

**BOROUGH OF RIDGEFIELD**

**A G E N D A**

Executive Session and Regular Meeting of the Mayor and Council

Date: June 14, 2021

Open Public Meetings Statement by Mayor Suarez

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

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

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

Public Session: 7:00 P.M. C.T.O.: Adjourn:

Pledge of Allegiance

Invocation

Citizens Comment on Agenda:

Correspondence:

**ROLL CALL-PUBLIC SESSION**

	Adj. to Ex.		Public	
	Pres.	Abs.	Pres.	Abs.
Mayor Suarez				
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				

**ROLL CALL-EXEC. SESSION**

	PRESENT	ABSENT
	Mayor Suarez	
Castelli		
Penabad		
Shim		
Jimenez		
Kontolios		
Larkin		

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Earth Day Poster Contest Winners:

- Alessandra Livia Udina
- Mia Velez
- Milos Lukacevic
- Daniel DeOrio
- Camila Torres Valencia

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172-2021 Councilman Kontolios Appoint Police Officer

Swearing in of Police Officer

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As advertised, hearing will be held on Ordinance No. 2416 entitled, "AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF RIDGEFIELD WITH THE ADDITION OF A CHAPTER 391 ENTITLED "COMMUNICATION FACILITIES RIGHT-OF-WAY PERMITS" TO PROVIDE FOR THE REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHTS-OF-WAY"

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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As advertised, hearing will be held on Ordinance No. 2417 entitled, "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF CAPITAL EQUIPMENT FOR THE POLICE DEPARTMENT, BY AND IN THE BOROUGH OF RIDGEFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AND REAPPROPRIATING EXCESS BOND PROCEEDS IN THE AMOUNT OF \$146,177.48 TO FINANCE 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. 2418 entitled, "AN ORDINANCE OF THE BOROUGH OF RIDGEFIELD IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF ADULT USE RECREATIONAL CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 390 OF THE BOROUGH OF RIDGEFIELD MUNICIPAL CODE"

First Reading of Ordinance

Roll Call

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**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.

- |          |                      |  |
|----------|----------------------|--|
| 173-2021 | Councilman Kontolios | Amend Resolution No. 207-2020  |
| 174-2021 | Councilwoman Larkin  | Authorize NJDCA Grant Application  |
| 175-2021 | Councilman Jimenez   | Chapter 159-2021 Clean Communities Grant   |
| 176-2021 | Councilman Jimenez   | Estimated 3 <sup>rd</sup> Qtr. Tax Bills   |
| 177-2021 | Councilman Jimenez   | Settlement Stipulation-745 Bergen Boulevard  |
| 178-2021 | Mayor Suarez         | Hire Hearing Officer for Police Disciplinary Matter  |
| 179-2021 | Councilwoman Larkin  | Authorize Bergen County Trust Fund Contract –<br>Ridgefield Community Center Field: Walkway,<br>Gazebo and Benches |
| 180-2021 | Councilwoman Larkin  | Hire 2021 Summer Playground Personnel  |

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

**RESOLUTIONS:**

- |          |                    |          |
|----------|--------------------|----------|
| 181-2021 | Councilman Jimenez | Warrants |
|----------|--------------------|----------|

**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 June 14, 2021

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				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
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 June 14, 2021

Presented by Councilman Kontolios

RESOLUTION NO. 172-2021

BE IT RESOLVED that the Mayor and Council appoints:

THAIER ABDALLAH

as Police Officer of the Ridgefield Police Department effective June 17, 2021

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

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

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

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting June 14, 2021

Presented by Councilman Kontolios

ORDINANCE NO. 2416

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

“AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF RIDGEFIELD WITH THE ADDITION OF A CHAPTER 391 ENTITLED “COMMUNICATION FACILITIES RIGHT-OF-WAY PERMITS” TO PROVIDE FOR THE REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHTS-OF-WAY”

introduced on the 24<sup>th</sup> day of May, 2021, 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				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

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

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

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting May 24, 2021

Presented by Councilman Kontolios

ORDINANCE NO. 2416

“AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF RIDGEFIELD WITH THE ADDITION OF A CHAPTER 391 ENTITLED “COMMUNICATION FACILITIES RIGHT-OF-WAY PERMITS” TO PROVIDE FOR THE REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHTS-OF-WAY”

WHEREAS, the Borough of Ridgefield (“Borough”) is aware that certain technological developments have made access to its Municipal Rights-of-Way desirable by certain telecommunications companies for the placement of small cell wireless facilities, including but not limited to, the installation of antennas, small cells and other communication devices and associated equipment (collectively the “Small Cells”); and

WHEREAS, the Borough has determined that its Municipal Rights-of-Way, such as they are or may be, themselves constitute a valuable resource, finite in nature, and which exists as a common right of the public to pass and repass freely over and across said lands without unreasonable obstruction or interference, and which therefore must be managed carefully; and

WHEREAS, the Federal Telecommunications Act preserves local governments’ ability to manage the public Rights-of-Way on a competitively neutral and non-discriminatory basis 47 U.S.C. 332 (c)(7)(A); and

WHEREAS, New Jersey municipalities must give consent before a Small Cell, i.e., a small antenna, can be placed on existing poles pursuant to N.J.S.A. 48:3-19 and for the erection of new poles within the public Rights-of-Way pursuant to N.J.S.A. 48:17-10; and

WHEREAS, the Federal Communications Commission (FCC) has recently adopted an order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment” WT Docket No. 17-79; WC Docket 17-84, which places a shot clock on municipal approval for the placement of Small Cells on Existing Poles and the placement of New Poles in the Municipal Right-of-Way; and

WHEREAS, the erection of New Poles and Ground level Cabinets in the Municipal Right-of-Way raise significant aesthetic and safety concerns; and

WHEREAS, the FCC, in its recent order, provides that municipalities can impose aesthetic requirements on Small Cells where said requirement are: 1) reasonable; 2) no more



burdensome than those applied to other types of infrastructure deployment; and 3) published in advance; and

WHEREAS, the Borough has determined that it is necessary to set forth clear standards in relation to the siting of Poles, Cabinets and Antennas for the benefit of its citizens and any utilities which use or will seek to make use of said Municipal Rights-of-Way.

