

BOROUGH OF RIDGEFIELD

A G E N D A

Executive Session and Regular Meeting of the Mayor and Council

Date: May 13, 2013

Open Public Meetings Statement by  
Mayor Suarez

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

Pledge of Allegiance

Citizens Comment on Agenda:

Correspondence:

**ROLL CALL-PUBLIC SESSION**

	Adj. to Ex.		Public	
	Pres.	Abs.	Pres.	Abs.
Mayor Suarez				
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				

**ROLL CALL-EXEC. SESSION**

	PRESENT	ABSENT
Mayor Suarez		
Castelli		
Severino		
Acosta		
Jimenez		
Penabad		
Shim		

---

As advertised, hearing will be held on Ordinance No. 2226 entitled, “AN ORDINANCE REGULATING CATS BY AND WITHIN THE BOROUGH OF RIDGEFIELD, COUNTY OF BERGEN AND STATE OF NEW JERSEY”

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. 2227 entitled, “AN ORDINANCE AMENDING SECTION 293-2, ENTITLED “OPEN SPACES”, FORMING A PART OF CHAPTER 293, ENTITLED “PARKS”

First Reading of Ordinance

Roll Call

---

Introduction of Ordinance No. 2228 entitled, “AN ORDINANCE AMENDING SECTION 190-26, ENTITLED “INSPECTION FEES”, FORMING A PART OF CHAPTER 190, ENTITLED “FIRE PREVENTION CODE”

First Reading of Ordinance

Roll Call

---

Introduction of Ordinance No. 2229 entitled, “AN ORDINANCE AMENDING ARTICLE 1 ENTITLED “REIMBURSEMENT FOR SPILL INCIDENTS” OF CHAPTER 222 OF THE CODE OF THE BOROUGH OF RIDGEFIELD ENTITLED “HAZARDOUS MATERIALS”

First Reading of Ordinance

Roll Call

---

Introduction of Ordinance No. 2230 entitled, “AN ORDINANCE ESTABLISHING A PROCEDURE FOR RECOUPING THE COSTS OF PROVIDING EMERGENCY MEDICAL AND AMBULANCE TRANSPORT SERVICES”

First Reading of Ordinance

Roll Call

---

**PROPOSED CONSENT AGENDA:**

161-2013	Councilman Castelli	Appointment to Youth Commission
162-2013	Mayor Suarez	Redevelopment Committee
163-2013	Councilman Jimenez	Appoint COAH Administrator
164-2013	Councilman Jimenez	Exceed Bid Threshold-Police Vehicles
165-2013	Mayor Suarez	Support PSE&G Energy Strong Program
166-2013	Councilman Jimenez	Professional Service Agreement – Risk Manager
167-2013	Councilman Castelli	LSRP Environmental Services-604 Broad Avenue
168-2013	Councilman Jimenez	Change Order-Banta Place Roadway Improvements

169-2013 Councilman Jimenez Audit Recommendation  
 170-2013 Councilman Castelli Pool Concession Services 2013 and 2014

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

**RESOLUTIONS:**

171-2013 Councilman Jimenez Approve Lease-Housing Authority  
 172-2013 Councilman Castelli Approve Fireworks Contract  
 173-2013 Councilman Jimenez Warrants

**COMMENTS BY MAYOR:**

**COMMENTS BY COUNCILMEN:**

**COMMENTS BY CITIZENS:** (All speakers are limited to five minutes maximum per meeting)

Agenda subject to change as a result of matters not known at time of printing with the consent of the Mayor and Council.

Respectfully submitted,

Linda M. Silvestri,  
 Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting May 13, 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 May 13, 2013

Presented by Councilman Jimenez

ORDINANCE NO. 2226

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

“AN ORDINANCE REGULATING CATS BY AND WITHIN THE BOROUGH OF RIDGEFIELD, COUNTY OF BERGEN AND STATE OF NEW JERSEY”

introduced on the 22<sup>nd</sup> day of April, 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 April 22, 2013

Presented by Councilman Jimenez

ORDINANCE NO. 2226

“AN ORDINANCE REGULATING CATS BY AND WITHIN THE BOROUGH OF  
RIDGEFIELD, COUNTY OF BERGEN AND STATE OF NEW JERSEY”

WHEREAS, it is an objective of the Borough of Ridgefield to protect the public and animals from the spread of Rabies to animals and humans, since Rabies is transmissible to humans and is fatal in all cases; and

WHEREAS, it is an objective of the Borough of Ridgefield to protect the public from animal related nuisances and threats to public health, safety and welfare; and;

WHEREAS, it has been determined that these objectives can be fostered by assuring that animal owners meet responsibilities for the control and care of their cats; and

WHEREAS, this ordinance has been recommended by the Board of Health;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR/COUNCIL OF THE  
BOROUGH OF RIDGEFIELD, AS FOLLOWS:

SECTION I.

Existing Borough ordinances under Chapter 131 entitled Animals, Article II, entitled Domestic Animals, including Sections 131-5 through 131-27, shall hereafter be grouped under Article II, Subpart A, and entitled Dogs.

SECTION II.

There is hereafter created a new subsection to Chapter 131, Animals, Article II, Domestic Animals, Subpart B, to be entitled Cats and to read as follows:

Section 131A-5: Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

- A. Cat: Any member of the domestic feline species; male, female or altered.
- B. Cat of licensing age: Any cat which has attained the age of seven (7) months or which possesses a set of permanent teeth.
- C. Animal: For the purpose of this ordinance, animal shall mean cat or dog.

- D. Animal Control Authority: The authorized Animal Control Officer designated by the Borough and the Health Officer or his designee.
- E. Owner: Every person having a right of property (or custody) in such cat and every person who has such cat in his/her keeping, or who harbors or maintains a cat or knowingly permits a cat to remain on or about any premises occupied by that person.
- F. Cattery: Any room or group of rooms, cage, or exhibition pen, not part of a kennel, wherein cats for sale are kept or displayed.
- G. Person: any individual, corporation, partnership organization, or institution commonly recognized by law as a unit.
- H. Licensing Authority: The Ridgefield Board of Health by and through its Health Department.
- I. Neutered: rendered permanently incapable of reproduction as certified by a licensed veterinarian.
- J. Nuisance: any condition which is dangerous to human life or health, or that which renders air, water, soil or any type of food hazardous or injurious to human life or health.
- K. Stray: any cat of licensing age without a current registration tag, visible tattoo or other bodily identification marking approved by the Animal Control Officer or any cat which the Animal Control Officer has reason to believe is a stray cat.
- L. Feral Cats: cats living in an unsocialized or wild state, living in a group or colony.
- M. Free-roaming Cats: cats that roam outdoors and interact with feral cats and wildlife. Cats with a specific owner, stray pets, or may have originated in one household and are fed or cared for by other households in the neighborhood.

#### Section 131A-6: Vaccination and Licensing Required.

- A. Vaccination and license requirements: Every person who shall own, keep, harbor, or maintain any cat over seven (7) months of age within Borough of Ridgefield shall obtain a license for same and shall have such cat vaccinated. The provisions of this section do not apply to cats held in a cattery or those held by a state or federal licensed research facility or a veterinary establishment where cats are received or kept for diagnostic, medical, surgical or other treatments or licensed animal shelters, pounds, kennels or pet shops.
- B. Vaccination: All cats shall be vaccinated against Rabies by a licensed veterinarian in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization," published by the National Association of State Public Health Veterinarians, except as provided for in Subsection (D).
- C. Vaccination Certificate: Proof of vaccination shall be by way of a certificate of vaccination issued to the owner of each animal vaccinated, on a form recommended by the state.
- D. Exemptions: Any cat may be exempt from the requirements of such vaccination for a specified period of time by the local Board of Health of the Borough of Ridgefield upon presentation of a veterinarian's certificate stating that, because of an infirmity or

other physical condition or regimen of therapy, the inoculation of such cat shall be deemed inadvisable.

