

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:** **Bush, Falkoski, Guis, Wetzel, Carelli**
 Absent: **Astarita (vacation)**

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

PUBLIC PARTICIPATION NO. 1:

Pat Salvati asked several questions regarding Ordinance 05-2008 which will lift the age restriction on the proposed development on Riverdale Road. Mayor Budesheim explained the events that lead to the introduction of the ordinance and stated it is scheduled for public hearing and adoption on July 21st. Ms. Salvati asked the council members who support the ordinance why they think it is good for the community to lift the age restriction on this type of development and what new information changed their minds and their vote. Mayor Budesheim stated he would respond as he was the one who presented the facts. He stated that when it was first introduced as age restricted he had calls from members of the PTA, Board of Education and school administration concerned that an age restricted development would hurt the passing of the school budget. He explained the advantages of redevelopment in that area and the market related reasons for lifting the age restriction. Ms. Salvati stated there was an inaccurate statement in the minutes stating that ratables would more than compensate for the additional students that would be generated. She said school funding formulas have changed and schools do not have the ability to exceed their cap to the extent of new ratables coming on board. New ratables will not bring a single penny to the school and she wanted the council members to be aware of that fact and take it into consideration when they vote on this ordinance. Mayor Budesheim stated that it does make it easier to keep the taxes low and the only way to do that is by increasing ratables. He said the school is big enough to handle the extra students.

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

ALL IN FAVOR.

RESOLUTIONS:

Councilman Falkoski stated that he feels it is necessary to purchase a new mobile computer for the Assistant Fire Chief's command vehicle. Fire Chief Mike Norton and Assistant Fire Chief Dan Sturm explained to the council why they feel the computer is necessary and answered questions. Assistant Chief Sturm also stated the Forest Service asked if we would be willing to put a fire prevention sign in town. There is no cost other than digging the holes. There were no objections from the Council. Councilman Falkoski asked for clarification of resolution 48-2008. Borough Attorney Oostdyk stated they cannot exceed the amount of the contract without coming back to the Council. Mayor Budesheim stated that Glacier Electric is currently evaluating our electric bills and will advise us the amount of savings if we were to purchase electric through them. He also explained a new sewer agreement with Lincoln Park. The main change is that TCR will pay the full \$2.5 million for the first 100,000 gallons and we will not have to put up \$1.5 million. There was a discussion regarding the status of the sewer I/I problem.

RESOLUTIONS (continued):

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

- 1) Payment of Claims.

a. New York Red Bulls Trip	Recreation	\$ 600.00
b. Mad Science Activity	Recreation	\$ 150.00
c. New Jersey Jackals	Recreation	\$ 590.00
d. Pequannock Township	Recreation	\$ 200.00
e. Carefree Bus Tours	Recreation	\$ 700.00
f. Amazing Amusements	Recreation	\$ 650.00
g. Computer Explorers	Recreation	\$1764.00
h. Valero Marketing	Gasoline	\$9182.20
i. Steve Max	Recreation	\$ 400.00
- 2) Payment to DCM Contracting – Invoice #1 in the amount of \$95,716.60 (Hamburg Turnpike Sewer Project) (approved by Borough Engineer for payment).
- 3) Change Order #1 for DCM Contracting – (Hamburg Turnpike Sewer Project) for NYS&W Railroad Permit Fee and test holes for underground piping at railroad crossing in the amount of \$12,481.00.
- 4) Payment for snow removal costs for the 07/08 season to the following:

