

BOROUGH OF RIDGEFIELD

A G E N D A

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

Date: October 24, 2011

Open Public Meetings Statement by Mayor Suarez

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

- Overpeck Lake Training and Regatta Center
- Discussion on Fire Chief Residency Requirements

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

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

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

Pledge of Allegiance

Citizens Comment on Agenda:

Correspondence:

ROLL CALL-WORK SESSION

	PRESENT	ABSENT
Mayor Suarez		
Castelli		
Todd		
Vincentz		
Severino		
Acosta		
Jimenez		

ROLL CALL-EXEC. SESSION

	PRESENT	ABSENT
Mayor Suarez		
Castelli		
Todd		
Vincentz		
Severino		
Acosta		
Jimenez		

ROLL CALL-PUBLIC SESSION

	PRESENT	ABSENT
Mayor Suarez		
Castelli		
Todd		
Vincentz		
Severino		
Acosta		
Jimenez		

As advertised, hearing will be held on Ordinance No. 2185 entitled, “REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS OF THE BOROUGH OF RIDGEFIELD, NEW JERSEY, APPROPRIATING \$3,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,200,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF”

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

Public Hearing

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

Final Reading of Ordinance

Roll Call

Introduction of Ordinance No. 2187 entitled, "AN ORDINANCE PROVIDING FUNDING FOR SIDEWALK IMPROVEMENTS AND IMPROVEMENTS TO THE 9-11 MEMORIAL PATH FOR THE BOROUGH OF RIDGEFIELD AND APPROPRIATING \$45,000 FOR SUCH PURPOSE"

First Reading of Ordinance

Roll Call

PROPOSED CONSENT AGENDA:

314-2011	Councilman Jimenez	Appointment of Safety Delegate
315-2011	Councilman Acosta	Hire School Crossing Guard
316-2011	Councilman Jimenez	Extend Due Date for 4 th Qtr. Taxes
317-2011	Councilman Jimenez	2010 Funding Round of Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund Grant Agreement
318-2011	Councilman Jimenez	Stipulation of Settlement-Block 306, Lot 15
319-2011	Councilman Jimenez	Stipulation of Settlement-Block 107, Lot 8
320-2011	Councilman Jimenez	Stipulation of Settlement-Block 1305, Lot 3
321-2011	Councilman Jimenez	Overpayment of Taxes-Block 2704, Lot 12
322-2011	Councilman Jimenez	Authorize Auditor to Prepare Fully Funded Capital Ordinance
323-2011	Councilman Acosta	Approve TY Lin International Contract-Banta Place Roadway Improvements Project
324-2011	Councilman Jimenez	Return of Escrow Monies
325-2011	Councilman Jimenez	Form, Maturities and Other Details of the Refunding Bonds
326-2011	Councilman Jimenez	Censure Councilman Todd

COUNCIL VOTE

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

RESOLUTIONS:

327-2011 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. Prina,
Acting Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

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
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
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. Prina,
Acting Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Jimenez

ORDINANCE NO. 2185

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

“REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS OF THE BOROUGH OF RIDGEFIELD, NEW JERSEY, APPROPRIATING \$3,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,200,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF”

introduced on the 26th day of September, 2011, 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				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Acting Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 26, 2011

Presented by Councilman Jimenez

ORDINANCE NO. 2185

“REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS OF THE BOROUGH OF RIDGEFIELD, NEW JERSEY, APPROPRIATING \$3,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,200,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF”

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

Section 1. The Borough of Ridgefield, New Jersey (the “Borough”) is hereby authorized to pay an aggregate amount not exceeding \$3,200,000 for the redemption, including redemption premium, of \$2,765,000 principal amount of the Borough’s General Obligation Bonds, Series 2002 issued in the original aggregate principal amount of \$6,200,000, dated August 1, 2002, which bonds are subject to redemption (on or after August 1, 2012) prior to their stated dates of maturity, and which mature on August 1, in each of the years 2013 to 2017 in an aggregate amount of \$2,765,000, inclusive (the “Refunded Bonds”), and in accordance with the provisions of the resolution of the Borough Council of the Borough, duly adopted July 22, 2002 and a copy of which is on file in the office of the Clerk of the Borough.

Section 2. An aggregate amount not exceeding \$86,958.67 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount not exceeding \$3,200,000 pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the tenth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the tenth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the debt provided in this refunding bond ordinance by an amount not to exceed \$3,200,000 with a maximum deduction from the debt due to the refunding of the Refunded Bonds (i.e. \$2,765,000). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law. Upon issuance of the Bonds and determination of the final amount thereof, if less than the \$3,200,000 authorized hereby, an amended Supplemental Debt Statement shall be made and filed, along with any other required filings, and this Council shall, by resolution, approve the cancellation of such amount authorized hereby, which has not been issued.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director of the Division of Local Government

Services and signed by the Chief Financial Officer of the Borough as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Acting Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Jimenez

ORDINANCE NO. 2187

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

“AN ORDINANCE PROVIDING FUNDING FOR SIDEWALK IMPROVEMENTS AND IMPROVEMENTS TO THE 9-11 MEMORIAL PATH FOR THE BOROUGH OF RIDGEFIELD AND APPROPRIATING \$45,000 FOR SUCH PURPOSE”

introduced on the 24th day of October, 2011, 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 14th day of November, 2011 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				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Acting Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Jimenez

ORDINANCE NO. 2187

“AN ORDINANCE PROVIDING FUNDING FOR SIDEWALK IMPROVEMENTS AND IMPROVEMENTS TO THE 9-11 MEMORIAL PATH FOR THE BOROUGH OF RIDGEFIELD AND APPROPRIATING \$45,000 FOR SUCH PURPOSE”

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RIDGEFIELD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Borough of Ridgefield, in the County of Bergen, New Jersey, authorizes sidewalk improvements and improvements to the 9-11 Memorial Path for the Borough of Ridgefield to be funded from the source specified in Section 2 of the Ordinance.

Section 2. The amount of \$45,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Improvement Fund in the amount of \$45,000.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Ridgefield may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Acting Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 314-2011

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

JOSEPH GRECO

be appointed Safety Delegate for the Borough of Ridgefield.

COUNCIL VOTE

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Acting Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Acosta

RESOLUTION NO. 315-2011

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

BENNY LIO

be appointed as a School Crossing Guard for the 2011-2012 school year at the hourly rate of \$12.90 effective immediately.

COUNCIL VOTE

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Acting Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 316-2011

WHEREAS, N.J.S.A. 54.4-67 permits the Mayor and Council of each municipality to fix the rate of interest to be charged for the nonpayment of taxes on or before the date when they would become delinquent; and

WHEREAS, the Mayor and Council of the Borough of Ridgefield set forth said interest rate by Resolution 46-2011 at their January 6, 2011 meeting; and

WHEREAS, the Borough of Ridgefield was unable to mail its 4th Quarter 2011 reconciled property tax bills in a timely manner due to the Borough's transitioning to a calendar year; and

WHEREAS, this will result in the late mailing of the 4th Quarter 2011 tax bills to Borough property owners;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield, County of Bergen, State of New Jersey, that the interest rate for the nonpayment of 4th Quarter 2011 property taxes shall be fixed at zero (0%) percent until November 22, 2011.

BE IT FURTHER RESOLVED, that if payment of the 4th Quarter 2011 property tax is not made on or before November 22, 2011, the time period set forth above, then the interest rate for nonpayment of the 4th Quarter 2011 property tax shall revert back to the original interest rate established in Resolution 46-2011 and shall be charged from the statutory payment date for 4th Quarter property taxes of November 1, 2011.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Prina,
Acting Borough Clerk

COUNCIL VOTE				
	YES	NO	ABSTAIN	ABSENT
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 317-2011

BE IT RESOLVED, that the Mayor and Council of the Borough of Ridgefield wish to enter into a grant agreement with the County of Bergen for the purpose of using a \$28,315.00 grant award from the 2010 Funding Round of the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund ("Trust Fund") for the project entitled Veterans Park Improvements located in Block 1401 Lot 2 on the tax maps of the Borough of Ridgefield;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Anthony R. Suarez to be a signatory to the aforesaid grant agreement CONTRACT; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Erik Lenander to sign all County of Bergen Payment Vouchers submitted in conjunction with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognize that the Borough of Ridgefield is liable for a dollar for dollar match for any funds awarded in accordance with the Trust Fund's requirements.

COUNCIL VOTE

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Acting Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 318-2011

WHEREAS, Lucy Gonzales has filed a tax appeal challenging assessments at 815 Maple Ave., Block 306, Lot 15 for 2009;

WHEREAS, the original assessment in issue is Four Hundred Ninety-Six Thousand, Nine Hundred (\$594,600.00) Dollars;

WHEREAS, the parties have exchanged discovery and appraisal reports and have entered into settlement discussions and proposed settlement;

NOW, THEREFORE, BE IT RESOLVED by the Governing body that it does hereby authorize and approve a proposed settlement as follows:

1. Adjusted assessment for 2010-2011 at Four Hundred Fifty Thousand (\$534,600.00) Dollars;
2. That the Special Tax Attorney is hereby authorized and directed to execute a Stipulation of Settlement for filing with the Tax Court;
3. That the Tax Collector is hereby authorized and directed, upon receipt of the Tax Court Judgment, 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;
4. That the within settlement is subject to review and approval thereof by the taxpayer.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Prina,
Acting Borough Clerk

COUNCIL VOTE

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

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 319-2011

WHEREAS, Karen Liu and Ling Sheng Xu have filed a tax appeal challenging assessments at 754 Morningside Lane, Block 107, Lot 8 for 2009;

WHEREAS, the original assessment in issue is Four Hundred Ninety-Six Thousand, Nine Hundred (\$496,900.00) Dollars;

WHEREAS, the parties have exchanged discovery and appraisal reports and have entered into settlement discussions and proposed settlement;

NOW, THEREFORE, BE IT RESOLVED by the Governing body that it does hereby authorize and approve a proposed settlement as follows:

1. Adjusted assessment for 2010-2011 at Four Hundred Fifty Thousand (\$450,000.00) Dollars;
2. That the Special Tax Attorney is hereby authorized and directed to execute a Stipulation of Settlement for filing with the Tax Court;
3. That the Tax Collector is hereby authorized and directed, upon receipt of the Tax Court Judgment, 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;
4. That the within settlement is subject to review and approval thereof by the taxpayer.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Prina,
Acting Borough Clerk

COUNCIL VOTE

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

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 320-2011

WHEREAS, Andrei Amaritei has filed a tax appeal challenging assessments at 667 Clinton Place, Block 1305, Lot 3 for 2009;

WHEREAS, the original assessment in issue is Five Hundred Ninety Two Thousand Seven Hundred (592,700) Dollars;

WHEREAS, the parties have exchanged discovery and appraisal reports and have entered into settlement discussions ad proposed settlement;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that it does hereby authorize and approve a proposed settlement as follows:

1. adjusted assessment for 2009 at Five Hundred Sixty Thousand (560,000) Dollars;
2. that the Special Tax Attorney is hereby authorized and directed to execute a Stipulation of Settlement for filing with the Tax Court;
3. that the Tax Collector is hereby authorized and directed, upon receipt of the Tax Court Judgment, 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;
4. that the within settlement is subject to review and approval thereof by the taxpayer

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Prina,
Acting Borough Clerk

COUNCIL VOTE

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

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 321-2011

WHEREAS, an overpayment of taxes in the Borough of Ridgefield was received for the third quarter 2011 for Block 2704 Lot 12, also known as 767 Day Avenue;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that a refund in the amount of \$1,866.92 for the third quarter 2011 be issued to Soo J. Kim;

BE IT FURTHER RESOLVED that the Chief Financial Officer/Treasurer be and he is hereby authorized to issue a check in the total amount of \$1,866.92 made payable to BAC Tax Services and mailed to CA6-913-LB-01, PO Box 10211, Van Nuys, CA 91499.

COUNCIL VOTE

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Acting Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Acosta

RESOLUTION NO. 322-2011

BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the Borough Auditor is and hereby authorized to prepare a fully funded Capital Ordinance in the amount of \$225,000.00 for the purpose of acquiring a 29 yard rear compacting garbage truck for the Department of Public Works.

COUNCIL VOTE

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Acting Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Acosta

RESOLUTION NO. 323-2011

WHEREAS, there is a need for engineering services in connection with the proposed repaying project at Banta Place and other streets, pursuant to a grant to be awarded to the Borough of Ridgefield by the County of Bergen; and

WHEREAS, TY Lin International presently serves as the Borough Engineer; and

WHEREAS, TY Lin International has submitted a proposal for design and related services in connection with this project; and

WHEREAS, the amount of the proposal is below the bid threshold; and

WHEREAS, the Borough wishes to award such a contract to TY Lin International as per the attached contract;

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

1. TY Lin International be and hereby is engaged to perform the services set forth in the contract attached hereto.
2. The Mayor and the Borough Clerk be and hereby are authorized and directed to execute the attached contract with TY Lin International, subject to the certification of the availability of funds and certification as to compliance with applicable pay to play legislation.

Approved:

Anthony R. Suarez, Mayor

Attest:

Linda M. Prina,
Acting Borough Clerk

COUNCIL VOTE

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

CONTRACT

This is a contract made and entered into this day of October 2011 by and between TY Lin International, with its offices located at 550 Broad Street, Suite 1105, Newark, New Jersey 07102, (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 has a need for engineering services in connection with the proposed repaving project at Banta Place and other streets; and

WHEREAS, the CONTRACTOR has submitted a proposal by letter dated October 10, 2011 attached hereto as EXHIBIT A; and

WHEREAS, the BOROUGH wishes to award a contract to the CONTRACTOR to perform engineering services in connection with the proposed repaving project at Banta Place and other streets; and

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

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: The CONTRACTOR agrees to provide all labor, tools, equipment and materials to undertake and complete the services described in the proposal attached as EXHIBIT A, which are incorporated herein.

2. PAYMENT TO CONTRACTOR: The CONTRACTOR shall be paid in conformity with the proposal set forth in EXHIBIT B. The CONTRACTOR shall submit periodic vouchers following the completion of various phases of the work set forth therein for payment by the BOROUGH to the CONTRACTOR.

3. INSURANCE: The CONTRACTOR, prior to commencing work, shall provide at its own expense, the following insurance to the BOROUGH together with evidence of such insurance as stated below. Ninety (90) days prior to cancellation or material change or notice of non-renewal of the policies, the CONTRACTOR shall give notice to the BOROUGH, by registered mail, return receipt requested, for all of the following stated insurance policies. The Certificate of Insurance shall state:

"Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will mail ninety (90) days written notice to the certificate holder named to the left."

All notices shall name the CONTRACTOR and identify the Agreement. All policies with the exception of workers' compensation shall be endorsed naming the BOROUGH as additional insured. All policies shall require that the insured will pay all defense claims and any judgments entered therein. It is expected that all policies will be issued on an "occurrence" basis. The BOROUGH may waive or modify any requirement stated herein if the BOROUGH, in its sole judgment and discretion, deems it would be in its best interest to do so.

All work done under the terms of this contract shall conform to the requirements of any applicable local, state or federal codes, laws or agencies. The contractor's attention is directed to the Occupational Safety and Health Act (OSHA). All work shall conform to the requirements of current OSHA standards. If there is a conflict between the method of work specified and the applicable OSHA standard, the OSHA regulation shall prevail. Anything not specifically mentioned in these specifications, but usual in work of this character, must be done by the CONTRACTOR as if it were written herein. All safety violations shall be corrected immediately upon receipt of notice of violation.

The CONTRACTOR shall be licensed in the State of New Jersey and shall conform to all safety requirements as outline in local, state and federal laws. The CONTRACTOR shall supply copy of New Jersey State Journeyman's Certificate for each employee who will work on BOROUGH Facilities. All personnel shall at all times wear approved protective clothing, safety vests and any other equipment required to meet current OSHA standards. They will obey all traffic and safety rules and regulations and shall not create any hazardous conditions within their operation.

A. Workers' Compensation

The CONTRACTOR shall obtain Standard Workers' Compensation Insurance indemnifying the CONTRACTOR against any loss arising from liability or injuries sustained by any and all agents, servants or employees of the CONTRACTOR who shall be entitled to compensation under the Workers' Compensation Law of the State of New Jersey. If the CONTRACTOR is incorporated outside the State of New Jersey, the said policy must include the "Other States Endorsement."

B. General Liability

The CONTRACTOR shall obtain General Liability Insurance on an "occurrence" form with a one million dollar (\$1,000,000.00) combined single limit of liability per occurrence and a three million dollar (\$3,000,000.00) annual aggregate. The policy will include the ISO Simplified Occurrence Form, the policy will contain no endorsements that would limit or eliminate the coverage provided by the ISO version and will include ISO Form CG-25-03-03-97 Amendment - Aggregate Limits of Insurance (per project).

C. Automobile Liability

The CONTRACTOR shall obtain Automobile Liability Insurance with a minimum combined limit of liability of one million dollars (\$1,000,000.00) per accident. Said policy must include coverage for owned, non-owned and hired autos.

D. Umbrella / Excess Liability

Excess or Umbrella Liability Policy (to respond in excess of the commercial general liability, employer's liability and commercial automobile liability policies) at the limit of \$5,000,000.00 combined single limits per occurrence.

E. Policy Changes

If at any time, any of the foregoing policies shall be or become unsatisfactory to the BOROUGH, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the BOROUGH, the CONTRACTOR shall, upon notice to that effect from the BOROUGH, within ninety (90) days obtain a new policy, submit the same to the BOROUGH for approval and submit a Certificate thereof as hereinabove

provided. Upon failure of the CONTRACTOR to furnish, deliver and maintain such insurance as above provided, this Agreement, at the election of the BOROUGH, may be forthwith declared suspended, discontinued or terminated. Failure of the CONTRACTOR to take out and/or maintain or the taking out and/or maintenance of any required insurance, shall not relieve the CONTRACTOR of any liability under the Agreement. All policies required above shall contain a ninety (90) day notice of cancellation and/or non-renewal and shall require the insured to notify the BOROUGH of its intent to either cancel or not to renew immediately.

F. Insurance Companies

The CONTRACTOR shall use an Insurance Company(ies) that has (have) an A.M. Best Rating of at least "A"X.

The BOROUGH, at its sole judgment and discretion, if it considers it appropriate to do so, may allow the CONTRACTOR to utilize and insure with a rating less than "A"X. All such requests must be forwarded to the BOROUGH for its review and approval. The CONTRACTOR shall use an insurance company(ies) that is (that are) authorized to underwrite insurance risks for the specific line(s) of coverage by the Department of Banking and Insurance of the State of New Jersey.

G. Hold Harmless Provision

Contractual Liability Insurance: The CONTRACTOR shall indemnify, defend, and hold harmless the BOROUGH, its consultants, its officers, agents, contractors, subcontractors, servants and employees, from and

against any and all claims, demands, suits, proceedings, liabilities, judgments, awards, losses, damages, costs and expenses, including attorney's fees, because of bodily injury, sickness, disease or death, sustained by any person or persons or injury or damages to, or destruction of, any property directly or indirectly arising out of, relating to, or in connection with the work, whether or not due or claimed to be due, in whole or in part, to the active, passive or concurrent negligence or fault of the CONTRACTOR, its officers, agents, servants, or employees and/or any other person or persons and whether or not such claims, demands, suits or proceedings are just, unjust, groundless, false, or fraudulent. The CONTRACTOR shall furnish evidence to the BOROUGH that with respect to accomplishing the work in the Agreement, it carries said Contractual Liability Insurance in the amounts specified in Paragraph B above.