#### Section 131A-7: Licensing Requirements.

- A. **Cats Must Have License Number Displayed:** Any person who shall own, keep or harbor a cat of licensing age shall annually apply for and procure from the licensing authority a license and official registration tag with license number or a registration sleeve for each cat so owned, kept or harbored and shall place upon such cat a collar or other device with the license number securely fastened or displayed thereto. Acceptable methods of displaying license number shall include, but are not limited to, breakaway or elastic collars. License tags or sleeves are not transferable.
- B. **Time for Applying for License:** The owner of any newly acquired cat of licensing age, or any cat that attains licensing age, shall make application for a license tag or sleeve for such cat within ten (10) days after such acquisition or age attainment. The requirement will not apply to a non-resident keeping a cat within the Borough of Ridgefield for no longer than ninety (90) days.
- C. **Cats Brought into Ridgefield:** Any person who shall bring in or cause to be brought in to the Borough of Ridgefield any cat licensed in another state for the current year, and bearing a registration tag or sleeve, and who shall keep the same or permit the same to be kept within the Borough of Ridgefield for a period of more than ninety (90) days shall immediately apply for a license and registration tag or sleeve for each such cat. Any person who shall bring in or cause to be brought in to the Borough of Ridgefield any unlicensed cat and who shall keep the same or permit the same to be kept within the Borough of Ridgefield for a period of more than ten (10) days shall immediately apply for a license and registration tag or sleeve for each such cat.
- D. **Application, Contents, Preservation of Information:** The application shall state the breed, sex, age, color and markings of the cat for which license and registration are sought and whether it is of a long- or short-haired variety; also the name, street, and post office address of the owner, and the person who shall keep or harbor such cat. The information on said application and the registration number issued for the cat shall be preserved for a period of three (3) years by the clerk or other local official designated to license cats in the municipality.
- E. **License Forms and Tags:** License forms and official tags or sleeves shall be furnished by the licensing authority and shall be numbered serially, and shall bear the year of issuance and the name of the municipality.
- F. **Evidence of Inoculation with Rabies Vaccine or Certificate of Exemption:**  
**Requirement for License:** The Health Officer or his or her designate shall not grant any such license and official registration tag or sleeve for any cat, unless the owner thereof provides evidence that the cat to be licensed and registered has been inoculated with Rabies vaccine of a type approved by and administered in accordance with the

recommendations of the United States Department of Agriculture and the United States Department of Human Services, or has been certified exempt as provided by Section 11 of this Ordinance. The rabies inoculation shall be administered by a duly licensed veterinarian, or by such other veterinarian permitted by law to do the same.

- G. License Fee Schedule: A license shall be issued after payment of a fee of fifteen (\$15.00) dollars for each un-neutered cat and twelve (\$12.00) dollars for each neutered cat. Anyone who fails to obtain a license after July 31<sup>st</sup> of each year will be subject to a delinquent fee of twenty (\$20.00) dollars. In addition, three-year licenses shall be available at a cost of thirty-four (\$34.00) dollars covering a three-year period for any sterilized cat over the age of seven (7) months, proof of sterilization must be presented at time of application. Three-year licenses shall be available at a cost of forty-three (\$43.00) dollars for any non-sterilized cat over the age of seven (7) months. Except for the three-year licenses, which shall be renewed every three (3) years, each license shall be renewed annually.
- H. Fees, Renewals, Expiration Date of License: License from another municipality shall be accepted. The person applying for the license and registration tag and/or sleeve shall pay the fee fixed or authorized. The fee for renewal of license and registration tag or sleeve shall be the same as for the original and said license, registration tag or sleeve and renewal thereof shall expire on the 30th day of June in the following year.
- I. Loss of License: If a license tag or sleeve has been misplaced or lost, the licensing authority may issue a duplicate license and/or registration sleeve for the particular cat for a fee of ten (\$10.00) dollars.
- J. Proof of Licensing: Proof of licensing shall be produced by any person owning, keeping, maintaining or harboring a cat, upon the request of any health official, police officer, animal control officer, or other authorized person.
- K. Interfering with Person Performing Duties Under this Ordinance: No person shall hinder, molest, or interfere with anyone authorized or empowered to perform any duty under this Ordinance. The Animal Control Officer shall have the authority to carry out all regulations and is authorized and empowered to impound all unlicensed cats.
- L. Disposition of Fees Collected: License fees and other moneys collected or received under the provisions of this Ordinance shall be forwarded to the treasurer of the Borough of Ridgefield and shall be placed in a special account separate from any of the other accounts of the Borough of Ridgefield and shall be used for the following purposes only: collecting, keeping, and disposing of cats liable to seizure, for local prevention and control of rabies, providing anti-rabies treatment under the direction of the local Board of Health for any person known or suspected to have exposed to rabies, and for administering the provisions of this Ordinance. Any unexpected balance remaining in such special account shall be retained until the end of the third fiscal year following, and may be used for any of the purposes set forth in this section.

At the end of the said third fiscal year following, and at the end of each fiscal year thereafter, there shall be transferred from such special account to the general funds of the Borough of Ridgefield any amount then in such account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.

- M. Enforcement: The Animal Control Officer or other person designated by the council upon receipt of a written complaint to the Health Department by a local resident, that a cat is a public nuisance, as defined herein, seize the cat and keep the same in his/her care and custody for a period of seven (7) full days from the day of apprehension.
- N. Notification to Owner: If any cat apprehended pursuant to the provisions of this article bears any identification of ownership or place of abode, the Animal Control Officer or other duty authorized apprehending official shall, on the day of apprehension, notify the owner or the occupant of said place of abode that the animal has been apprehended and that it may be claimed at a designated location, subject to the provisions of this article. A notice which shall include the complaint under this article may be served either by delivering it to the person or whom it is to be served or by leaving it at the person's usual or last known place of abode or by forwarding it by the post in a prepaid letter addressed to that person at his/her usual or last known place of abode.
- O. Reclaiming Costs: During the aforementioned seven (7) day custodial period, any cat so incarcerated may be claimed by its owner upon payment to the Animal Control Officer or other authorized custodian a minimum fee as set forth in the fee schedule.

#### Section 131A-8: Impoundment.

- A. Seizure. The Animal Control Officer shall take into custody and impound:
  - (1) Any cat running at large in the Borough or off the premises of the owner causing injury to a person or of other domestic animal, or creating a threat to public health, safety or welfare, as deemed by the Health Authority or Animal Control Officer.
  - (2) Any cat believed, by the Animal Control Officer, to be a stray.
- B. Notification. If any cat seized wears a current registration tag or other proper identification marking, the Animal Control Officer shall serve a notice in writing to the owner. The notice shall state that the cat has been seized and will be liable to be placed for adoption or euthanized if not claimed within seven (7) days after the service of the notice.

- C. Placing for adoption or euthanization. When any cat so seized has been detained for seven (7) days after seizure when no notice has been given because of lack of name and address of owner, and if the owner or person keeping or harboring the cat has not claimed the cat and paid all expenses incurred by reason of its detention, the ownership of the cat shall transfer to the agency providing animal control services to the Borough of Ridgefield.
- D. Responsibility of Owner: The owner shall be responsible for all expenses incurred by reason of its detention. Such expenses must be paid to the impoundment facility prior to the release of the cat.
- E. Adoption: If an animal is adopted, at the time of adoption, the right of ownership in the animal shall transfer to the new owner. No cat or other animal so caught and detained or procured, obtained, sent or brought to a pound or shelter shall be sold or otherwise made available for the purpose of experimentation.

#### Section 131A-9: Nuisance.

Any cat causing the destruction or private or public property or injury to a person or other domestic animal, creating a threat to public health, safety or welfare, causing damage to any lawn, shrubbery, flowers, grounds, trees or otherwise interfering with the enjoyment of property shall be declared a nuisance.

#### Section 131A-10: Violations and Penalties.

Except as otherwise provided in this ordinance, any person who violates, or who fails, or refuses to comply with this ordinance, shall be liable to a penalty of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each offense to be recovered by and in the name of the local Board of Health, or by and in the name of the Borough of Ridgefield.

#### SECTION III - Repeals Conflicting Ordinances:

All other Ordinances of the Borough of Ridgefield that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

#### SECTION IV - Severability:

If any part of this Ordinance shall be invalid, such parts shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

SECTION V - Applicability:

This Ordinance shall take effect upon final passage thirty (30) days after the date of first publication in accordance with the law.

