

BOROUGH OF RIDGEFIELD

A G E N D A

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

Date: March 25, 2013

Open Public Meetings Statement by Mayor Suarez

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

- Civic Center Presentation by DMR

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

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

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

Pledge of Allegiance

Citizens Comment on Agenda:

Correspondence:

ROLL CALL-WORK SESSION

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

ROLL CALL-EXEC. SESSION

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

ROLL CALL-PUBLIC SESSION

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

Presentation of Safety Committee Certificates

As advertised, hearing will be held on Ordinance No. 2220 entitled, “YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14)”

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

Public Hearing

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

Final Reading of Ordinance

Roll Call

As advertised, hearing will be held on Ordinance No. 2221 entitled, "AN ORDINANCE AMENDING CHAPTER 35 OF THE CODE OF THE BOROUGH OF RIDGEFIELD, ENTITLED FIRE DEPARTMENT"

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

Public Hearing

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

Final Reading of Ordinance

Roll Call

As advertised, hearing will be held on Ordinance No. 2222 entitled, "BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$170,000 FOR SANITARY SEWER IMPROVEMENTS AT HOYT AVENUE AND EDGEWATER AVENUE FOR AND BY THE BOROUGH OF RIDGEFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$161,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION"

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

Public Hearing

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

Final Reading of Ordinance

Roll Call

As advertised, hearing will be held on Ordinance No. 2223 entitled, "AN ORDINANCE TO AUTHORIZE THE LEASE OF PUBLIC LANDS (BLOCK 904, LOT 1) TO THE HOUSING AUTHORITY OF BERGEN COUNTY FOR THE PURPOSE OF PROVIDING AFFORDABLE SENIOR CITIZEN HOUSING BY AND WITHIN THE BOROUGH OF RIDGEFIELD"

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

Public Hearing

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

Final Reading of Ordinance

Roll Call

Introduction of Ordinance No. 2224 entitled, “AN ORDINANCE AMENDING CHAPTER 390 OF THE CODE OF THE BOROUGH OF RIDGEFIELD PERTAINING TO RETAINING WALLS”

First Reading of Ordinance

Roll Call

Introduction of Ordinance No. 2225 entitled, “AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 355 OF THE CODE OF THE BOROUGH OF RIDGEFIELD ENTITLED PUBLIC SWIMMING POOLS”

First Reading of Ordinance

Roll Call

PROPOSED CONSENT AGENDA:

136-2013	Councilman Castelli	Appointment to Rent Leveling Commission
137-2013	Councilman Acosta	Civil Engineering Services for Sidewalks and Curb Ramps for ADA Compliance on County Roadways
138-2013	Councilman Jimenez	Rights of Way License Agreement-Fibertech
139-2013	Councilman Jimenez	Settlement Stipulation-1038 Hoyt Avenue
140-2013	Councilman Jimenez	Settlement Stipulation-760 Edgewater Avenue
141-2013	Councilman Jimenez	Settlement Stipulation-316 Broad Avenue
142-2013	Councilman Acosta	2012 Recycling Tonnage Grant Tax Reimbursement
143-2013	Councilman Acosta	2012 Recycling Tonnage Grant

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

RESOLUTIONS:

144-2013 Councilman Jimenez Temporary Capital Budget
145-2013 Councilman Jimenez Warrants

COMMENTS BY MAYOR:

Application for Raffles License:

Sts. Vartanantz
Calendar Raffle
May 5-July 21, 2013 – 1:00 p.m.
461 Bergen Boulevard

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 March 25, 2013

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				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
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 March 25, 2013

Presented by Councilman Jimenez

ORDINANCE NO. 2220

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

“YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14)”

introduced on the 11th day of March, 2013, 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				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 11, 2013

Presented by Councilman Jimenez

ORDINANCE NO. 2220

“YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14)”

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Borough Council of the Borough of Ridgefield in the County of Bergen finds it advisable and necessary to increase its 2013 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.5% increase in the budget for said year, amounting to \$228,149.85 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Ridgefield, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2013 budget year, the final appropriations of the Borough of Ridgefield shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$532,349.65, and that the 2013 municipal budget for the Borough of Ridgefield be approved and adopted in accordance with this ordinance; and,

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

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

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Castelli

ORDINANCE NO. 2221

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

“AN ORDINANCE AMENDING CHAPTER 35 OF THE CODE OF THE BOROUGH OF RIDGEFIELD, ENTITLED FIRE DEPARTMENT”

introduced on the 11th day of March, 2013, 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				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 11, 2013

Presented by Councilman Castelli

ORDINANCE NO. 2221

“AN ORDINANCE AMENDING CHAPTER 35 OF THE CODE OF THE BOROUGH OF
RIDGEFIELD, ENTITLED FIRE DEPARTMENT”

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

Section I.