a. Rock Creek Crossing	\$1626.24
b. Powder Mill	\$ 813.12
- 5) **Resolution No. 47-2008;** Tax Sale Certificate #3-04 – Block 19, Lot 3.05 – payable to U.S. Bank Corporate Trust Services, Philadelphia, PA in the total amount of \$37,232.13.
- 6) **Resolution No. 48-2008;** Proposal from HMR Architects for architectural services for the “Glenburn Barn Exterior Stabilization” at a maximum fee of \$31,690.00 to be charged to the 2007 Morris County Open Space Grant.
- 7) Mayor to appoint Ryan P. Cleary as a Fireman of the Riverdale Volunteer Fire Department with consent of borough council.
- 8) **Resolution No. 49-2008;** Governing Body agrees and consents that a New Jersey Department of Environmental Protection issuance of a sewer extension “Construction and Operating Permit” for the south Phase of the Alexan Project, shall be revocable if a 100,000 gallons per day allocation of transfer of sewerage from Lincoln Park is not effective as to Riverdale on or before December 31, 2008.
- 9) **Resolution No. 50-2008;** Approval of the renewal of the 2008/2009 Liquor License for Dexters – License #1433-33-002-002. This applicant has received a Special Ad-Interim Permit for the ABC to operate until this approval. The alcoholic Beverage Retail Licensee Clearance Certificate has been received, which previously caused a contingency approval by the governing body at its June 16, 2008 meeting.
- 10) **Resolution No. 51-2008;** Authorizing a grant application to the NJDOT for a State Aid Grant for improvements to Newark Pompton Turnpike and Arlington Place – Phase II Project requesting \$200,000 in funding.
- 11) Approval to purchase a mobile computer for the Fire Department at a cost of \$5,272.48 (two quotations were obtained).
- 12) **Resolution No. 52-2008;** Supporting The New York, Susquehanna and Western Railway Corporation Line Rehabilitation, provided the Railroad cleans their property at the three intersections in Riverdale.
- 13) Approval to purchase electricity from Glacier Electric provided they establish a substantial cost savings to the borough.
- 14) Authorizing Mayor Budesheim to execute a new sewer agreement with the Borough of Lincoln Park, whereby the cost to Riverdale will change from \$1.5 million to zero dollars.

RESOLUTIONS (continued):

- 15) Appoint Neil DeBonte as a full time permanent DPW employee at a salary of \$15.00 per hour, effective July 1, 2008.

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

OTHER BUSINESS:

- 1) Placement of “No Smoking” signs at the Riverdale Community Center. Smoking on the property is prohibited according to NJSA 26:3D-58. a) Smoking is prohibited in an indoor public place or workplace, except as otherwise provided by this act. b) Smoking is prohibited in any area of any building of, or on the grounds of, any public or nonpublic elementary or secondary school, regardless of whether the area is an indoor public place or is outdoors.

Mayor Budesheim stated the Recreation Director brought up this subject pertaining to the Community Center. Our rental contract states that anyone smoking on the grounds is subject to lose their \$500 security deposit because it is state law. There was discussion regarding the laws pertaining to smoking and public buildings. Borough Attorney Oostdyk will prepare a local smoking ordinance.

BOROUGH CLERK’S REPORT:

Deputy Borough Clerk Forbes reported that we received a CD ROM from Morris County containing their Comprehensive Farmland Preservation Plan and it is available for anyone interested. A public hearing will be held on Thursday, July 17th at 7:30 p.m. in the Freeholder Public Meeting Room.

BOROUGH ENGINEER REPORT:

Borough Engineer Darmofalski: A few things. We’re waiting for our friends at Jersey Central to relocate the wires so we can finish off the Mathews Avenue project. The poles are set. We lost our contact at Jersey Central, Everton Scott, who now works for Public Service. We contacted the engineering department who referred us to the district office, the planner and we’re waiting for a phone call back. They won’t even return the phone call for Verizon to let them know when they might be coming out. This is a work order that was issued in January.

Mayor Budesheim: Joe, is Everton still on the Morris County Planning Board even though he doesn’t work for Jersey Central?

Councilman Falkoski: He still is. He works for Public Service.

Mayor Budesheim: Right. What about the sewer extension? Hamburg Turnpike?

Borough Engineer Darmofalski: The sewer project is scheduled to start Monday. We’re attempting to get a meeting with the County inspector to get all that straightened out. I need the final purchase order to be sent to Morris County so that we can take care of the road opening. I will tell you if we start on Monday, for the next 4 to 6 weeks, it’ll be one way traffic controlled by the Police Department. We would like to get all of that done before school starts. And the last thing I really have to report is that we did prepare

BOROUGH ENGINEER REPORT (continued):

an application for state aid that you'll vote on tonight which was the phase II part of the Newark Pompton Turnpike - Arlington Place improvement.

Mayor Budesheim: Now where do we stand with the connector road?

Borough Engineer Darmofalski: Oh my. I could give you the engineering version that Target has promised that they're going out to bid. They have approved plans from both Horton and Target and I've asked for a schedule and I've not received a schedule and I think (indiscernible).

Borough Attorney Oostdyk: We had a letter from Target that arrived in the mail today saying they were very disappointed that their performance guarantee illegitimately was not released and they will begin the road when their performance guarantee is released and not before.

Councilman Falkoski: And what recourse do we have if they don't do it?

