

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:

November 17, 2008 - Regular Meeting
 December 1, 2008 - Workshop Meeting

Councilman Falkoski reported a correction to the minutes of December 1, 2008 to reflect that the motion to close the public hearing of Ordinance 18-2008 was made by Councilman Astarita.

Councilwoman Wetzel set forth the motion, seconded by Councilman Falkoski, to approve the minutes of November 17, 2008 as read and the minutes of December 1, 2008 with correction.

ROLL CALL: **Ayes:** **Astarita, Bush, Falkoski, Guis, Wetzel, Carelli**
 Nays: **None**
 Abstain: **Bush (November 17, 2008 only)**
 (6 ayes – 0 nays – motion carried)

Councilman Falkoski reported on an incident that occurred in the Fire Department that resulted in the 30 day suspension of one of the members by the Fire Committee. The suspension is effective from December 8, 2008 through January 8, 2009.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to uphold the decision made by the Fire Committee.

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

ORDINANCES:

- 1) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 16-2008

**AN ORDINANCE AMENDING CHAPTER 70 ALCOHOLIC BEVERAGES OF
 THE CODE OF THE BOROUGH OF RIVERDALE, MORRIS COUNTY, NEW
 JERSEY**

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

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

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

ORDINANCES (continued):**ALL IN FAVOR**

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, **RESOLVED** that Ordinance No. 16-2008 as read on second reading at this meeting, be adopted and finally passed.

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. 121-A

2) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 17-2008**ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF RIVERDALE AND PROHIBITING PARKING ON PORTIONS
OF MATHEWS AVENUE**

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

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

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

ALL IN FAVOR

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, **RESOLVED** that Ordinance No. 17-2008 as read on second reading at this meeting, be adopted and finally passed.

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. 121-B

3) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 19-2008**ORDINANCE AMENDING CHAPTER 69 THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROVIDING FOR
PENALTIES FOR THE FAILURE TO PAY FALSE ALARM FEES**

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

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

Pat Cleary and Mike Norton of the Fire Department commented on the procedure for enforcing fines and utilization of fees.

ORDINANCES (continued):

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 Falkoski set forth the motion, seconded by Councilman Guis, **RESOLVED** that Ordinance No. 19-2008 as read on second reading at this meeting, be adopted and finally passed.

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. 122-C

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

ORDINANCE 20-2008

**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. 122-D**RESOLUTIONS**

Borough Clerk Talerico stated that Resolution 82-2008 was previously approved but a formal resolution is required. There was discussion regarding the amount remaining as a performance guarantee for The Grande and whether it would be enough protection as costs rise over time.

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

- 1) Payment of Claims.
- 2) **Resolution #77-2008;** Transfer of Appropriations.
- 3) **Resolution #78-2008;** Cancellation of Prior Year Outstanding Checks.
- 4) **Resolution #79-2008;** Cancellation of Various Balances.
- 5) **Resolution #80-2008;** Temporary Appropriations – 2009.
- 6) Payment of bills from Escrow Funds for the following:

a. Darmofalski Engineering	-	Target Corp.	\$ 520.00
b. Darmofalski Engineering	-	D.R. Horton (Grande)	\$ 260.00
c. Darmofalski Engineering	-	Alexan (Riverwalk)	\$1,170.00
d. Richard Clemack, Esq.	-	Alexan (Riverwalk)	\$2,371.19
e. Johnson, Murphy, Hubner	-	Target Corp.	\$ 140.00
f. Johnson, Murphy, Hubner	-	Alexan (Riverwalk)	\$ 294.00

RESOLUTIONS (continued):

- 7) **Resolution No. 81-2008;** Authorization to establish a Trust Account for the Riverdale Food Pantry to enable the distribution of funds received through donations – by Dedication by Rider.
- 8) Resolution to establish the 2009 Reorganization meeting for Monday, January 5, 2009 at 7:00 p.m.
- 9) **Resolution No. 82-2008;** Reduction of performance guarantee for The Grande at Riverdale per the Borough Engineer's calculations.
- 10) Approve reimbursement in the amount of \$406.25 to Mayor Budesheim for shelving for records storage.