Approved:

Attest:

---

Anthony R. Suarez, Mayor

---

Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting May 13, 2013

Presented by Councilman Jimenez

ORDINANCE NO. 2227

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

“AN ORDINANCE AMENDING SECTION 293-2, ENTITLED “OPEN SPACES”, FORMING A PART OF CHAPTER 293, ENTITLED “PARKS”

introduced on the 13<sup>th</sup> day of May, 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 28<sup>th</sup> day of May, 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 May 13, 2013

Presented by Councilman Jimenez

ORDINANCE NO. 2227

“AN ORDINANCE AMENDING SECTION 293-2, ENTITLED “OPEN SPACES”, FORMING  
A PART OF CHAPTER 293, ENTITLED “PARKS”

WHEREAS, the Borough of Ridgefield has previously established an inventory of its open spaces and park facilities; and

WHEREAS, that inventory was incorporated into an ordinance which declared the Slocum Path Area, described as the area “between Shaler Boulevard and Abbott Avenue directly to south of Nature Center” excepting therefrom Block 904, Lot 1, to be a park; and

WHEREAS, the Borough has determined that there is a need for affordable senior citizen rental housing in the Borough; and

WHEREAS, the Borough has determined that part of the Slocum Path area, specifically Block 904, Lot, is not needed as a park area and is better utilized by the Borough for affordable senior citizen rental housing; and

WHEREAS, the Borough is committed to using that part of the area presently designated as the Slocum Path Area to be leased to the Bergen County Housing Authority for purposes of constructing affordable senior rental housing;

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

Section I.

Article 1 of Chapter 293 of the Code of the Borough of Ridgefield, entitled “Parks and Open Spaces”, be and hereby is amended as follows:

1. Section 293-2, of Article 1 of Chapter 293 of the Code of the Borough of Ridgefield, entitled “Open Spaces”, be and hereby is amended from changing the location description of the area identified as Slocum Path Area to read as follows:

Between Shaler Boulevard and Abbott Avenue directly to south of Nature Center, excepting therefrom Block 904, Lot 1.

Section II. In all respects, the terms and conditions of Section 293-2 are ratified and affirmed.

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 May 13, 2013

Presented by Councilman Castelli

ORDINANCE NO. 2228

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

“AN ORDINANCE AMENDING SECTION 190-26, ENTITLED “INSPECTION FEES”,  
FORMING A PART OF CHAPTER 190, ENTITLED “FIRE PREVENTION CODE”

introduced on the 13<sup>th</sup> day of May, 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 28<sup>th</sup> day of May, 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 May 13, 2013

Presented by Councilman Castelli

ORDINANCE NO. 2228

“AN ORDINANCE AMENDING SECTION 190-26, ENTITLED “INSPECTION FEES”,  
FORMING A PART OF CHAPTER 190, ENTITLED “FIRE PREVENTION CODE”

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

Section I.

Section 190-26 of Chapter 190 of the Code of the Borough of Ridgefield, entitled “Inspection Fees”, be deleted in its entirety and replaced with the following:

A. Residential structures:

- (1) One to two dwelling units, non-owner-occupied: \$50.
- (2) Three dwelling units: \$75.
- (3) Four to 10 dwelling units: \$100.
- (4) Eleven to 20 dwelling units: \$125.
- (5) Twenty-one to 30 dwelling units: \$150.
- (6) Thirty-one to 50 dwelling units: \$200.
- (7) Fifty-one and more dwelling units: \$225, plus \$35 for every 10 units above 51.

B. Commercial premises:

- (1) All businesses of Use Group B and S2 of greater than 75,000 square feet: \$800.
- (2) All businesses of Use Group B and S2 which are greater than 50,000 square feet but less than 75,000 square feet: \$700.
- (3) All businesses of Use Group B and S2 which are greater than 25,000 square feet but less than 50,000 square feet: \$600.
- (4) All businesses of Use Group B and S2 which are greater than 12,000 square feet but less than 25,000 square feet: \$500.
- (5) All businesses of Use Groups B, S1, S2, F1, F2, M and I which are greater than 8,000 square feet but less than 12,000 square feet: \$400.
- (6) All businesses of Use Groups B, S1, S2, F1, F2, M and I which are greater than 5,000 square feet but less than 8,000 square feet: \$250.
- (7) All businesses of Use Groups B, S1, S2, F1, F2, M and I which are greater than 2,500 square feet but less than 5,000 square feet: \$125.
- (8) All businesses of Use Groups B, S1, S2, F1, F2, M and I which are 400 square feet but less than 2,500 square feet: \$50.
- (9) All businesses of Use Groups B, S1, S2, F1, F2, M and I which are less than 400 square feet: \$40.

Section II. In all respects, the terms and conditions of Chapter 190 are ratified and affirmed.

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 May 13, 2013

Presented by Councilman Castelli

ORDINANCE NO. 2229

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 1 ENTITLED “REIMBURSEMENT FOR SPILL INCIDENTS” OF CHAPTER 222 OF THE CODE OF THE BOROUGH OF RIDGEFIELD ENTITLED “HAZARDOUS MATERIALS”

introduced on the 13<sup>th</sup> day of May, 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 28<sup>th</sup> day of May, 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 May 13, 2013

Presented by Councilman Castelli

ORDINANCE NO. 2229

“AN ORDINANCE AMENDING ARTICLE 1 ENTITLED “REIMBURSEMENT FOR SPILL INCIDENTS” OF CHAPTER 222 OF THE CODE OF THE BOROUGH OF RIDGEFIELD ENTITLED “HAZARDOUS MATERIALS”

WHEREAS, the Borough of Ridgefield has in place Article 1 of Chapter 222 which requires reimbursement to the Borough for the costs of having Borough personnel and equipment respond to hazardous spills; and

WHEREAS, the reimbursement rates currently provided in the ordinance are insufficient to fully reimburse the Borough for its costs;

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

Section I.

Section 222-4, subpart B, entitled “Vehicle and Personnel Charges”, be and hereby is amended by deleting the existing language of said section and replacing same with the following:

- B. Vehicle and Personnel Charges.
- (1) Use of police vehicles: \$125 per hour per vehicle.
  - (2) Use of police personnel: current rate per hour.
  - (3) Use of fire vehicles: \$125 per hour.
  - (4) Use of ambulance: \$125 per hour.
  - (5) Use of any Borough-paid personnel: current rate per hour.
  - (6) Use of Department of Public Works' vehicles: \$125 per hour.
  - (7) Mitigating service: \$125 flat rate.
  - (8) Use of Fire Department personnel: \$125 per hour.

Section II.

Section 222-6, entitled "Violations and Penalties", be and hereby is amended by deleting the existing language of said section and replacing same with the following:

Section 222-6. Violations and Penalties.

Any person, owner or company responsible for any fire, leak or spill of hazardous material who or which fails to reimburse the Borough of Ridgefield within the time set forth in this Article shall be subject to a fine of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000) per day or by imprisonment for a period of not more than six (6) months, or both.

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 May 13, 2013

Presented by Councilman Jimenez

ORDINANCE NO. 2230

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

“AN ORDINANCE ESTABLISHING A PROCEDURE FOR RECOUPING THE COSTS OF PROVIDING EMERGENCY MEDICAL AND AMBULANCE TRANSPORT SERVICES”

introduced on the 13<sup>th</sup> day of May, 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 28<sup>th</sup> day of May, 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 May 13, 2013

Presented by Councilman Jimenez

ORDINANCE NO. 2230

“AN ORDINANCE ESTABLISHING A PROCEDURE FOR RECOUPING THE COSTS OF PROVIDING EMERGENCY MEDICAL AND AMBULANCE TRANSPORT SERVICES”

WHEREAS, the Borough of Ridgefield presently provides, at the Borough’s sole cost and expense, a system for delivering emergency medical and ambulance transport services by employing paid community service officers and providing for supplies and equipment in connection therewith; and

WHEREAS, those services are now provided free of charge to persons needing emergency medical and ambulance transport services, both within and without the Borough of Ridgefield; and

WHEREAS, surrounding communities have begun to bill insurance carriers for the cost of these emergency medical and ambulance transport services; and

WHEREAS, the Borough of Ridgefield has determined that it must, to the extent it is able, recover the costs of these services so as to be able to continue providing same; and

WHEREAS, the Borough of Ridgefield now wishes, on behalf of its taxpayers, to authorize the collection of the cost for emergency medical and ambulance transport services through the adoption of this Ordinance;

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

Section I.

