

January 3, 2005

#1

The Annual Re-Organization Meeting of the Borough of Riverdale Mayor and Council opened on the above date at 7:00 p.m. with the Pledge of Allegiance.

Mayor William Budesheim presiding.

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

MUNICIPAL CLERK READS CERTIFICATION OF ELECTION:

Municipal Clerk Carol Talerico read the certification of the determination of the November 2, 2004 General Election as follows:

NAME	OFFICE	TERM
Garrett Astarita	Borough Council	3 Years
Joseph Falkoski	Borough Council	3 Years

OATH OF OFFICE ADMINISTERED TO NEWLY ELECTED OFFICIALS:

The Oath of Office was administered to the Borough Council Members.

ROLL CALL: **Present:** **Bush, Wetzel, Guis, Astarita, Carelli, Falkoski**
 Absent: **None**

INTRODUCTION OF NEWLY ELECTED OFFICIALS AND REMARKS BY SAME.

COUNCILMAN GARRETT ASTARITA:

I want to take this opportunity to thank the citizens of Riverdale for allowing me to serve our community as a Councilman for another term. As I start my fourth term, I must reflect on the last three years which I feel was a turning point for the Borough. The last three years a tone was set by our new Mayor and an invigorated Council. We started moving ahead, doing a lot of the housekeeping that needed to be done and started upgrading our Borough equipment that was long overdue. We started setting our sights on development that would be beneficial to our citizens and surrounding neighbors for years to come. We are striving to save our open space so our children will have places to play. We will soon break ground for a Senior Community Center which will benefit not only our seniors, but our youth and all the residents, and we will see our sewer projects break ground with part of the money coming from Community Development grants. Hopefully we will be able to preserve some of our historical past. We must remember, however, that we are stewards of our citizens' tax dollars and always strive to be true to that responsibility and keep Riverdale affordable to our citizens. This is an exciting time for Riverdale and I feel privileged to be able to work with our Mayor and my colleagues on the Council to make this happen. Happy New Year to everyone. Thank you.

COUNCILMAN JOSEPH FALKOSKI:

The voters of Riverdale have voted to allow me to maintain my seat on this governing body. For this privilege and honor I express to them my thanks. This past year has been an exciting and challenging time to have served as an elected official in Riverdale addressing the many and rapid changes that have taken place in our Borough. The coming year promises to bring more of the same as Riverdale continues to grow and prosper. As one of our priorities this coming year, it is essential that we examine our

COPY OF RESOLUTION RE: SCHEDULED MEETINGS – MAYOR AND COUNCIL IN FULL PAGE NO. 3-B

- 3) **Resolution No. 3-2005**; Councilman Falkoski offered the following resolution and moved its adoption, seconded by Councilwoman Wetzel. Re: Bank Signatures and Depositories.

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

COPY OF RESOLUTION RE: BANK SIGNATURES AND DEPOSITORIES IN FULL PAGE NO. 3-C

- 4) **Resolution No. 4-2005**; Councilman Falkoski offered the following resolution and moved its adoption, seconded by Councilwoman Wetzel. Re: Delinquent Taxes.

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

COPY OF RESOLUTION RE: DELINQUENT TAXES IN FULL PAGE NO. 3-D

- 5) **Resolution No. 5-2005**; Councilman Falkoski offered the following resolution and moved its adoption, seconded by Councilman Guis. Re: Local Public Contracts Law.

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

COPY OF RESOLUTION RE: LOCAL PUBLIC CONTRACTS LAW IN FULL PAGE NO. 3-E

- 6) **Resolution No. 6-2005**; Councilman Falkoski offered the following resolution and moved its adoption, seconded by Councilman Carelli. Re: Work Periods – Law Enforcement.

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

COPY OF RESOLUTION RE: WORK PERIODS – LAW ENFORCEMENT IN FULL PAGE NO. 3-F

- 7) **Resolution No. 7-2005**; Councilman Falkoski offered the following resolution and moved its adoption, seconded by Councilman Astarita. Re: Official Holidays – Borough Employees.

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

COPY OF RESOLUTION RE: OFFICIAL HOLIDAYS – BOROUGH EMPLOYEES IN FULL PAGE NO. 4-G

COUNCIL TO SELECT PRESIDENT OF COUNCIL:

Councilman Carelli offered the name of Joseph Falkoski as Council President; motion seconded by Councilman Astarita.

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

MAYOR BUDESHEIM NAMES COUNCIL COMMITTEES:

The Mayor referred to the Municipal Clerk for Appointments. Clerk Talerico responded that the Mayor did not return his list of Appointments according to her request.

Mayor Budesheim stated the 2005 Council Committees:

Councilperson Carelli	Finance	2 nd Bush
Councilperson Falkoski	Public Safety	2 nd Wetzel
Councilperson Guis	Public Works	2 nd Astarita
Councilperson Wetzel	Community Relations	2 nd Falkoski
Councilperson Astarita	Buildings & Grounds	2 nd Guis
Councilperson Bush	Personnel	2 nd Carelli

2005 APPOINTMENTS MADE BY MAYOR BUDESHEIM AND CONFIRMATION OF COUNCIL:

Mayor Budesheim read the names into the record of the 2005 Appointments.

Mayor Budesheim requested Council confirmation of the 2005 Appointments.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, for Council confirmation of the 2005 Appointments as listed.

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

COUNCIL TO SELECT REPRESENTATIVE TO PLANNING BOARD:

Councilman Carelli offered the name of Joseph Falkoski as Council Representative to the Planning Board; motion seconded by Councilwoman Wetzel.

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

COPY OF 2005 BOROUGH OF RIVERDALE APPOINTMENT LIST IN FULL PAGE NO. 4-H

REMARKS MADE BY MAYOR WILLIAM BUDESHEIM:

I want to thank everybody; it's been a great year. Garrett, I especially want to thank you for all the work you did on the H.U.D. Committee and your assistance in getting two grants for \$100,000 this year. Elaine, the concerts were an overwhelming success, and the whole recreation program, and I thank you for all your assistance with that. Paul, thank you for all the work you've done all year long with the finance department and especially your presentation to the public. You told them their taxes were going up and they gave you a round of applause. Joe, thank you for all the work you've done all year with the police and fire departments, re-doing the fleet, the police cars and the court. Donna, we've got an employee handbook manual which is something that's been long overdue and that's going to help us considerably. I thank you for that. Ted, thank you for all your assistance with the streets and roads, bringing on new people, and always being here, even on Sundays. I'd like to thank the Fire Chief and his department and the Police Chief and his department for always being there protecting the lives and property of our residents. I thank our Municipal Clerk, Carol Talerico, for supervising the office, because without the paperwork being shuffled all this collapses. Thank you Paul for all the work you've done. Being right across the street, I'm sure you wish you were somewhere else and I thank you. Our attorney, Bob, you're right here in town whenever we call and if you're not there, you call back right away. It's been a pleasure working with all the professionals.

We had one major disappointment this year and that was not getting the Van Ness house. We have one exciting thing I think we are going to accomplish this coming year, and that is that we are going to get the Van Ness house. We had a very productive meeting with a Freeholder and Walter Krich, and I think we convinced them that this will be a good project and they're going to come up with money and let us use the building in a way that would become self-sustaining. They do understand that we want to use the barn for indoor recreational uses and know we want to build ball fields and soccer fields there, so they're totally on line right now with what we're trying to do.

We have other major projects. We have the Senior Citizen Center, the sewer line going down Hamburg Turnpike to Post Lane, which will help with the redevelopment of that area. We have a lot of big issues confronting us this year, planning the concerts, and a lot of development going on. I thank everybody for their assistance and I'm looking forward to working with you.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 7:30 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

The workshop 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 William Budesheim presiding.

**ROLL CALL: Present: Bush, Wetzel, Guis, Astarita, Carelli, Falkoski
Absent: None**

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

PUBLIC PARTICIPATION NO. 1:

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

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

ORDINANCES:

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

ORDINANCE NO. 01-2005

**AN ORDINANCE ESTABLISHING SALARIES OR WAGES OF OFFICIALS
AND EMPLOYEES OF THE BOROUGH OF RIVERDLAE, IN THE COUNTY
OF MORRIS**

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

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

RESOLUTIONS:

Councilman Falkoski asked for clarification of the liquor license transfer in Resolution No. 9-2005. Mayor Budesheim announced the attorney was present to answer any questions.

Attorney James LaSala stated he represents Camp Windbeam and the applicant, Robbie Paige, who is also present. He stated the address is 92 Route 23, located by Ruppert's. There was additional discussion regarding the location, intended use, noise containment and menu. Mr. Paige stated the plan is to have a sports bar in the front area with a stage in the back for local bands, comedians or off Broadway type productions. He stated he hopes to open late April or mid-May.

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

- 1) **Resolution No. 8-2005;** Resolution authorizing enrollment in the Morris County Adaptive Recreation Program (McARP) for 2005.

RESOLUTIONS (continued):

- 2) **Resolution No. 9-2005;** Approval of a Place to Place liquor license transfer for Camp Windbeam, Inc., license #1433-33-002-001, from 106 Route 23 North (originally Sun Tan Lake) to 92 Route 23 North, Riverdale Square.
- 3) Resolution authorizing an Interlocal Service Agreement between the Borough of Riverdale and the Five Town Dial-A-Ridge Program including the Boroughs of Lincoln Park, Butler, Kinnelon, Riverdale and the Township of Pequannock.
- 4) **Resolution No. 11-2005;** Awarding the Post Lane Reconstruction bid to Tomaro Contracting Co., Inc. 195 Green Pond Road, Rockaway, NJ in the amount of \$378,000.
- 5) Resolution to approve the final payment for Current Electric in the amount of \$464.50 to be paid upon receipt of 10% of contract maintenance bond \$2,322.50.
- 6) **Resolution No. 10-2005;** Establishing Salaries for 2005.

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 7-B, 7-C, 7-D and 7E**CORRESPONDENCE:**

- 1) From the State of New Jersey DEP, Green Acres Program advising that since 1961, the Green Acres Program has assisted municipalities and counties in the acquisition of open space for recreation and conservation purposes, as well as the development of outdoor recreational facilities. We also administer certain federal funding made available through programs such as the Land and Water Conservation Fund. It is with pleasure to extend this invitation to all interested municipalities and counties to apply for Green Acres funds. (copy of complete letter distributed to Mayor and Council)
- 2) From Henry Ramer of Williams, Caliri, Miller & Otley, P.C. representing the Sunoco station at Paterson-Hamburg Turnpike and Newark Pompton Turnpike requesting that an appearance be scheduled before the Mayor and Council to consider a request for a waiver from the restrictions of ordinance section 10-1 et.seq. which requires businesses to close between midnight and 6 a.m. Mr. Ramer's client would like to remain open 24 hours a day. Please advise when the Mayor and Council can hear our application.

Borough Attorney Robert Oostdyk stated the applicant would need an amendment to their Planning Board site plan in addition to Council approval of waiver from the ordinance requirement. He stated they are entitled to a hearing to explain why they feel they should be granted an exception. There was discussion regarding precedent setting and the applicant's right to a hearing with the Planning Board if Council approves the waiver.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, to authorize the Borough Clerk to schedule a public hearing for the Sunoco Station on February 21, 2005, and notify residents within 200 feet of their request to consider a waiver from ordinance section 10-1 et seq.

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

Mayor Budesheim welcomed Senator Bob Martin.

Senator Martin stated that he feels strongly that the issue with the County should be resolved. He asked to be kept informed of this and other important issues in Riverdale.

WORKSHOP COMMITTEE REPORTS:

Councilman Carelli asked Council members to begin working on 2005 budgets.

Councilman Guis reported the dirt for the skating rink is due to come in this week.

There was discussion regarding obtaining input from the public on recreational activities in the borough.

Councilwoman Bush reported she is working on support material for the personnel manual. She asked for samples of evaluation forms that may help in designing one for Riverdale.

Municipal Clerk Carol Talerico reported the need for a resolution to dispose of a broken file cabinet. Councilman Guis stated we also need a resolution to auction the 1976 GMC that was replaced. There was discussion regarding the procedure for an auction.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to authorize disposition of broken file cabinet, Borough property Tag #000235, and to authorize the Clerk to advertise for auction a 1976 GMC Dump Truck C60 Series, Unit No. 904 for a minimum bid of \$750.

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

Mayor Budesheim welcomed Freeholder John Murphy.

Freeholder Murphy extended wishes for a happy New Year from all of the Freeholders.

Borough Engineer Paul Darmofalski reported redevelopment applications are due on January 28th and a resolution is needed by the next meeting. He stated he would like to attend the Sunoco hearing to advise the Mayor and Council of what was said in the past when they got their variance. He reminded the council the quarry would be attending next month's work session. He also stated that we did not receive state aid for Matthews Avenue but strongly advised an application be submitted for discretionary aid. There was discussion regarding additional funding for park improvements and the sewer project.

Councilman Falkoski offered the name of Paul Carelli as Council representative to the H.U.D. Committee; motion seconded by Councilwoman Wetzel.

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

PUBLIC PARTICIPATION NO. 2:

Fire Chief Pat Cleary stated the need for additional money to fund projects and equipment for the Fire Department. He said he didn't understand why we're not getting some of the grant money that we applied for and the web sites indicate other towns are

PUBLIC PARTICIPATION NO. 2 (continued):

getting grants. Councilman Falkoski asked him to provide documentation of grant results for discussion with the Bruno Group.

Pat Salvati stated the Library Trustees are finalizing their budget and asked if the Library will be added to the Borough's insurance policy. Councilman Carelli replied that a decision had not been made and he will discuss the matter with the Borough Clerk.

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:05 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

The regular meeting of the Borough of Riverdale Mayor and Council opened on the above date at 7:35 p.m. with the Pledge of Allegiance.

Mayor William Budesheim presiding.

**ROLL CALL: Present: Bush, Wetzel, Guis, Astarita, Carelli, Falkoski
Absent: None**

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

APPROVAL OF MINUTES DATED: December 20, 2004
December 30, 2004 – Special Meeting

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

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

MAYOR BUDESHEIM TO APPOINT TRAVIS ROEMMELE AS A PROBATIONARY PATROLMAN TO THE RIVERDALE POLICE DEPARTMENT.

Mayor Budesheim announced the appointment of Patrolman Travis Roemmele to the Riverdale Police Department. He stated that Patrolman Roemmele is a graduate of the Morris County Police Academy, received an Associates Degree in Criminal Justice from the County College of Morris and is working towards his Bachelor’s Degree at William Paterson University. He is the son of Lieutenant Richard Roemmele and will be replacing Sergeant Schaub who will retire the end of this month.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, to appoint Travis Roemmele as a Probationary Patrolman to the Riverdale Police Department.

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

Municipal Clerk Carol Talerico swore in Travis Roemmele as Patrolman in the Riverdale Police Department.

PUBLIC PARTICIPATION NO. 1:

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

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

ORDINANCES:

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

ORDINANCE 01-2005

AN ORDINANCE ESTABLISHING SALARIES OR WAGES OF OFFICIALS AND EMPLOYEES OF THE BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS

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 from the public, Councilman Falkoski set forth the motion, seconded by Councilwoman Carelli, to close the public session.

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, **RESOLVED** that Ordinance No. 01-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 11-A

2) Introduction of Ordinance #02-2005.

Councilman Falkoski asked for clarification of the statement in section 82-1 that reads “This Ordinance does not repeal the requirement for Planning Board approval for a change of use for all commercial and industrial uses.” Borough Attorney Robert Oostdyk explained that only the Planning Board can approve change of use on a commercial or industrial site. This will be a requirement to get a CCO for change of ownership or occupancy. There was additional discussion regarding the difference.

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

ORDINANCE NO. 02-2005

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROVIDING FOR A CERTIFICATE OF CONTINUED OCCUPANCY FOR COMMERCIAL, INDUSTRIAL, AND RESIDENTIAL PREMISES

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 11-B

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

ORDINANCE NO. 03-2005

**ORDINANCE AMENDING CHAPTER 168 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF RIVERDALE**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 12-C

RESOLUTIONS:

- 1) Councilman Carelli set forth the motion, seconded by Councilwoman Wetzel to approve Payment of Claims and \$173.11 to the State of New Jersey for Public Community Water System Tax.

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

COPY OF BILLS LIST IN FULL ON PAGE NO. 12-D

Municipal Clerk Carol Talerico stated Resolution No. 15-2005 is an Emergency Temporary Appropriation in the sum of \$8,333.30 for Grant Coordinator and will be included as item 10,

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

- 2) **Resolution No. 12-2005;** Transfer Resolution.
- 3) Resolution to approve payment to Pace Builders, Inc. in the amount of \$26,730 for the Borough Garage project. Borough Engineer has recommended payment.
- 4) Resolution to approve the appointing of Travis Roemmele as a probationary patrolman for the Borough of Riverdale effective January 17, 2005.
- 5) **Resolution No. 13-2005;** Resolution urging opposition to Assembly Bill #3529, that proposes that government workers can receive both a full ordinary disability pension and workers compensation benefits at the same time for the same injury. (the opposition of this bill is recommended by our insurance carrier NJIIF)
- 6) Resolution to declare a 1995 Chevrolet Caprice VIN #1G1BL52PXS189710 as scrap and no longer has any value, as recommended by DPW Superintendent.
- 7) Resolution to designate Public Agency Compliance Officer (P.A.C.O.) as required by the Department of the Treasury, Division of Contract Compliance & Equal Employment Opportunity in Public Contracts.
- 8) Resolution to release the deposit amount of \$200 to James Castiglione for Christmas tree sales at AtoZ Services, approved by governing body in 2004.
- 9) **Resolution No. 14-2005;** Approval of the following Professional Agreement submitted to the Borough of Riverdale for the year 2005:
 - a) Borough Attorney: Johnson, Murphy, Hubner, McKeon, Wubbenhorst & Appelt (Robert H. Oostdyk, Jr.) - \$25,000 per year retainer - \$140.00 per our litigation.
 - b) Water/Sewer Engineer: Anderson & Denzler Associates, Inc. (William D. Ryden, P.E.) - \$124.00 per hour.
 - c) Borough Engineer: Darmofalski Engineering Associates, Inc. (Paul Darmofalski, P.E.) – Salary - \$20,000 per year - \$113.00 per hour.

- d) Auditor – Dickinson, Vrabel & Cassells, P.A. (Vincent M. Montanino, RMA) Current Fund - \$13,600, Construction Official - \$250, Water Utility - \$6,100, and Sewer Utility - \$2,000. Additional auditing, accounting & financial services \$110.00 per hour.
 - e) Bond Counsel: John L. Kraft, Esq., L.L.C. (John L. Kraft) Bond Sales – fee of \$5,000 – plus \$1.00 per thousand dollars of bonds issued, insured Bonds an additional \$1,000. (various other fees contained in agreement)
- 10) **Resolution No. 15-2005**; Emergency Temporary Budget Amendment.

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 13-E, 13-F, 13-G AND 13-H

UNFINISHED BUSINESS:

- 1) Cablevision Refranchising

Mayor Budesheim stated two people are working on this matter with the representative, Gary Shaw

- 2) Re-zoning of property as requested by TCR to an overlay zone on the R-40 zone.

Mayor Budesheim stated TCR met with engineers almost a month ago and they're still trying to work out differences.

- 3) Request for Ordinance change by Police Department for possession and consumption of alcoholic beverages in public or private places (scheduled for 2005)

Mayor Budesheim asked for an ordinance to be ready for discussion at the next meeting.

COMMUNITY DEVELOPMENT PROJECTS – 2005:

Councilwoman Wetzel set forth the motion, seconded by Councilman Astarita, to authorize the Mayor to apply for Community Development grants in the amount of \$100,000 each for the following projects:

- 1) Application for Paterson Hamburg Turnpike Sewer Pump Station-Phase II.
- 2) Application for Independence Park Lighting.

There was discussion regarding the location of the pump station.

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

BOROUGH CLERK REPORT:

Borough Clerk Talerico distributed notices and reported that the New Jersey Highlands Water Protection and Planning Council will meet on January 20, 2005 at 10:00 a.m. at the Council's office, 100 North Road, Chester Township, New Jersey. She then read a letter addressed to the Mayor and Council from an attorney representing Powder Mill Development Corp. regarding the sales of all units in the 6 buildings that are currently occupied. The letter is requesting the new water service fees for building number 7,

BOROUGH CLERK REPORT (continued):

which total \$31,500, be grandfathered at the rate used for the current 6 buildings, which was \$3,000 per building.

Borough Attorney Robert Oostdyk stated we could only do something that would apply to everybody. Councilman Carelli stated the fee of \$3,000 per building was for installation of a 3" water meter. The water connection fee is new and was introduced earlier this year in an ordinance. There was discussion regarding the development of Powder Mill taking 5 or 6 years. It was decided the fee cannot be waived for one person and the Borough Attorney will reply to the letter.

Borough Clerk Talerico then stated that Earl Dean came in for his W-2 form and she asked if his salary is on the salary resolution. Councilman Carelli stated that it was and the salary is \$25.00 per hour with a maximum of \$5,000 for the year. Clerk Talerico stated that it should be done by resolution and she did not see it. There was discussion as to whether it was on the ordinance and the resolution. Councilman Carelli stated it is listed as Fire Inspector at a salary of \$25.00 per hour. Clerk Talerico asked if Inspectors - Code Enforcement at \$25.00 per hour was the same thing. Councilman Carelli said it was and is limited to \$5,000 per year.

ATTORNEY REPORT:

No report.

MAYOR REPORT:

Mayor Budesheim reported the County is presenting its budget this Wednesday at 7:00 p.m. if anyone wishes to attend. He also reported there will be a fundraiser for the Singer family, whose son passed away from cancer, on Saturday, January 22nd at 5:30 p.m. at Pompton Lakes High School. Tickets are \$20.00. He stated attendance would be a nice show of support for the family.

COMMITTEE REPORTS:

Mayor Budesheim reported the ice skating rink was put in on Saturday. He stated that Councilman Guis and his friends, Vinnie Pelligrini, Steve Loesner, their children, along with the Fire Chief and Assistant Fire Chief put the entire rink together in 3 hours. Councilwoman Wetzel thanked Councilman Guis for all of his help. Councilman Guis stated Friday would be the earliest it could be used. He stated lights are going to be installed tomorrow and the Scouts will be erecting a fire ring. There was discussion regarding the time schedule for the gate to be locked and getting a sign listing basic rules of use. Fire Chief Pat Cleary stated that we need to make sure people do not park near the firehouse doors.

Councilman Falkoski apologized that some members of the Council were not aware of the appointment tonight of a patrolman to the Police Department. He recommended that in the future any action to be taken, which has not been discussed at a workshop meeting, not be taken unless it is an emergency.

Councilman Falkoski then reported the following from the Municipal Court Report for the month of December 2004. The amount to the Borough for year 2003 was \$152,035 and year end for 2004 is \$309,912.10. The complete total brought in from the court for the year 2003 was \$314,318.00 and the year 2004 is \$654,793.50. The year end report

COMMITTEE REPORTS (continued):

for arrests and summonses showed the Police Department issued 4,855 motor vehicle summonses, including 62 for driving while suspended and 12 for no insurance.

Councilman Falkoski then distributed a list of capital items supplied to him by the Fire Chief and Assistant Fire Chief for discussion. He stated there is an amount of \$36,000 available in the capital account for the Fire Department. In the bond ordinance for the new engine truck there is a balance of \$14,900 and for the ladder truck a balance of \$15,000. The items on the list have been charged to various areas. He stated that \$29,260 for the radio system upgrade is being charged to the capital budget and recommended we wait until we get a response to our grant application. He stated the \$15,000 for a thermal imaging camera being charged to the ladder bond ordinance would be short \$2,000. Fire Chief Cleary stated they plan for the balance to be paid with fire company donations. Councilman Falkoski stated the remaining items are per the state contract.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, to authorize the purchase of items listed for the Fire Department, except the Radio System Upgrade and Thermal Imaging Camera.

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

COPY OF ITEMS AUTHORIZED FOR PURCHASE IN FULL ON PAGE # 15-I

Councilman Guis reported payment was authorized to Pace Contractors for the DPW garage. He stated the roof is in and the majority of interior work is complete.

Councilman Astarita reported that he, the Mayor and Councilman Guis met with two architectural firms regarding the Senior/Community Center project. He stated he saw one of the projects firsthand and had gotten recommendations from another Borough Council. He stated they will make presentations to the committee and we would make a decision after reviewing their proposals. There was discussion regarding the need to determine what the building will be used for so everything needed can be included. It was decided to schedule Senior/Community Center Committee meetings for January 24th and 31st.

Councilwoman Bush distributed a memorandum the Personnel Committee received from Linda Forbes. She stated it would be on the agenda for discussion and action at the next workshop meeting and she or Paul Carelli could answer any questions. She also reported the personnel manuals are being assembled and then will be distributed.

PUBLIC PARTICIPATION NO. 2:

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

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

January 17, 2005

#16

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:35 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

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, Wetzel, Guis, Astarita, Carelli**
 Absent: **Falkoski**

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

PUBLIC PARTICIPATION NO. 1:

QUARRY HEARING CONTINUATION:

Tilcon Quarry Manager Ray LeClair gave a presentation to show quarry activity over the past few years and explain where they are headed. He used aerial maps to show where activity has taken place in 2003 and 2004 and the proximity to property lines and roads. Borough Engineer Paul Darmofalski stated that during the last inspection there was clean-up activity in the 150-foot buffer but no mining or quarrying. Mr. LeClair stated the quarry has acquired a new water truck and there will be more water available to control dust. They expect to re-open the first or second week of March and there are approximately 12 to 15 million tons left to quarry. Borough Engineer Darmofalski stated he was happy they doubled their water capabilities, but if we have a dry year they may have to rent more. There was discussion regarding property lines, buffer zone and activity at the Wal-Mart development. Mr. Darmofalski will give the quarry a copy of the new sub-division map to establish property lines. He stated the quarry is supposed to give this type of status report every year.

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

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

WORKSHOP COMMITTEE REPORTS:

Councilman Carelli asked for Council feedback regarding the budget for the Library. Last year we budgeted \$165,000 and there is a stipulation that it not be more than 15% than the previous year. He stated the library budget is very tight and there are many line items pertaining to building maintenance. He suggested that we pay for some of these items in addition to the contribution. There was discussion regarding the matter.

Councilwoman Bush reported an employee has requested a review because of the responsibilities of her current position. Councilman Carelli explained the current salary ordinance regarding the positions of Borough Secretary and Deputy Clerk and the history of the salary for Deputy Clerk. There was discussion regarding the duties and responsibilities of the Deputy Clerk. Councilwoman Bush stated the Deputy Clerk is going to school for certification, is competent and dedicated and proper salary adjustments should be made. Councilman Carelli recommended the Deputy Clerk's salary be increased to \$34,663. Borough Clerk Talerico stated that due to an oversight the Police Secretary had been left off the salary resolution. Her salary would be \$15.45 with the 3% increase. It was decided to add the salary increases for Deputy Clerk and Police Secretary to the resolution list.

WORKSHOP COMMITTEE REPORTS (continued):

Councilman Guis reported on the progress of work being done in the municipal building. He also requested a resolution be added to appoint a temporary DPW employee at a salary not to exceed \$10.00 per hour. He then reported a scout had inquired about an Eagle Project and DPW Superintendent Walter Mahon had suggested numbering the storm catch basins.

Councilwoman Wetzel reported that the ice rink had been vandalized and the liner is ripped. There are also windows broken in the building attached to the property. She stated she would like to follow up and make a formal complaint with the Police Department. She said that once the liner rips, it is difficult to keep the ice even so we will need to decide whether we want to repair it. Councilman Guis said we could try to patch the liner. There was discussion regarding supervision by volunteers at the rink. Councilwoman Wetzel then reported that June Carelli would be the Recreation Committee Chairperson this year.

Councilman Astarita reported he received a lot of input at the last two meetings of the Senior/Community Center Advisory Committee. The next step is to get ideas from the architects. He also reported the Community Development grants for the pumping station and lights for the soccer field have been submitted.

Mayor Budesheim reported he received a call from a Sergeant at the Armory to advise that 118 soldiers will be returning on April 15th and he was hoping we could have a welcoming reception the week of April 17th. He then stated that if everyone agrees with the e-mail regarding Charlie Quant's retirement, he would like the Borough Attorney to send him a letter stating it is a one-time offer which will expire on February 20th. The Mayor reminded everyone that June 11th is George Kogler Day and he would like the dugouts done before the season opens. He then stated the cost has been calculated to reimburse Rock Creek and Powder Mill for snow plowing for the past 5 years. He also reported Drew Flockhart from the Recycling Center advised he could get a contract from a nearby town if we reduce our percentage from 50% to 25%. We would get 25% of \$25,000. It was decided the Borough Attorney would draft a letter regarding the Flockhart Agreement and also the Quant Retirement offer.

Mayor Budesheim then asked about the response to the letter regarding the Cotliss Road fence. Borough Engineer Darmofalski said the letter was worded that if they did not agree with us they should tell us, and we have not received a reply. It was decided the Borough Attorney would send another letter stating we will remove the fence on a specific date if we do not hear from them. The Mayor then reported we received another letter from Powder Mill Development regarding the water connection fees. Their attorney is asking us to consider charging one connection fee for the building instead of one for each of the 21 units. It was decided the Borough Attorney would send another letter stating the ordinance specifies the connection fee is by unit. Mayor Budesheim then reported that April 16th is the opening of the Pompton Lakes/Riverdale Little League season. He also reported he received a letter from the DEP advising that Riverdale is now in Tier 1 for Radon which is the highest tier.

