

BOROUGH OF RIDGEFIELD

A G E N D A

Executive Session and Regular Meeting of the Mayor and Council

Date: December 12, 2011

Open Public Meetings Statement by Mayor Suarez

Public Session to Adjourn to Executive Session: C.T.O.: Adjourn:

Mayor Suarez – Adjournment into closed Executive Session in accordance with the “Open Public Meetings Act”

Executive Session: 6:30 P.M. C.T.O.: Adjourn:

Public Session: 7:30 P.M. C.T.O.: Adjourn:

Pledge of Allegiance

Citizens Comment on Agenda:

Correspondence:

Approval of Minutes of July 22, 2011 Special Public Session Meeting and August 8, 2011 Public Session Meeting

As advertised, hearing will be held on Ordinance No. 2188 entitled, “AN ORDINANCE PROVIDING FUNDING FOR ACQUISITION OF A 29 YARD REAR COMPACTING GARBAGE TRUCK FOR THE BOROUGH OF RIDGEFIELD AND APPROPRIATING \$225,000 FOR SUCH PURPOSE”

Entertain motion to declare the time for the public hearing to be declared open

Public Hearing

Entertain motion to declare the time for the public hearing to be declared closed

Final Reading of Ordinance

ROLL CALL-PUBLIC SESSION

Table with 5 columns: Name, Adj. to Ex. Pres., Adj. to Ex. Abs., Public Pres., Public Abs. Rows include Mayor Suarez, Castelli, Todd, Vincentz, Severino, Acosta, Jimenez.

ROLL CALL-EXEC. SESSION

Table with 3 columns: Name, PRESENT, ABSENT. Rows include Mayor Suarez, Castelli, Todd, Vincentz, Severino, Acosta, Jimenez.

Roll Call

As advertised, hearing will be held on Ordinance No. 2189 entitled, "AN ORDINANCE AMENDING ARTICLE I, "FEES FOR MARRIAGES AND CIVIL UNIONS", OF CHAPTER 183, ENTITLED "FEES".

Entertain motion to declare the time for the public hearing to be declared open

Public Hearing

Entertain motion to declare the time for the public hearing to be declared closed

Final Reading of Ordinance

Roll Call

PROPOSED CONSENT AGENDA:

354-2011	Councilman Jimenez	Lien Redemption Certificate #11-07
355-2011	Councilman Jimenez	Fully Exempt Veteran's Deduction-514 Hillside St.
356-2011	Councilman Jimenez	Municipal Charges Yard Maintenance-505 Oak St.
357-2011	Councilman Jimenez	Overpayment of Taxes-661 Day Ave.
358-2011	Councilman Jimenez	Overpayment of Taxes-808 Edgewater Ave.
359-2011	Councilman Jimenez	Tax Court Judgment-397 Dwight Pl.
360-2011	Councilman Jimenez	Lien Redemption Certificate #11T-01
361-2011	Councilman Jimenez	Return of Escrow Monies
362-2011	Councilman Jimenez	Exceed Bid Threshold-WSCA Computer Contract
363-2011	Councilman Jimenez	Chapter 159-Federal Bulletproof Vest Partnership
364-2011	Councilman Jimenez	Exceed Bid Threshold-Police Vehicles
365-2011	Councilman Jimenez	Petty Cash Policy
366-2011	Councilman Acosta	Approve 12.39 Ruling from Division of Alcoholic Beverage Control-Heffernan Thomas M
367-2011	Councilman Acosta	Approve 12.39 Ruling from Division of Alcoholic Beverage Control-13 1/2 Winners Inc
368-2011	Councilman Acosta	Encroachment and License Agreement-Almonte/Tejada
369-2011	Councilman Acosta	Employment Agreement-Chief of Police
370-2011	Councilman Jimenez	Corrective Action Plan
371-2011	Councilman Castelli	Stipulation of Settlement-Calabrese

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

RESOLUTIONS:

372-2011	Councilman Jimenez	Transfer of Appropriations
373-2011	Councilman Jimenez	Warrants

COMMENTS BY MAYOR:

Application for Special Permit for Social Affair:

Sts Vartanantz Armenian Apostolic Church
December 31, 2011 – 8:00 p.m. – 2:00 a.m.
461 Bergen Boulevard

Coin Toss:

Slocum Skewes School 8th Grade Class
Saturday, March 31, 2012 (Rain date April 7, 2012)
Saturday, April 28, 2012 (Rain date May 5, 2012)

COMMENTS BY COUNCILMEN:

COMMENTS BY CITIZENS: (All speakers are limited to five minutes maximum per meeting)

Agenda subject to change as a result of matters not known at time of printing with the consent of the Mayor and Council.

Respectfully submitted,

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Mayor Anthony R. Suarez

BE IT RESOLVED, that the regular public meeting be adjourned, and that the Mayor and Council of the Borough of Ridgefield shall meet in a closed Executive Session following a five minute recess at the termination of this meeting. The purpose of the Executive Session shall be to discuss the following matters:

- _____ Personnel matters in various departments of the Borough.
- _____ Pending and Potential Litigation
- _____ Tax Court Litigation.
- _____ Potential real estate transactions in which the Borough may engage.

COUNCIL VOTE				
	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

BE IT FURTHER RESOLVED, that as soon as practicable discussion concerning

- _____ Personnel matters
- _____ Potential real estate transactions shall be disclosed to the public.
- _____ And that discussions with the Borough Attorney concerning litigation shall be disclosed when said litigation is terminated.

Adjournment to Closed Session. The Mayor and Council reserve the right to reconvene into Public Session, if necessary, to take action on Closed Session items.