There is hereby established a new chapter in the Code of the Borough of Ridgefield, to be denominated Chapter 27A, entitled “Emergency Services”, as follows:

Section 27A-1. Recognition of Services Provided.

The Borough hereby recognizes that it provides certain emergency medical and ambulance transport services to persons both within and without the Borough of Ridgefield at great cost and expense to the Borough of Ridgefield.

Section 27A-2. Authorization to Bill.

The Borough hereby determines that it should exercise the power and authority to charge for the emergency medical and ambulance transport services it provides, and to render bills in connection with the delivery of these services, to individuals receiving these services upon the terms and conditions set forth in this Ordinance.

Section 27A-3. Billing for Service.

The Borough hereby establishes the following regulations and provisions in connection with the delivery and billing for emergency medical and ambulance transport services:

a. No person requiring emergency medical services and/or ambulance transport services shall be denied services due to lack of insurance or ability to pay the appropriate charges.

b. The Borough shall obtain all necessary licenses from the New Jersey State Department of Health, or otherwise, and shall apply for a “provider number” from the Federal and State Medicare/Medicaid programs, and otherwise take such steps necessary to allow it to bill for the emergency medical and ambulance transport services.

c. All patients, whether or not a legal domiciliary of the Borough of Ridgefield and/or their financially responsible parties, insurers or carriers, will be billed for emergency medical and ambulance transport services provided by the Borough of Ridgefield according to a fee schedule established by the Mayor and Council of the Borough of Ridgefield. The Borough will bill only for emergency medical and ambulance transport services rendered by its paid CSO officers, and not by its volunteers.

d. A patient who receives emergency medical and ambulance transport services from the Borough of Ridgefield is obligated, at the time of service or as soon as practicable thereafter, to provide the Borough with all pertinent identification, insurance and/or payment information to facilitate the Borough’s billing of third-party payment sources for services rendered. The Borough may, at its option, and shall, where required by law, bill insurers or carriers on a patient’s behalf, accept payment on an assignment basis.

e. All patients who are not legally domiciled in the Borough of Ridgefield shall be liable for any co-payment or deductible amounts not satisfied by public or private insurance, and the Borough shall make reasonable collection efforts for all such balances according to the most current rules or regulations set forth by applicable Health Care Financing Administration Federal policies and regulations. The Borough may bill any applicable co-insurance carriers for such amounts. Exceptions include only those instances where the Borough has knowledge of a particular patient’s indigence or where the Borough has made a determination that the cost of billing and collecting such co-payments or deductibles exceeds or is disproportionate to the amounts to be collected.

f. The Borough shall not bill any individual legally domiciled in the Borough of Ridgefield for any fee, balance, deductible, or co-payments not satisfied by public or private insurance, including Medicare/Medicaid, nor will the Borough bill an individual legally domiciled in the Borough of Ridgefield for emergency medical services provided that individual is not covered by private or public insurance, provided the individual does not have insurance coverage for the charges.

g. The Borough of Ridgefield may, either directly or through any third-party billing agency with which it has contracted for billing and/or collections for emergency medical services, make arrangements with patients and/or their financially responsible party for installment payments of bills or forgive any bill or portion thereof so long as the Borough determines that: 1) the financial condition of the patient requires such an arrangement; and 2) the patient and/or financially responsible party has demonstrated a willingness to make good-faith efforts towards payment of the bill.

h. A patient who has received emergency medical or transport services from the Borough of Ridgefield, including an individual legally domiciled in the Borough, for whom the Borough of Ridgefield has not received payment from a third-party payer on assignment, and who receives payment directly from a third-party payer for emergency medical services rendered by the Borough is obligated to remit such monies to the Borough in the event the Borough has not been paid for services rendered. Patients who do not remit such monies may be held liable for costs of collection in addition to the charges for emergency medical services rendered.

i. The Borough of Ridgefield shall be authorized to enter into contracts with area hospitals that provide advanced life support (ALS) services to patients that are transported by the Borough. This will allow the hospitals to bill for all emergency medical services and if so agreed, timely reimburse the Borough for its transportation costs within forty-five (45) days of receiving payment.

#### Section 27A-4. Procedure for Third Party EMS Billing

a. The Borough of Ridgefield is hereby authorized to enter into a contract with a third-party billing agency for performance of EMS billing and collection services; provided, however, that the following standards for such third-party billing contracts are met:

(1) The third-party billing agency has in place a compliance program conforming to standards set forth in the Office of the Inspector General's Compliance Program Guidance for Third-Party Medical Billing Companies, 63 Federal Register 70138, as amended.

(2) Neither the billing agency nor any of its employees are subject to exclusion from any State or Federal health care program.

(3) The billing agency is bonded and/or insured in amounts satisfactory to the Borough of Ridgefield.

b. A detailed listing of patients who utilized emergency medical services and/or transport provided by the Borough of Ridgefield will be compiled by the Borough. This information will be transmitted to the third-party billing agency. The information will be subject to the confidentiality requirements of applicable law. This information will include, at a minimum, the following:

- (1) Name, address and telephone number of patient.
- (2) Name, address, and claim number of insurance carrier, if applicable.
- (3) Date, time and EMS chart number.
- (4) Point of origin and destination.
- (5) Odometer reading at point of pickup and destination.
- (6) Reason for transport/patient's complaint/current condition.
- (7) Itemization and description of services provided and charges.
- (8) Signature of the patient or authorized decision maker.
- (9) Name of receiving physician.
- (10) Names, titles, and signatures of ambulance personnel, when possible.

c. The third-party billing agency shall obtain the information from the Borough of Ridgefield and will bill the patient and/or their financially responsible parties, insurers or carriers, according to the fee schedule established herein; provided, however, that the third-party billing agency shall not bill any individual legally domiciled in the Borough of Ridgefield for any fee, balance, deductible, or co-payments not satisfied by public or private insurance, including Medicare/Medicaid, nor will the Borough bill an individual legally domiciled in the Borough of Ridgefield for emergency medical services or transport provided if that individual is not covered by private or public insurance.

d. Fees for Emergency Medical Services: The fees for emergency medical services, transport miles per trip and non-transports where aid is provided shall be as follows:

Base Rate for Emergency Ambulance Transport:	\$750.00
Additional Mileage Charge for Emergency Ambulance Transport:	\$14.00
Ambulance Response-Treatment Refused (RMA):	\$250.00
Ambulance Response-Patient Deceased (DOA):	\$750.00

The Borough reserves the right to bill additionally for material, vehicle and personnel costs in the case of a minor or unique accident.

f. The Mayor and Council shall review the fees for services listed in paragraph 4 above, annually, and adjust said fees based on the recommendations of the Chief of Police, or his designee, and the Chief Financial Officer and in accordance with the Federally approved Medicare Fee Schedule.

g. The Borough of Ridgefield may, in its discretion, bill additionally for material, vehicle, and personnel costs in the case of major or unique accidents.

h. The Chief of Police, or his designee, may promulgate rules and regulations pursuant to and not inconsistent with this section, State and Federal law, such as rules and regulations, which rules and regulations shall become effective upon approval by resolution of the Governing Body of the Borough of Ridgefield.

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 May 13, 2013

Presented by Councilman Castelli

RESOLUTION NO. 161-2013

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

STEPHANIE ADDEO

be appointed to the Youth 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 May 13, 2013

Presented by Mayor Suarez

RESOLUTION NO. 162-2013

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

MAYOR ANTHONY SUAREZ  
COUNCILMAN HUGO JIMENEZ  
PETER CAMINITTI

and

one Planning Board member to be designated by the Planning Board Chairman

be appointed to the Redevelopment Committee 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 May 13, 2013

Presented by Councilman Jimenez

RESOLUTION NO. 163-2013

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

WILLIAM KATCHEN CPA

be appointed as COAH Administrator 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 May 13, 2013

Presented by Councilman Jimenez

RESOLUTION NO. 164-2013

WHEREAS, the Borough of Ridgefield has entered into a Cooperative Purchasing Agreement with the State of New Jersey, Division of Purchase and Property; and

WHEREAS, Winner Ford/EAI, was awarded a State Contract Number 82925 for Police Patrol Vehicles for the period October 25, 2012 through October 24, 2013; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-2) contains a bid threshold of \$36,000.00; and

WHEREAS, this threshold may be exceeded by Resolution for municipalities that are members of Cooperative Purchasing Agreements; and

WHEREAS, the Borough of Ridgefield will exceed \$36,000.00 for the purchase of Police Patrol Vehicles in the Calendar Year 2013:

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield that the Chief Financial Officer be authorized to contract for the purchase of Police Patrol Vehicles from Winner Ford/EAI, through the New Jersey State Contract in excess of \$36,000.00 without public bidding.