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

The Code of the Borough of Ridgefield is amended with the addition of Chapter 391 Communication Facilities Right-of-Way Permits

Chapter 391 Communication Facilities Right-of-Way Permits

A. Definitions

**Administrative Review** means ministerial review of an Application by the Designee and Engineer to determine whether the issuance of a Permit is in conformity with the applicable provisions of this Chapter.

**Antenna** means communications equipment that transmits and/or receives electromagnetic radio frequency signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

**Applicable Codes** means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the Authority, including any amendments adopted by the Authority, or otherwise are applicable in the jurisdiction.

**Applicant** means any Person or Entity who submits an Application under this Chapter.

**Application** means a written request, on a form provided by the Borough of Ridgefield.

**Authority** means the Mayor and Council of the Borough of Ridgefield.

**Collocate** means to install or mount a Small Wireless Facility in the Public Right-Of-Way on an existing Support Structure, an existing Tower, or on an existing Pole to which a Small Wireless Facility is attached at the time of the Application.

“**Collocation**” has a corresponding meaning.

**Communications Facility** means, collectively, the equipment at a fixed location or locations within the Public ROW that enables Communications Services, including; (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and

comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached.

**Communications Service** means cable service, as defined in 47 U.S.C. § 522(6); information service, as defined in 47 U.S.C. § 153(24); or telecommunications service, as defined in 47 U.S.C. § 153(53).

**Communications Service Provider** means a provider of Communications Services and includes a cable operator as defined in 47 U.S.C. § 522(5).

**Decorative Pole** means a Pole that is specially designed and placed for aesthetic purposes.

**Designee** means Hoplite Communications, LLC, the Person appointed by the Borough to serve as the initial point-of-contact and consultant for the Borough for all matters concerning this Chapter, and who may be contracted for professional services.

**Eligible Facilities Request** means an eligible facilities request as set forth in 47 C.F.R. Section 1.6100, as that section may be amended from time to time.

**FCC** means the Federal Communications Commission of the United States.

**Laws** means, collectively, any and all Federal, State or Local law, statute, common law, code, rule, regulation, order, or ordinance.

**Ordinary Maintenance and Repair** means inspections, testing and/or repair that maintain functional capacity, aesthetic and structural integrity of a communications Facility and/or the associated Support Structure, Pole or Tower, that does not require blocking, damaging or disturbing any portion of the Public ROW.

**Permit or "R.O.W. Permit"** means a written authorization to install, at a specified location(s) in the Public ROW, a Communications Facility, Tower or a Pole to support a Communications Facility.

**Permittee** means an Applicant that has received a Permit under this Chapter.

**Person** means an individual, corporation, limited liability company, partnership, association, trust or other entity or organization, including a governmental entity.

**Pole** means a legally constructed pole, such as a utility, lighting or similar pole made of wood, concrete, metal or other material, located or to be located within the Public Right-of-Way. A Pole does not include a Tower or Support Structure and does not include a pole or structure that supports electric transmission lines.

**Provider** means a Communications Service Provider or a Wireless Services Provider, and includes any Person that owns and/or operates within the Public ROW any Communications

Facilities, Wireless Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities or Towers.

**Public Right of Way or Public ROW** means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, or similar purpose. The term does not include a federal interstate highway, state highway, county right of way or other areas that are not within the legal jurisdiction, ownership or control of the Authority.

**Replace or Replacement** means, in connection with an existing Pole, Support Structure or Tower, to replace (or the replacement of) same with a new structure, substantially similar in design, size and scale to the existing structure and in conformance with this Chapter and any other applicable regulations in order to address limitations of the existing structure to structurally support Collocation of a Communications Facility.

**Small Wireless Facility** means a Wireless Facility that meets both of the following qualifications: (i) each Antenna could fit within an enclosure of not more than three (3) cubic feet in volume; and (ii) all other wireless equipment associated with the Antenna, including the preexisting equipment, is cumulatively no more than twenty-eight (28) cubic feet in volume.

**State** means the State of New Jersey.

**Support Structure** means a structure in the Public ROW other than a Pole or a Tower to which a Wireless Facility is attached at the time of the Application.

**Surrounding Streetscape** means the visual elements of a street, including the road, adjoining buildings, street furniture, trees and open spaces, etc., that combine to form the street's character.

**Tower** means any structure in the Public ROW built for the sole or primary purpose of supporting a Wireless Facility. A Tower does not include a Pole or a Support Structure.

**Wireless Facility** means the equipment at a fixed location or locations in the Public ROW that enables Wireless Services. The term does not include: (i) the Support Structure, Tower or Pole on, under, or within which the equipment is located or Collocated; or (ii) coaxial, fiber-optic or other cabling that is between Communications Facilities or Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna. A Small Wireless Facility is one type of a Wireless Facility.

**Wireless Services** means any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

B. Access to Public Right of Way

Prior to installing in the Public R.O.W. any Communications Facility, or any Pole built for the sole or primary purpose of supporting a Communications Facility, or any Tower, a Person shall enter into a Right of Way Use Agreement with the Borough of Ridgefield expressly authorizing

use of the Public Right of Way for the Communications Facility, Pole or Tower proposed to be installed.

1. The term of the R.O.W. License Agreement shall not exceed 30 years.
2. The R.O.W. License Agreement authorizes the Provider's non-exclusive use of the Public R.O.W. for the sole purpose of installing, maintaining and operating Communications Facilities, including any Pole built for the sole or primary purpose of supporting the Communications Facilities and to provide the services expressly authorized in the agreement subject to Applicable Codes and applicable laws, this Chapter and the terms and conditions of the agreement. The agreement authorizes use only of the public R.O.W. in which the Borough has an actual interest. It is not a warranty of title or interest in any Public R.O.W. and it does not confer on the Provider any interest in any particular location within the Public R.O.W.. No other right or authority is granted except as expressly set forth in the agreement. Nothing herein shall authorize the use of the Borough's Poles, Towers, Support Structures, or other structures in the Public R.O.W.. All use of the Borough's Poles, Towers, Support Structures and other structures in the Public R.O.W. shall require a separate agreement and the payment of separate fees for such use.
3. The Provider shall, at its sole cost and expense, keep and maintain its Communications Facilities, Poles, Support Structures and Towers in the Public R.O.W. in a safe condition, and in good order and repair.
4. The Provider shall provide insurance and indemnification of the Borough as described in the R.O.W. License Agreement. The insurance coverage limits must be at least as broad as follows:
  - a. Worker's Compensation and Employer's Liability Insurance. Provider shall provide proof of Worker's Compensation Insurance and be in compliance with the Worker's Compensation Law of the State of New Jersey. Employer's Liability: Limit of liability shall be a minimum of \$500,000 in accordance with New Jersey statute.
  - b. Comprehensive General Liability. Comprehensive general liability ("CGL") insurance with limits no less than \$2,000,000 per occurrence.
  - c. Automobile Liability. Automobile liability insurance covering claims for bodily injury and property damage arising from all owned, hired and non-owned vehicles with limits of not less than \$1,000,000 combined single limit.