4. INDEMNIFICATION: The CONTRACTOR shall indemnify and save 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 of Ridgefield, 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 the bidder to be in default of these specifications and his Contract. Such declaration of default, however, shall not be made until the bidder shall have been given a hearing by the Superintendent of Public Works or by the entire Mayor and Council. In the event that a default shall be declared by the Superintendent of Public Works or the entire 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, the CONTRACTOR and the surety, upon his performance bond, shall be liable to the BOROUGH for the difference between the cost of completing such Contract and the amount payable to the new bidder for the remaining time he 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.

The bidder represents that he 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. PAYMENTS: All work is to be authorized by a Purchase Order and payment shall be by Voucher to include all required invoices. The CONTRACTOR shall be entitled to no additional compensation beyond the amount specified on the Purchase Order.

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

Linda Prina
Acting Borough Clerk

By: _____
Mayor Anthony R. Suarez

TY LIN INTERNATIONAL

By: _____
Brian Conroy, P.E.



October 10, 2011

Mayor & Council
Borough of Ridgefield
604 Broad Avenue
Ridgefield, New Jersey 07657

Re: Request for Proposal – Banta Place Street Improvements
Borough of Ridgefield, Bergen County.

Dear Mayor & Council:

TYLIN International (TYLI) is pleased to submit to the Borough of Ridgefield (THE CLIENT) our proposal for consulting engineering services for the Improvements to Banta Place.

TYLI understands that the construction costs for the improvements to Banta Place will be partially funded by the Division of Community Development by the County of Bergen through an awarded \$100,000 Grant. TYLI is aware of the importance of the project in maintaining the infrastructure of the Borough by upgrading needed streets, sidewalk and pedestrian routes.

SCOPE OF WORK

A. Design Services

TYLI will prepare construction drawings for the Improvements to Banta Place between Broad Avenue & Prospect Avenue, and between Shaler Blvd. & Walnut Street by following the NJDOT, AASHTO and MUTCD Standards and Policy for roadway design and construction.

The design shall include replacement of sidewalk and curb at selected locations, construction of handicapped accessible ramps at street corners, replacement of drainage grates and castings, milling and resurfacing of the roadway and new roadway striping.

TYLI will prepare the following bid documentation for the project:

1. Title Sheet and Key Map
2. Distribution of Quantities
3. Legend and General Notes
4. Typical Roadway Section
5. Construction Plans (1"=30')
6. Signing and Striping Plans
7. Construction Details (NJDOT Standard Roadway Details, Latest Edition)
8. Supplemental Specifications (NJDOT Supplemental Specifications)
9. Engineer's Cost Estimate

\\tylin\project\56112001\tech\dlbg\Banta\Banta proposal 10.10.11.doc\Brian.comoy.bc

An Affirmative Action / Equal Opportunity Employer M/F/D/V

B. Construction Services

TYI will provide construction services during the construction of the project, as follows:

1. Attend bid opening for the project.
2. Prepare a bid summary and issue a recommendation of award of contract based on the bids received at the opening.
3. Coordinate a pre-construction meeting.
4. Support the contractor on coordinating and scheduling project work with utility companies, local agencies and the community.
5. Review invoices and request for change orders from the contractor and issue recommendations.
6. Address field issues that might arise during the course of the construction of the project.
7. Review laboratory test results for the materials used in the project and issue recommendations.
8. Prepare a punch list and compile closeout documentation.
9. Provide an engineer for the inspection of the construction of the project to a maximum of 4 hours a day for concrete work and other incidental items and full day (8 hours) during milling and paving operations.

The Lump Sum fee for the scope of work as stated in this proposal is as follows:

Design Services	\$ 8,000
Construction Services	\$ 4,500
The total Lump Sum fee for the project is	\$ 12,500

TYI will submit invoices monthly and will bill for the actual time expended in the tasks included in the scope of work and up to the amount stated in this proposal. If we identify work not covered in the above described scope of work, we will notify you in advance of our findings and will submit a proposal for additional work for your approval.

Thank you for the opportunity to submit our proposal for your consideration and we look forward for the opportunity to work with the Borough of Ridgefield on this exciting project.

Should you have any questions, or require additional information, please feel free to contact me at our Newark, NJ office at 973.286.2891 ext. 310.

Very truly yours,



Brian Conroy, P.E.
Borough Engineer

enclosure(s)

cc: Mr. Erik Lenander - Borough of Ridgefield Assistant CFO,
Linda Prina - Borough of Ridgefield Acting Borough Clerk
Stephen F. Pellino, Esq. - Basile Birchwale & Pellino, LLP

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 324-2011

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>
2504	10	Art Upholstery	529 Bergen Boulevard	\$ 185.00
4014	11	Torcon, Inc.	1125 Pleasantview Terr.	252.50
3501	12	Richard Labov	453 Broad Avenue	440.00

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
Castelli				
Todd				
Vincentz				
Severino				
Acosta				
Jimenez				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Acting Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 325-2011

WHEREAS, the Borough Council of the Borough of Ridgefield, in the County of Bergen, New Jersey (the "Borough"), has heretofore issued its General Obligation Bonds, Series 2002, in the aggregate amount of \$6,200,000, dated August 1, 2002, which bonds are subject to redemption (on and after August 1, 2012) prior to their stated dates of maturity, maturing on August 1 in each of the years 2013 to 2017, inclusive, in an aggregate amount of \$2,765,000 (the "Refunded Bonds"); and

WHEREAS, the Borough desires to redeem the Refunded Bonds on or about August 1, 2012 at a redemption price of 100% of the principal amount of the Refunded Bonds and has adopted a bond ordinance entitled "Refunding Bond Ordinance Providing for the Refunding of Certain General Obligation Bonds of the Borough of Ridgefield, New Jersey, Appropriating \$3,200,000 Therefor and Authorizing the Issuance of \$3,200,000 Bonds or Notes of the Borough for Financing the Cost Thereof," which authorized refunding bonds to be issued to refund the Refunded Bonds;

BE IT RESOLVED BY BOROUGH COUNCIL OF THE BOROUGH OF RIDGEFIELD IN THE COUNTY OF BERGEN, NEW JERSEY that:

Section 1. There shall be issued bonds of the Borough in an amount not to exceed \$3,200,000 pursuant to the following bond ordinance (#2185):

"REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS OF THE BOROUGH OF RIDGEFIELD, NEW JERSEY, APPROPRIATING \$3,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,200,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF."

Section 2. The bonds referred to in Section 1 hereof are sometimes hereinafter collectively referred to as the "Bonds." The Bonds of said issue shall be dated, mature at the times and in the amounts, bear interest and be subject to redemption as shall be set forth in the proposal for the purchase of the Bonds acceptance of which is authorized pursuant to Section 10 hereof. The Bonds shall be numbered one consecutively upward, and will be issued in fully registered form. When issued, the Bonds will be registered in the name of and held by Cede & Co., as the owner thereof and nominee for The Depository Trust Company, New York, New York ("DTC"), an automated depository for securities and clearinghouse for securities

transactions. Upon issuance, the Bonds will be delivered to DTC in single denominations for each maturity of the Bonds. Individual purchases of beneficial interests in the Bonds will be made in book-entry form (without certificates) in the denomination of \$5,000 each or any integral multiple thereof.

Section 3. The Bonds shall bear interest from their date based on their outstanding principal amount at the rate to be set forth in Section 2 hereof, shall be payable as to principal in lawful money of the United States of America at the administration office of the Borough in Ridgefield, New Jersey, payable semi-annually on the first day of February and August in each year until maturity, commencing on February 1, 2012, by check or draft mailed on such interest payment date to the owners thereof registered as such as of each next preceding January 15 and July 15. Interest on the Bonds shall be calculated on the basis of a 360-day year of twelve 30-day calendar months.

Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Letter of Representations to be executed by the Borough and DTC. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the bonds is the responsibility of the DTC participants.

Section 4. The Bonds shall be signed by the Mayor and the Borough Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Borough shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Borough.

Section 5. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form:

(FORM OF BOND)

No. 2011

UNITED STATES OF AMERICA
STATE OF NEW JERSEY

BOROUGH OF RIDGEFIELD,
IN THE COUNTY OF BERGEN

REFUNDING BOND, SERIES 2011

Date of Bond: December __, 2011

Principal Amount: \$

Date of Maturity: August 1, 20__

CUSIP: _____

The BOROUGH OF RIDGEFIELD, a municipal corporation of the State of New Jersey, (the "Borough") hereby acknowledges itself indebted and for value received promises to pay to Cede & Co. or registered assigns, the sum specified above as the Principal Amount on the date specified above as the Date of Maturity, upon presentation and surrender of this Bond, and to pay to the registered owner hereof interest on such sum, from the Date of Bond specified above until the Date of Maturity specified above, at the rate of _____ per centum (___%) per annum payable on February 1, 2012 and thereafter semi-annually on the first day of August and February in each year. Principal of this Bond will be paid in lawful money of the United States of America, at the administration office of the Borough in Ridgefield, New Jersey. Interest on this Bond will be payable in lawful money of the United States of America by check or draft mailed on such interest payment date to the registered owner hereof as shown on the books of the Borough kept for such purpose by the Chief Financial Officer of the Borough (the "Bond Registrar") as of the fifteenth day of the month preceding the date on which the payment of interest is to be made.

All of the Bonds, of which this Bond is one, shall be initially issued as one fully registered bond for each maturity in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company ("DTC"). Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Letter of Representations executed by the Borough and DTC relating to the Bonds. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the Bonds is the responsibility of the DTC participants.

The Bonds are not subject to redemption prior to their stated maturity.

This Bond is transferable only upon the books of the Bond Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Borough duly executed by the registered owner or such duly authorized attorney, and thereupon the Borough shall issue in the

name of the transferee a new bond or bonds of the same aggregate principal amount, series, designation, maturity and interest rate as the surrendered bond. The Borough and any paying agent of the Borough may treat and consider the person in whose name this Bond is registered as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This Bond is one of an authorized issue of bonds of the Borough and is issued pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey, a resolution of the governing body of the Borough adopted October 24, 2011 and by virtue of a certain bond ordinance referred to therein.

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and interest on this Bond according to its terms. This Bond shall not be or be deemed to be a debt or liability of the State of New Jersey or a pledge of the faith and credit of the State of New Jersey.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed, and that the issue of bonds of which this is one does not exceed any limitation imposed thereon by said Constitution or statutes.

In the event the Borough determines that the beneficial owners of the Bonds (the actual purchasers of the Bonds) shall be able to obtain certificated bonds, the Borough shall notify DTC of the availability of bond certificates. In such event, the Borough will appoint a paying agent and the Borough will issue, transfer and exchange bond certificates in appropriate amounts as required by DTC and others. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving a reasonable amount of notice in writing to the Borough. In the event of such determination, if the Borough fails to identify another qualified securities depository as successor to DTC, the Borough will appoint a paying agent and the Borough will issue and deliver replacement bonds in the form of fully registered certificates. Whenever DTC requests the Borough to do so, the Borough will cooperate with DTC in taking appropriate action (a) to make available one or more separate certificates evidencing the bonds to any DTC participant (participants of DTC) having bonds credited to its DTC account or (b) to arrange for another securities depository to maintain custody of certificates evidencing the bonds.

IN WITNESS WHEREOF, THE BOROUGH OF RIDGEFIELD has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Borough Chief Financial Officer, and its corporate seal (or facsimile thereof) to be affixed, imprinted or reproduced hereon, and this Bond and said seal to be attested by the manual or facsimile signature of the Borough Clerk, and this Bond to be dated the ___th day of December, 2011.

ATTEST:

BOROUGH OF RIDGEFIELD

Linda Prina
Borough Clerk

Anthony Suarez
Mayor

Joseph Luppino
Chief Financial Officer

The following abbreviations, when used in the inscription on this bond, shall be construed as though they were written out in full according to applicable laws or regulations (additional abbreviations may also be used though not in the following list):

TEN COM as tenants in common
TEN ENT as tenants by the
entireties
JT TEN as joint tenants with
right of survivorship
and not as tenants
in common

UNIF GIFT MIN ACT
__Custodian__
(Cust) (Minor)
under Uniform Gifts
to Minors Act
(State)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF
ASSIGNEE (FOR COMPUTER RECORD ONLY)

(Please Print or Typewrite Name and Address of Transferee)

the within bond, and all rights thereunder, and hereby irrevocably constitutes and appoints

Attorney, to transfer the within bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated:

NOTICE: The signature to this assignment must correspond with the name as it appears upon the first page of the within bond in every particular, without alteration or enlargement or any change whatever.