BE IT FURTHER RESOLVED, that funds for said purchases are certified from the Calendar 2013 Current Fund Budget.

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 May 13, 2013

Presented by Mayor Suarez

RESOLUTION NO. 165-2013

BE IT RESOLVED, by the Council of the Borough of Ridgefield of the County of Bergen and State of New Jersey as follows:

WHEREAS, the State of New Jersey has experienced a series of extreme weather events over the last two years, including but not limited to: Hurricane Irene, the October 2011 snowstorm, Superstorm Sandy and an accompanying Nor'easter;

WHEREAS, the Borough of Ridgefield was impacted by said extreme weather events, including but not limited to: power outages and fallen trees;

WHEREAS, Public Service Electric and Gas Company ("PSE&G") provides the Borough of Ridgefield electric and/or gas service;

WHEREAS, said extreme weather events severely damaged PSE&G infrastructure, including but not limited to: flooded electrical substations due to storm surges, downed power lines and poles due to high winds and fallen trees, and the destruction of gas meters due to contact with water.

WHEREAS, said damages to PSE&G infrastructure contributed to the Borough of Ridgefield's said impacts;

WHEREAS, the New Jersey Board of Public Utilities ("BPU") issued an order on January 23, 2013 directing the State's electric and gas utilities, including PSE&G, to implement certain recommendations in the areas of: "Preparedness efforts", "Communications", "Restoration and response", "Post event", and "Underlying infrastructure issues";

WHEREAS, PSE&G submitted an infrastructure filing on February 20, 2013 entitled "Energy Strong";

WHEREAS, "Energy Strong" proposes an investment of \$3.9B worth of infrastructure projects over a 10-year period to enhance PSE&G's electrical and gas system, including but not limited to: fortifying electrical stations, replacing and modernizing cast iron gas mains, deploying smart grid technologies, improving pole distribution systems, creating more redundancies, undergrounding of electricity lines, and protecting gas metering stations;

WHEREAS, the Borough of Ridgefield would benefit from the proposed investments in the "Energy Strong" filing;

NOW THEREFORE BE IT RESOLVED, that the Borough of Ridgefield formally declares its support for PSE&G's "Energy Strong" program.

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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 May 13, 2013

Presented by Councilman Jimenez

RESOLUTION NO. 166-2013

WHEREAS, there is a need in the Borough of Ridgefield for a Borough Insurance Agent/Risk Manager; and

WHEREAS, the Borough of Ridgefield previously published a Request for Qualifications for the position of Borough Insurance Agent/Risk Manager; and

WHEREAS, a duly constituted evaluation committee recommended that Alamo Insurance Group, Inc. be awarded the professional services contract to serve as the Insurance Agent/Risk Manager for calendar year 2013; and

WHEREAS, Alamo Insurance Group, Inc. was previously appointed Insurance Agent/Risk Manager to the Borough of Ridgefield for calendar year 2013; and

WHEREAS, the Borough now wishes to enter into a professional services agreement with Alamo Insurance Group, Inc. as required by law;

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

1. The Mayor and the Borough Clerk be and hereby are authorized and directed to execute the attached Professional Services Agreement with Alamo Insurance Group, Inc. as required by law.

2. This contract is awarded for the following reasons: There is a need for an Insurance Agent/Risk Manager within the Borough of Ridgefield; the service to be rendered constitutes a professional service as defined by New Jersey law; the Borough did publish a request for qualifications to which the contract recipient responded; and the contract recipient was recommended by the Evaluation Committee of the Mayor and Council to be awarded the professional services agreement as Insurance Agent/Risk Manager.

3. The within contract has been awarded pursuant to a "fair and open process" pursuant to the provisions of *N.J.S.A. 19:44A-20.4, et. seq.*

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

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

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

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

Approved:

Attest:

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

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

CONTRACT FOR PROFESSIONAL SERVICES WITH  
BOROUGH INSURANCE AGENT/RISK MANAGER

THIS IS A CONTRACT for professional services made by and between the Borough of Ridgefield, County of Bergen, State of New Jersey, hereinafter called the "BOROUGH", and Alamo Insurance Group, Inc., 8419 Bergenline Avenue, North Bergen, New Jersey, hereinafter called the "INSURANCE AGENT/RISK MANAGER".

WHEREAS, the Mayor and Council of the Borough of Ridgefield previously appointed Alamo Insurance Group, Inc. for calendar year 2013; and

WHEREAS, pursuant to law, the Mayor and Council have authorized the Mayor and Borough Clerk to enter into an agreement with the INSURANCE AGENT/RISK MANAGER for professional services as Borough Insurance Agent/Risk Manager without competitive bid; and

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

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

1. **ENGAGEMENT:** The BOROUGH hereby engages the INSURANCE AGENT/RISK MANAGER to serve as Borough Insurance Agent/Risk Manager for calendar year 2013, or until her/his successor qualifies. The INSURANCE AGENT/RISK MANAGER hereby accepts such engagement and agrees to provide the services required under this agreement.
2. **SCOPE OF SERVICES:** The INSURANCE AGENT/RISK MANAGER shall perform all appropriate insurance related services for the BOROUGH, including the following:
  - A. Placing all necessary insurance coverage for the BOROUGH.
  - B. Acting, where required, as liaison between the BOROUGH and the individual carriers.
  - C. Assisting in the referral, processing and resolution of all claims by or against the BOROUGH.
  - D. Evaluating coverages and policies and making appropriate recommendations to the BOROUGH.
  - E. Consulting with, and making recommendations to the Mayor and Council on insurance related matters.
  - F. Performing such other insurance related services as may be reasonably required by the Mayor and Council from time to time.
3. **PAYMENT FOR SERVICES:** The BOROUGH and INSURANCE AGENT/RISK MANAGER agree that no direct payment shall be made by the

BOROUGH to the INSURANCE AGENT/RISK MANAGER for services rendered pursuant to this agreement. Rather, the INSURANCE AGENT/ RISK MANAGER shall be compensated under this agreement by earned premiums, paid by the individual carriers, on account of the policies placed on behalf of the BOROUGH.

4. ENGAGING OTHERS: Nothing in this agreement shall prohibit the BOROUGH or the INSURANCE AGENT/RISK MANAGER from engaging special insurance agents or risk managers for specific matters if in the opinion of the Mayor and Council and the INSURANCE AGENT/RISK MANAGER such is necessary.
5. FAIR AND OPEN PROCESS: This contract is awarded pursuant to a fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.5, et. seq.
6. INCORPORATION OF CERTAIN PROVISIONS:
  - A. The parties to this agreement agree to incorporate into same the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Department of the Treasury, pursuant to P.L. 1975, c.127, as amended and supplemented from time to time, and the INSURANCE AGENT/RISK MANAGER agrees to fully comply with the terms, provisions and obligations of said regulation, provided that said subsection shall be applied subject to the terms of subsection 3.4(d) of said regulations.
  - B. The parties to this agreement agree to incorporate into same the mandatory language of section 5.3 of the Regulations promulgated by the Department of the Treasury pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and the INSURANCE AGENT/RISK MANAGER agrees to comply fully with the terms, provisions and obligations of said regulation.
7. RIGHT TO RESCIND: The award of this contract is subject to the BOROUGH'S right to rescind same within thirty (30) days of its issuance should the Mayor and Council determine that the INSURANCE AGENT/RISK MANAGER'S services are not performed satisfactorily in accordance with this contract.
8. COUNTERPARTS: The parties agree that this contract may be signed in separate counterparts, the effect of which will be the same as if one original were signed by both parties.

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

DATE:

BOROUGH OF RIDGEFIELD

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

ATTEST:

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

ALAMO INSURANCE GROUP, INC.