Borough Clerk Talerico reported she e-mailed to the Council copies of an architectural services agreement she had received. She also distributed copies of a letter the Court Administrator gave her regarding municipal and county jurisdiction over streets and designating stop and yield intersections on certain streets. She then reported receipt of a letter from the Pompton Lakes/Riverdale Little League requesting use of the baseball and softball fields at Independence Park. She will request a certificate of insurance. She then reminded everyone the next meeting will be February 22nd and the hearing for the

WORKSHOP COMMITTEE REPORTS (continued):

Sunoco Station is scheduled. She also said there is a request for the information for LOSAP payments for last year. She asked for guidance regarding towing licenses since we allow two and have three applications this year. Borough Attorney Oostdyk stated all three should be sent to the Police Department but first consideration will be given to those who are presently authorized for their service. The third applicant can be put on a waiting list. Clerk Talerico then reported the employee handbooks have been assembled and will be distributed in the next week or so. She also stated there will be vouchers for escrow payment on the agenda. She was also asked by the Court Administrator to bring to the Council's attention that funds from Alcohol Education Rehabilitation & Enforcement Fund are to be used to pay for additional hours worked in the court system. She stated that she passed out resolutions and to let her know if anyone wanted any put on the agenda.

Borough Engineer Paul Darmofalski reported there would be a preconstruction meeting for Post Lane tomorrow. He reported that D.R. Horton is approximately 25% done with their project and they have applied for a bond reduction. He stated they prepared a discretionary aid application for Mathews Avenue. He also reported Public Service is now having a meeting for all of the local engineers to tell them which mains will be replaced in the area.

Mayor Budesheim reported the Soccer Association is in need of more fields. He asked the Borough Engineer to investigate the possibility of rotating the field at Independence Park to make room for two fields side by side. There was discussion regarding the size of the fields and whether they would fit.

The Mayor then stated that Councilman Falkoski requested the following resolutions be added. He was given an incorrect quote for the computer racks for the cars and needs an additional \$1,400.00. Equipment for the two new cars is \$6,720.00, which will come out of Capital. The course for computer training is \$4,875.00. Also, part-time dispatcher Susan Lucente needs to be appointed. Police Chief Soules stated there is also a quote of \$575.00 from Chevy Impala Graphics for graphics application to the new police vehicle.

Fire Chief Pat Cleary reported the ladder truck is done and final inspection will be on Thursday. He stated it will arrive C.O.D. the beginning of March. He also reported the Fire Department appointed Howard Ball as Chaplain.

RESOLUTIONS:

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

- 1) Resolution to approve payment of the 1st quarter sewer fees to Pequannock River Basin Regional Sewerage Authority in the amount of \$110,299. (due January 15, 2005)
- 2) Resolution to appoint Michael Norton as a temporary Truck Driver at an hourly rate of \$13.00 per hour.
- 3) **Resolution No. 16-2005;** authorizing the submittal of Application, and Agreement for DOT state aid, and endorsement by the Mayor for the following project:
 - a) Mathews Avenue Improvement and Mathews Avenue and Paterson Hamburg Turnpike Intersection. (From Paterson Hamburg Turnpike to Route 23)

RESOLUTIONS (continued):

- 4) Designation of Carol Talerico as “Public Agency Compliance Officer” (P.A.C.O.) to be submitted to the Division of Contract Compliance & Equal Employment Opportunity in Public Contracts, Department of the Treasury.
- 5) Resolution to authorize Mayor Budesheim to execute application for Permit #002312005664849, utility opening permit to install an existing 12-inch main. (D.R. Horton project).
- 6) Resolution to appoint a Temporary DPW Employee at a salary not to exceed \$10.00 per hour.
- 7) Resolution to increase the annual salary of the Deputy Clerk to \$34,663 and the hourly salary of the Police Secretary to \$15.45, retroactive to January 1st.
- 8) Resolution to authorize the Borough Attorney to send a letter to Charlie Quant making a one-time retirement offer which will expire on February 22, 2005.
- 9) Resolution to authorize the Borough Attorney to amend the Flockhart Agreement changing the percentage paid to the Borough for additional work contracted by the Recycling Center from 50% to 25%.
- 10) Resolution to authorize the following purchases:
 - a) \$1,437.41 - additional for mobile computer.
 - b) \$6,720.00 - to equip two new police vehicles.
 - c) \$4,875.00 - computer training course.
 - d) \$ 575.00 - Chevy Impala Graphics application to new police vehicle.
- 11) Resolution to appoint Susan Lucente as part-time Dispatcher.

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 20-A

Mayor Budesheim stated to residents from the Stoneleigh section that TCR did not submit an ordinance for discussion. He will send a copy to the committee as soon as it is received. There was discussion regarding the editorial analysis of the codebooks and establishing the position of Borough Attorney and Borough Engineer.

PUBLIC PARTICIPATION NO. 2:

Shawn Dougherty inquired about the status of additional gallonage for sewers on Newberry Place and Brown Court. Mayor Budesheim stated there is some available to purchase and it will be discussed in closed session. Mr. Dougherty asked what the sewer cost was for residents on Greenwich and Van Duyne. Mayor Budesheim stated there was a \$4,000 connection fee plus the assessment. Borough Attorney Oostdyk stated the gallonage agreement would become public and a hearing held shortly after it is reached.

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

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

CLOSED SESSION:

Councilman Guis set forth the motion, seconded by Councilwoman Wetzel, RESOLVED that the Mayor and Council go into closed session to discuss matters of contract negotiation and litigation, of which minutes will be kept and released upon completion of these matters.

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

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

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

ADJOURNMENT:

Councilman Guis set forth the motion, seconded by Councilman Carelli, to adjourn the meeting.

ALL IN FAVOR.

Adjourned: 9:30 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

CLOSED SESSION**SEWER ALLOCATION:**

Mayor Budesheim reported that Lincoln Park is willing to give up 250,000 to 300,000 gallons. Pequannock already made a deal and 150,000 gallons remain available between Butler and us. Butler is not sure if they want to purchase this. He stated figures from Sewer Engineer Bill Ryden indicate it would require 135,000 just to take care of the houses this side of the railroad tracks, which does not include Mathews Avenue. We could petition to purchase 150,000 gallons at a price they are hoping will be \$20 per gallon, which would be \$3,000,000. He stated this would be our last chance to get any gallonage. He said Bill Ryden feels if they apply to expand the plant at Two Bridges it would be a ten-year project.

The Council discussed the pros and cons of the purchase of the gallonage. Borough Attorney Oostdyk stated we could negotiate an agreement conditioned upon the adoption of a bonding ordinance.

LITIGATION:**Target Litigation:**

Borough Attorney Oostdyk reported he was in court today for a status conference on the Target lawsuit. The attorney for Target said they will reapply to the Planning Board with a new application because they have come to the conclusion the approved plan will not be approved by the D.E.P. He said the result will be that there will no longer be a lawsuit since there will be no approval to be challenged by Shotmeyer. He stated that Shotmeyer and Target are now talking and hopefully can resolve their difference.

Cell Tower Litigation:

Borough Attorney Oostdyk apprised the Governing Body of the pending litigation concerning the cell tower. He said we might need to make a decision regarding settlement or continuing litigation. He stated his concern about spending a lot of legal money defending the Borough's ordinance. The Planning Board Attorney is currently defending the board's position, but we would need to defend the ordinance. There was discussion regarding the position of the Planning Board and the fact that it should have been heard by the Board of Adjustment.

SUNOCO STATION HEARING (continued):

problem with it. Councilman Falkoski stated it would be an attractive nuisance and he is reluctant to make an exception in this case. Mayor Budesheim asked if there were any comments from the public.

Fred DiAngelis stated the problem will be when there is a food mart sign on I-287 and truckers will pull in and leave their engines idling. He stated that after midnight there will be a different kind of traffic such as the after bar crowd and bikers and he feels there will be problems.

Harry Ressler stated that he would agree that a service station open at night would be a convenience, but not a convenience store.

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

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

Mr. Ramer stated they do not sell diesel fuel so there would be no reason for truckers to come and people on I-287 would not know they were open 24 hours. He again asked for relief from the ordinance on a trial basis. Mayor Budesheim stated that allowing the Sunoco station to be open 24 hours would be contrary to the zoning ordinance. Councilman Carelli stated that a sign could appear on the highway alerting drivers that there is a 24 hour gas station at exit 53 and he is also concerned about setting a precedent.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, to deny the Sunoco Station's request for waiver of restricted hours of operation in the zoning ordinance.

ROLL CALL: Ayes: Wetzel, Carelli, Falkoski
Nays: Guis, Astarita
(3 ayes – 2 nays – motion carried)

DISCUSSION OF ROUTE 23 INTERSECTION:

Mayor Budesheim announced this portion of the meeting would be for discussion of the intersection and traffic light at the bottom of the hill on Route 23. The Mayor stated that he had been contacted by the D.O.T. early last year inquiring whether we were still interested in eliminating the traffic light. He told them we were not. There have since been more accidents and an editorial in the Trends. He stated the problem needs to be addressed and he asked for input from the residents in attendance.

Sergeant Bogert of the Riverdale Police Department gave an overview of the accidents that have occurred at that intersection. He stated the D.O.T. is considering speed limit reduction for commercial vehicles and extending the 45 M.P.H. limit up to the Home Depot. He stated that trucks occasionally drive too fast but most of the problem is due to brake failure. He said that local police departments do not have the power to write federal statutes or inspect brakes on commercial vehicles. The state truck unit has been assigned to the terrorism task force and their time is limited. He is trying to find out how the Bergen County police got permission to be trained for the federal statutes. He stated that removing the traffic light may provide some relief but will not solve the problem.

DISCUSSION OF ROUTE 23 INTERSECTION (continued):

An unidentified resident stated the problem is not the hill or the light, but the federal statutes that allow unsafe trucks on the roads. Sergeant Bogert agreed but stated you will never have 100% enforcement. Councilwoman Wetzel suggested having trucks rerouted to Hamburg Turnpike. There was discussion regarding various solutions. The feeling of the residents in attendance was that they wanted to keep the traffic light. Several people from the audience spoke about their concerns and made suggestions.

Bill Weiss of Evans Road stated the speed limit should be lowered and there should be more flashing lights and warning signs. He also suggested rumble strips and grooves in the road.

An unidentified resident asked about lobbying for "safe corridor" which would double the fines for violations. Mayor Budesheim stated that if our police department can get the training and certification to inspect the trucks, the message would get out to the truckers that you must operate a safe vehicle.

Harry Ressler stated that there have been accidents at that intersection for 60 years and if the light was eliminated the accidents would occur further down at the Boulevard in Pequannock. He said the State is responsible for correcting the problems but they are not willing to spend the money.

A Pequannock resident stated he has seen traffic lights with built-in strobe lights and he suggested they be put in up by Home Depot.

Mayor Budesheim stated he plans to contact the mayors of several nearby towns and petition the State to establish a Transportation Improvement District to force them to address these issues.

Councilman Falkoski stated that this has been an ongoing problem and we are looking for alternate solutions. Mayor Budesheim stated that if asked again we will tell the D.O.T. that we do not want the light eliminated. He thanked everyone for coming.

ORDINANCES:

1) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 02-2005**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROVIDING FOR A CERTIFICATE OF CONTINUED OCCUPANCY FOR COMMERCIAL, INDUSTRIAL, AND RESIDENTIAL PREMISES**

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

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

The following persons were heard:

Sky Ball
Sean Dougherty
Rick Malanga

ORDINANCES (continued):

Mayor Budesheim explained the ordinance and stated its purpose is to ensure compliance with zoning ordinances when there is change of ownership, especially with apartments.

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

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, **RESOLVED** that Ordinance No. 02-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 26-A

2) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 03-2005**AN ORDINANCE AMENDING CHAPTER 168 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE**

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 from the public, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, to close the public session.

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, **RESOLVED** that Ordinance No. 03-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 26-B

RESOLUTIONS:

- 1) Councilman Carelli set forth the motion, seconded by Councilwoman Wetzel to approve Payment of Claims.

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

COPY OF BILLS LIST IN FULL ON PAGE NO. 27-C

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

- 2) **Resolution No. 17-2005;** Refund of Tax Overpayments.
- 3) Resolution to approve final payment to Pierce Manufacturing Inc. for the DASH-2000 Heavy Duty Ladder Truck in the amount of \$265,854.00.
- 4) Resolution to approve escrow payments to Paul Darmofalski for borough projects as follows:
- | | | |
|--|---|------------|
| a) TCR Rezoning Cluster Housing | - | \$ 226.00 |
| b) Bograds – letter to Building Insp. Re: C.O. | - | \$ 113.00 |
| c) TCR/Alexan – inspections & drainage | - | \$7,625.00 |
| d) K&K Developers – surveys & plans | - | \$7,006.00 |
- 5) Resolution to appoint Joseph Falkoski, Elaine Wetzel and William Budesheim to the Open Space Committee.
- 6) **Resolution No. 18-2005;** Authorizing the execution of an amendment to the agreement between the Borough of Riverdale and Drew Flockhart for the management of the Borough of Riverdale Leaf Composting Facility.
- 7) Resolution to approve waiver from Quarry Ordinance for D.R. Horton to transfer 100,000 cubic yards of rock to the Tilcon Quarry for crushing.
- 8) Resolution to approve payment to AHR Consulting for rewiring of microphones in the amount of \$620.08.
- 9) Resolution to approve payment to Schmitz Safe & Lock for purchase and installation of a drop box in the municipal building in the amount of \$1,479.00.
- 10) Resolution to authorize the Borough Clerk to advertise for re-bid on 1976 Chevy Dump Truck C60 Series, Unit No. 904 for a minimum bid of \$750.00.
- 11) Resolution to authorize the purchase of two Dell GX-280 computers for the Finance Officer and Tax Assessor in the amount of \$984.75 each per state contract.
- 12) Resolution to authorize the transfer of an inactive escrow account from Wachovia Bank to Fleet Bank.
- 13) Resolution to amend D.R. Horton's Soil Mining Permit to allow transfer of 100,000 cubic yards of material to the Tilcon Quarry.
- 14) Resolution to authorize purchase of equipment for new ladder truck from Murphy Fire and Safety in the amount of \$1,623.00 and Union Fire Equipment Corp. in the amount of \$2,679.30.
- 15) **Resolution No. 19-2005;** Supporting Immediate and Comprehensive Property Tax Reform.

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 27-D, 27-E AND 27-F

UNFINISHED BUSINESS:

- 1) Cablevision Refranchising

Councilman Carelli stated we are waiting for a response from them.

- 2) Re-zoning of property as requested by TCR to an overlay zone on the R-40 zone.

Mayor Budesheim stated the Borough Engineer sent TCR a letter informing that we will not entertain any ordinances until they float balloons showing the highest peak of their buildings. Councilman Falkoski stated he informed TCR about a firm that could present a computer representation of the area from various vantage points.

- 3) Request for Ordinance change by Police Department for possession and consumption of alcoholic beverages in public or private places (scheduled for 2005)

Mayor Budesheim stated the Borough Attorney would have an ordinance ready for discussion at the workshop meeting.

NEW BUSINESS:

- 1) Borough Engineer to give his recommendation on the passage or non-passage of an ordinance Amending "Land Use Regulations" to add steep slope regulations.

Borough Engineer Darmofalski stated that an escrow should have been established. He recommended the exemption should be limited to one every two years and should come from the Borough Engineer. He also recommended utilizing a two-foot contour interval for the mapping. He then stated the ordinance was well written and would be a benefit. Mayor Budesheim asked the attorney to have the ordinance ready for discussion at the workshop meeting.

- 2) Amendment to Flockhart Agreement – reducing additional work fee from 50% to 25%.
- 3) The Grande at Riverdale (D.R. Horton Project) Route 23, requesting permission to transfer the byproducts (rock) of the blasting that has taken place at their site to Tilcon Quarry for crushing. (copy of letter of request distributed to Mayor & Council)

Resolutions were passed for the above matters.

BOROUGH CLERK REPORT:

Borough Clerk Talerico reported the VFW sent two complimentary tickets for their pancake breakfast to be held Sunday morning, April 10th. She also reported we received a copy of a road opening permit from Morris County for Public Service to open the Paterson Hamburg Turnpike from Mathews Avenue to the railroad tracks for the purpose of replacing a gas main and services. Mayor Budesheim stated the police are aware of it and have already met with them. He said it will take six or eight weeks.

ATTORNEY REPORT:

No report.

MAYOR REPORT:

Mayor Budesheim reported that he received a letter from Tilcon regarding the 150 foot buffer. He stated that he and Councilman Falkoski met with Tilcon and there was a disagreement regarding their right to quarry in the buffer. He received another letter from them stating why they believe they have the right to quarry there and requesting a meeting to discuss the matter. Borough Engineer Darmofalski commented on the letter and said he finds it misleading. The Mayor then reported he received a letter from Dave Dixon, who is the attorney for Lincoln Park, advising they are interested in selling 150,000 gallons for sewer at fair market value. He then asked the Borough Engineer for clarification of the enforcement agent for work done on sewers. Engineer Darmofalski stated it would be the domain of the Sewer Engineer.

COMMITTEE REPORTS:

Councilman Carelli stated they would like to have a financial presentation prior to introduction of the budget. There was discussion regarding the dates. Councilman Carelli stated he would have a date for the presentation by the next meeting and will plan to introduce the budget on April 18th for adoption on May 16th.

Councilman Falkoski reported that he had attended the Fire Department's installation dinner. He read the names and length of service for several long-term members and announced that Howard Ball was elected Chaplain of the Fire Department. Mayor Budesheim recommended that at the next regular meeting Howard Ball be appointed Chaplain of the Police Department.

Councilman Guis reported they had the Post Lane preconstruction meeting and the project should begin when the weather breaks. They are also working on the dugouts. He reported they have interviewed six people for the D.P.W. position so far and the temporary help has worked out very well.

Councilwoman Wetzel reported the date for George Kogler Day will be Saturday, June 11th. She stated that several former Recreation Committee Members from when George was actively involved have agreed to come to a meeting on Monday and help with the event. She said she is also having a meeting to discuss ideas for a street fair this year. She complimented the Mayor on the first issue of the Riverdale Magazine.

PUBLIC PARTICIPATION NO. 2:

An unidentified resident asked for the cut off date for the next issue of the Riverdale Magazine. Mayor Budesheim replied it is the second week of April. He then asked if we were to obtain the 150,000 sewer gallonage from Lincoln Park, is it already allocated. Mayor Budesheim replied it was not and would be first come, first served. The Mayor also stated the sale must be completed on or before November 1st.

Fire Chief Pat Cleary stated the FEMA grants start in March and asked for a contact name if we were using the grant writer. Mayor Budesheim said he would send it to him.

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

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

February 22, 2005

#30

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:45 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

WORKSHOP COMMITTEE REPORTS (continued):

planning a baseball theme and movie night for George Koegler Day. She then reported plans are being made to have a street fair on September 24th.

Mayor Budesheim announced that Ross Kushner would explain the Fast Track Bill to the Council at this time.

Mr. Kushner stated that there would be a meeting regarding Fast Track on March 14th at the Kinnelon Library from 7:00 p.m. to 9:00 p.m. He said the area subject to Fast Track is anything that is not a PA-5 in the State plan and that most of Riverdale is in the Fast Track area. He stated that they have to respond to Fast Track applications within 45 days and the short turn around severely limits the window of opportunity to supply comments. He also stated that there is a cost involved with this permitting process, which the big builder can afford, but it hurts smaller builders. He explained the Bill had been passed in three days without public hearing and went far beyond the purpose anyone had imagined. He said Governor McGreevy issued a seven-month moratorium that will expire shortly. In the interim, legislators are asking for support from municipalities to repeal the bill. Mr. Kushner answered questions from the Council and there was discussion regarding the pros and cons of the Bill. It was decided that Councilman Falkoski would work on a resolution.

Councilman Astarita reported that Community Development presentations are due next Tuesday, March 15th.

Councilman Guis reported work will start on Post Lane next Monday, weather permitting. He stated they have received about 60 applications for the D.P.W. position. They have interviewed 12 people and will interview 8 more before narrowing it down. He stated the skating rink was taken down today and the dugouts have been started for Koegler Day. There was discussion regarding the cost of the dugouts.

Mayor Budesheim announced that Bob Cole from the Pompton Lakes/Riverdale First Aid Squad would address the Council at this time.

Mr. Cole stated that the First Aid Squad is having problems with funding and is requesting assistance from the Mayor and Council. He stated that with the increase in building, the calls from Riverdale have increased from 20% to 33%. He said that since there is continued building in Riverdale, the number of calls and costs will continue to increase. There was discussion regarding the annual contribution and the expenses of the Squad. Mr. Cole will supply copies of the First Aid Squad budget to the Mayor and Council for review.

Councilman Falkoski reported that the Municipal Court has been ordered by the State to replace their window with bulletproof glass at a cost of approximately \$3,000.00.

Mayor Budesheim stated there was a need to amend the towing ordinance. There was discussion regarding the matter and it was decided that in the event any tower abandons a tow he would lose one-month rotation. If it happens twice in a 12-month period he would forfeit the remainder of the year. It was also decided to allow the towing storage facility to be within a 5-mile radius of the Riverdale police station and to establish an annual license application fee of \$150.00.

Mayor Budesheim reported that the Finance Committee would be meeting with the Board of Education Finance Committee tomorrow to discuss their budget.

WORKSHOP COMMITTEE REPORTS (continued):

Councilman Astarita reported that architect James Cutillo of Pompton Plains will save us between \$70,000 and \$100,000 in architectural fees. There was discussion regarding Mr. Cutillo's work in Oakland and our schedule for the Senior/Community Center.

Thereupon, Councilman Astarita set forth the motion, seconded by Councilman Guis, to approve a Professional Contract with Architect James Cutillo of Pompton Plains for the Senior/Community Center.

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

Councilman Carelli stated the need to discuss the bidding procedures with Municipal Clerk Talerico and to plan scheduling for this project. Borough Engineer Darmofalski suggested including the Chief Financial Officer and Borough Attorney in the discussion.

Mayor Budesheim reported that he spoke with John Bruno who confirmed that he would stay on until he gets us \$50,000 in grants, but he wants to continue the contract to facilitate obtaining the Van Ness property on a month-to-month basis. Mr. Bruno told the Mayor it would be a done deal after a meeting to be held in April with the Chief of Staff of the Governor's Office, the D.O.T. Commissioner and the Head of Military and Veteran Affairs. There was discussion regarding the contract and services provided by the Bruno Group. Municipal Clerk Talerico stated that we have not mailed their last check for \$8,800.00.

Mayor Budesheim reported that TCR did not float the balloons today due to the wind and they will put them up Wednesday.

Municipal Clerk Talerico reported the cost of the maintenance agreement for Edmunds software is \$7,350.00 per year. There was discussion regarding the pros and cons of purchasing the agreement. Clerk Talerico will make copies of the agreement for Council review. There was discussion regarding the water and sewer connection fees and the codification of the ordinance. Clerk Talerico then stated she would like to put the last three quarterly sewer authority payments on the next agenda for approval. She reminded the Council they were planning to amend the salary ordinance. It was decided to raise the maximum salary for special officer to \$20.00. Clerk Talerico then reported the architect who did the work for the firehouse submitted an invoice for \$1,735.79 that he states he is owed due to change orders. The Borough Attorney will review the contract. Clerk Talerico stated the amount of the LOSAP contribution for last year is \$28,931.00. She also stated she sent e-mail to everyone regarding the milling on Route 23. She stated she sent the Estoppel Certificate for Sprint to the Borough Attorney and he said he would prepare a resolution. She also stated she will have several vouchers for escrow.

Borough Attorney Robert Oostdyk reported he received a letter from Mr. Vogel warning that the Van Ness house would be taken down at any time. There was discussion regarding the matter. It was decided to respond that we are proceeding as quickly as possible with funding.

Borough Engineer Paul Darmofalski reported he would be preparing grant applications for Mathews Avenue Part III and Safe Streets to Schools. He also stated we need to approve a Riverdale Stormwater Pollution Prevention Plan and Municipal Stormwater Management Plan and explained some of the State mandated items that need to be

WORKSHOP COMMITTEE REPORTS (continued):

implemented. He also stated that he inspected the request from Mr. Fred Post of 144 Riverview Terrace to vacate a portion of Wedgewood. He said that he feels it is warranted and will ask Mr. Post for a copy of his survey for further evaluation. He also stated he is meeting with the garage contractor on Wednesday. He stated that he would arrange for photos of TCR's balloons to be taken from various areas in town. He then stated that he is evaluating D.R. Horton's request to reduce their performance bond. There was discussion regarding whether the catch basins in the Powder Mill development are subject to the Stormwater mandates.

Mayor Budesheim reported he received a call from 7 Dalton Drive wanting closure to the issue of placing a grassy area at the pistol team parking lot. The Mayor advised Borough Engineer Paul Darmofalski to send them a letter stating that no changes are going to be made to the parking area and this matter is closed. Mayor Budesheim also stated the Riverdale Magazine would be going out the first week of May and the deadline for contributions would be mid-April.

Fire Chief Pat Cleary reported the ladder truck should be arriving Sunday afternoon. He stated there is \$3,975 left in capital for the ladder truck and would like to put it towards the thermal imaging camera. He also said he is investigating options for selling the 1980 Hahn.

Riverdale Code Book - Editorial Analysis - Discussion

There was discussion regarding the membership requirement and need for a Shade Tree Commission. Councilwoman Bush stated she would read the Editorial Analysis on her own and advise of changes to be made. Also, Mayor Budesheim and Councilman Falkoski are doing the same.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:15 p.m.

APPROVED:

William Budesheim, Mayor

Respectfully Submitted:

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

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

PROCLAMATION:

Mayor Budesheim proclaimed April 4th through 10th, 2005 as National Public Health Week and commended this observance to all our citizens.

ORDINANCES:

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

ORDINANCE 04-2005

**AN ORDINANCE ESTABLISHING CHAPTER 145 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND
ADOPTING STEEP SLOPE REGULATIONS**

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

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

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

ORDINANCE 05-2005

**AN ORDINANCE TO AMEND ORDINANCE NO. 01-2005 ESTABLISHING
SALARIES OR WAGES OF OFFICIALS AND EMPLOYEES OF THE
BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS**

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

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

RESOLUTIONS:

- 1) Councilman Carelli set forth the motion, seconded by Councilwoman Wetzel, to approve Payment of Claims.

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

COPY OF BILLS LIST IN FULL ON PAGE NO. 36-C

Councilman Falkoski stated that he advised the Chairman of the Planning Board that a motion would be made tonight to appoint Adrian P. Humbert as Planner for the Governing Body.

RESOLUTIONS (continued):

Borough Attorney Robert Oostdyk explained the release of escrow to Majestic Homes.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, to approve the following resolutions.

- 2) **Resolution No. 21-2005;** Transfer of 2004 Appropriation Reserves.
- 3) **Resolution No. 22-2005;** Emergency Temporary Appropriations.
- 4) Resolution to approve payment of quarterly sewer invoices as of specific payment dates as follows:
 - a) April 15, 2005 - \$110,299
 - b) July 15, 2005 - \$110,299
 - c) October 15, 2005 - \$110,298
- 5) Approval of 2004 LOSAP Contributions in the amount of \$28,931.00, and an additional amount of \$2,157.00 pending applications processing and approval for a total LOSAP amount of \$31,088.00.
- 6) Approval of escrow payments for various engineering fees as follows:

a) Darmofalski Engineering	-	Horton Escrow	\$12,624.00
b) Darmofalski Engineering	-	Majestic Escrow	\$ 4,294.00
c) Darmofalski Engineering	-	Rock Creek Escrow	\$ 226.00
d) Darmofalski Engineering	-	TCR Escrow	\$ 271.00
e) Anderson & Denzler	-	Horton Escrow	\$ 558.00
f) Anderson & Denzler	-	Horton Escrow	\$ 1,377.84
g) Anderson & Denzler	-	TCR Escrow	\$ 260.92
- 7) **Resolution No. 23-2005; Recycling** tonnage grant application.
- 8) Resolution to declare a file cabinet with property #000222 as scrap.
- 9) **Resolution No. 24-2005;** Cancel an interest payment on the tax records for Block 11, Lot 5.2102, Robert & Jelena Milne in the amount of \$9.43.
- 10) **Resolution No. 25-2005;** Authorize endorsement by the Mayor and submittal of New Jersey Department of Transportation State Aid Applications for 2006 as follows:
 - a) Mathews Avenue Improvement and Mathews Avenue and Paterson Hamburg Turnpike Intersection.
 - b) Riverdale Sidewalks – Various Streets.
- 11) Resolution to approve the endorsement of an agreement with La Guardia & Associates for the 2005 Summer Concert Series in the amount of \$34,350.00 and a deposit in the amount of \$9,350.
- 12) Resolution to approve lease for copy machine for the court office for three years at \$167.25 per month.
- 13) **Resolution No. 26-2005;** Authorizing the assignment of an agreement between the Borough of Riverdale and Sprint Spectrum Realty Company, LP to Global Signal, Inc.
- 14) Resolution to appoint Adrian P. Humbert, AICP/P.P. as Planner for the Governing Body.
- 15) Resolution to issue a check in the amount of \$275.00 for the Karate Program and \$3,368.75 for the play Chitty Chitty Bang Bang for Recreation.
- 16) Resolution to issue a check in the amount of \$365,228.85 to Majestic Homes for release of escrow.
- 17) Resolution to donate 1980 Hahn Fire Truck VIN #HCP2048158039 to the Riverdale Fire Department.
- 18) Resolution to authorize purchase of Mobile Vision Video System and trunk vault in the amount of \$4,310.00 for new patrol vehicle.
- 19) Resolution to appoint Theresa Pellegrini as temporary Police Secretary at the rate of \$12.00 per hour, not to exceed 25 hours per week.

RESOLUTIONS (continued):

- 20) Resolution to support the Click It or Ticket mobilization May 23rd through June 5, 2005.

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 38-D THROUGH 38-I

UNFINISHED BUSINESS:

- 1) Cablevision Refranchising

Mayor Budesheim stated that Gary Shaw of Cablevision would get back to us with a proposal.

- 2) Zoning of property as requested by TCR to an overlay zone on the R-40 zone.

Mayor Budesheim stated we would receive an ordinance from TCR on Monday. There was discussion regarding the visibility of the balloons.

