

The public is invited to participate in the work session meeting at 6:00 pm and the public session meeting at 7:30 pm by calling 1-862-799-9892. No access code is required.

BOROUGH OF RIDGEFIELD

A G E N D A

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

Date: May 26, 2020

Open Public Meetings Statement by Mayor Suarez

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

- Borough Programs Going Forward

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

Invocation

Citizens Comment on Agenda:

Correspondence:

ROLL CALL-WORK SESSION

	PRESENT	ABSENT
Mayor Suarez		
Castelli		
Penabad		
Shim		
Jimenez		
Kontolios		
Larkin		

ROLL CALL-EXEC. SESSION

	PRESENT	ABSENT
Mayor Suarez		
Castelli		
Penabad		
Shim		
Jimenez		
Kontolios		
Larkin		

ROLL CALL-PUBLIC SESSION

	PRESENT	ABSENT
Mayor Suarez		
Castelli		
Penabad		
Shim		
Jimenez		
Kontolios		
Larkin		

As advertised, hearing will be held on Ordinance No. 2386 entitled, “AN ORDINANCE AMENDING ARTICLE XVI, PLANNING BOARD, PART 2 OF CHAPTER 390, ZONING, DEVELOPMENT AND CONSTRUCTION, OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

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

Public Hearing

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

Final Reading of Ordinance

Roll Call

CONSENT AGENDA:

All items listed are considered to be routine and non-controversial by the Borough Council and will be approved by one motion. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item(s) will be removed from the Consent Agenda and considered in its normal sequence on the agenda. The one motion signifies the adoption of all resolutions and approval of applications and minutes.

144-2020	Councilman Kontolios	Rights of Way Agreement-Cross River Fiber
145-2020	Councilman Jimenez	Settlement Stipulation-676 Shaler Boulevard
146-2020	Councilman Jimenez	Settlement Stipulation-600 Prospect Avenue
147-2020	Councilman Jimenez	Authorize Issuance of Tax Anticipation Notes
148-2020	Councilman Castelli	Maser Professional Engineering Services-
Additional		Design Services Proposed Municipal Building

COUNCIL VOTE

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

RESOLUTIONS:

149-2020	Councilman Jimenez	Warrants
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COMMENTS BY MAYOR:

COMMENTS BY COUNCIL:

COMMENTS BY ADMINISTRATOR:

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

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

Respectfully submitted,

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting May 26, 2020

Presented by Councilman Jimenez

ORDINANCE NO. 2386

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 XVI, PLANNING BOARD, PART 2 OF
CHAPTER 390, ZONING, DEVELOPMENT AND CONSTRUCTION, OF THE CODE OF
THE BOROUGH OF RIDGEFIELD”

introduced on the 27th day of April, 2020, do now pass a final reading and be adopted, and that the Borough Clerk be and she is authorized and directed to publish once, the aforesaid title, together with a notice of the date of its passage on final reading and approval thereof in The Record, a newspaper circulating in the Borough of Ridgefield.

COUNCIL VOTE

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting April 27, 2020

Presented by Councilman Jimenez

ORDINANCE NO. 2386

“AN ORDINANCE AMENDING ARTICLE XVI, PLANNING BOARD, PART 2 OF
CHAPTER 390, ZONING, DEVELOPMENT AND CONSTRUCTION, OF THE CODE OF
THE BOROUGH OF RIDGEFIELD”

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

Section I:

Article XVI, Planning Board, Part 2 of Chapter 390 entitled Zoning, Development and Construction of the Code of the Borough of Ridgefield, be and hereby is amended by adding to the existing provisions of said Article a new Section 390-67 to be entitled “Appeal to Governing Body” as follows:

§390-67 Appeal to Governing Body

A. Any interested party may appeal to the governing body any final decision of the Planning Board, acting in its Board of Adjustment capacity, approving an application for development pursuant to subsection d of N.J.S.A. 40:55D-70. Such appeal shall be made within 10 days of the date of publication of such final decision pursuant to subsection i of N.J.S.A. 40:55D-10. The appeal to the governing body shall be made by serving the municipal clerk in person or by certified mail with a notice of appeal, specifying the grounds thereof and the name and address of the appellant and name and address of his attorney, if represented. Such appeal shall be decided by the governing body only upon the record established before the Planning Board.

B. Notice of the meeting to review the record below shall be given by the governing body by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to subsection h of N.J.S.A. 40:55D-10 and to the Planning Board from which the appeal is taken, at least 10 days prior to the date of the meeting. The parties may submit oral and written argument on the record at such meeting, and the governing body shall provide for verbatim recording and transcripts of such meeting pursuant to subsection f of N.J.S.A. 40:55D-10.