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

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 123-E, F, G, H, I, J AND K**OTHER BUSINESS:**

- 1) Discussion on Change Orders #2, 3, 4 and 5 for the Hamburg Turnpike Sewer Project, which was tabled at the 12/01/08 meeting to the 12/15/08 meeting.

Borough Engineer Darmofalski reported that a meeting was attended by Councilman Guis, Mayor Budesheim, the contractor and himself to discuss the Change Orders. The contractor bid in excess of \$125,000 less than anyone else in negotiations for the pump station and said that if he was awarded that he would take 20% off any change orders. Mr. Darmofalski requested the Council approve Change Orders #2, 3, 4 and 5 in the amount of \$33,742.14 which is a savings of \$8,435.53. There is a pending Change Order #6 for sewer laterals that is not complete. Councilman Guis stated that even with the Change Orders the contractor was still far below the next lowest price for the project. He said that his and Mr. Darmofalski's opinion is we would have been faced with these extras with a higher starting base price. Mr. Darmofalski stated that the award for the pump station is not being made this evening. Borough Attorney Oostdyk stated that you cannot obligate the borough to do the pump station now because the funding is not in place. Councilman Carelli stated that approving the reduced amount implies that we will look favorably on awarding him the pump station.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, to approved payment of Change Orders #2, 3, 4 and 5 in the total amount of \$33,742.14 for the Hamburg Turnpike Sewer Project with no future awards.

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

Councilman Guis left the meeting at 8:05 due a death in the family.

- 2) Request from Robert Paige, President of Dexter's Inc. requesting an extension of closing hour to 3:00 a.m. on Wednesday, December 31, 2008 (New Years Eve). Copy of letter distributed to Mayor and Council.

Councilwoman Wetzel set forth the motion, seconded by Councilman Carelli, to approve the extension of Dexter's Inc. closing hour to 3:00 a.m. on Wednesday, December 31, 2008.

OTHER BUSINESS (continued):

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

- 3) The 113th Infantry Family Readiness Group (FRG) Charity Benefit Run to benefit the soldiers currently serving in Iraq. The run is to take place in April preferably on Sunday the 25th of April, starting at 10:00 a.m. with the start and finish to be at the Armory at Newark Pompton Turnpike and Riverdale Road. The run would proceed down Riverdale Road to Ramapo Avenue in Pompton Lakes to Hamburg Turnpike and down the Newark Pompton Turnpike back to the Armory. Your support and cooperation in this endeavor is requested and greatly appreciated.

BOROUGH CLERK REPORT:

Borough Clerk Talerico reported that TCR submitted a request for Title 39 on their Riverdale Road property. There was a brief discussion regarding the request. Ms. Talerico reported that the claim filed with our insurance carrier for the chemical spill on Route 287 is denied and we would have to file a claim with the trucking company's insurance carrier. She reported that the E-9-1-1- Dispatch Agreement was tabled at the last meeting and asked Mayor Budesheim whether he had a response from the Freeholders. He said he did not. Ms. Talerico reported Tilcon Quarry submitted a License and Permit Bond. She also reported the Canella's are handling the project for the stream problem at the Powder Mill Condominiums in early 2009. We have a figure of \$27,687 from Pequannock for next year's Board of Health budget.

MAYOR REPORT:

Mayor Budesheim reported on the progress at the new food pantry.

COMMITTEE REPORTS:

Councilman Falkoski reported that he had an item for closed session.

Councilman Astarita reported he attended the County Community Development meeting on December 4th. Our grant application needs to be submitted by January 23rd.

Pat Cleary asked for approval to purchase equipment with the funds remaining in the Fire Department budget.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, to approve the purchase of 800 foot of hose, one portable electric pump and a smoke machine for the Fire Department at a total cost of \$3,312.00.

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

Councilwoman Bush reported on the Municipal Alliance teen night co-sponsored with the Recreation Department. She recommended considering an improved sound system for the teen center due to the size of the room.

PUBLIC PARTICIPATION NO. 2:

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

ALL IN FAVOR.

CLOSED SESSION:

Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, RESOLVED that the Mayor and Council go into closed session to discuss a matter of litigation pertaining to the appeal of a liquor license, of which minutes will be kept and released upon completion of these matters.

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

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, Wetzel, Carelli
Nays: None
(5 ayes – 0 nays – motion carried)

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:45 p.m.

Respectfully Submitted:

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