### C. R.O.W. Permit

1. No person may construct, maintain or perform any other work in the Public R.O.W. related to Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers without first receiving a Permit to the extent required under this Chapter, and any subsequent permits or authorizations required by applicable Laws or the Authority.
2. The Authority shall not issue a Permit unless the Applicant, or a Provider on whose behalf the Applicant is constructing Communications Facilities, Poles or Towers, has applied for and received the R.O.W. License Agreement required by this Chapter, or otherwise has a current and valid franchise with the Borough expressly authorizing use of the Public R.O.W. for the Communications Facilities, Poles or Towers proposed in the Application, and all applicable fees have been paid.

3. The Provider shall not locate or maintain its Communications Facilities, Wireless Facilities, Support Structure, Poles and Towers so as to unreasonably interfere with the use of the Public R.O.W. by the Borough, by the general public or by other persons authorized to use or be present in or upon the Public R.O.W.

#### D. Location and Siting

1. Height. No Pole shall be taller than fifty (50) feet in height including the antennas or 110% of the height of Poles in the Surrounding Streetscape, whichever is higher.
2. Distance from curb line. No Pole shall be farther than five (5) feet from the curb line.
3. Location, Safety and Aesthetics. No Pole shall be erected in the Right-of-Way unless it:
  - a. Is replacing an Existing Pole; or
  - b. Is approved by the Authority; or
  - c. Is located within the Municipal Right-of-Way; and
  - d. Is at least one hundred fifty (150) linear feet from any other Existing Pole or Proposed Pole, which is used to support a Small Wireless Facility; and
  - e. Is not located in an area with Underground Utilities except as specified in subsection (9) below; and
  - f. Does not inhibit any existing sight triangles; and
  - g. Allows adequate room for the public to pass and re-pass across the Right-of-Way; and
  - h. Applicant will heed reasonable requests by the Authority to utilize stealth technology and decorative poles when requested to preserve the existing character and streetscape and minimize impact on surrounding properties by causing the proposed Pole and Small Cell to blend in compatibly with their background
4. The Authority may require new poles to be Decorative Poles if appropriate.
5. Pole Mounted Antennas are permitted on New and Existing Poles, provided that each Pole Mounted Antenna:
  - a. Does not exceed three (3) cubic feet in volume; and
  - b. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
  - c. Does not inhibit sight triangles; and
  - d. Allows adequate room for the public to pass and repass across the municipal right-of-way.
6. Pole Mounted Cabinets are permitted on New and Existing Poles, provided that each Pole Mounted Cabinet:
  - a. Does not exceed sixteen (16) cubic feet; and
  - b. Is finished and/or painted and otherwise camouflaged in conformance with best available stealth technology methods so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
  - c. Does not inhibit sight triangles; and
  - d. Allows adequate room for the public to pass and repass across the municipal right-of-way.

7. The Authority may also require that an applicant provide a certification from a licensed engineer attesting to the structural integrity of any Pole Mounted Antenna or Pole Mounted Cabinet.
8. Ground mounted equipment may be used only to house equipment and other supplies in support of the Small Wireless Facility.
9. **Underground Utilities.** Unless otherwise agreed to in writing by the Authority or otherwise required by applicable Laws, whenever any existing electric utilities or Communications Facilities are located underground within a Public R.O.W., the Provider with permission to occupy the same portion of the Public R.O.W. shall locate its Communications Facilities underground at its own expense. The Authority may, in its sole discretion, approve above-ground placement of equipment cabinets, pedestals and similar equipment. For facilities or equipment such as Wireless Facilities that cannot, by their nature, operate unless located above ground, the Provider and Authority shall work to find a suitable location for such facilities or equipment, and which may be outside the Public R.O.W., only if the Authority owns or otherwise manages said locations and has the authority to make them available to Applicant for its Communications Facilities under similar terms and conditions as locations are made available in the Public R.O.W. The Applicant shall not be compelled to locate its above ground Wireless Facilities on private property that is not owned, controlled or otherwise managed by the Borough.
10. All wireless equipment associated with the Pole or Tower, including the wireless equipment associated with the antenna and any preexisting associated equipment shall not be more than twenty-eight (28) cubic feet in volume.
11. The Provider shall upon completion of construction provide the Borough with as-built drawings and a map showing the location of the facility and equipment.
12. **Fewest Possible New Poles.** Applicant shall use existing Poles when possible for the placement of its Small Wireless Facilities and shall minimize the number of new proposed Poles in the right-of-way to the fewest possible to meet the coverage and capacity requirements.
13. **Fewest Possible Small Wireless Facilities.** Applicant shall minimize the number of new proposed Small Wireless Facilities in the right-of-way to the fewest possible to meet its coverage and capacity requirements.

#### E. Restoration Requirements

1. The Provider, or its agent or contractor, shall restore, repair and/or replace any portion of the Public R.O.W. that is damaged or disturbed by the Provider's Communications Facilities, Poles, Towers or work in or adjacent to the Public R.O.W.
2. If the Provider fails to timely restore, repair or replace the Public R.O.W. as required in this subsection, the Authority or its contractor may do so and the Provider shall pay the Authority's costs and expenses in completing the restoration, repair or replacement.

#### F. Removal, Relocation and Abandonment

1. Within 30 days following written notice from the Authority, the Provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its Communications Facilities, Poles, Support Structures or Towers within the Public R.O.W., including relocation of above-ground Communications Facilities underground (consistent with the provisions of this Chapter), whenever the Borough has

determined, in its sole discretion, that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance or installation of any Borough improvement, the operations of the Borough in, under or upon the Public R.O.W., or otherwise is in the public interest. The Provider shall be responsible to the Borough for any damages or penalties it may incur as a result of the Provider's failure to remove or relocate Communications Facilities, Poles, Support Structures or Towers as required in this subsection.

