

The workshop meeting of the Borough of Riverdale Mayor and Council opened on the above date at 7:30 p.m. with the Pledge of Allegiance.

Mayor William Budesheim presiding.

**ROLL CALL:**       **Present:**       **Falkoski, Loesner, Wetzel, Guis**  
                          **Absent:**         **Astarita, Carelli**

Mayor Budesheim announced that proper notice of this meeting was made as to time, date, place and agenda.

**PUBLIC PARTICIPATION NO. 1:**

There being no comments, Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, to close the public session.

**ALL IN FAVOR.**

**RESOLUTIONS:**

Councilman Falkoski asked if Resolution No. 2 was a change in ownership. Mayor Budesheim stated that it is. There was discussion regarding a zoning violation at the property reported today by the Zoning Officer exceeding the number of cars permitted. Applicants Tatyana and Sam Levinskaya were present. Councilman Guis asked the applicants what the primary business is. Mr. Levinskaya stated it is Chase Auto Group used car dealership and said the primary business is selling used cars. Councilman Guis stated that is not what the variance given by the Planning Board was for. It was an accessory to the previous owner's primary business of being a car broker. Councilman Loesner was on the Planning Board at the time and explained that it was not approved as a car dealership and they were limited by the board to keeping five vehicles on the property. Mr. Levinskaya asked if he could do the same thing as the previous owner and keep five cars on the property. Councilman Loesner stated this appears to be a change of use and not a change of occupancy. Mayor Budesheim said the Zoning Officer was under the impression it was just a new owner of the existing business. Mr. Levinskaya stated that there are only five cars there now and if you find there are more than five cars you can give me a fine and remove me from there. He assured the Council it is never going to happen again. He said he sells cars on the internet and has storage right now at Aamco Transmission Shop. The cars are brought to the property for the owners to pick them up. Councilman Loesner told Mr. Levinskaya he must adhere to the site plan and restrictions that were filed with the town.

Thereupon, Councilman Guis set forth the motion, seconded by Councilwoman Wetzel, to approve the following resolutions:

- 1) Authorization of sign off on two applications made to the DEP for a "Fish Stocking Permit" in order to release trout into the Pequannock River at Post Lane off the Hamburg Turnpike. Program is school sponsored through the New Jersey Division of Fish and Wildlife and the New Jersey State Council of Trout Unlimited and requires sign off by the Municipal Clerk.
- 2) Approval of a Certificate for Business License for the sale of Used Motor Vehicles for Chase Auto Group at 91 Route 23 South (formerly operated by Any Auto Sales). Site has been approved by the Riverdale Zoning Officer for continued use under a new proprietor and council approval is required to verify that the approval is according to the zoning ordinances of the Borough of Riverdale. (copy of paperwork transmitted to council with e-mailed agenda)

**RESOLUTIONS (continued):**

- 3) Approval of request from Cub Scout Pack 9038 Pompton Lakes/Riverdale to hold a fundraiser within the Borough of Riverdale called "Flocking". (copy of paperwork transmitted to council with e-mailed agenda)
- 4) Resolution to deny the award a bid received for a street sweeper for the DPW received on March 17, 2011 from Garden State Sweepers, 55 Washington Ave, Nutley, NJ due to budgetary restraints and possibility of unavailability of funds.
- 5) **Resolution No. 30-2011;** Authorize appropriate municipal officials to execute a Developer's Agreement between the Borough of Riverdale and Robin Lahue, as Trustee of Anthony Pio Costa Subtrust B, and Anton Company.
- 6) **Resolution No. 31-2011;** Refund of Tax Overpayments.

**ROLL CALL:**       **Ayes:     Falkoski, Loesner, Wetzel, Guis**  
                           **Nays:     None**  
                           **(4 ayes – 0 nays – motion carried)**

**COPY OF RESOLUTIONS IN FULL ON PAGE NO. 35-A AND B****MAYOR BUDESHEIM APPOINTS SERGEANT KEVIN SMITH ACTING POLICE CHIEF**

Mayor Budesheim stated that the Police Chief is planning to retire effective June 1<sup>st</sup> and has been asking about his replacement. Our ordinance requires 15 years experience and a Bachelor's Degree preferably in Criminal Justice. Sergeant Smith and Sergeant Danzo meet those qualifications. Sergeant Smith has been the ranking officer and has a Masters Degree in Criminal Justice. I would like at this time to appoint Sergeant Smith as Acting Police Chief through the end of this year with a \$100 per week stipend and no overtime. This will give the Chief time to prepare him for taking over the role and dispel a lot of the concerns that we may be bringing in a Public Safety Director or a shared chief service. This will be a probation period and give him time to prove himself.

