

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, Falkoski, Guis, Loesner, 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 - March 15, 2010
 Special Meeting - March 29, 2010
 Workshop Meeting - April 5, 2010

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

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

PUBLIC PARTICIPATION NO. 1:

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

ALL IN FAVOR.

ORDINANCES:

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

ORDINANCE 06-2010

**ORDINANCE AMENDING CHAPTER 133 OF THE REVISED
 GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE
 AS TO FEES FOR THE REGISTRATION AND LICENSING OF
 RESIDENTIAL RENTAL DWELLINGS CONTAINING FOUR
 UNITS OR MORE AND AMENDING CHAPTER 82 OF THE
 REVISED GENERAL ORDINANCES OF THE BOROUGH OF
 RIVERDALE AS TO FEES FOR CERTIFICATES OF
 CONTINUING OCCUPANCY**

ROLL CALL: **Ayes:** **Astarita, Falkoski, Loesner, Wetzel, Carelli**
 Nays: **Guis**
 (5 ayes – 1 nay – motion carried)

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 36-A

RESOLUTIONS:

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

- 1) Payment of Claims. (including the following payments not on bills list:
 - 1) CareFree Bus Jersey Boys Bus Trip \$ 700.00
 - 2) Holiday Bowl 2010 Winter Bowling Full Balance-Trust
- 2) Approval of payment from Escrow to the following:
 - a) Darmofalski Engineering Assoc. Alexan at Riverwalk \$1,380.00
 - b) Darmofalski Engineering Assoc. TCR/Horton \$1,035.00
- 3) Approval of P.B.A. request for use of park for their annual fishing tournament on 5/8/2010. (copy of request transmitted to governing body with agenda)
- 4) Approval of storage of police vehicle at Riverdale Self Storage, LLC at no expense to the Borough.
- 5) Authorizing Shade Tree Grant Application.

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

COPY OF BILLS LIST IN FULL ON PAGE NO. 37 – B**MAYOR REPORT:**

Mayor Budesheim reported that we need to schedule a special meeting for our budget introduction by the end of April. Council decided to hold a special meeting at 8:30 a.m. on Thursday, April 29th for this purpose. Mayor Budesheim also reported on bricks being brought in by the railroad.

COMMITTEE REPORTS:

Councilman Falkoski questioned a duplicate charge on the bills list. Borough Clerk Talerico will check the purchase orders. He also reported the Court Report for March 2010. He presented an application for membership in the Fire Department for Dave R. Regeling. He stated that Morris County asked if Riverdale would be willing to plow the county roads in the borough. They would supply the salt and reimburse \$100 per hour. Mayor Budesheim stated this had previously been considered. The governmental rate for plowing is \$150 per hour. Councilman Falkoski stated the gentlemen from the Fire Department are here to discuss a few issues.

Pat Cleary stated that we received a \$56,000 federal grant for 2009. We can use \$16,000 of this for the Jaws of Life we purchased and paid for last year. The chiefs would like to use the \$16,000 towards the purchase of a replacement vehicle for the Tahoe. Mayor Budesheim stated the decision is whether we want to purchase another vehicle. There was a discussion regarding the condition of the Fire Department vehicles and the cost of a new vehicle. Councilman Carelli stated that further discussion with the finance officer is needed and the issue will be reexamined. Fire Chief Dan Sturm reported they are having a problem with the door on the firehouse. Mayor Budesheim will contact Advanced Integration Systems.

Councilman Guis reported that the Borough Engineer will provide detail regarding stabilization of the riverbank. This affects a lot of people in town and he would like to approach Pompton Lakes to split the cost. We need to look at the engineering and surveying required to put a plan together so we can tell FEMA, the County or the Department of Agriculture what it is we want to do.

COMMITTEE REPORTS (continued):

Borough Engineer Darmofalski reported on problems resulting from the flooding in March. The DEP has permitting processes that allow desnagging and there is a program administered through the U.S. Department of Agriculture that we wrote a letter requesting an inspection and help with that. Councilman Guis and I attended an inspection last Wednesday with representatives and visited four locations. They felt two qualified as an emergency action they could endorse and two did not. The Federal Government has no funding for this even though there is a program of providing 75% with the local government providing 25%. They recommend getting permits so if funding becomes available we would be eligible. Representatives from the Assistant Commissioner's office have asked for conceptual plans so they can expedite the permits. We've solicited a quotation for surveying over 6,000 foot of river. Our intention is to obtain the necessary permits from the DEP to do the desilting, desnagging and bank stabilization. My preliminary estimate of this work is over three-quarters of one million dollars. The first phase is \$13,700 to survey the 6,000 foot of river. Engineering for preparation of all those plans is estimated at \$12,000. The only unknown is the wetlands permit that will be required. I don't know if money will be available in the future, but everyone seems to think if you have permits in hand there might be funding available. The life of the permits is five years and there will be permit fees.

