

BOROUGH OF RIDGEFIELD

A G E N D A

Executive Session and Regular Meeting of the Mayor and Council

Date: July 13, 2015

Open Public Meetings Statement by Mayor Suarez

Public Session to Adjourn to Executive Session: C.T.O.: 6:35 P.M.
Adjourn: 6:37 P.M.

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

Executive Session: 6:30 P.M. C.T.O.: 6:37 P.M.
Adjourn: 7:26 P.M.

Public Session: 7:30 P.M. C.T.O.: 7:33 P.M.
Adjourn: 7:57 P.M.

Pledge of Allegiance

Invocation

Citizens Comment on Agenda:

Correspondence:

Approval of Minutes of April 27, 2015 Work Session, April 27, 2015 Public Session, May 11, 2015 Public Session, and May 19, 2015 Special Meetings - APPROVED

185-2015 Mayor Suarez Appointment of Police Officers

Swearing in of Police Officers

PROPOSED CONSENT AGENDA:

186-2015 Councilman Penabad Cancel Capital Reserve
 187-2015 Councilman Acosta Authorize Negotiation of Interlocal Services Agreement
 188-2015 Councilman Castelli Professional Service Agreement-Howard J. Woods Jr. & Associates LLC

ROLL CALL-PUBLIC SESSION

	Adj. to Ex.		Public	
	Pres.	Abs.	Pres.	Abs.
Mayor Suarez	X		X	
Castelli	X		X	
Acosta	X		X	
Penabad	X		X	
Shim	X		X	
Todd	X		X	
Vincentz	X		X	

ROLL CALL-EXEC. SESSION

	PRESENT	ABSENT
Mayor Suarez	X	
Castelli	X	
Acosta	X	
Penabad	X	
Shim	X	
Todd	X	
Vincentz	X	

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Acosta	X			
Penabad	X			
Shim	X			
Todd	X			
Vincentz	X			
Mayor Suarez				

RESOLUTIONS:

189-2015 Councilman Penabad Warrants
190-2015 Councilman Acosta Right of Way License Agreement-PEG Bandwidth

COMMENTS BY MAYOR:

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. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting July 13, 2015

Presented by Mayor 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				
Acosta				
Penabad				
Shim				
Todd				
Vincentz				
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. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting July 13, 2015

Presented by Mayor Suarez

RESOLUTION NO. 185-2015

BE IT RESOLVED that the Mayor and Council appoint:

DIGNA MENDEZ

and

WILFREDO MEDINA

as Police Officers of the Ridgefield Police Department effective July 24, 2015.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Acosta	X			
Penabad	X			
Shim	X			
Todd	X			
Vincentz	X			
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting July 13, 2015

Presented by Councilman Penabad

RESOLUTION NO. 186-2015

WHEREAS, The Capital Fund contains a sub account RESERVE FOR ACQUISITION OF AN EMPLOYEE TIME SYSTEM in the amount of \$25,000.00; and

WHEREAS, the above named EMPLOYEE TIME SYSTEM was subsequently acquired and funded as a part of Ordinance 2207; and

WHEREAS, there is no need to carry said Reserve for Acquisition of an Employee Time System as a sub account in the Capital Fund:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the Chief Financial Officer is and hereby authorized to cancel the Reserve for Acquisition of an Employee Time System in the Capital Fund and transfer the balance to the Capital Improvement Fund.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Acosta	X			
Penabad	X			
Shim	X			
Todd	X			
Vincentz	X			
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting July 13, 2015

Presented by Councilman Acosta

RESOLUTION NO. 187-2015

WHEREAS, the Borough of Ridgefield, through the B.C.U.A., presently utilizes Waste Management Inc.'s transfer station located in Fairview, New Jersey for its tipping requirements; and

WHEREAS, the Bergen County Utilities Authority entered into a new tipping agreement which requires the cooperating Municipalities to use a transfer station located in Totowa, New Jersey; and

WHEREAS, the Borough of Ridgefield has reviewed this matter in some detail, and has determined that it would be more cost efficient to transfer and tip its solid waste at Waste Management Inc.'s transfer station in Fairview, New Jersey rather than the B.C.U.A. facility in Totowa, New Jersey; and

WHEREAS, the Borough of Leonia is currently under contract with Waste Management Inc. until calendar year 2015 for the transfer and tipping of its solid waste at the Fairview transfer station;