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

ORDINANCE NO. 2188

BE IT ORDAINED by the Borough Council of the Mayor and Council of the Borough of Ridgefield that an Ordinance entitled

“AN ORDINANCE PROVIDING FUNDING FOR ACQUISITION OF A 29 YARD REAR
COMPACTING GARBAGE TRUCK FOR THE BOROUGH OF RIDGEFIELD AND
APPROPRIATING \$225,000 FOR SUCH PURPOSE”

introduced on the 14th day of November, 2011, do now pass a final reading and be adopted, and that the Borough Clerk be and she is authorized and directed to publish once, the aforesaid title, together with a notice of the date of its passage on final reading and approval thereof in The Record, a newspaper circulating in the Borough of Ridgefield.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 14, 2011

Presented by Councilman Jimenez

ORDINANCE NO. 2188

“AN ORDINANCE PROVIDING FUNDING FOR ACQUISITION OF A 29 YARD REAR
COMPACTING GARBAGE TRUCK FOR THE BOROUGH OF RIDGEFIELD AND
APPROPRIATING \$225,000 FOR SUCH PURPOSE”

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
RIDGEFIELD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS
FOLLOWS:

Section 1. The Borough of Ridgefield, in the County of Bergen, New Jersey, authorizes the acquisition of a 29 yard rear compacting garbage truck for the Borough of Ridgefield to be funded from the source specified in Section 2 of the Ordinance.

Section 2. The amount of \$225,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Improvement Fund in the amount of \$225,000.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Ridgefield may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

ORDINANCE NO. 2189

BE IT ORDAINED by the Borough Council of the Mayor and Council of the Borough of Ridgefield that an Ordinance entitled

“AN ORDINANCE AMENDING ARTICLE I, “FEES FOR MARRIAGES AND CIVIL UNIONS”, OF CHAPTER 183, ENTITLED “FEES”

introduced on the 28th day of November, 2011, do now pass a final reading and be adopted, and that the Borough Clerk be and she is authorized and directed to publish once, the aforesaid title, together with a notice of the date of its passage on final reading and approval thereof in The Record, a newspaper circulating in the Borough of Ridgefield.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 28, 2011

Presented by Councilman Jimenez

ORDINANCE NO. 2189

“AN ORDINANCE AMENDING ARTICLE I, “FEES FOR MARRIAGES AND CIVIL UNIONS”, OF CHAPTER 183, ENTITLED “FEES”

BE IT ORDAINED by the Mayor and Council of the Borough of Ridgefield, County of Bergen, State of New Jersey, as follows:

Section I.

Article I, entitled “Fees for Marriages and Civil Unions”, of Chapter 183, entitled “Fees”, be and hereby is amended by deleting the existing language of said Article I and replacing same with the following:

Section 183-1 General Provisions.

Purpose. The purpose of this section is to establish policies and procedures for the collection of fees associated with the performance of marriage or civil union ceremonies by the Mayor.

183-2 General Regulations.

a. Collection of Fees.

Persons seeking to be married or joined in civil union by the Mayor of the Borough of Ridgefield shall remit the applicable fee delineated below to be paid to the Borough of Ridgefield.

- | | | |
|----|-----------------------------|----------|
| 1. | Residents of Ridgefield | \$200.00 |
| 2. | Non-Residents of Ridgefield | \$250.00 |

The Mayor in his/her discretion may waive the fee for said ceremony.

b. Compensation.

1. Receipt of Fees. The fee shall be paid by check, payable to the Borough of Ridgefield. Fees collected shall be deposited into the Borough’s trust fund.

2. Disbursement of Fees. Fees for service shall be disbursed to the Mayor through the appropriate payment procedures through the trust fund via purchase order and with appropriate authorization.

Section II. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section III. Severability.

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section IV. This Ordinance shall take effect immediately upon passage and publication according to law.

Section V: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 354-2011

WHEREAS, Bank Of America has deposited a check in the amount of \$25,810.56 into Account number 01-1131 on November 29, 2011 for the redemption and subsequent taxes of Tax Lien # 11-07, Block 3801 Lot 13, further known as 1027 Pleasantview Terrace, sold to the Borough of Ridgefield; and

BE IT FURTHER RESOLVED that the Borough Clerk and the Mayor endorse the Borough of Ridgefield Tax Title Lien # 11-07 for cancellation.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 355-2011

WHEREAS, the Tax Assessor has been notified by the Department of Veteran Affairs that Stephen P. Kerbel, residing at 514 Hillside Street, also known as Block 2802 Lot 7, has been declared 100% totally disabled and has been approved for 100% tax exemption on their dwelling in accordance with N.J.S.A. 54:4-3.30 et. seq.;L. 1948, c259 as amended.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the tax collector is hereby authorized to cancel 100% of said taxes beginning with the First Quarter 2012.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 356-2011

WHEREAS, the Borough of Ridgefield received numerous complaints in regard to the disrepair and/or abandonment of certain properties; and

WHEREAS, the aforesated facts were confirmed upon inspection by the Property Maintenance Department; and

WHEREAS, Property Maintenance notified the owners that the properties needed to be cleaned up and maintained and the owners did not respond; and

WHEREAS, in order to preserve the health, safety and welfare of the adjacent neighbors and all municipal residents, the Borough of Ridgefield hired vendors for emergency cleanup of said properties; and

WHEREAS, the owners of these properties were given ample time to respond and pay the clean up fees and have not done so;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council directs Tax Collector Frank Berardo to place Municipal Charges upon the said properties for the clean up costs incurred by the Borough of Ridgefield according to the following schedule:

505 Oak Street Block 2007 Lot 2 \$225.00

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Prina,
Borough Clerk

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincenz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 357-2011

WHEREAS, an overpayment of taxes in the Borough of Ridgefield was received for the fourth quarter 2011 for Block 2602 Lot 16, also known as 661 Day Avenue;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that a refund in the amount of \$2,041.88 for the fourth quarter 2011 be issued to Rafael H. Carbonell.