WITNESS:

DATE:

By: \_\_\_\_\_  
Luis Alamo, President

\_\_\_\_\_

\_\_\_\_\_

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting May 13, 2013

Presented by Councilman Castelli

RESOLUTION NO. 167-2013

WHEREAS, there is a need for engineering services at the Borough Hall facility, 604 Broad Avenue, to continue remediation of contamination from former underground fuel storage tanks; and

WHEREAS, Remington, Vernick, & Arango presently serves as the Licensed Site Remediation Professional (LSRP); and

WHEREAS, Remington, Vernick & Arango has presented a proposal dated April 29, 2013 for continuation of the Remedial Investigation of the soil and groundwater and submission of an Interim Remedial Measures Report in an amount not to exceed \$24,550.00; and

WHEREAS, it is in the best interest of the Borough of Ridgefield to accept said proposal for LSRP Environmental Services at 604 Broad Avenue:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the proposal of Remington, Vernick & Arango not to exceed \$24,550.00 for LSRP Continuation of the Remedial Investigation at 604 Broad Avenue is and hereby accepted.

BE IT FURTHER RESOLVED that funds for this proposal are certified by the Chief Financial Officer from the Engineering Services line item of the CY 2013 Budget.

**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 May 13, 2013

Presented by Councilman Jimenez

RESOLUTION NO. 168-2013

WHEREAS, the project known as Banta Place Roadway Improvements was awarded to D & L Paving in the amount of \$176,964.22; and

WHEREAS, certain additional time and materials have resulted in field changes necessary for the efficient completion of this project in the increased amount of \$24,272.00; and

WHEREAS, said changes are prudent as it would be detrimental to the Borough of Ridgefield to halt and rebid the project, causing delays in its completion:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield in the County of Bergen and State of New Jersey that Change Order No. 1 in the amount of Twenty Four Thousand, Two Hundred Seventy two Dollars and no Cents (\$24,272.00) for D & L Paving on the project known as Banta Place Roadway Improvements is and hereby approved, amending the contract to \$201,236.22.00.

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies no funds are required for the purpose of this Change Order from Capital Ordinance number 2219.

BE IT FURTHER RESOLVED that the Borough Attorney is hereby authorized to amend the contract to reflect changes in the project.

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 May 13, 2013

Presented by Councilman Jimenez

RESOLUTION NO. 169-2013

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the calendar year ending December 31, 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52-“A local officer or member of a local governing body who, after a date fixed for compliance fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Ridgefield hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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 May 13, 2013

Presented by Councilman Castelli

RESOLUTION NO. 170-2013

WHEREAS, there is a need in the Borough of Ridgefield for a person or entity to operate the Borough's food concession at the Borough's pool complex; and

WHEREAS, the Borough has proposed, as in past years, to sell the concession to a private party who would be contractually obligated to operate the concession; and

WHEREAS, it was anticipated that the price to be paid to operate the pool concession would be significantly below the bid threshold; and

WHEREAS, the Borough did send out a request for quotations; and

WHEREAS, the Borough's Purchasing Agent opened the responses to the request for quotations on April 26, 2013; and

WHEREAS, responses were received as per the attached Exhibit A; and

WHEREAS, the Borough has reviewed the quotes and has determined that D&V Designs, 602 Elm Avenue, Ridgefield, New Jersey, submitted the highest quote;

WHEREAS, this contract is not awarded pursuant to a fair and open process;

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

1. The operation of the pool concession for calendar years 2013 and 2014 be and hereby is awarded to D&V Designs, 602 Elm Avenue, Ridgefield, New Jersey.
2. Inasmuch as this contract is not awarded pursuant to a fair and open process, the contractor shall submit appropriate proof of his compliance with the provisions of N.J.S.A. 19:44(a)-20 et. seq.
3. The Mayor and Borough Clerk be, and hereby are, authorized and directed to enter into the form of contract attached hereto as Exhibit B.

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
Mayor Suarez				

Approved:

Attest:

---

Anthony R. Suarez, Mayor

---

Linda M. Silvestri,  
Borough Clerk

PAGE 02/12

RIDGEFIELD BOROUGH

04/25/2013 10:14 2019431112

**POOL CONCESSION LICENSE FOR SUMMER 2013 AND 2014  
RFQ DUE APRIL 25, 2013**

	2013	2014 TOTAL		20%Secu
<b>BIDDER</b>				
Samuel Labib 15F Argyle Place North Arlington, NJ 07031 973-865-6159	\$2,500	\$2,500	\$5,000	\$1,000.0
D&V Designs 602 Elm Avenue Ridgefield, NJ 07657 201-304-3872	\$8,550	\$8,550	\$17,100	\$3,420.0
Pete & Mary 186 Mallinson St. Allendale, NJ 07401	did not respond			

CONTRACT

This is a contract made and entered into this            day of May 2013 by and between D&V Designs, maintaining an office at 602 Elm Avenue, Ridgefield, New Jersey (hereinafter referred to as "CONTRACTOR"), and the Borough of Ridgefield, a municipal corporation, organized and existing under the laws of the State of New Jersey, with offices located at 604 Broad Avenue, Borough of Ridgefield, State of New Jersey (hereinafter referred to as "BOROUGH").

**RECITALS**

WHEREAS, the BOROUGH did solicit quotes for persons wishing to purchase the BOROUGH'S concession for food services at the pool complex; and

WHEREAS, it was anticipated that the bid price for the pool concession would be significantly below the bid threshold; and

WHEREAS, the Borough Purchasing Agent opened the responses to the request for quotations on April 26, 2013; and

WHEREAS, the BOROUGH reviewed the quotes submitted and has determined that CONTRACTOR has submitted the highest quote; and

WHEREAS, the BOROUGH and the CONTRACTOR now wish to enter into a contract according to the terms and conditions herein.

NOW, THEREFORE, in consideration of the mutual promises and conditions contained herein, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. SCOPE OF WORK: Except as otherwise provided in this contract, the CONTRACTOR shall provide all labor, tools, equipment and materials to undertake and operate the Borough's snack stand and concession facility, located at the Borough's Municipal Pool Complex, all as more specifically set forth in certain specifications which are attached hereto as Schedule A and form a part of this contract.

2. PAYMENT TO BOROUGH: CONTRACTOR shall pay to the BOROUGH as the fee for the license to operate the snack stand as more specifically set forth in the bid specifications and the bid proposal submitted by CONTRACTOR the sum of \$8,550 for year 2013 and \$8,550 for year 2014, for a total payment of \$17,100 for both years. Payments shall be made by the CONTRACTOR to the BOROUGH as follows: the sum of \$8,550 on or before June 1, 2013; the sum of \$8,500 on or before June 1, 2014. Should CONTRACTOR fail to submit payment within 5 days of a notice from the BOROUGH that its payment is overdue, same will constitute, at the discretion of the BOROUGH, a material default under the contract and constitute grounds for its termination.

3. INSURANCE: The CONTRACTOR shall, before undertaking the performance of the contract obtain, and maintain in full force and effect at all times during the performance of the contract, the following policies of insurance with a reputable company or companies authorized to do business in the State of New Jersey, which policies of insurance and which companies shall be reasonably acceptable to and approved by the BOROUGH:

A. Comprehensive General Public Liability Insurance, including automobile coverage, in an amount not less than \$500,000/\$1,000,000 for personal injuries including accidental property damage. The CONTRACTOR shall cause the insurance carrier to endorse the said policy to

include the BOROUGH as an additional insured and to include indemnification of the BOROUGH as required herein.

B. Public Liability on each vehicle or equipment used or to be used by the CONTRACTOR in the performance of the Contract, which policy shall contain limits of not less than \$500,000/\$1,000,000 for personal injuries including accidental death and property damage coverage in the amount of not less than \$500,000. The CONTRACTOR shall cause the insurance carrier to endorse the said policy to include the BOROUGH as an additional insured and to include indemnification of the BOROUGH as required herein.

C. Standard Workmen's Compensation and Employers' Liability Insurance indemnifying the CONTRACTOR against any loss arising from liabilities or injuries sustained by any and all agents and servants of the CONTRACTOR and as may be required by law. The CONTRACTOR shall cause the insurance carrier to endorse the said policy to include the BOROUGH as an additional insured and to include indemnification of the BOROUGH as required herein.