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

1. The Borough of Ridgefield does hereby authorize the Borough Clerk, Borough Attorney and Purchasing Agent to negotiate with the Borough of Leonia and enter into an Interlocal Services Agreement, which will authorize the tipping of the Borough's solid waste pursuant to the Borough of Leonia's Waste Management Inc.'s contract; and
2. This foregoing is subject to the review by the Borough Attorney as to the legalities of such an arrangement.
3. A certified and true copy of this Resolution be tendered to the Administrator for the Borough of Leonia, Jack Terhune, to the Borough Attorney for the Borough of Leonia, and to appropriate officials in the Borough of Ridgefield.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Acosta	X			
Penabad	X			
Shim	X			
Todd	X			
Vincentz	X			
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting July 13, 2015

Presented by Councilman Castelli

RESOLUTION NO. 188-2015

WHEREAS, the Mayor and Council of the Borough of Ridgefield previously appointed Weiner Lesniak LLP as Special Counsel for Waste Water Litigation (“SPECIAL COUNSEL”); and

WHEREAS, SPECIAL COUNSEL has recommended the retention of Howard J. Woods, Jr., as an expert witness in order to compile and analyze data and other information related to the costs of services and facilities necessary to provide the sewer service which are the subject of these negotiations and potential litigation; and

WHEREAS, Howard J. Woods Jr & Associates LLC has submitted a proposal dated May 19, 2015 to provide such services to SPECIAL COUNSEL; and

WHEREAS, the Borough now wishes to enter into a professional services agreement with Howard J. Woods, Jr., & Associates, L.L.C. for professional services as an expert witness to assist SPECIAL COUNSEL in the Waste Water Litigation without competitive bid.

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

1. The Mayor and the Borough Clerk be and hereby are authorized and directed to execute the attached Professional Services Agreement with Howard J. Woods, Jr., & Associates, L.L.C. as required by law.

2. This contract is awarded based on the following reasons: There is a need for expert witness professional services to assist SPECIAL COUNSEL in the Waste Water Litigation; the services to be rendered constitute a professional service as defined by New Jersey law; and the services to be rendered shall be in accordance with the proposal from Howard J. Woods, Jr., & Associates, L.L.C. dated May 19, 2015.

3. A notice of this action shall be printed in *The Record*.

4. The award of this contract is subject to the certification of availability of funds by the Borough’s Financial Officer.

5. A copy of this Resolution and a copy of the attached contract shall be made available for public inspection as required by law.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Acosta	X			
Penabad	X			
Shim	X			
Todd	X			
Vincentz	X			
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

CONTRACT FOR PROFESSIONAL SERVICES WITH
CONTRACTOR FOR WASTE WATER LITIGATION

THIS IS A CONTRACT for professional services made by and between the Borough of Ridgefield, County of Bergen, State of New Jersey, hereinafter called the "BOROUGH", and Howard J. Woods, Jr., having offices at Howard J. Woods Jr & Associates LLC, 138 Liberty Drive, Newtown, Pennsylvania 18940-1111, hereinafter called the "CONTRACTOR".

WHEREAS, the Mayor and Council of the Borough of Ridgefield previously appointed Weiner Lesniak LLP as Special Counsel for Waste Water Litigation ("SPECIAL COUNSEL"); and

WHEREAS, SPECIAL COUNSEL has a need for an expert witness to assist it in the Waste Water Litigation; and

WHEREAS, CONTRACTOR has submitted a proposal dated May 19, 2015 to provide such services to SPECIAL COUNSEL (the "Proposal"); and

WHEREAS, pursuant to law, the Mayor and Council have authorized the Mayor and Borough Clerk to enter into an agreement with the CONTRACTOR for professional services as an expert witness to assist SPECIAL COUNSEL without competitive bid; and

WHEREAS, it is desirable and appropriate that the parties enter into a formal contract to memorialize the rights, duties and obligations of the parties;

NOW, THEREFORE, IT IS AGREED by and between the parties, in consideration for the mutual promises and covenants contained herein, as follows:

1. **ENGAGEMENT:** The BOROUGH hereby engages the CONTRACTOR to serve as Borough CONTRACTOR for calendar year 2015, or until his/her successor qualifies. The CONTRACTOR hereby accepts such engagement and agrees to provide the services required under this agreement.
2. **SCOPE OF SERVICES:** The CONTRACTOR shall perform all appropriate expert witness services in connection with the Waste Water Litigation as shall be assigned to CONTRACTOR by SPECIAL COUNSEL in accordance with the Proposal.
3. **PAYMENT FOR SERVICES:** The CONTRACTOR shall be paid in accordance with the Proposal for work assigned to it by SPECIAL COUNSEL.
4. **ENGAGING OTHERS:** Nothing in this agreement shall prohibit the BOROUGH from engaging other contractors for specific matters if in the opinion of the Mayor and Council such is necessary.

5. NON-FAIR AND OPEN PROCESS: This contract has not been awarded in accordance with a fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.5, et seq. Therefore, the CONTRACTOR has:
 - A. Filed a disclosure form with the BOROUGH certifying that it has not made any reportable contributions during the previous year; and
 - B. Acknowledged that it is prohibited from making any reportable contributions during the term of this contract.
6. INCORPORATION OF CERTAIN PROVISIONS:
 - A. The parties to this agreement agree to incorporate into same the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Department of the Treasury, pursuant to P.L. 1975, c.127, as amended and supplemented from time to time, and the CONTRACTOR agrees to fully comply with the terms, provisions and objections of said regulation, provided that said subsection shall be applied subject to the terms of subsection 3.4(d) of said regulations.
 - B. The parties to this agreement agree to incorporate into same the mandatory language of section 5.3 of the Resolutions promulgated by the Department of the Treasury pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and the CONTRACTOR agrees to comply fully with the terms, provisions and obligations of said regulation.
7. RIGHT TO RESCIND: The award of this contract is subject to the BOROUGH'S right to rescind same within thirty (30) days of its issuance should the Mayor and Council determine that the CONTRACTOR'S services are not performed satisfactorily in accordance with this contract.
8. COUNTERPARTS: The parties agree that this contract may be signed in separate counterparts, the effect of which will be the same as if one original were signed by both parties.

IN WITNESS WHEREOF, the parties have set their hands and seals on the day and year affixed next to their respective signatures.

ATTEST:

Linda M. Silvestri, Borough Clerk

Dated: _____

WITNESS:

Name

Dated: _____

BOROUGH OF RIDGFIELD

By: _____
Anthony R. Suarez, Mayor

Dated: _____

HOWARD J. WOODS JR & ASSOCIATES
LLC

By: _____
Howard J. Woods, Jr.

Dated: _____

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.

Frank Berardo,
Chief Financial Officer

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting July 13, 2015

Presented by Councilman Penabad

RESOLUTION NO. 189-2015

BE IT RESOLVED, that warrants totaling **\$2,063,737.51**
be drawn on the following accounts:

CURRENT	\$1,956,935.72
TRUST	\$71,909.94
CAPITAL	\$5,250.00
POOL	\$29,641.85
TOTAL	\$2,063,737.51

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Acosta	X			
Penabad	X			
Shim	X			
Todd	X			
Vincentz	X	90091		
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting July 13, 2015

Presented by Councilman Acosta

RESOLUTION NO. 190-2015

WHEREAS, PEG Bandwidth NJ, LLC (hereinafter "PEG Bandwidth") is a telecommunications service provider authorized by the New Jersey Board of Public Utilities (hereinafter "NJBP") to do business as a local exchange company in the State of New Jersey; and

WHEREAS, PEG Bandwidth's primary business is the provision of dedicated private line service to other carriers and enterprise customers; and

WHEREAS, PEG Bandwidth has asked the Borough of Ridgefield to grant it a rights of way license agreement; and

WHEREAS, the Borough is legally obligated to reasonably allow access to carriers such as PEG Bandwidth and has, in the past, allowed other carriers similar access; and

WHEREAS, the Borough Attorney has negotiated the terms of a rights of way license agreement with counsel for PEG Bandwidth; and

WHEREAS, PEG Bandwidth has agreed to reimburse the Borough a fixed amount representing the reasonable costs of its legal and engineering services in connection with this agreement; and

WHEREAS, it is in the best interests of the Borough that a rights of way license agreement with PEG Bandwidth be approved;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the Rights of Way License Agreement attached hereto be and hereby is approved, and the Mayor and the Borough Clerk be and hereby are authorized and directed to execute same on behalf of the Borough of Ridgefield.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli	X			
Acosta	X			
Penabad	X			
Shim	X			
Todd	X			
Vincentz	X			
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri
Borough Clerk