

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       -       October 18, 2010  
 Workshop Meeting     -       November 1, 2010

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

**ROLL CALL:**       **Ayes:**     **Astarita, Falkoski, Guis, Loesner, Wetzel, Carelli**  
                           **Nays:**     **None**  
                           **Abstain:** **Astarita (November 1, 2010 only)**  
                           **(6 ayes – 0 nays – motion carried)**

**PUBLIC PARTICIPATION NO. 1:**

**NEW BUSINESS:**

- 1) Walmart, Riverdale is requesting a hearing at this meeting to request a waiver in accordance with borough chapter 110-3 of the code of the Borough of Riverdale to operate the store between the hours of 12 am and 6 am on November 26, 2010 better known as “Black Friday” to accommodate the shopping expectations of the local communities for the beginning of the holiday shopping season. (copy of letter of request distributed to governing body with agenda) Walmart will be represented by store management.

Rebecca Timko appeared to represent Walmart. Borough Attorney Oostdyk stated that normally corporations have to be represented by an attorney at a public hearing. This is a land use related application and Walmart was advised to have an attorney represent them. Ms. Timko stated that her company said it was not necessary. Borough Attorney Oostdyk stated that this is not a Planning Board application and it is the Council’s decision. After a brief discussion, Council decided to hear the request.

Ms. Timko stated that last year Walmart did stay open and were fined for doing so. She stated that being open between 12 am and 6 am works a lot smoother security wise than having the 4 am rush inside the store.

Councilman Falkoski stated that there’s a lot of advantage in granting this if we can do it in a manner that is legal. Borough Attorney Oostdyk stated it is legal if the Council chooses to approve it. Mayor Budesheim stated that we have these restrictions because we are a small community and 24 hour operations tax our resources. It is a burden on our police, fire and first aid departments. He asked how this would benefit the town. Ms. Timko stated it is better crowd control than to have a crowd waiting outside the store. Mayor Budesheim stated that is an internal matter. Ms. Timko explained their plan to utilize off duty patrolmen in addition to an outside event service company. They have already paid \$7,500 toward the \$8,165 bill and are willing to pay additional costs for services they use. Mayor Budesheim said he did not understand their need for nine

**PUBLIC PARTICIPATION NO. 1 (continued):**

Riverdale policemen. He stated that our police are not here to accommodate Walmart's sales and they should hire their own security people. I don't mind one or two being there in case of emergency, but 7 and 9 plus 2 on the road out of 15 is ridiculous. Sergeant Bogert stated that we have done this five years in a row and there will be hundreds of people coming whether we are there or not. We wouldn't do it if we didn't have the manpower.

Borough Attorney Oostdyk stated that we have to separate the issue of an application to stay open from the issue of outside police details.

Councilman Astarita stated that in addressing the opening it is much safer to have the store open so crowds aren't waiting outside to rush through three doors. Councilman Loesner stated he agreed with the Mayor that 9 and 7 of our patrolmen is excessive. What if Home Depot and Target come in next week and want to be open all night too? Ms. Timco stated that is why she has been working with the Police Department for over a month and we came up with this total number together. We wanted to be well prepared ahead of time.

Sergeant Bogert stated that when you have a show of force you have less chance of something happening. I'm telling you from experience that the soft opening works better and is safer.

Borough Attorney Oostdyk stated that if we have issues with the number of officers at one event we need to look at our policies for off duty. Walmart is responsible for their own security and we're not going to advise them of what their needs are. They came to us with a request and they're paying a lot of money to do that.

Thereupon, Councilman Astarita set forth the motion, seconded by Councilman Falkoski to allow Walmart to remain open between the hours 12 am and 6 am on November 26, 2010 better known as "Black Friday".

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

Mayor Budesheim asked if we are going to address the security issue. Borough Attorney Oostdyk stated that if there is concern about assignments like this leaving the force under rested that could be the subject of a separate discussion in another forum.

