

BOROUGH OF RIDGEFIELD

A G E N D A

Executive Session and Regular Meeting of the Mayor and Council

Date: July 6, 2016

Open Public Meetings Statement by Mayor Suarez

Public Session to Adjourn to C.T.O.: 6:30 P.M.  
Executive Session: Adjourn: 6:31 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.: 6:31 P.M.  
Adjourn: 7:17 P.M.

Public Session: 7:30 P.M. C.T.O.: 7:32 P.M.  
Adjourn: 8:31 P.M.

Pledge of Allegiance

Invocation

Citizens Comment on Agenda:

Correspondence:

**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	7:12 P.M.	
Penabad	X	
Shim	X	
Todd	X	
Vincentz	X	

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207-2016 Mayor Suarez Appointment of Police Officers

Swearing in of Police Officers

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As advertised, hearing will be held on Ordinance No. 2307 entitled, “BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH OF RIDGEFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,383,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,313,850 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF”

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

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Introduction of Ordinance No. 2308 entitled, "AN ORDINANCE OF THE BOROUGH OF RIDGEFIELD BANNING THE SALE OF DOGS AND CATS FROM PET SHOPS"

First Reading of Ordinance

Roll Call

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Introduction of Ordinance No. 2309 entitled, "AN ORDINANCE AMENDING ARTICLE XX OF CHAPTER 375, PERMIT PARKING"

First Reading of Ordinance

Roll Call

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CONSENT AGENDA:

208-2016	Mayor Suarez	Community Development Representatives
209-2016	Councilman Acosta	Lawn Maintenance Services Agreement
210-2016	Councilman Castelli	Authorize 2015 Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund Grant Agreement
211-2016	Councilman Acosta	Award Bid-Broom Street Sweeper
212-2016	Councilman Penabad	Shared Services Defense Agreement
213-2016	Councilman Acosta	State Local Cooperative Housing Inspection Program Agreement
214-2016	Councilman Acosta	Approve Water Main Extension and Hydrant-River Street
215-2016	Councilman Penabad	Tax Court Judgment-Block 2204, Lot 13
216-2016	Councilman Penabad	Lien Redemption Cert. #16-02
217-2016	Councilman Penabad	Lien Redemption Cert. #16-01
218-2016	Councilman Penabad	Overpayment of Taxes-Block 2704, Lot 5.01
219-2016	Councilman Castelli	Hire Additional Swim Pool Personnel
220-2016	Councilman Castelli	Hire Additional Summer Playground Personnel
221-2016	Councilman Acosta	Appoint DPW Assistant Foreman

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli	X			
Acosta	X			
Penabad	X			
Shim	X			
Todd	X			
Vincentz	X			
Mayor Suarez				

**RESOLUTIONS:**

222-2016	Councilman Penabad	Warrants
223-2016	Councilman Penabad	Rights of Way License Agreement
224-2016	Councilman Acosta	Appoint DPW Laborer with Special Skills
225-2016	Councilman Castelli	Amend Howard Woods Professional Service Agreement

**COMMENTS BY MAYOR:**

**Coin Toss Request:**

RMHS Volleyball Saturday, October 1, 2016	APPROVED
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**Permission to Hang Banner:**

Ridgefield PBA Night Out Against Crime	APPROVED
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**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 6, 2016

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 6, 2016

Presented by Mayor Suarez

RESOLUTION NO. 207-2016

BE IT RESOLVED that the Mayor and Council appoint:

ANDREW FARELLI

and

ALI HUDA

as Police Officers of the Ridgefield Police Department effective July 6, 2016.