Chapter 35 of the Code of the Borough of Ridgefield, entitled “Fire Department” be and hereby is amended by adding to the existing provisions of that ordinance a new subpart to be denominated Section 35-_____, to be entitled “Background Checks and Disqualification from Membership”:

A. Every applicant for membership in the Fire Department shall consent to having a criminal and motor vehicle background search run on that applicant. In addition, an applicant may be required to disclose his or her criminal and motor vehicle history in a membership application.

B. Any person who has been convicted of a first, second or third degree crime as determined by the laws of the State of New Jersey, or an equivalent violation in another jurisdiction, shall be disqualified from membership. Any person who has been convicted of the crime of arson pursuant to the provisions of N.J.S.A. 2C:17-1 shall be disqualified from membership. Any person who has been convicted of an offense involving dishonesty shall be disqualified from membership.

C. Any person who has been convicted of three or more fourth degree offenses as determined by the laws of the State of New Jersey, or equivalent violations in another jurisdiction, within a period of five years measured from the date of the membership application shall be disqualified from membership.

D. Any person who has been convicted of a crime defined as a sexual offense pursuant to the provisions of N.J.S.A. 2C:14-1, or its equivalent in another jurisdiction, shall be disqualified from membership.

E. Any person who has been convicted of three or more disorderly persons offenses within a period of five years measured from the date of the membership application in circumstances where all three of the disorderly persons offenses constitute offenses of moral turpitude, shall be disqualified from membership.

F. Any person who has three or more prior convictions for driving while intoxicated pursuant to the provisions of N.J.S.A. 39:4-50, or its equivalent in another jurisdiction, shall be disqualified from membership.

G. Any person who is determined to have deliberately given false information on the membership application shall be disqualified from membership.

Section II.

Section 35-13 of the Code of the Borough of Ridgefield, entitled "Requirements for Active Membership", shall be amended by adding to the existing provisions of that Section a new Subsection C as follows:

C. All firefighters who operate firefighting apparatus are required to have a valid New Jersey driver's license. Firefighters are hereby required to promptly report to their chief any suspension or revocation of their driving privileges. Further, all firefighters are required to submit, from time to time, to motor vehicle checks to reflect the status of their driving privileges.

Section III. Repealer.

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

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

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Jimenez

ORDINANCE NO. 2222

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

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$170,000 FOR SANITARY SEWER IMPROVEMENTS AT HOYT AVENUE AND EDGEWATER AVENUE FOR AND BY THE BOROUGH OF RIDGEFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$161,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION”

introduced on the 11th day of March, 2013, 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				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 11, 2013

Presented by Councilman Jimenez

ORDINANCE NO. 2222

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$170,000 FOR SANITARY SEWER IMPROVEMENTS AT HOYT AVENUE AND EDGEWATER AVENUE FOR AND BY THE BOROUGH OF RIDGEFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$161,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION”

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 \$170,000, such sum includes the sum of \$8,500 as the down payment as 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 for capital purposes.

SECTION 2:

In order to finance the 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 \$161,500 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 \$161,500 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 is for sanitary sewer improvements at Hoyt Avenue and Edgewater Avenue, and including all work and materials necessary therefor and incidental thereto.

(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 \$161,500.

(c) The estimated cost of the Improvements is \$170,000 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 Civic 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 40 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 Civic 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 \$161,500 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 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 \$161,500.

