

The workshop 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 William Budesheim presiding.

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

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

**PUBLIC PARTICIPATION NO. 1:**

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

**ALL IN FAVOR.**

**RESOLUTIONS:**

Mayor Budesheim stated that the conditions set forth in the Borough Engineer's letter and email as distributed to the Council are part of resolution No. 2.

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

- 1) **Resolution #72-2010;** Transfer of Appropriations.
- 2) **Resolution #76-2010;** Approval of partial release of Riverdale Road Development (TCR) Performance Surety Bond/Site Improvement Bond as approved with conditions by Borough Engineer, **with the condition that William Street be paved from curb to curb.** (copy of Engineer's letter and email distributed to Council with Agenda)
- 3) Scheduling of 2011 Reorganization Meeting to be held at 7:30 p.m. on Monday, January 3, 2011.
- 4) Approval of payments for 2009/2010 snow removal to the following: a) Rock Creek Crossing - \$4,191.04, b) Powder Mill - \$2,095.52, c) The Grande - \$5,762.68.
- 5) Approval of 2011 Towing Licenses that have approved by Chief Thomas Soules; 1) Malanga's Automotive, 2) A to Z Towing. Fees have been paid and all vehicles were inspected by the Police Department.
- 6) Scheduling of 2010 year end meeting to finalize any matters deemed necessary by the Governing Body to be held at 9:00 a.m. on Wednesday, December 29, 2010.
- 7) Approval of revised OPRA Request Form for the Borough of Riverdale adapted from the model provided by the Government Records Council which contains new OPRA fees.
- 8) Mayor to appoint Logan Dean as a DPW Laborer at \$13.50 per hour with a starting date of either 12/16/2010 or 01/01/2011, with consent of governing body.
- 9) Tax Sale Certificate Redemptions:  
**Resolution #75-2010;** Certificate #09-00003 – Block 11 Lot 5.1203 \$497.36  
**Resolution #73-2010;** Certificate #09-00004 – Block 11 Lot 5.3303 \$265.29  
**Resolution #74-2010;** Certificate #09-00005 – Block 11 Lot 5.3317 \$575.09

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

**RESOLUTIONS (continued):****COPY OF RESOLUTIONS IN FULL ON PAGE NO. 116-A, B, C, D AND E****ORDINANCES:**

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

**ORDINANCE 14-2010****AN ORDINANCE ESTABLISHING SALARIES OR WAGES OF OFFICIALS AND EMPLOYEES OF THE BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS**

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 116-F****COMMITTEE REPORTS:**

Councilwoman Wetzel reminded everyone they are invited to attend the tree lighting ceremony tomorrow beginning at the school at 6:30 p.m. and to continue at the Community Center. Thursday, December 9<sup>th</sup> from 7 to 9 at the Community Center there will be an evening of Christmas music.

**BOROUGH CLERK REPORT:**

Borough Clerk Talerico distributed a report from Food Pantry Director Gloria Carelli. She reported that we received another request from the New Jersey Libertarian Party to abolish our loitering ordinance. Mayor Budesheim stated that he would respond.

**ATTORNEY REPORT:**

Borough Attorney Oostdyk stated that tonight we would take any additional bids on an assignment of a tax sale certificate adjacent to the Rock Creek property. The only bid received was from the Rock Creek Crossing Condominium Association and the check was handed to the Borough Clerk tonight. Pursuant to the resolution, we'll be proceeding to assign that tax sale certificate to them. He also reported on an issue concerning new proposed COAH legislation. We received a letter from the municipal attorney of Wall Township who has identified us as another municipality that has the same issue with the way in which RCA's are proposed to be credited. The proposed method would be unfair to us and other municipalities that did these RCA's early on in the process. I concur with Wall Township's request that we also adopt a resolution bringing to the legislature and our representative's attention that this could be problematic for us.

**FIRE CHIEF JACK NORTON IS RECOGNIZED FOR 50 YEARS OF SERVICE IN THE RIVERDALE FIRE DEPARTMENT:**

Mayor Budesheim stated that tonight we are here to honor one of our firemen, Chief Jack Norton, who joined the Riverdale Volunteer Fire Department 50 years ago this evening. Chief Norton, a retired Chief, is there every time there is a call driving the truck and I don't know what we'd do without people as dedicated as that. Chief Norton was presented with a proclamation signed by Congressman Rodney Frelinghuysen and recognized by a resolution of the State Firemen's Association as well as by the Riverdale

**PRESENTATION TO FIRE CHIEF JACK NORTON (continued):**

Fire Department. Mayor Budesheim announced that one of our decorative lamp posts would be dedicated to Chief Norton for his exceptional service to the community. He was presented with a Certificate of Dedication. Installation of the lamp post plaque will take place on Memorial Day.

**MAYOR REPORT:**

Mayor Budesheim reported that there is a Park Maintenance Board defined in the Borough Code. He also stated that Verizon claims they don't owe tangible personal property tax. Councilman Loesner excused himself from the discussion and stepped down from the dais as he is employed by Verizon. Mayor Budesheim stated that a form must be filed by September 1<sup>st</sup> giving the value of their assets as close to \$7,000,000 so we're losing approximately \$103,000 in taxes. I've been in contact with officials from Verizon asking for documentation that they went below the 51% and they claim they don't have to provide it and won't submit the form to us. I've been in touch with the Rate Council and Public Advocate's office and they weren't quite sure what to do about it. I've also been in touch with League of Municipalities and I sent letter to our Assemblymen and Senator. We have until December 13<sup>th</sup> when our Tax Assessor has to file the final preliminary tax certification of assessments. Mayor Budesheim asked the Borough Attorney if we could file an order to show cause forcing them to file the PT-10 form and they can file an appeal if they disagree with their assessment.

Borough Attorney Oostdyk stated he has a few concerns. They appear to be accountable to no one and it seems unreasonable and irresponsible that a law is passed that exempts them from taxation yet holds nobody accountable to check into whether the information they're providing is correct. It would appear that when this is looked at somebody is going to say there has to be a mechanism to hold them accountable. I am somewhat skeptical whether a court is willing to do it in an expedited process. We can put the assessment on the books but while we're suspicious of the numbers there's a good chance that we'll ultimately owe a tax refund. There was discussion regarding the matter. Mr. Oostdyk stated we are trying to find other alternatives but he wants the Council to be aware that he and the Mayor will make decisions as we go in conjunction with the Tax Assessor. There were no objections from the Council.

Mayor Budesheim reported on a meeting with Councilmen Loesner and Falkoski, Police Chief Soules, Sergeant Bogert and PBA President Harden. We came away with an understanding of accumulation of the comp time hours. The agreement was that they could not expend all those hours this year and asked for an extension through the end of next year. In return we wouldn't bring up the issue of the 8 hour work shift through the end of their PBA contract which ends in 2012. We also asked that the Lieutenant position be removed from the contract and have a superior officer's agreement as in the past. When we left the meeting everyone agreed subject to approval of the PBA and this Council. We then had a follow up meeting and they said they need up to 3 years to use the accumulated comp time and they can't give us an answer on the Lieutenant's position. Councilman Loesner gave us the definition of the Pitman Schedule which reflects our contract with them and they're arguing that. The PBA President told me they're in touch with their lawyer and they don't agree that's how the Pitman Schedule should work because of past practices.

Councilman Loesner stated that at the meeting we made it clear we would not appoint a Lieutenant until we had this situation resolved. We have to come to an agreement going into next year of how this Pitman Schedule is supposed to work. Past practice aside, I'd like to see it go at least for a year as spelled out under the standing agreement to get the 12 hour shifts. We could revisit it every six months to see if the comp time is going down.

**MAYOR REPORT (continued):**

Councilwoman Wetzel asked how we can stop doing things because of past practices and learn from our mistakes. Just because things were done that way doesn't seem like a good course of argument.

Councilman Carelli asked Councilman Loesner to explain the difference between his interpretation of the Pitman Schedule and theirs. Councilman Loesner read paragraph 3 on page 16 of the PBA agreement dated January 1, 2008 through December 31, 2012. He stated that it is specific that 12 hour blocks will be utilized for leave days with 8 hours credited as worked and the remaining 4 hours debited from comp time. He said he does not really know their interpretation. Mayor Budesheim stated they are not utilizing 4 comp hours for every vacation or sick day. Council discussed the matter and agreed that there is confusion and we need to decide on a method that everyone agrees with.

Councilwoman Wetzel excuses herself for a personal matter and leaves the meeting at 8:30 p.m..

Borough Attorney Oostdyk stated that what we've concluded is there is some concern with the fairness of the way the comp time is being calculated. We need to keep talking and work it out.

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:35 p.m.

Respectfully Submitted:

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