4. INDEMNIFICATION: The CONTRACTOR shall defend, indemnify, save and hold the BOROUGH harmless from and against any and all claims, demands, actions, damages, losses, costs, fines, penalties, expenses and liability of every kind, name and nature, including all reasonable expenses incurred by the BOROUGH, which may result or arise, directly or indirectly from or by reason of the performance of the contract or from any act or omission by the CONTRACTOR, its agents, servants, employees or Subcontractors and which shall result in any loss of life or property or injury or damage to persons or property, in accordance herewith as well as in accordance with the provision of the Performance Bond.

All policies of insurance shall be written by companies authorized to do business in the State of New Jersey. All policies shall be renewed no later than ten (10) days prior to expiration and evidence of such renewal, whether in the form of Certificates, policies or copies of policies, shall be forthwith submitted to the Borough Clerk, together with proof of payment of premium.

The CONTRACTOR shall pay all social security, unemployment, disability and other taxes required by State or Federal Law and shall furnish proof thereof to the BOROUGH, if and when required.

5. ASSIGNMENT OF CONTRACT: There shall be no assignment or subletting of the contract or any part thereof or of any money due to become due thereon without the consent of the Mayor and Council of the Borough of Ridgefield, expressed by Resolution.

6. BANKRUPTCY OR INSOLVENCY: It is further understood and agreed that should the CONTRACTOR be declared insolvent or bankrupt at any time during the performance of the contract, either by virtue of any State or Federal Laws, that such adjudication shall in no way terminate the liability of the CONTRACTOR under this contract insofar as the liability of the surety company under its bond is concerned; the said surety company shall continue liability to the BOROUGH under the bond furnished as though said CONTRACTOR had not been adjudicated insolvent or bankrupt; and such adjudication of insolvency or bankruptcy may be construed by the BOROUGH as default of the CONTRACTOR.

7. DEFAULT: In the event that the CONTRACTOR shall perform the contract in an unsatisfactory manner, the Mayor and Council may declare CONTRACTOR to be in default of the contract. Such declaration of default, however, shall not be made until CONTRACTOR shall have been given a hearing by the entire Mayor and Council. In the event that a default shall be declared by a majority vote of the Mayor and Council, the Mayor and Council shall have the

option of engaging another person or persons to complete said contract in accordance with the manner prescribed by law. In such event, CONTRACTOR shall be liable to the BOROUGH for the difference between the cost of completing the Contract and the amount payable by the CONTRACTOR for the remaining time it has to perform the contract in accordance with the within specifications.

8. EXTRA WORK: Extra work not contemplated by the contract shall not be performed, nor shall other material be furnished unless on written order of the BOROUGH.

9. CONFORMITY TO LAWS AND ORDINANCES: The work done in the performance of the Contract shall be conducted and managed in all cases in conformity with the laws of the State of New Jersey, the Ordinances of the Borough of Ridgefield and of any other municipality and the lawful regulations of any State or local health authorities having jurisdiction.

CONTRACTOR represents and warrants that it is recognized as being qualified in the performance of the work, supplying of goods and/or services as called for in the specifications above and shall, upon request, furnish evidence that he is prepared to comply with all state, municipal and local laws, conditions, ordinances, regulations and other matters affecting the project.

10. PERFORMANCE GUARANTY: CONTRACTOR has submitted to the BOROUGH, in connection with this contract, a performance guaranty in the form of a check in the amount of \$3,420. The BOROUGH shall deposit said check and shall hold same as a partial guaranty of performance. In the event that the CONTRACTOR breaches the contract and/or defaults thereunder, the BOROUGH may look to the guaranty for partial satisfaction of its damages. In no way shall the guaranty be construed to cap the damages that may be assessed

against the CONTRACTOR. When the contract has been performed in its entirety, the performance guaranty shall be returned, without interest, to the CONTRACTOR.

IN WITNESS WHEREOF the parties have set their hands and seals on the dates indicated next to their respective signatures.

DATE

ATTEST

BOROUGH OF RIDGEFIELD

\_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Linda Silvestri  
Borough Clerk

Mayor Anthony R. Suarez

D&V DESIGNS

\_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

## **SCHEDULE A**

### **SPECIFICATIONS**

#### **PERMITS/LICENSES**

The Contractor, at his own expense, shall obtain all necessary permits and/or licenses from the State of New Jersey and the Borough and any other licenses or permits required and will pay all taxes, fees and other costs of operation.

#### **CODES**

The Contractor shall perform in strict accordance with laws, rules and regulations of the United States, State of New Jersey, County of Bergen and the Borough of Ridgefield.

#### **LICENSE SPECIFICATIONS**

A. The Contractor agrees that the Borough of Ridgefield may terminate the Contract and revoke the said license at any time, when in the judgment of the Borough it is for the best interests of the public and/or the Borough to do so.

All notices to the Contractor may be sent by ordinary mail to the address given in the form of proposal.

B. In the event that this license is so revoked, the fee by the Contractor paid shall be returned to the Contractor, less the portion necessary to defray the reasonable losses and expenses incurred by the Borough, and the Borough shall be the sole judge of the sum of the said losses and expenses. In the event reasonable losses and expenses incurred by the Borough exceed said deposit, then the Contractor shall be liable for the excess together with reasonable costs to collect same including attorneys' fees.

C. The area designated as the Snack Bar is and shall remain in property of the Borough of Ridgefield. It is hereby accepted by the Contractor after inspection of plans and in its present condition subject to the provisions herein stated.

D. The Contractor agrees to make no additions to or alterations in said premises. If such alterations or additions are required, a written request in the form of a letter must be submitted to the Borough stating the specific alterations or additions for the Borough's consideration and approval.

E. The Contractor shall, at his sole cost and expense, maintain and make all ordinary and reasonable repairs required to preserve the refreshment area and all equipment therein to the extent customary in establishments of like nature, but nothing contained in this paragraph shall be construed as obligating the Contractor to repair or replace plumbing and/or electric wiring in

said refreshment area and location unless the damage was caused by the Contractor, his agents or employees. The Contractor shall pay for and take care of all painting and interior decorations.

The Contractor agrees to cooperate fully with the Borough and to occupy and/or remove to additional or substitute locations in time of extensive building alterations or redecorations when provided and directed by said Borough.

F. The Contractor agrees not to erect or use any other structure or signs in the Snack Bar in the Borough of Ridgefield Swimming Pool other than that provided and authorized by the Borough for the specific purpose of serving refreshments.

G. The Contractor agrees that all refreshments shall be sold and consumed only in the area herein specified and described.

H. No hop, ale, mead, beer or intoxicating liquor of any kind shall be kept, stored, dispensed, sold by the Contractor's operators within property of the Borough of Ridgefield Swimming Pool unless approved by the Mayor and Council by a formally adopted Resolution.

I. The Contractor shall, at the request of the Borough, cater all swimming pool affairs at the pool site and the Borough shall have the right to use all facilities as they deem necessary for such affairs.

Any failure of facilities not due to neglect by the Borough, its agents or its employees shall not be cause for holding the Borough liable by the Contractor.

The Borough of Ridgefield is not responsible for any food spoilage due to a power outage or equipment malfunction.

J. In addition to the equipment furnished by the Borough, the Contractor shall furnish any and all other equipment and accessories required necessary for the proper operation of the refreshments.

K. The Contractor agrees to maintain said Snack Bar in a clean and sanitary condition, in accordance with the State and local Board of Health regulations and the approval of the Borough at the Contractor's expense and without cost to the Borough. In the event the Contractor fails to satisfactorily maintain the area above in a clean and sanitary condition, the Borough shall have the right to dispatch its own staff to perform said work and back charge the Contractor for all reasonable expenses so incurred.

L. The Contractor agrees to maintain and operate the Snack Bar every day of the season that the pool facilities are open to the public, from opening time to closing time, unless otherwise approved or directed by the Borough, or unless the pool complex is closed by the manager, whose decision shall be binding on the Contractor. The anticipated schedule for pool season open dates are as follows:

**2013**

Memorial Day Weekend, May 25-May 27, 2013     11:00 a.m. to 7:00 p.m.

Pre-Season May 25-June 23, 2013  
Weekends 11:00 a.m. to 7:00 p.m.