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:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Jimenez

ORDINANCE NO. 2223

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

“AN ORDINANCE TO AUTHORIZE THE LEASE OF PUBLIC LANDS (BLOCK 904, LOT 1) TO THE HOUSING AUTHORITY OF BERGEN COUNTY FOR THE PURPOSE OF PROVIDING AFFORDABLE SENIOR CITIZEN HOUSING BY AND WITHIN THE BOROUGH OF RIDGEFIELD”

introduced on the 11th day of March, 2013, 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				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 11, 2013

Presented by Councilman Jimenez

ORDINANCE NO. 2223

“AN ORDINANCE TO AUTHORIZE THE LEASE OF PUBLIC LANDS (BLOCK 904, LOT 1) TO THE HOUSING AUTHORITY OF BERGEN COUNTY FOR THE PURPOSE OF PROVIDING AFFORDABLE SENIOR CITIZEN HOUSING BY AND WITHIN THE BOROUGH OF RIDGEFIELD”

WHEREAS, the Borough of Ridgefield is the owner of certain real property designated as Block 904, Lot 1 as set forth in the official tax map of the Borough of Ridgefield; and

WHEREAS, that said property is approximately 1.26 acres in size and fronts Shaler Boulevard on the east, Abbott Avenue on the west, and the paper street designated as Slocum Avenue, currently used as the pathway, on the north; and

WHEREAS, said property is and has been unimproved; and

WHEREAS, the Mayor and Council has determined that this property is not necessary for public use; and

WHEREAS, there exists in the Borough and in the North Jersey community generally a need for age restricted senior, affordable housing; and

WHEREAS, while there is presently uncertainty regarding the regulations of the Council of Affordable Housing (COAH) due to ongoing litigation, based on past COAH regulations, a municipality may well satisfy a significant percentage of its affordable housing obligations by providing affordable housing designated for the senior citizen population; and

WHEREAS, regardless of the status of COAH regulations, the Borough has, pursuant to a series of New Jersey Supreme Court decisions referred to as Mt. Laurel, an ongoing constitutional duty to provide its fair share of affordable housing; and

WHEREAS, the subject property is ideally situated and suited for an affordable senior housing development by virtue of many factors including, but not limited to, that the property is: (1) adjacent to the Borough owned open space designated as Block 902 Lot 1, Block 903 Lot 1, and the paper street of Virgil Avenue; (2) being located up the block from the existing Community Center and senior center; (3) located directly across the street from retail commercial uses; (4) being adjacent to existing multi-family housing which contains a senior citizen population; and

WHEREAS, the development of the property for age-restricted housing would generate property taxes or a payment in lieu of taxes as revenue to the Borough without adding to the school age population; and

WHEREAS, N.J.S.A. 40A:12-14(b) permits a municipality to lease municipally owned real property, not needed for public use to a public body; and

WHEREAS, the Housing Authority of Bergen County has proposed a plan to construct and operate affordable senior housing on this property;

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

Section I.

The Borough be and hereby is, authorized pursuant to the authority of N.J.S.A. 40A:12-14(b) to lease the property known as Block 904, Lot 1 to the Housing Authority of Bergen County as follows:

1. The nominal consideration of the lease shall be \$1.00 per year for a term of 99 years.
2. The lease shall be with the Housing Authority of Bergen County, a subdivision of the County of Bergen and a public body.
3. The public purpose served by the lease shall be the construction and operation of affordable rental housing for senior citizen occupants.
4. The lease shall provide for the construction and operation of not more than 60 units of affordable rental housing whereas tenants, in order to qualify, must be at least 55 years of age, must have income no more than 60% of the area median income, and *housing costs will be limited to 40%* of the tenant's income.
5. It is anticipated that the lease will provide for a complex consisting of two three-story apartment buildings with elevator service, on-site parking and secured entries. The buildings' common areas will include a lobby, community room with a kitchen, laundry facilities and office space for management and social service staff.
6. All units will be handicapped adaptable, allowing for simple modifications by management to accommodate individual tenant needs.
7. It is anticipated that the complex will provide residents with access to a wide variety of on-site and off-site social services to promote independent living through collaboration with local community organizations with services to include linkages to recreation, social, health and educational services and programs.

8. It is anticipated the project's capital funding will include a permanent mortgage and equity from the sale of 9% federal low income housing tax credits.

9. It is anticipated that the construction start will be December 2013 with a 12-month construction period and lease-up of units estimated to begin in December 2014.