BE IT FURTHER RESOLVED that the Chief Financial Officer/Treasurer be and he is hereby authorized to issue a check in the total amount of \$2,041.88 made payable to BAC Tax Services Corporation and mailed to CA6-913-LB-01, PO Box 10211, Van Nuys, CA 91499-6089.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 358-2011

WHEREAS, an overpayment of taxes in the Borough of Ridgefield was received for the Fourth quarter 2011 taxes on Block 2703 Lot 24, further known as 808 Edgewater Avenue; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that a refund in the amount of \$1,027.21 for the Fourth quarter 2011 be issued to Gary and Henriette Hickey;

BE IT FURTHER RESOLVED that the Chief Financial Officer/Treasurer be and he is hereby authorized to issue a check in the total amount of \$1,027.21 made payable to Gary and Henriette Hickey and mailed to 808 Edgewater Avenue, Ridgefield, NJ 07657.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 359-2011

WHEREAS, the Tax Court of New Jersey has approved the settlement stipulation for an adjusted assessment on Block 3210 Lot 2, also known as 397 Dwight Place for the years 2009, 2010 and 2011; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that Ljiljana Jadrijević be issued a refund in the amount of \$1,047.21 for the year 2009, \$1,082.05 for the year 2010 and \$1,103.49 for the year 2011.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a check in the total amount of \$3,232.75 made payable to William S. Winters, Esq Attorney for Ljiljana Jadrijević and mailed to 199 Route 18 South, East Brunswick, New Jersey 08816.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 360-2011

WHEREAS, First American Trust has deposited a check in the amount of \$1,802.32 into the Suspense Account for the redemption and subsequent taxes of Tax Lien # 11T-01, Block 1008 Lot 10, further known as 891 Slocum Avenue, sold to US Bank –Cust/Sass Muni V1 dtr; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the Chief Financial Officer be and he is hereby authorized to issue and sign a check in the amount of \$1,802.32 from the Suspense Account.

BE IT FURTHER RESOLVED that the check in the amount of \$1,802.32 be drawn on the Borough of Ridgefield Suspense Account and be made payable to US Bank- Cust/Sass Muni V1 dtr and mailed to 2 Liberty Place, Philadelphia PA 19102.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 361-2011

WHEREAS, the following applicants have legal and engineering escrow monies deposited with the Borough for payment to Borough professionals in conjunction with said development; and

WHEREAS, said escrow funds not already encumbered have been released by the Borough professionals; and

WHEREAS, the Borough's Chief Financial Officer and Treasurer have exhausted all alternatives in contacting said applicants for the return of unused escrows; and

WHEREAS, they are recommending that these escrow deposits be cleared of record and be remanded to the Borough:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield, that the Chief Financial Officer be authorized to clear the following escrow accounts of record.

BE IT FURTHER RESOLVED, that these funds be transferred to the Borough's operating account.

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
2102	12	Tavaras, Jesus	\$ 96.50
0802	7	669 Slocum Ave LLC	13.50
3901	1	DePalma, Leonard	1,000.00

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Prina,
Borough Clerk

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 362-2011

WHEREAS, the Borough of Ridgefield has entered into a Cooperative Purchasing Agreement with the State of New Jersey, Division of Purchase and Property; and

WHEREAS, Dell Marketing LP, was awarded a State Contract Number 70256 for WSCA Computer Contract the period October 17, 2007 through August 31, 2014; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-2) contains a bid threshold of \$36,000.00; and

WHEREAS, this threshold may be exceeded by Resolution for municipalities that are members of Cooperative Purchasing Agreements; and

WHEREAS, the Borough of Ridgefield will exceed \$36,000.00 for the purchase of WSCA Computer Contract equipment in the Transition Year 2011 budget.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield that the Chief Financial Officer be authorized to contract for the purchase of WSCA Computer Contract., through the New Jersey State Contract in excess of \$36,000.00 without public bidding.

BE IT FURTHER RESOLVED, that funds for said purchase are certified from the Operating Expenses line item of the Police and Financial Administration Departments in the Transition Year 2011 budget.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Prina,
Borough Clerk

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincenz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 363-2011

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount; and

WHEREAS, the Borough of Ridgefield will receive \$1,483.64 from the US Department of Justice for Federal Bulletproof Vest Partnership for and wishes to amend its 2011 Transition Year Budget to include this amount as a item of revenue; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield that the Mayor and Council hereby requests the Director of Government Services to approve the insertion of an item of revenue in the Transition Year Budget of 2011 in the sum of \$1,483.64 which is now available as a revenue item from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenue Off-set with Appropriations:

Federal Bulletproof Vest Partnership \$1,483.64

BE IT FURTHER RESOLVED, that a like sum of \$1,483.64 be and the same is hereby appropriated under the caption:

General Appropriations

(a) Operations excluded from CAPS

Public and Private Revenues Off-set by Appropriations:

Federal Bulletproof Vest Partnership \$1,483.64

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to forward two (2) copies of this Resolution to the Director of Local Government Services.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Prina, Borough Clerk

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 364-2011

WHEREAS, the Borough of Ridgefield has entered into a Cooperative Purchasing Agreement with the State of New Jersey, Division of Purchase and Property; and

WHEREAS, Chas. S. Winner Ford, Inc., was awarded a State Contract Number 72467 for Automotive, Police Vehicles the period September 11, 2008 through January 10, 2012; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-2) contains a bid threshold of \$36,000.00; and

WHEREAS, this threshold may be exceeded by Resolution for municipalities that are members of Cooperative Purchasing Agreements; and

WHEREAS, the Borough of Ridgefield will exceed \$36,000.00 for the purchase of Automotive, Police Vehicles in the Transition Year 2011 budget.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield that the Chief Financial Officer be authorized to contract for the purchase of Automotive, Police Vehicles from Chas. S. Winner Ford, Inc., through the New Jersey State Contract in excess of \$36,000.00 without public bidding.

BE IT FURTHER RESOLVED, that funds for said purchase are certified from the Acquisition of Police Vehicles, Operating Expenses line item in the Transition Year 2011 budget.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Prina,
Borough Clerk

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincenz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 365-2011

WHEREAS, a written Petty Cash Policy for each municipality is required under N.J.S.A.40A:5-21 as was enumerated in the Fiscal Year 2011 audit; and

WHEREAS, a written Petty Cash Policy has been developed by the Treasurer and is attached hereto; and

WHEREAS, the Mayor and Council wishes to adopt said Policy:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield that the Petty Cash Policy in a form as attached hereto be and hereby is adopted.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD

PETTY CASH FUND

Accounts are (re)opened each January to the amount approved by the State of NJ without the necessity of a resolution.

Petty Cash Funds are used to purchase items costing under \$25.00.

These funds are replenished by submitting a direct voucher to the Municipal Treasurer along with the attached receipts.

These funds should be replenished at regular intervals in order to have funds available at all times.

Vouchers are payable to the account's custodian.

Accounts must be closed out at the end of each year. The Treasurer will notify each custodian of the close out date and procedure in early December.

Any request for a new fund, change in custodian of a current fund, or change in monetary amount of a fund should be made to the CFO. These actions require governing body approving resolutions and State of NJ approval as per N.J.S.A.40A:5-21

Existing Borough Petty Cash funds, Custodians, and approved amounts are posted on the NJDCA Division of Local Government Services website.

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Acosta

RESOLUTION NO. 366-2011

WHEREAS, a Special Ruling to Permit Renewal of Inactive Liquor License was applied for by Heffernan Thomas M; and

WHEREAS, the Division of Alcoholic Beverage Control has granted said Permit for the 2011-2012 License Terms pursuant to N.J.S.A. 33.1-12.39

NOW, THEREFORE, BE IT RESOLVED that Plenary Retail Consumption License No. 0249-33-005-001 be issued to Heffernan Thomas M, pursuant to an Act of Legislature of the State of New Jersey, entitled "AN ACT CONCERNING ALCOHOLIC BEVERAGES" passed December 6, 1953 and amendments thereto, and the Borough Ordinance 498 entitled, "AN ORDINANCE CONCERNING ALCOHOLIC BEVERAGES" adopted July 2, 1946, and amendments thereto. Said license to expire June 30, 2012.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Acosta

RESOLUTION NO. 367-2011

WHEREAS, a Special Ruling to Permit Renewal of Inactive Liquor License was applied for by 13 ½ Winners Inc.; and

WHEREAS, the Division of Alcoholic Beverage Control has granted said Permit for the 2011-2012 License Terms pursuant to N.J.S.A. 33.1-12.39

NOW, THEREFORE, BE IT RESOLVED that Plenary Retail Consumption License No. 0249-33-009-010 be issued to 13 ½ Winners Inc., pursuant to an Act of Legislature of the State of New Jersey, entitled "AN ACT CONCERNING ALCOHOLIC BEVERAGES" passed December 6, 1953 and amendments thereto, and the Borough Ordinance 498 entitled, "AN ORDINANCE CONCERNING ALCOHOLIC BEVERAGES" adopted July 2, 1946, and amendments thereto. Said license to expire June 30, 2012.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Acosta

RESOLUTION NO. 368-2011

WHEREAS, the Borough of Ridgefield is the owner of certain property commonly known as Lot 13, Block 2103; and

WHEREAS, Mitzi Almonte and Bartolo Tejada are the owners of certain property lying alongside that property known as Lot 12, Block 2103 located at the intersection of Morse Avenue and Banta Place; and

WHEREAS, Mitzi Almonte and Bartolo Tejada wish to construct a driveway from their existing garage to Banta Place; and

WHEREAS, said driveway would run across the aforementioned Borough property; and

WHEREAS, there is no reason not to grant the property owners an encroachment and license agreement to allow their driveway to run across the Borough property in question;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that Mitzi Almonte and Bartolo Tejada, the property owners at Lot 12, Block 2103 be and hereby are granted an encroachment and license agreement in the form as attached hereto as EXHIBIT A. The Mayor and the Borough Clerk be, and they hereby are, authorized and directed to execute same on behalf of the Borough, after same has been executed by the property owners. Once the agreement is fully executed, it will then be recorded with the appropriate county recording officer.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Prina,
Borough Clerk

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

ENCROACHMENT AND LICENSE AGREEMENT

WHEREAS, MITZI ALMONTE and BARTOLO TEJADA (hereinafter “PROPERTY OWNER”) is the owner of certain property commonly known as 600 Morse Avenue, Ridgefield, New Jersey and further known as Lot 12, Block 2103 on the official Tax Map of the Borough of Ridgefield (hereinafter “THE PROPERTY”); and

WHEREAS, the Borough of Ridgefield (hereinafter “BOROUGH”) is a political subdivision of the State of New Jersey and a municipal corporation and the owner of certain real property contiguous to THE PROPERTY which is identified above, and commonly known as Lot 13, Block 2103 (hereinafter “BOROUGH PROPERTY”); and

WHEREAS, the PROPERTY OWNER has or is about to erect certain improvements which encroach in and upon the BOROUGH PROPERTY; and

WHEREAS, the BOROUGH is willing to allow such encroachment upon the terms and conditions set forth in this Encroachment and License Agreement; and

WHEREAS, the PROPERTY OWNER agrees to the terms and conditions of this Encroachment and License Agreement;

NOW, THEREFORE, be it agreed by and between the parties in exchange for the mutual covenants and conditions set forth herein as follows:

1. The within agreement constitutes a license which permits the PROPERTY OWNER to maintain on THE PROPERTY certain improvements, described in Schedule A, which encroach upon either the right of way of the BOROUGH, or other property owned by the

BOROUGH. This license is revocable by the BOROUGH at will upon the giving of six (6) months written notice to the PROPERTY OWNER.

2. In the event the license is revoked by the BOROUGH, the PROPERTY OWNER agrees that the PROPERTY OWNER will remove the improvement at its sole cost and expense within six (6) months of receipt of notice of the revocation of the license agreement. The PROPERTY OWNER further agrees that in the event the PROPERTY OWNER fails or refuses to remove said improvements in the time frame set forth above, and in a reasonable and workman-like manner, then the BOROUGH may undertake that obligation for the PROPERTY OWNER, and may charge the PROPERTY OWNER the reasonable cost of same. The parties further agree that the BOROUGH may file a lien against THE PROPERTY in order to recover the reasonable cost of removing the improvement.