C. The appellant shall, (1) within five days of service of the notice of the appeal pursuant to subsection A hereof, arrange for a transcript pursuant to subsection f of N.J.S.A. 40:55D-10 for use by the governing body and pay a deposit of \$50.00 or the

estimated cost of such transcript, whichever is less, or (2) within 35 days of service of the notice of appeal, submit a transcript as otherwise arranged to the municipal clerk; otherwise, the appeal may be dismissed for failure to prosecute. The governing body shall conclude a review of the record below not later than 95 days from the date of publication of notice of the decision below pursuant to subsection i of N.J.S.A. 40:55D-10, unless the applicant consents in writing to an extension of such period. Failure of the governing body to hold a hearing and conclude a review of the record below and to render a decision within such specified period shall constitute a decision affirming the action of the board.

D. The governing body may reverse, remand, or affirm, with or without the imposition of conditions, the final decision of the Planning Board approving a variance pursuant to subsection d of N.J.S.A. 40:55D-70. The review shall be made on the record made before the Planning Board.

E. The affirmative vote of a majority of the full authorized membership of the governing body shall be necessary to reverse or remand to the Planning Board or to impose conditions on or alter conditions to any final action of the Planning Board. Otherwise the final action of the Planning Board shall be deemed to be affirmed; a tie vote of the governing body shall constitute affirmance of the decision of Planning Board.

F. An appeal to the governing body shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the board from whose action the appeal is taken certifies to the governing body, after the notice of appeal shall have been filed with such board, that by reason of facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court on application upon notice to the board from whom the appeal is taken and on good cause shown.

G. The governing body shall mail a copy of the decision to the appellant or, if represented, then to his attorney, without separate charge, and for a reasonable charge to any interested party who has requested it, not later than 10 days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality. Such publication shall be arranged by the applicant unless a particular municipal officer is so designed by ordinance; provided that nothing contained herein shall be construed as preventing the applicant from arranging such publication if he so desires. The governing body may make a reasonable charge for its publication. The period of time in which an appeal to a court of competent jurisdiction may be made shall run from the first publication, whether arranged by the municipality or the applicant.

H. Nothing in this act shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction, according to law.

Section II:

The Borough Clerk shall forward a copy of this Ordinance to the Bergen County Planning Board following its adoption.

Section III

This ordinance shall take effect upon final publication according to law.

Section IV:

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

Section V.

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.

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting May 26, 2020

Presented by Councilman Kontolios

RESOLUTION NO. 144-2020

WHEREAS, Cross River Fiber, LLC, (hereinafter "Cross River Fiber"), has been approved by the New Jersey Board of Public Utilities to provide local exchange and interchange telecommunication services throughout the State of New Jersey; and

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

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

WHEREAS, the Borough previously granted Cross River Fiber a rights of way license agreement in December 2015; and

WHEREAS, Cross River Fiber has requested that the routes on that agreement be expanded; and

WHEREAS, the Borough Engineer has reviewed and approved the new routes, provided that these constitute aerial installations; and

WHEREAS, the Borough Attorney has negotiated the terms of a new rights of way license agreement, which will expand the routes; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the rights of way license agreement attached hereto be and hereby is approved, and the Mayor and Borough Clerk be and hereby are authorized and directed to execute same on behalf of the Borough.

COUNCIL VOTE

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting May 26, 2020

Presented by Councilman Jimenez

RESOLUTION NO. 145-2020

WHEREAS, the Tax Court of New Jersey has approved the settlement stipulation for an adjusted assessment on Block 907 Lot 1; also known as 676 Shaler Boulevard for the tax year 2018.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that Spiotti & Esposito, P.C. - Attorney Trust Account representing Dekk Realty, LLC. be issued a refund in the amount of \$2,020.61 for the year 2018.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a check in the total amount of \$2,021.61 from Account 01-2010-30-4262-001 made payable to Spiotti & Esposito, P.C. and mailed to 271 U.S. Highway 46, Suite F105-106, Fairfield, New Jersey 07004-2471.

COUNCIL VOTE

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting May 26, 2020

Presented by Councilman Jimenez

RESOLUTION NO. 146-2020

WHEREAS, the Tax Court of New Jersey has approved the settlement stipulation for an adjusted assessment on Block 1502 Lot 8; also known as 600 Prospect Avenue for the tax year 2017.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that Spiotti & Esposito, P.C. - Attorney Trust Account representing Magriples, George E. & Denise V., be issued a refund in the amount of \$836.64 for the year 2017.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a check in the total amount of \$836.64 from Account 01-2010-30-4262-001 made payable to Spiotti & Esposito, P.C. and mailed to 271 U.S. Highway 46, Suite F105-106, Fairfield, New Jersey 07004-2471.

