

BOROUGH OF RIDGEFIELD

A G E N D A

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

Date: November 23, 2009

Open Public Meetings Statement by Mayor Suarez

Work Session: 5:30 P.M. C.T.O.:

- C. Jenne-Discuss Change Order/Payment-Sewer Project for possible action
- Discussion on CSO Third Party Billing

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: Reverend Donald Sheehan, St. Matthews Roman Catholic Church

Citizens Comment on Agenda:

Correspondence:

ROLL CALL-WORK SESSION

	PRESENT	ABSENT
Mayor Suarez		
Lonziserio		
Todd		
Vincenz		
Severino		
Castelli		
Acosta		

ROLL CALL-EXEC. SESSION

	PRESENT	ABSENT
Mayor Suarez		
Lonziserio		
Todd		
Vincenz		
Severino		
Castelli		
Acosta		

ROLL CALL-PUBLIC SESSION

	PRESENT	ABSENT
Mayor Suarez		
Lonziserio		
Todd		
Vincenz		
Severino		
Castelli		
Acosta		

As advertised, hearing will be held on Ordinance No. 2115 entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 375 “VEHICLES AND TRAFFIC” ARTICLE IV “SHALER AND BANTA PARKING PLACES” SECTION 375-17 “MARKED SPACES” TO CREATE SPACES DESIGNATED FOR THE BUILDING DEPARTMENT”

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

Public Hearing

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

Roll Call

As advertised, hearing will be held on Ordinance No. 2116 entitled, "BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW COMBINATION PUMPER/LADDER FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF RIDGEFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$810,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS"

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

Roll Call

PROPOSED CONSENT AGENDA:

	Motion:	Second:
403-2009	Councilman Vincentz	Amend Contact Amount for Kauker and Kauker-COAH Round Three Substantive Certification
404-2009	Councilman Vincentz	Authorize Mayor to Sign Developer's Agreement-339 Broad Ave LLC
405-2009	Councilman Todd	Authorize License/Right of Entry Agreement with Property Owners for Tree Planting
406-2009	Councilman Vincentz	Authorize Councilman Lonzisero to Sign Professional Services Agreement with Michael Kingman, Esq.
407-2009	Councilman Vincentz	Authorize Councilman Lonzisero to Sign Resolution No. 400-2009
408-2009	Councilman Vincentz	Authorize Councilman Severino to Sign Resolution Nos. 393-2009, 394-2009, 395-2009, and 396-2009
409-2009	Councilman Vincentz	Return Balance of Escrow Monies
410-2009	Councilman Vincentz	Stipulation of Settlement-Block 2501, Lot 7

411-2009	Councilman Vincentz	Qual C0003 and C0004 Stipulation of Settlement-Block 2501, Lot 7 Qual C0001
412-2009	Councilman Vincentz	Stipulation of Settlement-Block 2501, Lot 7 Qual C0002
413-2009	Councilman Vincentz	Stipulation of Settlement-Block 2801, Lot 6
414-2009	Councilman Vincentz	Stipulation of Settlement-Block 3002, Lots 1, 2, 3, and 9

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonziserio				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

RESOLUTIONS:

415-2009	Councilman Vincentz	Emergency Temporary Appropriation
416-2009	Councilman Vincentz	Warrants

COMMENTS BY MAYOR:

Special Permit for Social Affair:

Sts. Vartanantz Armenian Church
461 Bergen Boulevard
Saturday, December 5, 2009 – 8:00 p.m. – 1:00 a.m.

Sts. Vartanantz Armenian Church
461 Bergen Boulevard
Thursday, December 31, 2009 – 8:00 p.m. – 1:00 a.m.

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,

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Mayor Anthony R. 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
Lonziserio				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
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

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Lonzisero

ORDINANCE NO. 2115

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

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 375 “VEHICLES AND TRAFFIC” ARTICLE IV “SHALER AND BANTA PARKING PLACES” SECTION 375-17 “MARKED SPACES” TO CREATE SPACES DESIGNATED FOR THE BUILDING DEPARTMENT”

introduced on the 9th day of November, 2009 do now pass a final reading and be adopted, and that the Borough Clerk be and he 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
Lonzisero				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 9, 2009

Presented by Councilman Lonzisero

ORDINANCE NO. 2115

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 375 “VEHICLES AND TRAFFIC” ARTICLE IV “SHALER AND BANTA PARKING PLACES” SECTION 375-17 “MARKED SPACES” TO CREATE SPACES DESIGNATED FOR THE BUILDING DEPARTMENT”

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Ridgefield, County of Bergen, State of New Jersey, being the governing body thereof, that Chapter 375 “Vehicles and Traffic”, Article IV “Shaler and Banta Parking Places” Section 375-17 “Marked Spaces” of the Code of the Borough of Ridgefield be and is hereby amended and supplemented as follows:

§ 375-17 Marked spaces.

A. No person shall park a vehicle in the parking place maintained by the Borough of Ridgefield at the Borough-owned property located at the northeasterly corner of Shaler Boulevard and Banta Place at any place other than in the spaces marked by appropriate lines on the pavement and shall keep all wheels of said vehicle within the area outlined by said lines.

B. There shall be three (3) parking spaces in the Shaler Boulevard and Banta Place Municipal Parking Lot that are designated for use by persons conducting business at the Building Department. These spaces shall be marked by a sign and will indicate that parking in those spaces shall be for one (1) hour only, during the hours of 8:00 a.m. to 3:00 p.m. and shall reference this Section. Any person or persons violating this provision shall, upon conviction thereof, be subject to a fine of \$28.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Approved:

Anthony R. Suarez, Mayor

Attest:

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Vincentz

ORDINANCE NO. 2116

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

“BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW COMBINATION PUMPER/LADDER FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF RIDGEFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$810,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS”

introduced on the 9th day of November, 2009 do now pass a final reading and be adopted, and that the Borough Clerk be and he 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
Lonzisero				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 9, 2009

Presented by Councilman Vincentz

ORDINANCE NO. 2116

“BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW COMBINATION PUMPER/LADDER FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF RIDGEFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$810,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS”

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

Section 1. The Borough of Ridgefield, in the County of Bergen, State of New Jersey (the "Borough"), is hereby authorized to acquire a new combination pumper/ladder fire engine, including original apparatus and equipment, in, by and for the Borough. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$810,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of the Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of the Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$810,000, and (4) \$40,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$770,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$15,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$40,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Borough, are now available to finance said purpose. The sum of \$40,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of the Borough of an aggregate principal amount not exceeding \$770,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Borough of an aggregate principal amount not exceeding \$770,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Chief Financial Officer, who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of the Borough, and that such statement so filed shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$770,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or

any of its agencies in aid of such purpose shall be applied to the payment of the cost of such purpose or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue bonds or notes to finance the cost of the improvement described in Section 1 of this ordinance. If the Borough incurs such costs prior to the issuance of such bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Vincentz

RESOLUTION NO. 403-2009

WHEREAS, Kauker and Kauker, LLC was retained by the Mayor and Council on July 14, 2008 (Resolution 294-2008) to prepare the Housing Element and Fair Share Plan at a cost not to exceed \$25,000.00 for the Borough to achieve Round Three Substantive Certification from the Council on Affordable Housing (COAH); and

WHEREAS, the Housing Element and Fair Share Plan was submitted in a timely manner under budget to COAH in accordance with Sections 5:97-2.3 and 5:97-3.2 of the Regulations; and

WHEREAS, additional funds have been expended responding to COAH's ongoing requests regarding the revised Round Three Substantive Certification resulting in a need for an additional \$10,000.00; and

WHEREAS, the Mayor and Council deems it in the best interests of the Borough of Ridgefield to allocate an additional \$10,000.00 to continue pursuing revised Round Three COAH Substantive Certification:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield that the Borough Attorney is and hereby authorized to amend the July 14, 2008 contract between the Borough and Kauker and Kauker, LLC, for COAH Round Three Substantive Certification to reflect a maximum increase of \$10,000 from \$25,000 to \$35,000.

BE IT FURTHER RESOLVED, that funds for this contract are certified from The New Jersey Meadowlands Commission Fair Housing Assistance Grant.

