

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, Wetzel, Carelli**
 Absent: **None**

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

APPROVAL OF MINUTES DATED:

Regular Meeting	-	August 16, 2010
Special Meeting	-	August 30, 2010
Workshop Meeting	-	September 8, 2010

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

ALL IN FAVOR.

PRESENTATION TO THE FOLLOWING RIVERDALE LIBRARY VOLUNTEERS

Andrea Cruz	Caroline King	Chelsea Philip
Lindsey Flynn	Frank Magyar	Leticia Rodriquez
Yash Ghandhi	Hannah Nicklas	Kristen Rosenboom
Yuti Ghandhi	Richa Patel	Cassidy Tibbetts
		Deanna Walker

Mayor Budesheim announced that this is the seventh year in a row that we've done a presentation to the library volunteers. We like to acknowledge the young people who have served in the library during the summer and to thank them. Library Director Carol Heinz explained the volunteer program and Councilwoman Wetzel presented the volunteers with certificates.

PUBLIC PARTICIPATION NO. 1:

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

ALL IN FAVOR.

ORDINANCES:

Councilman Loesner asked what was amended. Borough Attorney Oostdyk stated that the fee for copies was changed by state law. Municipalities with population under 5,000 are permitted by law to limit the hours they accept requests and this ordinance provides for this. Requests will be accepted in person or by mail.

- 1) Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, to introduce the following ordinance and moved its adoption.

ORDINANCES (continued):**ORDINANCE 09-2010****ORDINANCE AMENDING THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF RIVERDALE AND
ESTABLISHING POLICIES AND FEES FOR OPEN PUBLIC
RECORDS ACT REQUESTS**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 85-A**RESOLUTIONS:**

Councilman Falkoski commented on salary resolution No. 63-2010. He stated that we passed a salary resolution and afterward realized that it didn't cover every employee and we've since had two or three revisions. I don't feel comfortable voting for these things in piece meal. Depending upon responsibilities there seems to be a lot of inequities in the hourly wages of the employees. I'd like the Council to analyze the whole employee roster and the responsibilities with the idea of adjusting them in a realistic and fair manner. Mayor Budesheim explained that the \$23.72 per hour salary is for on-call Saturday and Sunday to clean the Community Center after an event. Councilwoman Wetzel stated that the first salary is offset by the fee we charge the renters. Councilman Loesner stated that his research indicated the second salary is not out of line and he didn't have a problem if the first one is specifically for on-call night and weekend work at the Community Center.

Several items on the bills list were questioned. Mayor Budesheim questioned a charge for guns, Councilman Carelli questioned a charge for tree removal and Councilman Loesner questioned charges from Black Box Services for telephones.

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

- 1) Payment of Claims. Including the following:
 - a) Madison Square Garden Recreation (if funds available) \$3,270.00
 - b) Gloria Carelli Food Pantry Purchases \$ 500.00
 - c) Picatinny Golf Club Golf Outing 9/23/10 \$3,400.00
- 2) Approval of payment from Escrow to the following:
 - a) Darmofalski Engineering Assoc. Riverdale Square \$ 544.00
 - b) Darmofalski Engineering Assoc. Riverdale Square \$ 115.00
 - c) Anderson & Denzler Associates Alexan Riverwalk \$ 59.16
 - d) Anderson & Denzler Associates DR Horton-Grande \$ 903.22
 - e) Robert Michaels & Associates Alexan Riverwalk \$ 281.25
- 3) **Resolution No. 61-2010; Refund of Tax Overpayments:**
 - a) Riverdale Investors B140, L2.5103 – County Judgment \$1,173.14
 - b) McKirdy & Riskin B140, L3.2313 – County Judgment \$ 552.29
 - c) Frederick & Mary Armond B140, L2.8408 – Judgment \$ 471.53
 - d) Riverdale One B29, L23 – Overpayment \$16,629.00
 - e) Michael Vespasiano B1 40, L3.2213 – Judgment \$ 451.35
 - f) Michael Vespasiano B140, L3.2410 – Judgment \$ 252.35
 - g) Boris Friedman B140, L2.7409 – Judgment \$ 524.89

RESOLUTIONS (continued):

- 4) **Resolution No. 62-2010;** Resolution of governing body to accept the Cafeteria 125 Plan with Aflac titled a "Flexible Benefits Plan" to enable pretax payroll deduction on health benefits deductions and insurance deductions as presented to the governing body by Scott Vozza of Aflac.
- 5) **Resolution No. 63-2010;** to amend original salary Resolution for 2 part time employees – Janet Pellett \$23.72 and Barbara Schad \$16.32 for the 2% increase.

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

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 86-B, C, D AND E**MAYOR REPORT:**

Mayor Budesheim reported that the newsletter will be printed a new way beginning with the October issue. He found someone who will print it in color for less per copy than it costs using our copy machine and they will mail them directly to the residents for the same rate we pay. They have to be paid for before printing. The cost is about 23 cents per copy to print here. The price for printing is 17 or 18 cents per copy and the mailing and delivery charge will make it about 20 cents total. We would not do this if the price per issue is more. The entire cost of the newsletter is offset by advertising.

Thereupon, Councilwoman Wetzel set forth the motion, seconded by Councilman Carelli, to approve the following resolution:

- 6) Authorizing a check to be issued for pre-payment of the monthly newsletters at a cost not to exceed \$.23 per copy.

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

Mayor Budesheim stated that we need authorization for Borough Engineer Darmofalski to work with Water Engineer Bill Ryden to prepare bid specifications for water issues that need to be addressed on Mead, Arlington and Haycock prior to paving. Councilman Guis explained the work required and why we should break the work into two parts. One bid will be to replace just the valves for approximately \$15,000. If the Water Engineer determines after looking at the pipes they are in need of replacement the second bid will take effect for about \$400,000. Mayor Budesheim stated the engineers would like this in before winter so the road can settle before we do the pavement.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Carelli, to approve the following resolution:

- 7) Authorizing Borough Engineer Paul Darmofalski to work with Water Engineer Bill Ryden to prepare dual bid specifications for water issues to replace valves and water pipes on Mead Avenue, Arlington Place and Haycock Avenue.

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

BOROUGH CLERK REPORT:

Borough Clerk Talerico reported the side door on the municipal building has been left unlocked a few times in the evenings and weekends. She asked everyone to make sure outside doors are relocked with the key after opening.

ATTORNEY REPORT:

Borough Attorney Oostdyk reported that the Rock Creek Crossing Condominium Association is asking about picking up a tax sale certificate on Block 11, Lot 11. This is a small piece of property adjacent to the Rock Creek Crossing common element and had been listed on our Tax Assessor's records as an unknown owner following the development of Rock Creek. The Tax Assessor removed the item as a line item in 2007 but taxes had accrued between 2000 and 2007 and \$15,500 is due on the tax sale certificate. The association would like to purchase the tax sale certificate for something less than the amount due. He explained that to sell it for less we would have to offer it at auction to see if we could get the full amount. After a brief discussion it was decided the Borough Attorney would respond to the association and prepare a resolution authorizing the sale of the tax sale certificate to them at full price.

COMMITTEE REPORTS:

Councilman Falkoski reported the Court Report for August 2010.

Councilman Astarita reported that the food and art festival held at the Glenburn was a success and brought attention to the Riverdale Land Conservancy, Glenburn and the RAC who partnered to bring us that festival.

Councilman Loesner reported that he wanted to resolve the issue of the personnel ordinance and employee handbook.

CLOSED SESSION:

Councilwoman Wetzel set forth the motion, seconded by Councilman Astarita, RESOLVED that the Council go into closed session to discuss a matter of attorney-client privilege and a personnel matter.

ALL IN FAVOR.

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

ALL IN FAVOR.**ADJOURNMENT:**

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

ALL IN FAVOR.

Adjourned: 9:40 p.m.

Respectfully Submitted:

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

CLOSED SESSION:**ATTORNEY-CLIENT PRIVILEGE:**

Borough Attorney Oostdyk stated that Borough Clerk Talerico had asked for advice concerning how to handle accounting for comp time for a retirement in the Police Department. The concern was there had not been Council approval for paying comp time to the individuals and no record of the time was provided. Mr. Oostdyk stated that he agreed this is cause for concern. One major concern is that a record should be kept of overtime, comp time, and employee time in general and there should be a policy in place.

Mayor Budesheim stated that federal law doesn't allow carrying comp time from one pay period to another. Our police contract states that at the end of the year any unused comp time will be paid as straight time. At the end of last year he received letters from the Captains who are retiring and one said that if he took his comp time, vacation time and some of his sick time he would be eligible to leave on September 1st. When he inquired about the comp time the Police Chief provided copies of hand written sheets recording comp time for both employees beginning in the year 2000 with a carry forward balance. He said this is how it has been done since before he was Chief. We put a stop to it immediately but we have these employees who've been assured this is what they're entitled to. Councilwoman Wetzel asked who the authority that assured them was. Mayor Budesheim stated that he did not know.

