

The public is invited to participate in the work session meeting at 6:00 pm and the public session meeting at 7:30 pm by calling 1-862-799-9892. No access code is required.

BOROUGH OF RIDGEFIELD

A G E N D A

Work Session, Executive Session and Regular Meeting of the Mayor and Council

Date: April 27, 2020

Open Public Meetings Statement by Mayor Suarez

Work Session: 6:00 P.M. C.T.O.: 6:00 P.M.
Adjourn: 6:21 P.M.

- Covid 19 and Borough Programs Going Forward

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

Executive Session: 6:30 P.M. C.T.O.: 6:32 P.M.
Adjourn: 6:59 P.M.

Public Session: 7:30 P.M. C.T.O.: 7:34 P.M.
Adjourn: 8:29 P.M.

Pledge of Allegiance

Invocation

Citizens Comment on Agenda: NONE

Correspondence:

ROLL CALL-WORK SESSION

	PRESENT	ABSENT
Mayor Suarez	X	
Castelli	X	
Penabad	X	
Shim	X	
Jimenez	X	
Kontolios	X	
Larkin	X	

ROLL CALL-EXEC. SESSION

	PRESENT	ABSENT
Mayor Suarez	X	
Castelli	X	
Penabad	X	
Shim	X	
Jimenez	X	
Kontolios	X	
Larkin	X	

ROLL CALL-PUBLIC SESSION

	PRESENT	ABSENT
Mayor Suarez	X	
Castelli	X	
Penabad	X	
Shim	X	
Jimenez	X	
Kontolios	X	
Larkin	X	

As advertised, hearing will be held on Ordinance No. 2384 entitled, “YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)”

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

As advertised, hearing will be held on Ordinance No. 2385 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35 "FIRE DEPARTMENT" OF THE CODE OF THE BOROUGH OF RIDGEFIELD"

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

Introduction of Ordinance No. 2386 entitled, "AN ORDINANCE AMENDING ARTICLE XVI, PLANNING BOARD, PART 2 OF CHAPTER 390, ZONING, DEVELOPMENT AND CONSTRUCTION, OF THE CODE OF THE BOROUGH OF RIDGEFIELD"

First Reading of Ordinance

Roll Call

As advertised, hearing will be held on CY2020 Municipal Budget

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

131-2020 Councilman Jimenez Adoption of CY2020 Budget

CONSENT AGENDA:

All items listed are considered to be routine and non-controversial by the Borough Council and will be approved by one motion. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item(s) will be removed from the Consent Agenda and considered in its normal sequence on the agenda. The one motion signifies the adoption of all resolutions and approval of applications and minutes.

- | | | |
|----------|---------------------|---|
| 132-2020 | Councilman Castelli | Authorize Grant Agreement 2020 CDBG for Maple Avenue Roadway Improvements |
| 133-2020 | Councilman Castelli | Authorize Ellas Environmental Proposal-Borough Hall |
| 134-2020 | Councilman Castelli | Award Bid – Maple Avenue Roadway Improvements |
| 135-2020 | Councilman Jimenez | Extend Grace Period for 2 nd Quarter 2020 Taxes |
| 136-2020 | Councilman Castelli | Appoint Per-Diem Community Service Officer |

Permission to Hang Banner (Columbus Park):

Ridgefield Memorial High School
 May 15-June 30, 2020
 3 banners

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Penabad	X			
Shim	X			
Jimenez	X			
Kontolios	X			
Larkin	X			
Mayor Suarez				

RESOLUTIONS:

- | | | |
|----------|---------------------|---|
| 137-2020 | Councilman Jimenez | Warrants |
| 138-2020 | Councilman Castelli | Professional Service Agreement-Howard Woods |

COMMENTS BY MAYOR:

COMMENTS BY COUNCIL:

COMMENTS BY ADMINISTRATOR:

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. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting April 27, 2020

Presented by Councilman Jimenez

ORDINANCE NO. 2384

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

“YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)”

introduced on the 23rd day of March, 2020, 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	X			
Penabad	X			
Shim	X			
Jimenez	X			
Kontolios	X			
Larkin	X			
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 23, 2020