Approved:

Anthony R. Suarez, Mayor

Attest:

Martin A. Gobbo,
Borough Clerk

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonzisero				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Vincentz

RESOLUTION NO. 404-2009

WHEREAS, the Board of Adjustment of the Borough of Ridgefield granted site plan approval with bulk and height variances for the development of property known and designated as Lots 12 and 13 in Block 3805 on the current Tax and Assessment Map of the Borough of Ridgefield, as memorialized in a Resolution of Approval on January 22, 2009 and subsequently amended on November 16, 2009; and

WHEREAS, the Developer is constructing an office building in accordance with the site plan approval and variances granted by the Board, whereby the Developer is going to construct an office building consisting of two levels of parking below three levels of offices as depicted on the site plan drawings and which premises are located in the 'D' Zone Office Commercial District in which the use would be permitted; and

WHEREAS, the work will be in accordance with the conditions of approval of the Board of Adjustment; and

WHEREAS, the development application has been approved by the Borough Engineer who has estimated the amounts of the performance guarantees to post; and

WHEREAS, it is acknowledged that the execution of a Developer's Agreement between the Developer and the Borough was made a prerequisite to the commencement of any work within the development.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Ridgefield, that the Mayor is hereby authorized to execute the Developer's Agreement between the Borough of Ridgefield and the Developer, 339 Broad Ave LLC; and

BE IT FURTHER RESOLVED, that a copy of the resolution shall be forwarded to the building department, the Developer and the Zoning Board of Adjustment for their files.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonzisero				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Todd

RESOLUTION NO. 405-2009

WHEREAS, the Governing Body acknowledges the importance of planting trees within the Borough; and

WHEREAS, the Environmental Committee has advised that many more trees may be planted in the Borough if additional space is provided by the property owner beyond the Borough right-of-way to allow such planting; and

WHEREAS, the Governing Body has determined that many residents would be receptive to entering an agreement with the Borough to allow additional space on their property for the planting of trees; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield, that the Governing Body hereby authorizes a License/Right of Entry Agreement with property owners to allow for the planting of additional trees beyond the Borough right-of-way.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonzisero				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Vincentz

RESOLUTION NO. 406-2009

WHEREAS, the Borough of Ridgefield passed Resolution 391-2009 at the November 9, 2009 regular meeting of the Mayor and Council authorizing a professional services agreement with Michael Kingman, Esq.; and

WHEREAS, it has been determined that in an excess of caution, in order to avoid the appearance of a conflict, the Mayor will not sign the professional services agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield, that the Governing Body hereby authorizes Council President Nick Lonziserro to sign the professional services agreement with Michael Kingman, Esq.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonzisero				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Vincentz

RESOLUTION NO. 407-2009

WHEREAS, the Borough of Ridgefield passed Resolution 400-2009 at the November 9, 2009 regular meeting of the Mayor and Council; and

WHEREAS, the Mayor has recused himself from all issues involving that property and therefore, will not sign the Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield, that the Governing Body hereby authorizes Council President Nick Lonziserio to sign Resolution 400-2009.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonziserio				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Vincentz

RESOLUTION NO. 408-2009

WHEREAS, the Borough of Ridgefield passed resolutions relating to Tax Appeals by the sitting Council President; and

WHEREAS, the Resolutions at issue relate to the settlement of tax appeals that have been approved by the Court and require action 08-057 by the Governing Body; and

WHEREAS, the Mayor has determined that he has a conflict on that issue and therefore, will not sign the resolutions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield, that the Governing Body hereby authorizes Councilman Severino to sign Resolutions 393-2009, 394 -2009, 395-2009, and 396-2009.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonzisero				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Vincentz

RESOLUTION NO. 409-2009

WHEREAS, the following applicants have posted legal and engineering fees for development with the Planning Board or Zoning Board of Adjustment;

<u>Block</u>	<u>Lot</u>	<u>Applicant</u>		<u>Amount</u>
711	1	Chritis, George	729 Kingsland Ave	\$ 188.75
1909	8	Broderick, Michael	601 Bergen Boulevard	1,516.50
504	7	U.B.One Property, LLC	784 Grand Avenue	3,097.00
803	1	Angel's Landscaping	714 Bruce Street	720.00
2203	18	Zivkovich, Dragomir	610 Broad Avenue	11.00

