

The workshop meeting of the Borough of Riverdale Mayor and Council opened on the above date at 7:30 p.m.

Mayor William Budesheim presiding.

**ROLL CALL:**        **Present:**     **Astarita, Bush, Falkoski, Loesner, Carelli**  
                           **Absent:**        **Wetzel (work)**

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

**PUBLIC PARTICIPATION NO. 1:**

Pat Salvati, 35 Parkway, spoke regarding the borough ordinance prohibiting parking on snow covered roads. She felt it would be more reasonable if the officer would ring the doorbell to ask that a car be moved instead of writing a ticket. Mayor Budesheim explained the reason the ordinance was adopted and stated that we may try to use reverse 9-1-1 to warn residents in the future.

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

**ALL IN FAVOR.**

**RESOLUTIONS:**

Councilman Astarita stated he had obtained a price of \$2,600 to change all of the light bulbs in the library. Abby Sanner is also obtaining a quotation from a local electrician. There was a discussion regarding the work.

Mayor Budesheim and Councilman Guis reported on obtaining quotations and interviewing forensic accountants and engineers to identify our sewer problem. This problem has been costing in excess of \$175,000 a year and it is important to get a team of experts.

Mayor Budesheim reported that the Fire Department wants to know if the Council will continue to pay a salary for the Fire Administrator who is doing the grant writing. After a brief discussion, Council agreed to continue the salary for the position.

Mayor Budesheim reported a new street sweeper will cost close to \$200,000. There is a company we can contract with at a cost of \$99 per hour. This would come to \$792 a day or \$18,000 to \$20,000 per year depending on how often we use them. There was a discussion regarding the matter.

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

- 1) **Resolution No. 13-2010;** Authorizing the Award of a Contract for Professional Services for Water & Sewer Engineering to Anderson & Denzler Associates, Inc. (William Ryden, P.E.) at \$148.00 per hour and various other rates as listed in the contract. (copy of contracted forwarded to Mayor and Council with Agenda).
- 2) **Resolution No. 19-2010;** Renewal of 2009/2010 Liquor License for Dexters Inc., 92 Route 23 North which was not renewed by Riverdale Borough due to failure to receive Alcoholic Beverage Retail Licensee Clearance Certificate from the Division of Taxation which has now been received. Dexters Inc. liquor license is now an inactive license.

**RESOLUTIONS (continued):**

- 3) **Resolution No. 20-2010;** Opposing Bill S-458 which calls for a master plan for the consolidation of the tax assessment and tax collection functions.
- 4) Approval of the release of escrow funds for an application for a variance which was never heard by the Board of Adjustment in the amount of \$400.00 to Maurice DiMaggio, 35 Post Lane.
- 5) Approval of release of cash bond in the amount of \$2,013.15 to Nextel with regard to their connection to the Sprint Tower located at Route 23 North. This escrow has been held by Riverdale since March 2003.
- 6) Approval of a change work order overlooked previously for the Paterson Hamburg Turnpike Sewer Project with DCM Contracting, LLC in the amount of \$27,062.00. This contract has been completed and paid in full in 2009, which payment included this change order.
- 7) Authorize the acceptance of a proposal to Key-Tech in the amount of \$3,310.00 for asphalt core drilling and testing on the paving of the Newark Pompton Turnpike and Paterson Hamburg Turnpike as required by all local aid project grants.
- 8) Approval of Magnetic Key System for the downstairs doors at the Community Center at a cost of \$1,257.42 and not to exceed \$1,400.
- 9) Approval of contract with Labor Attorney Fred Knapp for up to five hours at \$150 per hour.

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

**COPY OF RESOLUTIONS IN FULL ON PAGE NO. 14-A, B AND C****CORRESPONDENCE:**

- 1) From Jennifer Pezzuti, Riverdale Student Council President stating that one of their goals is to reach out to Riverdale and surrounding communities to provide a service in some way. Since September my classmates and I have been working hard to show our appreciation for all that is done for us. If there is anything we can do to help your organization or you know of an organization that could use our help, please contact our school principal, Mr. Keith Cortright. Thank you for supporting the children of Riverdale.

There was a brief discussion regarding possible projects.

**BOROUGH CLERK REPORT:**

Borough Clerk Talerico reported that Sewer Engineer Bill Ryden contacted her regarding work he needs to continue for the infiltration problem. She told him he would need to submit price quotations. She reminded everyone the next meeting will be Wednesday, February 17<sup>th</sup> due to the holiday and court. She also reported to the Borough Attorney that the Rock Creek escrow accounts consist of a restoration bond in the amount of \$24,619.12 and an escrow account in the amount of \$1,353.37. Borough Attorney Oostdyk stated Rock Creek is requesting the restoration bond money be released directly to the surveyor to pay for the as-builts. Clerk Talerico asked if we were going to address the loitering ordinance that was brought up by the New Jersey Libertarian Party. Mayor Budesheim stated that he would call them. Clerk Talerico reminded the Council that the Cablevision franchise expires in February 2011 and they are due to come in for their renewal. She reported that Chief Soules reviewed and approved the Morris County Mobile Data Terminal System for 2010. She also reported the 2009 LOSAP amount is \$39,914.

**ATTORNEY REPORT:**

Borough Attorney Oostdyk reported on the railroad case. The Judge signed the order that allows the railroad to start utilizing the property for bricks but sends them back to the Planning Board for some cleanup work. We're still pending in the federal agency on the zoning issue.

**COMMITTEE REPORTS:**

Councilman Astarita reported he has been removed from the Community Development Facilities Committee due to our pending application. He is now on the Improvements Committee and cannot attend the meetings on March 8 and 9. Councilman Loesner will attend in his place. Councilman Astarita also reported that residents of Newbury Place have asked if they will ever get sewers. Councilman Guis stated it depends on the resolution of the I & I problem.

Councilman Loesner reported that he is still making contact with all departments for background information regarding personnel.

**PUBLIC PARTICIPATION NO. 2:**

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

**CLOSED SESSION:**

Councilman Falkoski set forth the motion, seconded by Councilman Astarita, RESOLVED that the Mayor and Council go into closed session to discuss personnel issues, of which minutes will be kept and released upon completion of these matters.

**ALL IN FAVOR.**

Closed Session being completed, Councilman Carelli set forth the motion, seconded by Councilman Guis, to open the meeting to the public.

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

Mayor Budesheim stated that he recommends a two percent salary increase for the borough employees at this time. When the budget is done we can review and see if money is available for an additional increase. Councilman Carelli will review the salary ordinance and prepare a resolution for the next meeting.

**ALL IN FAVOR.****ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 9:15 p.m.

Respectfully Submitted:

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

**CLOSED SESSION:****PERSONNEL ISSUES:**

Borough Attorney Oostdyk stated that we need to clarify who has what responsibilities for personnel issues and make some decisions. It is not within the jurisdiction of the Council to deal with individual personnel issues. The Council acts as a body and does not get involved in the day to day running of the government. Speaking strictly of personnel, the Council gets involved in setting policies that are to be enforced by others. The Council does not act as the arbiter of personnel disputes. The role of the Mayor is to implement the policies and rules established by the Council. To some extent, the Mayor has some day to day responsibilities for dealing with personnel issues. In most Boroughs we have professional managers or administrators so it is very clear who's responsibility it is. Here we have a bit of a mixture. The Borough Clerk, who has her own statutory duties, has taken on some of that role as assisting in the management of personnel. She does that at the direction of the Mayor or the Council. The Council can delegate certain personnel duties to the Municipal Clerk or anyone else. The problem here is that it's not clear what personnel issues have been delegated or what the Mayor, Clerk or Council is supposed to be doing for personnel. With that confusion, employees do not understand what the authority is here.