Borough Attorney Oostdyk stated that we should be following the union contract and they should be submitting claims for their comp time. He asked why this was not being done.

Mayor Budesheim stated he did have the answers. The comp time for this employee is 328.75 hours and goes back to May 7, 2000 with a balance from before that. He had 42 vacation, holiday and personal days, 41 comp days and 330 sick days. Clerk Talerico stated that their contract only allows them to accumulate 300 sick days.

Borough Attorney Oostdyk stated the contract that needs to be abided by going forward. Mayor Budesheim stated that he had explained the federal law to them in June and it was agreed there should be no more accumulations. Mr. Oostdyk stated that it is a bad practice to have separate police records and there should be one central location where records are kept. Administration does not even know this has been going on.

There was a discussion regarding how to compensate the employee who is already gone. Councilwoman Wetzel asked if we should anticipate the same thing for the next Captain who is retiring. Mayor Budesheim stated that we have a sheet for him too.

Borough Attorney Oostdyk stated that it was important that the Borough Clerk brought this to the attention of the Council. I want to be sure that in the future everything is understood and the department head understands that this is not the way to do this. Mayor Budesheim stated that the practice was stopped at of January 1st of this year and he would put it in writing.

Council continued to discuss compensation for the employee who is already gone. Mayor Budesheim stated his official retirement date is February 1, 2011 because the pension board would not allow the Captains to retire on January 1st as they had requested. Because of this they will also be entitled to 2011 vacation time. He stated that we would need to authorize the Borough Clerk to pay this employee through the end of the year. He wants to use 23 of his sick days. In his letter he says he has 330 accumulated sick days and the contract only allows up to 300. If he uses 23 he would have 277 left so he would get \$690 less.

CLOSED SESSION (continued):

Councilman Falkoski stated that these gentlemen haven't retired yet. The pension board hasn't made a decision whether they will approve retirement based on what their salary is right now. There's nothing to say that if they don't get approved for this retirement that they don't retire. Whatever we can do to discourage them from going forward with the plans they have now would be both to their and our advantage rather than bicker about a few dollars that may change the complexion of the whole process.

Mayor Budesheim stated that the contract is very specific regarding sick days. He needed to use 23 sick days so he could leave September 1st and get paid through December 31st. This is an accommodation we're giving him because he's not sick. Councilwoman Wetzel stated the conflict is that he based his calculations on 330 days and we're basing ours on 300 days. Councilman Astarita asked about the other retiring employee. Mayor Budesheim stated he hasn't done that yet but he's said his last day of work will be October 15th.

It was decided that Borough Attorney Oostdyk will prepare a letter to the Police Chief covering both of these issues.

PERSONNEL:

Mayor Budesheim stated the Personnel Committee had met with Borough Clerk Talerico. Almost a year ago she had presented a request for a retirement package and the committee discussed some ideas. She had been appointed Municipal Housing Liaison and if she could receive a stipend for that it would help her over the next three years so she would be able to retire. This would also help the town by reducing the cost of the office of the Borough Clerk. He said that Councilman Falkoski also wished to bring up some salary issues regarding the DPW. We want to pass a resolution for salaries to clear this up for the end of the year.

Councilman Falkoski and Councilwoman Wetzel asked for clarification of what was being proposed. Clerk Talerico stated that she was appointed Municipal Housing Liaison three years ago and the ordinance was adopted last year because the state now requires an employee be appointed. Prior to that the Borough Engineer had the position and charged his hourly rate which is \$115 per hour. She stated that her original impression in preparation for retirement was that if we continued to get four percent raises it would be affordable for her to retire in three years. It was decided the other employees are only getting two percent so it wouldn't be right. Municipal Housing Liaison is a job she is doing and it has become a bit more cumbersome and involved and requires her to take classes. Compensation for this position might be an avenue for her to be able to retire. Councilwoman Wetzel asked how many hours are dedicated to this position. Clerk Talerico stated that she didn't count hours. She said she has worked along with Planner Bob Michaels, met with TCR several times after hours regarding their COAH units and met with people who administrate COAH at the Grande. She has also been trying to get COAH units at Rock Creek straightened out for quite a while.