WHEREAS, Borough professionals have determined that all required improvements have been satisfactorily completed and all fees due for services rendered have been received:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield that the Borough Treasurer is and hereby authorized to return the balance of escrow monies to the applicant.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonzisero				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Vincentz

RESOLUTION NO. 410-2009

WHEREAS, Bergen Arts Dental is the owner of real estate commonly known as Block 2501, Lot 7 Qual: C0003 and C0004 also known as 579 Bergen Boulevard, Ridgefield, New Jersey; and

WHEREAS, the owner, Bergen Arts Dental, has filed tax appeals challenging the tax assessment for the tax years 2006, 2007 and 2008; and

WHEREAS, Block 2501, Lot 7 Qual: C0004 was assessed for the tax years in dispute in the total amount of \$529,000; and

WHEREAS, Block 2501, Lot 7 Qual: C0003 was assessed for the tax years in dispute in the total amount of \$368,000; and

WHEREAS, the taxpayer is seeking a reduction in the total assessment for the years in issue; and

WHEREAS, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's Appraiser, Robert McNerney, and has conducted exhaustive negotiations with counsel for the taxpayer; and

WHEREAS, the parties have been able to arrive upon a settlement agreement for C0004, Block 2501, Lot 7 so that there would be a revised assessment for 2006 and 2007 of \$446,600 and for 2008 \$414,200; and

WHEREAS, the parties have also been able to arrive upon agreed settlement for Block 2501, Lot 7, Qual: C0003 whereby the 2006 and 2007 assessments would be revised at \$348,800 and for 2008 a revised assessment at \$322,800; and

WHEREAS, the parties have agreed that prejudgment interest shall be waived as a condition of the settlement; and

WHEREAS, the Borough's Special Tax Counsel, David B. Bole, Esq., and the Borough's appraiser, Robert McNerney, are in agreement with the terms of the settlement and believe that it would be in the best interest of the Borough to settle this particular case in accordance with the terms as set forth above; and

WHEREAS, George Reggo, Tax Assessor for the Borough is in agreement with the terms of the settlement and believes it will be in the best interests of the Borough to settle this particular case in accordance with the terms as set forth above;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Ridgefield agrees to authorize its Special Tax Counsel to execute a Stipulation of Settlement on behalf of the Borough of Ridgefield with respect to Bergen Arts Dental v. Ridgefield tax appeal with respect to Block 2501, Lot 7, Qual: C0004 pending in the Tax Court of New Jersey for the tax years 2006, 2007 and 2008 under docket numbers 006757-2006, 009163-2007 and 009455-2008 at the new assessment set forth above; and

BE IT FURTHER RESOLVED that the Governing Body further agrees to authorize Special Tax Counsel to execute a Stipulation of Settlement on behalf of the Borough of Ridgefield with respect to the tax appeal for Block 2501, Lot 7, Qual: C0003 for the tax years 2006, 2007 and 2008 under docket numbers 006757-2006, 009163-2007 and 009455-2008 at the new assessment set forth above; and

BE IT FURTHER RESOLVED that upon receipt of the Tax Court Judgment, the tax collector is hereby authorized to calculate the amount of the refund and cause same to be paid to the taxpayer, without statutory interest, within sixty (60) days from the date of the Tax Court Judgment; and

BE IT FURTHER RESOLVED that this settlement is subject to agreement and acceptance thereof by the taxpayer; and

BE IT FURTHER RESOLVED that copies of this Resolution are to be provided to the Municipal Clerk, Chief Financial Officer, Borough Tax Assessor and Special Tax Counsel, David B. Bole, Esq.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonzisero				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Vincentz

RESOLUTION NO. 411-2009

WHEREAS, Dr. Harold Hansen c/o V Bank is the owner of real estate known as Block 2501, Lot 7 Qual: C0001 also known as 579 Bergen Boulevard, Ridgefield, New Jersey; and

WHEREAS, the owner, Dr. Harold Hansen c/o V Bank, has filed tax appeals challenging the tax assessment for the tax years 2006, 2007 and 2008; and

WHEREAS, the subject property was assessed for the tax years in dispute in the total amount of \$572,000; and

WHEREAS, the taxpayer is seeking a reduction in the total assessment for the years in issue; and

WHEREAS, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's Appraiser, Robert McNerney, and has conducted exhaustive negotiations with counsel for the taxpayer; and

WHEREAS, the parties have been able to arrive upon a settlement agreement whereby the assessment would be set at \$446,600 for the years 2006 and 2007 and \$416,200 for the tax year 2008; and

WHEREAS, the parties have agreed that prejudgment interest shall be waived as a condition of the settlement; and

WHEREAS, the Borough's Special Tax Counsel, David B. Bole, Esq., and the Borough's appraiser, Robert McNerney, are in agreement with the terms of the settlement and believe that it would be in the best interest of the Borough to settle this particular case in accordance with the terms as set forth above; and

WHEREAS, George Reggo, Tax Assessor for the Borough is in agreement with the terms of the settlement and believes it will be in the best interests of the Borough to settle this particular case in accordance with the terms as set forth above;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Ridgefield agrees to authorize its Special Tax Counsel to execute a Stipulation of Settlement on behalf of the Borough of Ridgefield with respect to Dr. Harold Hansen c/o V Bank v. Ridgefield tax appeal pending in the Tax Court of New Jersey for the tax years 2006, 2007 and 2008 under

docket numbers 006558-2006, 008030-2007 and 009416-2008 at the new assessment set forth above; and

BE IT FURTHER RESOLVED that upon receipt of the Tax Court Judgment, the tax collector is hereby authorized to calculate the amount of the refund and cause same to be paid to the taxpayer, without statutory interest, within sixty (60) days from the date of the Tax Court Judgment; and

BE IT FURTHER RESOLVED that this settlement is subject to agreement and acceptance thereof by the taxpayer; and

BE IT FURTHER RESOLVED that copies of this Resolution are to be provided to the Municipal Clerk, Chief Financial Officer, Borough Tax Assessor and Special Tax Counsel, David B. Bole, Esq.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonzisero				
Todd				
Vincenz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Vincentz

RESOLUTION NO. 412-2009

WHEREAS, Advanced Foot and Ankle Care is the owner of real estate commonly known as Block 2501, Lot 7 Qual: C0002 also known as 579 Bergen Boulevard, Ridgefield, New Jersey; and

WHEREAS, the owner, Advanced Foot and Ankle Care, has filed tax appeals challenging the tax assessment for the tax years 2006, 2007 and 2008; and

WHEREAS, Block 2501, Lot 7 Qual: C0002 was assessed for the tax years in dispute in the total amount of \$582,800; and

WHEREAS, the taxpayer is seeking a reduction in the total assessment for the years in issue; and

WHEREAS, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's Appraiser, Robert McNerney, and has conducted exhaustive negotiations with counsel for the taxpayer; and

WHEREAS, the parties have been able to arrive upon a settlement agreement whereby the 2006 and 2007 assessment would be set at \$446,600 for the years 2006 and 2007 and \$416,200 for the tax year 2008; and

WHEREAS, the parties have agreed that prejudgment interest shall be waived as a condition of the settlement; and

WHEREAS, the Borough's Special Tax Counsel, David B. Bole, Esq., and the Borough's appraiser, Robert McNerney, are in agreement with the terms of the settlement and believe that it would be in the best interest of the Borough to settle this particular case in accordance with the terms as set forth above; and

WHEREAS, George Reggo, Tax Assessor for the Borough is in agreement with the terms of the settlement and believes it will be in the best interests of the Borough to settle this particular case in accordance with the terms as set forth above;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Ridgefield agrees to authorize its Special Tax Counsel to execute a Stipulation of Settlement on behalf of the Borough of Ridgefield with respect to Advanced Foot and Ankle Care v. Ridgefield tax appeal pending in the Tax Court of New Jersey for the tax years 2006, 2007 and 2008 under

docket numbers 006561-2006, 008113-2007 and 009536-2008 for Block 2501, Lot 7, Qual: C0002, at the new assessment set forth above; and