CERTIFICATE AS TO LEGAL OPINION

The undersigned Clerk of the Borough of Ridgefield, New Jersey hereby certifies that a true and correct copy of the original legal opinion of the law firm of Gibbons P.C., Newark, New Jersey as to the validity of the issue of Bonds of which the within bond is one is available for inspection at the Office of the Clerk of the Borough of Ridgefield, New Jersey and a copy thereof may be obtained by the registered or beneficial owner hereof upon request.

Borough Clerk

Section 6. The Borough Chief Financial Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of Gibbons P.C. (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Borough Clerk to certify to the truth and correctness of such copy of opinion by executing on each of said Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of said Bonds by the CUSIP Service Bureau of Standard & Poor's Corporation of New York, New York, to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

Section 7. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to DTC on behalf of the purchaser and the payment of the purchase price thereof in accordance with the Bond Purchase Agreement (as hereinafter defined), the Borough Chief Financial Officer is hereby authorized and directed as of said date of issue, to execute and deliver to said purchaser (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and (b) an accompanying opinion of Gibbons P.C. as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

Section 8. The proceeds of the Bonds shall be applied in the amounts and for the purpose provided in Section 1 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purpose and then outstanding.

Section 9. The Mayor and Borough Chief Financial Officer are hereby authorized and directed to approve the Preliminary Official Statement of the Borough issued in connection with the Bonds, the Official Statement of the Borough issued in connection with the Bonds, the DTC Letter of Representation, the Escrow Deposit Agreement and the Continuing Disclosure Certificate and their use in connection with the sale of the Bonds and are further authorized, as is the Borough Clerk, to execute all documents, including, but not limited to, the Preliminary

Official Statement, the Official Statement, the DTC Letter of Representation, and Continuing Disclosure Certificate necessary for the sale and delivery of said Bonds.

Section 10. The Bonds are hereby authorized to be sold to Powell Capital Markets, Inc. (the "Purchaser") pursuant to the terms of a Bond Purchase Agreement between the Borough and the Purchaser (the Bond Purchase Agreement"). The Mayor and the Borough Chief Financial Officer are hereby authorized to award the Bonds and directed to execute, and the Clerk to attest to the Bond Purchase Agreement.

Section 11. The Borough Chief Financial Officer is hereby authorized to purchase securities in an amount necessary to effectuate the refunding of the outstanding amount of the Refunded Bonds and to execute all documents necessary in connection therewith.

Section 12. Powell Capital Markets, Inc. is hereby appointed as the underwriter for the Bonds.

Section 13. This resolution shall take effect immediately.

COUNCIL VOTE

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Acting Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting October 24, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 326-2011

WHEREAS, Councilman Angus Todd was investigated by the Department of Community Affairs for running an unlicensed rooming house contrary to law (See Exhibit "A"); and

WHEREAS, the Department of Community of Affairs made a finding that Councilman Todd did indeed operate a rooming house without a license and accordingly issued a Notice of Violation and Order to Pay Penalty on May 20, 2011, finding Todd to be in violation of N.J.S.A. 55:13B-1 et. seq. (See Exhibit "B"); and

WHEREAS, Councilman Todd and the Department of Community Affairs apparently entered into a Settlement Agreement regarding the issues raised in the Notice of Violation and Order to Pay Penalty pertaining to the alleged violations of the Rooming and Boarding House Act of 1979 (See Exhibit "C"); and

WHEREAS, the Department of Community Affairs further notified the Construction Official of the Borough of Ridgefield that the DCA had determined that Todd's property was operating as a rooming house without a certificate of occupancy, which is required by N.J.A.C. 5:23-2.6(b) and N.J.A.C. 5:23-2.24(d) (See Exhibit "D"); and

WHEREAS, in the Settlement Agreement with the DCA Todd did pay a compromised penalty of \$1,500 (See Exhibit "E"); and

WHEREAS, the Mayor and Council finds that in an exchange with a resident at a public Council meeting Todd denied that he had paid any penalty and indicated it was not the business of the public; and

WHEREAS, the Mayor and Council also has information that Todd may be improperly renting parking spaces to outsiders, which would be in violation of the Borough's zoning regulations; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the Mayor and Council do hereby censure Councilman Todd for misrepresentations made at a public meeting and for conduct unbecoming a public official and Councilman.

COUNCIL VOTE

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Acting Borough Clerk

**BUREAU OF ROOMING AND BOARDING HOUSE STANDARDS
SUMMARY REPORT**

Name: Adele Todd/Angus Todd (201) 945-5164 **File:** 0249-A-0003
Facility Address: 850 Broad Ave., Ridgefield **County:** Bergen
License Capacity: **# of Residents:** 5 **Class:** A **Date:** 4/19 & 4/20/11

Date -- 4/19/11

I, Michael Colon, Physical Evaluator for DCA, commenced jurisdiction check on the above mentioned property as per referral. **Appendix A.**

I obtained owners information from at Ridgefield tax assessor office. Owner on record is Adele Todd who apparently is deceased. Adele's son, Angus Todd states he is the Power of Attorney and began the process of transferring property to his name some time ago however and as of yet, his name still does not show up on any documents regarding this property. **Appendix B.**

Date -- 4/20/11

I conducted site inspection in the presence of owner's son Angus Todd who arrived shortly after my arrival. Angus states that in 1999 this property was grandfathered for "Short Stay" Mohawk Native Residents for the Reservation in Canada and New York. Angus Todd also states that this bureau conducted a Jurisdiction check approximately 10 years ago. His attorney has documents reflecting the same. As per Angus, some of these roomer are Mohawk Native Resident and can only produce reservation names as a permanent address else where such as **Kahn ewe Wake, Akwesasne**, etc. However, they've been living at this property for more than 90 days, some more than 5 years.

Angus Todd made me aware that he is currently a local Councilman and the possible reason for my existence was a result of recent battles with other local politicians.

Property currently has **7 rooms** and **5 roomers**. Roomers share 2 bathrooms, one on each floor and DO NOT have access to a kitchen on the property. Property is arranged in the following manner:

"A"

1st Floor

- Occupied by Owner Angus Todd

2nd Floor

- **Room #6**- Pablo Rodriguez – 16 year roomer who pays \$75.00 per week to owner Angus Todd.
- **Room #8** -John O'Halloran -5 year roomer who pays \$80.00 per week to owner Angus Todd. **Key and Knob lock on entry door.**
- **Room #7 and #9** –vacant on this date however showed signs of intent.

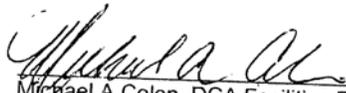
Note: Roomers on 2nd floor share a common Bathroom located on this floor and DO NOT have access to a kitchen on the property.

