

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, Loesner, Wetzel, Carelli**
 Absent: **Guis**

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

APPROVAL OF MINUTES DATED:

Regular Meeting - May 16, 2011
 Workshop Meeting - June 6, 2011

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

ALL IN FAVOR.

PUBLIC PARTICIPATION NO. 1:

Joan Garcia asked if the budget would be adopted tonight and if the Police Department has accepted and signed off on what was offered to them. Mayor Budesheim stated that if there are no amendments the budget would be adopted tonight. Councilman Loesner stated that he, Councilman Carelli and the Police Department signed an agreement that is a letter of understanding to go through with the budget year. Mayor Budesheim stated that any amendment to a collective bargaining agreement has to be voted on by the governing body. Borough Attorney Oostdyk stated that he believed they are considering it binding but he will look into whether we need to do any other procedures. Mayor Budesheim and Councilwoman Wetzel asked for a copy of the agreement but none was available. Councilman Carelli stated he would forward one to the Borough Clerk. Ms. Garcia asked how you can adopt the budget if the matter is still somewhat unsettled. Councilman Loesner stated that it is settled. An unidentified audience member stated that if it's something the Council needs to vote on then it's unsettled. Ms. Garcia asked if it could be voted on tonight. Mayor Budesheim stated that it could if they have a copy.

There being no further 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 07-2011

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF
 RIVERDALE AND ADOPTING CERTAIN REGULATIONS REQUIRED BY
 THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IN
 CONNECTION WITH THE DEPARTMENT'S WATER QUALITY
 MANAGEMENT PLANNING RULES**

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

ORDINANCES (continued):

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, **RESOLVED** that Ordinance No. 07-2011 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 59-A**RESOLUTIONS:**

Councilman Carelli set forth the motion, seconded by Councilman Astarita, to approve the following resolutions:

- 1) Payment of Claims.
- 2) **Resolution No. 45-2011;** Renewal of 2011/2012 Liquor Licenses with the exception of Dexter's Inc. for which a Special Ruling is required.
- 3) **Resolution No. 47-2011;** Refund of Tax Overpayment – Block 40, Lot 2.7113, Barbara Remson - \$182.75 – Year 2011 – Overpayment.
- 4) **Resolution No. 48-2011;** Refund of Tax Overpayment – Block 40, Lot 6.01, Law Office of Glen-David Schwarschild, LLC – 150 North Kings Hwy, Cherry Hill, NJ - \$2,705.40 – Year 2010 – County Board Judgment.
- 5) Appointing of William Budesheim as Emergency Management Coordinator for a three year term commencing 01/01/2011 through 12/31/2013.
- 6) **Resolution No. 49-2011;** Authorization of Budget Self Examination.
- 7) Payment for the following Recreation Trips:
 - a) NJ Jackals Baseball Game Deposit - \$ 353.75
 - b) Land of Make Believe Trip Deposit - \$1,632.00

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

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 59-B, C, D E AND F**OTHER BUSINESS:**

- 1) Emergency generator located at the Municipal Building needs to be replaced.

Mayor Budesheim stated that the generator is about 35 years old and did not work during the last power outage. There is money in the budget and we declared it an emergency. The price from Zephyr Electrical Construction, Inc. is approximately \$31,000.

Thereupon, Councilman Astarita set forth the motion, seconded by Councilman Falkoski, to approve the purchase of a new emergency generator from Zephyr Electrical Construction, Inc. at a cost of \$31,000.

OTHER BUSINESS (continued):

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

- 2) **Possible Introduction of Ordinance No. 08-2011;** An Ordinance Authorizing the Execution of a Contract for the Purchase of Block 26, Lot 21.03 from William J. Patterson, Sirubi Enterprises, Partners Doing Business Under the Firm Name of North Jersey Industrial Builders.

Mayor Budesheim stated this property is the old Verizon building. Our contract with them is subject to getting COAH approval but we need the ordinance in place. The money is in a trust fund for this purpose. Borough Attorney Oostdyk stated the ordinance will authorize the execution of the contract. The property owner has agreed to the term that it's contingent upon COAH allowing us to amend our fair share plan to allow the spending of money for this particular purchase.

Councilman Loesner asked whether the fuel tanks were removed or inspected. Mayor Budesheim stated that according to their testimony at the Planning Board they already passed phase II of the DEP test.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, to introduce the following ordinance and moved its adoption.