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

**ALL IN FAVOR.**

**ORDINANCES:**

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

**ORDINANCE 10-2010****ORDINANCE AMENDING CHAPTER 136 OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE  
AND AMENDING CERTAIN SEWER RATES**

Mayor Budesheim 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 Guis, to close the public session.

**ALL IN FAVOR**

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 10-2010 as read on second reading at this meeting, be adopted and finally passed.

**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. 112-A**

- 2) Councilman Astarita set forth the motion, seconded by Councilwoman Wetzel, to introduce the following ordinance and moved its adoption.

**ORDINANCE 11-2010****ORDINANCE AMENDING CHAPTER 164 OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE  
AND AMENDING CERTAIN WATER RATES**

**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. 112-B**

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

**ORDINANCE 12-2010****ORDINANCE AMENDING CHAPTER 45 OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE**

**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. 112-C**

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

**ORDINANCE 13-2010****ORDINANCE AMENDING THE ZONING MAP OF THE  
BOROUGH OF RIVERDALE AND PLACING BLOCK 26, LOT  
21.03 IN THE PO-1 ZONE IN ITS ENTIRETY**

**ORDINANCES (continued):**

**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. 113-C****RESOLUTIONS:**

Councilwoman Wetzel asked for clarification of resolution No. 7. Mayor Budesheim stated this was part of the property acquisition when we did the sewers on Mathews Avenue and will close out our obligation.

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

- 1)    Payment of Claims. (including the following)
  - a)    NJSEA           -       Disney on Ice                   \$1,235.00
  - b)    St. Columcille Gaelic Bagpipe – Memorial Day       \$ 300.00
- 2)    Approval of payment from Escrow to the following:
  - a)    Darmofalski Engineering Assoc. Alexan/Riverwalk   \$ 460.00
  - b)    Anderson & Denzler                   Alexan/Riverwalk   \$ 734.90
- 3)    **Resolution No. 69-2010;** Providing for the Assignment of a Tax Sale Certificate at Private Sale.
- 4)    **Resolution No. 70-2010;** Chapter 159 – Special Item of Revenue & Appropriation – Community Development Block Grant – Senior Center – ADA Elevator \$80,000.
- 5)    **Resolution No. 71-2010;** Transfer Resolution.
- 6)    **Resolution No. 72-2010;** Refund of Tax Overpayments.
- 7)    Approval of proposal for installation of driveway pavers at 5 Mathews Avenue (Sky Ball) to Panoramic Landscape Service in the amount of \$10,150. (3 quotations were received of which Panoramic is the lowest bid)
- 8)    Approval of funds for 2010 Holiday Gathering – Celebration of Public Events, in the amount of \$200.00. Funds of supplies.

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

**COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 113-D, E, F, G AND H****MAYOR REPORT:**

Mayor Budesheim reported that the budget from the Pequannock Health Department for next year went down \$174. He also reported that we've had a lot of complaints about the quarry. We had problems with a sulfur odor, blasting issues and an exceptional amount of dust in the area.

**COMMITTEE REPORTS:**

Councilman Carelli distributed a new salary ordinance for review. He would like it to be introduced at the next meeting.

Councilman Falkoski reported the Court Report for October 2010.

**COMMITTEE REPORTS:**

Councilman Guis reported that we will need a new street sweeper in 2011. The DPW tested a demo model and we were impressed with it. The price is \$160,500.

Councilman Astarita reported that he attended the Community Development Block Grant meeting. The maximum and deadline will be the same as last year. He also reported on another leak at the library that we had repaired.

Councilman Loesner reported that he would be glad to answer any questions about the DPW salary structure.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Carelli, to have bid specifications prepared for a street sweeper.

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

**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.**

Mayor Budesheim reported that Kinnelon Mayor Glenn Sisco's retirement party is Sunday. Council agreed to purchase a gift valued up to \$200.

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:27 p.m.

Respectfully Submitted:

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