

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, Carelli, Falkoski, Loesner, Wetzel, Guis**
 Absent: **None**

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

PRESENTATION TO MAJOR DOCTOR KALSI

Mayor Budesheim announced that Riverdale resident Major Doctor Kalsi safely returned from a tour of duty in Afghanistan. He was the recipient of the Bronze Star for his meritorious service to the U.S. Army while in Afghanistan. He was awarded the Bronze Star for bringing back to life two patients who were clinically dead upon arrival, expert emergency care of over 750 soldiers and civilians, coordination of five mass casualty exercises and a general commitment and leadership above and beyond that of his general duties. We are proud and honored that Major Doctor Kalsi is a member of the Riverdale community. Councilman Astarita assisted Mayor Budesheim with a presentation and expressing gratitude to Major Doctor Kalsi.

PRESENTATION TO POMPTON LAKES HIGH SCHOOL FOOTBALL TEAM FOR THE ACHIEVEMENT OF STATE CHAMPIONS

Mayor Budesheim announced that the Pompton Lakes High School Football Team became State Champions this year. This is the school that Riverdale residents attend and it brings the community together and instills a lot of pride to have a championship team. Team members and coaches were acknowledged for bringing this championship to our communities. Councilwoman Wetzel assisted Mayor Budesheim in presenting certificates of appreciation.

Mayor Budesheim announced a 5 minute recess at 7:46 pm.

BACK TO ORDER at 7:53 pm.

ROLL CALL: **Present:** **Astarita, Carelli, Falkoski, Loesner, Wetzel, Guis**
 Absent: **None**

ORDINANCES:

Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 16-2011

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

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

Mayor Budesheim announced that this Ordinance was open for public participation.

Glenn Venza, 14 Macopin Avenue, directed his comments to Councilmen Carelli and Loesner. He reminded them of a previous presentation regarding the salary of the Mayor who is acting as a full time administrator as well as a part time Mayor. Councilman

ORDINANCES (continued):

Falkoski stated that the salary ordinance establishes a salary range for that position – not for his salary. That is another issue that will come before this governing body.

Michael Kheypets, 33 Parkway, asked for someone to explain why we're raising the Mayor salary to \$60,000. Councilman Astarita stated that other towns have borough administrators with salaries anywhere from \$70,000 to \$130,000. We have a Mayor that takes care of the day to day administration who is almost full time. Mr. Kheypets asked if he was interviewed for the job and the response was no. Councilman Loesner stated that we have defined hours for full time employees but not for the position of a full time Mayor. Councilman Falkoski stated there is no ordinance establishing that position. On November 15, 2004 Councilman Guis made the motion and I seconded it to increase the salary for Mayor to \$36,000 and OEM Coordinator to \$12,000. It also stated that it was because of the fact that he was spending these hours working in this borough for the mayorship. It also stated that if the hours changed or it doesn't work out it could be rescinded. I agreed to it at that time but I do not agree to it at this time because a lot of things have changed. There is no accountability and I don't know what the hours are. If you have a borough administrator, you establish an ordinance for that position with the duties and responsibilities of that position. That administrator is then accountable to the Mayor and Council. An elected official is not accountable to this body.

Mr. Kheypets asked how many years since 2004 this has been agreed to. Councilman Falkoski stated that it never came up again and it should. Borough Attorney Oostdyk stated that the salary ordinance does not but the resolution that establishes salaries comes up with some frequency. The last time was 2010.

Mr. Kheypets asked why we can't adjust the mayor's salary and pay a qualified candidate to be the administrator and if the job isn't done effectively you get removed from the position. Councilman Loesner stated the problem is that an elected official is not allowed to hold a position subject to the salary ordinance so they Mayor cannot technically call himself the business administrator. To be the business administrator you would have to resign as Mayor. The business administrators are subject to the accountability of the Council. If we had an administrator and didn't like the way things were running, four members of this Council could remove a borough administrator. We cannot remove the Mayor. Councilman Astarita stated that we could lower his salary if he didn't come up to our expectations but in lieu of that we would have to hire a borough administrator.

Mr. Kheypets asked what the expectations of Mayor are if there is no job description or responsibilities. Borough Attorney Oostdyk stated that he can't serve in the office of borough administrator but he can assume the duties of Mayor and in some towns those duties involve day to day operations. Mr. Kheypets stated that there's no job responsibilities, no accountability, you've never interviewed to find out whether the person was qualified to do the job. You just assumed the person who's been doing it continues to do it and the last article I read in the Trends said that our current Mayor has a full time job in Butler two days a week. Mayor Budesheim stated that he is here seven days a week and putting in maybe 60 hours a week and there isn't a person on the dais who would deny that. Mr. Kheypets asked what he should expect from a borough administrator or a full time Mayor different from what he should expect from a part time Mayor. Mayor Budesheim explained that a borough administrator acts in the place of the Mayor and Council because they can't be there all day. He is the day to day replacement for the Governing Body. Instead of having somebody here represent us, the Governing Body seven years ago felt that I was already in office for a year, had proven myself and they felt that me being here would be a considerable savings for Riverdale.

Mr. Kheypets said he is still trying to find out what the Mayor does because there is no job description. He asked why he can't be borough administrator and Mayor. Borough

ORDINANCES (continued):

Attorney Oostdyk explained the reasons under the statute. If you don't have a borough administrator and the Mayor is doing the functions under the statute then the choice is being made to make that a full time position. Councilwoman Wetzel explained that none of the elected officials have specific hours.

Mr. Kheypets stated that the confusion here is the line has gotten so blurred as to what part of the job is an elected official and what part of the job is the responsibility level that would be of an employee. Councilwoman Wetzel stated that the Borough of Riverdale has never employed a borough administrator and has always run under the jurisdiction of the Mayor and Council. It was a choice to continue to run in that fashion. Mr. Kheypets suggested we should re-evaluate that annually. We didn't have \$35,000 to hire a police officer and you are willing to pass this ordinance without a second thought.

Councilman Carelli stated that the Mayor was being paid under two line items and now it looks like he's trying to clear up confusion. There was no confusion. For eight years he was paid as OEM Coordinator and Mayor. At the last meeting he said he wasn't going to be the OEM Coordinator any longer and he was going to be the Deputy. He didn't say who it would be but someone asked what we're going to pay the new OEM Coordinator. I'm looking at this right now and saying, okay, we're going to transfer \$14,000 into the Mayor salary. So he's giving up a responsibility but he still wants to be paid for it. Now we're faced with a new OEM Coordinator coming in and by ordinance we're obliged to pay this person \$5,000. I have a draft ordinance here tonight for your review to reduce that to zero. I don't know how we can transfer all that money and have someone else come in and pay extra money when we can't even hire a police officer. I don't see how we can sit here and add salary money when we're down four police officers. I don't know what his intentions are and he hasn't said what they were. The ordinance today is to increase the range from \$45,000 to \$60,000. If that passes he's not getting any more money than he has today. It increases that range and that sets up phase two or three when we make the new OEM Coordinator and there will be a resolution at some point, I'm sure, to move that over under Mayor. In our salary ordinance we have other positions that we call stipends. We set them up as stipends because in the event we take that responsibility away we're not going to pay that person for something that they're no longer doing. We can talk about what I did in the past but I have the right to change my mind and the right to say that I'm wrong and re-evaluate things.

Joan Garcia stated that if anyone thinks \$60,000 is too much to pay the Mayor for the job he's doing I feel very badly. Councilman Astarita stated that you'd have to pay a borough administrator between \$90,000 and \$130,000 and the reason we did it is simply to save the borough money. That could change in the future. This was not political or to give the Mayor extra money.

Councilman Loesner stated that he wasn't part of the original arrangement and was not in favor of it at that time. In the last two years that I've been a Councilman I've become convinced not only that we don't need a borough administrator but we don't need a full time Mayor either. If we were to return the Mayor to a \$15,000 or \$12,000 stipend we would not have to hire a borough administrator. We have a very capable Borough Clerk who is also a Qualified Purchasing Agent among other things that she can handle. She has the assistance of a Deputy Clerk who also can handle functions within the town. When Mrs. Talerico decides to retire, and I'm sure she will some day, at that time I think we would look at a borough administrator. I'm looking for accountability in this town and we don't get it. I've been shut off from information from the Mayor since the day I put a "Joe Falkoski for Mayor" sign in my front yard. I take it upon myself to educate myself on what is going on in town and doing the job the best I can without contact from the Mayor.

ORDINANCES (continued):

Joan Garcia stated that she is embarrassed and sick of what she sees when she comes to meetings. The general election was very close and that tells me that almost as many people have their trust in Councilman Carelli as they do in Mayor Budesheim. They should be working together. Everyone should be working together and all I have seen is a lot of back stabbing and playing. This whole Council is doing a great job. This is a great town.

Mr. Kheypets stated that he'd like to know that the Council is having discussions about whether we need a borough administrator or whether we need a full time Mayor or not.

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

ALL IN FAVOR

Thereupon, Councilman Astarita set forth the motion, seconded by Councilman Guis, **RESOLVED** that Ordinance No. 16-2011 as read on second reading at this meeting, be adopted and finally passed.

ROLL CALL: **Ayes: Astarita, Wetzel, Guis, Budesheim (to break tie vote)**
 Nays: Carelli, Falkoski, Loesner
 (4 ayes – 3 nays – motion carried)

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 136-A**APPROVAL OF MINUTES DATED:**

Regular Meeting - November 21, 2011
Workshop Meeting - December 5, 2011

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

ALL IN FAVOR.**PUBLIC PARTICIPATION NO. 1:**

Glenn Venza asked Councilman Carelli to clarify the number of CEU's obtained at the Shade Tree meeting. Councilman Carelli will check with the Shade Tree secretary.

Mr. Kheypets asked if the Mayor could vote to break a tie on an ordinance that affects him. Borough Attorney Oostdyk explained that the Council votes on its own salary ordinance because somebody has to. Ordinarily you don't vote on something that affects you personally but one of the exceptions is the salary ordinance.

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

ALL IN FAVOR.**RESOLUTIONS:**

Councilman Astarita asked for clarification of Resolution No. 10 on the agenda to approve or deny a towing license. Borough Clerk Talerico stated that the report from the Police Chief contained some adverse information. Police Chief Smith explained some of

RESOLUTIONS (continued):

the problems the officers have been having with A to Z Towing. After a brief discussion, it was decided that Resolution No. 10 would be tabled.

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

- 1) Payment of Claims, including additional payment:
 - a) Pam Sylvestry - Food for Troops from Trust Fund - \$237.00
- 2) **Resolution No. 76-2011**; Change of Custodian of Police Department Petty Cash Fund to Chief Kevin Smith.
- 3) **Resolution No. 77-2011**; Change of Custodian of DPW Petty Cash Fund to Steve Schotanus.
- 4) Approval of release of Escrow Funds in the amount of \$1,000 to A. Lee Richards.
- 5) Approval of release of Escrow Funds in the amount of \$1,640.00 to Riverdale One Partnership, Ron Higgons, 125 Wanaque Avenue, Pompton Lakes, NJ.
- 6) **Resolution No. 78-2011**; Approval of the submittal of a grant application to the NJDOT for "Safe Route to School" and authorize Mayor Budesheim to execute grant agreement. (copy of cost estimate transmitted to Governing Body with agenda)
- 7) Approval of Payment #2 in the amount of \$81,495.00 to Dell-Tech Inc. for the Glenburn Phase II Rehabilitation Project.
- 8) Approval of Award of Bid for the Vertical Lift project at the Riverdale Senior Community Center to LKL Contracting, Ramsey, NJ with a bid amount of \$69,800 to be charged to Community Development Block Grant of \$80,000.
- 9) Approval of towing license application for 2012 towing services to Malanga's Automotive, 39 Hamburg Turnpike. Fees have been paid and application has been approved by Police Chief Kevin Smith. **(copy of Chief's memo transmitted to Governing Body with agenda)**
- 10) Tabled.
- 11) **Resolution No. 79-2011**; Transfer of Appropriations.
- 12) **Resolution No. 80-2011**; Cancellation of Various Balances.
- 13) **Resolution No. 81-2011**; Cancellation of Prior Year Outstanding Checks.
- 14) Scheduling of End of Year Special Meeting to finalize any financial matters needed to close out 2011 at 9:00 am on December 29, 2011.

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

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 137-B, C, D, E, F, G AND H

MAYOR REPORT: No report.

BOROUGH CLERK REPORT: No report.

BOROUGH ATTORNEY REPORT: No report.

COMMITTEE REPORTS:

FINANCE: No report.

PUBLIC SAFETY: Councilman Falkoski reported on a memo from the Police Chief regarding part-time dispatchers. Two no longer wish to be considered for call outs and

COMMITTEE REPORTS (continued):

four of the remaining five are employed full time and will be of little help. He would like to add two new part-time dispatchers for next year.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to appoint Kenneth Hefferle and Michael Reilly as part-time dispatchers for the Riverdale Police Department.

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

Councilman Falkoski also reported the court report for the month of November.

PUBLIC WORKS: Councilman Guis reported that the generator for the Police Department arrived today. It should be up and running within two weeks.

COMMUNITY RELATIONS: Councilwoman Wetzel gave accolades to the Recreation Committee for their presentation for the holiday tree lighting and festivities. June Carelli will be meeting with the new Recreation Chairperson to acclimate her to the job for next year.

BUILDINGS AND GROUNDS: Councilman Astarita reported that we cannot apply for a generator under the Community Development Block Grant as it is considered an operating expense.

PERSONNEL: Councilman Loesner reported that the Troop Support event held last Sunday went extremely well and he thanked everyone for their support. Approximately \$1,600 was raised for the Troop Pantry and many boxes were sent to the troops overseas.

PUBLIC PARTICIPATION NO. 2:

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

ALL IN FAVOR.

Mayor Budesheim stated that it doesn't cost \$25,000 to hire a cop in this town. You're looking at least at \$60,000 the first year when you add everything up and in seven years it's over \$160,000.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:50 p.m.

Respectfully Submitted:

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