10. The actual lease agreement is subject to negotiation and approval by the Mayor and Council by duly adopted resolution following the adoption of this ordinance.

Section II. Repealer.

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

Section III. Severability.

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

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

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Jimenez

ORDINANCE NO. 2224

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

“AN ORDINANCE AMENDING CHAPTER 390 OF THE CODE OF THE BOROUGH OF RIDGEFIELD PERTAINING TO RETAINING WALLS”

introduced on the 25th day of March, 2013, 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 22nd day of April, 2013 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				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Jimenez

ORDINANCE NO. 2224

“AN ORDINANCE AMENDING CHAPTER 390 OF THE CODE OF THE BOROUGH OF
RIDGEFIELD PERTAINING TO RETAINING WALLS”

An ordinance amending the Borough Zoning Ordinance Chapter 390:

WHEREAS The Borough Planning Board has found that the zoning ordinance lacks any regulations regarding retaining walls;

WHEREAS the Borough Planning Board has made recommendation to the Council to pass an ordinance regarding retaining walls;

WHEREAS the Borough Council has considered that recommendation;

THEREFORE, BE IT ORDAINED, by the Borough Council for the Borough of Ridgefield, as follows:

Section I.

There is hereby created by and within the Code of the Borough of Ridgefield a new section to Chapter 390, Article VII, Supplementary Regulations, to be denominated as 390-23A, entitled “Retaining Walls”, to read as follows:

§390-23A. Retaining Walls

A. Definitions.

RETAINING WALL HEIGHT. The height of a wall shall be measured from the toe of the wall to the top of the wall.

TOP OF THE WALL shall mean the highest elevation of any part of the wall.

TOE OF THE WALL shall mean the intersection of the face of a wall and the adjacent ground at the base of the wall.

RETAINING WALL shall mean a wall that is constructed between lands of different elevations to stabilize the surfaces, prevent erosion, and/or protect structures.

LANDSCAPE RETAINING WALL shall mean a wall that is constructed between lands of different elevations to stabilize the surfaces, prevent erosion, and/or protect structures, but does not exceed 18 inches in height.

STRUCTURAL RETAINING WALL shall mean a wall that is constructed between lands of different elevations to stabilize the surfaces, prevent erosion, and/or protect structures, and is greater than 18 inches and 4 feet..

ARCHITECTURAL WALL shall mean a wall that is purely decorative in nature, and does not stabilize any surface, prevent erosion, or protect a structure.

WALL: Wall shall mean any permanent upright structure having a length at least three times greater than its thickness and presenting a continuous vertical surface.

B. Regulations Applicable to all Architectural and Retaining Walls.

1. No fence, architectural wall, landscape retaining wall, or structural retaining wall may be erected within a public right-of-way.
2. No fence, architectural wall, landscape retaining wall, or structural retaining wall may be erected within a clear line of sight triangle.

C. Regulations Pertaining to Architectural Walls.

1. Maximum height: Architectural walls shall not exceed a height of 3 feet.
2. Fencing, as permitted in residential use, may be placed on top of architectural walls. The use of barbed wire or wire on which barbs or points are strung is prohibited.
3. Architectural walls may be constructed of brick, stone, or other durable materials, but may not be constructed of cinderblock.
4. Any architectural wall facing on a street or property line shall have the finished surface exposed to said street or property line.

D. Regulations Pertaining to Retaining Walls.

1. Landscape Retaining Walls.

(a) Landscape retaining walls shall not be located closer to a property line than twice the height of the wall, provided that if the grade shall be raised, said wall shall be no closer than five (5) feet from the property line.

(b) Landscape retaining walls shall be constructed of stone, brick, or other materials, with the exception of cinderblock.

2. Structural Retaining Walls.

(a) Construction of all structural retaining walls shall require the issuance of a construction and zoning permit, other than when constructed as a component of an approved site plan. For structural retaining wall projects not requiring lot grading plans per subsection 30-96.20, the zoning officer, upon review of the construction/zoning permit application, shall forward the permit and application to the Construction Official who, upon completion of his/her review thereof; may require that the applicant obtain a lot grading plan approval pursuant to the requirements of subsection 30-96.20.