Presented by Councilman Jimenez

ORDINANCE NO. 2384

“YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)”

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Ridgefield in the County of Bergen finds it advisable and necessary to increase its 2020 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$171,748.99 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Ridgefield, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2020 budget year, the final appropriations of the Borough of Ridgefield shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$601,121.45, and that the 2020 municipal budget for the Borough of Ridgefield be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting April 27, 2020

Presented by Councilman Penabad

ORDINANCE NO. 2385

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

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35 “FIRE DEPARTMENT” OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

introduced on the 23rd day of March, 2020, 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	X			
Penabad	X			
Shim	X			
Jimenez	X			
Kontolios	X			
Larkin	X			
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 23, 2020

Presented by Councilman Penabad

ORDINANCE NO. 2385

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35 “FIRE DEPARTMENT” OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Ridgefield, County of Bergen, State of New Jersey, being the governing body thereof, that Chapter 35 “Fire Department” of the Code of the Borough of Ridgefield be and is hereby amended as follows:

Section 35-8 Duties of Line Officers.

- K. The Chief, Deputy Chief and Battalion Chief in conjunction with the Fire Committee shall recommend a member of the Fire Department to serve as Data Reporting/Light Technician. Said member must be appointed by the Mayor and Council and shall be compensated \$300.00 per quarter.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting April 27, 2020

Presented by Councilman Jimenez

ORDINANCE NO. 2386

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 XVI, PLANNING BOARD, PART 2 OF CHAPTER 390, ZONING, DEVELOPMENT AND CONSTRUCTION, OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

introduced on the 27th day of April, 2020, do now pass a first reading and that said Ordinance be further considered for final passage at a regular meeting to be held on the 26th day of May, 2020 at 7:30 PM or as soon thereafter as the matter may be reached at the regular meeting of the Borough Council in the Community Center, 725 Slocum Avenue, in the Borough of Ridgefield, and that at such time and place, all persons interested be given an opportunity to be heard concerning the same, that the Borough Clerk be and she is hereby authorized and directed to publish in The Record, a newspaper circulating in the Borough of Ridgefield said Ordinance according to law, with a notice of its introduction and passage on first reading, and of the time and place when and where said Ordinance will be further considered for final passage.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Penabad	X			
Shim	X			
Jimenez	X			
Kontolios	X			
Larkin	X			
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting April 27, 2020

Presented by Councilman Jimenez

ORDINANCE NO. 2386

“AN ORDINANCE AMENDING ARTICLE XVI, PLANNING BOARD, PART 2 OF CHAPTER 390, ZONING, DEVELOPMENT AND CONSTRUCTION, OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

BE IT ORDAINED by the Mayor and Council of the Borough of Ridgefield as follows:

Section I:

Article XVI, Planning Board, Part 2 of Chapter 390 entitled Zoning, Development and Construction of the Code of the Borough of Ridgefield, be and hereby is amended by adding to the existing provisions of said Article a new Section 390-67 to be entitled “Appeal to Governing Body” as follows:

§390-67 Appeal to Governing Body

A. Any interested party may appeal to the governing body any final decision of the Planning Board, acting in its Board of Adjustment capacity, approving an application for development pursuant to subsection d of N.J.S.A. 40:55D-70. Such appeal shall be made within 10 days of the date of publication of such final decision pursuant to subsection i of N.J.S.A. 40:55D-10. The appeal to the governing body shall be made by serving the municipal clerk in person or by certified mail with a notice of appeal, specifying the grounds thereof and the name and address of the appellant and name and address of his attorney, if represented. Such appeal shall be decided by the governing body only upon the record established before the Planning Board.

B. Notice of the meeting to review the record below shall be given by the governing body by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to subsection h of N.J.S.A. 40:55D-10 and to the Planning Board from which the appeal is taken, at least 10 days prior to the date of the meeting. The parties may submit oral and written argument on the record at such meeting, and the governing body shall provide for verbatim recording and transcripts of such meeting pursuant to subsection f of N.J.S.A. 40:55D-10.

C. The appellant shall, (1) within five days of service of the notice of the appeal pursuant to subsection A hereof, arrange for a transcript pursuant to subsection f of N.J.S.A. 40:55D-10 for use by the governing body and pay a deposit of \$50.00 or the estimated cost of such transcript, whichever is less, or (2) within 35 days of service of the notice of appeal, submit a transcript as otherwise arranged to the municipal clerk; otherwise, the appeal may be

dismissed for failure to prosecute. The governing body shall conclude a review of the record below not later than 95 days from the date of publication of notice of the decision below pursuant to subsection i of N.J.S.A. 40:55D-10, unless the applicant consents in writing to an extension of such period. Failure of the governing body to hold a hearing and conclude a review of the record below and to render a decision within such specified period shall constitute a decision affirming the action of the board.

D. The governing body may reverse, remand, or affirm, with or without the imposition of conditions, the final decision of the Planning Board approving a variance pursuant to subsection d of N.J.S.A. 40:55D-70. The review shall be made on the record made before the Planning Board.

E. The affirmative vote of a majority of the full authorized membership of the governing body shall be necessary to reverse or remand to the Planning Board or to impose conditions on or alter conditions to any final action of the Planning Board. Otherwise the final action of the Planning Board shall be deemed to be affirmed; a tie vote of the governing body shall constitute affirmance of the decision of Planning Board.

F. An appeal to the governing body shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the board from whose action the appeal is taken certifies to the governing body, after the notice of appeal shall have been filed with such board, that by reason of facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court on application upon notice to the board from whom the appeal is taken and on good cause shown.

G. The governing body shall mail a copy of the decision to the appellant or, if represented, then to his attorney, without separate charge, and for a reasonable charge to any interested party who has requested it, not later than 10 days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality. Such publication shall be arranged by the applicant unless a particular municipal officer is so designed by ordinance; provided that nothing contained herein shall be construed as preventing the applicant from arranging such publication if he so desires. The governing body may make a reasonable charge for its publication. The period of time in which an appeal to a court of competent jurisdiction may be made shall run from the first publication, whether arranged by the municipality or the applicant.

H. Nothing in this act shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction, according to law.

Section II:

The Borough Clerk shall forward a copy of this Ordinance to the Bergen County Planning Board following its adoption.

Section III

This ordinance shall take effect upon final publication according to law.

Section IV:

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

Section V.

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.

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting April 27, 2020

Presented by Councilman Jimenez

RESOLUTION NO. 131-2020

SECTION 2 - UPON ADOPTION FOR 2020

(Only to be Included in the Budget as Finally Adopted)

RESOLUTION

Be It Resolved by the Mayor and Council of the Borough of Ridgefield,
County of Bergen that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation
for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$10,966,757.00 (Item 2 below) for municipal purposes, and
- (b) _____ (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) _____ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in
Type II School Districts only (N.J.S.A. 18:9-3) and the certification to the County Board of Taxation of
- (d) 657,386.00 Minimum Library Tax

the following summary of general revenues and appropriations.

	{	{	Abstained {
	{	{	{
RECORDED VOTE	Ayes {	Nays {	
(Insert last name)	{	{	Absent {
	{	{	{
	{	{	{

SUMMARY OF REVENUES

1. General Revenues		
Surplus Anticipated	40003-10	1,800,000.00
Miscellaneous Revenues Anticipated	40004-10	8,658,980.23
Receipts from Delinquent Taxes	41419-10	610,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	41415-10	10,966,757.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:		
Item 6, Sheet 35	40010-10	
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	41416-10	
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only		
4. Minimum Library Tax		657,386.00
5. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:		
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	41416-10	
Total Revenues	40000-10	22,693,123.23