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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 6, 2016

Presented by Councilman Penabad

ORDINANCE NO. 2307

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

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH OF RIDGEFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,383,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,313,850 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF”

introduced on the 15<sup>th</sup> day of June 2016, 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			
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 June 15, 2016

Presented by Councilman Penabad

ORDINANCE NO. 2307

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH OF RIDGEFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,383,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,313,850 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF”

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF RIDGEFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Borough of Ridgefield, New Jersey (the “Borough”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$1,383,000, such sum includes the sum of \$69,150 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,313,850 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$1,313,850 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
(1) Acquisition of various vehicles, including, but not limited to fire vehicle, mason dump truck and pick-up truck for the Department of Public Works.	\$155,000	\$147,250	5 Years
(2) Acquisition of radios for the Fire Department.	470,000	446,500	5 Years
(3) Various improvements to Municipal Buildings, including but not limited to renovations to the Building Department and Courthouse, including all work and materials necessary therefore or incidental thereto.	28,000	26,600	15 Years
(4) Acquisition of various equipment, including but not limited to new phone system for the Community Center and Borough Hall, EMS pagers, LED sign, SCBA and fire air compressor.	330,000	313,500	8.05 Years
(5) Acquisition of a building at 747 Banta Place, including all work and materials necessary therefore or incidental thereto.	400,000	380,000	30 Years
<b>TOTAL</b>	<b>\$1,383,000</b>	<b>\$1,313,850</b>	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$1,313,850.

(c) The estimated cost of the Improvements is \$1,383,000 which amount represents the initial appropriation made by the Borough.

#### SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this

ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

#### SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 13.16 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$1,313,850 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$230,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$1,313,850.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Approved:

Attest:

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Anthony R. Suarez, Mayor

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Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting July 6, 2016

Presented by Councilman Penabad

ORDINANCE NO. 2308

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

“AN ORDINANCE OF THE BOROUGH OF RIDGEFIELD BANNING THE SALE OF DOGS AND CATS FROM PUPPY MILLS”

introduced on the 6<sup>th</sup> day of July, 2016, 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 7<sup>th</sup> day of September, 2016 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			
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 6, 2016

Presented by Councilman Penabad

ORDINANCE NO. 2308

“AN ORDINANCE OF THE BOROUGH OF RIDGEFIELD BANNING THE SALE  
OF DOGS AND CATS FROM PUPPY MILLS”

WHEREAS, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include overbreeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten facilities lead to health and behavioral issues in the animals bred in those facilities which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues may not be present themselves until some time after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, current Federal and State regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, according the New Jersey Department of Health 2014 Animal Intake and Disposition Survey, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually. Restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her own choice directly from a breed- specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Mayor and Council believes it is in the best interests of the Borough to adopt reasonable regulations to reduce costs to the Borough who may, purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Municipality.

#### Section 1. Definitions

*Animal care facility* means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

*Animal rescue organization* means any not-for-profit organization which has tax-exempt status under Section 501 (c ) (3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

*Cat* means a member in the species of domestic cat, *Felis catus*

*Dog* means a member of the species of domestic dog, *Canis familiaris*.

*Offer for sale* means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

*Pet shop* means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such designation shall not include an animal care facility or animal rescue organization as defined herein.

#### Section 2. Restrictions on the Sale of Animals

(1) A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:

- (a) An animal care facility or
- (b) An animal rescue organization.

(2) A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

Section 3. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 4. Effective Date.

This ordinance shall become effective 90 days after passage.

Approved:

Attest:

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Anthony R. Suarez, Mayor

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Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting July 6, 2016

Presented by Councilman Castelli

ORDINANCE NO. 2309

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 XX OF CHAPTER 375, PERMIT PARKING”

introduced on the 6<sup>th</sup> day of July, 2016, 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 7<sup>th</sup> day of September, 2016 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			
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 6, 2016

Presented by Councilman Castelli

ORDINANCE NO. 2309

“AN ORDINANCE AMENDING ARTICLE XX OF CHAPTER 375, PERMIT PARKING”

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

Section I:

Section 375-61, Subpart (d)(2), be and hereby is amended by adding to the existing language, a new subpart (d) to read as follows:

(d) In lieu of the above required documents, the Borough Clerk may, in the Clerk's reasonable discretion, accept such other form of documentary proof that the Clerk determines provides reasonable proof of the residency of the owner of the vehicle.

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:

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Anthony R. Suarez, Mayor

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Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting July 6, 2016

Presented by Mayor Suarez

RESOLUTION NO. 208-2016

WHEREAS, the Borough of Ridgefield has entered into a Three Year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act (N.J.S.A. 40A:8A-1 et seq.) and Title I of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the Mayor and one Representative by appointed by the Governing Body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1 through June 30;

NOW, THEREFORE, BE IT RESOLVED that the Mayor hereby appoints

HUGO JIMENEZ

as his representative to participate on the Community Development Committee; and

CARLO OROPESA

as the Mayor's alternate on said committee.