Councilman Guis proposed that we ask the Mayor to reach out to Pompton Lakes and authorize paying half of these first two costs contingent upon Pompton agreeing to pay the other half. Mayor Budesheim stated it is a capital expense and we would need to do a bond ordinance. Councilman Astarita stated that in the current budget situation if we start spending money it will be an issue if taxes go up. Mayor Budesheim agreed and also stated this project would serve a considerable segment of the population. Flooding causes thousands of dollars in damage and is a drain on emergency services. The Borough Engineer will obtain additional pricing for the next meeting in May. Councilman Astarita stated that we would be financing preliminary studies with no promise that the project will take place because there is no funding.

Councilwoman Wetzel asked if there was any follow up on the strong odor caused by Riverdale Recycling. Borough Engineer Darmofalski stated that a meeting was held with the operator who stated he was out of town when they were turning the piles.

Councilman Astarita reported he was notified that he will be sitting on the Public Services Committee of the CDBG.

Mayor Budesheim reported he attended the Freeholder Budget Hearing to ask questions and make suggestions.

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.

CLOSED SESSION:

Councilman Falkoski set forth the motion, seconded by Councilman Guis, RESOLVED that the Mayor and Council go into closed session to discuss matters of potential litigation and contracts.

ALL IN FAVOR.

CLOSED SESSION (continued):

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:53 p.m.

Respectfully Submitted:

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

CLOSED SESSION:**LITIGATION -THE ENCLAVE:**

Mayor Budesheim stated the road going up to the Enclave, the Beazer project, is a falling rock zone. Large boulders and small rocks keep falling into the roadway and the residents are picking them up. Beazer Homes built the houses, Majestic Homes prepared the site and there is a maintenance easement running across property owned by Buzzy Schull from Rock Creek. They all point fingers at everybody else to maintain that road. Borough Engineer Paul Darmofalski obtained a price to do the blasting to do the correction and retention fence. It's becoming a safety issue. They hired an attorney and we were served with a notice of tort claim. The Borough Attorney was asked to check into the matter of getting the work done and putting a lien on the property.

Borough Attorney Oostdyk stated he looked into the matter. We do have a property maintenance ordinance but it talks about fining people who don't comply with it as opposed to putting a lien on the property. We would have to do an amendment to get the authority in place. The state statute addresses structural or direct health issues but is less clear on structural land issues such as falling rocks. The rights for the lien could probably be established but the other question is should you and what are the impediments. The Borough of Ringwood did something very similar and they were sued by the property owner who demanded the lien be removed. They ended up regretting getting involved. The municipal interest is a lot clearer here since the rocks are falling on a public road. There are risks involved in doing this. It becomes our problem going forward since we've taken on the design and the work. If there is more work to be done the expectation will be that we do it. The danger of putting a lien on the property is the people just don't pay the lien, the property doesn't sell or they stop paying taxes and you become the owner of the property. The upside is that it is a pro-active answer to the problem that no other interested party appears to be willing to solve.

Borough Engineer Darmofalski stated the estimate from a reputable rock blaster was between \$125,000 and \$150,000 to trim the rock. You could spend an additional \$25,000 putting in a fence.

Borough Attorney Oostdyk stated an alternative is to take legal action against the property owner and try to get the court to mandate correction. Mr. Darmofalski stated the property owner gave rights to Majestic Homes to grade their property provided they maintain it forever. Mayor Budesheim stated Majestic sold everything to Beazer. There are 31 homeowners who ultimately are responsible but haven't taken it over because part of the transition is that everything be turned over in a safe and responsible manner. They are not going to accept it with rock slides. Mr. Darmofalski stated the only option we have not looked at is put netting up on the rock but nobody wants to see that from an esthetic end. Council requested he obtain pricing for netting.

CONTRACT NEGOTIATIONS – THE GRANDE:

Borough Attorney Oostdyk reported on a meeting with representatives from the Grande. They continue to assert their belief that the Borough should be paying for the lease cost of the garbage compactor. The Mayor reiterated the Borough's position that everyone pays for their own trash collection mechanism and the Borough pays to pick up and dispose of the trash. The Grande board members say the compactor makes it cheaper for the Borough to collect the trash therefore the Borough should pay for it. They have requested copies of past contracts back to 1990 from the Borough Clerk. The meeting ended with the Mayor stating he would talk to our contractor about the potential of him possibly footing the bill for at least the recyclable dumpsters. Since then they persistently emailed the Mayor and our garbage hauler. This resulted in the garbage hauler responding today that they will provide dumpsters for a fee, the specs say there should be

CLOSED SESSION (continued):**CONTRACT NEGOTIATIONS – THE GRANDE (continued):**

a compactor for cardboard and there isn't so we don't have to pick it up and we never had to pick up your commingles in the first place so you'll have to pay if you want that. We have to do their collection and disposal of recyclables and solid waste and will continue to work on that. We will look at the bids and contract and try to deal with the hauler. Ultimately this will end with a municipal services agreement. Legally we do not have to pay for their dumpsters.