3. The PROPERTY OWNER agrees that other than the rights expressed in this license agreement, the PROPERTY OWNER shall not receive or obtain any other rights in and to the property of the BOROUGH upon which the PROPERTY OWNER has encroached, including but not limited to ownership of any kind, including claims of ownership by adverse possession.

4. In addition, the PROPERTY OWNER shall indemnify and hold harmless the BOROUGH from any and all claims for damages and liability arising from, through or out of the improvements which encroach upon the BOROUGH'S property. Said indemnification and hold harmless agreement shall include costs incurred in connection with defending any such action for damages, including but not limited to reasonable attorney's fees.

5. It is expressly agreed by and between the parties that the rights and obligations imposed by this agreement shall run with the land and be binding upon successors in interest to

the PROPERTY OWNER. For the purpose of putting subsequent owners on record as to this limited license agreement, the parties agree that same shall be recorded with the office of the Bergen County Clerk. The parties further agree that unless and until there is revocation by the BOROUGH, the rights and duties imposed hereunder shall be assigned by the PROPERTY OWNER to its successors in interest.

6. The PROPERTY OWNER, or any successor in interest to the PROPERTY OWNER, may opt out of this license agreement by (1) giving the BOROUGH thirty (30) days prior written notice of its intention to do so and (2) removing the improvements from the BOROUGH property or right of way, and restoring that portion of the BOROUGH'S property or right of way to its undisturbed condition.

7. The parties agree that this license agreement is made for the convenience of the PROPERTY OWNER and at the PROPERTY OWNER'S request.

8. For purposes of this agreement, notice shall be given to the PROPERTY OWNER, or the PROPERTY OWNER'S successors in interest, by mailing a copy to the PROPERTY OWNER.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have set their hands and seals this _____ day
of _____, 20__.

Attest:

BOROUGH OF RIDGEFIELD

LINDA PRINA
BOROUGH CLERK

ANTHONY R. SUAREZ, MAYOR

Witness:

PROPERTY OWNER

MITZI ALMONTE

Witness:

PROPERTY OWNER

BARTOLO TEJADA

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Acosta

RESOLUTION NO. 369-2011

WHEREAS, there is a need for Borough of Ridgefield (“Borough”) and Chief Thomas J. Gallagher to memorialize the terms and conditions of the Chief’s continued employment with the Borough; and

WHEREAS, attached hereto is a proposed Employment Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The attached Employment Agreement is hereby ratified and approved.
3. The Mayor and Borough Clerk be and they are hereby authorized to execute any and all documents and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution, including the execution of the Employment Agreement.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

**EMPLOYEE AGREEMENT
CHIEF OF POLICE
BOROUGH OF RIDGEFIELD**

This employment agreement ("Agreement") is made and entered into as of December 12, 2011, by and between the Borough of Ridgefield ("Employer"), and Thomas J. Gallagher ("Chief").

In consideration of the mutual covenants, conditions and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Term

The term of this Agreement shall be from February 1, 2011, through December 13, 2013. It is understood that this Agreement shall remain in full force and effect until a successor agreement is approved by the parties.

2. Duties of the Chief

The Chief shall serve as the Chief of the Borough of Ridgefield. He shall be the head of the police force; be directly responsible to the Mayor and Council for the efficiency and routine day to day operations of the police department; fulfill the duties and responsibilities set forth in N.J.S.A. 40A:14-118 and the Ridgefield Borough Code, § 75-4; and the Chief shall fulfill these duties in accordance with federal and New Jersey State law, and the rules, regulations and guidelines promulgated by the Attorney General of the State of New Jersey. The Chief shall also perform such duties as shall be prescribed by the Mayor and Council, provided said duties are appropriate to and consistent with the professional role and responsibilities of the Chief.

3. Work Schedule

The parties recognize that the position of Chief is a management position. As such, the Chief is not required to work a set number of hours, but rather is expected to put in the time necessary to properly operate his department, consistent with the schedules worked by managers in private industry. Accordingly, the Chief is not entitled to, and shall not receive, overtime or compensatory time. The Chief is expected to devote substantially all of his working time to his duties in connection with the operation of Ridgefield Police Department. The Employer recognizes that in those instances when the Chief is required to work other than “normal and typical hours”, he may adjust his schedule accordingly in order to compensate for same. The Chief will keep a log of all hours worked, which log will be available for inspection by members of the Mayor and Council and otherwise filed in accordance with Borough rules and regulations as may be adopted from time to time. Notwithstanding the foregoing it is expected that the Chief shall be available during regular Borough hours of business on a daily and weekly basis.

4. Salary

The Chief’s annualized salary, during the following time periods, shall be as follows:

February 1, 2011 to December 31, 2011: \$135,750

January 1, 2012 to December 31, 2012: \$138,465

January 1, 2013 to December 31, 2013: \$141,234

5. Benefits and Longevity

The Chief shall be entitled to the following benefits set forth in the Collective Bargaining Agreement Between the Borough of Ridgefield and Ridgefield PBA Local 330, entered December 17, 2008 ("PBA Contract"): Sick Leave (Article VI); Vacations (Article VIII); Holidays, including the past practice established thereunder (Article IX); Longevity (Article XII); College Credits, provided courses are directly related to police work or the Chief's duties (Article XIII); Work Incurred Injury (Article XVI); Medical, Dental and Eye Care Plans (Article XXII); and Insurance (Article XXV), as said Articles may be amended or renegotiated in any successor PBA contract, and subject to the following:

5.1 Vacations

Vacation days that are not used in any one year may be carried over to the next year, but those days carried over must be used within the first quarter of the next year, or they are lost. There shall be no compensation for unused vacation days.

The Chief shall provide notice to the Chairperson of the Police Committee reasonably in advance of the use of vacation time.

5.2 Return Time

The Chief may not accrue additional return time. Upon becoming Chief, the Chief had accrued 101.25 hours of return time, and he has not used any of this time as of July 1, 2011. The Chief may use this accrued return time on an hour per hour basis. To the extent any of this return time remains unused on June 30, 2014, the Employer has the option of paying the Chief for the remaining return time, based upon his salary as of June 30, 2014, and thereby exhausting any such remaining time.

5.3 Medical, Prescription, Dental, and Eye Care Plans

Health care benefits provided under the PBA Contract shall be subject to the mandatory contributions, limitations and other applicable provisions of the law concerning pension and health care benefits, P.L. 2011, c. 78, having an effective date of June 28, 2011. The Employer will commence these contributions effective January 1, 2012.

5.4 Use of Police Vehicle

At his option, the Chief shall have the use of an unmarked police department vehicle to travel to and from work. Employer will pay all expenses associated with the vehicle.

6. Termination

This Agreement may be terminated by:

6.1 mutual agreement of the parties;

6.2 unilateral termination by the Chief (whether due to retirement or resignation) upon ninety (90) days written notice to the Employer; or

6.3 pursuant to removal proceedings under N.J.S.A. 40A:14-147, et seq.

7. Negotiated Agreement; No Construction Against Any Party

This Agreement was not drafted by any of the parties, but rather is the result of negotiations among the parties with the benefit of their attorneys. Each party to this Agreement read this Agreement and has freely and voluntarily executed it. No ambiguity that may arise in this Agreement shall be resolved by construing the Agreement against any of the parties as drafter of same.

8. Consultation With an Attorney

The parties have consulted with their attorneys with respect to this Agreement, and they reviewed with their attorneys all the terms and conditions of this Agreement before signing this Agreement.

9. Savings Clause

If, during the term of this Agreement, it is found that a specific clause is illegal under federal or State law or regulations, the remainder of the Agreement not affected by such law or regulation shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed.

Witness:

Chief Thomas J. Gallagher

Dated: _____

Witness:

Borough of Ridgefield

Linda Prina
Borough Clerk

Anthony R. Suarez
Mayor

Dated: _____

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 370-2011

WHEREAS, the annual audit of the books, accounts and financial transactions of the Borough of Ridgefield for Fiscal Year 2011 has been completed; and

WHEREAS, the Local Finance Board requires that the Chief Financial Officer of the local unit promulgates a Corrective Action Plan based on the Recommendations of the Registered Municipal Accountant;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Mayor and Council hereby approves the Corrective Action Plan formulated by Joseph Luppino, Chief Financial Officer of the Borough of Ridgefield, which plan is attached hereto and made a part hereof.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

Borough of Ridgefield
Bergen County
604 Broad Ave.
Ridgefield, NJ 07657

Audit Report Fiscal Year June 30, 2011

Joseph Luppino, CFO

CORRECTIVE ACTION PLAN

SCHEDULE OF AUDIT FINDINGS

Finding #11-01 & Prior Year's Recommendation

In certain instances, goods were ordered and services rendered prior to the issuance of an approved purchase order.

Criteria:

All local units shall maintain an encumbrance accounting system in accordance with N.J.A.C. 5:30-5

Recommendation:

Review internal controls to ensure approved purchase orders are issued prior to ordering of goods and services and commitment of Borough funds.

Explanation and Corrective Action:

The Borough does not have the manpower to have a centralized purchasing department; therefore the Purchasing Agent will inform all Department Heads to issue a purchase order encumbering Borough funds prior to ordering goods and services. In addition, the Treasurer will send letters to vendors the Borough have used in the past requesting the vendors not to place any orders unless they are in possession of an approved purchase order. The Borough's Purchasing Agent implemented in 2010 an Emergency Purchasing.

Finding #11-02 & Prior Year's Recommendation

Purchases for gasoline and diesel fuel were not publicly advertised for bids.

Criteria:

Contracts and agreements required to be advertised as per N.J.S.A 40A:11-4.

Finding #11-02 & Prior Year's Recommendation (Continued)

Recommendation:

Bids should be publicly advertised for purchases that exceed the bidding threshold.

Explanation and Corrective Action

Assistant Treasurer/QPA is investigating entering into either a joint service agreement with a municipality, use of state contract vendor or public bidding. He will report to Mayor Council by January 2012.

Finding #11-03 and Prior Year's Comment

Trust Fund Escrow deposits and reserves per Borough subsidiary records are not reconciled with general ledger account balances and bank statements.

Recommendation:

Reconcile Other Trust Fund General Ledger to the bank account reconciliations and subsidiary records on a monthly basis.

Explanation and Corrective Action:

Corrective action implemented November 2011. An Accu-Tract escrow account was Established. CFO will reconcile and review all escrow accounts to the audit report and reconciled to the general ledger.

Finding #11-04 and Prior Year's Comment

Certain municipal departments do not issue prenumbered receipts for monies collected and certain application, licenses and permits are not prenumbered. With the exception of the Police and Fire Prevention Departments, monthly department reports were not always filed.

Criteria:

Division of Local Government Services: Requirements of Audits

Recommendation:

Review and enhance internal control over department financial recordkeeping to ensure a standardized revenue accounting and reporting system.

AUDIT FINDINGS AND RECOMMENDATIONS (Continued)

Explanation and Corrective Action:

CFO and Treasurer will meet with department heads of Parks & Recreation, Building and Health to implement a standardized revenue accounting and reporting system.

Finding #11-05 and Prior Year Finding:

Political contribution disclosure forms were not obtained for certain vendor's contracts that exceeded \$17,500. Partial compliance was achieved for fiscal year 2011.

Criteria:

N.J.S.A 19:44 A-20.26 and N.J.S.A 19:44A-20.8

Recommendation:

Obtain political contribution disclosure forms for all vendors whose contract exceeds \$17,500.

Explanation and Corrective Action:

Purchasing agent began in December 2010 monitoring contracts over \$17,500 to obtain political disclosure forms from vendors.

Finding #11-06

The Borough does not have a formal written policy for petty cash on the use of store and gas cards by Borough employees.

Criteria:

N.J.S.A 40A:5-21 petty cash fund of local unit.

Recommendation:

The Borough should approve a formal written policy for petty cash funds and the use of store and gas cards by Borough employees.

Finding #11-06 (Continued)

Explanation and Corrective Action:

The Assistant Treasurer will present a petty cash policy in a form a resolution to the Mayor and Council in December and the use of store and gas cards by Borough employees.

Finding #11-07

The internal control policies and procedure are not maintained for Ridgefield Youth Commission, who is a component unit of the Borough. In numerous instance, checks were made payable to cash and former director, who was also the treasurer and custodian of the bank account. In addition, bank checks, debit card charge and checks were paid to certain vendors without backup documentation.

Criteria:

Internal control procedures must be maintained for financial activities.

Recommendation:

The Borough should maintain and reconcile the Ridgefield Youth Commission's financial records.

Corrective Action:

Corrective Action taken in May of 2011 the Borough established a trust fund for Ridgefield Youth Commission by dedication by rider and the CFO and Treasurer are currently maintaining the bank account and reconciling to the general ledger.

Finding #11-08

There is one borough employee not enrolled in the NJ pension system.

Criteria:

State of New Jersey Division of Pension, PERS and PFS salary or hours requirements for enrollment by membership tier.

Finding #11-08 (Continued)

Recommendation:

All eligible employees must be enrolled into the pension system.

Corrective Action:

Corrective Action taken, the employee is enrolled in the state pension plan.

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Castelli

RESOLUTION NO. 371-2011

WHEREAS, the Borough of Ridgefield was involved in certain litigation entitled *Giovanni Calabrese v. Borough of Ridgefield*, Bergen County Superior Court, Law Division, Docket No. BER-L-11973-10, which challenged the constitutionality of certain portions of the Borough's sign ordinance and permit ordinance; and

WHEREAS, the Borough has defended such litigation; and

WHEREAS, it is in the best interests of the Borough to resolve said litigation in accordance with the terms and conditions of a certain Stipulation of Settlement negotiated by the Borough Attorney with the Plaintiff;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield as follows:

1. The Borough Attorney be, and he hereby is, authorized to settle the within litigation in accordance with the terms and conditions of the Stipulation of Settlement which is attached hereto and forms a part hereof.
2. The Mayor and Borough Clerk be, and they hereby are, authorized and directed to execute the attached Stipulation of Settlement.
3. The Borough Attorney be, and he hereby is, authorized and directed to prepare for adoption the ordinance amendments called for by the Stipulation of Settlement.
4. The approval of the settlement is subject to the issuance of a certificate of availability of funds for the payment of the counsel fee award specified herein.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Prina,
Borough Clerk

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincenz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

BASILE, BIRCHWALE & PELLINO, LLP
865 Broad Avenue
P.O. Box 434
Ridgefield, New Jersey 07657
(201) 945-8812
Attorneys for Defendant

GIOVANNI CALABRESE

Plaintiff(s)

v.

BOROUGH OF RIDGEFIELD

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY
LAW DIVISION

DOCKET NO.: BER-L-11973-10

CIVIL ACTION

STIPULATION OF SETTLEMENT

This is a Stipulation of Settlement by and between Giovanni Calabrese, residing at 856 Edgewater Avenue, Ridgefield, New Jersey (hereinafter “Calabrese”) and the Borough of Ridgefield, a body politic and subdivision of the State of New Jersey, with offices at 604 Broad Avenue, Ridgefield, New Jersey (hereinafter “Ridgefield”).

The settlement pertains to a certain litigation filed by Calabrese against Ridgefield entitled *Giovanni Calabrese v. Borough of Ridgefield*, Superior Court of New Jersey, Bergen County, Law Division, bearing Docket No. BER-L-11973-10 (hereinafter “the Litigation”).

RECITALS

WHEREAS, Calabrese previously filed a complaint against Ridgefield alleging that certain sections of Ridgefield’s ordinance pertaining to signs were unconstitutional; and

WHEREAS, Ridgefield has filed an answer to same denying the pertinent allegations;
and

WHEREAS, neither party has admitted liability or wrongdoing of any kind, and the Borough is not acknowledging that its existing ordinance is in violation of constitutional standards; and

WHEREAS, the parties are desirous of settling the Litigation in accordance with the terms and conditions set forth herein without the admission of wrongdoing or fault by either party; and

WHEREAS, the settlement is deemed to be in the best interests of the parties;

NOW, THEREFORE, be it resolved by Calabrese and Ridgefield as follows:

1. Ridgefield agrees that it will amend Ordinance Section 390-28, Zoning Permit Required, so that it will read as provided in EXHIBIT A.
2. Ridgefield agrees that it will amend Ordinance Section 390-18, Signs, so that it will read as provided in EXHIBIT B.
3. Ridgefield will pay to Calabrese's attorney, S. Gregory Moscaritolo, Esq., a counsel fee in the amount of \$6,500.
4. Calabrese will dismiss the instant litigation.
5. Calabrese will give Ridgefield a general release in the form attached hereto as EXHIBIT C.
6. Should Calabrese wish to erect a sign which requires a permit by virtue of the provisions of the soon to be adopted ordinance, Calabrese agrees that he will seek an appropriate building and zoning permit for such sign. Ridgefield agrees that to the extent the same portable sign is utilized by Calabrese in different election campaigns, albeit with different facing, same shall not require further permits from Ridgefield.

IN WITNESS WHEREOF, the parties have set their hands and seals on the date indicated below.

BOROUGH OF RIDGEFIELD

Dated: _____ By: _____
Mayor Anthony Suarez

Attest:

Linda Prina, Borough Clerk

Dated: _____
GIOVANNI CALABRESE

Witness:

EXHIBIT A

390-28 Zoning Permit Required.

A. No person shall erect, alter or construct any structure or building, or part thereof, nor alter or change the use of any land, until a zoning permit has been issued by the Zoning Officer. For purposes of this ordinance, a sign that meets the following conditions shall not require a building permit in order to be erected:

1. It is supported by uprights or braces upon the ground surface.
2. It is not served by an electrical circuit directly connected to the sign.
3. It is not greater than 25 square feet in surface area (one side).
4. It is not more than 6 feet above the ground (mounted height).

All other signs shall require a zoning permit.

B. No person shall occupy or use any nonresidential structure until a zoning permit had been issued by the Zoning Officer.