(b) All structural retaining walls shall be designed by a New Jersey licensed design professional engineer or architect with signed and sealed plans submitted to the Engineer for review and approval, if a lot grading plan is required, otherwise, if no lot grading plan is required, then same shall be submitted to the Construction Official for verification that the structural retaining wall was designed by the specified professional.

(c) The construction of all structural retaining walls shall be inspected by a New Jersey licensed design professional engineer or architect, and a signed and sealed certification that the wall has been properly constructed shall be submitted to the Engineer upon completion of the wall.

3. Height of retaining walls in any residential district.

(a) The maximum height of any retaining wall, section of retaining wall, or tier of a retaining wall shall be 4 feet.

(b) Multiple, staggered or tiered walls shall be considered single walls provided there is a minimum horizontal distance between the top of any single section or tier and the base (toe) of the next higher section or tier equal to at least 1-1/2 times the

height of the lower section or tier. If there are more than three (3) single sections or tiers, the minimum horizontal distance between the top of any single section or tier and the base (toe) of the next higher section or tier shall be at least 2 times the height of the lower section or tier.

(3) Structural retaining walls which are generally parallel to and within 10 feet of a sidewalk are limited to a height of 30 inches.

4. Location of Structural Retaining Walls.

(a) No portion of a structural retaining wall shall be located within 10 feet of a dwelling, unless the structural retaining wall is an extension of a building foundation wall.

(b) No portion of a structural retaining wall shall be located within 15 feet of any above ground structure, such as a deck, unless the structural retaining wall is an extension of a building foundation wall.

(c) A structural retaining wall shall be located no closer than five (5) feet to a property, or twice the height of the wall or wall segment, whichever is greater. The Applicant must demonstrate that a structural failure of the retaining wall will not have an adverse impact on any adjoining property.

5. Design of Structural Retaining Walls.

(a) Plans for structural retaining walls shall demonstrate how all segments of the structural retaining wall, including any area located between 2 tiered wall sections, commonly known as bench area will be maintained.

(b) Plans shall demonstrate how the structural retaining wall will be replaced at the end of the wall's useful life,

(c) The bench, or area between the top of one tier and the bottom (toe) of the next higher tier, shall have a minimum grade of 2% to allow for positive drainage.

(d) Structural retaining walls may be constructed of stone, brick, or other durable materials, with the exception of cinderblock.

(e) No landscaping shall be installed in the vicinity of any structural retaining wall with a root system of such magnitude to exert lateral pressure, or otherwise cause damage to the wall assembly.

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.

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Castelli

ORDINANCE NO. 2225

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 II OF CHAPTER 355 OF THE CODE OF THE BOROUGH OF RIDGEFIELD ENTITLED PUBLIC SWIMMING POOLS”

introduced on the 25th day of March, 2013, 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 22nd day of April, 2013 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				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Castelli

ORDINANCE NO. 2225

“AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 355 OF THE CODE OF THE
BOROUGH OF RIDGEFIELD ENTITLED PUBLIC SWIMMING POOLS”

Section I: Section 355-22 of the Code of the Borough of Ridgefield, entitled Fees, be and hereby is amended by making the changes set forth below:

SECTION 355-22 "FEES" shall be amended as follows:

	Discount Period		Regular Season
Family	\$300.00	Family	\$325.00
Married Couple/Civil Union	\$250.00	Married Couple/Civil Union	\$280.00
Head of Household (Widow, Widower, Divorced, 1 Child \$15 per Additional Child	\$250.00	Head of Household (Widow, Widower, Divorced, 1 Child \$15 per Additional Child	\$280.00
Individual	\$200.00	Individual	\$225.00
Senior Citizen Individual	\$100.00	Senior Citizen Individual	\$125.00
Senior Citizen Couple	\$175.00	Senior Citizen Couple	\$225.00

A limited number of Non-Residents will be accepted into the Community Swimming Pool subject to being sponsored by a Resident Swim Pool Member. Resident pool members may only sponsor 1 non-resident pool membership per family. Rates will be as follows:

	Discount Period		Regular Season
Family	\$550.00	Family	\$575.00
Married Couple/Civil Union	\$500.00	Married Couple/Civil Union	\$525.00
Head of Household (Widow, Widower, Divorced, 1 Child \$15 per Additional Child	\$490.00	Head of Household (Widow, Widower, Divorced, 1 Child \$15 per Additional Child	\$515.00
Individual	\$325.00	Individual	\$350.00

Senior Citizen Individual

\$230.00

Senior Citizen Individual

\$240.00

Section II: In all other respects, the terms and provisions of Article II of Chapter 355 of the Code of the Borough of Ridgefield are hereby ratified and affirmed.

