resolution - Payment of bills**

**WHEREAS**, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,177,809.00; 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 \$2,177,809.00 be approved and ratified respectively

**Resolution #18-136 - Introduced by Council President Troast**

**A Resolution – HHK Community Development Projects – Carlton Avenue**

**WHEREAS**, a Bergen County Community Development grant of **\$153,510.00** has been proposed by the Borough of Ho-Ho-Kus for **the Resurfacing of Carlton Avenue** in the municipality of Ho-Ho-Kus, and

**WHEREAS**, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

**WHEREAS**, the aforesaid project is in the best interest of the people of the Borough of Ho-Ho-Kus, and

**WHEREAS**, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Ho-Ho-Kus hereby confirms endorsement of the aforesaid project, and

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Resolution #18-137 - Introduced by Council President Troast

A Resolution – Tax Appeal Settlement Sayegh v. HHK

**WHEREAS**, Robert E. Sayegh and Diane M. Sayegh are owners of real estate known as Block 903, Lot 2, better known as 14 Timberline Road, Ho-Ho-Kus, New Jersey; and

**WHEREAS**, the owners Robert E. Sayegh and Diane M. Sayegh have filed a tax appeal challenging the tax assessment for the year 2018; and

**WHEREAS**, Lot 2 in Block 903 was assessed for the tax year 2018 in the total amount of \$1,747,100.00; and

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

**WHEREAS**, the parties have been able to arrive upon a proposed settlement agreement for a revised 2018 assessment of \$1,525,000.00 with the assessment to be set at \$1,301,300.00 for the 2019 tax year; and

**WHEREAS**, the parties have agreed that pre-judgment interest shall be waived as a condition of the settlement; and

**WHEREAS**, the Borough's Tax Assessor Edmund Brown is in agreement with the terms of the settlement and believe it would be in the best interests of the Borough to settle this particular case in accordance with the 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 Sayegh v. Ho-Ho-Kus tax appeal pending in the Tax Court of New Jersey, Docket No. 005267-2018 at the new assessment set forth above; and

**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 taxpayers without statutory interest within 60 days of the date of the Tax Court judgment; and

**BE IT FURTHER RESOLVED** that this settlement is subject to acceptance and agreement thereof by the taxpayers; and

**BE IT FURTHER RESOLVED** that upon adoption of the within resolution, the Clerk shall provide true copies of same to the Tax Collector, Tax Assessor and Municipal Attorney.

Resolution #18-138 - Introduced by Council President Troast

A Resolution – Waite Utility Late Fee – John Simon

**WHEREAS**, the Borough of Ho-Ho-Kus received a request from **Mr. John Simon** located at 8 Woodfield Lane, Saddle River, NJ 07458 request a late fee be waived for a delinquent utility payment.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus hereby authorizes the Water & Solid Waste Registrar to remove the late fee of **\$514.70** for **Mr. John Simon** located at 8 Woodfield Lane, Saddle River, NJ 07458.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be sent to the Water & Solid Waste Registrar and the owner of said property.

Resolution #18-139 - Introduced by Council President Troast

A Resolution – Setting the Reorganizational Meeting date for 2019

**WHEREAS**, the “Open Public Meeting Act,” Chapter 231, P.L. 1975, requires adequate notice of meeting of public bodies as defined therein.

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

1. The Reorganization Meeting of the Mayor and Council for the year 2019 will be held at the Ho-Ho-Kus Council Chambers, 333 Warren Avenue, Ho-Ho-Kus, NJ at 7:00 p.m. on Monday, January 7, 2019.

**Resolution #18-140 - Introduced by Council President Troast**

**A Resolution – Tax Appeal Settlement – John & Lunda Dudas v. HHK**

**WHEREAS**, John and Linda Dudas are owners of real estate known as Lot 16, Block 903 better known as 215 Wearimus Road, Ho-Ho-Kus, New Jersey; and

**WHEREAS**, the owners John and Linda Dudas have filed a tax appeal challenging the tax assessment for the 2017-2018 years; and

**WHEREAS**, Lot 16 in Block 903 was assessed for the tax years 2017-2018 in the total amount of \$1,179,500.00; and

**WHEREAS**, the Borough has completed full discovery with respect to this matter, has consulted with the Borough’s Tax Assessor Edmund Brown 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: a revised assessment \$1,154,500 for 2017-2018 with a 2019 assessment to be set at \$1,129,500; and

**WHEREAS**, the parties have agreed that pre-judgment interest shall be waived as a condition of the settlement; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Ho-Ho-Kus agrees to authorize the Borough Attorney to execute a Stipulation of Settlement on behalf of the Borough of Ho-Ho-Kus with respect to the Dudas v. Ho-Ho-Kus tax appeal pending in the Tax Court of New Jersey under Docket Nos. 003851-2017 and 002480-2018 at the new assessments set forth above; and

**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 taxpayers, without statutory interest, within 60 days from the date of the Tax Court Judgment; and

**BE IT FURTHER RESOLVED**, that this settlement is subject to agreement thereof by the taxpayers; and

**BE IT FURTHER RESOLVED**, that upon adoption of the within Resolution, the Municipal Clerk shall distribute a true copy thereof to the Borough Tax Assessor, Tax Collector, Chief Financial Officer and the Borough Attorney.