3rd Floor

- **Room #4** – Darren Hannette- 5 month roomer who pays \$80.00 per week to owner Angus Todd.
- **Room#2** - Joesph Zelliff – 5 year roomer who pays \$70.00 per week to owner Angus Todd. **Key and Knob lock on entry door.**
- **Room#5** – Dale Herne – 5 year roomer who pays \$95.00 per week to owner Angus Todd.

Note: Roomers on 3rd floor share a common Bathroom located on this floor and DO NOT have access to a kitchen on the property.

The above mentioned property is under the Jurisdiction of this Bureau. Refer to Enforcement.


Michael A Colon, DCA Facilities Evaluator

PROPERTY ADDRESS: 850 GRAND AVE
 ROSEHED, NJ 07657
 CAREX INDEX: 850 GRAND AVENUE - ROSEHED, NJ 07657
 CAREX REPORT: 201 945-5164
 WORK PHONE: [REDACTED]

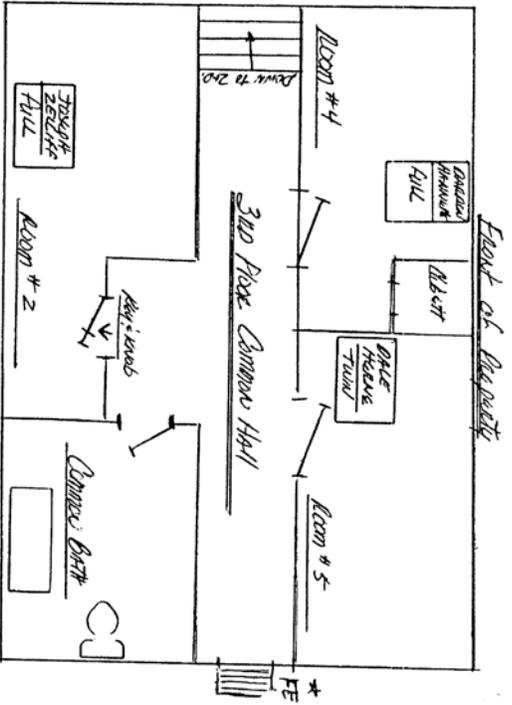
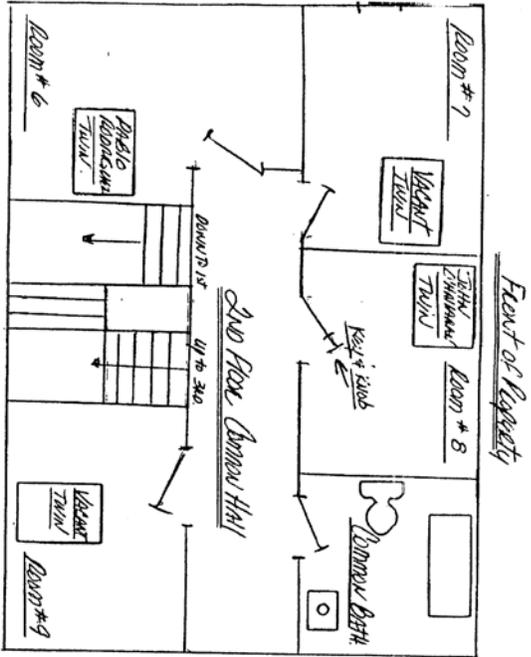
PROPERTY UNDER JURISDICTION
 JURISDICTIONAL STATUS YES FORM NO. [REDACTED]
 FORM NO. 1 OF 1 FOR THIS PROPERTY
 CONTROL # 0249-0003 DATE: 1/20/11

FOR THE ASSESSOR: [REDACTED]
 CONSTRUCTION TYPE: [REDACTED]
 TOTAL # OF UNITS: 5
 TOTAL # OF FLOORS: 3

UNIT #	OWNER	RENTAL #	RENTAL TYPE	RENTAL PERIOD	RENTAL AMOUNT	RENTAL TYPE	RENTAL PERIOD	RENTAL AMOUNT	RENTAL TYPE	RENTAL PERIOD	RENTAL AMOUNT	RENTAL TYPE	RENTAL PERIOD	RENTAL AMOUNT	RENTAL TYPE	RENTAL PERIOD	RENTAL AMOUNT	RENTAL TYPE	RENTAL PERIOD	RENTAL AMOUNT
1	PAOLO RODRIGUEZ	NO	RESIDENTIAL	1/1/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10
2	JOHN O'HANRAHAN	NO	RESIDENTIAL	1/1/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10
3	DALE HEENE	NO	RESIDENTIAL	1/1/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10	12/10

NOTE: DO ANY RESIDENT'S HAVE A LEASE YES NO
 IF YES GET COPY OR COPY ALL TERMS
 * OWNERS HAVE NO ACCESS TO A KITCHEN ON THE PROPERTY.

FORM NO. 1 OF 1 FOR THIS PROPERTY CONTROL # 0249-0003 DATE: 1/20/11



850 Board Ave - Ridgefield, NJ 07057

Drawn by: Michael A. Olson

4/29/11 - 4/29/11

Note: No kitchen available for business on property.

File Reference # 0249-0003

STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF CODES AND STANDARDS
BUREAU OF ROOMING AND BOARDING HOUSE STANDARDS

**Order to Pay Penalty
Notice of Violation and Order of the Commissioner**

**To: Angus Todd
& Adele Todd**
850 Broad Avenue
Ridgefield, N.J. 07657

Re: OWNING WITHOUT A LICENSE
850 Broad Avenue
Ridgefield, N.J.

Please take notice that you are in violation of Section 7 (a) of the Rooming and Boarding House Act 1979 (N.J.S.A. 55:13B-1 et seq.) which states:

"No person shall own or operate a rooming or boarding house, hold out a building as available for rooming or boarding house occupancy, or apply for any necessary construction or planning approvals related to the establishment of a rooming or boarding house without valid license to own or operate such a facility, issued by the Commissioner."

You are hereby **ORDERED** to pay a penalty in the amount of \$5,000 within 30 days from the date of receipt of this Order. If this penalty remains unpaid for more than 30 days, this order shall be recorded on the judgment docket of the Superior Court.

You are hereby further **ORDERED** to file an application for a license together with the fee within 5 days from receipt of this Notice and Order. Send your application, fee, and penalty to: Bureau of Rooming and Boarding House Standards, P.O. Box 804, Trenton, New Jersey 08625-0804; direct any questions to Enforcement Unit, Michael Briant, Supervisor (609) 984-4258.