Councilman Carelli stated that Clerk Talerico had approached the Mayor a year ago to ask about doing something in planning for her retirement. She had made some statements in her letter with regard to some things that were done in the past for some employees as far as a retirement package. I think her retirement date was March of 2014 so I prepared a booklet for her with an estimate based on the pension plan and on certain criteria. I also presented her with information about the logic that was used for some of the other retirement incentives. Some of them predated me so I could not comment. One was a public works employee who wanted to retire at 62-1/2 instead of 65. We agreed to pay \$1,000 toward his medical benefits for those 30 months. That was \$30,000 but I pointed out that it was a benefit to the Borough because for those last 30 months we

CLOSED SESSION (continued):

would have paid his medical and we essentially saved his salary for 2-1/2 years. When we looked at the other issues as far as police and giving people incentives there was always savings. I tried to work up a scenario to do something so she would retire earlier but I couldn't find a scenario that would be beneficial to her and also to us. She's trying to base her retirement on a 4 percent raise each year and unfortunately we're not giving 4 percent. We had another meeting and one of the ideas was to pay her a stipend for the Municipal Housing Liaison position. She said the position is involving more work and considerably more responsibility. The Mayor had commented earlier that this would afford her to leave earlier but I think the retirement date would still be 2014. I was asked to calculate what the stipend would have to be to be equivalent to getting a 4 percent raise each year and I also did it based on a 3 percent raise. To be the equivalent of a 4 percent raise for the next 4 years the stipend would have to be \$7,000 with a 2 percent raise until 2014.

Councilwoman Wetzel asked why she took the position without asking for a stipend knowing somebody else had been getting paid for it. Clerk Talerico replied that she's done it before – she's done many jobs over the years and hasn't asked for any stipend to save the town money. Councilwoman Wetzel asked if we know what other people are getting paid for this position instead of basing it on a salary that she would like.

Mayor Budesheim stated that he wanted to clarify that point. Clerk Talerico submitted this back in September or October of last year. The previous three, four, five years everybody was getting 4 percent so she was projecting this based on 4 percent continuing. This year when we voted to give 2 percent raises that threw her plan off.

Councilwoman Wetzel stated that she wants to know how much the salary for this job should be. I agree she should be compensated but we don't have enough information to decide how much.

Mayor Budesheim stated that we just gave the Captains \$29,000.

Clerk Talerico stated that as a long time employee she is looking for something towards her retirement and to enjoy some of what other people have earned here after their years of employment – and to do the job and not just ask for something. There will definitely be a savings to this Borough when I leave because I don't think you're going to pay the new person what you're paying me. I may not be able to leave in 2014 because I need a certain amount of money in order to retire and this is what I was basing my retirement on.

Councilwoman Wetzel stated that she understands the explanation and doesn't disagree but we don't know what this job entails and how much somebody gets paid to do it.

Mayor Budesheim explained that this is a vehicle to give a 4 percent raise and pay an employee for an additional job she is doing. We don't know for sure if it's overpaid or underpaid but in four years it's over.

Councilman Carelli stated that in four years it will cost over \$30,000.

Councilman Loesner stated that we never discussed an amount so he agrees with Councilwoman Wetzel. He said he doesn't know what the amount should be and doesn't agree with the methodology being used right now.

Councilwoman Wetzel stated she can't believe Clerk Talerico did this job up until now without being paid for it. She asked if we could find out the salary of another person doing this job so we know what we're paying for.

CLOSED SESSION (continued):

Clerk Talerico stated that a lot of other employees have gotten a lot of things over the years for doing nothing. I've been here for 24 years and thought I had established a reputable position here and may be deserving of some of the same that others have received.

Councilman Falkoski stated that the argument that you don't know what the salary should be is not a legitimate reason not to take any action in this case because this is being done for a particular purpose. What we're doing is paying for something extra that required training and education to be able to handle. A few meetings ago we came up with something similar for three gentlemen who work for the DPW that would go into effect October 1st for this year. The total amount for those three gentlemen for this year was only about \$2,500 and everybody knocked that down. The reason that was being suggested was the extra training they had taken and the qualifications that gave them. One of them is a Certified Public Works Manager, a licensed Pump Station T-2 and Certified Recycling Coordinator. The other gentleman is also licensed T-1 for Pump Station and is I-Cop certified. We had in the past made it a custom that if someone had taken training to put them in the position where they could benefit the town we were willing to give them a stipend for that. I think in all fairness if we're going to do one we should do everything. Otherwise the unrest it will cause will not be manageable and may also cause us to lose some valuable people once the economy starts to get better. I could support something like this if along with it we support the resolution we had a few months ago for these three gentlemen.

Councilman Carelli asked if he would support a \$7,000 increase for Clerk Talerico if we already had someone doing that job. Someone got a certification that two other people already have so there's no value to us.

Councilman Loesner stated that the difference is we've established the position of Municipal Housing Liaison. We don't have a position of Assistant Public Works Superintendent.