Regular Season June 24-August 18, 2013  
Monday-Friday 12:00 noon to 8:00 p.m.  
Saturday and Sunday 11:00 a.m. to 8:00 p.m.

Post-Season August 19-September 2, 2013  
Monday-Friday 12:00 noon to 8:00 p.m.  
Saturday and Sunday 11:00 a.m.-7:00 p.m.

**2014**

Memorial Day Weekend, May 24-May 26, 2014     11:00 a.m. to 7:00 p.m.

Pre-Season May 24-June 22, 2014  
Weekends 11:00 a.m. to 7:00 p.m.

Regular Season June 23-August 17, 2014  
Monday-Friday 12:00 noon to 8:00 p.m.  
Saturday and Sunday 11:00 a.m. to 8:00 p.m.

Post-Season August 18-September 1, 2014  
Monday-Friday 12:00 noon to 8:00 p.m.  
Saturday and Sunday 11:00 a.m.-7:00 p.m.

M.     The Contractor agrees to furnish the Borough with a written list of all foods and articles it proposes to sell at the said concession. This list shall state the selling price and sizes, weight or other valid description proposed for each article of food stuff and shall be subject to the prior and reasonable approval of said Borough. All charges and articles are subject to the approval of the Mayor and Council to be exercised in a reasonable manner.

N.     The Contractor agrees to post, in the Snack Bar and in a conspicuous place where it may be easily seen and ready by the public, an approved list of all articles sold therein with the price of each and every article.

O.     The Contractor agrees not to assign or sublet this license unless approved by the Mayor and Council, in writing.

P.     The Contractor agrees that any person employed in the Snack Bar who in the judgment of the Borough is incompetent, disorderly, discourteous, or otherwise objectionable,

shall, upon receipt by the Contractor of written notice from the Borough, be immediately dismissed and no longer be permitted upon the premises.

Q. The Contractor agrees that an authorized representative of the Borough shall have the right and permission to enter the concession area at any reasonable time for the purpose of inspection for making reports or any other lawful purpose.

R. The license offered by the Specification shall be in full force for the 2011 pool season, unless previously terminated by the Borough of Ridgefield.

S. The continued violation, after ten (10) days notice thereof from the Borough, of any of the terms and stipulations of this license, may cause the full amount of the rental to become due and cause a revocation and forfeiture of all rights and privileges therein granted to the Contractor, in which even all sums paid shall become the property of the Borough as liquidated damages for such breaches. The Borough shall have a lien upon all property kept, used or situated upon the premises of said Borough of Ridgefield Swimming Pool, whether such property be exempt or not, for any monies due the said Borough and any damages sustained by the breach of any of the provisions of this license by the Contractor. The Borough shall have the right to distain such property without process of law and appropriate said property to the use of the Borough to satisfy all claims arising from the breach of any of the provisions of this license by the Contractor. None of the equipment on the premises may be removed without the prior written permission of the Borough.

T. The Contractor agrees that within ten (10) days of the expiration of the terms of the license, or whenever the license is revoked, to remove its property there from or the authorized representative of the Borough shall have the right to take possession of the concession area at the expense of the Contractor, using such means and force as may be necessary, and that such action may be taken with or without process of law inasmuch as the Contractor hereby expressly waives all claims to notice and process of law; and further, that all equipment and other appurtenances within the concession area become the property of the Borough.

U. The Contractor hereby agrees to pay and discharge all reasonable costs, attorney's fees and expenses arising from the enforcing of the provisions of this license which may be insured by the Borough.

V. The within mentioned concession area is further described and located as follows:

Existing Snack Bar  
Ridgefield Municipal Pool Complex  
Northwest of the intersection of Banta Place  
Walnut Street, Ridgefield, New Jersey

W. The Contractor shall not operate any vending machines. The Borough may, at its discretion, operate any vending or amusement machines as long as they do not interfere with the products being sold by the Contractor. These decisions shall be solely at the discretion of the Borough.

X. The term of the license shall be for seasonal periods for two (2) years. See the paragraph entitled "License Specifications" Letter L for dates of operation.

Y. The Contractor hereby agrees to be open from 11:00 a.m. to 7:00 p.m. whenever the pool is scheduled to be open a full day. The Contractor may open earlier and stay open later if it so desires. The Contractor may open if it so desires on days the pool is open but was not scheduled to be open. The Snack Bar will remain closed for a maximum of four (4) home swim metes.

Z. The Snack Bar area is to include the cooking and service area, deck area, and that area immediately underneath and adjacent to the deck.

AA. Contractor shall maintain the area in a reasonable degree of cleanliness and shall keep all garage properly bagged.

BB. The Contractor shall be held responsible for the quality of the food and the refreshments, materials and operations at all time. The equipment hereinafter listed is owned by the Borough and is furnished by it for use by the Contractor. The Contractor, at the termination of the Contract, or its renewal if any, shall return all said equipment to the Borough in the same condition as received, reasonable wear and use excepted and shall replace any lost, damaged or misplaced equipment.

CC. Equipment – Snack Bar. Items forming an integral part of the Snack Bar and to be returned to the Borough at the end of the year in good working order without damage or loss or misuse, other than normal wear and tear, are as follows:

1. Deep Fryer
2. Grill – Gas
3. Refrigerator
4. Soda Dispenser
5. Ice Maker
6. Fire extinguishers (one large range guard, one small)
7. Beverage air freezer
8. Miscellaneous utensils

DD. If the bid submitted does not meet the above specifications, Contractor must attach an addendum to the bid form indicating specifically in what respects the bid does not meet the specifications. This provision shall not be deemed to permit a Contractor to deviate from these specifications.

END OF SPECIFICATIONS

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting May 13, 2013

Presented by Councilman Jimenez

RESOLUTION NO. 171-2013

WHEREAS, the Borough of Ridgefield previously adopted Ordinance No. 2223 authorizing the lease of Lot 1, Block 904 to the Housing Authority of Bergen County for nominal consideration; and

WHEREAS, the Borough and the Housing Authority have now negotiated a form of lease; and

WHEREAS, in order to move this project forward, the Borough now wishes to approve and execute a formal lease agreement with the Housing Authority;

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

1. The lease between the Borough of Ridgefield and Housing Authority of Bergen County, as well as approval of the sublease between the Housing Authority and Ridgefield Senior Housing, LLC be and hereby are approved.

2. The Mayor and the Borough Clerk be and hereby are authorized and directed to execute on behalf of the Borough of Ridgefield the lease and a consent to sublease in the forms annexed hereto.

**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 May 13, 2013

Presented by Councilman Castelli

RESOLUTION NO. 172-2013

WHEREAS, the Borough of Ridgefield wishes to provide its annual July 4<sup>th</sup> fireworks display on July 3, 2013; and

WHEREAS, the Borough has received a proposal from Serpico Pyrotechnics, LLC of 133 Orchid Court, Toms River, New Jersey; and

WHEREAS, the Borough Attorney has reviewed and approved the form of contract; and

WHEREAS, the amount of the contract is well below the bid threshold; and

WHEREAS, the Borough wishes to award said contract in the form as annexed hereto;  
and

WHEREAS, this contract is not awarded pursuant to the fair and open process;

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

1. The Borough engages Serpico Pyrotechnics, LLC to perform the Borough's July 4<sup>th</sup> fireworks display to be held on July 3, 2013.
2. The contract is below the bid threshold and accordingly is not awarded through a bidding process.
3. Inasmuch as this contract is not awarded pursuant to a fair and open process, the contractor shall submit appropriate proof of his compliance with the provisions of N.J.S.A. 19:44(a)-20 et. seq.
4. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached form of contract subject to certification of the availability of funds, and compliance by the vendor with all applicable pay to play legislation.

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Severino				
Acosta				
Jimenez				
Penabad				
Shim				
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.

---

Joseph Luppino,  
Chief Financial Officer

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting May 13, 2013

Presented by Councilman Jimenez

RESOLUTION NO. 173-2013

BE IT RESOLVED, that warrants totaling \$1,616,366.76  
be drawn on the following accounts:

CURRENT	\$1,474,563.59
TRUST	\$32,101.37
CAPITAL	\$105,022.78
POOL	\$2,908.46
SWIM POOL CAPITAL	\$1,770.56
TOTAL	\$1,616,366.76

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