Councilman Loesner asked if this falls under the promotion ordinance. Mayor Budesheim stated that it falls within the ordinance but there is no testing.

Councilman Falkoski stated that he supports this but not the way it was done. Being chairman of the Public Safety Committee, it would have been nice to have someone consult me about it before it was made fact. I was concerned about what was going to happen in a leadership position when the Chief did leave and I had heard those rumors about Public Safety Directors which I thought was a bad idea. I support this because of the qualifications of Sgt. Smith and because the Police Department is a quasi-military organization and the normal order of things is that the next senior officer move up into that position, and that would be Sgt. Smith.

Councilwoman Wetzel stated her concern is that we only heard about this through the grapevine. I think as a courtesy to the Governing Body, when we are asked to give our support we should at least know something about it. I'm not against the idea but my concern is a financial one because we are going to be asked to discuss finalizing a budget. We don't have any figures in front of us and the Finance Chairman is not here tonight. I was waiting for follow up from Councilman Carelli so I have no clue whether or not we have met our obligations to balance the budget. We need more information before we can make a decision on another person's position.

Mayor Budesheim stated that if Sgt. Smith is going to be ranking officer you have to pay him ranking officer pay. This is the equivalent of a Lieutenant's pay. This was going to

**ACTING POLICE CHIEF (continued):**

be discussed tonight but since word got out we felt we should make it a formal appointment.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Falkoski, to appoint Kevin Smith as Acting Chief of the Riverdale Police Department.

**ROLL CALL:**       **Ayes:     Falkoski, Loesner, Wetzel, Guis**  
                           **Nays:     None**  
                           **(4 ayes – 0 nays – motion carried)**

**MAYOR REPORT:**

Mayor Budesheim reported that the Township Manger of Pequannock is planning to make an application for a grant for a program with FEMA to buy out the houses on Harrison Road. That is the most flood prone neighborhood in Riverdale and we have five houses there. He asked if we would support this and take part in this program. The homeowners would not be forced to sell but if they want to get out this would be the best way for them to do that.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, authorizing Mayor Budesheim to inform Pequannock Township that we are willing to take part in a program for a grant with FEMA to buy out houses on Harrison Road.

**ALL IN FAVOR.**

Mayor Budesheim reported that we have vehicles to retire. He requested Council approval to sell them on GovDeals.com and sell one car to an employee for the Blue Book value of \$2,000. Borough Attorney Oostdyk stated that sale would be subject to reviewing the legality.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Falkoski, to authorize Mayor Budesheim to sell a 2006 Chevy Impala, 1998 Chevy Tahoe and 1999 Chevy Tahoe on GovDeals.com and to sell a 2000 Pontiac Grand Am to an employee for the \$2,000 Kelly Blue Book value, subject to Borough Attorney review.

**ALL IN FAVOR.**

Mayor Budesheim acknowledged Riverdale Recycling and the Riverdale Quarry for their assistance and expertise in assisting the borough with the rock slide on Overlook Drive last Wednesday. We had to put emergency access through to High Street in Butler. Riverdale Recycling donated their equipment to spread the stone and spent the afternoon. The Quarry took pictures and came up with a plan for removing the rocks and stacking them to block any further rock slides. They sent two pieces of equipment and spent the afternoon and we got the road open. That equipment alone would have cost us about \$10,000 to rent.

Mayor Budesheim announced that we found out today we are no longer in the 26<sup>th</sup> Legislative District. We are now in the 40<sup>th</sup> and Scott Rumana is our new Assemblyman.

**COMMITTEE REPORTS:**

Councilwoman Wetzel reported on the World Trade Center artifact we will be receiving.

**COMMITTEE REPORTS (continued):**

Councilman Falkoski reported that Patrolman LoPorto will be leaving because of the talk of possible layoffs. He has been hired by the Borough of Chatham and I wish him good luck in the future.

**OTHER BUSINESS:**

- 1) Request from Alexan Riverdale – Riverdale Road – to authorize Mayor Budesheim to endorse a letter from TCR to Morris County Engineering Department confirming that the Borough of Riverdale is not ready to install and monitor the traffic signal at the intersection of Newark Pompton Turnpike and Riverdale Road (CR 651). (copy of letter transmitted to council with e-mailed agenda)

Councilman Falkoski asked if this was valid. Mayor Budesheim stated that we haven't seen a need for it.

- 2) Request from Chris & Mandy Natoli, 72 Riverview Terrace, requesting permission for a curb cut due to construction of an attached garage which will cause the existing curb to interfere with pulling straight into the garage. (copy of print submitted, transmitted to council with e-mailed agenda)

Mayor Budesheim stated this is a very small piece to straighten the driveway. Councilman Falkoski stated that in looking at the plan the site is non-conforming and they will need a variance for the garage. Councilman Guis stated the foundation is already in so they must have gotten their variances and building permit.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Loesner, to approve the following resolutions:

- 1) Authorizing Mayor Budesheim to endorse a letter from TCR to Morris County Engineering Department confirming that the Borough of Riverdale is not ready to install and monitor the traffic signal at the intersection of Newark Pompton Turnpike and Riverdale Road (CR 651)
- 2) Approving request from Chris & Mandy Natoli, 72 Riverview Terrace, for a curb cut due to construction of an attached garage which will cause the existing curb to interfere with pulling straight into the garage, provided variances and building permit have been obtained.

**ALL IN FAVOR.**

- 3) Garbage collection for small businesses.

Mayor Budesheim stated that these businesses put out one or two pails for collection. The ordinance doesn't address it. Borough Attorney Oostdyk stated that our practice has been to accept only residential in our municipal garbage collection. Councilman Guis stated that from the trash hauler's perspective it's sometimes hard to tell. We have small businesses that look like residences and buildings that have businesses downstairs and apartments upstairs. Some valid points were raised by one of our small business owners. These small businesses for the most part draw very little in the way of services and he wants to know why they can't put out two garbage cans. Borough Attorney Oostdyk stated that if we're going to re-examine the issue we should have an ordinance before us to discuss. Borough Attorney Oostdyk will obtain some draft ordinances for review.

**PUBLIC PARTICIPATION NO. 2:**

An unidentified resident expressed concern about how you would define small business. Borough Attorney Oostdyk stated these are discussions we will have when we look at this.

An unidentified resident suggested limiting garbage pickup to retail-professional with square footage limits.

An unidentified resident inquired about the road underneath the bed of the access road in the Overlook section. Councilman Guis stated that they couldn't find it. We will meet the residents to see if they would be amicable to paving that road.

There being no further comments, Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, to close the public session.

**ALL IN FAVOR.****UNFINISHED BUSINESS:**

- 1) Final decision on 2011 Levy Cap Referendum – April 27<sup>th</sup> Election.

Borough Clerk Talerico asked if there would be a referendum. Mayor Budesheim replied that there would not.

Councilman Falkoski asked if we would be discussing the matter. Mayor Budesheim stated that we decided at the last meeting that we weren't going to referendum. Councilman Falkoski stated that we hadn't decided, just that we wouldn't do it at the last meeting. Mayor Budesheim stated that we would need to have a budget presented tonight. Councilman Falkoski asked how we know we don't want to go to referendum. Mayor Budesheim stated that at the last meeting no one spoke in favor of going to referendum. Councilman Falkoski recalled that at the last meeting someone wanted to make a motion to not go to referendum and I confirmed with the attorney that if we didn't make the motion would be still have the option. Borough Attorney Oostdyk stated that you do.

Councilman Falkoski stated that if we can't meet our cap what does that mean for the town. Mayor Budesheim stated that you will have to cut. Borough Attorney Oostdyk stated that there will be no alternative - you will have to meet the cap if you're not going to referendum. Councilman Falkoski stated that the action to be taken to meet that cap could be drastic. We may be talking about layoffs. I have problems every year with the budget session – I'm the one who looks for more information that we really get. I think this year has been the worst experience I've ever had going through budget deliberations because we've really had none. We're supposed to introduce the budget before April 8<sup>th</sup> if we're going to referendum. We don't even know if it's possible to not go to referendum. If it means layoffs I think we should still have the option of going to the referendum and letting the citizens decide whether or not they want layoffs or pay a little more. That's the purpose of the referendum. Councilman Falkoski and Mayor Budesheim disagreed about the budget process. Councilman Falkoski stated the budget process is sitting down with the department and going over the budget line item by line item.

Councilwoman Wetzel stated she has an issue with what's going on with regard the budget. I reached out to Councilman Carelli after every budget meeting and his answer to each of my questions was "we're working on it". When I asked him to clarify who was working on it he said "Bill and I". He has not asked us for any input over the last few weeks and I personally made some suggestions with regards to cuts. I made it

**UNFINISHED BUSINESS (continued):**

perfectly clear at one of the meetings I didn't think the answer to the budget problems was decreasing any one department. It was never addressed. Mayor Budesheim stated he handed out sheets at every meeting with suggested cuts and no one said whether they agreed with them or not. Councilwoman Wetzel stated that she told Councilman Carelli she was not comfortable walking into another meeting to approve a budget without having figures in front of her. His answer was he didn't have any because Bill is still working on the numbers. He was going to meet with the Police to work on the \$150,000 deficit and we were waiting to hear the result of that. I called he said he didn't meet with them and we're still \$150,000 short and Bill is working on it. Mayor Budesheim stated the no one ever called him. Councilman Carelli hasn't met with the police; he's been extremely busy at work and is away this week so there's nothing to vote on tonight. Councilwoman Wetzel stated we are all still in the dark with regard to these numbers and a solution and the implication is we are not making any progress because we are not doing anything. That is all the information I have with regard to this budget. Mayor Budesheim said she should have called him. He explained his budget and said he's within \$65,000.

Councilman Loesner stated that after the last meeting he felt confident we were going to meet the cap without a referendum. The PBA was hesitant to agree with anything because the numbers kept changing and they wanted specific numbers. I'm more than confident we can meet the cap. Mayor Budesheim agreed.

Fire Chief Dan Sturm asked why the Fire Department had a \$2,000 cut in salaries and \$5,000 in O/E. Mayor Budesheim explained the \$2,000 cut in salaries brought the appropriation down to what we spent last year. The \$5,000 was money needed from the O/E budget. We're not cutting anyone's salary. Chief Sturm was concerned with the amount budgeted for clothing allowance since they have three new members. That's 13% and no one else was cut even close to that. Mayor Budesheim stated that DPW/Streets and Roads was cut almost 20%. Chief Sturm said that with the department size and money they bring in they won't be able to operate. He doesn't understand why the salary cuts aren't an even number across the board. Mayor Budesheim told him it can't be even. Every department was cut something. Chief Sturm said the Mayor and Council only got a 3% cut. Mayor Budesheim stated we have to cut \$487,000 out of the budget. Fireman Jack Norton asked if anything was cut from the OEM salary budget.

Resident Joan Garcia stated the Fire Department is probably the only place where we can ask the citizens to come up with more money without raising their taxes. Nobody wants the Fire Department cut and if we put it to the citizens I think we can raise \$8,000. She offered to help with fundraising.

Councilman Falkoski stated that it is confusing that the list showing the amounts cut doesn't show how much remains in each budget.

Police Officer John Barone asked the Mayor and Council why they were against the referendum. Mayor Budesheim stated that he personally didn't feel it would pass and it would cost about \$4,000. Councilman Loesner replied that once the number came down to around \$150,000 and Councilman Carelli was confident we would make it without drastic reductions, I felt comfortable not going for the referendum. I agree with the Mayor that it wouldn't pass. Officer Barone commented that a change in the health care plan was included in the budget but the police committee has not met to discuss it. Councilman Loesner said that Councilman Carelli has the numbers we need and we also want more information on the proposed health care plan. Councilman Guis stated that he is also against the referendum. I think it will go down, it's expensive and we're confident we'll get through this. There was a discussion regarding who would be on the committee to discuss issues with the PBA.