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

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Castelli

RESOLUTION NO. 136-2013

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

DEBORAH GIBALDI

be appointed as A5 Alternate Member of the Rent Leveling Commission for the remainder of calendar year 2013.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Acosta

RESOLUTION NO. 137-2013

WHEREAS, there is a need for Civil Engineering Services to upgrade public sidewalks with curb ramps to meet ADA Compliance at Bergen County Roadways within the Borough of Ridgefield; and

WHEREAS, the Borough Engineer, T.Y. LIN International, has submitted a Task Order Proposal dated September 6, 2012 for Civil Engineering Services at a lump sum cost of \$52,000.00; and

WHEREAS, there are funds for said proposal in Capital Ordinance 2210 which will be reimbursed to the Borough through the County Cooperative Engineering Design Grant; and

WHEREAS, it is in the best interests of the Borough of Ridgefield to proceed with the aforementioned project:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield that the Borough Engineer, T.Y. LIN International, is and hereby authorized to commence work on the proposal dated September 6, 2012 for Civil Engineering Services to upgrade public sidewalks with curb ramps to meet ADA Compliance at Bergen County Roadways within the Borough of Ridgefield.

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that \$52,000.00 is available for said project in Capital Ordinance 2210.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Silvestri,
Borough Clerk

COUNCIL VOTE				
	YES	NO	ABSTAIN	ABSENT
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Jimenez

RESOLUTION NO. 138-2013

WHEREAS, Fiber Technologies Networks, L.L.C., (hereinafter "Fibertech"), a New York limited liability company, has been approved by the New Jersey Board of Public Utilities to provide local exchange and interchange telecommunication services throughout the State of New Jersey; and

WHEREAS, Fibertech may locate, place, attach, install, operate and maintain facilities within municipal rights of way for purposes of providing telecommunication services; and

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

WHEREAS, the Borough Attorney has negotiated the terms of said rights of way license agreement with counsel for Fibertech; and

WHEREAS, Fibertech has agreed to reimburse the Borough the reasonable costs of its legal and engineering services in connection with this agreement; and

WHEREAS, it is in the best interests of the Borough of Ridgefield that the rights of way license agreement be approved;

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

1. The rights of way license agreement attached hereto be and hereby is approved, and the Mayor and Borough Clerk be and hereby are authorized and directed to execute same on behalf of the Borough.

2. The Borough Attorney be and he hereby is authorized and directed to compute legal and engineering billings in connection with this project and forward same to Fibertech's counsel for appropriate reimbursement.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
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 _____, 2013 (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 Fiber Technologies Networks, L.L.C. (“Fibertech”), a New York limited liability company with offices located at 300 Meridian Centre, Rochester, New York 14618.

RECITALS

WHEREAS, Fibertech has been approved by the New Jersey Board of Public Utilities (“NJBP”) to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket NO. TE05080683 on September 14, 2005. Pursuant to such authority granted by the Board, Fibertech may locate, place, attach, install, operate and maintain facilities within municipal rights-of-way for purposes of providing telecommunications services; and

WHEREAS, Fibertech proposed to place its telecommunication facilities aerially on existing utility poles or in underground conduit in the public rights-of-way within the Municipality for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, it is in the best interest of the Municipality and its citizenry for the Municipality to grant consent to Fibertech to occupy said public rights-of-way within the Municipality for this purpose; and

WHEREAS, the consent granted herein is for a license for the non-exclusive use of the public rights-of-way within the Municipality for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system;

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

Section 1. Definitions.