ORDINANCE 08-2011

AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE OF BLOCK 26, LOT 21.03 FROM WILLIAM J. PATTERSON, SIRUBI ENTERPRISES, PARTNERS DOING BUSINESS UNDER THE FIRM NAME OF NORTH JERSEY INDUSTRIAL BUILDERS

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 60-G**PRESENTATION BY LAND CONSERVANCY OF NEW JERSEY:**

Mayor Budesheim introduced Barbara Davis, Vice President of Programs at the Land Conservancy of New Jersey, whom he invited to provide information for discussion at the workshop meeting. He stated that we had joined with Pequannock on a FEMA application to buyout homes on Harrison Road but we did not qualify.

Ms. Davis stated that she and David Epstein, President of the Land Conservancy, met with Mayor Budesheim to talk about their land preservation program and flood mitigation work they've been doing in Pequannock Township. The Conservancy is a non-profit located in Montville and they work with towns throughout the state. They are focusing efforts helping towns in the Passaic River Basin address problems with flood control and flood mitigation. She provided packets with information related to Riverdale that included a sample agreement for review and a list of services they provide. She described work they've done with Pequannock for their Riverwalk project along the Pompton River. They've purchased 14 properties and closed a street and their out of pocket costs are born by the Open Space Trust Fund and Green Acres and average 17%. The properties are each about \$250,000 and the municipality has been able to match that with county and state funds. Morris County has held up this project as a model. We've

PRESENTATION BY LAND CONSERVANCY OF NEW JERSEY (continued):

helped Pequannock Township receive \$1,837,900 in grants just for the Pompton Riverwalk project from Morris County and have assisted them with their FEMA application for Harrison Road. Two properties that didn't qualify for FEMA funding are the basis on their 2011 county grant application. The Land Conservancy is looking to get other sources of funding to help buy out those second tier properties that don't meet the severe repetitive loss requirements, and create an interconnected walk.

Ms. Davis answered questions from the Council. There are seven properties in Riverdale on Harrison Road as well as Pan Automotive. The fee is \$12,000 annually and all the towns pay for the service out of the Open Space Trust Fund.

COMMITTEE REPORTS:

Councilwoman Wetzel proposed that the Council change the meeting format. Years ago our first meeting of the month was a workshop meeting and the second was a formal meeting. We later changed that format to have it available to us to vote on issues at both meetings. I think it would serve us and the public better if went back to having a true workshop at the first meeting to discuss the issues and a formal meeting as the second meeting. The Mayor and Council agreed that it was a good idea but will retain the option to take formal action at either meeting if necessary.

The Governing Body decided to change the time of the next workshop meeting on Wednesday, July 6, 2011 to 6:00 p.m.

Councilwoman Wetzel reported on the Summer Concert Series. She made it clear that the concerts are not a budgeted item. This year she made an agreement to showcase four bands that will perform on Wednesdays in July from 7:30 till 9:00.

Councilman Loesner reported that he met with Acting Chief Smith to discuss his manpower proposal and will prepare something for a workshop meeting in the future. He also stated he will represent the Governing Body at the school graduation ceremony.

Councilman Falkoski reported on the Grievance filed by PBA 335 on 4/12/2011. The Borough Attorney determined that this was not something to be grieved since the appointment was for an Acting Chief. Our Chief is retiring as of July 1, 2011. Councilman Falkoski provided the Council with a copy of the procedure that has to be followed for a promotion to Chief. Three of the Sergeants have shown interest in taking the procedure which consists of an oral exam and a personal interview. The promotional committee is comprised of the Mayor, Chief of Police and a member of the Borough Council designated by the Council. Chief Soules is willing to come back and sit on that committee and we would like to schedule this to take place on June 30th.

Thereupon, Councilman Carelli offered the name of Councilman Falkoski as the Council designee to the Promotional Committee for Police Chief. Mayor Budesheim asked if all were in favor.

ALL IN FAVOR.

Councilman Falkoski reported that Acting Chief Smith has researched software to keep track of scheduling, overtime, comp time, etc. He received a quote from Jivasoft Corporation for \$2,800.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Loesner, to approve the purchase of Software from Jivasoft Corporation at a cost of \$2,800.