BE IT FURTHER RESOLVED that the Governing Body hereby appoints

RUSSELL CASTELLI

as its representative to participate on the Community Development Committee; and

RAY PENABAD

as the Governing Body alternate on said committee.

Approved:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

Attest:

\_\_\_\_\_  
Linda M. Silvestri, Borough Clerk

COUNCIL VOTE

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

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting July 6, 2016

Presented by Councilman Acosta

RESOLUTION NO. 209-2016

WHEREAS, the Borough of Ridgefield is in need of Lawn Maintenance Services to be performed for the period April 1, 2016 through December 31, 2017, and

WHEREAS, bids were received on March 24, 2016 to provide the Lawn Maintenance Services for the period April 1, 2016 through December 31, 2017, and

WHEREAS, the bid of Bill's Landscaping and Design, Inc. of 654 Maple Avenue, Ridgefield, NJ 07657 in the amount of \$21,600 for the year 2016 and \$21,600 for the year 2017 made pursuant to advertising, was the lowest responsible bidder complying with the terms and specifications on file and is hereby accepted, and

WHEREAS, funds in the amount of \$21,600 for the year 2016 is available in the 2016 Budget under the account Public Buildings and Maintenance 01-2010-26-3102-020 and for the year 2017 will be available in the same account contingent upon approval of the 2017 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize the Agreement with Bill's Landscaping and Design, Inc. for Lawn Maintenance Services; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the Agreement with Bill's Landscaping.

Approved:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

Attest:

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli	X			
Acosta	X			
Penabad	X			
Shim	X			
Todd	X			
Vincentz	X			
Mayor Suarez				

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting July 6, 2016

Presented by Councilman Castelli

RESOLUTION NO. 210-2016

BE IT RESOLVED that the Mayor and Council of the Borough of Ridgefield wish to enter into a Bergen County Trust Fund Project Contract (“Contract”) with the County of Bergen for the purpose of using a \$52,474.00 matching grant award from the 2015 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled Parks Pavilion Project located in Lot 2 in Block 1401 on the tax maps of the Borough of Ridgefield;

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorized the Mayor and Borough Clerk to be a signatory to the aforesaid Contract; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about May 18, 2018; and

BE IT FURTHER RESOLVED that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and

BE IT FURTHER RESOLVED that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund’s requirements.

Approved:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

Attest:

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli	X			
Acosta	X			
Penabad	X			
Shim	X			
Todd	X			
Vincentz	X			
Mayor Suarez				

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting July 6, 2016

Presented by Councilman Acosta

RESOLUTION NO. 211-2016

WHEREAS, the Borough of Ridgefield previously authorized the solicitation of competitive bids entitled “Dual Engine Four Cubic Yard Broom Street Sweeper”; and

WHEREAS, said bids were received and opened on February 19, 2016; and

WHEREAS, the bid has been reviewed by the appropriate Borough professionals; and

WHEREAS, Beyer Bros. Corp. is the apparent lowest bidder; and

WHEREAS, Beyer Bros. Corp. agreed to extend its bid pricing until August 14, 2016 since the Borough was unable to award the bid within the statutory period; and

WHEREAS, it has been recommended that the bid be awarded to Beyer Bros. Corp. in the amount of \$197,675.00;

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

1. The bid entitled “Dual Engine Four Cubic Yard Broom Street Sweeper” be and hereby is awarded to Beyer Bros. Corp. as the low bidder, in the amount of \$197,675.00

2. The Mayor and Borough Clerk be and hereby are authorized and directed to execute, on behalf of the Borough, an appropriate contract as determined by Borough professionals reflecting the award of this bid.