2. The Borough retains the right and privilege to cut or move any Communications Facility, Pole, Support Structure or Tower located within the Public R.O.W. of the Borough, as the Borough may determine, in its sole discretion, to be necessary, appropriate or useful in response to any public emergency. If circumstances permit, the Borough shall notify the Provider and give the Provider an opportunity to move its own facilities prior to cutting or removing the Communications Facility, Pole, Support Structure or Tower. In all cases, the Borough shall notify the Provider after cutting or removing the Communications Facility, Pole, Support Structure or Tower as promptly as reasonably possible.

3. A Provider shall notify the Borough of abandonment of any Communications Facility, Pole, Support, Structure or Tower at the time the decision to abandon is made, however, in no case shall such notification be made later than 30 days prior to abandonment. Following receipt of such notice, the Provider shall remove its Communications Facility, Pole, Support Structure or Tower at the Provider's own expense, unless the Borough determines, in its sole discretion, that the Communications Facility, Pole, Support Structure or Tower may be abandoned in place. The Provider shall remain solely responsible and liable for all of its Communications Facilities, Poles, Support Structures and Towers until they are removed from the Public R.O.W. unless the Borough agrees in writing to take ownership of the abandoned Communications Facilities, Poles, Support Structures or Towers.

4. If the Provider fails to timely protect, support, temporarily or permanently disconnect, remove, relocate, change or alter any of its Communications Facilities, Poles, Support Structures or Towers or remove any of its abandoned Communications Facilities, Poles, Support Structures or Towers as required in this subsection, the Borough or its contractor may do so and the Provider shall pay all costs and expenses related to such work, including any delay damages or other damages the Borough incurs arising from the delay.

#### G. Fees and Charges

1. **One Time Fees and Recurring Rates.** As consideration to the Borough for entering into the Right-of-Way Use Agreement and also as a condition precedent for the issuance of any required Permit pursuant to this Chapter, the Applicant shall pay the required one-time fees and recurring rates as set forth in this subsection, and which may be amended or modified from time to time per revision and modification to local, state and federal laws and regulations. Said fees shall include Application or One-Time Fees and Recurring Right-of-Way Occupancy Rates.

2. **Permit Application Escrow.** A Permit Application Escrow of \$1000 per new Small Wireless Facility, including any new Pole or Support Structure, as applicable, and \$500 per alteration, expansion, modification to an existing Small Wireless Facility or Pole or Support Structure, shall be submitted along with each Application for a Permit and held in escrow to be billed against actual incurred costs. Any expenses above the escrow shall be invoiced to Applicant directly and shall be paid by Applicant prior to the issuance of any Permit.

3. Reasonable Approximation. All One-Time Fees will be a reasonable approximation of objectively reasonable costs.
4. One Time Fees Apply to All Work. One-time fees and event fees apply to the initial installation of facilities as well as to any subsequent upgrade, replacement, expansion, modification or alteration of same, with each instance of an upgrade, expansion, alteration, modification or repair being a separate project subject to a Permit application and One-Time Fees. Ordinary Maintenance and Repair does not trigger any One-Time Fees.
5. Designee Consulting Fee. Applicant shall be responsible for Designee consulting fees which will be a reasonable reflection of objectively reasonable costs, and which shall be first paid to Designee via the Permit Application Escrow. Said fee shall be at the rate of \$350/hour and shall not exceed 3 hours per installation, modification, alteration, upgrade or expansion of a Small Wireless Facility or Pole or Support Structure. Said consultation shall supplement Borough personnel with expertise and knowledge not otherwise possessed by Borough agents and officials.
6. Annual ROW Occupancy Rate shall be \$270 per annum, and shall be paid within thirty (30) days of the issuance of the applicable Permit and annually thereafter, with payment being due on the anniversary of the first payment date for the balance of the Term. However, under no circumstances shall the Rate be remitted later than ninety (90) days after the full execution of the applicable Right-of-Way Use Agreement between Borough and Applicant.
7. Annual Attachment Rate, equal to an amount that represents a reasonable approximation of the objectively reasonable costs incurred by the Borough for the attachment of each Small Wireless Facility to Borough-owned structures in the Public Right-of-Way. This amount shall be paid within thirty (30) days of issuance of the applicable Permit(s) and annually thereafter. The annual rates in this subsection and the Annual ROW Occupancy Rate subsection combined shall not exceed \$270 annually per Small Wireless Facility location.
8. All Fees and Rates will be applied in a non-discriminatory manner to all Communications Service Providers.
9. Other Fees. The Applicant or Provider shall be subject to any other generally applicable fees of the Borough or other government body, such as those required for electrical permits, building permits, or street opening permits, which the Applicant or Provider shall pay as required in the applicable Laws, as well as attachment fees for the use of the Borough owned Poles, Towers, Support Structures, ducts, conduits or other structures in the Public R.O.W., as set forth in attachment agreements authorizing such use.
10. No Refund. Except as otherwise provided in the Right of Way Agreement; Franchise Agreement; License, the Provider may remove its Communications Facilities, Poles or Towers from the Public R.O.W. at any time, upon not less than 30 days prior written notice to the Borough, and may cease paying the Borough any applicable recurring fees for such use, as of the date of actual removal of the facilities and complete restoration of the Public R.O.W.. In no event shall a Provider be entitled to a refund of any fees paid prior to removal of its Communications Facilities, Poles or Towers.

#### H. Permit Applications

1. Permit Required. Unless expressly authorized in this Chapter or in writing by the Authority, no Person may construct, install, modify, expand, alter or maintain in the Public R.O.W. any Communications Facilities, Poles built for the sole or primary purpose of supporting



Communications Facilities or Towers, including the installation or Collocation of Communications Facilities on existing Poles, Towers, Support Structures or other structures within the Public R.O.W. without first receiving a Permit. Notwithstanding the foregoing, in the event of an emergency, a Provider or its duly authorized representative may work in the Public R.O.W. prior to obtaining a Permit, provided that the Provider shall attempt to contact the Borough prior to commencing the work and shall apply for a Permit as soon as reasonably possible, but not later than 24 hours, after commencing the emergency work. For purposes of this subsection, an "Emergency" means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.