You may contest this order to an administrative hearing **PROVIDED A REQUEST IS MADE WITHIN 15 DAYS OF RECEIPT OF THIS ORDER.**

Address the hearing request to:

Division of Codes and Standards Hearing Coordinator, Box 802, Trenton, N.J. 08625-0802 with a copy to the Chief, Bureau of Rooming and Boarding House Standards, Box 804, Trenton, New Jersey 08625-0804

-YOU WILL BE NOTIFIED OF THE DATE, TIME, AND PLACE OF THE HEARING-

DATE: 5/20/2011

Commissioner of Community Affairs By:

Michael Briant

CERTIFIED MAIL #
7010 1670 0002 1418 7234

Michael Briant, Chief
Bureau of Rooming & Boarding
House Standards

"B"

STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF CODES AND STANDARDS
BUREAU OF ROOMING AND BOARDING
HOUSE STANDARDS

OFFICE OF ADMINISTRATIVE LAW
OAL DOCKET NO.:
CONTROL NO.: 0249-0003
RBHS:

Angus Todd
& Adele Todd

V.

BUREAU OF ROOMING AND
BOARDING HOUSE STANDARDS,
Respondent.

SETTLEMENT AGREEMENT

The above named parties have settled the matter for the referenced property concerning alleged violations cited pursuant to the Rooming and Boarding House Act of 1979 (N.J.S.A. 55:13B-1 et seq.) on the premises located at:

850 Broad Avenue
Ridgefield, N.J.

The parties agree to the following:

1. The Bureau agrees to reduce its \$5000 Penalty to \$1500 payable to the Bureau by Certified Check or Money Order, by July 14, 2011.
2. The Owner at his option, agrees to either submit completed license application to own and operate a rooming house to the Bureau by July 14, 2011 or at his option and choice remove the property from the Bureau's jurisdiction by removing all existing single room occupancy residents, or reduce to total number to one (1) by August 31, 2011; subject to Bureau verification.
3. If the Owner chooses to submit license applications, owner also agrees to provide the Bureau with proof of local zoning approval and R-3 (up to 5 roomer) or R-2 (6 or more roomers) use Certificate of Occupancy to allow a rooming house for the number of occupants intended by August 31, 2011.
4. This Settlement is not an admission of any guilt, nor an admission of any violation on the part of Angus Todd.
5. This Settlement shall not constitute a precedent in any other future matter.

11
C
11

The Owner acknowledges that he was provided an opportunity to be heard in accordance with the Administrative Procedure Act P.L. 1968. C. 410 pursuant to his request and hereby withdraws that request and waives any further hearing on matters concerning the Department's above Notice or Order.

Owner(s) understands that if he fails to comply, he will be liable for the full amount of the penalty assessed less any payment(s) made under this Settlement.

The Department of Community Affairs reserves the right to assess penalties or issue orders where the Owner(s) has failed to comply with this Settlement Agreement and the Owner(s) reserves the right to request an administrative hearing concerning any notice or orders of the Department of Community Affairs and penalties assessed by said Department.

Further, if the terms of this settlement are broken, the Bureau reserves the right to seek a Docketed Judgment for the full amount of **(\$5,000.00)** the penalties originally assessed less any payment made.

We hereby consent to form
and terms of this agreement

DATE: 6/13/11

BUREAU OF ROOMING AND
BOARDING HOUSE STANDARDS

BY: Tammy Strang
Bureau Representative

BY: Angus W. Todd
Owner(s)

SS #: [REDACTED]
Owner

BY: _____
Attorney of Owner(s)

NOTE: THIS AGREEMENT MUST BE SIGNED AND RETURNED WITHIN TEN DAYS OF RECEIPT. IF NOT, THIS OFFER WILL BE CONSIDERED WITHDRAWN.



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 804
TRENTON, NJ 08625-0804

CHRIS CHRISTIE
Governor
KIM GUADAGNO
Lt. Governor

LORI GRIFA
Commissioner

May 20, 2011

Armand S. Marini, III
Construction Official
550 Edison Street
Ridgefield, N.J. 07657

Re: 850 Broad Ave.
Ridgefield, N.J.

Control # 0249-0003

Dear Construction Official:

As the Construction Official having jurisdiction in the Municipality of Ridgefield you are responsible for enforce provisions of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et. seq.) and the Regulations for the New Jersey Uniform Construction Code (N.J.A.C. 5:23-1 et. seq.).

On April 20, 2011 the above property was found to be operating as a Rooming House without a Certificate of Occupancy as required by (N.J.A.C. 5:23-2.6 b) and (N.J.A.C. 5:23-2.24 (d)).

Please advise what action you intend to take within 30 days.

In the event you have any questions and/or concerns regarding this please call me at (609) 984-4258.

Very truly yours,

Michael Briant

Michael Briant, Chief
Enforcement Unit
Bureau of Rooming & Boarding
House Standards



UD 11



COPY

State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

101 SOUTH BROAD STREET

PO Box 804

TRENTON, NJ 08625-0804

June 24, 2011

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

LORI GRI
Commissioner

Angus & Adele Todd
850 Broad Avenue
Ridgefield, New Jersey 07657

File #: 0249-0003
Property Address: 850 Broad Avenue
Ridgefield, NJ
Received M.O.#: 143334 - \$1,000.00
143335 - \$ 500.00

Dear Owner:

This letter acknowledges receipt of payment by the Bureau of Rooming and Boarding House Standards as indicated above.

The Bureau will re-evaluate your property to ensure full compliance with the regulations and the Settlement Agreement. If you have complied with all conditions, this concern will be considered as closed. However, if you have failed to comply, you will be liable for the full amount of the original penalty assessed less any payment(s) made under the Agreement.

If I can be of further assistance, please feel free to contact me at (609) 984-4258.

Sincerely,
Irene Harris for Thomas Ertingu
Bureau of Rooming & Boarding
House Standards

Note: Settlement Agreement is Paid in Full



New Jersey is an Equal Opportunity Employer • Printed on Recycled paper and Recyclable

Handwritten initials "UE"

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 October 24, 2011

Presented by Councilman Jimenez

RESOLUTION NO. 327-2011

BE IT RESOLVED, that warrants totaling \$3,456,254.80
be drawn on the following accounts:

CURRENT	\$3,436,952.16
TRUST	\$16,263.85
CAPITAL	\$1,350.00
POOL	\$1,688.79
TOTAL	\$3,456,254.80

COUNCIL VOTE

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Prina,
Acting Borough Clerk