**Resolution #18-141 - Introduced by Council President Troast**

**A Resolution – Health Coverage Waiver**

**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**, Mrs. Perricelli and Thomas Kirk 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 2018 payment and implement the rules set forth by Chapter 92 & Chapter 2.

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

**Resolution #18-142 - Introduced by Council President Troast**

**A Resolution – Shared Services Construction Department**

**WHEREAS**, the Uniform Shared Services Act, N.J.S.A. 40A:65-1 et seq. (“the Act”) promotes the broad use of shared services as a method to reduce local expenses funded by property taxpayers; and

**WHEREAS**, the Act allows for any local unit to enter into an agreement with any other local unit or units to provide or receive any services that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction; and

**WHEREAS**, the Boroughs of Ho-Ho-Kus and Midland Park have proposed to enter into a shared services agreement pertaining to the Construction Departments of each municipality for economy and efficiency purposes; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Ho-Ho-Kus for good cause that it hereby authorizes a shared services agreement with the Borough of Midland Park for the provision of Construction Code Services substantially in the form currently on file with the office of the Borough Administrator; and

**BE IT FURTHER RESOLVED** that said shared services agreement shall commence effective January 1, 2019 until December 31, 2021 upon adoption of appropriate resolutions by both Municipalities and execution of the agreement authorized herein; and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are authorized to execute such agreement on behalf of the Borough; and

**BE IT FURTHER RESOLVED** that a copy of the shared services agreement shall be open to public inspection at the offices of the Municipal Clerk of Ho-Ho-Kus immediately following adoption of this resolution.

**Resolution #18-143 - Introduced by Council President Troast**

**A Resolution – Transfer of Funds**

	<b>FROM:</b>	<b>TO:</b>
Legal (O&E)	\$12,000.00	
DPW (O&E)		\$10,000.00
Recycling (O&E)		\$2,000.00
Total	<u>\$12,000.00</u>	<u>\$12,000.00</u>

A motion was offered by Council President Troast and seconded by Councilman Rorty to approve Resolutions 18-135 through 18-143. Motion carried on a roll call vote – All present voting “Aye”.

**OLD BUSINESS**

**LIAISON REPORTS**

Recreation – Councilman Iannelli discussed Basketball & Wrestling season has started. A check for the 2019 fertilizing and seeding of the Lloyd Field has but cut. Councilman requested the Mayor and Council do an acknowledgment of the Peeewe Football Super bowl Champs at our January 22, 2019 meeting.

Board of Education – no report

Ambulance Corp. - no report

Shade Tree – No Report

Chamber of Commerce –Councilman Shell discussed they are in the process of forming Committees for 2019 and will be holding the election at their January meeting.

Fire Department – no report

DPW – no report

Police – no report

**NEW BUSINESS**

Discussed the importance of setting up a Social Media & Public Outreach Policies & Procedures.

**MAYOR'S REMARKS**

Mayor Randall recognized Mort Jennings for his 70 years of dedication & service to the Borough of Ho-Ho-Kus as a Firefighter. He also thanked Councilman Fiato for his time serving as a councilman and wished him luck in the future.

**CLOSED SESSION:**

On a motion by Councilman President Troast, seconded by Councilman Iannelli, the Mayor and Council approved entering into Executive Session closed to the public. Motion Carried by voice vote – all voting “Aye”.

A Resolution - providing for a meeting not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. NJSA 10:4-12

Whereas, the Borough Council of the Borough of Ho-Ho-Kus is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6; and

Whereas, the Open Public Meetings Act, NJSA 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by resolution; and

Whereas, it is necessary for the Borough Council of the Borough of Ho-Ho-Kus to discuss in a session not open to the public certain matters relating to the item or items authorized by NJSA 10:4-12 (b) as follows:

- 4-Matters relating to collective bargaining agreements
- Ho-Ho-Kus Police and DPW Negotiations
- Library Board

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Now therefore, be it resolved by the Borough Council of the Borough of Ho-Ho-Kus assembled in public session on December 18, 2018 that an Executive Session closed to the public be and the same is hereby authorized for discussion of matters relating to the specified items designated above.

Closed Session began at 8:10 p.m. and ended at 8:30 p.m.

On a motion by Councilman Shell, seconded by Councilman Rorty, the meeting returned to open public session.

Motion Carried by voice vote – all present voting “Aye”.

**ADJOURNMENT**

On a motion by Councilman Rorty, seconded by Councilman Iannelli, the meeting was adjourned at 8:31 p.m. Motion Carried by voice vote – all present voting “Aye”.

Respectfully submitted,

Joan Herve RMC/CMR  
Borough Clerk