2. Permit Application Requirements. The Application shall be made by the Provider or its duly authorized representative and shall contain the following:

- a. The Applicant's name, address, telephone number, and email address, including emergency contact information for the Applicant.
- b. The names, addresses, telephone numbers and email addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.
- c. A description of the proposed work and the purposes and intent of the proposed Communications Facility, Pole, Tower, Support Structure or Wireless Facility (as applicable) sufficient to demonstrate compliance with the provisions of this Chapter
- d. If applicable, a copy of the authorization for use of the property from the Pole, Tower or Support Structure owner on or in which the Communications Facility will be placed or attached.
- e. Detailed construction drawings regarding the proposed Communications Facility, Pole, Tower, Support Structure or Wireless Facility (as applicable). Construction drawings shall include, at minimum, a clear delineation of the right-of-way, distance of the proposed Communications Facility, Pole or Support Structure from certain existing right-of-way features such as curb ramps for handicap accessibility pursuant to the Americans With Disabilities Act, sidewalk width and other details standard for these types of telecommunications installations in the public right-of-way.
- f. To the extent the proposed facility involves Collocation on a Pole, Tower or Support Structure, a structural report performed by a duly licensed engineer evidencing that the Pole, Tower or Support Structure will structurally support the Collocation (or that the Pole, Tower or Support Structure will be modified to meet structural requirements) in accordance with Applicable Codes.
- g. For any new aboveground facilities, accurate visual depictions or representations. If not included in the construction drawings.
- h. The following additional permits, approvals and authorization, as each is reasonably applicable to the proposed Application:
  - i. Street opening permit, per Borough procedure
  - ii. Construction permit, per Borough procedure. This requirement may be waived if the appropriate code official determines that it is unnecessary per the proposed construction and installation of facilities
  - iii. County approval, for sites located in the County R.O.W.

3. Proprietary or Confidential Information in Application. Applications are public records that may be made publicly available pursuant to the New Jersey Open Public Records Act. Notwithstanding the foregoing, Applicant may designate portions of its Application materials that

it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each portion of such materials accordingly, and the Borough shall treat the information as proprietary and confidential, subject to the New Jersey Open Public Records Act and the Borough’s determination that the Applicant’s request for confidential or proprietary treatment of Application materials is reasonable. The Borough shall not be required to incur any costs to protect the Application materials from disclosure, other than the Borough’s routine procedures for complying with the New Jersey Open Public Records Act.

4. Ordinary Maintenance and Repair. A Permit shall not be required for ordinary Maintenance and Repair. The Provider or other Person performing the Ordinary Maintenance and Repair shall obtain any other permits required by applicable laws and shall notify the Borough in writing at least 48 hours before performing the Ordinary Maintenance and Repair. Notwithstanding the foregoing, the Authority reserves the right to inspect Applicant’s Small Wireless Facilities at any time in order to determine if the existing configuration matches the configuration contained in the most recently issued Permit, and the applicable Right-of-Way Use Agreement. Applicant shall bear no costs for said inspections. However, if it is determined that an existing Small Wireless Facility is found to be larger than the dimensions specified in the most recently issued applicable Permit, then Applicant shall be in violation of this Chapter. Applicant shall receive notice from the Borough and, upon receipt of such notice, be required to restore the site within ten (10) days to the configuration of the most recently approved Permit or retroactively apply for Administrative Approval for the unapproved modifications. In such instances, Applicant will be responsible for costs and fees incurred by the Authority to perform inspections and review.

5. Material Changes. Unless otherwise agreed to in writing by the Authority, any material changes to an Application, as determined by the Authority in its sole discretion, shall be considered a new application for purposes of the time limits set forth in Chapter, unless otherwise provided by application Laws.

6. Application Fees. Unless otherwise provided the applicable Laws, all Applications pursuant to this Chapter shall be accompanied by the required Fees.

7. Effect of Permit. A Permit from the Authority authorizes an Applicant to undertake only the activities in the Public R.O.W. specified in the Application and Permit, and in accordance with this Chapter and any general conditions included in the Permit. A Permit does not authorize attachment to or use of existing Poles, Towers, Support Structures or other structures in the Public R.O.W.; a Permittee or Provider must obtain all necessary approvals from the owner of any Pole, Tower, Support Structure or other structure prior to any attachment or use. A Permit does not create a property right or grant authority to the Applicant to interfere with other existing uses of the Public R.O.W.

8. Duration. Any Permit for construction issued under this Chapter shall be valid for a period of 365 days after issuance, provided that the period may be extended for up to an additional 180 days upon written request for the Applicant (made prior to the end of the initial 365 day period) if the failure to complete construction is as a result of circumstances beyond the reasonable control of the Applicant.

9. Batch Permit. An Applicant may simultaneously submit not more than twenty-five (25) Applications for Communications Facilities, or may file a single, consolidated Application covering such Communications Facilities, provided that the proposed Communications Facilities are to be deployed on the same type of structure using similar equipment and within an adjacent, related geographic area of the Borough. If the Applicant files a consolidated application, the

Applicant shall pay the application fee calculated as though each Communications Facility were a separate Application.

### I. Building Permit

Nothing in this Ordinance shall relieve the Applicant from complying with the provisions of the Uniform Construction Code. No building permit, however, shall issue unless and until and R.O.W. permit is first issued as provided above.

### J. Application Review

1. **Pre-Application Meeting.** Prior to making a formal application with the Borough for use of the Municipal Right-of-Way, all applicants are advised to meet voluntarily with the Borough Engineer and Designee to review the scope of the Applicant's proposal.

2. All applications made under this Chapter shall be expedited so as to comply with the shot clocks set forth in the Federal Communications Commission Order titled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barrier to Infrastructure Investment." WT Docket No. 17-79; WC Docket No. 170-84.

3. The Borough Engineer and Designee shall review all applications for the placement of new Poles and Ground Level Cabinets within the Municipal R.O.W. and the placement of Pole Mounted Antennas and Pole Mounted Cabinets within the Municipal R.O.W. and advise the Authority whether the application is complete and whether it meets the requirements of this Chapter.