C. No zoning permit shall be issued except in conformity with the provisions in this Part 1.

EXHIBIT B

§ 390-18 Signs

The following regulations shall apply to all stationary signs and outdoor advertising and shall be in addition to other regulations for specific uses elsewhere in this chapter. For the protection of property values and the character and stability of the various residential, business and industrial districts and for the protection and enhancement of the Borough as a prospective place of residence, employment and commercial, industrial and civic activity and investment, the following requirements are set forth regulating signs in the Borough of Ridgefield:

The word “sign” shall be defined as follows:

Any object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, location, idea, issue or point of view by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images, but excluding seasonal holiday displays, the American flag or other governmental flags, athletic scoreboards on school premises, or official announcements and signs of government.

The following general provisions are applicable to all zones:

A. Unless otherwise provided for, all signs shall relate to the premises on which they are erected.

B. Any signs not specifically permitted are hereby prohibited.

C. No sign shall be located within the Borough right-of-way unless no other placement location is feasible to the property owner due to the size and shape of the lot or the existence of previously existing structures on the property. In the case where no other placement is feasible, notice must be given to the Building Department of the Borough so that an alternate location for the sign may be set. This shall not apply to traffic signs and/or other signs installed by governmental agencies.

D. No sign shall exceed 20 feet in height above ground level, except signs erected against the side of a building, which signs shall not extend above the height of the vertical wall or cornice to which they are attached.

E. Signs may be double-faced, in which case the maximum sign area will apply to only one side.

F. The area of a sign shall include every part of the sign, including moldings, frames, posts, pylons or other supporting members.

EXHIBIT C

RELEASE

This Release, dated December , 2011

BY the Releasor(s)

GIOVANNI CALABRESE

referred to as "I",

TO

BOROUGH OF RIDGEFIELD

referred to as "Borough".

If more than one person signs this Release, "I" shall mean each person who signs this Release.

1. Release. I release and give up any and all claims and rights, which I may have against you. This releases all claims, including those of which I am not aware and those not mentioned in this Release. This Release applies to claims challenging the Borough's existing sign ordinance and claims for counsel fees as contained therein, and specifically, but not limited to, all claims raised or which could have been raised in a litigation entitled *Giovanni Calabrese v. Borough of Ridgefield*, Bergen County Superior Court, Law Division, Docket No. BER-L-11973-10.

2. Payment. I will not be paid anything for settlement of this litigation. However, the Borough has agreed to make certain revisions to its existing ordinances and has also agreed to pay counsel fees, all in accordance with the terms of a certain Stipulation of Settlement. I agree that I will not seek anything further from the Borough in connection with the settlement of these claims.

3. Who is Bound. I am bound by this Release. Anyone who succeeds to my rights and responsibilities, such as my heirs or the executor of my estate, is also bound. This Release is made for your benefit and all who succeed to your rights and responsibilities, such as you heirs or the executor of your estate.

[SIGNATURES ON FOLLOWING PAGE]

4. Signatures. I understand and agree to the terms of this Release. If this Release is made by a corporation its proper corporate officers sign and its corporate seal is affixed.

Witnessed or Attested by:

GIOVANNI CALABRESE

STATE OF NEW JERSEY, COUNTY OF BERGEN SS.:
I CERTIFY that on December _____, 2011

GIOVANNI CALABRESE personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed.

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 372-2011

Transfer Resolution #1

WHEREAS, N.J.S.A. 40A:4-58 allows the transfer of budget appropriations during the last 2 months of the fiscal year; and

WHEREAS, the Mayor and Council of the Borough of Ridgefield are desirous of executing such transfers:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield that the Chief Financial Officer is herewith directed to execute the following Transition Year 2011 budget appropriation transfers:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
Sanitation		
Salaries and Wages	\$ 15,000	
Animal Control	1,100	
Police Department Vehicle Purchase		
Other Expenses	4,100	
Office of Emergency Management		
Other Expenses	2,000	
Workers Compensation Insurance	40,000	
Youth Commission		
Other Expenses	700	
Solid Waste Disposal	25,000	
Utilities: Street Lighting	7,000	
Public Assistance		
Other Expenses	4,500	
Collection of Taxes		
Other Expenses		\$ 6,300
Police Department		
Other Expenses		4,100
Municipal Court		
Salaries & Wages		6,500
Engineering Services		10,500
Unemployment Insurance		24,000
Social Security System		5,000

Department of Public Works		
Other Expenses		10,000
Sanitation		
Other Expenses		7,000
Buildings and Grounds		10,000
Maintenance of Borough Vehicles: Streets & Roads		5,000
Planning Board		
Salaries & Wages		100
Youth Commission		
Salaries & Wages		3,000
Hydrant Protection		100
Fire Prevention		
Salaries & Wages		2,500
Fire Widow Pension		1,300
Board of Health		
Salaries & Wages		4,000
	<u>\$ 99,400</u>	<u>\$ 99,400</u>

POOL OPERATING

Other Expenses	7,000	
Salaries & Wages		<u>7,000</u>
	<u>\$ 7,000</u>	<u>\$7,000</u>

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk

The undersigned, being the Chief Financial Officer of the Borough of Ridgefield, County of Bergen, New Jersey, and the person charged with the responsibility of maintaining financial records of said Borough in accordance with N.J.S.A. 40:4-57 and the rules of the Local Finance Board of the State of New Jersey adopted thereunder, does hereby certify that there are adequate funds available for the payment of the attached list of invoices, duly adopted by said Borough, and which said list indicates the specific line item of said budget to which expenditures shall be charged.

Joseph Luppino,
Chief Financial Officer

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting December 12, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 373-2011

BE IT RESOLVED, that warrants totaling \$3,164,669.34
be drawn on the following accounts:

CURRENT	\$2,947,281.12
TRUST	\$18,159.63
CAPITAL	\$49,042.50
POOL	\$102,785.76
DOG LICENSE	\$1,223.05
UNEMPLOYMENT FUND	\$46,177.28
TOTAL	\$3,164,669.34

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Borough Clerk