Borough Engineer Darmofalski: \$10 million not being released, that's one recourse. I find...I will give you from a professional viewpoint of respecting their viewpoint that we have never been told the truth about the service road from Target's end of it from day one. We came before you over two years ago and said we need to go get special environmental permits and in fact when we inquired, and you spent money on a special consultant to do that, you were told no we really didn't need to get special environmental permits. We already have them in our pocket. I find that very unprofessional and I could not in good faith ask you to release their money without the service road being started. Bob will tell you that we believe it's probably improper making that recommendation. If you'd like to put something on the table based on that letter, let's have another meeting, you'll get your money when I have a schedule that shows when you're going to start but I can't be lied to all the time. We've attended meetings administratively, all of us, the Mayor, Ted, myself, Bob, to try to get this thing rolling. It was really my personal goal to get it done before Thanksgiving of this year just because I think it's just going to aid the whole Borough of Riverdale and the whole community and the whole area, and they just in Minnesota don't care about us and I find it inconceivable. They (indiscernible) to tell us the truth and every time I correspond with him and say is this the final piece, yes, and then there's always something else. I am extremely disappointed. They should have started in May. I think I told you we'd be starting in May and it's now July and I don't have a schedule yet. Maybe we could recommend that the Borough Attorney respond to their letter saying, okay you'll get your money when we get a schedule and tell us about the preconstruction meeting. They'll have another method, that's all right.

Councilman Falkoski: Wasn't it a condition of their approval before the board?

Mayor Budesheim: Very weakly done. It's one of those things. If you can, it will be done by a certain date. I think they still have 3 or 4 years under the developer's agreement to get it done.

Borough Attorney Oostdyk: It wasn't bonded for. It wasn't part of the engineer's estimate for bonding because it wasn't in place.

Borough Engineer Darmofalski: If Target did bond for it and Horton in their request for relief, I took out the service road part of their project and I recommend they release everything except for the service road part of it. You do have the money in your pocket. It's just a matter of, if we're going to play the legal game and the bonding game, we'll be here in Christmas or Thanksgiving of 2010 still debating the point. I'd rather see, we're talking 300 foot of roadway.

BOROUGH ENGINEER REPORT (continued):

Councilman Falkoski: This is very disturbing. Plus the fact that everyone else who developed along there went through the expense and everything of building their portion and this is just holding it up. It's not fair to those people, either.

Borough Engineer Darmofalski: Wouldn't you feel a little bit more comfortable if they came to you in a letter and said listen, we'd like our money back and we're planning on starting, we're receiving bid on this date and starting on this date? I mean, I would feel a little bit more comfortable with things.

Councilman Falkoski: They're not people friendly.

Mayor Budesheim: So they want the full \$10 million back?

Borough Engineer Darmofalski: I don't have the numbers in front of me. I apologize. I didn't come prepared to talk about the exact numbers, but you voted on the recommendation that I gave you in the June meeting based on all the numbers that we gave.

Mayor Budesheim: To the tune of close to \$10 million.

Borough Engineer Darmofalski also reported on the Suntan Lake dam that is currently owned by four people. A study was done and the dam was determined to be unsafe and needs to be breached. The owner of the storage facility has asked for a release of the \$25,000 we are holding and he was advised the problem needs to be fixed first.

MAYOR REPORT:

Mayor Budesheim reported we should be receiving the Quarry's license renewal application tomorrow. They are changing the reclamation plan and reducing the floor from a 3 percent grade to 1 percent. They are getting ready for site plan preparation as part of their final quarrying activities. We're still 7 to 8 years away.

COMMITTEE REPORTS:

Councilman Carelli reported on the proposed playground for the school. There was discussion regarding the plans and the cost of equipment.

Thereupon, Councilman Carelli set forth the motion, seconded by Councilman Guis, to approve the purchase of playground equipment for the school at a total cost not to exceed \$50,000 and to purchase a fence for the playground not to exceed \$7,000 total (previously approved not to exceed \$4,000).

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

Councilman Falkoski reported that a request was made for a jeweler licensing registration ordinance. Borough Attorney Oostdyk explained that local police in surrounding towns are recommending ordinances to put licensing and registration requirements on jewelers because of concerns with people bringing in stolen jewelry. He will prepare an ordinance for the next meeting.

PUBLIC PARTICIPATION NO. 2:

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

ALL IN FAVOR.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:25 p.m.

Respectfully Submitted:

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