4. Except as otherwise provided by applicable Laws, the Authority shall within thirty (30) days of receiving an Application, notify the Applicant if the Application is incomplete and identify the missing information. The Applicant may resubmit the completed Application within ten (10) days without additional charge, in which case the Authority shall have thirty (30) days from receipt of the resubmitted Application to verify the application is complete, notify the Applicant that the Application remains incomplete or, in the Borough's sole discretion, deny the Application.

5. The Authority shall review the Application and, if the Application conforms with applicable provisions of Chapter, the Authority shall issue the Permit, subject to the standard permit requirements published by the Borough.

6. The Authority shall make its final decision to approve or deny the Application within sixty (60) days for a collocation of a small wireless facility to an existing structure, and ninety (90) days to deploy a small wireless facility on a new structure, after the Application is complete (or deemed complete in the event the Borough does not notify the Applicant that the Application or resubmitted Application is incomplete). Review of an Application to deploy a facility other than a small wireless facility using a new structure shall be decided within 150 days.

7. **Waiver.** The Authority may waive any siting standard set forth in Chapter where the Applicant demonstrates that strict enforcement of said Standard:

i. Will prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service pursuant to 47 U.S.C. 253(a); or

ii. Will prohibit or have the effect of prohibiting personal wireless service pursuant to 47 U.S.C. 332(c)(7)(B)(i)(11); or

iii. Will violate any requirement set forth by the Federal Communications Commission Order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barrier to Infrastructure Investment.” WT Docket No. 17-79; WC Docket No. 170-84.

8. The Authority shall advise the Applicant in writing of its final decision.

#### K. Permitted Use.

Notwithstanding anything else in the Code of the Borough of Ridgefield, the installation of antennas, small cells and other communication devices and associated equipment in the public municipal roadway either on existing or new poles are permitted and considered a permitted use if a Right-of-Way Use Agreement and Right-of-Way Permits are obtained pursuant to this Chapter.

#### L. Governance of Deployments Outside of the Public Right-of-Way

This Chapter is intended to govern the installation, placement, maintenance, modification, upgrade and repair of Communications Facilities, including Small Wireless Facilities, in the Public Right-of-Way. The placement of telecommunications equipment outside of the Public Right-of-Way shall be governed by the applicable codes and ordinances of the Borough.

#### M. Preexisting Sites and Municipal Agreements.

1. Any Communications Facilities in the Public Rights-of-Way existing at the time of the adoption of the provisions of this Chapter, whether or not a Right-of-Way Use Agreement exists or is in force and effect with regard to same, shall be required to comply with the provisions of this Chapter.

2. Any Right-of-Way Use Agreements entered into between the Borough and any Provider regarding Communications Facilities in the Public Rights-of-Way shall be required to conform to the provisions and standards of this Chapter. To the extent the provisions of any existing such agreement conflict with this Chapter, said provisions, at the discretion of the Borough, shall be replaced and superseded by the applicable terms of this Chapter.

#### N. New Jersey One Call

In addition to compliance with the applicable provisions of this Chapter, prior to the start of any installation of Poles, Support Structures, Small Wireless Facilities or other Communications Facilities that requires excavation, Applicant shall contact New Jersey One Call at 811 at least three (3) full business days prior to the commencement of work.

#### O. Violations of this Chapter.

Violation of any of the provisions of this Chapter shall be a simple citation punishable with a civil penalty of \$500 for each violation which continues more than ten (10) days after written notice of such violation is provided to the Person or Applicant. Each day, after such notice, that a violation occurs or is permitted to exist by the Person or Applicant constitutes a separate offense.

Section 3. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 4. All ordinances or parts of ordinance inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon final adoption and publication in accordance with 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 May 24, 2021

Presented by Councilman Jimenez

ORDINANCE NO. 2417

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

“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF CAPITAL EQUIPMENT FOR THE POLICE DEPARTMENT, BY AND IN THE BOROUGH OF RIDGEFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AND REAPPROPRIATING EXCESS BOND PROCEEDS IN THE AMOUNT OF \$146,177.48 TO FINANCE THE COST THEREOF”

introduced on the 24<sup>th</sup> day of May, 2021, 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				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

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

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

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting May 24, 2021

Presented by Councilman Jimenez

ORDINANCE NO. 2417

“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF CAPITAL EQUIPMENT FOR THE POLICE DEPARTMENT, BY AND IN THE BOROUGH OF RIDGEFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AND REAPPROPRIATING EXCESS BOND PROCEEDS IN THE AMOUNT OF \$146,177.48 TO FINANCE THE COST THEREOF”

WHEREAS, the Borough Council of the Borough of Ridgefield, in the County of Bergen, State of New Jersey (the “Borough”), finally adopted various Bond Ordinances, specifically Bond Ordinance Number 2265 finally adopted on October 27, 2014, and Bond Ordinance Number 2307 finally adopted on July 6, 2016 (collectively, the “Ordinances”); and

WHEREAS, following the effective date of each of the Ordinances, the Borough issued bonds or bond anticipation notes, as applicable, to fully fund same and to finance the improvements or purposes authorized therein; and

WHEREAS, the Borough has determined that all of the capital improvements or purposes set forth in each of the Ordinances have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinances, as applicable; and

WHEREAS, there currently remains on deposit in the Borough capital accounts excess bond or note proceeds and capital funds allocable to the Ordinances in the amount of \$146,177.48 (the “Excess Proceeds”) but no longer necessary to complete the improvements or purposes authorized therein; and

WHEREAS, in accordance with its statutory powers including, but not limited to, those set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 etseq., the Borough Council has determined that it is in the best interest of the Borough to reappropriate the Excess Proceeds in the amount of \$146,177.48 from the funds of the Borough to finance the acquisition and installation, as applicable, of capital equipment for the Police Department including, but not limited to, body worn cameras and related technology equipment and hardware and software (the “Project”); and

WHEREAS, the Borough Council now desires to reappropriate the Excess Proceeds in the amount of \$146,177.48 from the funds of the Borough, making the aggregate reappropriation of \$146,177.48 to undertake the cost of the Project, which is an improvement or purpose for which bonds may be issued; and

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

SECTION 1. The following amounts of Excess Proceeds of the Ordinances are no longer necessary for the purposes for which they were authorized and issued:

<u>Bond Ordinance/ Ordinance Number</u>	<u>Excess Proceeds Amount</u>
2265	\$90,530.48
2307	<u>55,647.00</u>
TOTAL	<u>\$146,177.48</u>

SECTION 2. The aggregate amount of \$146,177.48 is hereby reappropriated for the Project, pursuant to N.J.S.A. 40A:2-39 and other applicable law, and shall be used to finance the cost of the Project, which is a general capital improvement or purpose for which bonds may be issued and is set forth in Section 3 of this bond ordinance.