COUNCIL VOTE

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting May 26, 2020

Presented by Councilman Jimenez

RESOLUTION NO. 147-2020

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$14,335,369 TAX
ANTICIPATION NOTES OF 2020 OF THE BOROUGH OF RIDGEFIELD, IN THE
COUNTY OF BERGEN, STATE OF NEW JERSEY

BE IT RESOLVED, by the Borough Council of the Borough of Ridgefield (the "Borough"),
in the County of Bergen, State of New Jersey, as follows:

Section 1: It is hereby determined and declared that the Chief Financial Officer made and
filed in the office of the Borough Clerk a certificate pursuant to the provisions of Section 66 of the
Local Budget Law, N.J.S.A. 40A:4-1 etseq., certifying as follows:

- (A) The gross borrowing power of the Borough in respect to tax anticipation notes
of the fiscal year beginning January 1, 2020, being thirty percent (30%) of the
tax levy for all purposes of the next preceding fiscal year, which ended
December 31, 2019, for all purposes, plus thirty percent (30%) of the amount of
miscellaneous revenues realized in cash during such next preceding fiscal year,
is \$14,335,369.43.
- (B) There are no notes of the Borough outstanding in anticipation of the collection
of taxes of such fiscal year beginning January 1, 2020.
- (C) The net borrowing power of the Borough is \$14,335,369.43.

Section 2: Pursuant to the Local Budget Law, the Borough shall borrow not to exceed
\$14,335,369 in anticipation of the collection of taxes levied in and for the fiscal year beginning
January 1, 2020, and in anticipation of other revenues for such fiscal year.

Section 3: The notes issued pursuant to this Resolution shall be negotiable notes issued in
registered form or payable to bearer, shall be issued in an aggregate principal amount not to exceed
\$14,335,369 (with the final principal amount of each note to be determined by the Chief Financial
Officer and may be issued in more than one series) and shall bear interest at a rate per annum as
may be hereafter determined within the limitations prescribed by law, and shall be payable at
maturity, all as shall be determined by the Chief Financial Officer of the Borough in accordance
with the provisions of Section Five (5) below. Any instrument issued pursuant to this resolution
shall be a general obligation of the Borough, and the full faith and credit of the Borough are hereby
pledged to the punctual payment of the principal of and interest on the obligations.

Section 4: The Chief Financial Officer is hereby designated as the financial officer to sign said notes, and the Mayor and the Chief Financial Officer are hereby authorized and directed to execute said notes, and the Borough Clerk is hereby authorized and directed to affix the seal of said Borough to each of such notes and to attest such seal and said notes, and said officers, notwithstanding any resolution theretofore adopted by the Borough Council, are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.

Section 5: The power to determine any matter with respect to said notes not determined by this Resolution and also the power to sell said notes from time to time as funds are granted is hereby granted to the Chief Financial Officer of the Borough, who is authorized to sell said notes at not less than par and accrued interest and to deliver said notes upon receiving the purchase price to be paid therefor. After the sale of the notes, the Chief Financial Officer shall make a report of such sale to the Borough Council pursuant to N.J.S.A. 40A:4-72.

Section 6: All sums borrowed by the issuance of said notes shall be applied only to purposes provided for in either (a) the budget adopted for the fiscal year beginning January 1, 2020, or (b) the purposes for which taxes are levied or are to be levied for such fiscal year.

Section 7: Said notes may be renewed from time to time but such notes and any renewals thereof shall mature not later than April 30, 2021.

Section 8. The Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The Borough covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended, necessary to maintain the exclusion from interest of the notes for Federal income tax purposes.

Section 10. This resolution shall take effect immediately.

COUNCIL VOTE

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting May 26, 2020

Presented by Councilman Castelli

RESOLUTION NO. 148-2020

WHEREAS, there is a need for Civil Engineering Services for professional engineering design services for a proposed municipal complex within the Borough of Ridgefield; and

WHEREAS, Maser Consulting P.A., 400 Valley Road, Suite 304, Mount Arlington, NJ 07856 was awarded the contract as Borough Engineer Resolution 6-2020; and

WHEREAS, Maser Consulting has submitted a proposal dated May 22, 2020 for additional design Civil Engineering Services at a lump sum cost not to exceed \$27,375.00; and

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 Professional Services Agreement with Maser Consulting P.A. as required by law.
2. 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.*
3. A notice of this action shall be printed in *The Record* and/or www.ridgefieldnj.gov.

BE IT FURTHER RESOLVED, that funding is available in account number 04-2150-55-2353 in an amount not to exceed \$27,375.00 as certified by the Chief Financial Officer; and that a duly executed copy of this resolution will be filed in the Office of the Borough Clerk.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Silvestri,
Borough Clerk

COUNCIL VOTE

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

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

Francis J. Elenio,
Chief Financial Officer

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting May 26, 2020

Presented by Councilman Jimenez

RESOLUTION NO. 149-2020

BE IT RESOLVED, that warrants totaling **\$2,302,324.27**
be drawn on the following accounts:

CURRENT	\$2,195,206.22
TRUST	\$17,434.88
CAPITAL	\$89,048.43
POOL	\$634.74
TOTAL	\$2,302,324.27

COUNCIL VOTE

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk