

The regular 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 Budesheim presiding.

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

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

APPROVAL OF MINUTES DATED:

Regular Meeting - April 19, 2010
 Special Meeting - April 29, 2010
 Workshop Meeting - May 3, 2010

Councilman Loesner set forth the motion, seconded by Councilman Guis, to approve the above listed minutes as read.

ROLL CALL: **Ayes:** **Astarita, Falkoski, Guis, Loesner, Carelli**
 Nays: **None**
 Abstain: **Astarita, Falkoski (May 3, 2010 only)**
 (5 ayes – 0 nays – motion carried)

PUBLIC PARTICIPATION NO. 1:

There being no comments, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, that the public portion be closed.

ALL IN FAVOR.

ORDINANCES:

- 1) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 06-2010

**ORDINANCE AMENDING CHAPTER 133 OF THE REVISED
 GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE
 AS TO FEES FOR THE REGISTRATION AND LICENSING OF
 RESIDENTIAL RENTAL DWELLINGS CONTAINING FOUR
 UNITS OR MORE AND AMENDING CHAPTER 82 OF THE
 REVISED GENERAL ORDINANCES OF THE BOROUGH OF
 RIVERDALE AS TO FEES FOR CERTIFICATES OF
 CONTINUING OCCUPANCY**

The Municipal Clerk read the notice for the second reading and final adoption.

Mayor Budesheim announced that this Ordinance was open for public participation.

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

ALL IN FAVOR

ORDINANCES (continued):

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 06-2010 as read on second reading at this meeting, be adopted and finally passed.

ROLL CALL: **Ayes:** **Astarita, Falkoski, Loesner, Carelli**
 Nays: **Guis**
 (4 ayes – 1 nay – motion carried)

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 46-A

2) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 07-2010**ORDINANCE TO EXCEED THE MUNICIPAL APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK**

The Municipal Clerk read the notice for the second reading and final adoption.

Mayor Budesheim announced that this Ordinance was open for public participation.

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

ALL IN FAVOR

Thereupon, Councilman Astarita set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 07-2010 as read on second reading at this meeting, be adopted and finally passed.

ROLL CALL: **Ayes:** **Astarita, Falkoski, Guis, Loesner, Carelli**
 Nays: **None**
 (5 ayes – 0 nays – motion carried)

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 46-B**RESOLUTIONS:**

The following Resolutions were tabled:

- 1) Approval of proposals for Stream Bank De-snagging & De-silting to Darmofalski Engineering Associates, Inc. the following amount for engineering \$12,000.
- 2) Approval of proposal for Stream Bank De-snagging & De-silting to DMC Associates, Inc. in the amount of \$13,700.

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

- 1) Payment of Claims. Including the following:
 - a) New York Mets Recreation Trust \$1,400.00
 - b) Funding for Memorial Day Parade - Not to exceed \$ 500.00
 - c) Gloria Carelli Food Pantry Reimbursement \$ 182.97

RESOLUTIONS (continued):

- 2) Approval of payment from Escrow to the following:
 - a) Darmofalski Engineering Assoc. Alexan at Riverwalk \$1,150.00
 - b) Anderson & Denzler Assoc. Alexan at Riverwalk \$ 356.84
 - c) Anderson & Denzler Assoc. Alexan at Riverwalk \$ 158.70
- 3) Resolution to approve the admittance to active membership of Dave L. Regeling as a Riverdale Fireman.
- 4) **Resolution No. 34-2010**; Tax Sale Certificate #09-00001 Redemption in the amount of \$7,403.21 to Dennis Moeller, 118 Long Pond Road, Hewitt, NJ.
- 5) **Resolution No. 35-2010**; Emergency Temporary Appropriations.
- 6) Approval of additional funds for inspections to be performed by Anthony Gallo for the building department. Prior approval funds have now been exhausted.
- 7) Approval of Alarm Monitoring Service Agreement for the Riverdale Fire Department with Security System Solutions, 281 Stonetown Road, Ringwood at a cost of \$30.00 per month.
- 8) Release of \$10,000 Bond to Majestic, subject to the Borough Engineer verifying the survey monuments are in place.
- 9) Approval to purchase a lawn mower for the DPW in the amount of \$9,803.00 from Riverdale Power Mower (2 quotations received).
- 10) Authorization to list police vehicle #160 at minimum bid of \$9,500 and vehicles #150 and #154 for sale on GovDeals.com.
- 11) Authorization for Sewer Engineer Bill Ryden to prepare a TWA application for the central and west districts.

ROLL CALL: **Ayes: Astarita, Falkoski, Guis, Loesner, Carelli**
 Nays: None
 (5 ayes – 0 nays – motion carried)

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 47 – C, D AND E**MAYOR REPORT:**

Mayor Budesheim reported that we received a letter of support from Parsippany for our efforts in trying to improve the safety conditions of the Route 23 hill. He also reported there has been illegal dumping of dirt in the floodway near the Van Ness Bridge on Riverdale Road. There are conflicting stories as to who brought the dirt in. We are in the process of preparing summonses for the Borough Ordinances. The DEP is also issuing violation notices. We are holding a Candidate's Night at the Community Center on Wednesday, May 26th, at 8:00 p.m. Eleven Freeholder and two Sheriff Candidates will be participating.