SECTION 3. (a) The improvement hereby authorized and purpose for which the aggregate amount of \$146,177.48 is hereby reappropriated, and shall be utilized, is the acquisition and installation, as applicable, of capital equipment for the Police Department including, but not limited to, body worn cameras and related technology equipment and hardware and software (the "Project"), which Project is an improvement for which bonds may be issued.

(b) The estimated cost of said purpose is the aggregate amount of \$146,177.48 being reappropriated for the Project pursuant to N.J.S.A. 40A:2-39 and other applicable law, and shall be used to finance the cost of the Project.

SECTION 4. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

SECTION 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the Borough may lawfully undertake as a general improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvement or purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 7.00 years.



(c) An amount not exceeding \$15,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose herein before described.

SECTION 6. This bond ordinance shall take effect twenty (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 June 14, 2021

Presented by Councilman Jimenez

ORDINANCE NO. 2418

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 IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF ADULT USE RECREATIONAL CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 390 OF THE BOROUGH OF RIDGEFIELD MUNICIPAL CODE”

introduced on the 14<sup>th</sup> day of June, 2021, 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 9<sup>th</sup> day of August, 2021 at 7:00 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				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

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

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

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting May 24, 2021

Presented by Councilman Jimenez

ORDINANCE NO. 2418

“AN ORDINANCE OF THE BOROUGH OF RIDGEFIELD IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF ADULT USE RECREATIONAL CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 390 OF THE BOROUGH OF RIDGEFIELD MUNICIPAL CODE”

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to

make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of adult use recreational cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Mayor and Council of the Borough of Ridgefield has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of adult use recreational cannabis business might have on New Jersey municipalities in general, and Ridgefield in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Ridgefield’s residents and members of the public who visit, travel, or conduct business in Ridgefield to amend Ridgefield’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough of Ridgefield; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis

should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all adult use recreational cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Ridgefield except for the delivery of cannabis items and related supplies by a delivery service.

2. Section 390 of the Code of the Borough of Ridgefield is hereby amended by adding to the list of prohibited uses, the following: "All classes of adult use recreational cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16 which includes retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities; and the operation of retail marijuana social clubs and, therefore, all activities related to the above mentioned retail uses such as, but not limited to, cultivation, possession, extraction, manufacturing, processing, storing, laboratory testing, transporting, delivering, dispensing, transferring and distributing are expressly prohibited within the Borough of Ridgefield, but not the delivery of cannabis items and related supplies by a delivery service."

3. This Ordinance shall not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary pursuant to the New Jersey Cannabis Compassionate Use Medical Marijuana Act, N.J.S.A. 26:61-1.

4. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Ridgefield inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

5. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

6. This ordinance shall take effect upon its passage and publication and filing with the Bergen County Planning Board, and as otherwise provided for by law.

Approved:

Attest:

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Anthony R. Suarez, Mayor

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Linda M. Silvestri,  
Borough Clerk

I, Linda Silvestri, Clerk of the Borough of Ridgefield, do hereby certify that the foregoing is a true copy of an ordinance duly adopted by the Mayor and Council of the Borough of Ridgefield on \_\_\_\_\_, 2021.

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Linda M. Silvestri , Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting June 14, 2021

Presented by Councilman Kontolios

RESOLUTION NO. 173-2021

WHEREAS, Resolution No. 207-2020 was adopted on September 28, 2020 authorizing the renewal of Plenary Retail Consumption License No. 0249-33-007-0008 issued to Jinny Jinouk Kwon; and

WHEREAS, the expiration date of the license was incorrectly listed in said resolution;

NOW, THEREFORE, BE IT RESOLVED that Plenary Retail Consumption License No. 0249-33-007-0008 be issued to Jinny Jinouk Kwon, pursuant to an Act of Legislature of the State of New Jersey, entitled "AN ACT CONCERNING ALCOHOLIC BEVERAGES" passed December 6, 1953 and amendments thereto, and the Borough Ordinance 498 entitled, "AN ORDINANCE CONCERNING ALCOHOLIC BEVERAGES" adopted July 2, 1946, and amendments thereto. Said license to expire June 30, 2020.

COUNCIL VOTE

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

Approved:

Attest:

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

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

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting June 14, 2021

Presented by Councilwoman Larkin

RESOLUTION NO. 174-2021

WHEREAS, the Borough of Ridgefield desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$48,850 to carry out a project to repair fencing units around the softball field and tennis courts, as well as complete exterior field building improvements to the Ridgefield Boro Athletic Org (RBAO) building.

NOW, THEREFORE, BE IT RESOLVED

1) that the Borough of Ridgefield does hereby authorize the application for such a grant; and,  
2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Ridgefield and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

---

(signature)

Anthony Suarez

---

(type or print  
name)

Mayor

---

(title)



**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

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

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

**CERTIFICATION**

I, Linda M. Silvestri, Borough Clerk, of the Borough of Ridgefield hereby certify that at a meeting of the Governing Body held on June 14, 2021 the above RESOLUTION was duly adopted.

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

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting June 14, 2021

Presented by Councilman Jimenez

RESOLUTION NO. 175-2021

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

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

WHEREAS, the Borough of Ridgefield has been awarded grants, and wishes to amend its 2021 Calendar Year Budget to include this amount as a item of revenue; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield that the Mayor and Council hereby requests the Director of Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2021 in the sum of \$18,455.75 which is now available as a revenue item from:

Miscellaneous Revenues

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

Public and Private Revenue Off-set with Appropriations:

2021 Clean Communities Grant	\$18,445.75
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BE IT FURTHER RESOLVED that a like sum of \$18,455.75 be and the same is hereby appropriated under the caption:

General Appropriations

Operations excluded from CAPS

Public and Private Revenues Off-set by Appropriations:

2021 Clean Communities Grant	\$18,445.75
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BE IT FURTHER RESOLVED that the Chief Financial Officer file an electronic copy of this resolution with the Director of Local Government Services for approval.