Councilman Astarita stated that we didn't want to create the position.

Councilwoman Wetzel stated that if the employee obtained a certification he should be compensated with a stipend. We were looking to create a new position for him then bumping three people up into new positions. That's what I voted against because we didn't need all those positions in that department. He should be given a stipend for his certificate and Clerk Talerico should be compensated for her position. We have to determine the amounts and it's our responsibility to know what this job is and what people get paid to do the job. I'm sorry Clerk Talerico was disappointed in a 2 percent raise but that was agreed for everyone. To backpedal and make it up so she somehow manages to get 4 percent because that's what she would like is not the right thing to do. As far as the DPW, we can't have a seven man department and five people with titles. Let's determine a stipend for the certificate. We're losing control of what we're doing here to make everybody happy.

Mayor Budesheim stated that they are doing those jobs now. Rather than give them more money the idea was to give them a promotion and pay them for the additional work just like we're trying to do with Clerk Talerico. I thought it would go through more smoothly. Not one person said that night to just give them the raise.

Councilwoman Wetzel stated that she said to give him a stipend. She also stated that just because we did something before doesn't make it right. I think we're all starting to see the cumulative effects that all of those decisions have brought us to. We're in a crunch here.

CLOSED SESSION (continued):

Mayor Budesheim explained that by law we will need to have a Recycling Coordinator and Steve did not want to take the course. We forced it on him. Alan went on his own time and his own money and got certified to change the cameras and calibrate them in the police cars. That saves us money. Rob is acting as a supervisor and doing the job. You should see what other towns are paying their DPW workers. This is to try and get the salaries up. When you have someone making \$32,000 a year and Governor Christie's proposal is 30 percent of the cost of his health benefits will come out of his pay that's \$4,500.

Councilman Carelli stated that he gets frustrated because there is no planning and no vision. I give a salary resolution and people sit on it for a month. We come to a meeting where nobody says a word, then we adopt it, then there's a mistake and all of a sudden we've got five promotions in September. I ask the question like I do every year and these things come up last minute. I'm not opposed to giving them an increase and if they did something and earned it we should budget it, plan it and they should get the promotion. Now we're in closed session saying let's add three more while we're here. I just don't like doing this.

Mayor Budesheim stated this is part of the plan. The plan has always been if you go to school and get certification we'll pay you for it.

Councilman Carelli and Councilwoman Wetzel stated they agree with that. Councilman Carelli stated he would like an analysis of how much the camera certification is saving us. Mayor Budesheim suggested he do the analysis and let us know.

Councilman Guis stated that it came up as an add-on because in his mind performance or incentive raises have to be separate discussions from cost of living increases. This is one reason I didn't bring up those particular items until after we resolved the across the board cost of living. One of the DPW employees went to school for his water license and it took 2-1/2 years on his own time and he got trained to do work on the police cars. He's doing work above and beyond what would have been asked of him and he's saving us money every day. I'm saying this because I'm down there and I see it.

Councilman Loesner stated that he had asked for the cost a few months ago when it came up but it died right there. I don't have a problem paying him to work on the cars. I just want to know how much and how often. The same thing with the Assistant Superintendent – maybe we need one and maybe we don't. We need a job description and pay scale.

Councilwoman Wetzel stated she has no problem giving him a stipend for his certificate if it's benefiting us. If it's self-serving and we paid for the course and he went on our time then we paid enough. We have no guarantee he's going to stay here.

Mayor Budesheim stated that Steve told him he would reimburse us for the course and then he owns the certification. When we need a Recycling Coordinator we'll have to bid for his services.

Councilman Loesner stated that somebody offered them the wages they're making now and they agreed to work here for those wages. If they can't work for those wages anymore, so be it. We hire somebody else.

Councilman Falkoski stated that we weren't getting anywhere.

Councilwoman Wetzel stated that we should table the salary issues and get more information based on what was brought up tonight.

CLOSED SESSION (continued):

Mayor Budesheim stated that maybe we ought to revisit this Captain's issues because that's costing the town \$29,000 times two. If we're not going to compensate people who are working for it and we're going to give people who put in 15 hours because they went to a parade, then maybe we should revisit everything. Right now we're in a state of flux where we don't know what we want and we have no plan. Let's put everything out on the table and let the Personnel and Finance Committee do the research.

Councilman Astarita stated that in order to pay for performance you have to have metrics. There has to be something measurable that we can evaluate from.

Mayor Budesheim stated that in businesses people are able to go out on strike. Public workers don't have that bargaining power. I move we go back into open session.