- 3) Request for Ordinance change by Police Department for possession and consumption of alcoholic beverages in public or private places (scheduled for 2005)

Borough Attorney Robert Oostdyk stated an ordinance would be ready for discussion at the workshop meeting.

BOROUGH CLERK REPORT:

Borough Clerk Carol Talerico reported she had corrected copies of directions to the League Seminar on school budgets for anyone interested in attending.

ATTORNEY REPORT:

Borough Attorney Oostdyk reported the tax court agreed to enter a judgment on the tax appeal we filed with JCP&L.

COMMITTEE REPORTS:

Councilman Falkoski reported the following from the Municipal Court Report for the month of February. The amount to the Borough for the month was \$25,901. Year to date 2004 was \$43,665 and 2005 is \$42,496.

Councilman Guis reported drainage pipe is being put in on Post Lane and the project should be complete before George Kogler Day. He stated there was a second meeting regarding the Senior/Community Center and there is a preliminary floor plan.

Councilwoman Wetzel reported the date for the play will be posted this week.

Councilwoman Bush reported on the meeting with the Board of Education to review the school budget.

COMMITTEE REPORTS (continued):

Councilman Carelli reported he would be meeting with Financial Officer Ken Sesholtz to finalize the budget. He asked everyone to review their department and committee needs and also to review the spreadsheet he distributed.

PUBLIC PARTICIPATION:

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

ROLL CALL: **Ayes:** **Bush, Wetzel, Guis, Carelli, Falkoski**
 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: 8:20 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

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, Wetzel, Guis, Astarita, Carelli, Falkoski
Absent: None**

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

PUBLIC PARTICIPATION NO. 1:

Fire Chief Pat Cleary stated there is \$2,000 remaining in the ladder account and \$2,000 in the engine account. He would like to put it towards the purchase of the thermal imaging camera, which is about \$15,000. He also stated the drop ceiling in the firehouse needs renovations and they will need to replace 12 lights at a cost of \$1,200. The firemen will do the work

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

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

UNFINISHED BUSINESS:

- 1) Amendment to Towing Ordinance.

Mayor Budesheim stated he had a letter from the Police Department requesting all storage facilities and business offices to be located in the Borough of Riverdale. There was additional discussion regarding the amendment.

- 2) Rezoning request to ARD – TCR – copy of proposed zoning distributed.

Mayor Budesheim announced that TCR is withdrawing their application for Stoneleigh. They Mayor then asked the Council to consider requesting the Highlands Council put a landlocked 36-acre property that borders Pequannock in the Preservation Area. There was discussion regarding the zoning of the property. It was decided to draft a letter requesting Block 37, Lots 2, 11 and 14 be considered for the Highlands Preservation Area.

WORKSHOP COMMITTEE REPORTS:

Councilman Guis reported the Senior/Community Center is proceeding on schedule.

Councilwoman Wetzel reported on rules and regulations for the street fair. She also had a rough draft of the flyer for the summer concert series. She reported that the showmobile is not available for the first concert and asked for suggestions to obtain a flatbed for that date. She also gave an update of scheduled events for George Koegler Day.

There was disucussion regarding the purchase of trees for Arbor Day.

WORKSHOP COMMITTEE REPORTS (continued):

Municipal Clerk Talerico reported that she reviewed the contract with the architect for the library who is invoicing for an additional \$1,735.79, and it does say 10% of the cost of construction. She stated that she is still holding the voucher for Bruno and that the payment to Interlocal Dispatching Services for \$10,794.62 will be put on the agenda. She also requested a \$75.00 petty cash be set up for the DPW Department. She reported that the ordinances have been sent to General Code for updating the Code Book and the cost is approximately \$3,020 plus 2% shipping and handling. She reported that Pompton Lakes is amending their Land Use and Development Ordinance and the public hearing is April 13th. Kinnelon is amending Land Use Procedures and Zoning of the Code of the Borough of Kinnelon and the public hearing is April 17th.

Borough Attorney Robert Oostdyk reported that Tilcon, New York filed a lawsuit against the Borough of Riverdale regarding the setback issue. There was discussion regarding the impact on the budget.

Borough Engineer Paul Darmofalski reported on the Post Lane construction. He stated the drainage work is being done and they will start on the curbs and sidewalks Wednesday. He said residents would be notified that they will not be able to use their driveways for one day.

Mayor Budesheim reported he visited 17 DeGraw Road to evaluate the water and flooding conditions from the construction. Mr. Darmofalski stated they are going to try to correct the situation and he will bring it up again with TCR.

PUBLIC PARTICIPATION NO. 2:

Dennis Kearney of 25 Fernwood Crescent inquired about usage of the Senior/Community Center and the possibility of including a basketball court. Mayor Budesheim explained that basketball courts would not be feasible in this type of building. He stated it would be a place for meetings and various affairs and some youth recreation. The Mayor also stated that there has been discussion with Bloomingdale officials regarding the possibility of building a joint gymnasium at the Greco property.

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

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

RESOLUTIONS:

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

- 1) Resolution to approve the release of payment due Pace Builders for the DPW Garage Project, with certain checks to be released to sub-contractors due to non-payment by contractor. (As per Paul Darmofalski, Borough Engineer).
- 2) Resolution to approve payment of reimbursement for plowing services to Rock Creek Crossing Association for the years 2001, 2002 and 2003 in the amount of \$6,429.78.
- 3) Resolution to issue a check in the amount of \$165.00 for the Pepsi Machine and \$125.01 to Blimpie's for OEM, Fire and Police Department.

April 4, 2005

#42

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

The Mayor and Council discussed the 2005 Budget per line item. No action was taken.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 10:30 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

The Special Meeting of the Mayor and Council opened on the above date at 7:35 p.m. with the Pledge of Allegiance.

Mayor William Budesheim presiding.

ROLL CALL: **Present:** **Bush, Wetzel, Guis, Astarita, Carelli, Falkoski**
 Absent: **None**

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

PRESENTATION OF THE 2005 MUNICIPAL BUDGET:

Mayor Budesheim stated the purpose of this meeting is to open up the Municipal Government process in Riverdale and invite public input. He stated the biggest challenge this year is understanding and absorbing the effects of the revaluation of the properties and the impact on property taxes. He introduced Councilman Carelli, Finance Chairman, Police Sergeant Greg Bogert and Fire Chief Pat Cleary who gave a visually aided presentation to the audience.

Councilman Carelli explained how the budget and events for the year are planned. He reviewed budget terms, the tax bill and assessments for 2004 and 2005.

Sergeant Bogert explained the purpose of the fleet rotation system, and the need for the new police vehicles and equipment. He stated that traffic enforcement and arrests have increased substantially and, as a result, these purchases were paid for with money brought in by the Police Department.

Fire Chief Cleary explained the 2004 and 2005 projects and funding sources. He explained the efforts made to secure donations, grants and fundraising. He explained the need for the new fire trucks, various equipment and training and answered questions from the audience regarding the new ladder truck. He also reviewed the Fire Department's 2005 operating budget.

Councilman Carelli continued the presentation and explained that the purpose of the 2005 revaluation is to fairly distribute the tax burden based on true property value. He explained the breakdown of assessments before and after the revaluation and the shift of a portion of the tax burden from commercial to residential properties. He answered questions from the audience regarding the revaluation and presented examples to show a breakdown of average assessments. He also explained the operating budget, where the money comes from and efforts to avoid large tax increases. He then reviewed 2004 accomplishments and goals and objectives for 2005. He stated that the municipal portion of taxes will not increase this year, but an increase could occur due to the revaluation. He read the following statement from Mayor Budesheim:

“Through this presentation we hope that the residents of the Borough of Riverdale will be assured that the Governing Body is fully aware of the requirements of our residents and that every measure is being taken to assure that they will receive the services that they are entitled to expect, and that such services will be realized at a cost to the taxpayer, which will be fair, equitable, and reasonable”.

A question and answer period followed.

April 11, 2005

#44

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:00 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

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 William Budesheim presiding.

Mayor Budesheim proclaimed today as “Mrs. Gregory Day” and announced that she will act as Borough Clerk for the day. Former Councilmen Pete Sarf and Jim McMichael escorted Mrs. Christine Gregory to the dais for roll call.

**ROLL CALL: Present: Bush, Guis, Astarita, Carelli, Falkoski
Absent: Wetzel**

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

Mayor Budesheim announced that two of the new lampposts on Newark Pompton Turnpike would be dedicated to two prominent members of the community: Mrs. Dorothea Walker, Town Historian, and former Borough Clerk Mrs. Christine Gregory. He presented engraved plaques that will be placed on the lampposts near their homes. Accepting for Mrs. Walker was her son Skip and members of the Riverdale Woman’s Club. Mrs. Gregory stated that she was both surprised and honored and thanked everyone for coming.

Mayor Budesheim announced there would be brief recess at this time.

**ROLL CALL: Present: Bush, Guis, Astarita, Carelli, Falkoski
Absent: Wetzel**

Mrs. Gregory was escorted from the dais.

Mayor Budesheim called the meeting back to order at 8:00 p.m.

APPROVAL OF MINUTES DATED: March 21, 2005 - Regular Meeting
April 4, 2005 - Workshop Meeting
April 11, 2005 - Special Budget Meeting

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

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

PUBLIC PARTICIPATION NO 1:

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

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

ORDINANCES:

1) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 04-2005

**AN ORDINANCE ESTABLISHING CHAPTER 145 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND
ADOPTING STEEP SLOPE REGULATIONS**

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 Councilman Carelli, to close the public session.

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 04-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 46-A

2) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 05-2005

**AN ORDINANCE TO AMEND ORDINANCE NO. 01-2005 ESTABLISHING
SALARIES OR WAGES OF OFFICIALS AND EMPLOYEES OF THE
BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS**

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 from the public, Councilman Falkoski set forth the motion, seconded by Councilman Guis, to close the public session.

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

Thereupon, Councilman Carelli set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 05-2005 as read on second reading at this meeting, be adopted and finally passed.

ORDINANCES (continued):

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 47-B

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

ORDINANCE 06-2005

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 47-C

4) Introduction of Ordinance No. 7-2005; Ordinance Amending Chapter 154 of the Revised General Ordinances of the Borough of Riverdale entitled “Towers and Wreckers”.

The introduction of the above ordinance was postponed until May 16th.

RESOLUTIONS:

Councilmen Falkoski and Carelli asked for clarification of resolution No. 2. Councilman Guis explained that we would advertise for bids for the entire building and advertise separately for bids on materials for work that will be done in house. There was discussion regarding items to be included in the bid specifications.

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

- 2) Resolution to authorize the Municipal Clerk to advertise for bids for the Riverdale Senior Community Center.
- 3) Resolution to approve payment to the County of Morris for Interlocal Emergency Dispatching Services contract in the amount of \$10,794.62.
- 4) Approval of escrow payments for various engineering fees as follows:

a) Darmofalski Engineering	-	Horton Escrow	\$ 8,588.00
b) Darmofalski Engineering	-	Horton Escrow	\$14,156.00
c) Darmofalski Engineering	-	Majestic Escrow	\$ 7,232.00
d) Darmofalski Engineering	-	TCR Escrow/Alexan II	\$ 452.00
e) Darmofalski Engineering	-	Beazer Homes Escrow	\$ 1,130.00
f) Anderson & Denzler	-	Horton Escrow	\$ 4,503.82
- 5) **Resolution No. 27-2005;** Approval of a \$75.00 Petty Cash Fund for the DPW Department.
- 6) Resolution to approve the following purchases for the Riverdale Fire Department:
 - a) \$4,000 (from ladder & engine budget) to purchase a Thermal Imaging Camera.
 - b) \$2,500 (from firehouse renovation account) to purchase lights for the bays.
 - c) \$2,600 (from fire capital account) to reconfigure Rescue 33 compartment.

RESOLUTIONS (continued):

- 7) Resolution to appoint Jose Haddock and Hendrick DeVries as probationary DPW Utility Persons at a salary of \$12.00 per hour, increased to \$13.00 per hour at the end of probationary period, effective dates to be established.
- 8) Resolution to approve a one-day liquor license for the Riverdale Volunteer Fire Co., Inc. on July 9, 2005 from 6:00 p.m. to 10:00 p.m. for the Fire Departments wet down.
- 9) Resolution to approve the expenditure of \$3,020 plus shipping and handling for the updating of the Riverdale Code. Also the expenditure of \$287 for the purchase of 25 Zoning Pamphlets.
- 10) Resolution to approve The Grand at Riverdale's bond reduction request (#871437-Phase I and #501915, #8757457-Phase II) as recommended by Borough Engineer, Paul Darmofalski as follows:
 - a) Phase I Amount Remaining=\$4,851,596.00
 - b) Phase II Amount Remaining=\$2,688,413.10
 - Total = \$7,540,009.10
 - Total X 120% = \$9,048,101.92

Bond = 90% of \$9,048,010.92 = \$8,143,209.83
 Cash = 10% of \$9,048,010.92 = \$904,801.09

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 48-D

UNFINISHED BUSINESS:

- 1) Cablevision Refranchising

Mayor Budesheim stated that Gary Shaw of Cablevision has not responded with a proposal. The Mayor recommended a 3-year franchise.

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

ORDINANCE 08-2005

CABLEVISION REFRANCHISING ORDINANCE

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

- 2) Request for Ordinance change by Police Department for possession and consumption of alcoholic beverages in public or private places. (scheduled for 2005)

Mayor Budesheim reported on the Van Ness House. The Mayor stated that we were awarded a \$200,000 grant from Morris County Historic Preservation. He said the application was submitted by a grant writer without Council approval and was awarded before we could respond regarding plans to preserve the Van Ness house. He stated we now must decide whether to consider our options to preserve the building or decline the

UNFINISHED BUSINESS (continued):

grant. Councilman Falkoski stated that we should not preserve the building. Mayor Budesheim stated we would still pursue obtaining the property as open space.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, to decline the grant awarded by Morris County Historic Preservation in the amount of \$200,000.

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

Mayor Budesheim also reported that there is room for another full size soccer field at Independence Park.

INTRODUCTION OF 2005 MUNICIPAL BUDGET:

Councilman Carelli set forth the motion, seconded by Councilman Astarita, **RESOLVED**, for the introduction of the 2005 Municipal Budget.

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

Public Hearing and Adoption scheduled for May 16, 2005 at 7:30 p.m. To be published in the Suburban Trends Newspaper on Sunday, May 1, 2005.

Mayor Budesheim commended Councilman Carelli for the excellent job on the budget and the presentation last week.

COPY OF 2005 MUNICIPAL BUDGET IN FULL ON PAGE NO. 49-F**COMMITTEE REPORTS:**

- 1) Councilman Carelli set forth the motion, seconded by Councilman Falkoski, to approve Payment of Claims, including the following payments:
- | | | | |
|----------------------------|---|-------------------|-------------|
| a) Darmofalski Engineering | - | Post Lane Project | \$ 6,036.00 |
| b) Darmofalski Engineering | - | Post Lane Project | \$ 4,269.00 |
| c) Darmofalski Engineering | - | Community Center | \$ 3,009.00 |

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

COPY OF BILLS LIST IN FULL ON PAGE NO. 49-G

Councilman Falkoski reported the following from the Municipal Court Report for the month of March. The amount to the Borough year to date 2004 was \$70,464.16 and 2005 is \$67,675.48. The totals for 2004 were \$141,332.00 and 2005 are \$172,806.47.

Councilman Guis reported on the status of the Post Lane project. He also reported that the DPW Department has hired two new employees. He stated that we need to address staffing the Building Department to handle the D.R. Horton project. He said that Construction Official Joe Montemorano would like to hire Robert Chiline as a part time

COMMITTEE REPORTS (continued):

Building Inspector. Mr. Montemorano has also requested \$50.00 per hour to voucher time for additional inspections for D.R. Horton. There was discussion regarding the number of hours that will be required for inspections.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Falkoski, to appoint Robert Chiline as a Building Inspector to work 4 to 6 hours per week at a salary of \$35.00 per hour, and to authorize vouchers for additional inspections of the D.R. Horton project at \$50.00 per hour with a \$10,000 cap.

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

Councilman Astarita reported on the County Committee for Community Development grants. He stated that next year the maximum grant for improvements and facilities will be lowered from \$100,000 to \$85,000 and they are thinking of removing vehicles from the grant project.

Mayor Budesheim reported that he worked out an agreement with Captain DeStefano for his property on Route 23 that could be used for truck inspections. He said that the State Police are enthused and this could alleviate some of the truck problems. Councilman Guis stated the location is ideal and the initial cost would be for paving and a guardrail.

Councilman Carelli reported that the Pompton Lakes Little League has asked if they could put a trailer in the parking lot of the pistol range to sell snacks. Councilman Guis stated they are welcome as long as there are no other objections.

CLOSED SESSION:

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

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

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:10 p.m.

April 18, 2005

#51

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

CLOSED SESSION

Michael Rubin, Attorney for Target, was also present.

CONTRACTUAL NEGOTIATIONS:

Mayor Budesheim reported he and Councilman Guis attended a state DOT meeting regarding the Wal-Mart and Target applications for the jug handle. He stated that most of the property owners have signed off on the approved site plan for the driveway that is on Home Depot property. This driveway would be the final link in the service road along Route 23 that will allow access between sites without getting on Route 23. He stated there is one property owner who feels he is entitled to half a million dollars to sign off on the plan. The Mayor said that he brought up the possibility of the Municipality taking 100 to 150 feet of that roadway through condemnation or agreement with Home Depot and directing the northbound traffic away from the jug handle. He stated that Target is responsible for all costs and the property owners along the service road will be responsible for maintenance. He asked the Borough Attorney if this is something that could be legally done.

Borough Attorney Robert Oostdyk stated we could take the road for public purpose, but it is a private road and our intention is to leave it as the responsibility of the property owners. He stated that if we file a condemnation we would have to pay for it and maintain it, but felt we could make an agreement with the ultimate payer. There was discussion regarding condemnation and other options. It was decided the Borough Attorney will contact the land owners and advise that progress on this road is in the Municipal interest.

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, Wetzel, Guis, Astarita, Carelli, Falkoski
Absent: None

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

PUBLIC PARTICIPATION NO. 1:

Tom Batelli stated he is representing the people of building No. 7 on Canella Way. The building was ready in March and he asked for assistance from the Borough to obtain their CO's. Mayor Budesheim explained that since this is the last building, the Borough is not permitted to issue CO's until all of the requirements for the entire site are met under the Uniform Construction Code, the Municipal Land Use Law and the Morris County Soil Conservation District Regulations. The Mayor stated that there are a number of things that need to be done before CO's are issued and explained that we cannot control the schedule. An unidentified audience member asked why there was not a Developer's Agreement and why the town did not require a completion date. Borough Attorney Robert Oostdyk stated that it was not a requirement at the time and a Developer's Agreement would not have helped with the timing issue. He stated that the Borough has no control over the timing. Mayor Budesheim told the residents they need to address this issue with Mr. Canella and not the governing body. Borough Engineer Paul Darmofalski stated that he has discussed this matter with Mr. Canella and that work is being done slowly.

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

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

RESOLUTIONS:

Councilman Falkoski explained Resolution No. 4. There was discussion regarding the purpose of the overlay zone and the affected areas.

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

- 1) Resolution to appoint David H. Giegold as a Utility Person for the DPW department at a rate of \$12.00 per hour.
- 2) Resolution to approve Change Work Order #1 for the Post Lane Project in the amount of \$500 for additional driveway work at 10 Post Lane to be paid by property owner.
- 3) Resolution to approve the payment of Verizon phone bill inadvertently left off April bills list in the amount of \$990.40.
- 4) Resolution to forward the "Proposed Residential Condominium Community Overlay Zoning Riverdale Road and William Street" to the Riverdale Planning Board for their review and recommendations.
- 5) Approval of the following payments:

RESOLUTIONS (continued):

- a) \$10,000 quarterly payment – Riverdale Library
- b) \$1,200 – Soil erosion application fee – Senior Community Center
- 6) Approval of payment for Showmobile in the amount of \$4,450.

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

UNFINISHED BUSINESS:

- 1) Amendment to Towing Ordinance. (tabled 4/18/2005)

Mayor Budesheim stated this ordinance would be introduced at the next meeting.

- 2) Publication of Ordinance #8-2005; Cablevision Ordinance. (to be reintroduced).

Mayor Budesheim reported that Gary Shaw is working on a five-year plan and is awaiting approval from the home office. The five-year franchise will include senior discounts, Optimum Online in the school, library and one municipal building, and a \$2,500 tech grant. There is a provision that if the population increases after three years the tech grant will increase. The Mayor stated that Gary Shaw will send an ordinance by the end of the week.

NEW BUSINESS:

- 1) Introduction of Ordinance #9-2005; Regulating the Possession and Consumption of Alcoholic Beverages, scheduled for introduction May 16, 2005. (copy distributed)
- 2) Resolution supporting Community Development Program and Urging Congress to Restore it's Funding. (scheduled for 5/16/05 agenda – distributed)

Councilman Astarita reported that Community Development is urging municipalities who benefited from grants to approve these resolutions.

Mayor Budesheim reported that the Town of Dover sent a copy of a resolution requesting the County use their surplus for tax relief. The Mayor also reported that Joe Bograd of Bograd's Furniture has invited the Governing Body to a display of Althorp furniture on May 26th. He stated that Charles Earl Spencer and his wife will attend and they have invited the press and dignitaries between 10 and 11 a.m.

Borough Attorney Robert Oostdyk reported on COAH. He stated we can enter into an agreement with Morris County Housing to assist in managing a COAH program. We need to contract with an agent or to have an employee trained in managing an affordable housing program. Councilman Astarita volunteered to serve on the COAH Committee.

Mayor Budesheim asked the Borough Attorney to explain the property foreclosure process. Borough Attorney Oostdyk explained the process and suggested every property involved be put in one action.

Mayor Budesheim reported that the Borough Attorney is preparing a lease for the property on Route 23 owned by Bill DeStefano that will be used for truck inspections.

NEW BUSINESS (continued):

There was Council discussion regarding the negotiations for the purchase of sewer allocation from the Borough of Lincoln Park

Mayor Budesheim requested the Shade Tree Commission Ordinance be amended. He also reported that the resident at 7 Dalton Drive would like to purchase a vacant piece of property from the Borough. There was discussion regarding the matter and it was decided the property should not be sold.

WORKSHOP COMMITTEE REPORTS:

Councilman Falkoski reported that the Police Department would be providing a monthly overtime report. He then reported the Police Activity Report for the month of April. He also reported on the League of Municipalities support of S-2188.

Councilman Guis reported on the work being done at the fields for George Koegler Day.

Councilwoman Wetzel reported that she would meet with the Police and Fire Departments to review plans for the upcoming events. She stated that recreation information would be included in the Riverdale Magazine. She reported on the schedule of events for George Koegler Day. There was discussion regarding food vendors for the summer concerts. She then stated that we still owe \$420 for labor charges related to the Showmobile rental from last year.

Thereupon, Councilwoman Wetzel set forth the motion, seconded by Councilman Astarita, to authorize payment of \$420.00 owed for the Showmobile.

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

Councilman Astarita reported that we had received approximately \$490,000 in Community Development Block Grants since 1998 and recommended a resolution to restore funding be passed.

Councilwoman Bush reported that Board of Health member Pat Reese requested the Borough Nurse position be addressed in the Personnel Manual with regard to benefits, vacation, sick pay, and overtime. There was discussion regarding the matter and the fact that Mrs. Reese had not received or reviewed the manual. Councilwoman Wetzel stated that the Board of Health is trying to write a job description for the position of Borough Nurse. It was decided that the job description should include duties to be performed and should refer to the Policy Manual for issues regarding benefits of part time employees. Councilwoman Bush suggested we set a date to address concerns of any employees regarding the Personnel Manual.

Borough Clerk Talerico reported that we need to schedule a public hearing for the soil mining permit application for Beazer Homes. She stated the next agenda will include vouchers for engineering fees, an authorizing resolution for a grant, Mr. Clemack's professional agreement, inventory items for disposition and the budget hearing.

Borough Engineer Paul Darmofalski reported on the status of the Post Lane Project. He stated there have been minimal complaints from residents and the paving should be done next week.

PUBLIC PARTICIPATION NO. 2:

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:15 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

PUBLIC PARTICIPATION NO. 1 (continued):

December. Now I ask you, what business is it of his who paid off my mortgage when? And I let him know that in no uncertain terms. Then he further insulted me by saying and I also spoke to the Tax Assessor and he tells me that your house is only worth...I said excuse me, what my house is worth compared to the offer you gave me has no relevance. I told you it's not for sale. Now I ask all of you what right did he have to get personally involved with my finances? I find it, at the very least, intimidating and I think it borders harassment. In the beginning he wants nothing to do with our houses, he wants us to be happy, that's all he wanted. Now he wants our houses and I only say that because of what he said to me and I assure you it's word for word. And I hope he's here although he isn't. So I ask all of you, would you allow someone to talk to your parents that way? Would you want to hear from your senior citizens that that is how they talk to them? I don't think so. I don't think that these people are what they seem and you need to go very slowly with this and very carefully, because this is very dangerous. I tell you, TCR has one goal and that is money and it's for them. And I wonder in the end and I'll borrow a favorite phrase from Ashvani from TCR, at the end of the day, it's his favorite saying, what is it going to do to Riverdale years down the road. So you need to be cautious. I personally think that TCR is here on a feeding frenzy and I think that we're the main course and you have to be sure that that is not going to happen to us. By example, the first thing was Valley Spring Lake. They went through all their proceedings, got their application approved, and what happens? They don't develop it. Some other company does. And when I asked Ashvani from TCR that question, he said really when it came time to develop we didn't have the manpower and we felt it was in the best interest of the project to move forward. I say it was more like a hit and run. Then he tries, number two, to go to Stoneleigh. Stoneleigh, number two project for TCR just dropped dead. Maybe it was steep slopes, maybe it was controversy, opposition, I don't know. Or maybe it was because they could just easily move on to number three, which is Riverdale Road. Now Riverdale Road has a big industry tract there and some might question it's value on today's market but I'll address those issues when it comes time at the other meetings. But Ashvani tells me, when I said to him that's flood plain, that particular lot, you can't do that. Oh sure we can. We use a fill credit procedure. Well I wonder what the people on Harrison Road and River Road, I wonder what the people on the other side of the Pequannock River in Pompton Lakes are going to think about this concept of fill credits. I mean, it's absurd and we need to think about that, all right? I wonder what's fourth and fifth on the list. I mean, Riverdale Road, Mr. Mayor, you had said to me was on the table for a year now. You said at the last workshop meeting a year ago February the Tax Assessor mentioned to you maybe the change of use of that area. Is there something else that we should know that if this fails they'll move on to that one? I mean are there any other properties that TCR or some other builder is talking to you about in Riverdale? I really think we should know. That one you could answer me.

Mayor Budesheim: I'll answer everything as soon as you're done.

Pat Reese: Okay. That's fair. But I have to remember that I'm looking for that answer. What I'm saying, and I am just about done, is that you need to really, in this particular instance, you need to look very deeply and very hard at this project. It has serious implications. The data I'm getting, again, is not finished and I will be vocal at the upcoming meetings and I urge everyone out there, I urge you Council members, get involved. Don't wait to hear from just your professionals. Don't wait for the Planning Board referendum to come back to you. Know yourself, weigh it all out, filter it out, be sure that what you're doing is the right thing. And I think that's all I have to say on the matter.

PUBLIC PARTICIPATION NO. 1 (continued):

Mayor Budesheim: First of all, Mrs. Reese, you really don't have to remind me or anybody up here what their responsibilities are.

Pat Reese: I said that, when I said that, with all due respect I did acknowledge that but sometimes we need to say it anyway.

Mayor Budesheim: All right, well I'm just going to tell you everyone up here takes his and her responsibility seriously and everyone does do their homework, probably far more than any member of the Planning Board does. The R-75 is not going to be included in this overlay.

Pat Reese: Well, according to documents that they gave us, it was.

Mayor Budesheim: It's been excluded.

Pat Reese: Oh, that's a relief to know.

Mayor Budesheim: I know you used a lot of buzzwords in your presentation, but you know for about 18 years you've been coming to these council meetings, you were complaining about Greitzer, you were complaining about Chiavarella, you were complaining about Pan Automotive, you were complaining about Pequannock Disposal.

Pat Reese: Yes, you're right. Our neighborhood has endured a lot. But this is not....

Mayor Budesheim: Could I please finish?

Pat Reese: Okay, go ahead.

Mayor Budesheim: You know, Bograd's, probably one of the classiest, if not the classiest retailer we have in town bought Chiavarella's building and put a 5,000 square foot retail...

Pat Reese: And it's beautiful.

Mayor Budesheim: And at the last Planning Board meeting you wanted to bring him to task, you wanted to call him back to the Planning Board because....

Pat Reese: Oh, no sir, I did not. I only asked to review the minutes.

Mayor Budesheim: Because you claim that he misrepresented....you said that...you claim that he misrepresented what he was going to do there when in fact he did exactly what he said he was going to do. We did get the minutes out. This is a resolution that you only voted on a few months before.

Pat Reese: I realize that.

Mayor Budesheim: And, like I said, you dragged him through the mud at that meeting.

Pat Reese: Oh, no sir, I did not. I did not drag him through the mud. Listen to me. I simply said that the resolution we read and the minutes of that meeting, I wanted to review them again because as I recalled I didn't think that he was getting a full retail use out of that. He had said to us...and really does it matter...what I'm saying was I am an interested and participating member of the Planning Board. And even when I'm not in a

PUBLIC PARTICIPATION NO. 1 (continued):

Planning Board capacity, I try to do what I think is right. And I think you're getting off, pardon me, but you're getting off in the wrong direction. I am not here for William Street. I'm not sure yet totally that this is a bad idea or a good idea for us. And, yes, I have a history of complaints. And I will further say, why would I complain about a beautifully landscaped complex when I live next to garbage companies and I've had experience with trucking companies. You are absolutely right, Mr. Mayor, so don't take this as a personal William Street issue because in the opening I said it's a Riverdale issue. Wouldn't I be glad to get rid of some of these companies and have a beautifully landscaped building? Why, of course I would but is it the right thing? Don't be misled by my past history of being the loudmouth in this town because every town needs one or two or even three. And I happen to be one, I'm not proud of it, but I do speak out on issues and I did not mean to make this a William Street issue. It's a Riverdale issue.