3. The Borough’s Chief Financial Officer has certified the availability of funds from the following accounts:

04-2150-55-2265-00      Ordinance 2265 – Acquisition of Vehicles      197,675.00

Approved:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

Attest:

\_\_\_\_\_  
Linda M. Silvestri, Borough Clerk

<b>COUNCIL VOTE</b>				
	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli	X			
Acosta	X			
Penabad	X			
Shim	X			
Todd	X			
Vincentz	X			
Mayor Suarez				

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting July 6, 2016

Presented by Councilman Penabad

RESOLUTION NO. 212-2016

WHEREAS, the Borough of Ridgefield is involved in certain litigation entitled *In the Matter of the Application of the Borough of Ridgefield, A Municipal Corporation of the State of New Jersey*; and

WHEREAS, that litigation is in response to the Supreme Court's ruling in the case of *In the Matter of the Adoption of NJAC 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 NJ1 (2015)*; and

WHEREAS, that litigation will require the Borough to demonstrate to the Court that it is fulfilling its constitutional obligation of providing reasonable opportunity for affordable housing by and within the Borough of Ridgefield; and

WHEREAS, various municipalities, including the Borough of Ridgefield, have entered into a Municipal Shared Services Defense Agreement to form what is colloquially known as the "Consortium", for the purpose of obtaining one or more expert reports in connection with the proper calculation of municipal fair shares, and to share other joint services, attorneys and filings; and

WHEREAS, the Consortium initially collected the sum of \$2,000 from each municipality which participated to fund its operations; and

WHEREAS, the Consortium later asked for an additional contribution of \$2,000 from each municipality which participated to fund its continued operations on account of the vast amount of work that was necessary; and

WHEREAS, the Borough made both of those contributions; and

WHEREAS, due to the vast amount of work that has been done and the continuing expenses to the Consortium, the Consortium requires further funding from its members; and

WHEREAS, the Consortium has requested a further contribution of \$2,000 from each municipality to continue the work in connection with these litigations; and

WHEREAS, it is clearly in the best interests of the Borough of Ridgefield to continue to participate in the Consortium and its efforts on behalf of all participating municipalities;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the Mayor and Council authorizes a further payment of \$2,000 to continue the Borough's participation in the Consortium, said check to be made payable to Jeffrey R. Surenian & Associates Attorney Trust Account.

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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 6, 2016

Presented by Councilman Acosta

RESOLUTION NO. 213-2016

WHEREAS, the Department of Community Affairs of the State of New Jersey has available a “State Local Cooperative Housing Inspection Program”; and

WHEREAS, in past years, the Borough of Ridgefield has requested and received authorizations to conduct state mandated inspections of hotels and multiple dwellings within its jurisdiction on behalf of the Bureau of Housing Inspection; and

WHEREAS, it has been proposed that the Borough again enter into an agreement under the State Local Cooperative Housing Inspection Program based upon the fee schedule and allocations set forth in a certain correspondence dated June 1, 2016 addressed to Mayor Anthony R. Suarez; and

WHEREAS, it is in the best interests of the Borough of Ridgefield that it participate in this program;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the Mayor be, and he hereby is, authorized and directed to sign the June 1, 2016 letter addressed to him by Edward M. Smith, Director of Division of Codes and Standards of the Department of Community Affairs, and to therefore bind the Borough of Ridgefield in connection with this program.

Approved:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

Attest:

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli	X			
Acosta	X			
Penabad	X			
Shim	X			
Todd	X			
Vincentz	X			
Mayor Suarez				

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting July 6, 2016

Presented by Councilman Acosta

RESOLUTION NO. 214-2016

WHEREAS, Bell Drive Sg LLC has presented to Suez Water New Jersey an application for an extension to its distributing system to supply premises of applicant and consisting of installing 940' of 8" pipe to supply River Street, Ridgefield, NJ;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the said extension be made and the same hereby is approved;

BE IT FURTHER RESOLVED that Suez Water New Jersey, Inc. is hereby requested to erect one (1) fire hydrant at the location identified in invest. No. 54977, to be used for fire purposes only, in accordance with the Rules and Regulations of the Company, and its rates as set forth in its Schedule of Rates filed with the New Jersey Board of Public Utilities in Newark, NJ.

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 6, 2016

Presented by Councilman Penabad

RESOLUTION NO. 215-2016

WHEREAS, the Tax Court of New Jersey has approved the settlement stipulation for an adjusted assessment on Block 2204 Lot 13, also known as 587 Prospect Avenue for the year 2015.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that Ronald Martucci be issued a refund in the amount of \$1,068.33 for the year 2015.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and she is hereby authorized to issue a check in the total amount of \$1,068.33 made payable to Ronald Martucci and be mailed to 589 Prospect Avenue, Ridgefield, New Jersey 07657.