BE IT FURTHER RESOLVED that upon receipt of the Tax Court Judgment, the tax collector is hereby authorized to calculate the amount of the refund and cause same to be paid to the taxpayer, without statutory interest, within sixty (60) days from the date of the Tax Court Judgment; and

BE IT FURTHER RESOLVED that this settlement is subject to agreement and acceptance thereof by the taxpayer; and

BE IT FURTHER RESOLVED that copies of this Resolution are to be provided to the Municipal Clerk, Chief Financial Officer, Borough Tax Assessor and Special Tax Counsel, David B. Bole, Esq.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonzisero				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Vincentz

RESOLUTION NO. 413-2009

WHEREAS, Anthony Palmeri is the owner of real estate known as Block 2801, Lot 6 and better known as 951 Edgewater Avenue, Ridgefield, New Jersey; and

WHEREAS, the owner, Anthony Palmeri, has filed tax appeals challenging the tax assessment for the years 2004 through 2009; and

WHEREAS, Block 2801, Lot 6 was assessed for the tax year 2004 in the amount of \$425,000; and

WHEREAS, Block 2801, Lot 6 was assessed for the years 2005-2009 in the amount of \$1,280,000; and

WHEREAS, the taxpayer is seeking a reduction in the total assessment for the above stated years; and

WHEREAS, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's appraiser, Robert McNerney, and has conducted exhaustive negotiations with counsel for the taxpayer; and

WHEREAS, the parties have been able to arrive upon a settlement agreement wherein the new assessment for the property known as Block 2801, Lot 6 would be as follows: Taxpayer to withdraw 2004-2005 tax appeals; for the tax year 2006, a revised assessment of \$1,190,000; for the tax year 2007, a revised assessment of \$1,170,800; for the tax year 2008, a revised assessment of \$1,067,100; for the tax year 2009, a revised assessment of \$947,700; and

WHEREAS, the parties have agreed that prejudgment interest shall be waived as a condition of the settlement; and

WHEREAS, the Borough's Special Tax Counsel, David B. Bole, Esq. and the Borough Appraiser, Robert McNerney, are in agreement with the terms of the settlement and believe it would be in the best interest of the Borough to settle this particular case in accordance with the terms set forth above; and

WHEREAS, George Reggo, Tax Assessor for the Borough, is in agreement with the terms of the settlement and believes it will be in the best interest of the Borough to settle this particular case in accordance with the terms as set forth above.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Ridgefield that it agrees to authorize its special Tax Counsel to execute a Stipulation of Settlement on behalf of the Borough of Ridgefield with respect to the Palmeri v. Ridgefield tax appeal pending in the Tax Court of New Jersey for the tax years 2004 through and including 2009 under docket numbers 006851-2004; 007058-2005; 000622-2006; 002407-2007; 003287-2008 and 008297-2009 for Block 2801, Lot 6 at the new assessment set forth above; and

BE IT FURTHER RESOLVED that copies of this Resolution are to be provided to the Borough Clerk, Chief Financial Officer, Tax Assessor and Special Tax Counsel, David B. Bole, Esq.; and

BE IT FURTHER RESOLVED that upon receipt of the Tax Court Judgment, the Chief Financial Officer is hereby authorized to calculate the amount of the refund and cause same to be paid to the taxpayer, without statutory interest, within sixty (60) days from the date of the Tax Court Judgment; and

BE IT FURTHER RESOLVED that the within settlement is subject to review and approval thereof by the taxpayer.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonzisero				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Vincentz

RESOLUTION NO. 414-2009

WHEREAS, A&F Associates/A. Friedenreich is the owner of real estate known as Block 3002, Lots 1, 2, 3 and 9 and better known as 1180 Edgewater Avenue, 491 and 483 Victoria Terrace and 490 Hendricks Causeway in the Borough of Ridgefield; and

WHEREAS, the owner, A&F Assoc./A. Friedenreich has filed tax appeals challenging the tax assessment for the tax years 2006-2009; and