Mayor Budesheim: Could I finish?

Pat Reese: Yes.

Mayor Budesheim: Thank you. So it seems like you've been against industrial uses down there, now your complaining about a retail use, and now we're trying to bring in residential and you're up in arms over that.

Pat Reese: I'm not up in arms about it.

Mayor Budesheim: I don't know what would satisfy you, if anything. First of all, we did not recommend this to the Planning Board. This Council did not vote on any ordinance or anything.

Pat Reese: Of course not. It's not through the process yet.

Mayor Budesheim: Well you just said...you started to talk by saying that...

Pat Reese: Well maybe I'm a little bit nervous, maybe I said the wrong words. What I'm telling you is it's been referred, it's in the hands of the Planning Board. And you know what, Mr. Mayor, there are sixteen buildings down there with a mix of sixteen companies. There has been Pan Automotive, which is the garbage company...the former governing body spent tons of money fighting that. It wasn't just me. It was the town itself so exclude that from your comparison. Out of the other sixteen tenants, there's only one tenant that gave us trouble and that was Chiavarella Food for 22 years.

Mayor Budesheim: And Greitzer.

Pat Reese: Greitzer never...he's a good neighbor. He always...

Mayor Budesheim: He was?

Pat Reese: He was a good neighbor to us. He never gave us any trouble.

Mayor Budesheim: You were here at meetings complaining about the driveway, the water going into...

Pat Reese: Oh, no sir, I was not. It was not me. It was not me.

Mayor Budesheim: You and Mr. Eursken sat there meeting after meeting complaining...

PUBLIC PARTICIPATION NO. 1 (continued):

Pat Reese: I did not mention the driveway water. He did, and he had a valid complaint. The DEP came and they fixed it. I mean there are times, people cannot just sit in their homes and not have anything to say. Of sixteen tenants, take out the garbage company because I wasn't part of that. Chiavarella, I was a big part of that. Greitzer, although water coming down the driveway, of course it was an issue for the neighborhood, but I did not bring that issue. I came to support my neighbor, but I was not part of that issue. Greitzer was a clean operation. He was easy to live with, as was everyone else. And to bring up the Bograd's issue...I for one...maybe I did vote on something, but all I wanted to do was see it again because I don't save all my paperwork because it seemed to me an announcement that came in the mail about a grand opening, plenty of parking, this and that. What is the harm in that, Mr. Mayor? He's a wonderful addition to this town and I have no problem with that. What I do have a problem with is if I see something and I think it isn't what we put together, don't I have the right to ask again for the minutes to look at them? I'm not attacking Mr. Bograd. Anyone can take a ride over there and see how beautiful it is.

Mayor Budesheim: Then why didn't you do your homework and come prepared?

Pat Reese: I do my homework all the time.

Mayor Budesheim: Then you should have come prepared before you brought that up at a Planning Board meeting because you were entirely wrong.

Pat Reese: It's a workshop and we...sometimes I have things I don't even bring up, but at that moment I brought that up because I said let me get them for the next meeting. That's all I meant. I'm not attacking Mr. Bograd. I'm not attacking anybody. I'm just asking for the paper to look at it again to make sure that what we voted on is what's there. That's all I wanted to know. And I don't think that that's asking a lot and I don't think that that's being unreasonable whether it's Mr. Bograd or somebody else.

Mayor Budesheim: The way you presented it, you said....

Pat Reese: Well you know what? Sometimes we don't pick the right words or the right way. You know...

Councilman Falkoski: Mr. Mayor, if I may inject myself here. It seems that on both sides the emotions may be getting the better of the issue here and perhaps if we could stick to the issue.

Pat Reese: Well I certainly don't think that I should be attacked.

Mayor Budesheim: I never to got to finish what I had to say. I keep getting interrupted.

Pat Reese: Well that's true. I feel like I'm being attacked and maybe I don't know protocol like protocol should be known before I speak in public, but you know, I said what I had to say. I only asked for the minutes.

Mayor Budesheim: Fine.

Pat Reese: Sixteen tenants and we only had trouble, with me, one of them.

Mayor Budesheim: And do you know out of those sixteen tenants right now there are six for sale or for lease signs on those buildings. Riverdale Road is about to become a

PUBLIC PARTICIPATION NO. 1 (continued):

ghost town. This is before Middle Atlantic moves out, which occupies five buildings, at the end of this year. That's why all of our taxes are going up this year except for those who win tax appeals, because of the decrease in the value of the industrial buildings. The only things that have gone up in value since the last re-val are residential properties. But because we depended so much on commercial and industrial buildings, when their values didn't go up at the same rate as the residential, that's why most people are going to be paying about...how much Paul?...almost \$1,000...\$800 to \$1,000 more just to make up for that loss. Not because of increase in spending on the part of the town, but merely because of a shift in the burden on the taxpayers. So that's the reason why our Tax Assessor suggested that with these buildings becoming vacant...we've got two garbage dumps down there...wouldn't it be nice to get rid of them and put good, clean residential. Half of this will be age restricted so it will have no effect on the schools. The other half...the demographics show 1/10 of a child per residential unit. Rock Creek proved that to be true. That's exactly how many students we have, 1/10 of a child per residential unit. That's not going to become a burden on the school system. But we are doing our homework, we are planning for what's best for Riverdale, and we are trying to make sure that our tax base is even, it's reasonable and it will protect those of us who want to stay here. You can't do that with garbage dumps and you can't do that with vacant buildings.

Pat Reese: But the garbage company isn't yet part of their application.

Mayor Budesheim: It's in the overlay plan. If you saw the overlay plan then you would see it's in there.

Pat Reese: But they told me they have no intention of touching those garbage sites. Not at all because, in Ashvani's words, too much contamination over there...we want nothing to do with these. He sat in my dining room and told me that and that's not even an issue tonight. I am here simply because...not because it's William Street. I do complain. One tenant I habitually complained about and that was a valid complaint. Even the Mayor, the former governing body, knew how serious it was. They created an ordinance that would prohibit engine idling at certain times and Morristown Superior Court overturned that ordinance. Even the governing body recognized that there was an issue there. I'm not a habitual complainer for nothing. I complained when the issue was right and it was right because I got the support of the governing body. I'm not here for William Street. I am here because I know that you're concerned about the vacancy rate at the industrial park. Right across the highway on Route 23 their vacancy rate is 6% to 7%. Maybe we should see what concept they're applying that makes it so much better than the one we have here.

Mayor Budesheim: We're not in the business of renting out buildings.

Pat Reese: And we're not in the business of protecting these investors and saying that...well, you know, here's an opportunity to sell yourself.

Mayor Budesheim: Who are we protecting? What...

Pat Reese: If we have a developer coming in here and he's saying, you know what...you have empty spaces, you need tax ratables, we have a solution; sell to a developer and put up condos. You're out of the picture, we get our ratables and everybody goes home happy. Maybe what we ought to do is look at the process by where these companies get their tax deductions because they have vacancy rates. We don't get it if we're unemployed, we don't get it if we're on disability, we don't get it if we're retired. We get a late fee charged if we're \$10 late with our taxes, and yet here we are talking about

PUBLIC PARTICIPATION NO. 1 (continued):

investors who get huge appeals because they can't pay their taxes because they have vacancies. That is their problem. Secondary...I mean it has a domino effect, it's our problem, but I think we're going too far into this. I simply wanted to ask all of you if you would just make more than your normal effort. I know that you work hard. I feel that I work hard on the Planning Board. I go out and I look at sites even though I'm told I probably should do it more often. But I do look at sites, I do read and I feel it is very necessary for me to come here and ask you to just take one closer look at this because things aren't always what they seem.

Mayor Budesheim: Well I don't know what you're referring to but we've been doing it. Mr. Guis, Mr. Falkoski, Mr. Carelli...we've all been involved in this, looking at this.

Pat Reese: So do we have any other properties? Are there other ones that we should be thinking about?

Mayor Budesheim: Not that I'm aware of.

Pat Reese: Not that you're aware of. Well, I don't know, in some of my research I got it from a very good source that there's discussions on the Van Ness property. Are there? Other than open space?

Mayor Budesheim: Unless you're reading the newspapers.

Pat Reese: No, I don't read the newspapers about that stuff. I would never come to you on a newspaper article.

Mayor Budesheim: All right, but what's this rumor you're hearing?

Pat Reese: I'm hearing that there are...there might be discussions on putting condos and open space on that site. And I said there's only five acres there, how could that be? Well, mark my word it's true. And the source was so good I couldn't deny it and I had to ask you tonight. Are we talking about yet another piece of ground for condos?

Mayor Budesheim: The source was the Trends so it came from an extremely...I mean that's where that person must have got it from because the article appeared...

Pat Reese: No, you know what, it came from beyond the newspaper. It came beyond a subscriber from the newspaper and all I can tell you is that I would never sit here and tell you something that was written in the paper because we all know you can't always believe what you read in the news...

Mayor Budesheim: It was 100% true.

Pat Reese: I would never divulge that. I might have to some day, but I'm asking you. I am asking you and you're saying no.

Mayor Budesheim: No, I'm not saying no. I just got finished saying it's absolutely true what was in the newspaper. I'm trying to undo the damage done by the Planning Board which approved a 45,000 square...

Pat Reese: Oh, so we're getting way past this. We had an approved ratable there and it was an unpopular vote. It was and I admit that. And some of the votes that we make are

PUBLIC PARTICIPATION NO. 1 (continued):

very difficult, but there is a ratable in place there and, for the life of me, I don't pretend to know what your job is but you know...

Mayor Budesheim: You know, maybe if you'd let me finish you'd learn something, but every time I try to say something you interrupt me.

Pat Reese: Oh, I think we've done well.

Mayor Budesheim: I don't think so.

Pat Reese: Well continue, then.

Mayor Budesheim: Thank you. Yeah, there is a proposal. I brought it to the developer. The way it was going that house was going to be torn down. All those buildings were going to be torn down because the town can't afford to maintain them. A developer from Virginia who happened to be reading the newspaper saw what was happening and he specializes in historic restoration. What they would like to do is to take the house, preserve the exterior of it and possibly turn it into 3 or 4 condos on the inside. They would take the barns that are falling down and use those same footprints and put townhouses. You're looking at about a total of 10 units between everything. This way we preserve the historic building, we keep the open space, the rest of the property would be bought with open space money, we keep a 45,000 square foot shopping center, we stop a traffic light, we stop the increased traffic that such a shopping center would bring. We'd still get a ratable, we'd preserve open space, we'd preserve the historic house. I don't know what more we can do.

Pat Reese: Well, you know what? I have to agree with you and I have to stand back to that concept because it sounds a whole lot better than the information that I got and so that's what I'm saying. We have to sift through everything and I am pleased at what you just told me. I had a horror view of what was going to happen over there, but again I don't want to lose track of this. Please don't confuse me with my purpose here tonight. I think that condominiums versus trucking companies and garbage companies would be a great improvement. Why should I complain? But I do caution about the impact down the road. I really do. And I'm sorry that I come across as a nuisance or unprepared, but that's my inexperience, if you will, in making a presentation. But I thought that some of the points that I made tonight were worth thinking about and that was my purpose. That was my purpose.

Mayor Budesheim: Thank you very much.

Pat Reese: Thank you for listening. Good night.

Councilman Carelli: Mrs. Reese, could I just ask you a question real quick? Obviously you're concerned and I don't think you have to apologize to come up here.

Pat Reese: Well, you make me feel like I should.

Councilman Carelli: Well, I hope you don't feel that way. You shouldn't have to apologize to come in and, you know, tell us you're concerned because we do appreciate that and it helps us in our decision making process. But my question would be, you mentioned that you have concerns about it, it's not what it seems and I'm just curious what are some of the concerns that you do have. If we're going to look at this, and

PUBLIC PARTICIPATION NO. 1 (continued):

certainly I think we all do our homework and we like to know what people think, and I'm just curious. I didn't hear anything concrete what you might be...

Mrs. Reese stated her concerns were whether there was a long-term facilities plan for the schools, the balance of the ratables, and that Riverdale would become a town of Big Bobs retailers and condominiums.

Councilman Carelli addressed Mrs. Reese's concerns and assured her that the governing body does its homework and considers these issues carefully.

RIVERDALE WOMAN'S CLUB PRESENTATION OF A PLAQUE COMMEMORATING THE MEMORY OF DOROTHEA WALKER, TOWN HISTORIAN AND WOMAN'S CLUB MEMBER, TO THE BOROUGH OF RIVERDALE.

Carol Murphy and several members of the Riverdale Woman's Club presented a plaque to the Mayor and Council honoring Dorothea Walker. She stated that Mrs. Walker's work in Riverdale was very well known and she was an inspiration to all.

Tom Batelli stated he is representing the displaced persons of Building No. 7 on Canella Way. He asked why they are not getting their CO's when they are being issued for other buildings. Mayor Budesheim explained that Building 7 is not complete. Councilman Guis explained that a CCO is different from an initial CO. There was discussion regarding the items that need to be done and approved by the Construction Official.

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

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

ORDINANCES:

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

ORDINANCE 07-2005

ORDINANCE AMENDING CHAPTER 154 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE ENTITLED "TOWERS AND WRECKERS"

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 65-A

Councilman Falkoski asked for clarification of several items contained in Ordinance 08-2005.

ORDINANCES (continued):

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

ORDINANCE 08-2005

AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE BOROUGH OF RIVERDALE, NEW JERSEY TO CABLEVISION OF OAKLAND, LLC.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 66-B

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

ORDINANCE 09-2005

ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND REGULATING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 66-C

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

ORDINANCE 10-2005

ORDINANCE AMENDING CHAPTER 59 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROVIDING FOR THE APPOINTMENT OF MEMBERS OF THE SHADE TREE COMMISSION

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 66-D

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

ORDINANCE 11-2005

ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE TO THE BOROUGH OF RIVERDALE FROM WILLIAM DESTEFANO

ORDINANCES (continued):

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 67-E

RESOLUTIONS:

- 1) Councilman Carelli set forth the motion, seconded by Councilman Astarita, to approve Payment of Claims and \$100 to Land of Make Believe for Recreation. Including invoice for Post Lane Project to Tomaro Contracting \$220,208.74 approved for payment by Borough Engineer. Including invoice for Riverdale Community Center to James Cutillo for Architecture in the amount of \$7,960.00.

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

COPY OF BILLS LIST IN FULL ON PAGE NO. 67-F

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

- 2) Approval of escrow payments for various engineering fees as follows:
 - a) Darmofalski Engineering - Horton Escrow \$ 8,011.00
 - b) Darmofalski Engineering - Majestic/Beazer Escrow \$ 4,068.00
 - c) Anderson & Denzler - Horton Escrow \$ 6,080.28
- 3) **Resolution No. 28-2005;** Approval of Retainer Agreement with Mr. Richard Clemack as Special Tax Counsel for year 2005.
- 4) Resolution to approve a proposal for professional land surveying services for the Paterson Hamburg Turnpike sewer extension to Borbos Surveying & Mapping, L.L.C. in the amount of \$6,900.
- 5) **Resolution No. 29-2005;** Approval of a Memorandum of Understanding Among the County of Morris and the Borough of Riverdale to apply for a grant to purchase and utilize Base and Mobile Trunked two-way communications radios.
- 7) **Resolution No. 31-2005;** Supporting the Community Development Program and Urging Congress to Restore it's funding.
- 8) Resolution to declare the following Police Department equipment as no longer suited for use:
 - a) G.E. Radio Base Station - Tag #000075
 - b) Crime Alert Radio - Tag #000071
 - c) Microphone - Tag #000073
 - d) Microphone - Tag #000072
- 9) Resolution to approve additional LOSAP entitlement for Fireman Joseph Paulus in the amount of \$1,195.00 for which Fire Chief has qualified him.
- 11) Resolution to appoint Terri Pelligrini as permanent Police Secretary at the rate of \$12.00 per hour, not to exceed 25 hours per week.

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

RESOLUTIONS (Continued):**COPY OF RESOLUTIONS IN FULL ON PAGE NO. 68-G, 68-H, AND 68-I**

Councilman Falkoski reported on a Star Ledger article regarding the average surplus of top rated counties and reasons the Morris County Board of Chosen Freeholders has a AAA rating. There was discussion regarding resolution No. 30-2005.

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

- 6) **Resolution No. 30-2005;** Requesting the Morris County Board of Chosen Freeholders Return Surplus Funds to Local Municipalities.

ROLL CALL: **Ayes: Guis, Astarita, Carelli**
 Nays: Bush, Falkoski
 (3 ayes – 2 nays – motion carried)

COPY OF RESOLUTION IN FULL ON PAGE NO. 68-J

There was Council discussion regarding the Police Chief's recommendation to appoint Dispatcher Robert Amelung Police as a Police Officer in Training. Councilman Carelli stated that the Council should have the opportunity to discuss these matters at a Workshop Meeting prior to approval. Police Chief Soules discussed Mr. Amelung's qualifications.

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

- 10) Resolution to appoint Robert Amelung as a Police Officer in Training for the Riverdale Police Department.
 12) **Resolution No. 32-2005;** Budget Resolution of Governing Body Stating the Determination of the Budget has met the Requirements of N.J.A.C. 5:30-7.6 A & B.

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 68-K

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

ORDINANCE 06-2005**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

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 Councilman Carelli, to close the public session.

ORDINANCES (continued):

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 06-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 69-L

PUBLIC HEARING AND RESOLUTION OF ADOPTION OF 2005 MUNICIPAL BUDGET:

Mayor Budesheim stated that this matter was open to the public.

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

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

Councilman Carelli set for the motion, seconded by Councilman Astarita, for the Adoption of the 2005 Municipal Budget.

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

COPY OF 2005 MUNICIPAL BUDGET IN FULL ON PAGE NO. 69-M

CORRESPONDENCE:

- 1) From the George P. Siek Tri-Boro Post 8096, inviting the Mayor and Council to participate in their Memorial Day Ceremony to be held at 10:00 A.M. on Monday, May 30, 2005 at Riverdale School – rain or shine.

NEW BUSINESS:

- 1) Salary electrical inspector.

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

ORDINANCE 12-2005

**AN ORDINANCE TO AMEND ORDINANCE NO. 01-2005 ESTABLISHING
SALARIES OR WAGES OF OFFICIALS AND EMPLOYEES OF THE
BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS**

May 16, 2005

#70

NEW BUSINESS (continued):

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 70-N

- 2) Request from Joseph Montemarano to purchase the UCCARS – RoadRunner system for the building department from Municipal Information Systems, Inc. for the amount of \$3,000 plus \$400 per computer for maintenance and support. Installation and training are included.

Councilman Guis set forth the motion, seconded by Councilman Falkoski, to approve the purchase of the UCCARS – RoadRunner system for the building department from Municipal Information Systems, Inc. for the amount of \$3,000 plus \$400 per computer for maintenance and support.

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

BOROUGH CLERK REPORT:

No report.

BOROUGH ATTORNEY REPORT:

No report.

MAYOR REPORT:

Mayor Budesheim reported receipt of a letter from Rock Creek Crossing requesting that they be made a Title 39. Borough Attorney Robert Oostdyk explained the process.

The Mayor reminded everyone that June 11th is George Kogler Day and signs for the park are being made by several youths in the Boy Scouts.

COMMITTEE REPORTS:

Councilman Falkoski reported that the Court Administrator is advertising for a part time Court Clerk to replace the clerk who is leaving. He also stated he will analyze the Police Department overtime report and make a report at the next meeting.

Councilman Guis reported on the status of the Post Lane project and stated that paving should be complete by Memorial Day. He stated that work at the park is going well and the dugouts are done. He stated that we will need to replace another DPW employee who is leaving. He also reported that DPW Superintendent Walter Mahon has obtained prices for trucks for the DPW. There was discussion regarding prices and the uses of the trucks.

Thereupon, Councilman Guis set forth the motion, seconded by Councilwoman Bush, to authorize the purchase of one F-350 Pickup Utility Body Truck for the Water Department in the amount of \$28,000.

May 16, 2005

#71

COMMITTEE REPORTS (continued):

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

Councilman Astarita reported on a leak in an air conditioning unit at the Library. He stated the repair will cost approximately \$1,500 plus the cost of repair to the roof.

Thereupon, Councilman Astarita set forth the motion, seconded by Councilman Guis, to authorize the repair of a leak at the Library at a cost not to exceed \$2,000.

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

Councilwoman Bush reported the Board of Health picked up a copy of the Personnel Policy Manual and she has not heard any additional comments.

PUBLIC PARTICIPATION NO 2:

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:25 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

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: Wetzel, Guis, Carelli, Falkoski
Absent: Bush, Astarita

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

PUBLIC PARTICIPATION NO. 1:

Tom Batelli stated he is representing the people of building No. 7 on Canella Way. He stated that he hopes things will proceed after tonight's meeting because they would like to get on with their lives.

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

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

UNFINISHED BUSINESS:

- 1) Rescheduling of Public Hearing of Beazer Homes USA, Inc. soil mining application, originally scheduled for Monday, June 6, 2005. Beazer Homes failed to follow borough ordinance of noticing newspaper and residents within 200 feet of project.

The Public Hearing of Beazer Homes USA, Inc. was rescheduled for July 18, 2005.

- 2) The Grande at Riverdale Affordable Housing Plan, originally distributed on April 20, 2005.

Borough Attorney Robert Oostdyk stated that we would have to deal with this in the developers agreement with them. He stated that he is sending a letter to the Municipal Clerk to be forwarded to the Planning Board regarding COAH. He said the Planning Board will have to look carefully at future projects to analyze our future needs.

NEW BUSINESS:

- 1) Review and discussion of the Planner's recommendations to revise the Borough of Riverdale Master Plan and December 30, 2003 Reexamination Report.

Mayor Budesheim stated that everyone received handouts from Peter Steck and he will bring this matter up for discussion later.

- 2) Review and discussion of the estimate for the cash bond to be posted by Mr. Canella for the removal of pipe and site restoration as determined by the Borough Engineer.

Mayor Budesheim stated that Mr. Canella got a letter from Borough Engineer Darmofalski and brought a check for \$72,000 to cover those items. There is a list of

NEW BUSINESS (continued):

items that need to be done from our Building Inspector. He stated that we have a cash guarantee for the pavement and certain landscaping items. There was discussion regarding obtaining a maintenance bond. The Mayor said these items must be incorporated into an agreement so that any money can be used as security for these items to allow CO's to be issued. Borough Engineer Darmofalski stated the soil erosion people cannot sign off on this project until the DEP permit is in hand. They have offered to sign off on building 7 as a partial until that permit is secured. He stated that we can find out what guarantees we have to ensure that a typical maintenance bond can be held by the borough. He stated Mr. Canella has made significant progress and a lot of work has been done in the past month to try to solve these problems. There was additional discussion regarding the agreement and it was decided to include a 15% maintenance guarantee. An unidentified resident asked when they could expect the CO's for building 7. Mayor Budesheim replied probably Wednesday.

WORKSHOP COMMITTEE REPORTS:

Councilman Falkoski reported that Robert Amelung will be going into the Morris County Police Academy on July 11th and his salary should be adjusted to Police Trainee as of that date. He then reported the Police Activity Report for the month of May. He also reported that he met with the Court Administrator and Judge and there is a problem utilizing the other building for the Prosecutor. New regulations require the Prosecutor to be in court more often. It was agreed to move him back into the Municipal Building and use controls to maintain the crowds within the halls. Councilman Falkoski then stated that part-time dispatcher Eric Hollenstein will change to full time effective July 11th.

Councilman Guis reported on the availability of funds for the purchase of new vehicles for the DPW. He also reported on the work at Freedom Park for Koegler day. He stated that 20 applications have been received for the DPW position and they will begin interviewing next week. He reported that they met with the school regarding the senior center and the driveway. He also requested that two DPW employees be promoted to foremen so they can break into two crews. He said he would talk with Councilwoman Bush regarding the responsibilities and financial consideration and asked if there were any comments. Councilman Carelli stated he is against it because we've already promoted one of the men twice in the last 18 months and he thinks it's too soon and also we didn't budget money for salary increases. Mayor Budesheim said he should come up with a job description and decide if we have people qualified to fill the job. Councilman Guis described the changes in responsibility he would like to make. There was discussion regarding the number of employees in the DPW and how the work is scheduled.

Councilwoman Wetzel thanked Mayor Budesheim for getting the posters and flyers made for George Koegler day and reported on the activities planned for the day. There was discussion regarding the fee charged by Morris County for rental of the showmobile. She reported that the Star Ledger has expanded its weekly community news section and changed the name to Morris Ledger. She will submit information on the concerts and street fair. She also stated that discounts are offered to residents for vendor space at the street fair through June 30th. Flyers for the concert series will be ready within two weeks for mailing to residents. She reported there are a total of 96 children registered for the summer recreation program.

Councilman Falkoski reported there are two qualified Patrolman who are interested in taking the test for Sergeant and we will have to set a date for the interview and evaluation. He also stated we need to purchase a weapon for the Officer in Training and

WORKSHOP COMMITTEE REPORTS (continued):

said the Police Chief recommended an H & K USP Compact 40 at a cost of \$700 to \$800. The Lawman Supply Company is willing to trade a better weapon for the weapons we have now at no additional cost. There was discussion regarding the weapon trade. There was discussion regarding equipment that the Fire Department wishes to purchase.

Mayor Budesheim stated the quarry ordinance says that the borough shall receive a fee of \$500 for every time the asphalt plant operates after the normal working hours of 6 a.m. to 7 p.m. The Borough Attorney will check the court documents regarding this matter.

There was discussion regarding the condo units at the D.R. Horton development and whether the loft areas that will now have windows and closets can be considered a bedroom. There was also discussion regarding whether it will be a gated community.

Mayor Budesheim reminded everyone that Saturday, September 17th, is the Employee/Volunteer picnic at the park.

Borough Clerk Talerico reported that we received a certificate of insurance for Camfil Farr who has requested to have their picnic at the park on August 8th. She also reported the Bicycle Touring Club of North America will be riding through Riverdale on Sunday, August 21st. She then stated that John Bruno called to inquire why he has not received his last check. Mayor Budesheim said he is sending him a letter. She then asked the status of the bills submitted for snow plowing reimbursement for Rock Creek and Powder Mill. Councilman Guis requested additional copies and will check into it. Clerk Talerico asked about returning the unacceptable bonds to Riverdale Crossing. Borough Attorney Oostdyk stated he had copies of the new ones which are acceptable and said she can return the old ones. Clerk Talerico stated that the liquor license renewals would be on the agenda for the next meeting.

Borough Engineer Paul Darmofalski reported the Senior/Community Center bids will be advertised this Sunday in the Suburban Trends and we will accept bids on July 8th. He stated that Post Lane was paved and they're doing a final inspection tomorrow morning. He reported that D.R. Horton is approximately 1/3 done with their site work, they will be widening Route 23, there is a building under construction and they're 95% done with rock blasting. He reported that Wal-Mart's rock blasting is approximately 50% complete and they have started their site work. Mayor Budesheim asked for the status of the water main to be put in by Horton. Mr. Darmofalski will have Mr. Ryden provide a status report. Mayor Budesheim commended Mr. Darmofalski on the design and layout of the Post Lane project.

RESOLUTIONS:

Councilman Falkoski commented on resolution 3. He stated that at the Highlands meeting he was told that to be included we would have to agree to adopt their master plans which they have not adopted yet.

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

- 1) Resolution to approve payment of the following invoices:
 - a. AHR Consulting - \$467.78 (cabling of council room)
 - b. State of NJ-Dept. of Labor - \$87.22 (unemployment compensation)
- 2) Resolution to appoint Bernadette Scarr as part time Violations Clerk at a rate of \$15.00 per hour.

RESOLUTIONS (continued):

- 3) **Resolution No. 33-2005;** Resolution supporting the inclusion of additional lands within the Borough of Riverdale in the Highlands Preservation Area (Block 37, Lots 2, 11, and 14)
- 4) Resolution to approve expenditures for Town Picnic/George Koegler Day to various vendors at amounts not to exceed \$800.
- 5) Resolution to approve Canella Agreement.
- 6) Resolution to change employment status of dispatcher Eric Hollenstein to full-time effective July 11, 2005.
- 7) Resolution to authorize purchase of F150 Pickup truck for DPW at a cost of \$20,000.
- 8) Resolution to authorize payment of \$200 to Ken Boston and \$700 to Best Jersey Voices for the summer concert series.
- 9) Resolution to authorize miscellaneous purchases for Recreation not to exceed \$500.

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

PUBLIC PARTICIPATION NO. 2:

An unidentified resident inquired about the list of items that need to be done at Canella Way. Mayor Budesheim stated that the list is all-inclusive but some of the things had been done.

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

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

At this time Mayor Budesheim announced that the Governing Body would review the zoning ordinance amendment for overlay zoning which was approved by the Planning Board. The Governing Body discussed the pros and cons of TCR’s proposed development on Riverdale Road.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 10:10 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

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 William Budesheim presiding.

**ROLL CALL: Present: Bush, Wetzel, Guis, Astarita, Carelli, Falkoski
Absent: None**

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

Mayor Budesheim expressed the gratitude and appreciation of the Governing Body to Michael Reilly who recently retired as a Trustee of the Riverdale Board of Education after 16 years of service.