COMMITTEE REPORTS (continued):

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

Councilman Falkoski reported that Fire Engine 32 had some problems with batteries and they needed to be replaced at a cost of \$1,420.31.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to approve the purchase of batteries for Engine 32 at a cost of \$1,420.31 from the Fire Department Budget.

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

Councilman Falkoski reported that a rock caused a crack in the windshield on the Assistant Fire Chief's vehicle and it was replaced at a cost of \$280.

Fire Chief Sturm reported on additional problems with vehicles that need repair.

Councilman Falkoski reported on the possibility of eliminating the copy machine in the Court office. He stated that they do have to have their own copier due to the confidential nature of what it copied. The choice is to continue the lease and get servicing on the machine, buy out the existing machine at \$1,773, buy a new machine at \$4,642 or take a lease at \$172.28 a month for a 36 month lease or \$132.54 for a 60 month lease. There was discussion regarding the matter and it was decided that Councilman Falkoski will investigate the amount of copying done and see if there is a less expensive machine available.

UNFINISHED BUSINESS:

- 1) Grievance filed by PBA 335 on 4/12/2011.

This matter was addressed during Committee Reports.

Mayor Budesheim announced a two minute recess to set up for a Power Point budget presentation.

PUBLIC HEARING AND ADOPTION OF 2011 MUNICIPAL BUDGET:

Mayor Budesheim gave a presentation of the 2011 Municipal Budget. He explained that we are working within the new 2% levy cap as required by state law for the first time. Some of the areas where we've been trying to reduce spending are shared services and reducing the borough work force. We will continue to do that, possibly restructure health insurance and have gone to alternate utility providers. Overall the municipal rate went up 1.7 points. The school went up .28%, the county went up 1.64% and the borough 3.4%. Of the 1.7 tax points 56% was by state mandate to cover the increase in the state pension cost over our 2% cap. We spent 44% to provide all the borough's needs. The municipal portion of the tax increase for the average assessed house of \$355,000 is \$60.35. We reduced spending from last year a total of 7.4%. About half of our budget is for fixed or statutory expenses. Mayor Budesheim gave a breakdown of budget revenues and explained how surplus, tax appeals, state aid and energy receipts tax affect the budget and tax rate.

PUBLIC HEARING AND ADOPTION OF 2011 MUNICIPAL BUDGET (continued):

Joan Garcia commented on revenues from the Court. Councilman Falkoski stated that the Police Department is down from 18 to 14 members and we've had to eliminate the traffic squad which is why that revenue has decreased.

Mayor Budesheim stated he has some concerns about this budget but there isn't much that can be done due to the 2% cap. One area of concern is using water surplus to make this budget work. Since not all residents are water users that means this budget is being funded in part through surplus in the Water Department. We raised water rates last year to reduce debt service, allow for capital improvements and because the Passaic Valley Water Commission has been increasing water rates 4% each year and the Pequannock River Basin rates are going up. By using this money we are doing much like what the State did in borrowing from another account to pay for today's expenses.

Mayor Budesheim announced the meeting was open to the public for comments on the budget.

Linda Anders asked for clarification of using the water surplus. Mayor Budesheim responded.

An unidentified resident asked if we've looked into accepting water payments electronically. Mayor Budesheim stated that we did and it would cost the borough money.

Linda Anders asked about court revenue from tickets. Mayor Budesheim asked if there was a court report. Councilman Falkoski reported the court report for the month of May. The amount to the Borough for 2010 year to date was \$126,940 and 2011 year to date is \$95,462. The total that came into the court for 2010 year to date was \$318,804 and 2011 year to date is \$237,628. There was a discussion about adding one officer to re-create the traffic squad and how that might affect ticket writing and revenue.

An unidentified resident asked if there was money in the budget to hire another officer. Councilman Loesner stated that they're working on that. It has to be done within the existing budget.

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

ALL IN FAVOR.

Councilman Carelli set forth the motion, seconded by Councilman Astarita, for the Adoption of the 2011 Municipal Budget.

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

COPY OF 2011 MUNICIPAL BUDGET IN FULL ON PAGE NO. 63-A

Mayor Budesheim stated that over the ten years since 2001 we've lost \$1.6 million in state aid and energy receipts tax.

PUBLIC PARTICIPATION NO. 2:

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

ALL IN FAVOR.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:00 p.m.

Respectfully Submitted:

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