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 6, 2016

Presented by Councilman Penabad

RESOLUTION NO. 216-2016

WHEREAS, Joesph Lala has deposited a check in the amount of \$5,498.48 into the Suspense Account for the redemption and subsequent taxes of Tax Lien # 16-02, Block 803 Lot 5.02, further known as 682 Slocum Avenue, sold to Accel Pharmtech, LLC and whereas \$10,100.00 was previously deposited into the Trust Account for the premium at the time of the tax sale;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the Chief Financial Officer be and she is hereby authorized to issue and sign a check in the amount of \$5,498.48 from the Suspense Account and a check for \$10,100.00 from the Trust Account.

BE IT FURTHER RESOLVED that the check in the amount of \$5,498.48 be drawn on the Borough of Ridgefield Suspense account and the check for \$10,100.00 be drawn on the Borough of Ridgefield Trust account and be made payable to Accel Pharmtech, LLC and be mailed to P.O. Box 7085, East Brunswick, NJ 08816.

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 6, 2016

Presented by Councilman Penabad

RESOLUTION NO. 217-2016

WHEREAS, Cira Loor has deposited a check in the amount of \$12,582.73 into the Suspense Account for the redemption and subsequent taxes of Tax Lien # 16-01, Block 701 Lot 5, further known as 589 Ray Avenue, sold to Clemente Enterprises, LLC and whereas \$17,000.00 was previously deposited into the Trust Account for the premium at the time of the tax sale;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the Chief Financial Officer be and she is hereby authorized to issue and sign a check in the amount of \$12,582.73 from the Suspense Account and a check for \$17,000.00 from the Trust Account.

BE IT FURTHER RESOLVED that the check in the amount of \$12,582.73 be drawn on the Borough of Ridgefield Suspense account and the check for \$17,000.00 be drawn on the Borough of Ridgefield Trust account and be made payable to Clemente Enterprise, LLC and be mailed to P.O. Box 141, Wyckoff, New Jersey 07035.

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 6, 2016

Presented by Councilman Penabad

RESOLUTION NO. 218-2016

WHEREAS, an overpayment of taxes was received in the Borough of Ridgefield for the second quarter 2016 for Block 2704 Lot 5.01, also known as 739 Day Avenue;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that a refund in the amount of \$3,678.48 for the second quarter 2016 be issued to Lorraine and Michael Mettler.

BE IT FURTHER RESOLVED that the Chief Financial Officer/Treasurer be and she is hereby authorized to issue a check in the total amount of \$3,678.48 made payable to Lorraine and Michael Mettler and be mailed to 739 Day Avenue, Ridgefield, New Jersey 07657.

COUNCIL VOTE

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

Approved:

Attest:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting July 6, 2016

Presented by Councilman Castelli

RESOLUTION NO. 219-2016

BE IT RESOLVED by the Mayor and Council that the following individuals be hired as Swim Pool personnel for the 2016 pool season at the hourly rate indicated:

David Kim	\$9.00
Kiara Park	\$9.00

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 6, 2016

Presented by Councilman Castelli

RESOLUTION NO. 220-2016

BE IT RESOLVED by the Mayor and Council that the following individuals be hired as Summer Playground personnel for the 2016 season at the hourly rate indicated:

Victoria Fugnitti                      \$9.50  
Maria Goldman Minano                \$9.00

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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 6, 2016

Presented by Councilman Acosta

RESOLUTION NO. 221-2016

BE IT RESOLVED by the Mayor and Council that

PETER ARVANITIS

be appointed Assistant Foreman of the Department of Public Works at the annual salary of \$45,000.00 effective July 11, 2016 contingent upon successful completion of all pre-employment requirements.

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

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.