APPROVAL OF MINUTES DATED: May 16, 2005 - Regular Meeting

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

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

APPROVAL OF MINUTE DATED: June 6, 2005 - Workshop Meeting

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

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

PUBLIC PARTICIPATION NO 1:

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

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

ORDINANCES:

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

ORDINANCE 07-2005

**ORDINANCE AMENDING CHAPTER 154 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF RIVERDALE ENTITLED "TOWERS
AND WRECKERS"**

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

ORDINANCES (continued):

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

Mr. Sky Ball from A to Z Service asked for clarification of being done for the month if you miss one call. Mayor Budesheim explained that it would apply if a tower refuses to come out for a call, not to penalize anyone for illness or vacation. Mr. Ball then stated that dolly wheels as required in section D-2 are a thing of the past and also stated they should be able to charge a fee for cancellations.

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

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 07-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 77-A

2) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 08-2005

AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE BOROUGH OF RIVERDALE, NEW JERSEY TO CABLEVISION OF OAKLAND, LLC.

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

Mayor Budesheim announced that Gary Shaw of Cablevision was present and thanked him for his assistance in obtaining the cable installation at the library for no charge which would have otherwise cost the borough \$1,700.

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

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

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 08-2005 as read on second reading at this meeting, be adopted and finally passed.

ORDINANCES (continued):

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 78-B

3) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 09-2005

**ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF RIVERDALE AND REGULATING THE POSSESSION AND
CONSUMPTION OF ALCOHOLIC BEVERAGES**

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 Councilman Guis, to close the public session.

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

Thereupon, Councilman Astarita set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 09-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 78-C

4) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 10-2005

**ORDINANCE AMENDING CHAPTER 59 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROVIDING FOR
THE APPOINTMENT OF MEMBERS OF THE SHADE TREE COMMISSION**

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 Councilman Carelli, to close the public session.

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

ORDINANCES (continued):

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 10-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 79-D

5) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 11-2005

**ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE TO THE
BOROUGH OF RIVEDALE FROM WILLIAM DESTEFANO**

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 Councilman Carelli, to close the public session.

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 11-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 79-E

6) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 12-2005

**AN ORDINANCE TO AMEND ORDINANCE NO. 01-2005 ESTABLISHING
SALARIES OR WAGES OF OFFICIALS AND EMPLOYEES OF THE
BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS**

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 Councilman Carelli, to close the public session.

ORDINANCES (continued):

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 12-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 80-F

Councilman Falkoski stated he had comments and questions regarding Ordinance 13-2005. He stated that he is concerned with the densities and planning and that professionals working for the developer have done all of the reports. He stated he would like to know what the impact of this zoning would be on the quality of life, traffic, infrastructure, services, facilities and the schools prior to making a decision. Mayor Budesheim stated that Mr. Kauker has been involved but most of these are Planning Board issues and that's where the primary public hearing will be held. He stated that we have to introduce the ordinance and send it to the Planning Board for review in order to start the process. There was further discussion regarding the process and amendments to the ordinance.

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

ORDINANCE 13-2005

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 168, ZONING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE BY SUPERIMPOSING A MULTI-FAMILY OVERLAY ZONE ON CERTAIN PROPERTIES IN THE SOUTHEASTERN PORTION OF THE BOROUGH WHICH ARE IN THE I-1, I-3 AND R-7.5 ZONES.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 80-G

There was discussion regarding the cost of the state administered written examination for candidates for promotion to the rank of Sergeant.

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

ORDINANCE 14-2005

ORDINANCE AMENDING CHAPTER 47 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE

ORDINANCES (continued):

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 81-H**RESOLUTIONS:**

- 1) Councilman Carelli set forth the motion, seconded by Councilwoman Wetzel, to approve Payment of Claims and \$5,570.00 to Darmofalski Engineering for the Senior Community Center and \$159.25 to Ted Guis for George Koegler Day Expenses.

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

COPY OF BILLS LIST IN FULL ON PAGE NO. 81-I

Councilman Falkoski asked for clarification of Resolution No. 6, 10, 11, 12 and 15.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Bush, to approve the following resolutions.

- 2) Approval of escrow payments for various engineering fees as follows:
- | | | | |
|------------------------------|---|-------------------|-------------|
| a) Darmofalski Engineering | - | Horton Escrow | \$13,559.00 |
| b) Darmofalski Engineering | - | TCR-Riverdale Rd. | \$ 565.00 |
| c) Darmofalski Engineering | - | TCR Rezoning | \$ 452.00 |
| d) Darmofalski Engineering | - | K&K Developers | \$ 4,640.00 |
| e) Darmofalski Engineering | - | K&K Developers | \$ 4,576.00 |
| f) Darmofalski Engineering | - | Majestic Homes | \$ 1,582.00 |
| g) Anderson & Denzler Assoc. | - | Horton Escrow | \$ 2,985.53 |
- 3) Resolution to approve the final payment to In-Line Services in the amount of \$9,686.40 for the Water Meter & Radio Read installation, which has been approved by William Ryden, Water/Sewer Engineer.
- 4) Resolution to approve payment to Tomaro Contracting Co., Inc. in the amount of \$133,552.78 for the Reconstruction of Post Lane Project, which has been approved by Paul Darmofalski, Borough Engineer.
- 5) Resolution to approve the purchase of a Salter for the DPW Department in the amount of \$18,000.
- 6) Resolution to approve the increase in hours of the Borough Nurse Stacey Dakake, to 15 hours per week effective June 1, 2005.
- 7) Resolution to approve an increase in clothing allowance for the Pompton Lakes First Aid Squad for the year 2005 to \$400 maximum per qualification.
- 8) Resolution to approve an increase in the yearly donation to the Pompton Lakes First Aid Squad to \$25,000 effective 2005, payable bi-annually.
- 9) Resolution to approve payment to Mr. John Reynolds, the amount of \$602.29 as estimated by an auto body shop for damage of his motor vehicle struck by a borough truck on May 18, 2005 driven by DPW employee Jason Casbarro.
- 10) **Resolution No. 34-2005;** Resolution to approve the renewal of the 2005/2006 liquor licenses as follows:

RESOLUTIONS (continued):

- a) Rosemary & Sage, Inc.
 - b) Wes'Tavern
 - c) Rupperts Restaurant
 - d) Golden Sakura Restaurant
 - e) Convenience 23 Liquors
 - f) Brinker New Jersey, Inc. (Chili's Restaurant)
- Excluding Camp Windbeam, Inc. (Studio 23) to be acted upon after Special Ruling is received from the ABC.
- 11) Resolution to authorize Mayor Budesheim to endorse an application for a highway occupancy-guard rail for Cedar Crest Village to be submitted to the New Jersey Department of Transportation.
 - 12) Resolution to authorize Mayor Budesheim to endorse an application for a utility opening permit for D.R. Horton project, to be submitted to the New Jersey Department of Transportation.
 - 13) Resolution to authorize the preparation of a new Housing Element/Fair Share Plan. (copy of letter from Borough Attorney distributed to Mayor and Council)
 - 14) Resolution to authorize the purchase of an overhead presentation projector and installation for the council chambers from AHR Consulting, in the amount of \$2,654.53.
 - 15) Resolution to authorize the Mayor to obtain professional services for the appraisal of the Golden Sakura property.
 - 16) Resolution to declare the following items as scrap and no longer of use to the Borough of Riverdale and to donate these items to the Riverdale Fire Department, Inc. for their use:
 - a) Waukesha-Onan Generator 145-GZ Serial Number: 1110106
 - b) 1979 Honda CB650 Motorcycle 4184 miles
 - c) Maytag Washer/Dryer Model #LSE9900
 - d) Computer monitors (3)
 - e) Fax Machine
 - f) Panasonic Electric KX-E700m Typewriter
 - g) Hewlett Packard Laser Jest III Printer Borough Number 000594
 - h) Wooden Desks (4)
 - i) Wooden Chairs (15)
 - j) Police Department recording machine
 - k) Raised Panel hollow doors (10)
 - l) File cabinets – 3 drawer (2)
 - m) File cabinet – 4 drawer
 - n) Fans on floor mount stands (3)
 - 17) Resolution to set a public hearing date for the Application for the Morris County 2005 Open Space Trust Fund for July 18, 2005 at 7:30 p.m. to be published in the Suburban Trends on Sunday July 3, 2005.
 - 18) Resolution authorizing the closure of Stratford Place for a block party on Saturday, June 25, 2005.

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 82-J

UNFINISHED BUSINESS:

- 1) Beazer Homes USA, Inc. soil mining permit application public hearing, scheduled for July 18, 2005. (applicant has been notified)

Mayor Budesheim stated this is the same date as the public hearing for the Open Space Master Plan. He stated that we did get \$575,000 from Green Acres for the Van Ness property and are preparing the application for the County Open Space for an additional 1.1 million dollars.

BOROUGH CLERK REPORT:

No report.

BOROUGH ATTORNEY REPORT:

No report.

MAYOR REPORT:

Mayor Budesheim reported receipt of a letter from D.R. Horton requesting an extension for blasting. He stated that we will have them come to the next workshop meeting to discuss what needs to be done and what precautions they will take before permission is granted. He also reported on the status of meeting with the Board of Trustees of St. Mary's regarding the \$117,000 owed in back taxes. They have not rescheduled the meeting they canceled and have not responded to a letter which required an answer by June 15th to avoid foreclosure. The Mayor also announced the appointments to the Shade Tree Commission will be Chairman Paul Carelli, Secretary Linda Roetman, and Members Vincent Pelligrini, Peter Leifer and Charles Quant, Sr.

COMMITTEE REPORTS:

Councilwoman Wetzel commended everyone involved for the job well done on Koegler Day. She reported that she put up posters for the summer concerts and the flyers would be mailed shortly. Additional flyers are available in the front office at Borough Hall. She also reported that Movie Night is June 24th starting at dusk. There is a schedule of Fall events ready to send with any other mailing to residents. There was discussion regarding a marathon softball game between Riverdale and Kinnelon.

Councilman Astarita reported the air conditioner in the library has been repaired.

PUBLIC PARTICIPATION NO 2:

Shawn Dougherty asked for the cutoff date for the next issue of the Riverdale Magazine and the date of the next Workshop Meeting. Mayor Budesheim stated initial submission should be the first week of August so we can get it back for proofing and the next meeting is July 5th. Mr. Dougherty also asked if there was an ordinance that controls the asphalt production at the quarry. There was discussion regarding the odors produced by the quarry. Mr. Dougherty then asked if there has been any progress obtaining sewer gallonage from Lincoln Park. Mayor Budesheim stated a draft of the contract is being worked out and then we'll be ready to make the purchase.

Sky Ball asked about Beazer cutting down trees. Mayor Budesheim stated they had to take them down to finish the road and there are plans for replacement.

PUBLIC PARTICIPATION NO. 2 (continued):

An unidentified audience member asked about the duration of the blasting extension that was requested by Horton. Mayor Budesheim stated it would be until they finish the project. There was further discussion regarding blasting.

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:50 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

WORKSHOP COMMITTEE REPORTS (continued):

explained the rules of the agreement if we were to get the grant for the Van Ness property. There was council discussion regarding the matter. The Mayor then reported on a resolution passed by the Planning Board approving a warehouse on the Hamburg Turnpike next to the Van Ness property. The building is 25 feet from the property line along the road with only one regular and one handicap parking space. He stated that the Borough can appeal this decision because we are adjoining property owners. There was council discussion regarding the matter and it was agreed to appeal the Planning Board's decision.

Borough Clerk Talerico reported that she obtained price quotes for a new copy machine which is needed for the front office. She described the features and stated the 5-year lease would be \$265.00 per month plus a monthly cost of approximately .0095 per copy for supplies and maintenance. She also reported that Camfil Farr is going to have their company picnic in Freedom Park on August 12th.

Mayor Budesheim stated the employee and volunteer picnic will be September 17th at Freedom Park.

Borough Engineer Paul Darmofalski reported that bids for the senior community center will be opened on Friday. He reported that he did a quarry inspection and they have done what they said they would do. There have been very few complaints of dust this year. He reported that he finalized some recreational design for the Board of Education. He also stated that he now has a GIS locator and will start to do computer mapping for the borough.

Borough Clerk Talerico reported that the Bloomingdale clerk's son was killed in an automobile accident this past weekend and that she is hospitalized.

RESOLUTIONS:

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

- 1) Resolution to authorize payment to Furia Roofing in the amount of \$9,000 and to ROS Electric in the amount of \$5,400 for work done for Pace Contractors as subs on the borough garage project.
- 2) Refund of building permit fee to D.R. Horton, Inc. in the amount of \$3,006.00 due to contract error.
- 3) Resolution to authorize the following payments:
 - a) \$600.00 to Floyd Hall Enterprises for New Jersey Jackals recreation trip.
 - b) \$1,297.50 to Wild West City for recreation trip.
 - c) Amount not to exceed \$160.00 to June Carelli for out of pocket recreation expenses
 - d) 5 Visits to Ringwood State Park at \$100.00 each.
- 4) Resolution to approve a salary increase to \$12,000 a year for the electrical inspector retroactive to April 1, 2005.
- 5) Resolution to approve D.R. Horton schedule of blasting as submitted to the governing body. (copy attached)
- 6) Resolution to authorize purchase of one day insurance policy at a cost of \$1,000 to \$2,000 for the Fire Department wetdown.
- 8) Resolution to authorize the 5-year lease of a Savin 4035 copier at a cost of \$265.00 per month plus maintenance and supplies for the front office.

RESOLUTIONS (continued):

- 9) Resolution to authorize a salary increase to \$18.00 per hour for special police officer retroactive to April 1, 2005.

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

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

- 7) Resolution to authorize the Borough Attorney to appeal the Planning Board’s decision of the Dube Development, Inc. application, Block 12, Lot 1, IQ District.

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

PUBLIC PARTICIPATION:

An unidentified resident inquired about the partial paving of Mathews Avenue. Councilman Guis stated that the contactor who ran the water line did the paving. Borough Engineer Darmofalski stated another contractor would repave another section and we’ve submitted an application to the state for money to repave the rest.

There was discussion regarding the options of purchasing the Van Ness property.

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:05 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

ORDINANCES (continued):

Ross Kushner, 189 Kakeout Road, Kinnelon spoke on behalf of the Pequannock River Coalition. He stated they are not opposed to the rezoning and redevelopment of the tract but they do have concerns and will follow the project closely.

Mayor Budesheim stated that the ordinance would be amended as follows due to Mr. Kushner's input. Where it states 60% impervious coverage is allowed will be reduced to 40%. Currently, out of the 27 acres, 10 acres are impervious and that will be reduced to 9 acres. The building in the floodway will be removed and will be a greenway with walking trails. The engineers and DEP will closely monitor storm water management and it will be done according to regulations.

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

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

Borough Attorney Robert Oostdyk stated there were other changes recommended by the Planning Board and stated the amended ordinance should be re-introduced and re-advertised by the Borough Clerk.

Mayor Budesheim read the following changes recommended by the Planning Board:

1. **A-4 Paragraph C** / Change minimum building setback from property line of 25 feet / would like to amend to minimum building setback from (street) property line of 40 feet.
2. **A-4 Paragraph C** / Change building or portion of a building having a height of more than 50 feet shall be 50 feet from the property line / would like to amend to building or portion of a building having a height of more than 50 feet shall be 75 feet from the (street) property line.

Councilman Falkoski stated that the governing body is being asked to make a decision that will affect the Borough of Riverdale forever and we are being supplied a minimal amount of information. He stated the zoning change in this area is reasonable to consider but not the magnitude of the density. He stated that he had done some research and outlined what he believes will occur with this ordinance. He said we would be increasing the municipality's housing units approximately 23% on only 2% of the area. We would be increasing our population by approximately 23%. There would be approximately 1,700 additional traffic units on that road. Additional services to be anticipated are recreational facilities, police services, fire protection, first aid services, borough personnel, trash and snow removal costs. He also stated that condo ownership would outnumber single-family housing units by a ratio of 1302 to 971. He stated that the ability to generate additional tax revenue where a loss is anticipated is among the reasons for contemplating this change. He stated that obtaining figures and an anticipated timetable on the tax benefits from D.R. Horton, Wal-Mart, etc. would enable us to make the decision based upon the big picture. He said there is a difference in tax revenue between ownership and rental units and asked if we could be supplied with these figures.

Councilwoman Bush asked the outcome of the committee meeting with Pompton Lakes. Mayor Budesheim stated they met with Mayor John Murrin, Councilwoman Katie Cole and Councilman (indiscernible) and showed them a rendering of the site plan, improvements and answered all of their questions. He stated we would send them every document for their review and would welcome their input. An unidentified audience

ORDINANCES (continued):

member stated Pompton Lakes has concerns regarding the high school, flooding and traffic and they appreciate meeting with us to address them. Councilwoman Bush asked Planner Michael Kauker if the changes to the ordinance change the density. Mr. Kauker stated he had not evaluated the changes and could do so before the next meeting. He stated he was comfortable with the density on the site. Councilwoman Bush then asked what changes we could expect in our community if there are more rental and condo units than single-family residences. Mr. Kauker stated the character of the municipality could change but there aren't many areas that could accommodate single-family housing so the trend might be inevitable. He stated the impact could be controlled if the majority are ownership as opposed to rental. He also stated that a large adult housing project could affect the voting patterns. There was additional discussion regarding our ability to influence the nature and design of the project as it relates to rentals versus ownership.

Mayor Budesheim stated that the intention is not to get more ratables. He stated that the area is bordering on being blighted and a developer has approached us about changing the zone. He also stated that more people moving into town is a good thing and that he finds it offensive that there is a whole class of people we'd try to exclude from our town. Councilman Falkoski stated that his remarks were misconstrued and that his intent was to show the needs of the town are going to change. He stated that what disturbs him the most is that the governing body was not part of the negotiations and discussions that took place until it was put on the table. Mayor Budesheim and Councilman Falkoski agreed they have a difference of opinion on the matter. Councilwoman Bush stated that her questions regarding socio-economic studies were meant to learn how society and economics relate to each other and she valued the opportunity to discuss the issues and have the Planner present to answer questions.

Councilman Falkoski asked for an additional amendment on page A-5 to clarify the minimum number of age-restricted units. Discussion followed and it was decided to change all references of "213 age-restricted units" to "the total planned age-restricted units".

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Astarita, to **reintroduce** the following ordinance as amended, and moved its adoption.

ORDINANCE 13-2005

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 168,
ZONING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH
OF RIVERDALE BY SUPERIMPOSING A MULTI-FAMILY OVERLAY ZONE
ON CERTAIN PROPERTIES IN THE SOUTHEASTERN PORTION OF THE
BOROUGH WHICH ARE IN THE I-1, I-3 AND R-7.5 ZONES.**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 90-A**PUBLIC HEARING OF THE 2005 APPLICATION FOR THE MORRIS COUNTY
OPEN SPACE TRUST FUND.**

Mayor Budesheim reviewed the history of events regarding the Van Ness property from the first application for funding in February 2004 to the present. He described the frustration Riverdale has had in dealing with the State and the County. He stated that this evening we would hear testimony regarding what we plan to do with the buildings and

**PUBLIC HEARING OF THE 2005 APPLICATION FOR THE MORRIS COUNTY
OPEN SPACE TRUST FUND (continued):**

property. The Mayor introduced Ella Filippone, Executive Director of the Passaic River Coalition to conduct the public hearing.

Ms. Filippone stated that in addition to the \$575,000 from Green Acres we've been informed of receiving \$575,000 from the State for acquisition of this property. She stated that Green Acres and the county would like to see a plan for the property and the Van Ness House Preservation Committee has reviewed a variety of scenarios. She has prepared a proposal that requires a resolution to request matching funds from the county for the project. The proposal asks what the building on the property will be used for and it is currently undecided. She stated the Borough would own the property and The Dorothea Walker Preservation Association is being formed as a non-profit corporation to manage and run the property. This type of arrangement is working successfully in Denville, Morristown and Morris Township. Once the Borough owns the property a proposal to obtain funds from Morris County can be prepared for the critical needs of the building. She stated her and the Passaic River Coalition's commitment to the association and the fiduciary responsibility of obtaining funds and making it a success. She stated the association and the Passaic River Coalition will provide a viable team to work with the Borough and that the Passaic River Coalition would take over management of the property in the event the association collapses. She answered questions from the Council regarding community involvement, responsibility, and funding. Councilman Guis stated he is in favor of saving the property but is skeptical about the buildings, financial burden and liability. Ms. Filippone stated we would not receive funding from the County if the buildings were demolished. She stated the Dorothea Walker Association would seek funding using their not-for-profit status and hold it until the Borough obtains the property. Councilman Carelli stated his concern with obtaining funding and justification of expenditures to the taxpayers. Ms. Filippone said to ask the taxpayers what they would like to have on the property and give them a chance to develop it. She described several ideas for use of the property and asked for ideas from the Council. Councilman Guis stated that if the optimism falls apart it would be the burden of the governing body and the taxpayers to maintain and support that house. Ms. Filippone urged the Council to vote in favor of a supporting resolution for funding from Morris County. Mayor Budesheim asked for comments from the public.

Carolyn Masone, 274 Hamburg Turnpike, stated that if we do not give this a real chance we would end up with a strip mall. She said that what the Riverdale taxpayers get is preventing a 45,000 square foot building and a parking lot and not putting in a traffic light. She reminded the Council that the community has been holding volunteer cleanups at the property that we don't even own.

Donna Golding, 58 Mountain View Court, stated they have many plans for fundraising but were told to wait. She stated the organization willing to back them has over 30 years experience and it is worth the risk. She asked for Council support.

Ross Kushner stated that volunteers are available, there is strong backing in partners and he gave examples of places where funding is available. He said he is convinced Riverdale can make it happen.

Noreen Fradella, 459 Cotluss Road, stated that many residents are concerned with all of the development in town and support would come when people see we are trying to save something instead of another development.

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

**PUBLIC HEARING OF THE 2005 APPLICATION FOR THE MORRIS COUNTY
OPEN SPACE TRUST FUND (continued):**

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

There was Council discussion regarding the funding and Riverdale's share of \$250,000.

Thereupon, Councilman Astarita set forth the motion, seconded by Councilwoman Bush, to approve the 2005 application for the Morris County Open Space Trust Fund.

ROLL CALL: **Ayes: Bush, Astarita, Carelli**
 Nays: Guis, Falkoski
 (3 ayes – 2 nays – motion carried)

2) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 14-2005

**ORDINANCE AMENDING CHAPTER 47 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF RIVERDALE**

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 Councilman Guis, to close the public session.

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 14-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 92-B

RESOLUTIONS:

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

1) Payment of claims, including payment of additional funds to the Riverdale Board of Education in the amount of \$100,000.

COPY OF BILLS LIST IN FULL ON PAGE NO. 92-C

2) Approval of escrow payments for various engineering fees as follows:

a) Anderson & Denzler Assoc.	-	Majestic Homes	\$	456.04
b) Anderson & Denzler Assoc.	-	Riverdale Crossing	\$	870.78

RESOLUTIONS (continued):

- | | | | |
|------------------------------|---|--------------------|--------------|
| c) Anderson & Denzler Assoc. | - | Alexan/D.R. Horton | \$ 9,298.90 |
| d) Darmofalski Eng. Assoc. | - | Majestic Homes | \$ 4,124.00 |
| e) Darmofalski Eng. Assoc. | - | Alexan/D.R. Horton | \$ 12,399.00 |
| f) Darmofalski Eng. Assoc. | - | K&K Developers | \$ 13,146.00 |
- 3) **Resolution No. 34-2005;** Special Item of Revenue and Appropriation – Chapter 159 – Donation-Starwood Heller Properties, Inc. Municipal Escrow Account - \$37,735.36
 - 4) **Resolution No. 35-2005;** Special Item of Revenue and Appropriation – Chapter 159 – Clean Communities Program - \$4,000.00
 - 5) **Resolution No. 36-2005;** Special Item of Revenue and Appropriation – Chapter 159 – Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund - \$794.97.
 - 6) Resolution to approve a Change Work Order for the DPW Garage project for ROS Electric (sub-contractor for Pace Builders) in the amount of \$2,670.00.
 - 7) Resolution to declare the bids for the Riverdale Senior Community Center as unacceptable and rejected due to the bids being higher than funds available for this project.
 - 8) **Resolution No. 37-2005;** Authorizing the submittal of application to You Drink and Drive, You Lose 2005 Alcohol Enforcement Grant.
 - 9) Resolution to approve the renewal of the 2005/2006 liquor licenses as follows:
 - a) Camp Windbeam, Inc. (Robert Paige) which the State of New Jersey has approved the Special Ruling (12.39) for the 2005/2006 license year.
 - 10) Resolution to declare the following items as surplus and no longer of any use to the Borough and to be disposed, File Cabinet–Tag#235 and Typing Stand–Tag#183.
 - 11) Resolution to approve the purchase of a radio communication system for the Riverdale Fire Department from Major Automotive Installations t/a Spectrum Communications under State Contract #53764, in the amount of \$31,979.35. The Fire Company will pay \$12,500 towards the repeater, remainder of \$19,479.35 to be charged to the capital account.
 - 12) Resolution to appoint Vincent Pellegrini as a code enforcement officer at a rate of pay of \$35.00 per hour.
 - 13) Resolution to authorize Planner Michael Kauker to amend the Master Plan to meet COAH requirements for an amount not to exceed \$12,000.

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 93-D, 93-E, 93-F, & 93-G**BOROUGH CLERK REPORT:**

Borough Clerk Talerico reported that she received a letter from Langan Engineering requesting the Mayor to sign their amendment to the TWA permit for Riverdale Crossing. The modification will allocate a total of 25,728 gallons and the original allocation was 19,077 gallons. Mayor Budesheim advised her to send it to Sewer Engineer Bill Ryden for review. Clerk Talerico reported that Borough Engineer Darmofalski has asked the Council to approve a budget increase for the Post Lane project in the amount of \$3,035.00 as extensive inspection services and engineering revisions caused the project to exceed the budget amount.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Astarita, to approve a budget increase in the amount of \$3,035.00 for the Post Lane project.

BOROUGH CLERK REPORT (continued):

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

Clerk Talerico then reported that she received notice that the bid threshold has been increased this year to \$21,000 or \$29,000 with Qualified Purchasing Agent and the Quotation Threshold has increased to \$4,350 with Qualified Purchasing Agent.

Thereupon, Councilman Astarita set forth the motion, seconded by Councilman Guis, to authorize increasing the bid threshold according to the State regulations with a Qualified Purchasing Agent to \$29,000 for bids and \$4,350 for quotations.

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

BOROUGH ATTORNEY REPORT:

No report.

COMMITTEE REPORTS:

Fire Chief Pat Cleary stated the Fire Department is changing their Ordinance for election of officers. He then reported a problem with the transmission on the Assistant Chief vehicle. Councilman Falkoski stated the vehicle had been repaired. There was discussion regarding replacement of vehicles.

Councilman Carelli reported the tax rate was received from the county and is 1.26 this year. He also reported overtime for the Building Department for May, June and July to date totaled \$2,800. Mayor Budesheim stated it was important to know which hours they are working in addition to how many. There was discussion regarding the log sheets and time sheets.

Councilman Falkoski reported the Municipal Court Report for the month of June. He stated the numbers didn't look right and he would discuss it with the Court Administrator. He reported the Police Overtime Report and will have copies distributed to the Council.

Councilwoman Bush reported she had a job description for a part-time Administrative Assistant for the DPW for Council consideration.

PUBLIC PARTICIPATION NO 2:

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:40 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

The workshop 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 William Budesheim presiding.

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

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

APPROVAL OF MINUTES DATED: July 18, 2005 - Regular Meeting

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

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

PUBLIC PARTICIPATION NO 1:

Keith Worman of Mathews Avenue stated his taxes went up over \$5,000 and asked what could be done. He said they did not receive the post card with the new assessment. He also stated he has a Butler street address on Carey Avenue and receives no services from Riverdale. He said his deed shows a right-of-way on Rock Creek Terrace but it opens into a parking spot. Mayor Budesheim stated he would investigate whether we could change the address to Mathews Avenue. Borough Clerk Talerico stated it is a Post Office matter. Joanne Worman stated they are here to demand services from Riverdale if they are going to pay \$5,000 more in taxes. Mayor Budesheim stated they would be able to appeal the taxes by April 1st of next year and he would work on getting access through Riverdale.

Andy Franks of 28 Hillside Avenue asked what happened to the stable tax rate in Riverdale in the past year. Mayor Budesheim stated it was mainly the revaluation. Mr. Franks asked if the expenditures had increased. Mayor Budesheim stated they had spent more and Mr. Franks asked why they would do that. Mayor Budesheim stated they had no control over much of it and explained how the increased value of real estate has affected taxes.

Mr. Worman asked the Council to consider that he has applied every year for 16 years as a tree farm and is always turned down by the tax assessor for nonconforming use.

Joe Bograd of Bograd's Furniture stated that the taxes on his Riverdale Road building did go down but the assessment of the building on Hamburg Turnpike went up 2-1/2 times and the taxes went up 32%.

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

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

ORDINANCES:

1) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 13-2005**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 168, ZONING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE BY SUPERIMPOSING A MULTI-FAMILY OVERLAY ZONE ON CERTAIN PROPERTIES IN THE SOUTHEASTERN PORTION OF THE BOROUGH WHICH ARE IN THE I-1, I-3 AND R-7.5 ZONES.**

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

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

Melissa Harsley, 52 Wilson Avenue, stated she was representing Pat Reese. She made reference to Councilman Falkoski's concerns expressed at the last meeting stating things were progressing too quickly and the Council was not involved in early discussions with the developer. She also made reference to a newspaper article stating the Mayor stated there have been discussions with the developer for the last 18 months. She asked which was true, who was on the committee and why only two Council members had questions or comments at the last hearing. Mayor Budesheim explained the people working on this met with the developer and members of the Planning Board and prepared an ordinance to be presented to the Council. He stated tonight is a second hearing based on changes recommended by the Planning Board. Ms. Harsley then referred to the meeting between Riverdale and Pompton Lakes and asked who the Mayor's reference to "we" is and asked what was discussed. She asked why the Planning Board and entire Governing Body is not being informed of all meetings regarding this project. Mayor Budesheim stated "we" is himself, Councilman Carelli and Councilman Guis. In Pompton Lakes it is Mayor Murrin, Councilwoman Cole and Councilman Marple. Mayor Budesheim stated the concerns of Pompton Lakes were addressed. Ms. Harsley stated that the entire Council should be involved in this decision and not just the Mayor and developer. She asked the Council to table the discussion so more research can be done prior to a vote. She stated her concern that Riverdale is developing too fast. There was discussion regarding development and the impact on traffic and the schools.