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

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 June 14, 2021

Presented by Councilman Jimenez

RESOLUTION NO. 176-2021

WHEREAS, the Mayor and Council has determined that the Municipal Tax Collector will be unable to complete the mailing and/or delivery of tax bills by June 14, 2021 as otherwise required by law, since the County of Bergen has not yet adopted a budget; and

WHEREAS, *N.J.S.A. 54:4-66.2* provides that in the above circumstance the governing body may authorize and direct the Tax Collector to prepare an estimated tax bill as provided by statute; and

WHEREAS, it is in the best interests of the Borough of Ridgefield that said authorization be granted;

WHEREAS, the Chief Financial Officer and the Tax Collector have computed an estimated tax levy in accordance with *N.J.S.A. 54:4-66.3* and has attached a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies.

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

1. The Tax Collector be and hereby is authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2021 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by New Jersey statutes, specifically *N.J.S.A. 54:4-66.2* and *54:4-66.3*.
2. The entire estimated tax levy for 2021 is hereby set at \$40,359,658.29 and the tax rate is set at 2.57.
3. In accordance with the law, the third installment of 2021 taxes shall not be subject to interest until the later of August 10 or the 25<sup>th</sup> calendar day after the date the estimated tax bills are mailed.

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

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

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

**PROPOSED CALCULATION OF THE 2021 ESTIMATED TAX RATE**

<b>2020 Tax Levy and Tax Rate</b>			<b>2020 Estimated Range Tax Levy</b>	
		Tax rate	95%	105%
Local	\$10,966,757.00	0.703		
Library	\$657,386.00	0.042		
School	\$23,057,963.00	1.479		
County	\$4,685,789.74	0.301		
County Open Space	\$197,739.43	0.013		
Totals	\$39,565,635.17	2.538	\$37,587,353.00	\$41,543,917.00

<b>2021 Estimated Tax Rate 2021 Ratable is \$1,568,657,788.00</b>			
			Tax rate
Local	\$11,114,284.25		0.709
Library	\$689,485.00		0.044
School	\$23,525,854.00		1.500
County	\$4,826,363.43		0.308
County Open Space	\$203,671.61		0.013
Totals	\$40,359,658.29		2.574
Estimated tax rate (rounded)			2.57

Certified by:

\_\_\_\_\_  
Francis J. Elenio, CFO

\_\_\_\_\_  
Frank Berardo, Tax Collector

**BOROUGH OF RIDGEFIELD**  
Bergen County, New Jersey

Meeting June 14, 2021

Presented by Councilman Jimenez

**RESOLUTION NO. 177-2021**

WHEREAS, the Tax Court of New Jersey has approved the settlement stipulation for an adjusted assessment on Block 703 Lot 1; also known as 745 Bergen Boulevard for the tax year 2020;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that Robert M. Jacobs, Esq.-Winne, Banta, Basrailian, & Kahn, P.C. - Attorney Trust Account representing 745 Bergen, LLC, be issued a refund in the amount of \$8,743.41 for the year 2020;

BE IT FURTHER RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a check in the total amount of \$8,743.41 from Account 01-2030-30-4262-001 made payable to Robert M. Jacobs, Esq.-Winne, Banta, Basrailian, & Kahn P.C. and mailed to Court Plaza South-East Wing, 21 Main Street, Suite 101, Hackensack, New Jersey 07601-0647.

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

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

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

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting June 14, 2021

Presented by Mayor Suarez

RESOLUTION NO. 178-2021

BE IT RESOLVED, that the Mayor by and with the consent of the Council appoints

JOSEPH MARINIELLO, JR.

to conduct the disciplinary hearing with respect to the current police matter at the rate of \$175.00 per hour.

BE IT FURTHER RESOLVED that funding for the payment herein authorized shall be paid from the Account No. 01-2010-20-1562-123. The funds are available in the 2021 Budget as certified by the Chief Finance Officer.

COUNCIL VOTE

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

Approved:

Attest:

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

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



BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting June 14, 2021

Presented by Councilwoman Larkin

RESOLUTION NO. 179-2021

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 \$74,688 matching grant award from the 2021 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled Ridgefield Community Center Field: Walkway, Gazebo and Benches located in Block 906, Lot 1 on the tax maps of the Borough of Ridgefield;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize ANTHONY R. SUAREZ 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 February 16, 2023; 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 construction 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. Professional Services Costs may be reimbursed from grant award’s unexpended balance, should there be a balance.

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				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

**BOROUGH OF RIDGEFIELD**  
 Bergen County, New Jersey

Meeting June 14, 2021

Presented by Councilwoman Larkin

**RESOLUTION NO. 180-2021**

BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the following personnel be hired as Summer Playground employees for the 2021 season:

Thomas Marasciulo	11.35	Iana Darlington	11.60
Joshua Diaz	11.10	Kimberly Andreu	11.10
Mark Puelo	11.10	Gabriella Prtoric	11.10
Glauco Pereira	11.10	Francesca Faraj	11.10
Luke Becker	11.10	Arianna Cano	11.10
John Kirk	11.60	Brooke Warner	11.35
Gaven Vega	11.10	Alyssa Savianeso	11.10
Hudson Poreda	11.10	Amanda Dooley	11.10
Aiden Ramirez	11.10	Kaylene Pena	11.10
Antonio Morin	11.10	Sofia Acevedo	11.10
Edward Schaefer	11.10	Esmeralda Samayoa	11.10
Jason Marasciulo	11.10	James Hill	11.10
Brandon Balabat	13.00		
Brenna Estrella	11.10		

**COUNCIL VOTE**

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
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.

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Francis J. Elenio,  
Chief Financial Officer

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting June 14, 2021

Presented by Councilman Jimenez

RESOLUTION NO. 181-2021

BE IT RESOLVED, that warrants totaling **\$3,287,823.53**  
be drawn on the following accounts:

CURRENT	\$2,756,045.98
TRUST	\$48,880.15
CAPITAL	\$458,619.59
POOL	\$23,737.81
DOG LICENSE	\$540.00
<b>TOTAL</b>	<b>\$3,287,823.53</b>

COUNCIL VOTE

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

Approved:

Attest:

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

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