---

Diane Sherry,  
Chief Financial Officer

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting July 6, 2016

Presented by Councilman Penabad

RESOLUTION NO. 222-2016

BE IT RESOLVED, that warrants totaling **\$7,636,367.65**  
be drawn on the following accounts:

CURRENT	\$5,173,001.74
TRUST	\$83,920.10
CAPITAL	\$2,335,200.19
POOL	\$43,412.02
DOG LICENSE	\$833.60
<b>TOTAL</b>	<b>\$7,636,367.65</b>

COUNCIL VOTE

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

Approved:

Attest:

\_\_\_\_\_  
Russell Castelli, Council President

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting July 6, 2016

Presented by Councilman Penabad

RESOLUTION NO. 223-2016

WHEREAS, LDR Equities, LLC (hereinafter "LDR") owns certain property at 501 Broad Avenue, Ridgefield, New Jersey; and

WHEREAS, LDR is obligated to conduct a certain environmental investigation for properties neighboring its property at 501 Broad Avenue, Ridgefield, New Jersey; and

WHEREAS, as part of that investigation LDR needs to install two groundwater monitoring wells within the Railroad Avenue right of way at property known as Block 4014, Lot 8; and

WHEREAS, LDR, through its environmental company, Ransom Environmental, has sought permission to install these monitoring wells within the right of way; and

WHEREAS, this matter has been reviewed by the Borough Attorney and the Borough Engineer; and

WHEREAS, the Borough Attorney has prepared a form of Rights of Way License Agreement that allows LDR to sink its monitoring wells and protect the Borough; and

WHEREAS, it is in the best interests of the Borough of Ridgefield that the Rights of Way License Agreement in the form attached hereto be approved and executed by the Mayor and Borough Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the attached Rights of Way License Agreement with LDR Equities, LLC, with offices at 501 Broad Avenue, Ridgefield, New Jersey, be and hereby is approved, and the Mayor and the Borough Clerk be and hereby are authorized and directed to execute the attached Rights of Way License Agreement on behalf of the Borough.

It is expressly provided, however, that the release of this agreement is conditioned upon the following:

1. The Borough's receipt of a form of Rights of Way License Agreement countersigned by LDR.
2. The Borough's confirmation that LDR has paid the required fee, to reimburse the Borough for legal and engineering costs in the amount of \$1,500.

3. Verification that LDR has posted either a performance bond, or a cash bond, in the amount of \$4,000.

4. Verification that LDR has posted an appropriate certificate of insurance as required by the Rights of Way License Agreement.

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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

## **RIGHTS-OF-WAY LICENSE AGREEMENT**

**THIS RIGHTS-OF-WAY LICENSE AGREEMENT** (“License Agreement”) is dated July , 2016 (the “Effective Date”), and entered into by and between the Borough of Ridgefield (“Municipality”), a New Jersey municipal corporation, having its address at 604 Broad Avenue, Ridgefield, New Jersey, 07657, and LDR Equities, LLC (“LDR”), with offices located at 501 Broad Avenue, Ridgefield, New Jersey.

### **RECITALS**

**WHEREAS**, LDR is obligated to conduct a certain environmental investigation for properties neighboring certain property at 501 Broad Avenue, Ridgefield, New Jersey; and

**WHEREAS**, as part of this investigation, LDR has proposed, through its environmental company, Ransom Environmental, to install two (2) ground water monitoring wells within the Railroad Avenue right of way (hereinafter “ROW”) at the property known as Block 4014, Lot 8 by and within the Borough; and

**WHEREAS**, the Borough is desirous of allowing this environmental investigation to proceed; and

**WHEREAS**, the Borough will consent to the installation of the two (2) ground water monitoring wells upon the terms and conditions set forth in this agreement;

**NOW THEREFORE**, in consideration of the mutual covenants and obligations hereinafter set forth, the Municipality and LDR hereby agree to and with each other as follows:

**Section 1. Grant of Consent.**

The Municipality hereby grants LDR its municipal consent for a license for the non-exclusive use of the municipal right of way identified on the attached documents, for the purpose of constructing, installing, operating, and maintaining two (2) ground water monitoring wells in the approximate locations, and in accordance with the proposal as shown on the attached Exhibit A, as part of an environmental investigation being conducted by LDR in connection with property located at 501 Broad Avenue, Ridgefield, New Jersey.