**UNFINISHED BUSINESS (continued):**

Resident Brendan Magennis asked Mayor Budesheim for a summary of what constitutes the \$487,000 we need to cut from the budget. Mayor Budesheim explained the cuts and responded to his questions regarding the budget process.

An unidentified resident stated that we should try going to referendum to keep everything in tact. Another resident asked what the Glenburn costs the taxpayers. Mayor Budesheim stated that nothing comes out of this budget; it comes from grants and a trust fund. The resident suggested the town investigate parking meters.

Fireman Mike Norton asked about cuts to the OEM Budget and salary. Mayor Budesheim stated that \$3,500 was cut from \$5,500 O/E and salary was cut \$225 from \$14,400. Mr. Norton stated he's been with the Fire Department a long time and speaking as a resident has seen no action from the OEM in this town. He asked who gets that salary. Mayor Budesheim replied that he does. Fireman Jack Norton stated that if any place should be cut, the OEM is non-existent. Our Fire Chief patrols the town. Resident Joan Garcia stated she is on the CERT team and was patrolling with the Mayor during the last flood. Jack Norton stated that for the salary the OEM people are taking the taxpayers are getting short cut. He said this is a problem we've had in this town that should have been addressed a long time ago.

Councilwoman Wetzel stated that legally we need to have an OEM and that budget was one of the specific line items she discussed with the Finance Chairman and received no follow up.

Brendan Magennis commented that recently other positions have become paid positions. For one, you have a recreation person that's being paid. In years gone by someone volunteered to do that work. Councilwoman Wetzel stated that recreation is her department and was her volunteer job almost 28 years ago. She explained how the department runs today and that Mrs. Carelli gets paid to oversee the Community Center. Mr. Magennis said that it should be a self-funding operation.

An unidentified resident stated that if there would be layoffs involved, the right thing to do is put it to referendum.

Mike Norton asked how many members of the Council receive health benefits. Mayor Budesheim replied none. Two received health benefits last year and the savings is about \$25,000.

Members of the Fire Department requested a meeting with Councilmen Falkoski and Carelli to go over their budget before the next meeting.

Councilman Loesner set forth the motion, seconded by Councilman Guis, not to have a referendum to exceed the 2% tax levy budget cap.

**ROLL CALL:**       **Ayes:    Loesner, Guis**  
                           **Nays:    Falkoski, Wetzel**  
                           **(2 ayes – 2 nays – motion failed)**

Borough Attorney Oostdyk clarified that the motion did not pass. You would need to have a budget and have a special meeting in order to go to referendum.

Councilman Falkoski stated for the record that he would like to see us go to referendum.

**UNFINISHED BUSINESS (continued):**

Resident Joan Garcia stated she would want to know who we're laying off before voting on a referendum.

Brendan Magennis said he'd rather lay off recreation jobs than police.

Councilwoman Wetzel stated that we are chipping away at a very large number. There are places that can still be cut hopefully without any layoffs.

Councilman Loesner stated he is very confident we will work something out without laying off anyone. Councilman Guis agreed.

Mrs. Garcia asked if there were any more ratables coming for next year or anything that can be put off for this year. Mayor Budesheim replied there were no ratables coming on. We do have hundreds of thousands of dollars in ratables we're losing in tax appeals. Mayor Budesheim explained the circumstances that have lead to us being in this position with the budget this year. If we had been having tax increases every year we wouldn't be in this position.

Fire Department members questioned the recreation director's salary. Jack Norton stated that he did not want his tax dollars to pay for parties at the Community Center. It should be profitable and pay for itself or we should close it. Councilman Loesner stated the Senior Community Center gets used more than any other building by almost every citizen of this town. Mr. Norton stated the seniors could meet in another building and we should raise the fees. Mayor Budesheim stated that we just raised the fees and if we eliminate the recreation director position it would shut down the Community Center.

There being no further comments, Councilman Falkoski set forth the motion, seconded by Councilman Guis, to close the public session.

**ALL IN FAVOR.**

**ADJOURNMENT:**

Councilman Guis set forth the motion, seconded by Councilwoman Wetzel, to adjourn the meeting.

**ALL IN FAVOR.**

Adjourned: 9:40 p.m.

Respectfully Submitted:

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Carol J. Talerico, R.M.C.  
Municipal Clerk