- a. “Fibertech” is the grantee of rights under this License Agreement and is known as Fiber Technologies Networks, L.L.C., its successors and assigns.
- b. “NJBPU” is the New Jersey Board of Public Utilities.
- c. “Public Utility” means any public utility defined in N.J.S.A. 48:2-13.
- d. “Rights-of-Way” means the areas lying alongside existing paved roadways which has been reserved for the expansion of said roadways, and are now devoted to passing under, over, on or through lands with public utility facilities.
- e. “Municipality” is the grantor of rights under this License Agreement and is known as the Borough of Ridgefield, County of Bergen, State of New Jersey.
- f. “Utility Pole” means, in addition to its commonly accepted meaning, any wires or cable connected thereto and any replacement thereof which are similar in construction and use.

Section 2. Grant of Consent.

The Municipality hereby grants Fibertech its municipal consent for a license for the non-exclusive use of the public rights-of-way for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system in accordance with the terms of this

License Agreement. The consent granted herein shall be for the performance of work within the rights-of-way of the Municipality only.

Section 3. Public Purpose.

It is deemed to be in the best interests of the Municipality and its citizenry, particularly including commercial and industrial citizens, for the Municipality to grant consent to Fibertech to occupy said public rights-of-way within the Municipality for this purpose. Fibertech agrees that it will make its services reasonably available to property and business owners by and within the Municipality, at rates and upon conditions which are similar to those offered by Fibertech to other property and business owners in surrounding municipalities.

Section 4. Constuction.

Any construction to be undertaken for the purposes described herein shall require prior notice by Fibertech to the Municipality. Fibertech 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. Fibertech shall be required to obtain any and all approvals, licenses, permits or other similar forms of approval as required by law. Prior to commencing any excavation work, Fibertech or its authorized contractor shall obtain a road opening permit from the Municipality. The initial project under this License Agreement shall apply to the rights of way described in Schedule A hereto. Should Fibertech in the future wish to initiate other projects, Fibertech will give the Municipality advance written notice, describing the proposed route, to the Mayor and Council of the Municipality, with a copy to the Municipal Attorney and a copy to the Municipal Engineer, at least thirty (30) days before it wishes to initiate the new project. The Municipality agrees to allow Fibertech to undertake the new projects subject to the reasonable and lawful approval of the Municipal's Engineer.

Section 5. Scope of License Agreement.

Any and all rights expressly granted to Fibertech under this License Agreement, which shall be exercised at Fibertech'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 Fibertech a real property interest in land, including any fee, leasehold interest, easement, or any other form of interest or ownership.

Subject to obtaining the permission of the owner(s) of existing Utility Poles, which shall be the sole responsibility of Fibertech to undertake and obtain, the Municipality hereby authorizes and permits Fibertech to enter upon the Municipality's rights-of-way and to attach, install, operate, maintain, remove, reattach, reinstall, relocate and replace its telecommunications facilities, in or on Utility Poles or other structures owned by public utility companies or to be constructed by Fibertech located within the Municipality's rights-of-way as may be permitted by the public utility company or property owner, as the case may be.

Section 6. Compliance with Ordinance.

Fibertech 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 7. Municipal Costs.

Fibertech agrees to pay reasonable costs incurred by the Municipality by reason of Fibertech telecommunications system, including, but not limited to, Municipality's attorneys fees

for the negotiation and preparation of this License Agreement and accompanying resolution authorizing its execution.

Section 8. Duration of Consent.

The non-exclusive municipal consent for a license as granted herein shall expire fifty (50) years from the Effective Date of this License Agreement. Upon expiration of such consent, or at such earlier date that Fibertech ceases to maintain its facilities, it shall remove the facilities at its cost and expense.

Section 9. 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 Fibertech 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 Fibertech at the address set forth herein. In the event of such notice, Fibertech 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 Fibertech in exploring the grant of other and further licenses to Fibertech through municipal rights of way as an alternative to the license being terminated.

Section 10. Indemnification.

Fibertech, 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 Fibertech'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 Fibertech activities pursuant to the rights granted in this License Agreement.

Section 11. 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 Fibertech at: Charles B. Stockdale
Vice President and General Counsel
Fiber Technologies Networks, L.L.C.
300 Meridian Centre
Rochester, New York 14618

With a copy to: Mario R. Rodriguez
Director of Government Affairs
and Facilities Access
Fiber Technologies Networks, L.L.C.
300 Meridian Centre
Rochester, New York 14618

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

Section 12. Liability Insurance.

Fibertech 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, Fibertech 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 Fibertech 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 Fibertech’s or its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this License Agreement.