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:		
Within "CAPS"	xxxxxx	xxxxxxxxxxxxxx
(a&b) Operations Including Contingent	xxxxxx	15,320,340.00
(e) Deferred Charges and Statutory Expenditures - Municipal		1,923,208.00
(g) Cash Deficit		
Excluded from "CAPS"	xxxxxx	xxxxxxxxxxxxxx
(a) Operations - Total Operations Excluded from "CAPS"		2,821,275.23
(c) Capital Improvements		50,000.00
(d) Municipal Debt Service		1,681,300.00
(e) Deferred Charges - Municipal		
(f) Judgements		
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40A:48-17.1 & 17.3)		
(g) Cash Deficit		
(k) For Local District School Purposes		
(m) Reserve for Uncollected Taxes (Include Other Reserves if Any)		897,000.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S.A. 40A:4-13)		
Total Appropriations		22,693,123.23

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 27th day of April 2020. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2020 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 27th day of April, 2020, _____, Clerk.

Signature

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Penabad	X			
Shim	X			
Jimenez	X			
Kontolios	X			
Larkin	X			
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting April 27, 2020

Presented by Councilman Castelli

RESOLUTION NO. 132-2020

BE IT RESOLVED that the Mayor and Council of the Borough of Ridgefield wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$92,810 in 2020 Community Development Block Grant for Maple Avenue Roadway Improvements (scope change from Ray Avenue); and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes Anthony R. Suarez to be a signatory to aforesaid Grant Agreement; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes Frank Elenio to sign all county vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED that the Mayor and Council recognizes that the Borough of Ridgefield is liable for any funds not spent in accordance with the Grant Agreement and that the liability of the Mayor and Council is in accordance with HUD requirements.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Silvestri,
Borough Clerk

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Penabad	X			
Shim	X			
Jimenez	X			
Kontolios	X			
Larkin	X			
Mayor Suarez				

CERTIFICATION

Certified to be a true copy of the resolution passed at the Mayor and Council meeting of the Borough of Ridgefield held on April 27, 2020.

Signed and Sealed

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting April 27, 2020

Presented by Councilman Castelli

RESOLUTION NO. 133-2020

WHEREAS, there is a need for remediation services for at the Ridgefield Borough Hall; and

WHEREAS, Ellas Environmental, LLC has previously been appointed as the environmental engineer for the Borough of Ridgefield; and

WHEREAS, Ellas Environmental, LLC was subsequently awarded a professional services agreement to provide environmental services for the Borough of Ridgefield: and

WHEREAS, Ellas Environmental has submitted a proposal dated January 23, 2020 for additional professional environmental services at the existing Borough Hall site for a cost not to exceed \$39,500.00; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that Ellas Environmental, LLC be and hereby is authorized and directed to proceed remediation professional services at the Ridgefield Borough Hall.

IT IS FURTHER RESOLVED, that funding is available in the capital fund Ordinance 2338, account 04-2150-55-2338-003 in an amount not to exceed \$39,500.00 as certified by the Chief Finance; and that a duly executed copy of this resolution will be filed in the Office of the Borough Clerk.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Penabad	X			
Shim	X			
Jimenez	X			
Kontolios	X			
Larkin	X			
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting April 27, 2020

Presented by Councilman Castelli

RESOLUTION NO. 134-2020

WHEREAS, the Borough of Ridgefield received a Fiscal Year 2018 CDBG (“Community Development Block Grant”) Roadway Improvement Grant for Maple Avenue in the amount of \$92,810; and

WHEREAS, bids were solicited and duly advertised by the Borough of Ridgefield on March 13, 2020 for the Fiscal Year 2018 CDBG Roadway Improvement Grant for resurfacing of Maple Avenue; and

WHEREAS, bids were received on April 3, 2020 at 11:00 a.m. and reviewed by a bid committee consisting of Carl O’Brien, of Maser Consulting and Frank Elenio, Purchasing Agent; and

WHEREAS, the results from the bid opening were as follows:

	Base Bid
American Asphalt 96 Midland Avenue Kearny, NJ 07032	102,589.13
4 Clean Up, Inc. PO Box 5098 North Bergen, NJ 07047	107,254.00
DLS Contracting, Inc. 63 Montesano Road Fairfield, NJ 07004	121,374.00
D&L Paving 675 Franklin Avenue Nutley, NYJ 07110	128,364.65
Atakton Concrete 13 Tice Avenue South River, NJ 08882	183,842.50

WHEREAS, after careful review and analysis, the Bid Committee recommends that a contract be awarded to American Asphalt., 96 Midland Avenue, Kearny, NJ 07032 as the lowest responsible bidder for the base bid; and

WHEREAS, sufficient funds are available the Capital Fund Account Number 04-2150-55-2325-001 in an amount not to exceed \$102,589.13, as certified by the Chief Finance Officer; and

WHEREAS, Maser Consulting, in a letter dated April 8, 2020 recommends that a contract be awarded to American Asphalt; and

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Ridgefield that a contract for the Fiscal Year 2018 CDBG Roadway Improvement in an amount not to exceed \$102,589.13 be awarded to American Asphalt., 96 Midland Avenue, Kearny, NJ 07032; and

BE IT FURTHER RESOLVED, that said bidder be required to execute and deliver the contract bond and other documents as set forth in the specification under with the bid was made within the time period therein specified, and thereupon the Mayor and Borough Council are hereby authorized to execute such a contract; and

BE IT FURTHER RESOLVED, that a duly executed copy of the contract be filed with the office of the Borough Clerk.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Penabad	X			
Shim	X			
Jimenez	X			
Kontolios	X			
Larkin	X			
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting April 27, 2020

Presented by Councilman Jimenez

RESOLUTION NO. 135-2020

BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the grace period for the payment of 2nd Quarter 2020 taxes be extended until June 1, 2020.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Penabad	X			
Shim	X			
Jimenez	X			
Kontolios	X			
Larkin	X			
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting April 27, 2020

Presented by Councilman Castelli

RESOLUTION NO. 136-2020

BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that

LAKECHA BROWN

be hired as a per-diem Community Service Officer at the hourly rate of \$15.00 effective immediately.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Penabad	X			
Shim	X			
Jimenez	X			
Kontolios	X			
Larkin	X			
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
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.

Francis J. Elenio,
Chief Financial Officer

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting April 27, 2020

Presented by Councilman Jimenez

RESOLUTION NO. 137-2020

BE IT RESOLVED, that warrants totaling **\$2,865,082.29**
be drawn on the following accounts:

CURRENT	\$2,721,816.27
TRUST	\$46,300.02
CAPITAL	\$96,335.50
POOL	\$630.50
TOTAL	\$2,865,082.29

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Penabad	X			
Shim	X			
Jimenez	X			
Kontolios	X			
Larkin	X		100447	
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting April 27, 2020

Presented by Councilman Castelli

RESOLUTION NO. 138-2020

WHEREAS, the Borough of Ridgefield is involved in certain litigation with Suez Water, N.A.; and

WHEREAS, the Borough is in need of assistance from an expert engineer with experience in water delivery and water delivery systems; and

WHEREAS, Howard J. Woods, Jr., P.E. has assisted the Borough thus far in this matter and other matters; and

WHEREAS, Howard J. Woods, Jr. has issued a proposal for litigation support in connection with this matter; and

WHEREAS, the Borough wishes to authorize and engage Howard J. Woods, Jr. for litigation support consistent with his proposal dated October 18, 2019, and specifically as to the line item to assist the Borough Attorney in preparing discovery requests and reviewing discovery responses at an amount not to exceed \$6,400; and

WHEREAS, this contract is awarded as a professional services agreement, and is also below the bid threshold;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the attached proposal with Howard J. Woods, Jr., P.E. be and hereby is accepted, but limited to the line item for discovery assistance to be billed at the rate of \$200 in an amount not to exceed \$6,400, to be charged against Borough Account No. 01-2010-20-1652-003.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Silvestri,
Borough Clerk

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Penabad	X			
Shim	X			
Jimenez	X			
Kontolios	X			
Larkin	X			
Mayor Suarez				

Howard J. Woods, Jr. & Associates, L.L.C.

October 18, 2019

Mr. Stephen F. Pellino, Esq.
Basile Birchwale & Pellino, LLP
865 Broad Avenue
Ridgefield, NJ 07657

Re: SUEZ/Hamilton Avenue Main Breaks

Dear Mr. Pellino:

Thank you for the update on the status of the Borough's and the residents' claims against SUEZ Water New Jersey ("SUEZ") resulting from the water main breaks on Hamilton Avenue. I am sorry to hear that an amicable settlement has not yet been reached. As a result of this, I understand that you will require my assistance as this matter moves forward through litigation. I am pleased to offer you this proposal for professional services in support of your case against SUEZ and in activities to reach a reasonable settlement.

Background

It is my understanding that certain properties in the Borough of Ridgefield were damaged as a result of a water main failure on Hamilton Avenue and that the residents have filed suit against SUEZ to recover these claims. I also understand that prior to filing suit, the residents, through their counsel, filed claims with SUEZ, but all of these claims were rejected. In addition, I understand that the Borough has claims for additional costs associated with the main failures and a separate suit has been filed to recover these expenses.

Up to this point in time, we have provided assistance on this matter in the form of a preliminary review of various documents obtained from SUEZ and its contractor and we have assisted in negotiations regarding the scope of the main replacements and repairs. As a result, we are very familiar with the SUEZ's actions prior to and following the July 4th main break.

I understand that you have filed a complaint against SUEZ for the Borough's claims and you are simultaneously continuing with your attempts to negotiate a fair and reasonable settlement. You have asked for my assistance with these efforts. I have developed this proposal to identify tasks that can be authorized as we proceed to assist the Borough in managing the budget for this matter. The tasks and budget amount for each task are summarized in Attachment A.

49 Overhill Road, East Brunswick, New Jersey 08816-4211
Phone: 267-254-5667
E-mail: howard@howardwoods.com



Approach

Task 1 - Litigation Support - Trial Preparation: In this task I will assist you in preparing for trial. This will involve the preparation of discovery to ensure that all relevant documents needed to make our case are available as evidence in this matter. I understand that we have much of the material we need from prior efforts but these materials will need to be produced again within this proceeding to be certain that it can be used at trial and in any post trial briefs. I will also assist you in reviewing the materials generated through the discovery requests. Finally, I will prepare an expert report on this matter.

Based on our involvement to date in this matter, I know that SUEZ is asserting a *Fanning* defense. Using the information generated in our initial review, which will be confirmed in discovery, I will prepare a report that addresses the timeline of the history of the main leading up to and following the three known breaks on this pipeline and the repairs and replacements completed this year. My report will detail SUEZ's actions to effect repairs. This report will address facts known about the SUEZ's efforts to assess the condition of the main following the 2009 main break only feet from the location of the July 4, 2018 main break. I will also address valve inspection and maintenance work and pipeline and leakage inspections that could have been done, and should have been done, prior to the two most recent breaks. In addition, I can document the shortcomings in SUEZ's maintenance and operational activities that argue against the application of *Fanning* as a defense in this matter.

Throughout the discovery phase and prior to trial, I anticipate that we will be engaged in discussions with SUEZ and the residents to reach a reasonable settlement of this matter. I will assist you in those discussions. I remain optimistic that a solution can be reached. I anticipate up to four meetings with the residents' counsel and SUEZ. As I have suggested previously, there is a way for SUEZ to recover the cost of damages and construction claims along with the cost of the water main and valve replacements. This avenue to a settlement is only available up to the point where we file a report showing negligence on the part of SUEZ. Once that report is filed, there will no longer be an opportunity for SUEZ to recover these costs unless they are completely successful in defeating our claim.

I would appreciate it if the Borough would authorize the budget for Task 1 at this time. Hopefully, we will be able to resolve this matter without moving beyond this Task.

Task 2 – Litigation Support – Testimony

After our report is filed, I anticipate there will be discovery on the report and our position. I will assist you in responding to discovery from SUEZ and the residents. In addition, I

anticipate that there will likely be a deposition prior to the actual trial. I will work with you to prepare for this deposition and be available to provide a deposition at your office or some other suitable location. Finally, I will be available to appear at trial to present my testimony and be cross examined.

I have also assumed that we may still have an opportunity to settle the matter before the Court renders a decision. To that end, I have assumed that we will have two settlement meetings with the parties in an effort to reach a reasonable accommodation.

If we are unable to reach a settlement at the conclusion of Task 1, I will ask the Borough to authorize the budget for Task 2.

Task 3 – Post Hearing Activities

Following the hearing, I anticipate that the court will require the matter to be briefed. I will provide you with any technical assistance regarding the main failures and our position concerning SUEZ's negligence that you may require in preparing your brief.

At the conclusion of the trial, if this element of work is necessary, I will ask the Borough to authorize the budget for this Task 3.

Summary of Staffing & Proposed Fees

Howard J. Woods, Jr., P.E. will be the principal point of contact for you and Ridgefield Borough and will be responsible for all work addressed by this proposal. No work will be delegated or subcontracted without your specific approval. Mr. Woods' billing rate is \$200 per hour (two hundred dollars per hour). An estimate of the work effort and cost anticipated for each Task item is attached as Schedule A.

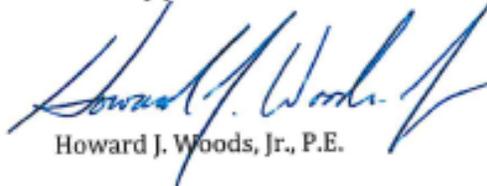
The proposed consulting fees associated with the elements of work defined above are based on actual time spent on the engagement at the standard hourly rates noted above. The estimates for the work provided for in this proposal will not be exceeded without your express written approval. Bills will be based on actual time and expenses incurred, so your cost will be lower if less time is required to complete the assignment. Actual out-of-pocket expenses up to the limits set forth on Schedule A, such as for travel or overnight mail, will be charged without mark-up. No non-billable costs, such as costs for support staff, will be billed to the Borough. Should you require any assistance for work not addressed by this proposal, we would be pleased to accommodate you and we will bill you at our standard rates noted above. Our fees will be billed monthly based on work performed and expenses incurred in the previous month. We would appreciate payment within 30 days from the date of billing. **I understand that if this proposal is acceptable to you and the Borough, that I will be engaged by the Borough as an independent consultant in this matter. Bills will be rendered to the Borough and payment will be made by the Borough directly to me.**

Mr. Stephen F. Pellino, Esq.
Re: SUEZ/Hamilton Avenue Main Breaks

October 17, 2019
Page 4 of 5

Please call me if you have any questions about this proposal or if I can assist you in any way. Thank you again for giving me the opportunity to offer this proposal.

Sincerely yours,



Howard J. Woods, Jr., P.E.

Schedule A
Summary of Work Plan Tasks and Costs
Professional Services for
SUEZ Hamilton Avenue Water Main Breaks

Task No.	Description	Estimated Hours	Estimated Expenses	Total Estimated Cost
1	Litigation Support - Trial Preparation			
	Prepare and Review Discovery	32	\$0.	\$6,400.
	Prepare Expert Report	24	\$0.	\$4,800.
	Ongoing Settlement Negotiations	24	\$200.	\$5,000.
	SUBTOTAL - TASK 1	80	\$ 200.	\$16,200.
2	Litigation Support - Testimony			
	Discovery Responses	16	\$100.	\$3,300.
	Deposition Pre-Trial	20	\$100.	\$4,100.
	Testimony at Trial	8	\$50.	\$1,650.
	Continuing Settlement Negotiations	16	\$100.	\$3,300.
	SUBTOTAL - TASK 2	60	\$ 350.	\$12,350.
3	Post Hearing Activities			
	Technical Assistance	8	\$0.	\$1,600.
	SUBTOTAL - TASK 3	8	\$ 0.	\$1,600.
	TOTAL TASKS 1 THROUGH 3	148	\$ 550.	\$30,150.