An unidentified resident asked if this development would cause any blasting and Mayor Budesheim replied that it would not.

Andy Franks, 28 Hillside Avenue, stated that once the Council approves the zone change they wouldn't be able to stop the development. He said he would like to hear the opinions of the other Council members. Councilman Astarita stated that he had not heard about this until a month ago and feels we are moving fast. He said you have weigh ratables against the character of the town and he has given the matter a lot of thought. He stated that he feels it will affect traffic and costs for services and we should move slowly and look at it more carefully. Mayor Budesheim asked him to explain the "character of the town". Councilman Astarita stated that we have had a small town atmosphere where you know your neighbors. He said that when we add condo developments of 450 and 550 units it changes the town and the way Riverdale is perceived. He said condo associations have a goal to take care of their own group and they have a power to change things. There was additional discussion regarding the pros and cons of the proposed development and zone change.

Gary Stewart, 70 Loy Avenue, stated that people in Riverdale are telling him they feel that we are changing from a bedroom community to a city. Mayor Budesheim disagreed. Mr. Stewart asked if the borough is or should be doing anything to help bring tenants into

ORDINANCES (continued):

the industrial area. Mayor Budesheim stated there was discussion about restarting our Industrial Committee and we tried to keep Middle Atlantic. He stated that occupied buildings are filing tax appeals and that is not the solution. He also stated that this is what the Planning Board wants and it is the responsibility of the governing body to implement the changes demanded by our Planning Board. Mr. Stewart stated that he had never heard that area referred to as blighted until now that the town is considering putting up condominiums. He said that if the town does not approve the zone change they cannot build the condos. He stated he was concerned with setting a precedent. Mayor Budesheim stated that with Municipal Land Use there is no such thing a precedent. Mr. Stewart stated to the Council that this is not what he wants for Riverdale.

Joe Bograd of Bograd's Furniture stated that the two main things that have changed the character of the town are completion of Route 287 and the Highlands Act. He stated he has seen too many projects studied to death and he feels the zone change is the right way for the town to go.

Anthony Gizmondo, 21 Cedar Avenue, Pompton Lakes asked for clarification of where building would occur on the property. He stated that he is currently not zoned for flood and is concerned with the impact the building will have. Mayor Budesheim stated there would be a 10% reduction in impervious coverage and there would be less flooding.

Jim Talerico, 104 Newbury Place, stated he is on the Planning Board and wished to clarify for the public and Council the comments made by Mayor Budesheim regarding the process and action taken by the Board. He stated the Planning Board received a letter from the Clerk's office to entertain hearing a possible overlay for this zone. He stated the professional planner who was hired did not attend any meetings until the overlay was passed. He said he asked the Planning Board not to pass it until they had a chance to address the planner. He stated that he was one of the two negative votes when the overlay zone was approved and that the majority of the Planning Board members evidently thought a letter from Mr. Kauker was sufficient. He stated that Mr. Kauker's report can't be trusted and that when questioned he did not even realize the 7.5 zone from William Street was removed. He stated that when the Mayor made the motion to introduce the overlay zone, he incorporated Mr. Kauker's letter on the site. He said the Planning Board did vote unanimously to approve the zoning but they had no other choice. TCR's professionals proposed the zoning and the Planning Board could only recommend changes. He made reference to the zone change at Valley Spring Lake and stated he did not think it was proper to give the public the impression that the Planning Board did this before and is doing it again. He said that the Planning Board does not change zones; the Governing Body does. He stated that once zoning is introduced there's only so much the Planning Board can do if an applicant meets the requirements.

Melissa Harsley asked if any other Council members wished to voice their opinion.

Councilwoman Wetzel stated there are many pros and cons and she is regrettably undecided how she will vote on this project tonight. She said she felt she has been informed and that all of the studies have been done but feels pressured to make a decision. She stated that members of the Council represent the public and many people are unsure about the project. She said she would like to see more time dedicated to this. She also stated that the information and numbers we get from the studies are what we have to base our decision on.

Councilman Carelli stated that he initially did not like the project and likes the small-town feel of Riverdale. He stated people said some projects in the past would change the character of the town and that did not happen. He stated that sometimes change is better and you have to consider ratables and whether it makes financial sense as a way to keep

ORDINANCES (continued):

the levy down. He said he has been on the committee and has spent a lot of time on this project because of his concern. He said he feels confident that he has enough information to make a decision.

Councilman Falkoski stated he had several comments and first wanted to clarify the responsibilities of the Planning Board and Council. The Planning Board develops the Master Plan. He stated that in this case they said it might be a good idea to create this overlay to permit this type of development in this section of town. He said he has no objection to that. He stated the Planning Board does not establish the rules and criteria for that development. The Council develops the ordinance that sets the criteria and that is the important document because the Planning Board uses those rules as a guide for a developer who comes in with a project. If they conform to the requirements, there's not much the Planning Board can do to deny the project. He stated that his concern is with the ordinance, particularly in the area of density. He stated that we have no control legally to control ownership and there's a great difference in ratables between ownership units and rentals. He said what a Council committee does is discuss issues and get facts to inform the governing body so they can have discussion and reach a decision. He stated that in this case the governing body as a whole was handed an ordinance on June 6th of this year, with some members having more knowledge than others. He then stated the Highlands Act creates a restricted zone and a planning area and we are in a planning area. The Highlands Committee is going to develop a Master Plan and they have until June of 2006. He also stated the Planning Board could not control the look of the buildings. Councilman Falkoski stated this ordinance represents a piece meal approach to addressing one potential problem; the viability of maintaining present uses in the light industrial zone without knowing the full impact on the borough as a whole. He stated a decision of this magnitude should not be made with the limited information we have been supplied. He said he has not seen any report from a professional other than the developer's who has an interest in this ordinance. He said the Master Plan should have been reviewed and data developed so we could make an informed decision. He said he would like to know the rationale for proposing 425 units rather than a reasonable and supportable 215 units.

Councilman Guis stated he has been aware of the project from the beginning and was present at most of the meetings. He stated that TCR has a very viable plan that is a vast improvement for the site. He said that condominiums are today's starter homes and he doesn't believe they will change the character of the town. He stated that traffic and congestion are symptoms of the entire North Jersey area. He also stated the environmental benefits and ratables are very attractive points for going forward with the overlay.

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

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

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 13-2005 as read on second reading at this meeting, be adopted and finally passed.

ROLL CALL: **Ayes: Guis, Carelli, Budenheim**
 Nays: Astarita, Falkoski
 Abstain: Wetzel
 (3 ayes – 0 nays – motion carried)

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 100-A

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

ORDINANCE 16-2005**ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROVIDING FOR PENALTIES FOR VIOLATIONS OF MUNICIPAL ORDINANCES.**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 100-B**BOROUGH CLERK REPORT:**

Borough Clerk Talerico distributed information to the Council on a seminar called “Countdown to COAH – Five Months to Go” to be held Thursday, August 18th from 5:30 to 7:30 for anyone interested in attending. She reported items on the next agenda would include release of bonds for Eastern Buildings as authorized by the Borough Engineer, the possible release of Mr. Janel’s cash guarantee in the amount of \$11,347 and the convention expenses for the firemen. She reminded the Council that the Riverdale Armory is having the American Soldier Defender of Freedom Program on August 7th at 1:00 p.m. Also the Freeholders are having a remembrance service and candlelight vigil at 7:00 p.m. on Sunday, September 11th. She then reported that she was informed the dry chemical kitchen system in the firehouse is out of compliance. She distributed copies and will obtain the opinion of the Fire Inspector to report at the next meeting. She also reported they will be at the Tropicana for the convention this year.

BOROUGH ATTORNEY REPORT:

No report.

MAYOR REPORT:

Mayor Budesheim reported that the Police Academy has postponed the training of Bob Amelung until January for medical reasons. He will be appointed to a position in the DPW in the meantime. He also reported that we still don’t have sewer allocation for the proposed development. He reported that we did submit the application to the Open Space Trust Fund for the Van Ness house. He said the original name of the property was the Glen Burn Estates and we are going to get rights to that name. He also reported the next issue of the Riverdale Magazine will come out the third week of September and the final deadline for copy is August 31st. He reported that we now have a credit union and brochures are available in the office for anyone interested in joining. He said that an employee inquired about tuition reimbursement and he advised them he would bring it up for discussion at the workshop meeting.

WORKSHOP COMMITTEE REPORTS:

Councilman Falkoski reported that he received a letter from the Court Administrator regarding interpreter services. The system they currently use averages \$198 per use. There is a system available for \$1.70 per minute with no minimum. It would utilize a phone line that would require us to install a speakerphone in the courtroom. He also reported that he investigated the Smart Future Planning grants and Smart Future 2006

WORKSHOP COMMITTEE REPORTS (continued):

may be something to look into. He reported that the Fire Chief has inquired about ability to utilize secretarial services for certain computer work. Mayor Budesheim stated it should be discussed with the Fire Marshall.

Councilwoman Wetzel reported there has only been one bad weather day for the concert series and thanked everyone for their hard work.

PUBLIC PARTICIPATION:

An unidentified resident stated the intersection of Mathews Avenue and DeGraw Road is in dire need of a stop sign. Mayor Budesheim stated the Borough Engineer felt a stop sign would cause more problems than it would solve. He stated there is a plan to eliminate that curve and make it a "T" intersection next year.

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

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

RESOLUTIONS:

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

- 1) **Resolution No. 39-2005;** A Resolution of the Governing Body certifying their review of the "Comments & Recommendations" of the 2004 Annual Audit and Submittal of a signed affidavit to that effect.
- 2) Resolution to approve the quotation for blacktop repair on Mathews Avenue to R.H. Rapp Co., Inc. in the amount of \$5,800.00 (3 quotations were received for this project – copy attached).
- 3) Resolution to approve an expenditure to repair storm sewer outlet at the end of Halsey Avenue as outlined here: Truck excavation @\$1300 per day, estimated 2 days maximum – total \$2,600. Materials estimated to a maximum of \$1400. Requesting authorization of up to \$5,000. for the project.
- 4) Resolution to appoint Robert Amelung as a Temporary Utility Person for the DPW at a salary of \$12.00 per hour until he can attend the Police Academy.

COPY OF RESOLUTION IN FULL ON PAGE NO. 101-C

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 10:06 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

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 William Budesheim presiding.

ROLL CALL: **Present:** **Bush, Wetzel, Guis, Astarita, Carelli, Falkoski**
 Absent: **None**

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

Mayor Budesheim introduced the new Riverdale School Superintendent, Dr. Betty Ann Wyks. Dr. Wyks stated she is looking forward to continuing the productive relationship between the governing body and school board.

PUBLIC PARTICIPATION NO 1:

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

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

ORDINANCES:

1) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 16-2005

**ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE
 BOROUGH OF RIVERDALE AND PROVIDING FOR PENALTIES FOR
 VIOLATIONS OF MUNICIPAL ORDINANCES.**

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 Councilman Carelli, to close the public session.

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, **RESOLVED** that Ordinance No. 16-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 103-A

ORDINANCES (continued):

Councilman Guis stated that in Ordinance 15-2005, paragraph 31-4 “Sanitarian” should be corrected to read “Health Officer”.

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

ORDINANCE 15-2005**ORDINANCE AMENDING CHAPTER 31 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 104-B**RESOLUTIONS:**

- 1) Councilman Carelli set forth the motion, seconded by Councilman Guis, to approve Payment of Claims and \$600.49 to Nextel Communications.

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

COPY OF BILLS LIST IN FULL ON PAGE NO. 104-C

Councilman Falkoski stated that regarding resolution No. 7 the telephone line for the courtroom could be the Court Administrator’s secondary line. He also stated that regarding resolution No. 9 he does not feel an emergency appropriation is necessary since the current vehicle should last 3-1/2 months until the capital budget can be re-analyzed. Fire Chief Pat Cleary stated there is a 4-month wait for a new vehicle and described the vehicle they wish to purchase. He explained the use of this type of vehicle as a command post for the Fire Chief or Assistant Chief. There was council discussion regarding whether or not the need for a new vehicle was an emergency and the impact on the budget. Councilman Falkoski stated that as Committee Chairman he recommends we do not make this expenditure at this time.

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

- 2) Check in the amount of \$1,500 for the Firemen’s Convention paid to the order of Pat Cleary, Fire Chief.
- 3) Approval of escrow payments for various engineering fees as follows:
- | | | |
|------------------------------|--------------------|-------------|
| a) Kauker, Gregory & Kauker | TCR Development | \$ 4,375.00 |
| b) Darmofalski Eng., Inc. | Eastern Building | \$ 339.00 |
| c) Darmofalski Eng., Inc. | Majestic Homes | \$ 226.00 |
| d) Darmofalski Eng., Inc. | D.R. Horton | \$10,594.00 |
| e) Darmofalski Eng., Inc. | K&K Developers | \$10,266.00 |
| f) Anderson & Denzler Assoc. | D.R. Horton | \$ 3,452.58 |
| g) Anderson & Denzler Assoc. | Majestic Homes | \$ 33.00 |
| h) Anderson & Denzler Assoc. | Riverdale Crossing | \$ 434.00 |

RESOLUTIONS (continued):

- 4) Resolution to approve the release of \$150 fee for road opening permit at 15 Cotluss Road, which has been approved for satisfactory completion.
- 5) Resolution to approve the release of \$11,347.00 Cash Bond to Eastern Building & Utility Company. (property has been inspected by borough engineer & approved for release)
- 6) Resolution to approve the release of the performance bond and landscape/driveway bond for Eastern Building & Utility Company. (property has been inspected by borough engineer and approved for release)
- 7) Resolution to authorize the Court Administrator to hire Language Lines, Inc. as a telephone interpreting service for the Riverdale Municipal Court, and place a telephone/speaker line in the courtroom.
- 8) **Resolution No. 40-2005**; Refund of Taxes.

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 105-D

Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to deny the following resolution.

- 9) Emergency Appropriation in the amount of \$26,500 to purchase a new vehicle for the Fire Department.

ROLL CALL: **Ayes: Bush, Wetzel, Astarita, Falkoski**
 Nays: Guis, Carelli
 (4 ayes – 2 nays – motion carried)

APPROVAL OF MINUTES DATED: August 1, 2005 - Regular Meeting

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

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

BOROUGH CLERK REPORT:

Borough Clerk Talerico reported that a representative from the library has requested the teen volunteer awards be put on the agenda for the September 19th meeting. She also stated the library audit was received and a copy is available in her office.

BOROUGH ATTORNEY REPORT:

Borough Attorney Oostdyk reported the search work has come in for the In Rem Foreclosure.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, to approve the following resolution.

- 10) **Resolution No. 41-2005**; Providing for Summary Proceedings, In Rem, of a number of Tax Sale Certificates as listed in the Tax Foreclosure List.

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 106-E

MAYOR REPORT:

Mayor Budesheim reported on the sewer allocation negotiations with Lincoln Park. He stated that we were looking to purchase 150,000 for Riverdale and 100,000 for the developer for the Riverdale Road project. He said that Lincoln Park had accepted our final offer of 6.25 million dollars for 250,000 gallons and later added a \$20,000 annual debt service charge for a pipe in Lincoln Park. He stated that our sewer authority asked us not to agree and feels it would set a bad precedent if we assumed someone else's debt service. The Mayor then reminded the Council that copy for the Riverdale Magazine is due the end of this month. He also stated the Open Space Committee will be looking at the Glen Burn Estate in September and the presentation will be the end of October.

COMMITTEE REPORTS:

Councilman Carelli reported AHR Consulting would begin installation of the projector in the Council Chambers tomorrow. He also stated that we need to work on our website. Mayor Budesheim stated it is being done in house.

Councilman Falkoski reported the Municipal Court Report for the month of July. He stated that he would meet with the Court Administrator to discuss the figures. He also reported the application for funding of the "You Drink, You Drive, You Lose" grant has been approved in the amount of \$4,000. This will be spent for overtime to enforce state drinking and driving laws between August 19th and September 5th.

Councilwoman Wetzel reported September 24th is the Riverdale Street Fair. We've secured more than half of our food vendors and need to secure more craft vendors. The committee will decide on entertainment and she will make arrangements with the Police and Fire Departments.

PUBLIC PARTICIPATION NO 2:

Sal Montevego of Munn Avenue asked why white lines by the firehouse were not painted at the crossing of Mead Avenue and the Hamburg Turnpike. He stated his concern with the difficulty crossing the street and the position of the signs. Mayor Budesheim stated it is a county road and we have petitioned the county to do the striping and will contact them again. Mr. Montevego then asked if Public Service was putting in a gas line this week and asked about paving of Munn Avenue. Mayor Budesheim stated he had not heard that but they are going to be repaving Hamburg Turnpike Tuesday and Wednesday. The Mayor stated that he and the engineer would look at Munn Avenue after we see what Public Service does. Mr. Montevego then stated his taxes went up \$377 per quarter and asked where this figure came from. Mayor Budesheim stated that was average and it was ordered by the county and is done according to state law.

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:40 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

The workshop 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 William Budesheim presiding.

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

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

Mayor Budesheim announced that he, Councilwoman Bush, and Councilman Guis had participated in a cleanup conducted by the Pequannock River Coalition recently. He presented certificates of appreciation from the coalition.

PUBLIC PARTICIPATION NO 1:

An unidentified resident asked if there would be water rationing. Mayor Budesheim replied there would not. She then stated she is concerned with the blasting. Mayor Budesheim stated it is probably the quarry. Borough Engineer Darmofalksi stated that Horton is 99% done, K&K is 75% done and the quarry will continue. She also stated that she had attended a Pequannock planning board meeting and noted they did not salute the flag and it appeared the attorney told the planning board what he wanted and how he wanted it done. She stated that Riverdale could be proud of how they conduct their meetings. She then asked if anything was being done for hurricane Katrina victims. Mayor Budesheim stated the Armory is requesting cash and has provided a list of recipients.

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

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

BOROUGH CLERK REPORT:

Borough Clerk Talerico reported the Court Administrator has advised that the administrative office of the courts is not accepting Ordinance No. 09-2005, Possession and Consumption of Alcoholic Beverages. She stated the agenda for September 19th would include the Library Teen Volunteer Awards, approval of Christmas tree sales for the RBA and James Castiglione, and refund to Powder Mill for snow removal. She reminded the Council that the Morris County Board of Chosen Freeholder's Remembrance Service and Candlelight Vigil will be held September 11th at 7:00 p.m. She asked if there was money available to plant mums around the monument in front of the municipal building. She also reported that she did not receive any paperwork from Beazer Homes for their soil removal application.

BOROUGH ENGINEER REPORT:

Borough Engineer Darmofalski reported the bids for the Senior Center would be received on September 16th. He also stated they are preparing the COAH fair housing plan and there will be a public hearing on October 6th and it will be presented to the Mayor and Council next month. Mayor Budesheim asked him to prepare a legal description of the property for the Senior Center for the Board of Education.

BOROUGH ATTORNEY REPORT:

No report.

MAYOR REPORT:

Mayor Budesheim reported that he is meeting with a representative of the Bruno Group on Thursday at 12:30 if anyone wishes to attend. He also stated he would like Council approval to register for a two day workshop for grant writing. He reported that Bob Amelung has been working on the Riverdale website and we ordered a domain name and host which will cost \$6.95 per month. He then stated the Planning Board has retained an attorney for the Dube lawsuit and asked if the governing body can put a cap on the amount they spend. Borough Attorney Oostdyk replied we could not, but they have responsibilities to keep within their budget. The Mayor stated that one of the police officers asked if we could pass an ordinance to make it illegal for an employer or landlord to hire or rent to illegal aliens. Borough Attorney Oostdyk stated he would look into it.

WORKSHOP COMMITTEE REPORTS:

Councilman Carelli reported Linda Roetman has taken on the added responsibility of secretary to the Shade Tree Commission and he will discuss a stipend or salary with Councilwoman Bush to be proposed at the next meeting. Mayor Budesheim requested a report of activities of the Commission. Councilman Carelli reported there have been two meetings and a representative from JCP&L has worked with them on a plan for trimming trees around power lines on Cedar Street.

Councilman Falkoski reported that when prices are available for new vehicles he would move to purchase two vehicles with the \$37,700 donation that has been received for that purpose. He also reported a request to authorize hiring three part-time dispatchers and one matron who would get paid only when they are called in to work. He then stated he would like to dispense with the state exam and schedule our own exam and interview on September 29th at 10:00 a.m. for the two candidates qualified for promotion to sergeant.

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

- 11) Resolution to eliminate the state examination requirement and authorize scheduling an examination and interview on September 29th at 10:00 a.m. for the two candidates qualified to be promoted to sergeant.

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

Councilman Falkoski stated they would like to purchase a Stalker radar unit for car No. 153 with funds from the DWI account. He also asked whether consideration has been given to the Fire Department's request to utilize certain services of the secretary to be hired for the DPW. Mayor Budesheim stated we were not going to hire anyone in the near future. Borough Clerk Talerico stated the fire alarm letters could be sent by the front office. Councilman Falkoski stated he had a Fire Prevention and Safety grant application for the grant writer. He also stated the Court has requested the file cabinets in the Courtroom be relocated to allow more room.

Mayor Budesheim announced that Lt. Peine and Sgt. McIntosh might possibly be going to Mississippi to provide relief.

WORKSHOP COMMITTEE REPORTS (continued):

Councilman Guis requested a purchase order be authorized for GIS developments and work on the sidewalk master plan.

Councilwoman Bush reported that the position of DPW Superintendent is becoming more administrative and we have no one in a supervisory role in Walter's absence. She and Councilman Guis have investigated the structure of DPW departments in other towns and reviewed job descriptions for a working foreman. Councilman Guis stated the importance of having someone in a working foreman position at this time and asked the governing body for support in working towards offering this position to an individual in January. Councilman Falkoski asked for a table of organization showing the structure of the DPW now and as proposed. Councilman Guis asked if approval of the Shade Tree Commission is required for the DPW to trim trees. Councilman Carelli stated it was not but they should advise Linda Roetman if a tree needs to be removed.

Councilman Astarita reported an air conditioning compressor in the library failed and Roy Eck did an assessment of the system. The cost for replacement of the 48,000 BTU unit is \$2,650. He stated the 60,000 BTU unit is indicating excessive wear and could last from 6 months to two years. If it were replaced after January 1st we would have to get a higher efficiency rated unit and change the air handler that would add about \$2,000 to the cost.

NEW BUSINESS:

- 1) Review of Model Development Fee Ordinance. (copy distributed to Mayor & Council).

Mayor Budesheim stated this ordinance would be introduced at the next meeting. There was discussion regarding clarification of the definition of developer.

RESOLUTIONS:

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

- 1) **Resolution No. 42-2005, 43-2005 & 44-2005;** Refund of Tax Overpayments.
- 2) Resolution to authorize the auctioning of 1987 Dodge Mason Dump with snowplow with a minimum bid of \$4,000.
- 3) Resolution to declare Police Car 152-2001 Crown Victoria VIN#2FAFP71W11X113286 as scrap.
- 4) Resolution authorizing the submittal of New Jersey Highlands Council Application for Planning Assistance Grant, for Third Round COAH Housing Plan.
- 5) **Resolution No. 45-3005;** to approve Proposal for Professional Planning Services for Third Round COAH Application – with Michael Kauker, P.P. (copy distributed to Mayor & Council).
- 6) Resolution to approve payment to LaGuardia Associates in the amount of \$9,675.00.
- 7) Resolution to authorize a check in the amount not to exceed \$700 for the employee picnic.
- 8) Resolution to authorize the Mayor to attend a grant writing course at a cost of \$299.00 plus expenses.
- 9) Resolution to approve payment for the website domain name RiverdaleNJ.com at a cost of \$166.80 for 24 months.

RESOLUTIONS (continued):

- 10) Resolution to appoint James Nolan, Mildred Steers and Joan Ellen as part time dispatchers and Lisa Robitelli as part time matron for the Riverdale Police Department on an as-needed basis.
- 12) Resolution to authorize the purchase of a Stalker radar unit utilizing funds in the DWI account at a cost of \$2,897.
- 13) Resolution to authorize a purchase order to be issued for GIS development and sidewalk master plan in the amount of \$15,000.
- 14) Resolution of support to restructure the DPW and create a working foreman position effective January 1, 2006.
- 15) Resolution to authorize the purchase of a replacement air conditioning compressor for the library at a cost of \$2,650.

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 111-A, 111-B, 111-C & 111-D**PUBLIC PARTICIPATION:**

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

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

Mayor Budesheim announced that reporter Dot O'Connor is retiring and this is her last meeting in Riverdale. He stated that she has been a great friend and thanked her for all she has done for the town.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:45 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

ORDINANCES (continued):

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

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, **RESOLVED** that Ordinance No. 15-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 113-A

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

ORDINANCE 17-2005**ORDINANCE AMENDING CHAPTER 26 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE ENTITLED "FIRE DEPARTMENT"**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 113-B

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

ORDINANCE 18-2005**ORDINANCE AMENDING CHAPTER 162 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE ENTITLED "VIOLATIONS AND PENALTIES" AND PROVIDING ADDITIONAL PENALTIES FOR REPEAT OFFENDERS**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 113-C

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

ORDINANCE 19-2005

ORDINANCES (continued):**AMENDMENT TO ORDINANCE NO. 1-2005 ORDINANCE ESTABLISHING SALARIES OR WAGES OF OFFICIALS AND EMPLOYEES OF THE BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 114-D**RESOLUTIONS:**

- 1) Councilman Carelli set forth the motion, seconded by Councilwoman Wetzel, to approve Payment of Claims and additional invoices:
- | | | |
|---------------------------------------|---|--|
| Sports Factory | - | \$ 480.00 – Toddler Soccer |
| Sports Factory (2 nd Pmt.) | - | \$ 480.00 – Toddler Soccer |
| Continental Airlines Arena | - | \$1,470.00 – Disney on Ice |
| Group Sales Box Office | - | \$2,584.00 – Theatre Trip |
| Powder Mill Development | - | \$2,817.99 – Snow Removal |
| Roy Eck | - | \$ 175.00 – Air Conditioning Diagnosis |

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

COPY OF BILLS LIST IN FULL ON PAGE NO. 114-E

Councilman Falkoski asked for clarification of resolution No. 6. Building Inspector Joe Montemarano explained the need for an additional 4-wheel drive vehicle to perform inspections at the various construction sites. There was council discussion regarding the need to purchase a vehicle. Councilman Falkoski stated his concern is what will happen if we continue to spend money in this manner. He asked Councilman Carelli if he could prepare a spread sheet to show where the money is coming from. Mayor Budesheim stated the money is coming from building permit fees which amount to over \$800,000 and by state law we have to provide a vehicle. Councilman Carelli said he could provide a spreadsheet. Councilwoman Wetzel stated that unless there's an emergency situation these matters should be discussed at a workshop meeting prior to voting. There was additional discussion regarding the need for a new vehicle, where and when it would be used, and the emergency appropriation.

Councilman Falkoski then asked for clarification of Resolution No. 7. Borough Clerk Talerico stated the Plenary Retail Consumption License is for Brinker, which is Chili's restaurant, and was approved by the state for renewal as a pocket license and now needs to be approved by the council.

Councilwoman Wetzel then stated that the Building Inspector also works for other municipalities and if we purchase the vehicle it should only be used for inspections in Riverdale. Councilman Guis stated that the Building Inspector responds to our construction sites from various locations and this would be his vehicle for day-to-day use. There was council discussion regarding the use of the vehicle and there was disagreement as to whether the Building Inspector should be able to take the vehicle home and to his jobs in other municipalities. Mayor Budesheim stated that we provide vehicles to the Police and Fire Chiefs, Assistant Fire Chief and DPW Superintendent and this would be no different. Councilwoman Wetzel stated that perhaps we should look into whether we

RESOLUTIONS (continued):

should be providing vehicles to so many people. It was decided that the vehicle would be used strictly for inspections in Riverdale.

Borough Clerk Talerico reported that the lowest bid for the Senior Center was \$995,000 and the recommendation of the Borough Engineer is to reject the bids received.

Councilman Guis reported on the work planned for the DPW yard project.

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

- 2) Approval of escrow payments for various engineering fees as follows:

a) Kauker, Gregory & Kauker	TCR Development	\$ 1,500.00
b) Darmofalski Eng., Inc.	TCR Development	\$ 791.00
c) Anderson & Denzler Assoc.	D.R. Horton	\$ 1,780.90
d) Anderson & Denzler Assoc.	Riverdale Crossing	\$ 497.88
- 3) Approval of Holiday Tree Sales by RBA & James Castiglione at AtoZ Towing property on Hamburg Turnpike.
- 4) Appoint Vincent Pelligrini as a salaried 4 hour per week employee as inspector/code enforcement at an annual salary of \$7,280.00
- 5) **Resolution No. 46-2005;** Emergency Appropriation.
- 6) Resolution to approve the purchase of a 2005 Jeep in the amount of \$19,679.00 for the Construction Department, marked for Code Official use, strictly for inspections only in Riverdale.
- 7) **Resolution No. 47-2005;** to approve the renewal of Plenary Retail Consumption License No. 1433-33-005-007 for the license year 2005-2006. This license was before the NJ Office of the Attorney General for a Consent Order, which was approved by it on September 13, 2005, and passed on to this issuing authority for renewal.
- 8) Resolution to approve check issuance for various items to be purchased for the Saturday Street Fair at a maximum amount of \$2,000.
- 9) Resolution to declare the bids for the Riverdale Senior Community Center as unacceptable and rejected due to the bids being higher than funds available for this project.
- 10) Resolution to authorize a rehab and security project at the DPW yard behind the firehouse at a cost of \$25,000 to \$27,000.
- 11) Resolution to authorize spending up to \$3,500 from Celebration of Public Events budget for Fright Night. Donations will be solicited to offset spending.
- 12) Resolution to authorize the purchase of a sign from Lightning Signs at a cost of \$189.00 for advertising for events.

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 115-F AND 115-G**BOROUGH CLERK REPORT:**

No Report.

BOROUGH ATTORNEY REPORT:

Borough Attorney Oostdyk stated he has one item for discussion in closed session.

MAYOR REPORT:

Mayor Budesheim reported the Morris County Open Space Trust Fund Committee would be coming on Tuesday, September 27th at 4:50 pm. He reminded everyone of the invitation to the Riverdale School's 75th anniversary.

COMMITTEE REPORTS:

Councilman Falkoski reported that the Passaic River Basin Alliance and the DEP published a notice of phase I of total maximum daily load study for the Passaic River Basin. He stated it is intended to protect the Wanaque Reservoir by eliminating algae blooms and will require the wastewater treatment plants to remove phosphorous from the water. He said the estimated costs will be astronomical and could theoretically be passed down to the users. He also stated the Stormwater Management rules have been changed and require 80% of the phosphorous be removed from storm water. He stated that he provided this information to Borough Engineer Paul Darmofalski to assess the possible impact on us. He then reported that the Police Chief would be on vacation from October 3rd to October 7th and Lt. Roemmele will be in charge of the department. He also reported that Lt. Peine and Sgt. MacIntosh left for the New Orleans area this morning.

Councilwoman Wetzel reported on the street fair and thanked the Mayor for the artwork for the advertisement. There are 59 vendors to date and they are still coming in. New this year will be a chili contest with prizes. She then read a note of appreciation from the Bird family for the concert series. She stated the next event would be fright night.

Councilman Astarita reported that we are waiting for the new air conditioner for the library and it will be installed when it arrives.

Councilwoman Bush reported she would have DPW job descriptions for the next workshop.

PUBLIC PARTICIPATION NO 2:

Assistant Fire Chief Mike Norton asked about the additional repairs that are needed for the Assistant Chief vehicle. Councilman Falkoski stated the needed repairs were brought to the Council's attention at the last meeting. He said the decision was made to maintain the vehicle with the exception of repairing the speedometer. Mr. Norton stated the broken speedometer jeopardizes the department and the community and should be addressed. He also asked whether the bodywork could be done to repair the holes in the trunk so they can add the new radio equipment. Councilman Guis stated he would look into repairing the trunk on Thursday or Friday. Councilman Falkoski stated that he has always responded to the fire department and brought matters to the council. Mr. Norton asked Councilman Falkoski to visit the firehouse and keep the lines of communication open. Councilman Falkoski said he would make it a point to do so. Councilwoman Bush stated she was pleased to see Fire Chief Pat Cleary and our fire truck at the Morris County September 11th service she attended.

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

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

CLOSED SESSION:

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

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

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

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

Councilman Falkoski stated the exam for the sergeants has been scheduled for September 29th at 10:00 a.m. He also stated Patrolman Biro has a leg injury and will be out for a few weeks.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:20 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

CLOSED SESSION**CONTRACTUAL NEGOTIATIONS:**

Borough Attorney Robert Oostdyk stated the Mayor received a letter from the attorneys for the owners of the Glenburn Estate (Van Ness) property indicating they would break off discussions. Mayor Budesheim stated he had heard they were obtaining demolition permits and asking for mark outs for the utilities. He stated that he phoned John Soojian who said they had read articles in the newspaper and when they heard we changed the name they decided to tear it down. Borough Attorney Oostdyk stated that he contacted their attorney, Mr. Vogel, and he told him they became upset upon receiving a letter from the tax collector that taxes were not paid. He stated that they are concerned that if the borough does not purchase the property, they will be responsible for a tax bill for property they did not have the ability to use. He also stated they don't feel they should have to pay a sewer capacity charge if the borough purchases the property but they do want the capacity if the borough does not purchase the property. Mr. Oostdyk stated they raised a legitimate point since they are not moving forward with development and they have no guarantee that we are going to purchase it. They want to know that if we don't purchase the property from them, we will do something to deal with the carrying costs. He stated the only way to do that is to enter into a contract to purchase it and agree to pay some amount even if our funding doesn't come through.

Mayor Budesheim stated that they only received their final approvals from the county a few months ago. He also stated that Mary Greco owed the town \$75,000 for sewers at the time of closing which the owners agreed to assume and we should get that amount back. The Mayor also stated they do not have the approval for the traffic light so they do not have Planning Board approval. Borough Attorney Oostdyk stated the question on the table now is do we enter into an agreement that gives them something in this interim period until we find out whether funding is in place. He stated we are asking them to keep the property on the market and leave it status quo for a period of time. He then stated that an agreement would also protect us since there is no binding obligation for them to sell it to us for the price we think.

Mayor Budesheim stated that Jerry Vogel had said at the hearing that the project couldn't work without a traffic light and if we don't allow the traffic light it will be back to a \$950,000 piece of property, not \$2,600,000. He also stated we would find out if we will get the grant in November. Borough Attorney Oostdyk suggested we could start negotiating a contract with them and forgive the owed taxes. Mayor Budesheim said we should not forgive the taxes and there was council discussion regarding the matter. Mr. Oostdyk stated we could propose terms of a purchase price contingent on financing that we believe will be in place by the end of the year. Mr. Oostdyk also stated that it takes a long time to get Green Acres money. It was agreed the Borough Attorney would advise the property owner that we would start working on a contract with them.

BOROUGH CLERK REPORT (continued):

November 21st Council Meeting. This will be determined when proof of noticing and advertising is proven to the Clerk. Mayor Budesheim stated that we would schedule it for November 21st. Deputy Clerk Forbes then reported approval was needed to authorize payment of a \$200 deposit for the haunted hayride for Fright Night and escrow payments for various engineering fees to Darmofalski Engineering.

BOROUGH ATTORNEY REPORT:

No report.

BOROUGH ENGINEER REPORT:

Borough Engineer Darmofalski reported that at the next meeting we should have the fair housing element adopted by the Planning Board for action by the Council prior to submission to COAH for round III. He explained the Planning Board's recommendations for overlay zones for patio homes and a medical or group home development to satisfy the COAH obligations. There was discussion regarding the COAH obligations

Mayor Budesheim stated that he received a complaint that the quarry is crushing rock as late as 10:00 p.m. and there are backup alarms all night long. He advised the resident to call the police department. Borough Engineer Darmofalski stated he would notify the quarry that we had received complaints. He also reported we need to ask for time extensions on our Community Development grants due to the bids on the Senior Community building being rejected twice.

MAYOR REPORT:

Mayor Budesheim reported that next year the P.B.A. contract goes to the 3.9% rate and we will need to exceed the 2.5% cap. He stated that we should use any money left over at the end of the year to pre-order for next year. It is important for each department to use purchase orders. He also reported that one of our dispatchers is in the Marines Reserve and has been called to leave for Iraq on December 1st. He explained that he would have to leave work for four months of training at minimal pay until he begins receiving combat pay in Iraq. There was discussion and it was agreed to give him credit for accumulated sick and vacation days and pay him through the end of December. The Mayor then reported that we would probably get the JCP&L property for the ice rink. There was discussion regarding the vandalism last year and possibly replacing the gravel with asphalt. Mayor Budesheim then reported on our sewer allocation needs and negotiations with Lincoln Park. He stated TCR needs 100,000 gallons and we need 150,000 based on the sewer master plan for the residential areas. The 250,000 gallons would cost \$6,250,000 and Lincoln Park needs an answer in the next few days. He stated Kinnelon has 50,000 gallons available but that is not enough. Ashvani Chuchra from TCR was present and reassured the Council of his commitment to purchase 100,000 gallons for \$4,000,000. The Mayor stated we would have to pass an ordinance to appropriate \$2,250,000 for our share and it is possible that Butler will buy 50,000 gallons at \$25.00 per gallon. He said that if we want to finish the redevelopment of Riverdale and provide sewers for the rest of the residents this is probably our last chance. Councilman Falkoski asked where the \$2,250,000 would come from and if we would still be committed if the TCR project does not get DEP approvals. Borough Attorney Oostdyk explained how we would bond the money and the bonds would be paid through future connection fees. Mayor Budesheim stated there would be contingencies built in.

WORKSHOP COMMITTEE REPORTS:

Councilman Carelli reported he sent everyone e-mail listing employee salaries to prepare for next year's budget.

Councilman Falkoski reported that the Assistant Fire Chief's vehicle has been repaired except for the speedometer. He also reported there was a recall on the ladder truck and it has been repaired. He reported they had the exam for the position of Sergeant in the Police Department and both Patrolmen Biro and Keil qualified. He stated that Patrolman Biro will be filling the position and he will be sworn in at the next meeting. He also stated that Lt. Peine and Sgt. MacIntosh have returned from New Orleans. He read the Zoning Officer's report for September.

Councilman Guis reported there are two new employees in the DPW Department and the DPW yard renovation is going well.

Mayor Budesheim announced our new website is riverdalenj.com and is progressing.

Councilwoman Wetzel reported that the street fair went well and thanked Linda Forbes, Inez Mangelli and Gail Matano for their help. She stated that we would like to make it an annual event and increase the crowd. She reported on the chili contest and other various activities. She also stated that Fright Night would be held on Sunday, October 23rd from 5:00 to 9:00 p.m. She reported that a letter was received from a professional dog walker from Pompton Lakes requesting consideration of a local dog park. She passed out information on area dog parks and there was discussion regarding the pros and cons of starting one in Riverdale. It was decided to obtain the opinion of the residents and various means were discussed such as the website, Riverdale magazine and mailing notices with dog license renewals.

Councilwoman Bush distributed copies of a job description for DPW Foreman for review. She also requested a monthly report that would include a head count by department to assist the Personnel Committee with filling vacancies.

RESOLUTIONS:

Mayor Budesheim stated that the sewer gallonage payment to Lincoln Park would be paid over three years at no interest.

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

- 1) **Resolution No. 48-2005;** Authorize the Mayor to endorse the TWA application for Riverdale Crossing treatment works, as recommended by Water/Sewer Engineer, William Ryden.
- 2) Resolution to approve payment of a \$200 deposit to Haunting Concepts for Haunted Hayrides for Fright Night.
- 3) Approval of escrow payments for various engineering fees as follows:

a) Darmofalski Engineering	Majestic Homes/Beazer	\$ 904.00
b) Darmofalski Engineering	TCR/Horton	\$14,666.00
c) Darmofalski Engineering	K&K Developers	\$12,325.00
- 4) Resolution authorizing the Mayor to advise the Borough of Lincoln Park that Riverdale is committed to purchasing 250,000 gallons of sewer allocation at a cost of \$6,250,000.
- 5) Resolution to appoint Robert Nichols and Joseph Perillo as DPW Utility Persons at a salary of \$12.00 per hour effective September 22, 2005 to be increased to \$13.00 per hour after a favorable review in six months.

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 122-A

PUBLIC PARTICIPATION:

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

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

CLOSED SESSION:

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

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

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

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

Borough Attorney Oostdyk stated that during closed session further proceedings of the contract negotiations for the purchase of the Van Ness house were discussed and it was determined that until we have a decision regarding funding we will not entertain a contract or any consideration with the property owner.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:50 p.m.

APPROVED:

Respectfully Submitted:

 William Budenheim, Mayor

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

CLOSED SESSION**CONTRACTUAL NEGOTIATIONS:**

Borough Attorney Robert Oostdyk stated we are trying to hold off as long as we can to make a commitment on the purchase of the Van Ness property. He stated the owners are asking us to waive taxes during this interim period, to waive sewer connection fees and to commit that if this does not go through we would support their application for a traffic light. Mr. Oostdyk said he told Mr. Vogel the traffic light is an inappropriate subject for the governing body as consideration for a contract deal. He said he believes there is a split between the owners of the property and they are beginning to make threats that if we don't do something they will take down the house. He stated that they want us to make a commitment to waive their tax liability. Mr. Oostdyk stated we could tell them we can talk about a contract after we receive a decision in November and until then we are not willing to waive anything. He said the risk we take is that they no longer want to sell it to us. Mayor Budesheim stated they disconnected the gas and are disconnecting the utilities. There was discussion regarding why we should not waive the tax liability. Mayor Budesheim stated he would like to get the purchase price of 2.6 million on record. Mr. Oostdyk stated there is no contract and they have no legal commitment to that price or to sell it to us. There was discussion regarding the possible price they could ask. Mr. Oostdyk stated that it would have to be a voluntary deal as condemnation is a huge risk. Mayor Budesheim asked about our legal position if we were to deny the traffic light and if we could then deny the application. Borough Attorney Oostdyk stated the Planning Board would hear the application again and decide whether it is feasible and safe without the traffic light. It was decided the Borough Attorney would advise the property owner that we will talk about completing a contract for a purchase price of 2.6 million when we find out we are getting the funding from the county. He also stated it will probably take a year to get the funding from Green Acres completed so that we can close. He said that we could enter into a contact based on the commitment for funding and be prepared to tell them that during the period while we are waiting to close we will waive the taxes and pick up their carrying costs.

ORDINANCE 17-2005**ORDINANCE AMENDING CHAPTER 26 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE ENTITLED "FIRE DEPARTMENT"**

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 Councilman Carelli, to close the public session.

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, **RESOLVED** that Ordinance No. 17-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 125-A

2) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 18-2005**ORDINANCE AMENDING CHAPTER 162 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE ENTITLED "VIOLATIONS AND PENALTIES" AND PROVIDING ADDITIONAL PENALTIES FOR REPEAT OFFENDERS**

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.

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, **RESOLVED** that Ordinance No. 18-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 125-B

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

ORDINANCE 19-2005

AMENDMENT TO ORDINANCE NO. 1-2005 ORDINANCE ESTABLISHING SALARIES OR WAGES OF OFFICIALS AND EMPLOYEES OF THE BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS

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 Councilman Guis, to close the public session.

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 19-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 126-C

RESOLUTIONS:

- 1) Councilman Carelli set forth the motion, seconded by Councilman Astarita, to approve Payment of Claims.

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

COPY OF BILLS LIST IN FULL ON PAGE NO. 126-D

Borough Clerk Talerico reported that resolution No. 6 is being rescheduled for January 2006.

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

- 2) Approval of escrow payments for various engineering fees as follows:
- | | | |
|------------------------------|--------------------|-------------|
| a) Paul Darmofalski, P.E. | K&K Developers | \$ 3,344.00 |
| b) Paul Darmofalski, P.E. | Beazer Homes | \$ 2,124.00 |
| c) Paul Darmofalski, P.E. | D.R. Horton | \$11,494.00 |
| d) Anderson & Denzler Assoc. | D.R. Horton | \$ 533.00 |
| e) Anderson & Denzler Assoc. | Riverdale Crossing | \$ 965.14 |
- 3) **Resolution No. 49-2005;** Redemption Tax Title Liens:
- | | | | | |
|----------|---|--------------------|---|-------------|
| a) #3-01 | - | Block 19 Lot 13.01 | - | \$12,214.85 |
| b) #2-02 | - | Block 19 Lot 13.01 | - | \$10,343.51 |
- 4) **Resolution No. 50-2005;** Refund of tax interest - \$9.15.

RESOLUTIONS (continued):

- 5) Approval of the release of \$360 to Furia Roofing balance due for work done on the borough garage project.
- 7) Authorization of the submittal of a grant application by the Riverdale Fire Department to the Department of Community Affairs for the automatic external defibrillator program.
- 8) Authorization of the submittal of an application to the Morris County Soil Conservation District for a NJPDES permit to be endorsed by Mayor Budesheim for the Riverdale Senior Community Center.
- 9) Approval to declare the following borough property as surplus and not longer of use to the Borough of Riverdale DPW department.
 - a) File cabinet - Tag No. 000425
 - b) File cabinet - Tag No. 000466
- 10) Resolution to authorize payment of \$1,095.79 for balance due for Fright Night and \$166.80 refund to William Budesheim for website domain set-up fee.

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 127-E AND 127-F**BOROUGH CLERK REPORT:**

Borough Clerk Talerico reported that Beazer Homes has reapplied for their soil mining permit and the public hearing has been scheduled for November 21st.

BOROUGH ENGINEER REPORT:

Borough Engineer Darmofalski reported that the Planning Board adopted the Fair Share Housing obligation under the new COAH regulations. He stated we have an obligation to apply for certification from COAH by November 3rd. He stated that everyone received a copy of the plan and he gave a brief presentation. Borough Attorney Oostdyk stated that we need to adopt a resolution authorizing an application to the Council on Affordable Housing and supporting the plan adopted by the Planning Board. Mr. Darmofalski stated that we have the right to petition COAH for modification to the plan.

Mayor Budesheim announced the meeting was open to the public.

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

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

Mayor Budesheim reported that we received the \$7,500 Planning Assistance grant from the county for third round COAH. Borough Engineer Darmofalski stated that we need to apply for extensions on the grants for the Senior Community Center and sewer extension projects. Mayor Budesheim reported we are receiving calls from the bidders and non-bidders who are interested in the Senior Community Center project. Borough Attorney Oostdyk stated the statute requires we at least bring in all of the bidders and make no major changes to the project design. We can also bring anyone else and we have leeway in deciding how we want to negotiate. There was discussion regarding how to proceed with negotiations. It was decided the Borough Engineer would prepare a letter to the bidders advising them we will begin negotiations. Mayor Budesheim stated the price has

BOROUGH ENGINEER REPORT (continued):

increased for the sewer extension. Mr. Darmofalski stated the prices have gone up significantly since we made the application. He recommended we design and get permits for the entire project and do what we can afford to do. Mayor Budesheim reported that JCP&L wants to put the Rock Creek street lighting bills in our name. There was discussion regarding the matter. Mayor Budesheim then reported that he received pictures of missing stop signs at Home Depot. Mr. Darmofalski stated that is a zoning issue. There was discussion regarding the release of money from the Rock Creek restoration bond. It was decided to notify Rock Creek and schedule a hearing on November 21st on defaulting on their bond.

MAYOR REPORT:

Mayor Budesheim reported that Morris County is having a demonstration and ribbon cutting for the Morris County Integrated Justice Information System on October 26th at 11:00 a.m.

COMMITTEE REPORTS:

Councilman Carelli reported that the departmental budgets were e-mailed to everyone and passed out copies of the salary proposal work sheet.

Councilman Falkoski stated that a report from the Fire Department had been e-mailed to everyone regarding equipment maintenance. He also stated there was a question regarding the method of installation of radios for emergency vehicles and he will find out the cost to have it done correctly. He reported that the Fire Department is also requesting an additional stipend to cover the tax on the clothing allowance. There was discussion regarding the matter. He then reported on the Municipal Court Report for the month of September. Mayor Budesheim reported that the Judge wants to change court night to Tuesday due to problems caused by several other towns in the area having court on Wednesdays. Board of Health and Shade Tree Commission will have to change their meeting day. Councilman Falkoski read letters from Chief of Police Mark Knoll of Roxbury Township commending Lt. Peine and Sgt. McIntosh for their performance while assigned to the Morris County Strike Team in New Orleans. He also reported he received prices for the new vehicles for the Police Department.

Councilman Guis reported on the work at the DPW yard.

Councilwoman Wetzel encouraged everyone to attend Fright Night from 5:00 to 9:00 on Sunday.

Councilman Astarita reported that there are several leaks in the library. He will report back after having roofers evaluate the problem.

Councilwoman Bush reported the DPW Superintendent approved the DPW Foreman job description. She asked that the Borough Attorney and Council advise if there are any concerns. She thanked Councilman Carelli for his head count report.

Mayor Budesheim reported that the Riverdale Magazine ran into problems and the Riverdale Newsletter will go out monthly. An advertiser will pay for printing and postage. It will be mailed on the first Wednesday of the month and any news to be included should be sent to the Mayor by the fourth Monday of the month.

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

RESOLUTIONS (continued):

- 11) **Resolution No. 51-2005;** Endorsing the Housing Element and Fair Share Plan as adopted by the Riverdale Borough Planning Board and petitioning the New Jersey Council on Affordable Housing for Substantive Certification.
- 12) Authorizing the Borough Clerk to notify Rock Creek Crossing that a hearing is scheduled for November 21, 2005 on default of their bond.

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 129-G

PUBLIC PARTICIPATION NO 2:

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

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

CLOSED SESSION:

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

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

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:50 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

CLOSED SESSION**DUBE PROJECT LITIGATION - COUNCIL VS. RIVERDALE PLANNING BOARD:**

Borough Attorney Robert Oostdyk reported on a conference with the Judge that he said was an opportunity for the parties to review the status and issues and get feedback from the Judge. He stated the Judge informally determined that Riverdale does have jurisdiction to challenge the Planning Board because we have property within 200 feet and also because of the issue of interpretation of the zoning ordinance. One of the issues is whether or not the correct variance was applied for and if the board treated it as the correct type of application. He stated that both the board attorney and engineer were conflicted out when this came before the board and people who were not as familiar with Riverdale's ordinance advised them. The attorney who filled in opined that it was not a use variance. Mr. Oostdyk stated that he thinks it should have been treated as a use variance. If the Judge determines it should have been treated as a use variance the matter will go back to the board and the case will end. If the Judge agrees that it was not a use variance it will proceed to a challenge to the board's decision.

Councilman Astarita asked what we are trying to accomplish and whether it can be done without any more expenditures. Borough Attorney Oostdyk stated that if he is to appeal the decision of the board it cannot be done without further expenditures. There is a hearing coming up in December and he recommends we re-examine at that time what we want to do. He stated the first level is to determine whether our ordinance really allows an isolated warehouse use. He also stated our ordinance is not well worded in describing those zones and should be reviewed once we get through this project. Mayor Budesheim stated he does not feel the town was properly represented in this matter.

PROPERTY ACQUISITION – DESTEFANO PROPERTY:

Mayor Budesheim stated we are negotiating to lease the DeStefano property on Route 23 south and pave it for the use by the State Police to do truck inspections twice a week. He stated that we tried to eliminate the property taxes in lieu of paying rent but we cannot do that. He said that Mr. DeStefano stated he tried to sell the property to Viacom for \$90,000 and they offered him \$60,000. The Mayor stated he did some math and the taxes on the property are about \$2,100 per year and \$400 goes to the county. There are 8 years left on the lease with the billboard company, which generates \$58,000 in income, and our share of the property taxes would be about \$15,000 over that period. He stated it would be about a \$43,000 net profit to the town if we bought it. They would be making about \$40,000 after taxes over the next 8 years from rent. He suggested an offer of \$65,000 and stated that after 10 years of ownership with rental it will be all profit. The Mayor asked for the feeling of the Council regarding the possible purchase of the property. There was discussion regarding the matter and it was agreed the Mayor should proceed with negotiations to possibly purchase the property.

The workshop meeting of the Borough of Riverdale Mayor and Council opened on the above date at 7:35 p.m.

Mayor William Budesheim presiding.

ROLL CALL: **Present:** **Bush, Wetzel, Guis, Carelli, Falkoski**
 Absent: **Astarita (business trip)**

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

PUBLIC PARTICIPATION NO 1:

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

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

UNFINISHED BUSINESS:

- 1) Resolution to authorize the salary for Linda Roetman as Shade Tree Committee secretary per salary range as established in amendment to salary ordinance #19-2005. The range being \$1,200 to \$2,400 per year. The amount has not yet been determined.

Councilman Carelli stated that Linda Roetman has taken on the position of secretary to the Shade Tree Committee that meets once per month. He proposed her salary be increased by \$1,200 per year which is consistent with her salary and duties as secretary for the Board of Health and Planning Board.

Mayor Budesheim requested that an addition be made to the salary ordinance stating that health benefits are available to all full-time employees and members of the governing body. Borough Attorney Oostdyk stated he would handle the matter.

NEW BUSINESS:

- 1) Ordinance Prohibiting Renting to and Hiring of Illegal Aliens. (copy distributed to Mayor & Council)

Borough Attorney Oostdyk provided a report that concluded that an ordinance regarding the hiring of illegal aliens is improper. Prohibiting the renting of dwellings has the potential of attracting various public interest groups and may result in litigation. There was discussion regarding the problems that occur such as the demand for housing, overcrowding in apartments, and the burden on the school system. Borough Attorney Oostdyk stated we could alternatively attack the problem from the direction of overcrowding. Mayor Budesheim stated we could require landlords who rent any type of housing to get a permit from the town. Mr. Oostdyk stated we do have the State Housing Code but it is difficult to enforce. There was additional discussion regarding the matter and who the enforcing officer should be. It was decided the Borough Attorney would work on an ordinance to require registration to prevent overcrowding in rental units.

Mayor Budesheim explained how everyone can get e-mail at home by going to the website riverdalenj.com.

CORRESPONDENCE:

- 1) John Paparazzo, Municipal Judge, requesting the change of court dates to the first three Tuesday's of the month due to conflicts. (copy of letter distributed to Mayor & Council)

Councilwoman Wetzel stated the Board of Health did not anticipate a problem changing their meeting date to the last Tuesday of the month. The Shade Tree Commission will also select an alternate day for their meeting.

- 2) Certificate of Determination and Award for Bond Anticipation Note due and renewed on November 3, 2005 in the amount of \$4,425,000. (copy distributed to Mayor & Council)

Mayor Budesheim stated this was to renew the note for another year at 3.25%.

- 3) From Cheryl Bartow, Director of the Morris County Community Development advising that the Borough of Riverdale has been granted an extension to the Time of Performance for Senior Center and the Hamburg Turnpike Sewer Extension to June 30, 2006.

Mayor Budesheim stated that a new logo is being designed with a slogan calling Riverdale the Gateway to Morris County. He passed out samples of new stationery.

Mayor Budesheim reported that he received a letter from Captain DeStefano's attorney regarding negotiations to purchase his property on Route 23. They are asking for \$75,000. There was discussion regarding the value of the property and it was decided to maintain our offer of \$65,000.

Mayor Budesheim then reported that he had not received an answer regarding obtaining the DOT property for expansion of the municipal complex. He stated that he is waiting for a reply from the owner of the Texaco station property to find out if they are still interested in selling it for \$600,000. He stated that Ashvani said the property would be worth about \$750,000 on the market.

BOROUGH CLERK REPORT:

No report.

BOROUGH ATTORNEY REPORT:

No report.

MAYOR REPORT:

Mayor Budesheim reported that Dan Pellegrini will be receiving his Eagle Scout award at a Court of Honor to be held in the council chambers at 7:30 p.m. on Tuesday, November 22nd.

WORKSHOP COMMITTEE REPORTS:

Councilman Carelli reported he would e-mail everyone a form for the budget preparation.

Councilman Falkoski reported that there is money in the budget that was donated specifically for the purchase of police vehicles. He distributed information regarding the vehicles that will be replaced and prices for the new vehicles and equipment they would like to purchase. There was discussion regarding auctioning versus trading in the old

WORKSHOP COMMITTEE REPORTS (continued):

detective vehicle. He then reported that in 2004 Riverdale ranked No. 1 in Morris County for court revenue for traffic enforcement produced per officer at \$43,659.23. We were No. 9 in 2003 at \$20,954.56 per officer. He then asked if accessories for the Assistant Fire Chief's car could be purchased from money in this year's budget to offset costs next year. There was discussion regarding the cost of gasoline and the advantage of having money left to transfer for next year. Councilman Falkoski then reported that the Municipal Court would like to purchase an upgrade to the digital recording system. Mayor Budesheim described the benefits and stated the cost is approximately \$5,500.

Mayor Budesheim announced the funeral arrangements for Ryan Kajor, a 23 year old resident of Mead Avenue, who passed away on Saturday. He also announced that the Mayor of Wanaque passed away Saturday.

Councilwoman Wetzel reported that Fright Night was a great success and the Christmas bonfire will be December 17th.

Mayor Budesheim announced that the employee Christmas luncheon would be at Rupperts at 1:00 p.m. on December 16th.

RESOLUTIONS:

Councilman Carelli asked for clarification of Resolution No. 3 and the sewer extension project estimate. There was discussion regarding the matter and it was decided to table Resolution No. 3 pending further discussion with the Borough Engineer.

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

- 1) Resolution to authorize the following payments:

a. Mountain Creek (Michael Marotta)	Ski Program	\$3,350.65
b. Valero Marketing	Gasoline	\$5,395.82
- 2) Resolution to approve the settlement of Bank of New York Tax Appeal as follows:
 - a. The 2004 Assessment shall be reduced by \$152,300 and
 - b. The 2005 Re-Val assessment shall stand (attorney letter distributed to Mayor & Council).
- 4) **Resolution No. 52-2005;** Transfer of Appropriations.
- 5) **Resolution No. 53-2005;** Request the Governor to authorize the funding of state homeland security grants to those municipalities by-passed from receiving grant funds through statewide local domestic preparedness equipment program.
- 6) **Resolution No. 54-2005;** Authorizing the application for state aid under the Municipal Stormwater Regulation Program and designating & authorizing Mayor Budesheim to execute the grant.
- 7) Resolution to authorize Mayor Budesheim to execute the \$7,500 Planning Assistance Grant for municipal aid in preparing Riverdale's Council on Affordable Housing (COAH) third round housing element and fair share plan.
- 8) Authorizing the Borough Clerk to hold an auction for the Pontiac Grand Am police vehicle with a minimum bid of \$5,500.

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 133-A, 133-B and 133-C

PUBLIC PARTICIPATION:

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

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

ADJOURNMENT:

Councilman Guis set forth the motion, seconded by Councilman Carelli, to adjourn the meeting.

ALL IN FAVOR.

Adjourned: 9:00 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

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 William Budesheim presiding.

ROLL CALL: Present: Bush, Wetzel, Guis, Astarita, Carelli, Falkoski
Absent: None

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

APPROVAL OF MINUTES DATED: October 17, 2005 - Regular Meeting
 November 7, 2005 - Workshop Meeting

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

ROLL CALL: Ayes: Bush, Wetzel, Guis, Astarita, Carelli, Falkoski
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 Guis, that the public portion be closed.