COMMITTEE REPORTS:

Councilman Falkoski reported the Court Report for April 2010.

Councilman Astarita reported that he met with the manager of Home Depot regarding cabinets for the Firehouse.

BOROUGH ENGINEER REPORT:

Borough Engineer Darmofalski reported on the revised cost estimates of applications to the DEP for stream bank stabilization, de-snagging and de-silting of the Pequannock River bank. This is approximately 6,000 lineal feet of river that begins 500 feet upstream of the bridge on Hamburg Turnpike and ends 500 feet downstream below Riverdale

BOROUGH ENGINEER REPORT (continued):

Road. The DEP permit costs exceed the engineering and survey estimates. The grand total is \$80,700 of which \$45,000 is just for application fees to the DEP. He would like to go to the DEP in Trenton for a pre-application meeting and make sure these numbers are correct. We had a meeting with the Pompton Lakes Administrator to go over the scope of this joint project. Two of the sites we had visited with people from the Department of Agriculture met the criteria for emergency funding. I received information that they have approved expenditures up to \$96,000 for those two areas. Riverdale's responsibility, in conjunction with Pompton Lakes, is 25% of that cost. You would need to come up with \$16,800 for soft costs for engineering. Pompton Lakes has been asked to consider whether they can come up with their half of the \$16,800. We need to complete this work by November 11th of this year. Mr. Darmofalski answered questions from the Council regarding breakdown of the permit fees and what results we can expect from the \$72,000 emergency funding. It will improve the flow but will not resolve the problem. The engineering cost for a pre-application meeting is approximately \$800.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Carelli, to authorize Borough Engineer Darmofalski to attend a pre-application meeting with the DEP to discuss the scope of the riverbank stabilization project and confirm the permit fees.

ROLL CALL: **Ayes: Astarita, Falkoski, Guis, Loesner, Carelli**
 Nays: None
 (5 ayes – 0 nays – motion carried)

Mr. Darmofalski reported on the status of the RER site that is under construction. He also reported on debris being dumped at Overlook Drive.

PUBLIC PARTICIPATION NO. 2:

There being no comments, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, that the public portion be closed.

ALL IN FAVOR.

Fire Chief Dan Sturm spoke regarding a meeting he will be attending with the DOT regarding the pre-emptive signal at Cotluss Road and Route 23.

CLOSED SESSION:

Councilman Falkoski set forth the motion, seconded by Councilman Guis, RESOLVED that the Mayor and Council go into closed session to discuss matters of potential litigation.

ALL IN FAVOR.

Closed Session being completed, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, to open the meeting to the public.

ROLL CALL: **Ayes: Astarita, Falkoski, Guis, Loesner, Carelli**
 Nays: None
 (5 ayes – 0 nays – motion carried)

ADJOURNMENT:

Councilman Falkoski set forth the motion, seconded by Councilman Carelli, to adjourn the meeting.

ALL IN FAVOR.

Adjourned: 8:33 p.m.

Respectfully Submitted:

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

CLOSED SESSION:**LITIGATION -THE ENCLAVE:**

Mayor Budesheim stated that the rock face going up to Overlook Drive has had continuous rockslides and boulders going into the road. We issued a summons to Majestic that was thrown out of court and we issued one to Beazer but we couldn't find them. Clouding this issue is the property owner and a maintenance easement granted to the Homeowners Association. The homeowners haven't taken over yet because it has not been turned over in a safe condition. We were served with a tort claim notice which means they are preparing for a lawsuit. Majestic sold to Beazer and ultimately it will come down to the property owner. They will bring in Majestic and the homeowners and it will be a very long and drawn out affair. Majestic spent \$200,000 on inspections and it had all of the approvals at the time. Mayor Budesheim reported on a meeting he had with Buzzy Shull who is a principal in Rock Creek and the owner of this property. Rock Creek was going to give the property to an engineer who was owed money but he could not get his subdivision approvals due to our steep slope ordinance. The pricing obtained for blasting to make the rock wall secure and safe is up to \$200,000. In an attempt to find a way to get this done in a timely manner, Mayor Budesheim proposed Mr. Shull give us the property. We could get the work done to the wall, subdivide the 11 acres into two lots and put them up for auction. We feel we could recoup the costs of securing the rock wall and pay the engineer. Mr. Shull said he would discuss the concept with his principals and get us a timely reply.

Borough Attorney Oostdyk explained there is a risk that if Riverdale repairs the wall it becomes our responsibility going forward if rocks start falling again. It's also possible it could be a much bigger job to repair the wall. He suggested we wait for Mr. Shull's response and see what they're willing to do. Another way to solve the problem is encourage them to come back to the Planning Board with a reasonable application that includes fixing the problem with the wall.