Section 13. Assignment.

Fibertech may not assign this License Agreement without the written consent of the Municipality, except that Fibertech 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 14. 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 15. Governing Law.

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

Section 16. 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 17. 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 18. 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 19. 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.

FIBER TECHNOLOGIES NETWORKS, L.L.C. Witness
By: **Fibertech Networks, LLC, its sole member**

Charles B. Stockdale
Vice President and General Counsel

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 March 25, 2013

Presented by Councilman Jimenez

RESOLUTION NO. 139-2013

WHEREAS, the Tax Court of New Jersey has approved the settlement stipulation for an adjusted assessment on Block 2303 Lot 13 and Block 2303 Lot 14 , also known as 1038 Hoyt Avenue for the year 2011;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that Hoyt Avenue Assoc. / Kulite be issued a refund in the amount of \$634.10 for Block 2303 Lot 13 for the year 2011 and \$634.10 for Block 2303 Lot 14 for the year 2011.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a check in the total amount of \$1,268.20 made payable to The Irwin Law Firm Atty Trust Account F.B.O Hoyt Ave Assoc/Kulite and mailed to 80 Main St, Suite 410, West Orange, New Jersey 07052.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Jimenez

RESOLUTION NO. 140-2013

WHEREAS, the Tax Court of New Jersey has approved the settlement stipulation for an adjusted assessment on Block 2704 Lot 22.02, also known as 760 Edgewater Avenue for the year 2011;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that Juan Valdes and Bessie Fouces be issued a refund in the amount of \$1,739.23 for the year 2011.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a check in the total amount of \$1,739.23 made payable to Davenport and Spiotti, Attorneys for Plaintiff and mailed to 219 Changebridge Road, Montville, NJ 07045.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Jimenez

RESOLUTION NO. 141-2013

WHEREAS, the Tax Court of New Jersey has approved the settlement stipulation for an adjusted assessment on Block 3704 Lot 3, also known as 316 Broad Avenue, for the year 2011;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that Erick and Pit S. Yiu be issued a refund in the amount of \$3,244.59 for the year 2011.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a check in the amount of \$3,244.59 made payable to Beattie Padovano Trust Account and mailed to 50 Chestnut Ridge Road, Suite 208, PO Box 244, Montvale, New Jersey 07645.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Acosta

RESOLUTION NO. 142-2013

WHEREAS, the Recycling Enhancement Act, P.L. 2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the Borough of Ridgefield hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, Chapter 311, in 2012 in the amount of \$12,047.91. Documentation supporting this submission is available at 604 Broad Avenue and shall be maintained for no less than five years from this date.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Silvestri,
Borough Clerk

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Acosta

RESOLUTION NO. 143-2013

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for the calendar year 2012 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the Borough of Ridgefield hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Nicholas Gambardella to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Silvestri, Borough Clerk

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Jimenez

RESOLUTION NO. 144-2013

WHEREAS, the Borough of Ridgefield desires to establish the 2013 Temporary Capital Budget of said municipality by inserting therein the following project;

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

SECTION 1. The 2013 Temporary Capital Budget of the Borough of Ridgefield is hereby established by the adoption of the schedule to read as follows:

Temporary Capital Budget of the
Borough of Ridgefield
County of Bergen, New Jersey
Projects Scheduled for 2013
Method of Financing

Project	Est. Costs	Grants	Budget Appr. Fund	Capital Imp. Fund	Bonds	Self-Liquidating Bonds
Sanitary Sewer Improvements Hoyt Ave and Edgewater Ave	170,000			8,500	161,500	

SECTION 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for 2013 Temporary Capital Budget, to be included in the 2013 Permanent Capital Budget as adopted.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Silvestri,
Borough Clerk

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

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

Joseph Luppino,
Chief Financial Officer

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting March 25, 2013

Presented by Councilman Jimenez

RESOLUTION NO. 145-2013

BE IT RESOLVED, that warrants totaling \$2,398,860.41
be drawn on the following accounts:

CURRENT	\$2,330,302.59
TRUST	\$10,614.98
CAPITAL	\$55,602.45
POOL	\$673.72
DOG LICENSE	\$1666.67
TOTAL	\$2,398,860.41

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk