

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, Bush, Falkoski, Guis, 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 – 12/15/2008

Special Meeting – 12/30/2008

Reorganization Meeting – 01/05/2009

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

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

RIVERDALE QUARRY LICENSE RENEWAL HEARING

Borough Engineer Paul Darmofalski reported on his review of the Quarry's application and made the following recommendations. There is a deficiency in the amount of the bond required by ordinance which should be twice the amount of \$700,000 currently posted. He asked that the Quarry update the Borough when there is change in key personnel. The emergency access road is barely passable and he asked that it be improved for emergency vehicle access.

Brian Montag, Counsel for Tilcon Quarry, agreed with the points raised by the Borough Engineer. He stated the February 19, 2003 settlement agreement outlines their six year time frame for renewal, including a \$1,400,000 bond and \$15,000 application fee.

Kevin Page, P.E., P.P., President of Page Engineering Consultants, presented the reclamation plan to the Governing Body. The quarry may be up to 100 years old and they anticipate being done in 6 to 8 years depending on the economy. When done, there will be 65 usable acres graded at a 1% pitch toward Hamburg Turnpike. They will bring in about 3 feet of earth and rock to provide a root zone. Approximately 1-1/2 to 2 years before the end of the quarry, they will begin implementing the reclamation. They will work with the Governing Body in preparation for future development. He answered questions from the Mayor and Council.

Mayor Budesheim asked if there were any comments from the public.

There were none.

Mayor Budesheim asked the quarry representatives to address the dust problem, asphalt odor and blasting. Mr. Montag stated there should be less than one blast per week.

Brad Carroll, Tilcon Area Manager, addressed the issue of dust control and blasting. Mayor Budesheim asked if the street sweeping could extend the entire length of Hamburg Turnpike and the Newark Pompton Turnpike. Mr. Carroll stated the sweeping could be extended and we could work together. There was discussion regarding the attempt to

RIVERDALE QUARRY LICENSE RENEWAL HEARING (continued):

suppress dust during high wind conditions. Councilman Guis asked if the issue of the \$500 fee paid to the borough for night operations had been resolved. Mr. Montag stated they have to go back and calculate that, they understand it is an issue and they will get it resolved.

Mayor Budesheim asked if there were any comments from the public.

Pat Salvati asked if the quarry would blast or be crushing earlier than 6:00 a.m. Mr. Carroll said they would not and most of their blasting was around noon. Ms. Salvati stated that she has heard crushing as early as 5:00 a.m.

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

ALL IN FAVOR.

There was Council discussion regarding the conditions of renewal of the Quarry license. The Borough Attorney will prepare a resolution for the next meeting.

PUBLIC PARTICIPATION NO. 1:

Pat Salvati asked for clarification of the borough parking ordinances. Mayor Budesheim stated that cars should be removed from the street as soon as a snowfall begins to allow for sanding as well as plowing. Parking is prohibited from midnight until 6:00 a.m. from December 1 through March 31.

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

ORDINANCE 01-2009**ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE PLACEMENT OF CLOTHING BINS WITHIN THE BOROUGH**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 6-A

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

ORDINANCES (continued):**ORDINANCE 02-2009****ORDINANCE AMENDING CHAPTER 95 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE
AND PROVIDING FEES FOR USE OF POLICE SERVICES BY
OUTSIDE CONTRACTORS**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 7-A**RESOLUTIONS:**

Borough Attorney Oostdyk explained the Agreement for Municipal Services with the Grande. Councilman Carelli stated that he has reviewed all of the bills and recommends approval of payment of claims.

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

- 1) Payment of Claims. (Bills list delayed – vouchers available for council review)
- 2) **Resolution #10-2009** – Authorizing the Entry into an Agreement for Municipal Services Pursuant to N.J.S.A. 40:67-23-2 et. Seq. between Riverdale and The Grand Condominium Association, Inc
- 3) **Resolution #11-2009** – McARP membership 2009.
- 4) Payment of bills from Escrow Funds for the following:
 - a. Anderson & Denzler Assoc. D.R. Horton/The Grande \$ 140.00
 - b. Anderson & Denzler Assoc. TCR-Alexan Riverwalk \$5,290.00
- 5) Resolution to authorize the following to alternate towing services for Riverdale Borough as needed by the DPW and Riverdale Police Department:
 - a. Malanga's Automotive, Inc. 39 Hamburg Turnpike, Riverdale, NJ (fee paid)
 - b. A to Z Services, 3 Mathews Avenue, Riverdale, NJ (fee paid)
- 6) Approval of 2008 Contribution to the Riverdale Public School in the amount of \$100,000.
- 7) **Resolution #12-2009;** Anderson & Denzler (Wm. Ryden) Professional Agreement for Water and Sewer Engineering Services at an hourly rate of \$146.00.
- 8) **Resolution #13-2009;** Burgis Associates, Inc. Professional Agreement for Planning Services at an hourly rate of \$135.00.
- 9) **Resolution #14-2009;** John L. Kraft, Esq. Professional Agreement for Bond Counsel Services at a minimum rate of \$1,100 for Bond Anticipation Notes and \$110.00 per hour for legal assistance.
- 10) **Resolution #15-2009;** Darmofalski & Associates (Paul Darmofalski) Professional Agreement for Engineering Services for Borough and Planning Board at an hourly rate of \$115.00.
- 11) **Resolution #16-2009;** Richard Clemack, Esq. Professional Agreement for Special Counsel and Tax Appeals at an hourly rate of \$168.00.
- 12) **Resolution #17-2009;** Barbarula & Associates (John Barbarula) Agreement for legal service for Planning/Zoning Board at a yearly retainer of \$12,000 per

year paid monthly by voucher and a fee of \$150.00 per resolution and an hourly rate of \$125.00 for litigation.

RESOLUTIONS (continued):

- 13) **Resolution #18-2009;** Johnson, Murphy, Hubner (Robert Oostdyk) Professional Agreement for Legal Services at a yearly retainer of \$25,000 to be paid monthly by voucher and an hourly rate of \$140.00 for litigation.
- 14) **Resolution #19-2009;** Transfer of 2008 Appropriation Reserves.
- 15) **Resolution #20-2009;** Emergency Temporary Appropriations.

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

COPY OF BILLS LIST AND RESOLUTION IN FULL ON PAGE NO. 8-B, C, D, E, F, G, H, I, J, K, L AND M

OTHER BUSINESS:

- 1) LOSAP contribution for 2008 has been determined by the Division of Local Government Services to include a 2.8% increase with a maximum payout of \$1,481.00. Paperwork for the LOSAP program has been received from Lincoln Financial and Mike Norton is working on the individual award to each member of the fire department. The governing body would have to approve the increase by resolution in compliance to Ordinance #15-2007 for the 2008 payout.

Fire Chief Mike Norton stated the total amount with the increase is approximately \$42,000.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, to approve a 2.8% increase for the 2008 LOSAP contribution, not to exceed \$45,000.

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

BOROUGH ATTORNEY REPORT:

Borough Attorney Oostdyk reported on the traffic light at the Target site. One of the main reasons we have not been willing to activate the light is we will not be able to enforce it because the state has delayed Title 39 approval. The legislature has adopted new laws which remove the DOT from any oversight and it is now totally a municipal issue whether to enforce traffic laws on private property. There are standards that our engineer has to certify are met in terms of traffic safety before we agree to enforce the laws. Our engineer has advised more information is necessary from Target before he can recommend this to us. We shouldn't do anything with Target's request for activation of the light until we're sure we can enforce it.

COMMITTEE REPORTS:

Councilman Carelli reported he has completed the application for the HUD grant.

COMMITTEE REPORTS (continued):

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

Resolution No. 21-2008; Authorizing application for an \$80,000 Community Development Block Grant Application for Final Improvements to the Senior Community Center.

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 9-N

Councilman Guis reported that one DPW employee was let go and they'll be interviewing for a replacement.

Councilman Falkoski reported the Municipal Court Report for December 2008. He also reported the County is holding Forum for our Future at the County College of Morris from 6:00 to 8:00 PM on January 29th. The purpose is to get communities together to discuss shared services.

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.

CLOSED SESSION:

Mayor Budesheim requested a closed session to discuss a contractual matter. The governing body concurred and went into closed session, of which minutes will be kept and released upon completion of these matters.

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

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

BUDGET DISCUSSION:

There was a discussion regarding the need to cut \$297,000 from the budget due to the tax levy cap. Councilwoman Wetzel stated that if cutting raises somewhat would help that would be her first suggestion, but that would have to include the police and everybody across the board. Mayor Budesheim stated the agreement we just approved for the Grande will cost \$20,000 to \$25,000 this year that we didn't spend last year. Because of all the snows, Powder Mill and Rock Creek will be getting bigger reimbursements and it's something we have no control over. We could be looking at having to cut more than \$297,000.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:42 p.m.

Respectfully Submitted:

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

CLOSED SESSION:

Police Chief Soules was present.

CONTRACTUAL MATTERS PERTAINING TO POLICE CONTRACT:

Mayor Budesheim stated the Finance Officer has been working on the budget and we have two caps to work within. One is the 3.5% spending cap and the other is the 4% tax levy cap. We are \$297,000 over the tax levy cap. We could possibly make cuts to bring this down to \$150,000. Councilman Carelli stated the issue is not so much that we don't have the money but that the tax levy can only go up 4%. Non-police salaries were estimated using a 4% increase and for each 1% the impact is only \$12,000. The police have a contract. Mayor Budesheim stated a few months ago he brought up the possibility of a layoff within the police department. It's something we don't want to do, but with facing a minimum \$150,000 cut we need to make a decision soon. With the possibility, the person should be notified immediately so plans can be made. Councilman Falkoski stated with the town continuing to grow and the population doubling, reducing the police department is a safety factor and should be our last resort. We as a Council should go through every line item in every department's budget and justify the need for those items. Mayor Budesheim agreed but stated his point is that if there is no other answer, are we going to be forced into the position of having to lay off a policeman? If we are, I think he should be advised that it's a real possibility. The amount we would save is at least \$60,000 to \$65,000 with benefits. Councilwoman Wetzel stated that would only get us half way to our number and a layoff reflects poorly on us. She suggested everyone across the board make a sacrifice in salary to maintain a policeman. Mayor Budesheim stated he made the police such an offer and it was turned down. He wouldn't expect the other departments to make a sacrifice to keep a patrolman when they're own PBA won't. Councilwoman Wetzel stated the Council needs to be privy to all of the information to make this decision. Chief Soules stated we have good people now with time invested in training. If we lay off now, we'll need to hire people in 2010 to replace retiring officers. Councilman Astarita agreed that we should not lay off a patrolman. Councilwoman Wetzel said she would like to see if the police are willing to sacrifice a little to save that job. It can't be the only ones making the effort are on this side to save a job because the police have a contract as a safety net. Chief Soules stated the police usually stay firm with their contract but we could have a meeting with the department. Councilwoman Bush agreed a layoff should be a last resort, but said she doesn't know how you can ask a contracted employee to give back salary to save somebody else's position. We should go through every line item first and she doesn't feel somebody has to be informed now. Mayor Budesheim stated if there is going to be a layoff the individual should be given enough warning in fairness to him. He had suggested to the police a raise deferment until next year to get us through but they said no. Council concurred that the budget line items should be reviewed before we consider a layoff. Mayor Budesheim stated he would not support giving the other employees a two percent raise when the police department gets four percent. The police department accounts for about 55 percent of all the taxes we raise. If we can't find the cut somewhere else, what are we going to do? Mayor Budesheim suggested we all work on this budget for the next two weeks and see what we can find by the next workshop meeting.