

The regular meeting of the Borough of Riverdale Mayor and Council opened on the above date at 7:30 p.m. with the roll call followed by the Pledge of Allegiance.

Mayor Budesheim presiding.

**ROLL CALL: Present: Astarita, Carelli, Mastrangelo, Revis, Guis
Wetzel (late arrived 7:45 PM)
Absent: None**

Also present: Police Chief Smith, Fire Chief Sturm

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

APPROVAL OF MINUTES DATED:

Workshop Meeting - November 3, 2014

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

ALL IN FAVOR

PUBLIC PARTICIPATION NO. 1:

Dave Desai, 22 Cotluss Road, asked the councilmembers who opposed turning the Verizon Building into a COAH site why they opposed. Mayor Budesheim asked Councilman Guis for an update and are going to set up a meeting with New Bridges. Desai expressed his opinion that this location should be turned into a COAH location as per the original plans.

Jeff Romaine, 23 Greenwich Street, after getting clarification on Riverdale's COAH obligations, Romaine expressed his opinion that we should wait to discuss the Verizon Building location until the courts determine exactly what our COAH obligations will be.

Hearing no further comments, Councilman Astarita set forth the motion, seconded by Councilman Mastrangelo, that the public portion be closed.

ALL IN FAVOR

ORDINANCES:

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

ORDINANCE 11-2014

ORDINANCE OF THE BOROUGH OF RIVERDALE JOINING THE MORRIS ENERGY COOPERATIVE PROGRAM PURSUANT TO N.J.S.A. 48:3-93.1 ET SEQ.

The Assistant 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 Astarita set forth the motion, seconded by Councilman Mastrangelo to close the public session.

ALL IN FAVOR

Councilman Mastrangelo set forth the motion, seconded by Councilman Astarita, **RESOLVED** that ordinance No. 11-2014 as read on second reading at this meeting, be adopted and finally passed.

**ROLL CALL: Ayes: Astarita, Carelli, Mastrangelo, Revis, Guis
Nays: None
(5 ayes- 0 nays- motion carried)**

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE 104-A

ORDINANCES (continued):

2) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 14-2014**ORDINANCE AMENDING CHAPTER 47 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND AMENDING THE ORDINANCE LIMINATION ON THE NUMBER OF SPECIAL POLICE OFFICERS**

The assistant 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 Astarita set forth the motion, seconded by Councilman Mastrangelo to close the public session.

ALL IN FAVOR

Councilman Astarita set forth the motion, seconded by Councilman Mastrangelo, **RESOLVED** that ordinance No. 14-2014 as read on second reading at this meeting, be adopted and finally passed.

ROLL CALL: Ayes: Astarita, Carelli, Mastrangelo, Revis, Guis

Nays: None

(5 ayes- 0 nays- motion carried)

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE 105-A**RESOLUTIONS:**

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

- 1) Payment of Claims (including the following):
 - a. RFM Printing - November Newsletter - A&E o/e \$ 935.85
- 2) **Resolution No. 68-2014;** Resolution Opposing the Pilgrim Pipeline Project
- 3) **Resolution No. 69-2014;** Establishing Salaries for 2014 (Approving 2% Increase for Bernadette Scarr and Marie Pra)
- 4) Approving salary increase to \$16.56 per hour for Marc Lisowski for obtaining his CDL and moving into the position of Utility Person Grade A as recommended by his supervisor.
- 5) Approving the following expense checks for the League of Municipalities Convention issued through payroll:

a. Mayor Budesheim	-	\$550.00
b. Councilman Carelli	-	\$400.00
c. Councilman Astarita	-	\$400.00
d. Councilman Mastrangelo	-	\$400.00

Councilperson Wetzel arrived just prior to the roll call vote for the above resolutions.