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

PUBLIC HEARING OF BEAZER HOMES CORP. APPLICATION FOR SOIL MINING PERMIT TO REMOVE +/- 25,000 CUBIC YARDS OF EXCESS TOPSOIL, SUB-SOIL AND ROCK

Mayor Budesheim introduced Mr. Alan Frank, attorney for Beazer Homes Corp., and Rob Stout, V.P. Beazer Homes Corp.

Mayor Budesheim asked Mr. Frank and Mr. Stout if they were aware of a water main leak at their site. They replied they were not. The Mayor stated that we recently discovered and repaired a leak that resulted in an immediate water use reduction of 175,000 gallons per day. He explained that the water is purchased from Passaic Valley and over 200 days the amount owed is \$92,522.50. He stated the Borough would like the matter settled by the end of the year. Mr. Frank and Mr. Stout stated they would be in contact with Mayor Budesheim regarding the matter.

Mr. Frank explained that Beazer is building 31 homes and as a result of excavating for the basements they have 25,000 cubic yards of material that they cannot re-distribute on the site. He stated there would be about 2,000 truckloads of 12 cubic yard dump trucks and they plan to take it via Hamburg Turnpike and Route 287 to a site in Haledon. They would like to begin immediately and it would take a few months to complete. Borough Engineer Paul Darmofalski stated that is the preferred route. He stated they are bonded for road repairs and have been a cooperative contractor. He recommended their permit be granted. There was discussion regarding the operation. It was decided the hours of operation should be between 9:00 a.m. and 5:00 p.m. and the streets would be swept as instructed by the Borough Engineer.

Mayor Budesheim announced the meeting is open for public participation.

PUBLIC HEARING OF BEAZER HOMES CORP. APPLICATION (continued):

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

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

Borough Attorney Oostdyk stated there will be a provision that existing performance guarantees that have been posted will be deemed to cover this project.

Thereupon, Councilman Guis set forth the motion, seconded by Councilwoman Wetzel, to grant the Soil Mining Permit to Beazer Homes Corp. with the provisions as stated.

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

RESOLUTIONS:

- 1) Councilman Carelli set forth the motion, seconded by Councilman Astarita, to approve Payment of Claims.

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

COPY OF BILLS LIST IN FULL ON PAGE NO. 136-A

Mr. Frank announced that members of the public had arrived for the Beazer soil application hearing that was advertised to begin at 8:00 p.m. and he asked if they could be heard. Mayor Budesheim stated that they could be heard at this time.

Mr. and Mrs. Sky Ball, 2 Mathews Avenue, stated their concern with the number of trucks and hours of operation. They said that the original application stated everything would stay on site. Mayor Budesheim stated all activity would occur between 9:00 a.m. and 5:00 p.m.

Mayor Budesheim announced the meeting would continue with resolutions at this time.

Councilman Falkoski recommended the 2000 Pontiac Grand Am be put out for sealed bid with a minimum bid of \$5,000. There was discussion regarding keeping the car for employee use versus the cost of mileage reimbursement. Councilman Falkoski then stated the Police Department computer system needs to be updated. The cost for 3 new computers is \$2,739 per state contract.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, to approve the following resolutions.

- 2) Approval of escrow payments for various engineering fees as follows:
- | | | |
|------------------------------|--------------------|-------------|
| a) Paul Darmofalski, P.E. | K&K Developers | \$ 2,260.00 |
| b) Paul Darmofalski, P.E. | Beazer Homes | \$ 1,130.00 |
| c) Paul Darmofalski, P.E. | D.R. Horton | \$13,061.00 |
| d) Anderson & Denzler Assoc. | D.R. Horton | \$ 2,249.64 |
| e) Anderson & Denzler Assoc. | D.R. Horton | \$ 186.00 |
| f) Anderson & Denzler Assoc. | Riverdale Crossing | \$ 288.40 |

RESOLUTIONS (continued):

- | | | | |
|--|------------------------------|--------------------|-------------|
| | g) Anderson & Denzler Assoc. | Riverdale Crossing | \$ 1,218.92 |
| | h) Anderson & Denzler Assoc. | Beazer Homes | \$ 131.74 |
- 3) **Resolution No. 55-2005;** Refund of Taxes – Block 11 – Lot 5.3002 - \$199.07
 - 4) Resolution to approve a salary stipend of \$1,200 to Linda Roetman for Shade Tree Committee Secretary.
 - 5) Resolution to approve the purchase of two new police cars as follows:
 - a) 1 – 2005 Chevy Impala – 6 Cylinder - \$18,912.00 – State Contract #A45070
 - b) 1 – 2005 Dodge Charge – 8 Cylinder - \$22,137.00 – Morris County Co-op #15A
 - 6) Resolution to approve the reimbursement of the 2004/2005 snow removal to:
 - a) Powder Mill Condos - \$1,441.60
 - b) Rock Creek Crossing - \$2,832.00
 - 7) Resolution to authorize the Payroll Department to initiate payroll deductions for Police Officers who have requested such for private insurance benefits through the Police and Firemen’s Insurance Association.
 - 8) Resolution to authorize the payment of 2005 clothing allowance to the Riverdale fire department members. (list submitted to Mayor and Council)
 - 9) Resolution to approve the purchase of an upgrade to the Court/Council digital recording system in the amount of \$5,580.00.
 - 10) Resolution to authorize the Borough Clerk to advertise for sealed bids for the 2000 Pontiac Grand Am with a minimum bid of \$5,000.
 - 11) Resolution to approve the purchase of 3 Dell computers for the Police Department at a cost of \$2,739 per state contract.

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 137-B**UNFINISHED BUSINESS:**

- 1) Approval of proposed budget for the “Paterson Hamburg Turnpike Sewer Extension Project” for engineering services to be performed by Paul Darmofalski, Borough Engineer in the amount of \$78,000.

Borough Engineer Darmofalski answered questions from the council regarding the details of the work and costs required for the project.

Thereupon, Councilman Carelli set forth the motion, seconded by Councilman Guis, to approve the proposed budget for the “Paterson Hamburg Turnpike Sewer Extension Project” for engineering services to be performed by Paul Darmofalski, Borough Engineer in the amount of 15% of project not to exceed \$78,000.

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

BOROUGH CLERK REPORT:

No report.

BOROUGH ATTORNEY REPORT:

Borough Attorney Oostdyk clarified the issue of eligibility of health benefits for the governing body. He stated the ordinance contained some provisions that we have not implemented and they should be removed. One is different benefits for full-time salaried employees hired before 1989 and those hired after 1989. The other is a provision that allowed employees to opt out of insurance in exchange for payment if it was announced prior to 1991.

The Borough Clerk read Ordinance 20-2005 by title.

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

ORDINANCE 20-2005**ORDINANCE AMENDING CHAPTER 45 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 138-C

Borough Attorney Oostdyk reported that Rock Creek Crossing LLC would be noticed that the issue of defaulting them on their performance guarantee would be considered at the meeting on December 5th. He stated we are holding a total of \$210,000 pursuant to an agreement with them and this will be their opportunity to discuss why they believe they have completed the items. Mr. Oostdyk stated we should also address any escrow issues at that time. There was discussion regarding dumping and other problems at the site.

MAYOR REPORT:

Mayor Budesheim reported we received a letter from the U.S. Marine Corp advising that Corporal Hollenstein will be called to service effective December 1st. He is due to come back December 1st, 2006 and we must provide him with immediate re-employment with all rights, benefits, seniority, status, and rate of pay he would have received had he remained continuously employed.

COMMITTEE REPORTS:

Councilman Falkoski reported that the Assistant Fire Chief's car needs brakes at a cost of over \$300. Councilman Guis suggested he use the library vehicle until a new one can be purchased. The Fire Chief provided a quote on new vehicles and equipment. There was discussion regarding ways to save on the cost of equipment installation. Councilman Falkoski then reported the Municipal Court Report for the month of October.

Councilman Falkoski set forth the motion, seconded by Councilman Guis, to appoint Wayne Michael Sarf as part time dispatcher for the Riverdale Police Department.

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

Councilman Falkoski then announced a meeting has been set for 10:00 a.m. on Wednesday, November 30th, to discuss future planning for the Police Department.

COMMITTEE REPORTS (continued)

Councilman Carelli explained the booklet he distributed for the budget this year.

Councilwoman Wetzel reported she received a letter from ARC for the 2006 fair share donations in the amount of \$429 for participation in the ARC Morris Chapter. She also invited everyone to attend the first annual holiday gathering on December 17th at Independence Park.

Councilman Astarita reported he would attend the Community Development meeting on Thursday, December 1st. He also reported on several issues at the library including a problem with the heat, repair to the front steps, several leaks, basement dampness and general painting and repair. Abby Sanner has requested a maintenance plan and schedule to clarify the library's responsibilities. There was discussion regarding library repairs and maintenance.

Thereupon, Councilman Astarita set forth the motion, seconded by Councilman Carelli, to approve the purchase of a condenser for the library air conditioning unit at a cost of \$2,500.

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

PUBLIC PARTICIPATION NO. 2:

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

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

Councilman Carelli reported that the Riverdale Baptist Church came to the Shade Tree Committee with an application to cut down a large evergreen tree. Acting Chairman Vinnie Pellegrini suggested it be used as a Christmas tree in front of the Municipal Building.

Borough Engineer Darmofalksi reported negotiation meetings with the Senior Community Center contractors would be held tomorrow and Wednesday.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:05 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

The workshop 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 William Budesheim presiding.

ROLL CALL: Present: Wetzol, Guis, Astarita, Carelli, Falkoski
Absent: Bush

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

PUBLIC HEARING ON THE DEFAULT OF THE PERFORMANCE GUARANTEE POSTED IN THE AMOUNT OF \$210,000 – TO ENSURE COMPLETION OF CERTAIN IMPROVEMENTS WITHIN THE ROCK CREEK CROSSING DEVELOPMENT.

Borough Engineer Darmofalski gave a report describing incomplete items as of February 2004 including water, sewer, construction and as-builts. At that time the estimate for the cash performance guarantee for those items totaled \$210,000. After an inspection in July 2004 Rock Creek was notified of additional items, including landscaping and drainage, that needed to be completed right away or escrow funds would be used. He stated that many of the items are not complete and as-builts need to be done to continue with the procedure. Councilman Guis stated many items need work but the telemetry and condition of the road leading to the water tower needs immediate attention. Borough Attorney Oostdyk stated that we could declare a default but we have to justify what it is being released for. There was discussion regarding whether there was enough money to cover these items and whether there are any other bonds posted. The Borough Attorney stated he believes this is all we have for this development.

Mayor Budesheim announced the meeting was open for public participation.

Buzz Schull stated he is the former manager of Rock Creek Crossing LLC, which is no longer managing the property. He stated the as-builts were not provided for various reasons and the company who did the original survey is now prepared to do them. He answered questions from Borough Attorney Oostdyk regarding the road and water tower. He stated Mountain View 2 LLC owns the water towers and the Rock Creek Crossing Homeowners Association is responsible for maintaining the water system. Mr. Oostdyk stated the water and sewer system must become public.

Joseph D. Rocco, attorney for the Rock Creek Condominium Association, stated that they are concerned with the allocation of the money. He said a huge concern is that most of the money will be used for the water tank and road and there are other deficiencies. Borough Attorney Oostdyk stated the water tank and access was this developer's responsibility to the borough and the bonding money goes to public improvements. Mayor Budesheim stated the bonding money was to satisfy the needs of their community and asked what other issues they have. Mr. Rocco stated there are many deficiencies and there are other people here to talk about them.

John Meola, 35 Rock Creek Terrace, stated he is a past president of the association. He said his understanding is that when the development was completed the water tower would be turned over to the association who would then turn it over to the borough, but this was not done. He described a water leak incident stating the borough refused to come and shut the water off. He said the Mayor later told him the reason was that it is a private water tower. He said he told the Mayor the water tank is used to sell water to Home Depot and Cedar Crest to which the Mayor replied that his point was well taken. Mayor Budesheim asked when this conversation took place and he replied it was the latter part of 2002. Mayor Budesheim stated it must have been the previous Mayor. Mr.

PUBLIC HEARING (continued):

Meola stated that his position is that any problems with the tower are Buzz Schull's responsibility and any water sold to Home Depot or Cedar Crest has to come back to Rock Creek. He stated that the borough closed a private road, Timber Ridge, and he wants to know what will be done about it. He also said the association took \$375,000 in loans to repair the rock behind building C and he feels the bond money should be turned over to the association. Borough Attorney Oostdyk stated that only an entity with a state license can run a water system and we are treating it as though the borough is the owner. There was discussion regarding who owns the water tank and the property it is on. Mr. Rocco stated an objection to money being allocated toward the tank until it is determined who owns it and we understand who is responsible. Mr. Oostdyk agreed and stated it is part of the borough water system and we have to be sure it is functioning.

Buzz Schull stated all leaks have been fixed, the hydrants are working, brand new conduit has been installed and the telemetry system has been done. He stated the road to the tank was never on a list that he knew about.

Mr. Rocco distributed copies of a performance escrow agreement and read a portion of a letter dated February 2, 2004 from the Borough Engineer to Mr. Buzz Schull. It stated the final CO for building 12 and release of restoration bond cannot be completed due to the following deficiencies: incomplete water system repairs, incomplete water telemetry, incomplete final sewer inspections, final inspection of construction including grading, curbs, stormwater, paving and utilities. Carol Price, President of Rock Creek Crossing Condominium Association, commented on many of the incomplete items. She stated they have issues with grading and described a problem with storm discharge. She also stated there are areas where the macadam is sinking, broken catch basins, fire hydrants, curbing and no irrigation system and she described problems with landscaping. She said a priority is to determine the location of water shut off valves.

Borough Attorney Oostdyk stated that we all agree the developer did not meet his obligations and we need the as-builts done.

Lisa Zevin, 5 Mountain View Court, stated her concern that the metal grate covers are missing or broken on Timber Ridge.

Fran DiMaggio, 21 Rock Creek Terrace, stated her concern is that the \$210,000 will be spent before the issues are resolved. She asked what responsibility the borough will take for relinquishing a \$1,000,000 bond prematurely. Borough Attorney Oostdyk stated the bond was to protect the borough for public improvements and the \$210,000 can only be used for the issues outlined in the agreement.

Al Zecconi, Design Engineer for Rock Creek Crossing, stated his company is currently retained to do the as-builts and he understands the check has been deposited cleared. He stated the as-built survey is estimated to cost \$10,000 and should be done in the next few weeks. Borough Engineer Darmofalski stated we have been waiting for as-builts since 2004 and he believes the money should be released in case they don't follow through.

Emily Chiddo, board member, asked if Mathews Avenue could be plowed earlier. Mayor Budesheim replied that it is always the first road plowed. There was additional discussion regarding the closing of Timber Ridge Road.

Karen Maragulia, 16 Mountain View Court, asked why the public was allowed to use their private road when Mathews was closed during the summer.

An unidentified resident stated the drain system behind building 9 goes to a sewer that doesn't go anywhere and the water accumulates.

PUBLIC HEARING (continued):

There was additional discussion regarding the closing of Timber Ridge Road.

Peter Cotter, 2 Rock Creek Terrace, stated he did not feel Buzzy was credible and we should release the money and take charge of the issues.

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

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

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Falkoski, to declare a default in the performance of Rock Creek Crossing under the February 2004 agreement with the Borough of Riverdale.

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

Borough Engineer Darmofalski recommended the developer be given four weeks, weather permitting, to deliver the as-builts before we are authorized to get them done to our satisfaction.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Falkoski, to authorize \$20,000 be made available as of January 5, 2006 if, in the opinion of the Borough Engineer, the as-builts have not been satisfactorily supplied.

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

Councilman Guis set forth the motion, seconded by Councilman Carelli, to authorize the Borough Engineer to meet with the Rock Creek Condominium Association to determine a priority list of items to be completed.

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

ORDINANCES:

Councilman Falkoski asked how the adoption of ordinance 21-2005 would affect the proposed development on Riverdale Road with regard to half being age restricted and half not. Borough Attorney Oostdyk explained that our current definition is not clear. There was discussion regarding the definition and how it would affect the proposed development and future developments.

Thereupon, Councilman Guis set forth the motion, seconded by Councilwoman Wetzel, to introduce the following ordinance and moved its adoption.

ORDINANCE 21-2005**ORDINANCE AMENDING CHAPTER 168 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROVIDING FOR A DEFINITION FOR THE TERM "TRACT"**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 143-A**CORRESPONDENCE:**

- 1) From the Morris County Freeholder Board inviting the Governing Body to their annual Reorganization meeting to be held on Friday, January 6, 2006 at 6:00 p.m. in the Freeholders' Public Meeting Room on the 5th Floor of the Administration & Records Building, Morristown.

MAYOR REPORT:

Mayor Budesheim announced that dispatcher Eric Hollenstein is required to purchase his own body armor for his service in Iraq and the PBA is willing to pay for half. He suggested the Borough pay the balance which would be between \$550 and \$600. The Mayor also stated that the first aid squad has contacted us looking for an old vehicle and he suggested the Chief's old car be donated. He then stated that we have been awarded a CERT trailer for the OEM and we have to pick it up this Friday in West Trenton. The Mayor announced that Mike Paulus passed away and asked the Borough Clerk to send flowers to the family. He then stated that he met with the Kinnelon Mayor regarding our police dispatching contract and it was settled at \$30,000 per year for the next three years.

WORKSHOP COMMITTEE REPORTS:

Councilman Carelli explained the preliminary budget information he distributed for review. Councilwoman Wetzel asked for clarification of the money and grants for the Van Ness house. Mayor Budesheim explained the grant we received is for acquisition of the property. The non-profit organization will be completely responsible for restoration and repairs to the building and we can retain control of the property for open space. There was discussion regarding additional projects.

Councilman Falkoski reported on a meeting with the committee and Police Chief regarding the future plans for the Police Department. He stated they would like to eventually increase from three to four man squads and that it was unanimously agreed the department could utilize another man in the detective bureau at this time. He described the qualifications of a candidate who was interviewed for a position on the force. There was discussion regarding the position and salary. He also reported the Zoning Officer report for the month of November.

Councilman Guis reported on the DPW yard fencing and plowing this weekend. He stated that due to limited availability of manpower no work has been done on the skating rink and asked Councilwoman Wetzel if we should skip this year. She stated that for various reasons it would be better to wait until next year.

Councilwoman Wetzel reported the holiday activities are scheduled for December 17th at 7:00 p.m. at Freedom Park. She commended June Carelli for coordinating the event and for her outstanding job this year. She reported that our Health Officer, Pat Pignatelli, has advised that Lincoln Park may not replace his assistant who is retiring in April. If he is

WORKSHOP COMMITTEE REPORTS (continued):

not replaced, Pat will be needed in Lincoln Park full time and will not be available to be our Health Officer. She suggested a meeting to explore options.

Councilman Astarita reported that Walt Mahon agreed to have DPW employees do some of the cosmetic work at the library. He also stated the Community Development Revenue Sharing Committee voted that grantees with two open activities from prior program years that are under extension are ineligible to apply for a grant this year.

Borough Engineer Paul Darmofalski reported that we are waiting for two more bids on the Senior Community Center.

BOROUGH CLERK REPORT:

No report.

RESOLUTIONS:

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

- 1) Approval of VSAP Award Program payment to the Pompton Lakes First Aid Squad in the total amount of \$13,061.92. (copy of list distributed to council)
- 2) **Resolution No. 56-2005;** Emergency Appropriation – Dedicated Water Utility Budget – Operating o/e \$50,000.
- 3) Approval of employment offer, upon retirement to Charles Quant, Patrolman, Riverdale Police Department. Offer of a 30-hour workweek at a salary of \$22,500 per year and the inclusion of health benefits.
- 4) Resolution to authorize Robert Oostdyk, Borough Attorney, to initiate a contract to purchase property from Rte. 23 Associates, L.L.C. in the amount of \$65,000.
- 5) Resolution to set the 2006 Annual Reorganization meeting for January 3, 2006 at 7:00 p.m.
- 6) Resolution to authorize the purchase of body armor for Eric Hollenstein at a cost of \$550 to \$600 maximum.
- 7) Resolution to authorize donating the Police Chief's old car to the Pompton Lakes First Aid Squad.
- 8) Resolution authorizing the Mayor to sign the COAH grant application for \$7,500 toward Michael Kauker's services.
- 9) Resolution authorizing hiring Joseph A. McDermott for the Riverdale Police Department at a salary of \$31,894 per year.

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 144-B**CLOSED SESSION:**

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

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

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 10:25 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

CLOSED SESSION**PROPERTY ACQUISITION – VAN NESS HOUSE**

Borough Attorney Robert Oostdyk stated he had prepared a draft contract and was in receipt of a letter from the property owner's attorney, Mr. Vogel. He stated the letter threatens that we do it their way or they will demolish the building. One thing they are insisting on is that we waive outstanding taxes and sewer charges that amount to \$152,000. They are refusing to allow us to do any inspections of the property including phase I environmental which is required for Green Acres funding. He stated this is unacceptable. They also want to close in January and we will not have money unless we bond it.

There was discussion regarding the matter and it was decided the Borough Attorney would advise Mr. Vogel the response from the Council is no to all of the issues stated.

PUBLIC PARTICIPATION (continued):

stated that Verizon is shopping their own version of a resolution and towns that have passed it were being improperly represented that they support statewide franchising.

Councilwoman Wetzel stated that normally she would also like to hear the other side of the story; however, in this case she doesn't feel Verizon wants to come in and tell us their plan. Councilman Falkoski stated he would be more interested in reading the bills and doesn't see this as an emergency. Mr. Shaw stated that each bill is 50 pages long and there is strong support so these bills could be fast tracked through.

Thereupon, Councilman Carelli set forth the motion, seconded by Councilman Guis, to approve the following resolution.

Resolution No. 67-2005; Resolution Urging the Legislature to Reject Efforts by Telecommunications Companies to Eliminate Cable Television Municipal Consents.

ROLL CALL: **Ayes: Bush, Wetzel, Guis, Carelli**
 Nays: Falkoski
 (4 ayes – 1 nay – motion carried)

COPY OF RESOLUTION IN FULL ON PAGE NO. 148-A

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

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

ORDINANCES:

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

ORDINANCE 20-2005**ORDINANCE AMENDING CHAPTER 45 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE**

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 Councilman Guis, to close the public session.

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, **RESOLVED** that Ordinance No. 20-2005 as read on second reading at this meeting, be adopted and finally passed.

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

ORDINANCES (continued):**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 149-B**

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

ORDINANCE 21-2005**ORDINANCE AMENDING CHAPTER 168 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROVIDING FOR A DEFINITION OF THE TERM "TRACT"**

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 Councilman Guis, to close the public session.

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, **RESOLVED** that Ordinance No. 21-2005 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 149-C**RESOLUTIONS:**

- 1) Councilman Carelli set forth the motion, seconded by Councilman Guis, to approve Payment of Claims.

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

COPY OF BILLS LIST IN FULL ON PAGE NO. 149-D

Councilman Guis set forth the motion, seconded by Councilman Carelli, to approve the following resolutions.

- 2) Approval of escrow payments for various engineering fees as follows:
- | | | |
|------------------------------|--------------------|-------------|
| a) Paul Darmofalski, P.E. | K&K Developers | \$ 2,842.00 |
| b) Paul Darmofalski, P.E. | D.R. Horton | \$14,056.00 |
| c) Anderson & Denzler Assoc. | Majestic Homes | \$ 468.02 |
| d) Anderson & Denzler Assoc. | D.R. Horton | \$ 4,336.60 |
| e) Anderson & Denzler Assoc. | Riverdale Crossing | \$ 2,652.36 |
- 3) **Resolution No. 57-2005;** Transfer of Appropriations.
 4) **Resolution No. 58-2005;** Cancellation of Prior Year Outstanding Checks.
 5) **Resolution No. 59-2005;** Cancellation of Improvement Authorizations.
 6) **Resolution No. 60-2005;** Temporary Appropriations.

RESOLUTIONS (continued):

- 7) **Resolution No. 61-2005;** Debits/Credits to Taxes.
- 8) **Resolution No. 62-2005;** Debits/Credits to Taxes.
- 9) **Resolution No. 63-2005;** Refund of Tax Overpayments.
- 10) Approval to declare a welding machine, tag #000500 from the borough inventory as no longer needed due to the fact it is inoperable.
- 11) Resolution to approve Change Order #1 for the Post Lane Construction Project which totals a \$10,971.99 increase in project cost derived from \$7,590.00 supplemental, \$16,773.69 extra and \$13,391.70 reduction. (copy of change order distributed to Mayor & Council)
- 12) Resolution to approve the final payment to Tomaro Contracting Co., Inc. for the Post Lane Construction Project in the amount of \$35,210.47 which has been approved by the Borough Engineer.
- 13) **Resolution No. 64-2005;** Tax Appeal Approval – East Garden Associates. (copy of resolution distributed to Mayor & Council)
- 14) **Resolution No. 65-2005;** Tax Appeal Approval – East Garden Associates. (copy of resolution distributed to Mayor & Council)
- 15) **Resolution No. 66-2005;** Cancellation of Various Balances.
- 16) Resolution to increase Bob Cellini hours as building inspector to 25 hours per week at a salary of \$625.00 per week totaling \$32,500 per year.
- 17) Resolution to authorize additional \$4,098 to Cliffside Body Corp. for additional control required to mount new Salter.

ROLL CALL: **Ayes: Bush, Wetzell, Guis, Carelli, Falkoski**
 Nays: None
 Abstain: Falkoski (Resolution No. 9 only)
 (5 ayes – 0 nays – motion carried)

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 150-E,F,G,H,I,J,K,L,M & N**CORRESPONDENCE:**

- 1) From Cheryl Bartow, Director of the Morris County Community Development advising that the full Community Development Revenue Sharing Committee (CDRS) has approved a motion “that grantees with two open activities from prior program years that are under extensions will be unable to submit an application until the old activities are complete”. The motion was passed at the December 1, 2005 meeting. The Borough of Riverdale currently has two open extensions (Senior Center Construction as well as Sewer Extension), therefore Community Development will be unable to accept an application from Riverdale for the 2006 program year.
- 2) From Jose N. Haddock, DPW Employee tending his resignation effective Friday, December 23, 2005.

BOROUGH CLERK REPORT:

No report.

BOROUGH ATTORNEY REPORT:

No report.

MAYOR REPORT:

Mayor Budesheim reported there are three members of the police department that have longevity and they are thinking of adding the rate to their base salaries and eliminating longevity. There was discussion regarding the benefits of considering this change.

COMMITTEE REPORTS:

Councilman Falkoski reported that the Assistant Fire Chief's car has broken down again. Councilman Guis stated it would be looked at tomorrow. Councilwoman Wetzel asked why one car couldn't be shared by the Chief and Assistant Chief. It was decided to invite them to the next meeting to justify the need for the vehicle. Councilman Falkoski then reported the new breathalyzer we were required by the state to purchase has been declared by a superior court judge not be utilized to prosecute DWI's until it is certified. Therefore, most of the DWI cases coming before the Municipal Court are now on hold and it may not be resolved until the middle of the year. He also reported that detective car 157 has been advertised for sealed bids to be received on December 28th at 10:00 a.m. He then stated the Court Administrator requested a meeting with him and the Mayor to discuss going to four sessions because of the backlog. They had discussed the increase in tickets issued since 2003, money received by the court and average salaries of Judges and Administrators in Morris County. They requested an increase in the Judge's salary from \$23,690 to \$29,000, the Administrator's salary from \$44,290 to \$50,000 the Deputy Court Administrator's salary from \$3,600 to \$4,500 and the part-time clerk salary from \$11,700 to \$12,480.

Councilwoman Wetzel apologized for not making it to the Holiday bonfire and there was discussion regarding the event.

Mayor Budesheim stated we will be amending our zoning ordinance next month. Borough Attorney Jimmy Bryce explained that a section in the IQ industrial district was determined to be a bit ambiguous.

PUBLIC PARTICIPATION NO. 2:

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:29 p.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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

The Special Meeting of the Mayor and Council opened on the above date at 9:10 a.m. with the Pledge of Allegiance.

Mayor William Budesheim presiding.

ROLL CALL: Present: Bush, Wetzel, Guis, Astarita, Carelli, Falkoski
Absent: None

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

THE PURPOSE OF THIS SPECIAL MEETING IS TO DISCUSS OR ACT ON ANY ITEMS DEEMED NECESSARY BY THE GOVERNING BODY FOR THE CONCLUSION OF YEAR 2005:

RESOLUTIONS:

Councilman Carelli read the Transfer of Appropriations.

Thereupon, Councilman Carelli set forth the motion, seconded by Councilman Guis, to approve the following resolution.

- 1) **Resolution No. 68-2005; Transfer Resolution.**

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 152-A

OTHER BUSINESS:

Mayor Budesheim stated that it was brought to his attention that the Borough Nurse has been reporting working hours on her time sheet for things that aren't related to her position. Councilwoman Wetzel stated that she would review the list with the Borough Clerk and speak with the nurse regarding the matter.

Mayor Budesheim reported that we might be getting a donation of two acres of property on South Corporate Drive at no cost that could be used for a new police station. He suggested that we could consider selling the existing property and building a new municipal complex.

Councilman Falkoski reported that there were no responses to the request for sealed bids for the 2000 Pontiac Grand Am police car. There was discussion regarding advertising and lowering the minimum bid. There will be further discussion at the workshop meeting.

Councilwoman Bush requested a copy of the personnel evaluations.

Councilman Falkoski stated that we had planned to have the Fire Chief and Assistant Fire Chief come to the next meeting to discuss the viability of the Assistant Chief's car and he has since learned the Chief had gone into the hospital for major surgery. He stated he would call some surrounding towns to see what their policies are regarding the issue.

ADJOURNMENT:

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

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

Adjourned: 9:25 a.m.

APPROVED:

Respectfully Submitted:

William Budesheim, Mayor

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