Councilman Astarita stated that the Council delegated that responsibility to the Mayor. We brought his salary up to almost a full time position salary instead of hiring an administrator. Councilman Falkoski stated the position is basically a full time Mayor and he administers in an executive capacity in that role. An administrator is another position and if they're not fulfilling their duties they can be removed. Councilman Astarita stated that the Council had decided long ago that we were not going to hire an administrator and that the Mayor would become full time. Councilman Carelli stated that the Mayor, by default, is responsible for that. The Council may delegate that responsibility to an administrator which we did not chose to do. In my opinion it falls back to the Mayor.

Borough Attorney Oostdyk stated that we have certain ordinances and policies that suggest the Clerk has some of those responsibilities. Borough Clerk Talerico stated that she has done a lot of the administrative and managerial type duties throughout her career and it did continue after this Mayor took office. He did not instruct her any differently. When he became Mayor he told the employees that I was still the boss and they would still answer to me on a daily basis with attendance and certain personnel policies. Recently some issues arose that I discussed with the Mayor because I received complaints from other employees and it was becoming stressful. I told the Mayor I thought the governing body should decide whether this change is going to take place because it's outside of the purview of our personnel policy.

Councilman Astarita asked for clarification. Borough Attorney Oostdyk stated that generally employees work certain hours Monday through Friday. There have been a few instances where employees have gone to the Mayor and asked to vary their hours. My understanding is the Mayor said it was okay and that caused some reverberations from other employees who didn't think exceptions should be granted to the policy. Councilman Astarita asked if there was a specific reason and if it was to benefit the borough or the employee. Mayor Budesheim stated it was both.

Borough Attorney Oostdyk stated the question is who should be making these decisions. Councilmen Falkoski, Astarita and Loesner stated that it should be the Mayor. Councilman Loesner stated that the Council should set the hours for the departments, the department head is responsible the hours are met, and the department head reports directly to the Mayor. The department head's hours are at the discretion of the Mayor and should be for the benefit of the borough. He also stated that it's not the Borough Clerk's job to oversee the other departments except the office personnel who report

**CLOSED SESSION (continued):**

directly to her. He said he is not clear as to who is the head of the Building Department and the Court. Borough Attorney Oostdyk stated the person in charge of administration is supposed to set up the administrative structure. Councilman Falkoski stated there are many discrepancies between the ordinance and the handbook. There was a discussion regarding the discrepancies.

Borough Clerk Talerico stated she wished to address the governing body regarding her position and why she cannot perform the management duties any longer. The way things have been done is not working anymore. A few employees resent anything that I have put forth recently. I never do anything without first discussing it with the Mayor. I discussed changing some holidays with the Mayor and he instructed me to send a memo to the employees. An employee came into my office with a very hostile attitude and questioned me about whether his sick time was correct and why we are switching holidays. I was later told by the Mayor that this employee had made a vulgar comment in the presence of the front office employees regarding his intentions to confront me. Another employee is not talking to me and will not interface with me at all. This creates a hostile work environment for me that some people have this attitude toward me. I discussed this matter with both the Mayor and Borough Attorney. I'm a dedicated employee and will continue to do my duties as Municipal Clerk, Qualified Purchasing Agent and Registrar but I desire to not have any further involvement with personnel.

Councilman Astarita stated that this employee should be charged with insubordination. Borough Attorney Oostdyk agreed that something should be done but stated the Mayor deals with individual personnel. Councilman Loesner stated the underlying problem with that department is there is no supervisor there. This person should be going to their department head. Borough Attorney Oostdyk stated that one of the first personnel issues that need to be addressed is delegation of authority. There is ambiguity about roles. He emphasized that if you give people responsibilities you must stand behind those people. The Council decided the Mayor will prepare an organizational chart to be discussed with Council before implementing it. The Personnel Committee will review the ordinance and personnel manual and prepare a proposal for changes. Once this is complete there will be a meeting with the employees.