ROLL CALL: Ayes: Astarita, Carelli, Mastrangelo, Revis, Guis

Nays: None

Abstention: Wetzel

(5 ayes- 0 nays- 1 abstention- motion carried)

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 105- B, C, AND D

MAYORS REPORT: Mayor Budesheim stated that after having a training course with 14 residents, defibrillators have been installed in the Community Center and at the Glenburn.

BOROUGH CLERK REPORT: The Assistant Clerk stated that due to a publication error, the public hearing date for ordinance No. 12-2014 is postponed until December 15, 2014.

BOROUGH ATTORNEY REPORT: No report

COMMITTEE REPORTS:

FINANCE: No report

PUBLIC SAFETY: No report

PUBLIC WORKS: No report

COMMUNITY RELATIONS: No report

BUILDING & GROUNDS: Councilman Astarita provided an update with the reroofing project.

PERSONNEL: Councilman Revis distributed revised job descriptions for the Borough. The Riverdale employee handbook has been revised and distributed. Copies of the revised version of ordinance No. 13-2014 were also distributed.

MAYOR'S COMMENTS: Mayor Budesheim stated "earlier this month I met with the chairmen of the personnel committee and the chairmen of the buildings & grounds committee and it was decided that the position of facilities director is no longer needed and that it would be ended as of November 30th. I just wanted to bring it to the Council's attention. If you have any comments or anything. But the employee has been notified that this is going to be the recommendation and if anybody has anything to say or comment on."

A transfer resolution was distributed and Mayor Budesheim stated that the Borough was short in employee group health.

Mayor Budesheim: "Ted, have you gotten any of my emails?"

Councilman Guis: "Mhmmm."

Mayor Budesheim: "Are you going to pay this?"

Councilman Guis: "No."

Mayor Budesheim: "You're not going to pay it?"

Councilman Guis: "No."

Mayor Budesheim: "Why?"

Councilman Guis: "Because I'm not."

Mayor Budesheim: "You are not going to pay your free medical benefits?"

Councilman Guis: "Nope."

Mayor Budesheim: "That's twenty-five thousand dollars."

Councilman Guis: "Mhmmm."

Mayor Budesheim: "Well then I recommend to the Council that we discontinue it effective December first."

Councilman Guis: "I don't believe you can."

Mayor Budesheim: "Why?"

Councilman Guis: "Because under the ordinance I am entitled to it. I have voluntarily been paying it for the last five years partial and full. That was done when we were in financial crunches. Things have changed. I have seen money spent here that I didn't approve of or didn't agree with and at this point I just said no."

MAYOR'S COMMENTS: (continued)

Mayor Budesheim: "Don't you think it would have been fair to tell us at the beginning of the year because it wasn't budgeted for? And, as you said, the previous few years you have been paying for it. It was not unreasonable for us when preparing the budget that that money would be coming in. I don't like the way things are spent either, does that mean I don't pay my taxes?"

Councilman Guis: "No, it's no different than what you pulled with your salary. So that's it."

Mayor Budesheim: "I pulled. Ok. Any feedback from the Council on this?"

Councilman Astarita: "I'm at a loss here. I was under the understanding that no council persons had medical insurance through the Borough."

Mayor Budesheim: "That was true up until a few minutes ago."

Councilman Astarita: "I thought a few years ago we ended that."

Attorney: "It wasn't being paid by the Borough. It was being reimbursed. Obviously there was a council person taking insurance through the Boroughs plan and reimbursing the Borough for it."

Councilman Astarita: "I thought years ago we did away with that."

Mayor Budesheim: "We did. Well I need this transfer resolution to pass so we can pay for everybody else's."

Councilperson Astarita set forth the motion, seconded by Councilperson Revis, to approve the following resolution:

Resolution No. 70-2014; Transfer of Appropriations.

ROLL CALL: Ayes: Astarita, Carelli, Revis, Wetzel, Guis

Nays: Mastrangelo

(5 ayes- 1 nay- motion carried)

COPY OF RESOLUTION IN FULL ON PAGE NO. 107- A

PUBLIC PARTICIPATION NO. 2:

Glenn Venza, 14 Macopin Ave, expressed his concern about the entry door at the community center and stated that damage will occur to the doors and lock if there isn't a new way to allow the doors to remain unlocked.

Dave Desai, 22 Cotluss Road, "just a quick question regarding the facilities director, you said that it was decided that the position was no longer needed. Who is going to be performing those duties?"

Mayor Budesheim: "We are doing it in the office now."

Desai: "Who is showing the facilities?"

Mayor Budesheim: "If somebody calls I go out and show it to them."

Desai: "So the Mayor is showing it?"

Mayor Budesheim: "Mhmm, just one more hat."

Desai: "I have to add it to the picture. You are also going to check to make sure there was no damage and return the keys. You are doing all that stuff to?"

Mayor Budesheim: "That wasn't done before."

Desai: "Nobody was checking?"

Mayor Budesheim: "DPW when they would go to clean up that's when it was being checked."

PUBLIC PARTICIPATION NO. 2: (continued)

Desai asked for an update with the water billing and the sewer I & I. Mayor Budesheim and Councilman Guis provided Desai with meeting updates. Desai also asked about the use of the amounts of gallons for the sewage system.

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

ALL IN FAVOR

Prior to adjournment, Councilman Carelli had questions for the Borough Attorney.

Councilman Carelli: "When you are discussing an employee's position, especially like we did tonight, like eliminating that position, is that employee entitled to a Rice Notice?"

Attorney: "Two things, when you talk about positions when you talk in any way about the reasons for it anything about the terms and conditions, then yes. But also remember Rice Notice is something we talk and we do and we are going into closed session to discuss it, not when we are going to make an announcement. It's an area you have to be careful about."

Councilman Carelli: "So you are saying for the record that..."

Attorney: "I'm saying for the record what the Mayor said tonight was simply informing the council of the elimination of a position. It did not get into terms or conditions or reasons why. Had that discussion gone any further, it would have been recommended that it take place in closed session and a Rice Notice be given."

Councilman Carelli: "So how does the employee find out about those conditions?"

Attorney: "How does an employee find out about what?"

Councilman Carelli: "About if a job is being eliminated, how are they notified?"

Attorney: "That has nothing to do with when it gets discussed at the council. That gets discussed with the employee as part of the employment process. You're asking about Rice Notice which has to do with when the Council discusses something."

Councilman Carelli: "Right."

Attorney: "The employee is entitled when the Council is going to talk about it, to a Rice Notice and an opportunity to have that heard in open session."

Councilman Carelli: "Well they were asked if they had any comments. So I'm just wondering."

Attorney: "Had those comments gone into employment and into detail, I would have been uncomfortable with that being discussed."

Councilman Carelli: "Well it is. It is employment."

Attorney: "All that was said was that the position was eliminated. It was a report of the elimination of a position. If we were going into the reasons why that position was eliminated or anything about the employee..."

Councilman Carelli: "But you are terminating the employment of someone."

Attorney: "Yes, but there's no discussion about that taking place in closed session. There's no Rice Notice for a discussion in closed session about it. It's just a report of an event that occurred. That's not what triggers the Rice Notice. If we were getting into an in depth discussion about the reasons why, I'd absolutely agree with you that a Rice Notice should be given for that discussion. You aren't really taking a position, but I would agree that a Rice Notice be required if we were going to go that route."

Councilman Carelli: "This is different from my five years of doing this. We would never do something like we did tonight."

Attorney: "You wouldn't just announce it."

Councilman Carelli: “It is unprofessional to say the least. But we wouldn’t do it. I just want to know for the record that is your opinion. I want that in the minutes.”

Attorney: “Yes.”

ADJOURNMENT:

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

ALL IN FAVOR

Adjourned: 8:06 P.M.

Respectfully Submitted:

Jimmy Homs

Assistant Municipal Clerk