**Section 2. Public Purpose.**

It is deemed to be in the best interests of the Municipality and its citizenry to grant the license on the terms and conditions set forth herein so that the environmental investigation being conducted by LDR may proceed.

**Section 3. Construction.**

Any construction to be undertaken for the purposes described herein shall require prior notice by LDR to the Municipality. LDR shall fully describe the construction to be undertaken and shall coordinate and work with the appropriate Municipal departments(s) before scheduling and commencing any construction. LDR shall be required to obtain any and all approvals, licenses, permits or other similar forms of approval as required by law.

**Section 4. Scope of License Agreement.**

Any and all rights expressly granted to LDR under this License Agreement, which shall be exercised at LDR's sole cost and expense, shall be subject to the prior and continuing right of the Municipality under applicable laws to use any and all parts of the municipal rights-of-way exclusively or concurrently with any other person or persons, and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of

title of record which may affect such Municipal rights-of-way. Nothing in this License Agreement shall be deemed to grant, convey, create or vest in LDR a real property interest in land, including any fee, leasehold interest, easement, or any other form of interest or ownership.

**Section 5. Compliance with Ordinance.**

LDR shall comply with all existing ordinances of the Municipality as may be amended from time to time and with all future ordinances as may be enacted.

**Section 6. Municipal Costs.**

LDR has agreed to pay reasonable costs incurred by the Municipality by reason of LDR monitoring wells, including, but not limited to, Municipality's attorneys fees for the negotiation and preparation of this License Agreement and accompanying resolution authorizing its execution, as well as engineering fees incurred by the Borough as well. For purposes of this agreement, the parties have agreed that LDR will pay the sum of One Thousand Five Hundred Dollars (\$1,500.00) in lieu of the payment of actual bills, and the Borough agrees to accept said sum on account of those costs.

**Section 7. Duration of Consent.**

The non-exclusive municipal consent for a license as granted herein shall expire two (2) years from the Effective Date of this License Agreement. Upon expiration of such consent, or at such earlier date that LDR ceases to maintain its facilities, it shall remove the facilities at its cost and expense. LDR shall post with the Borough, as a condition of this agreement and prior to the commencement of any construction, a performance bond by a bonding company reasonably acceptable to the Borough assuring that the monitoring wells will be properly removed and closed at the expiration of two (2) years from the date of this agreement, or at such earlier date as LDR ceases to maintain its facilities. The bond shall be an unconditional promise by the bonding

company to pay the cost of said removal should LDR fail to remove same in accordance with this agreement following written notice from the Borough. The amount of the bond shall be determined by estimate of the Borough Engineer to cover the reasonable costs of the removal and closing of the monitoring wells.

**Section 8. Withdrawal of Consent and Termination of License.**

In the event that during the term of this License Agreement the Municipality shall (1) require the use of, and/or access to or through, the rights of way to which this agreement applies, for municipal purposes, and (2) such required use and/or access by the Municipality is incompatible with the rights granted to LDR by this License Agreement, then the Municipality shall have the right, in its sole and exclusive discretion, to terminate the License Agreement granted herein upon six (6) months written notice to LDR at the address set forth herein. In the event of such notice, LDR shall, on or before the expiration of the six (6) month anniversary date from the date of the written notice, remove its facilities at its sole cost and expense, and restore the municipal rights of way to the condition existing prior to the grant of the License Agreement. In the event the Municipality exercises its right pursuant to this paragraph of the License Agreement, the Municipality agrees that it will reasonably cooperate with LDR in exploring the grant of other and further licenses to LDR through municipal rights of way as an alternative to the license being terminated.

**Section 9. Indemnification.**

LDR, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the Municipality, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all claims, demands, suits, actions at law or equity or otherwise,

judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of LDR's actions under this License Agreement and costs in connection therewith. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys fees, court costs and any other expenses that may be incurred by the Municipality in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connections with LDR activities pursuant to the rights granted in this License Agreement.