WHEREAS, the aggregate assessment for Block 3002, Lots 1, 2, 3 and 9 is in the amount of \$2,581,200; and

WHEREAS, the taxpayer is seeking a reduction in the total assessment for Block 3002, Lots 1, 2, 3 and 9; and

WHEREAS, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's Appraiser, Robert McNerney, and has conducted exhaustive negotiations with counsel for the taxpayer; and

WHEREAS, the parties have been able to arrive upon a Settlement Agreement wherein the new aggregate assessment for the block and lots aforesaid will be as follows: for the tax year 2006 - \$2,137,500; for the tax year 2007 - \$2,137,500; for the tax year 2008 - \$1,900,000; for the tax year 2009 - \$1,750,000; and

WHEREAS, the assessor will allocate the assessment reductions to the lots by percentages of the total assessment; and

WHEREAS, the parties have agreed that prejudgment interest shall be waived as a condition of the settlement; and

WHEREAS, the Borough's Appraiser, Robert McNerney, is in agreement with the terms of this settlement and believe that it would be in the best interest of the Borough to settle this particular case in accordance with the terms as set forth above; and

WHEREAS, George Reggo, Tax Assessor for the Borough is also in agreement with the terms of the settlement and believes it will be in the best interest of the Borough to settle this particular case in accordance with the terms as set forth above.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Ridgefield that it agrees to authorize its Special Tax Counsel to execute a Stipulation of Settlement on behalf of the Borough of Ridgefield with respect to the A&F Assoc./A. Friedenreich v. Ridgefield tax appeal pending in the Tax Court of New Jersey, for the tax years 2006 through 2009 under Docket Nos. 5080-2006, 4581-2007, 4221-2008 and 008335-2009 for Block 3002, Lots 1, 2, 3 and 9 at the new assessments set forth above; and

BE IT FURTHER RESOLVED, that upon receipt of the Tax Court Judgment that the Tax Collector is hereby authorized to calculate the amount of the refund and cause same to be paid to the Taxpayer, without statutory interest, within sixty (60) days from the date of the Tax Court Judgment; and

BE IT FURTHER RESOLVED, that this settlement is subject to acceptance and approval thereof by the taxpayer; and

BE IT FURTHER RESOLVED, that true copies of this Resolution are to be provided to the Municipal Clerk, the Chief Financial Officer, the Tax Assessor and Special Tax Counsel, David B. Bole, Esq.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonzisero				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

 Anthony R. Suarez, Mayor

 Martin A. Gobbo,
 Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting November 23, 2009

Presented by Councilman Vincentz

RESOLUTION NO. 415-2009

WHEREAS, an emergency has arisen with respect to current fund appropriations; and

WHEREAS, no adequate provision has been made in the fiscal 2010 temporary budget appropriations for the aforesaid purpose, and N.J.S.A. 40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the fiscal year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A.40A:4-20) including this resolution total \$3,836,950.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ridgefield that in accordance with N.J.S.A. 40A:4-20, that an emergency temporary appropriation be and the same is hereby made for:

CURRENT FUND

General Administration	
Other Expenses	5,000.00
Insurance: Unemployment	15,000.00
First Aid Organization	3,500.00
Fire Protection	
Other Expenses	15,000.00
Public Buildings & Grounds	13,000.00
Maintenance of Vehicles	
Streets & Roads	5,000.00
Fire	10,000.00
Sanitation	2,500.00
Board of Health	
Salaries & Wages	10,000.00
Volunteer Firemen's Widow Pension	12,200.00
Volunteer Firemen's Pension	3,650.00
TOTAL CURRENT FUND	\$ 94,850

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonzisero				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
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 November 23, 2009

Presented by Councilman Vincentz

RESOLUTION NO. 416-2009

BE IT RESOLVED, that warrants totaling \$451,384.48
be drawn on the following accounts:

CURRENT	\$422,938.68
TRUST	\$27,150.00
POOL	\$1,295.80
TOTAL	\$451,384.48

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Lonisero				
Todd				
Vincentz				
Severino				
Castelli				
Acosta				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Martin A. Gobbo,
Borough Clerk