**Section 10. Notices.**

All notices or other correspondence required or permitted to be given in connection with this License Agreement shall be in writing and delivered personally, by telecopy, by overnight carrier service or by registered or certified mail to the parties at the following addresses:

To LDR at:	501 Broad Avenue Ridgefield, New Jersey 07657
To the Municipality:	Borough of Ridgefield 604 Broad Avenue Ridgefield, New Jersey 07657 Attention: Municipal Clerk

**Section 11. Liability Insurance.**

LDR shall at all times maintain a comprehensive liability insurance policy with a single amount of at least One Million Dollars (\$1,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and as excess liability policy (or "umbrella") policy amount in the amount of Five Million Dollars (\$5,000,000.00).

Prior to the commencement of any work pursuant to this License Agreement, LDR shall file with the Municipality Certificates of Insurance with endorsements evidencing the coverage provided by said liability and excess liability policies.

The Municipality shall notify LDR within fifteen (15) days after the presentation of any claim or demand to the Municipality, either by suit or otherwise, made against the Municipality on account of any of LDR's or its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this License Agreement.

**Section 12. Assignment.**

LDR may not assign this License Agreement without the written consent of the Municipality, except that LDR shall have the right, upon notice to the Municipality, to assign this License Agreement without the Municipality's consent, provided, however, that such assignment is approved by the NJBPU, and the Assignee shall sign an assumption agreement in a form reasonably acceptable to the Borough of Ridgefield.

**Section 13. Successors and Assigns.**

The terms and conditions herein contained shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

**Section 14. Governing Law.**

This License Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey.

**Section 15. Incorporation of Prior Agreements.**

This License Agreement contains the entire understanding of the parties hereto with respect to the subject matter hereof, and no prior other written or oral agreement or undertaking pertaining to any such matter shall be effective for any purpose.

**Section 16. Modification of Agreement.**

This License Agreement may not be amended or modified, nor may any obligation hereunder be waived orally, and no such amendment, modifications or waiver shall be effective for any purpose unless it is in writing and signed by the party against whom enforcement thereof is sought.

**Section 17. Invalidity.**

If any provision hereof shall be declared invalid by any court or in any administrative proceedings, then the provisions of this License Agreement shall be construed in such manner so as to preserve the validity hereof and the substance of the transaction herein contemplated to the extent possible. The headings are provided for purposes of convenience of reference only and are not intended to limit, define the scope of or aid in interpretation of any of the provisions hereof.

**Section 18. Counterparts.**

This License Agreement may be executed and delivered in several counterparts, each of which, when so executed and delivered, shall constitute an original, fully enforceable counterpart for all purposes.

**IN WITNESS WHEREOF**, this License Agreement has been executed as of the date set forth below.

**LDR EQUITIES, LLC**

Witness

\_\_\_\_\_

\_\_\_\_\_

Print Name: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**BOROUGH OF RIDGEFIELD**

Witness

\_\_\_\_\_  
Mayor Anthony R. Suarez

\_\_\_\_\_  
Linda Silvestri, Borough Clerk

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting July 6, 2016

Presented by Councilman Acosta

RESOLUTION NO. 224-2016

BE IT RESOLVED by the Mayor and Council that

JOHN MONTOYA

be appointed Laborer with Special Skills for the Department of Public Works at the annual salary of \$34,000.00 effective July 11, 2016 contingent upon successful completion of pre-employment requirements.

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 February 3, 2016

Presented by Councilman Castelli

RESOLUTION NO. 225-2016

WHEREAS, by Resolution No. 82-2016, the Mayor and Council of the Borough of Ridgefield previously amended the Professional Services Agreement with Howard J. Woods, Jr. & Associates, LLC for expert witness services to assist Special Counsel in Waste Water Litigation in accordance with a proposal dated January 21, 2016; and

WHEREAS, due to prolonged negotiations and the recent filing of litigation by Special Counsel in the matter, there is a need to supplement the professional services to be provided by Woods to include litigation support; and

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

1. The Professional Services Agreement with Howard J. Woods, Jr. & Associates, LLC is hereby amended to include litigation support in an amount not to exceed \$15,000.
2. The amendment of this contract is subject to the certification of availability of funds by the Chief Financial Officer.

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli	X			
Acosta	X			
Penabad	X			
Shim	X			
Todd	X			
Vincentz	X			
Mayor Suarez				

Approved:

Attest:

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Anthony R. Suarez, Mayor

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Linda M. Silvestri,  
Borough Clerk